

ALAMOSA CITY COUNCIL

Regular Meeting Agenda

Council Chambers
300 Hunt Avenue, Alamosa, CO
December 6, 2017

As a full service municipal government, our mission is to enhance the quality of life for our residents, visitors, and businesses. We strive to provide balanced business, employment, recreational, and residential opportunities.

Any person needing reasonable accommodation to attend or participate in a public meeting, please contact the Alamosa City Clerk's office by telephone (719) 589-2593, by email cityclerk@ci.alamosa.co.us, in person at 300 Hunt Avenue, or by mail at POB 419, Alamosa, CO 81101.

7:00 PM - Regular Meeting

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. AGENDA APPROVAL

IV. CITIZEN COMMENT

Alamosa City Council welcomes your comments. Citizens wishing to speak may obtain and complete a speaker card through the City Clerk at the start of the meeting.

- A. Audience Comments
- B. Follow-Up

V. CONSENT CALENDAR A

The Consent Calendar allows multiple actions with one motion. Consent Calendar A contains routine items which have been recommended for action by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

- C.2.a. October 2017 Monthly Expenditure Report and Financial Statements
- C.7.a. Approve Minutes of Meeting November 15, 2017
- C.7.b. Approve Minutes of Special Meeting November 27, 2017
- C.7.c. Approve Minutes of Special Meeting November 29, 2017
- C.7.d. Approve contract with James R. McDonald for Municipal Judge Services

VI. CEREMONIAL ITEMS

- A. Recognition of Retiring Council Members:
 - 1. Josef P. Lucero
 - 2. Michael Stefano
 - 3. Kristina Daniel
- B. Oath of Office for New Council Members
 - 1. Ty Coleman, Mayor
 - 2. David Broyles, Ward 2
 - 3. Michael Carson, Ward 4

- C. Introduction of Mark Wright, Public Works Director
- D. Oath of Office, Municipal Judge James R. McDonald
- E. Adams State Cross Country Day Proclamation

VII. REGULAR BUSINESS

F. Business Brought Forward by City Staff

1. Public Works

- a. Second Reading and Public Hearing, Ordinance No. 33-2017, An ordinance repealing and replacing Chapter 21 of the *Code of Ordinances of the City of Alamosa* adopting a new Alamosa Unified Development Code in place of the existing zoning code

2. City Clerk/Municipal Court

- a. Discussion and Direction on At-Large Vacancy Process

3. City Manager/Legal

- a. Temporary Council Committee Appointments
- b. Renewal of Contract with Valley Humane League
- c. Management Agreement with Alamosa Golf Club for the management and operation of the Golf Course on behalf of the City of Alamosa

G. Committee Reports

H. Staff Announcements

COUNCIL COMMENT

ADJOURNMENT

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

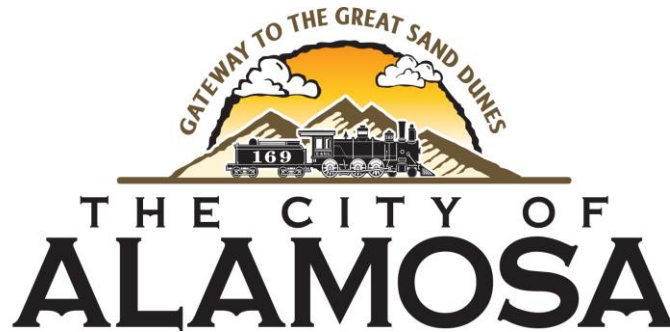
October 2017 Monthly Expenditure Report and Financial Statements

Recommended Action:

Staff respectfully recommends that Council accept the expenditure report and financial statements.

ATTACHMENTS:

Description	Type
❑ October 2017 Monthly Expenditure Report	Cover Memo
❑ October 2017 Monthly Financial Statements	Cover Memo



300 Hunt Avenue PO Box 419 Alamosa, Colorado 81101
[Finance Department](#)

November 27, 2017

TO: City Manager

SUBJ: Monthly Expenditure Report

For your review, attached you will find the Expense Approval Report and the Payroll Report for the month of October 2017.

A/P History Check Report Total Disbursement	\$ 1,769,148.21
Payroll	\$ 385,325.84
Total	\$ 2,154,474.05

Included in the A/P History check report are two \$500,000 disbursements sent to C-Safe and COLOTrust for savings, \$215,896.00 for the Ice Rink/Multipurpose Facility, \$48,000 for radios for the Fire Department and \$84,569.00 for 12th Street and 2nd Street improvements.

Respectfully,

Judy Kelloff, CPA
Finance Director



Alamosa, CO

Expense Approval Report

By Fund

Payable Dates 10/01/2017 - 10/31/2017

Post Dates 10/01/2017 - 10/31/2017

Payment Dates 10/01/2017 - 11/27/2017

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 02 - GENERAL FUND					
Department: 00 - UNDESIGNATED					
UNITED STATES TREASURY	INV0006490	10/01/2017	SS WITHHOLDINGS	02-2-00-82111	23.81
UNITED STATES TREASURY	INV0006491	10/01/2017	MEDICARE TAXES	02-2-00-82111	5.57
NATIONAL BENEFIT SERVICES, L...	CP169431	10/03/2017	CLAIMS PAID	02-2-00-82523	1,857.46
FIRE & POLICE PENSION ASSOC	INV0006409	10/12/2017	FPPA DD	02-2-00-82514	1,128.85
COLONIAL LIFE & ACCIDENT INS	INV0006411	10/12/2017	COLONIAL LIFE & ACCIDENT INS	02-2-00-82513	31.67
AFLAC	INV0006412	10/12/2017	AFLAC	02-2-00-82520	252.51
CONTINENTAL AMERICAN INSU...	INV0006413	10/12/2017	CONTINENTAL AMERICAN INSU...	02-2-00-82521	200.20
AFLAC	INV0006414	10/12/2017	AFLAC PT	02-2-00-82520	537.12
CONTINENTAL AMERICAN INSU...	INV0006415	10/12/2017	CONTINENTAL AMERICAN INSU...	02-2-00-82521	322.40
COMPANION VOLUNTARY LIFE	INV0006416	10/12/2017	COMPANION VOLUNTARY LIFE	02-2-00-82513	338.56
PERA	INV0006417	10/12/2017	PERA INSURANCE PAYABLE	02-2-00-82517	31.00
PERA	INV0006418	10/12/2017	PERA PAYABLE	02-2-00-82311	13,650.94
VOLUNTARY INVESTMENT PRO...	INV0006420	10/12/2017	401K PAYABLE	02-2-00-82414	510.69
VOLUNTARY INVESTMENT PRO...	INV0006421	10/12/2017	401K PAYABLE	02-2-00-82414	280.00
ICMA RETIREMENT TRUST-457	INV0006422	10/12/2017	ICMA PAYABLE	02-2-00-82317	1,598.03
ICMA RETIREMENT TRUST-457	INV0006423	10/12/2017	ICMA PAYABLE	02-2-00-82317	125.00
FIDELITY ADVISOR FUNDS	INV0006424	10/12/2017	FIDELITY LOANS 1	02-2-00-82319	941.37
FIDELITY ADVISOR FUNDS	INV0006425	10/12/2017	FIDELITY LOANS 2	02-2-00-82319	1,173.45
FIDELITY ADVISOR FUNDS	INV0006426	10/12/2017	FIDELITY LOANS 3	02-2-00-82319	827.00
FIDELITY ADVISOR FUNDS	INV0006427	10/12/2017	FIDELITY LOANS 4	02-2-00-82319	273.06
FIDELITY ADVISOR FUNDS	INV0006428	10/12/2017	FIDELITY LOANS 5	02-2-00-82319	288.35
FIDELITY ADVISOR FUNDS	INV0006429	10/12/2017	FIDELITY FUND	02-2-00-82319	11,816.48
VALLEY HEALTH & FITNESS	INV0006430	10/12/2017	VALLEY HEALTH/FITNESS	02-2-00-82419	40.00
FRATERNAL ORDER OF POLICE	INV0006431	10/12/2017	POLICE UNION DUES	02-2-00-82321	315.00
VOLUNTARY INVESTMENT PRO...	INV0006432	10/12/2017	457 DC PAYABLE	02-2-00-82414	100.00
VOLUNTARY INVESTMENT PRO...	INV0006433	10/12/2017	457 DC PAYABLE	02-2-00-82414	200.00
FAMILY SUPPORT REGISTRY	INV0006434	10/12/2017	#05277165 ANDERSON	02-2-00-82418	217.00
FAMILY SUPPORT REGISTRY	INV0006435	10/12/2017	#08003313JV000022 MAESTAS	02-2-00-82418	325.00
FAMILY SUPPORT REGISTRY	INV0006437	10/12/2017	06846117 GARCIA	02-2-00-82418	150.00
FAMILY SUPPORT REGISTRY	INV0006438	10/12/2017	#08418089 LOPEZ	02-2-00-82418	172.50
COLORADO DEPARTMENT OF R...	INV0006439	10/12/2017	STATE WITHHOLDINGS	02-2-00-82211	4,203.00
UNITED STATES TREASURY	INV0006440	10/12/2017	SS WITHHOLDINGS	02-2-00-82111	187.30
UNITED STATES TREASURY	INV0006441	10/12/2017	FEDERAL WITHHOLDINGS	02-2-00-82111	12,497.60
UNITED STATES TREASURY	INV0006442	10/12/2017	MEDICARE TAXES	02-2-00-82111	3,812.26
COLORADO TRUST	INV0006489	10/20/2017	TRANSFER TO SAVINGS	02-1-00-71611	500,000.00
PERA	INV0006485	10/23/2017	PERA PAYABLE	02-2-00-82311	180.73
COLORADO DEPARTMENT OF R...	INV0006486	10/23/2017	STATE WITHHOLDINGS	02-2-00-82211	10.00
UNITED STATES TREASURY	INV0006487	10/23/2017	FEDERAL WITHHOLDINGS	02-2-00-82111	21.04
UNITED STATES TREASURY	INV0006488	10/23/2017	MEDICARE TAXES	02-2-00-82111	24.16
C-SAFE	INV0006551	10/25/2017	TRANSFER TO SAVINGS	02-1-00-71612	500,000.00
FIRE & POLICE PENSION ASSOC	INV0006499	10/26/2017	FPPA DD	02-2-00-82514	1,123.69
COLONIAL LIFE & ACCIDENT INS	INV0006501	10/26/2017	COLONIAL LIFE & ACCIDENT INS	02-2-00-82513	31.67
AFLAC	INV0006502	10/26/2017	AFLAC	02-2-00-82520	252.51
CONTINENTAL AMERICAN INSU...	INV0006503	10/26/2017	CONTINENTAL AMERICAN INSU...	02-2-00-82521	200.20
AFLAC	INV0006504	10/26/2017	AFLAC PT	02-2-00-82520	537.12
CONTINENTAL AMERICAN INSU...	INV0006505	10/26/2017	CONTINENTAL AMERICAN INSU...	02-2-00-82521	322.40
COMPANION VOLUNTARY LIFE	INV0006506	10/26/2017	COMPANION VOLUNTARY LIFE	02-2-00-82513	338.56
PERA	INV0006508	10/26/2017	PERA PAYABLE	02-2-00-82311	12,238.06
VOLUNTARY INVESTMENT PRO...	INV0006510	10/26/2017	401K PAYABLE	02-2-00-82414	497.96
VOLUNTARY INVESTMENT PRO...	INV0006511	10/26/2017	401K PAYABLE	02-2-00-82414	280.00
ICMA RETIREMENT TRUST-457	INV0006512	10/26/2017	ICMA PAYABLE	02-2-00-82317	1,446.11
ICMA RETIREMENT TRUST-457	INV0006513	10/26/2017	ICMA PAYABLE	02-2-00-82317	125.00

Expense Approval Report

Payable Dates: 10/01/2017 - 10/31/2017 Post Dates: 10/01/2017 - 10/31/2017 Payment Dates: 10/01/2017 - 11/27/2017

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
FIDELITY ADVISOR FUNDS	INV0006514	10/26/2017	FIDELITY LOANS 1	02-2-00-82319	941.37
FIDELITY ADVISOR FUNDS	INV0006515	10/26/2017	FIDELITY LOANS 2	02-2-00-82319	1,173.45
FIDELITY ADVISOR FUNDS	INV0006516	10/26/2017	FIDELITY LOANS 3	02-2-00-82319	827.00
FIDELITY ADVISOR FUNDS	INV0006517	10/26/2017	FIDELITY LOANS 4	02-2-00-82319	273.06
FIDELITY ADVISOR FUNDS	INV0006518	10/26/2017	FIDELITY LOANS 5	02-2-00-82319	288.35
FIDELITY ADVISOR FUNDS	INV0006519	10/26/2017	FIDELITY FUND	02-2-00-82319	11,299.96
FRATERNAL ORDER OF POLICE	INV0006520	10/26/2017	POLICE UNION DUES	02-2-00-82321	315.00
TASC	INV0006521	10/26/2017	TASC PAYABLE	02-2-00-82516	293.25
TASC	INV0006522	10/26/2017	TASC PAYABLE	02-2-00-82516	1,513.80
FAMILY SUPPORT REGISTRY	INV0006523	10/26/2017	#08003313JV000022 MAESTAS	02-2-00-82418	325.00
FAMILY SUPPORT REGISTRY	INV0006525	10/26/2017	06846117 GARCIA	02-2-00-82418	150.00
FAMILY SUPPORT REGISTRY	INV0006526	10/26/2017	#08418089 LOPEZ	02-2-00-82418	172.50
COLORADO DEPARTMENT OF R...	INV0006527	10/26/2017	STATE WITHHOLDINGS	02-2-00-82211	3,657.54
UNITED STATES TREASURY	INV0006528	10/26/2017	SS WITHHOLDINGS	02-2-00-82111	138.64
UNITED STATES TREASURY	INV0006529	10/26/2017	FEDERAL WITHHOLDINGS	02-2-00-82111	10,715.84
UNITED STATES TREASURY	INV0006530	10/26/2017	MEDICARE TAXES	02-2-00-82111	3,238.92
LUCIANO SANDOVAL	INV0006533	10/31/2017	BOND REFUND: C. MONTAGUE	02-4-00-66111	250.00
Department 00 - UNDESIGNATED Total:					1,111,636.07
Department: 10 - CITY COUNCIL					
PINNACOL ASSURANCE	18738067	10/10/2017	CITY COUNCIL	02-5-10-14211	7.44
VIAERO WIRELESS	INV0006470	10/20/2017	CITY COUNCIL	02-5-10-33202	230.33
Department 10 - CITY COUNCIL Total:					237.77
Department: 12 - MUNICIPAL COURT					
ALAMOSA COUNTY SHERIFF DE...	INV0006408	10/20/2017	AUGUST 2017	02-5-12-37995	3,840.03
ALAMOSA COUNTY SHERIFF DE...	INV0006408	10/20/2017	JULY 2017	02-5-12-37995	2,985.91
PINNACOL ASSURANCE	18738067	10/10/2017	MUNICIPAL COURT	02-5-12-14211	140.82
ROWENA MARTINEZ	INV0006448	10/12/2017	SUBPOENA - TRIAL H. GARCIA	02-5-12-39602	5.00
GABE LUCERO	INV0006449	10/12/2017	SUBPOENA - TRIAL H. GARCIA	02-5-12-39602	5.00
CAROLYN SANCHEZ	INV0006450	10/12/2017	SUBPOENA - TRIAL H. GARCIA	02-5-12-39602	5.00
JOE TRUJILLO	INV0006451	10/12/2017	SUBPOENA - TRIAL H. GARCIA	02-5-12-39602	5.00
RYAN WERKMEISTER	INV0006452	10/12/2017	SUBPOENA - TRIAL H. GARCIA	02-5-12-39602	5.00
MIRANDA BARELA	INV0006453	10/12/2017	SUBPOENA - TRIAL H. GARCIA	02-5-12-39602	5.00
CHRISTINA VALDEZ	INV0006454	10/12/2017	SUBPOENA - TRIAL H. GARCIA	02-5-12-39602	5.00
NATHAN RUYBAL	INV0006455	10/12/2017	SUBPOENA - TRIAL H. GARCIA	02-5-12-39602	5.00
LYNNAE VELASQUEZ	INV0006456	10/12/2017	SUBPOENA - TRIAL H. GARCIA	02-5-12-39602	5.00
Department 12 - MUNICIPAL COURT Total:					7,011.76
Department: 13 - CITY MANAGER					
PINNACOL ASSURANCE	18738067	10/10/2017	CITY MANAGER OFFICE	02-5-13-14211	46.39
Department 13 - CITY MANAGER Total:					46.39
Department: 14 - CITY CLERK					
PINNACOL ASSURANCE	18738067	10/10/2017	CITY CLERK OFFICE	02-5-14-14211	15.46
PINNACOL ASSURANCE	18738067	10/10/2017	NON SALARY BOARD MEMBERS	02-5-14-14211	33.41
VERIZON	INV0006480	10/13/2017	HOLLY MARTINEZ	02-5-14-22791	52.44
Department 14 - CITY CLERK Total:					101.31
Department: 15 - HR/RISK MANAGEMENT					
THE PUEBLO CHIEFTAIN	INV0006393	10/06/2017	AD FOR PUBLIC WORKS DIRECT...	02-5-15-31961	1,390.00
DANIEL E. VAUGHN	INV0006444	10/20/2017	FUEL EXPENSE-RENTAL CAR -IN...	02-5-15-31961	465.18
CREDIT BUREAU OF ALAMOSA	386	10/20/2017	MONTHLY DUES/OCTOBER	02-5-15-32311	10.00
PINNACOL ASSURANCE	18738067	10/10/2017	HUMAN RESOURCES	02-5-15-14211	15.49
ARLAN'S PRO SERVICES	2655	10/20/2017	8 RANDOM DRUG TESTS - 4TH ...	02-5-15-31961	160.00
AMY MCKINLEY	INV0006446	10/20/2017	REIMBURSEMENT - POLO SHIRT...	02-5-15-35501	76.23
VALLEY COURIER	INV0006447	10/20/2017	PARKS SUPERINTENDENT AD	02-5-15-31961	160.95
PSYCHOLOGICAL DIMENSIONS ...	09-2985	10/20/2017	BERTSCH/HERNANDEZ-HAGA/L...	02-5-15-31961	1,300.00
Department 15 - HR/RISK MANAGEMENT Total:					3,577.85
Department: 16 - FINANCE DEPARTMENT					
ALAMOSA POSTMASTER	INV0006401	10/06/2017	POSTAGE - FIRST CLASS PRESOR...	02-5-16-21131	3,000.00
PINNACOL ASSURANCE	18738067	10/10/2017	FINANCE	02-5-16-14211	73.46

Expense Approval Report

Payable Dates: 10/01/2017 - 10/31/2017 Post Dates: 10/01/2017 - 10/31/2017 Payment Dates: 10/01/2017 - 11/27/2017

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
VIAERO WIRELESS	INV0006470	10/20/2017	FINANCE	02-5-16-22791	29.81
Department 16 - FINANCE DEPARTMENT Total:					3,103.27
Department: 17 - NON-DEPARTMENTAL					
CENTURYLINK	INV0006459	10/20/2017	CITY GOV. 719-589-0359	02-5-17-33211	63.07
CENTURYLINK	INV0006459	10/20/2017	CITY OF ALAMOSA 719-589-0467	02-5-17-33211	383.33
CED, INC.	417731	10/20/2017	LIGHT BULBS	02-5-17-34105	241.20
ACE HARDWARE OF ALAMOSA	061290	10/20/2017	NIPPLE BLACK	02-5-17-22791	1.52
COLORADO GATORS	INV0006392	10/06/2017	EMPLOYEE BBQ - REPTILES	02-5-17-45107	100.00
XCEL ENERGY	53-1111289-3100417	10/04/2017	1410 INDEPENDENCE WY BLDG...	02-5-17-33411	264.29
BUSINESS SOLUTIONS LEASING	21437808	10/20/2017	COPIER LEASE	02-5-17-44251	1,279.83
VALLEY TEXTILE RENTAL & DRY	92434	10/20/2017	MAT MAHOGANY/MAT SUPER ...	02-5-17-22791	91.30
XCEL ENERGY	53-0004574-1101617	10/16/2017	300 HUNT AVE	02-5-17-33411	3,652.88
XCEL ENERGY	53-8691617-6101617	10/16/2017	425 4TH ST BLDG CITY	02-5-17-33411	1,373.14
BLUE MOON BAY PAINTING CO.	INV0006497	10/25/2017	PAINTING OF METAL ARCHES AT..	02-5-17-51101	1,500.00
PITNEY BOWES INC.	INV0006554	10/30/2017	RED INK FOR POSTAGE MACHINE	02-5-17-21131	484.47
Department 17 - NON-DEPARTMENTAL Total:					9,435.03
Department: 18 - INFORMATION TECHNOLOGY					
HAYNIES, INC.	131785	10/20/2017	BATTERY	02-5-18-35111	120.15
HAYNIES, INC.	131922	10/20/2017	CREDIT CORE DEPOSIT	02-5-18-35111	-18.00
JADE COMMUNICATIONS LLC	INV0006484	10/05/2017	INTERNET SERVICES - LIBRARY	02-5-18-48102	167.98
JADE COMMUNICATIONS LLC	INV0006484	10/05/2017	INTERNET SERVICES CITY OF AL...	02-5-18-48102	167.98
ALAMOSA STATE BANK-VISA	0710-10/20/17	10/20/2017	LODGING	02-5-18-32111	123.00
ALAMOSA STATE BANK-VISA	0710-10/20/17	10/20/2017	LODGING	02-5-18-32111	123.00
ALAMOSA STATE BANK-VISA	0710-10/20/17	10/20/2017	LODGING	02-5-18-32111	161.99
ALAMOSA STATE BANK-VISA	0710-10/20/17	10/20/2017	LODGING	02-5-18-32111	537.51
PINNACOL ASSURANCE	18738067	10/10/2017	IT	02-5-18-14211	50.26
SYNCB/AMAZON	INV0006465	10/20/2017	IT HARDWARE	02-5-18-48101	183.32
SYNCB/AMAZON	INV0006465	10/20/2017	IT HARDWARE	02-5-18-48101	41.95
SYNCB/AMAZON	INV0006465	10/20/2017	IT HARDWARE	02-5-18-48101	11.80
SYNCB/AMAZON	INV0006465	10/20/2017	IT HARDWARE	02-5-18-48101	183.14
SYNCB/AMAZON	INV0006465	10/20/2017	IT HARDWARE	02-5-18-48101	92.99
CIELLO POWERED BY SLVREC	INV0006475	10/20/2017	FIBER SERVICE	02-5-18-48102	123.38
VERIZON	INV0006480	10/13/2017	JB IT DIRECTOR	02-5-18-33202	62.44
WEX BANK	51469306	10/17/2017	IT	02-5-18-22111	130.99
VIAERO WIRELESS	INV0006470	10/20/2017	IT	02-5-18-33202	174.57
Department 18 - INFORMATION TECHNOLOGY Total:					2,438.45
Department: 20 - POLICE ADMINISTRATION					
PINNACOL ASSURANCE	18738067	10/10/2017	POLICE ADMINISTRATION	02-5-20-14211	59.81
DUANE OAKES	INV0006462	10/17/2017	MEALS - DENVER MARIJUANA ...	02-5-20-32111	127.00
KENNY ANDERSON	INV0006463	10/17/2017	MEALS - DENVER MARIJUANA ...	02-5-20-32111	127.00
Department 20 - POLICE ADMINISTRATION Total:					313.81
Department: 21 - POLICE OPERATIONS					
CHARTER COMMUNICATIONS	0022957100117	10/20/2017	SPECTRUM BUSINESS TV	02-5-21-22791	12.60
COLO. BUREAU OF INVESTIGAT...	T180300002	10/20/2017	BLOOD ALCOHOL TEST	02-5-21-31651	30.00
SCHRADER'S GLASS SHOP	1278	10/20/2017	RE-GLUE MIRROR ON UNIT 21	02-5-21-35111	15.00
HAYNIES, INC.	132707	10/20/2017	OIL/FUEL FILTERS	02-5-21-35111	10.13
HAYNIES, INC.	132749	10/20/2017	FUEL MODULE	02-5-21-35111	136.39
PINNACOL ASSURANCE	18738067	10/10/2017	POLICE OPERATIONS - POLICEM...	02-5-21-14211	5,208.42
AUTOZONE	3424966015	10/20/2017	DURALAST GOLD HIGH CARBON...	02-5-21-35111	91.83
VALLEY LOCK & SECURITY	P29520	10/20/2017	DOUBLE SIDED KEY	02-5-21-35111	5.70
VERIZON WIRELESS DTF	INV0006479	10/13/2017	CELL SERVICE - SLV DTF	02-5-21-33211	40.01
VERIZON	INV0006480	10/13/2017	CHIEF OF POLICE	02-5-21-33211	-5.06
EXPRESS TOLL SERVICE CENTER	203350735	10/20/2017	EXPRESS TOLL	02-5-21-32111	28.15
STAPLES BUSINESS ADVANTAGE	3354436690	10/20/2017	BATTERIES	02-5-21-21111	51.15
XCEL ENERGY	53-8975818-1101617	10/16/2017	509 1/2 3RD ST	02-5-21-33411	51.85
XCEL ENERGY	53-8975818-1101617	10/16/2017	502 2ND ST BLDG ADOL	02-5-21-33411	211.30
WEX BANK	51469306	10/17/2017	PATROL	02-5-21-22111	3,034.25
VIAERO WIRELESS	INV0006470	10/20/2017	POLICE DEPARTMENT	02-5-21-33211	8,264.63

Expense Approval Report

Payable Dates: 10/01/2017 - 10/31/2017 Post Dates: 10/01/2017 - 10/31/2017 Payment Dates: 10/01/2017 - 11/27/2017

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
KENNY ANDERSON	INV0006534	10/31/2017	ALCOHOL COMPLIANCE CHECKS	02-5-21-49501	500.00
Department 21 - POLICE OPERATIONS Total:					17,686.35
Department: 22 - FIRE OPERATIONS					
DENVER INTERNATIONAL AIRP...	CI-00002218	10/20/2017	ARFF LIVE BURN RE CERT, COOK	02-5-22-32211	475.00
MOTOROLA SOLUTIONS	41241582	10/20/2017	DTR 800 RADIOS (PACK SETS)	02-5-22-35351	48,000.00
ALERT-ALL	217100309	10/20/2017	FIRE PREVENTION MATERIALS	02-5-22-31312	597.60
PUEBLO COMMUNITY COLLEGE	15334	10/20/2017	CFFA CLASS FEES-WORTH/VAN...	02-5-22-32211	1,375.00
PINNACOL ASSURANCE	18738067	10/10/2017	FIRE OPERATIONS - FIREMEN	02-5-22-14211	1,454.78
FRONT RANGE FIRE APPARATUS	58811	10/20/2017	FIREFIGHTER BOOTS	02-5-22-38833	1,253.00
COPRO EFR LLC	3301	10/20/2017	BUNKER GEAR 6 SETS	02-5-22-38833	11,952.00
VERIZON	INV0006480	10/13/2017	FIRE CHIEF	02-5-22-33211	60.41
VERIZON	INV0006480	10/13/2017	TB ASST. FIRE CHIEF	02-5-22-33211	52.44
VERIZON	INV0006480	10/13/2017	RR FIRE LT	02-5-22-33211	29.22
WEX BANK	51469306	10/17/2017	FIRE	02-5-22-22111	54.46
VIAERO WIRELESS	INV0006470	10/20/2017	FIRE	02-5-22-22791	28.38
DON CHAPMAN	INV0006476	10/20/2017	MILEAGE/MEALS/LODING - CO ...	02-5-22-32111	283.33
Department 22 - FIRE OPERATIONS Total:					65,615.62
Department: 23 - SUPPORT SERVICES					
VALLEY HUMANE LEAGUE	INV0006460	10/20/2017	SERVICES - 7 PD/5 CITIZEN DOGS	02-5-23-31661	1,500.00
HAYNIES, INC.	132904	10/20/2017	BATTERY	02-5-23-35111	126.42
PINNACOL ASSURANCE	18738067	10/10/2017	SUPPORT SERVICES	02-5-23-14211	1,000.61
WEX BANK	51469306	10/17/2017	SUPPORT SERVICES	02-5-23-22111	651.89
JOHN VASQUEZ	INV0006496	10/25/2017	MEALS - GANG TRAINING	02-5-23-32211	69.00
Department 23 - SUPPORT SERVICES Total:					3,347.92
Department: 30 - PUBLIC WORKS ADMIN					
ALAMOSA COUNTY CLERK	INV0006461	10/20/2017	CERTIFIED COPIES OF PLAT MA...	02-5-30-22791	77.50
PINNACOL ASSURANCE	18738067	10/10/2017	PUBLIC WORKS ADMIN. OFFICE	02-5-30-14211	38.66
VERIZON	INV0006480	10/13/2017	ENGINEERING	02-5-30-22791	52.44
WEX BANK	51469306	10/17/2017	PUBLIC WORKS	02-5-30-22111	76.28
Department 30 - PUBLIC WORKS ADMIN Total:					244.88
Department: 31 - STREET MAINTENANCE					
SIERRA VISTA LUMBER & STEEL	30737	10/20/2017	FLAT BAR	02-5-31-35111	5.74
AIRGAS USA, LLC	9068283816	10/20/2017	VEST REFLV CL 2 MSH/GLS SFTY...	02-5-31-22791	76.92
ACE HARDWARE OF ALAMOSA	061321	10/20/2017	BRAID NYLN LINE 500' REEL/FL...	02-5-31-45601	26.86
HAYNIES, INC.	132129	10/20/2017	OESPECTRUM TRK SHOCK	02-5-31-35111	35.79
XCEL ENERGY	53-1224277-8	10/04/2017	11TH & RAILROAD	02-5-31-33411	11.52
PINNACOL ASSURANCE	18738067	10/10/2017	STREET MAINTENANCE	02-5-31-14211	2,000.73
BOBCAT OF THE ROCKIES, LLC	83020908	10/20/2017	SEAL KIT/FREIGHT	02-5-31-35111	192.32
ASPHALT CONSTRUCTORS INC	13766	10/20/2017	HOT MIX ASPHALT	02-5-31-23511	2,704.00
VERIZON	INV0006480	10/13/2017	PW SUPT.	02-5-31-22791	29.22
RMS UTILITIES, INC.	41577	10/20/2017	2ND ST & 12TH ST IMPROVEM...	02-5-31-73112	84,569.60
XCEL ENERGY	53-1111290-6101617	10/16/2017	620 4TH STREET	02-5-31-33411	16.38
XCEL ENERGY	53-1166633-6101617	10/16/2017	530 4TH ST	02-5-31-33411	16.38
XCEL ENERGY	53-1248603-4101617	10/16/2017	631 4TH ST AREA	02-5-31-33411	65.53
WEX BANK	51469306	10/17/2017	CITY HALL - STREETS	02-5-31-22111	37.69
WEX BANK	51469306	10/17/2017	STREETS	02-5-31-22111	1,979.72
VIAERO WIRELESS	INV0006470	10/20/2017	STREETS	02-5-31-22791	65.57
XCEL ENERGY	53-1289372-0102517	10/25/2017	DOWN TOWN LIGHTING	02-5-31-33411	375.52
XCEL ENERGY	53-1003464-7103017	10/30/2017	TRAFFIC SIGNALS	02-5-31-33411	70.34
XCEL ENERGY	53-1003465-8103017	10/30/2017	STREET LIGHTS	02-5-31-33411	573.92
XCEL ENERGY	53-1003466-9103017	10/30/2017	STREET LIGHTS	02-5-31-33411	12,884.51
XCEL ENERGY	53-1224277-8103117	10/31/2017	11TH & RAILROAD	02-5-31-33411	16.29
Department 31 - STREET MAINTENANCE Total:					105,754.55
Department: 35 - BUILDING INSPECTION					
PINNACOL ASSURANCE	18738067	10/10/2017	BUILDING INSPECTOR	02-5-35-14211	161.54
VERIZON	INV0006480	10/13/2017	HR BUILDING INSPECTOR	02-5-35-22791	52.44
WEX BANK	51469306	10/17/2017	BUILDING INSPECTOR	02-5-35-22111	169.52

Expense Approval Report

Payable Dates: 10/01/2017 - 10/31/2017 Post Dates: 10/01/2017 - 10/31/2017 Payment Dates: 10/01/2017 - 11/27/2017

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
VIAERO WIRELESS	INV0006470	10/20/2017	BUILDING INSPECTOR	02-5-35-22791	59.62
Department 35 - BUILDING INSPECTION Total:					443.12
Department: 36 - FLEET MAINTENANCE					
KARTCO SAFETY	11274	10/20/2017	FENIEX FSM-180-AW FUSION 1...	02-5-36-35111	80.38
KARTCO SAFETY	11271	10/20/2017	FENIEX FSM-180-AW FUSION 1...	02-5-36-35111	80.38
KARTCO SAFETY	11275	10/20/2017	FENIEX FSM-180-AW FUSION 1...	02-5-36-35111	80.38
COLUMBINE AUTOMOTIVE PR...	13552	10/20/2017	FUSE BLOCK 8 GANG ATC/ROCK...	02-5-36-22791	23.00
KIMBALL MIDWEST	5892080	10/20/2017	TORQ "CB"/USS GR5/32 OZ BO...	02-5-36-22791	199.94
KARTCO SAFETY	11276	10/20/2017	FENIEX FSM-180-AW FUSION 1...	02-5-36-35111	80.38
XCEL ENERGY	53-8691625-6100417	10/04/2017	1410 INDEPENDENCE WY	02-5-36-33411	588.65
DUSTIN J. PARR	10051736825	10/20/2017	KEYMATE BATTERIES	02-5-36-22791	6.95
KARTCO SAFETY	11277	10/20/2017	FENIEX H-2209-AW CANNON 3...	02-5-36-35111	80.38
RIO GRANDE MOTOR PARTS CO,...	158312	10/20/2017	GRIND WHL4/CTNG WHL14 CH...	02-5-36-22791	28.36
CED, INC.	0116-418197	10/20/2017	WHT 3P WALLPLATE/ BLU SNAP...	02-5-36-22791	8.88
PINNACOL ASSURANCE	18738067	10/10/2017	FLEET MAINTANANCE	02-5-36-14211	335.35
RIO GRANDE MOTOR PARTS CO,...	158631	10/20/2017	ADHESIVE SEALANT CLR	02-5-36-22791	21.83
VIAERO WIRELESS	INV0006470	10/20/2017	CITY SHOPS	02-5-36-22791	29.81
Department 36 - FLEET MAINTENANCE Total:					1,644.67
Department: 50 - CEMETERY					
PINNACOL ASSURANCE	18738067	10/10/2017	CEMETERY	02-5-50-14211	485.37
VERIZON	INV0006480	10/13/2017	DG CEMETERY	02-5-50-33211	29.22
Department 50 - CEMETERY Total:					514.59
Department: 51 - PARKS MAINTENANCE					
XCEL ENERGY	53-1000033-0100217	10/02/2017	1620 TREMONT AVENUE	02-5-51-33411	11.02
XCEL ENERGY	53-1027976-6100217	10/02/2017	DIAMOND DR & CLARK SPRINKL...	02-5-51-33411	11.27
ACE HARDWARE OF ALAMOSA	061279	10/20/2017	BY-PASS PRUNER/ HILLMAN FA...	02-5-51-22791	52.81
HAYNIES, INC.	132002	10/20/2017	OIL FILTER	02-5-51-41101	6.41
HAYNIES, INC.	132015	10/20/2017	AIR FILTER	02-5-51-41101	11.23
RIO GRANDE MOTOR PARTS CO,...	158164	10/20/2017	FUEL/AIR FILTER	02-5-51-41101	15.81
RIO GRANDE MOTOR PARTS CO,...	158165	10/03/2017	CREDIT	02-5-51-41101	-12.54
SHERWIN WILLIAMS	3583-5	10/20/2017	PRO PARK WB RED	02-5-51-22791	163.45
SORUM TRACTOR	407	10/20/2017	DRIVESHAFT (MOWER #615)	02-5-51-41101	561.77
XCEL ENERGY	53-1000030-7100617	10/06/2017	2000 AIRPORT RD	02-5-51-33411	31.47
XCEL ENERGY	53-1000030-7100617	10/06/2017	407 4TH ST	02-5-51-33411	65.02
ASPHALT CONSTRUCTORS INC	13767	10/20/2017	CEMETERY BUILDING PARKING ...	02-5-51-74811	10,650.00
PINNACOL ASSURANCE	18738067	10/10/2017	PARKS & REC - PARKS	02-5-51-14211	1,012.00
XCEL ENERGY	53-0848716-1101017	10/10/2017	420 11TH ST BLD BOYD/1000 2...	02-5-51-33411	1,638.54
VERIZON	INV0006480	10/13/2017	PARKS-REC DD	02-5-51-33211	29.22
VERIZON	INV0006480	10/13/2017	JA CEMETERY SUPER	02-5-51-33211	29.22
VERIZON	INV0006480	10/13/2017	SA PARKS SUPT	02-5-51-33211	29.26
WEX BANK	51469306	10/17/2017	PARKS	02-5-51-22111	1,034.73
XCEL ENERGY	53-1166316-2101817	10/18/2017	COLE PARK	02-5-51-33411	32.78
VIAERO WIRELESS	INV0006470	10/20/2017	CEMETERY	02-5-51-33211	36.81
XCEL ENERGY	347445581/688862805	10/25/2017	2190 STATE/CEMETERY BUILDI...	02-5-51-74811	8,257.57
XCEL ENERGY	53-1055912-9103017	10/30/2017	SPRINKLER CONTROL/FLASHER	02-5-51-33411	65.08
XCEL ENERGY	53-1193966-5103017	10/30/2017	XMAS LIGHTS	02-5-51-33411	67.15
XCEL ENERGY	53-1000033-0103117	10/31/2017	1620 TREMONT AVE	02-5-51-33411	10.96
Department 51 - PARKS MAINTENANCE Total:					23,811.04
Fund 02 - GENERAL FUND Total:					1,356,964.45
Fund: 03 - ENTERPRISE FUND					
Department: 00 - UNDESIGNATED					
CATLIN, EMILY	INV0006403	10/06/2017	CATLIN, EMILY	03-2-00-67501	15.91
OLIVAS, LEROY	INV0006404	10/06/2017	OLIVAS, LEROY	03-2-00-67501	7.35
FRITSCHKA, TANNER & MELISS	INV0006405	10/06/2017	FRITSCHKA, TANNER & MELISS	03-2-00-67501	32.24
MORGAN, CAITLYN	INV0006406	10/06/2017	MORGAN, CAITLYN	03-2-00-67501	27.62
RUSTY JOHNSON	INV0006407	10/09/2017	REPLACEMENT CHECK -UTILITY ...	03-2-00-67501	135.10
KANSAS CITY LIFE INSURANCE ...	INV0006410	10/12/2017	POLICY 2588692	03-2-00-82513	6.88
COLONIAL LIFE & ACCIDENT INS	INV0006411	10/12/2017	COLONIAL LIFE & ACCIDENT INS	03-2-00-82513	16.50
COMPANION VOLUNTARY LIFE	INV0006416	10/12/2017	COMPANION VOLUNTARY LIFE	03-2-00-82513	89.88

Expense Approval Report

Payable Dates: 10/01/2017 - 10/31/2017 Post Dates: 10/01/2017 - 10/31/2017 Payment Dates: 10/01/2017 - 11/27/2017

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
PERA	INV0006417	10/12/2017	PERA INSURANCE PAYABLE	03-2-00-82517	11.63
PERA	INV0006418	10/12/2017	PERA PAYABLE	03-2-00-82311	6,408.16
VOLUNTARY INVESTMENT PRO...	INV0006420	10/12/2017	401K PAYABLE	03-2-00-82414	533.73
VOLUNTARY INVESTMENT PRO...	INV0006421	10/12/2017	401K PAYABLE	03-2-00-82414	55.00
FAMILY SUPPORT REGISTRY	INV0006436	10/12/2017	#04644530 VELIZ	03-2-00-82418	109.50
COLORADO DEPARTMENT OF R...	INV0006439	10/12/2017	STATE WITHHOLDINGS	03-2-00-82211	857.50
UNITED STATES TREASURY	INV0006441	10/12/2017	FEDERAL WITHHOLDINGS	03-2-00-82111	2,401.72
UNITED STATES TREASURY	INV0006442	10/12/2017	MEDICARE TAXES	03-2-00-82111	856.42
KANSAS CITY LIFE INSURANCE ...	INV0006500	10/26/2017	POLICY 2588692	03-2-00-82513	6.88
COLONIAL LIFE & ACCIDENT INS	INV0006501	10/26/2017	COLONIAL LIFE & ACCIDENT INS	03-2-00-82513	16.50
COMPANION VOLUNTARY LIFE	INV0006506	10/26/2017	COMPANION VOLUNTARY LIFE	03-2-00-82513	89.88
PERA	INV0006507	10/26/2017	PERA INSURANCE PAYABLE	03-2-00-82517	11.63
PERA	INV0006508	10/26/2017	PERA PAYABLE	03-2-00-82311	6,384.95
VOLUNTARY INVESTMENT PRO...	INV0006510	10/26/2017	401K PAYABLE	03-2-00-82414	534.56
VOLUNTARY INVESTMENT PRO...	INV0006511	10/26/2017	401K PAYABLE	03-2-00-82414	55.00
FAMILY SUPPORT REGISTRY	INV0006524	10/26/2017	#04644530 VELIZ	03-2-00-82418	109.50
COLORADO DEPARTMENT OF R...	INV0006527	10/26/2017	STATE WITHHOLDINGS	03-2-00-82211	853.48
UNITED STATES TREASURY	INV0006529	10/26/2017	FEDERAL WITHHOLDINGS	03-2-00-82111	2,378.37
UNITED STATES TREASURY	INV0006530	10/26/2017	MEDICARE TAXES	03-2-00-82111	853.30
Department 00 - UNDESIGNATED Total:					22,859.19

Department: 01 - WATER DEPARTMENT

HAYNIES, INC.	131792	10/20/2017	IMPACT SOCKET	03-5-01-22791	8.48
RIO GRANDE MOTOR PARTS CO,...	158086	10/20/2017	RATCH WRENCH 7/8	03-5-01-22791	16.48
ALLWATER SUPPLY LLC	4371	10/20/2017	SAF-T-FLOW CHECK VALVE REPA...	03-5-01-38844	113.42
HAYNIES, INC.	132000	10/20/2017	PLATINUM FILTER KIT	03-5-01-35111	62.07
DANA KEPNER COMPANY	1459022-00	10/20/2017	SUPPLIES	03-5-01-23711	182.54
RAILAMERICA HOLDING SERVIC...	130685	10/20/2017	PIPE LINE CROSSING	03-5-01-23711	1,069.40
DANA KEPNER COMPANY	3058447-00	10/20/2017	5-1/4X1-1/2 RISER, LESS LID	03-5-01-23711	50.74
XCEL ENERGY	53-1000036-3100417	10/04/2017	COLE PARK WELL 302 HUNT/W...	03-5-01-33411	8,904.98
XCEL ENERGY	53-1114279-7100517	10/05/2017	12TH ST WELL	03-5-01-33411	1,659.31
TZA WATER ENGINEERS	0417001.02-0000004	10/20/2017	WWTP OUTFALL RELOCATION	03-5-01-72335	4,629.46
XCEL ENERGY	53-1000030-7100617	10/06/2017	RD 109 & 21ST	03-5-01-33411	42.98
PINNACOL ASSURANCE	18738067	10/10/2017	WATER	03-5-01-14211	596.80
BRIDGESTONE AMERICAS, INC	732-61383	10/20/2017	4 TIRES	03-5-01-35111	516.12
VERIZON	INV0006480	10/13/2017	WATER ON CALL	03-5-01-22791	29.22
VERIZON	INV0006480	10/13/2017	RM WATER	03-5-01-22791	87.52
VERIZON	INV0006480	10/13/2017	FH WATER	03-5-01-22791	52.44
XCEL ENERGY	53-0348997-0101617	10/16/2017	302 HUNT AVE UNIT COLE	03-5-01-33411	42.89
WEX BANK	51469306	10/17/2017	WATER	03-5-01-22111	860.59
XCEL ENERGY	53-0042269-1101817	10/18/2017	770 N STATE AVE UNIT PUMP	03-5-01-33411	1,544.08
OCPO	INV0006466	10/20/2017	TESTING - WATER D TROY FRITZ	03-5-01-32311	60.00
OCPO	INV0006467	10/20/2017	TESTING - WATER D TROY FRITZ	03-5-01-32311	60.00
OCPO	INV0006468	10/20/2017	TESTING - COLLECTION LEVEL 1 ...	03-5-01-32311	60.00
OCPO	INV0006469	10/20/2017	TESTING - WATER TREATMENT ...	03-5-01-32311	60.00
OCPO	INV0006471	10/20/2017	TESTING - WATER DISTRIBUTIO...	03-5-01-32311	60.00
OCPO	INV0006472	10/20/2017	TESTING - WATER COLLECTION ...	03-5-01-32311	60.00
OCPO	INV0006473	10/20/2017	TESTING - WASTE WATER COLL...	03-5-01-32311	60.00
OCPO	INV0006474	10/20/2017	TESTING - WATER DISTRIBUTIO...	03-5-01-32311	60.00
XCEL ENERGY	53-1000036-3103117	10/31/2017	COLE PARK WELL 302 HUNT/W...	03-5-01-33411	8,101.68
XCEL ENERGY	53-9503813-8103117	10/31/2017	607 FOSTER AVE	03-5-01-33411	117.98
Department 01 - WATER DEPARTMENT Total:					29,169.18

Department: 02 - SEWER DEPARTMENT

AIRGAS USA, LLC	9068283816	10/20/2017	VEST REFLV CL 2 MSH/GLS SFTY...	03-5-02-22791	76.92
FALCON ENVIRONMENTAL COR...	6545	10/20/2017	WEST 11TH L.S.	03-5-02-71221	8,503.00
PINNACOL ASSURANCE	18738067	10/10/2017	SEWER	03-5-02-14211	371.59
FALCON ENVIRONMENTAL COR...	6551	10/20/2017	CONTROL PANEL TABS/FREIGHT...	03-5-02-71221	185.16
WEX BANK	51469306	10/17/2017	SEWER	03-5-02-22111	598.07
Department 02 - SEWER DEPARTMENT Total:					9,734.74

Expense Approval Report

Payable Dates: 10/01/2017 - 10/31/2017 Post Dates: 10/01/2017 - 10/31/2017 Payment Dates: 10/01/2017 - 11/27/2017

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Department: 03 - SANITATION DEPARTMENT					
KARTCO SAFETY	11267	10/20/2017	FENIEX FSM-180-AW FUSION 1...	03-5-03-35111	80.38
TOWN & COUNTRY CAR & TRU...	30215	10/20/2017	GASKET	03-5-03-35111	15.83
XCEL ENERGY	53-0042982-5100217	10/02/2017	1204 OLD AIRPORT RD UNIT TR...	03-5-03-33411	196.34
KARTCO SAFETY	11268	10/20/2017	FENIEX FSM-180-AW FUSION 1...	03-5-03-35111	80.38
KARTCO SAFETY	11278	10/20/2017	FENIEX H-2209-AW CANNON 3...	03-5-03-35111	80.38
KARTCO SAFETY	11269	10/20/2017	FENIEX FSM-180-AW FUSION 1...	03-5-03-35111	80.38
HAYNIES, INC.	132111	10/20/2017	OIL/AIR FILTERS	03-5-03-35111	138.21
KARTCO SAFETY	11270	10/20/2017	FENIEX H-2209-AW CANNON 3...	03-5-03-35111	80.38
RIO GRANDE MOTOR PARTS CO,...	158261	10/20/2017	LUBE/AIR/ FUEL/ FILTERS	03-5-03-35111	129.52
ACE HARDWARE OF ALAMOSA	61372	10/20/2017	SPACKL DRYDEX/PUTTY KNIFE/...	03-5-03-37932	29.84
RIO GRANDE MOTOR PARTS CO,...	158457	10/20/2017	BY-PASS LUBE SPIN ON	03-5-03-35111	18.71
RIO GRANDE MOTOR PARTS CO,...	158508	10/20/2017	AIR/FUEL/HYDRAULIC FILTERS	03-5-03-35111	103.01
PINNACOL ASSURANCE	18738067	10/10/2017	GARBAGE COLLECTION	03-5-03-14211	3,540.85
BRIDGESTONE AMERICAS, INC	732-61382	10/20/2017	FS LT225/75R16 / WASTE TIRE ...	03-5-03-35111	240.78
VERIZON	INV0006480	10/13/2017	KP RECYCLING	03-5-03-22791	29.74
VERIZON	INV0006480	10/13/2017	JH SANITATION SUPER	03-5-03-22791	29.22
WEX BANK	51469306	10/17/2017	SANITATION	03-5-03-22111	3,484.68
VIAERO WIRELESS	INV0006470	10/20/2017	WTP	03-5-03-22791	29.81
VIAERO WIRELESS	INV0006470	10/20/2017	SANITATION	03-5-03-22791	66.62
RIO GRANDE MOTOR PARTS CO,...	158613	10/27/2017	CREDIT	03-5-03-35111	-14.65
XCEL ENERGY	53-0042982-5103117	10/31/2017	1204 OLD AIRPORT RD UNIT TR...	03-5-03-33411	183.01
Department 03 - SANITATION DEPARTMENT Total:					8,623.42

Department: 05 - SEWAGE TREATMENT					
SDC LABORATORY, INC.	19428	10/20/2017	WASTE WATER TESTING	03-5-05-31651	1,210.00
OCPO	INV0006397	10/06/2017	TESTING WWT LEVEL B - DANIE...	03-5-05-32111	60.00
SUNEDISON, LLC	00751710060132	10/06/2017	WWTP - UTILITIES	03-5-05-33411	3,504.59
XCEL ENERGY	53-1114279-7100517	10/05/2017	1204 OLD AIRPORT RD	03-5-05-33411	6,600.81
PINNACOL ASSURANCE	18738067	10/10/2017	SEWAGE TREATMENT	03-5-05-14211	906.48
HAYNIES, INC.	133289	10/20/2017	NAPAGOLD OIL FILTER	03-5-05-38844	15.92
FEDEX	5-958-25338	10/20/2017	LAB SERVICE TESTING	03-5-05-31651	371.92
WEX BANK	51469306	10/17/2017	WWTP	03-5-05-22111	24.27
VIAERO WIRELESS	INV0006470	10/20/2017	ENGINEERING	03-5-05-22791	29.81
Department 05 - SEWAGE TREATMENT Total:					12,723.80

Department: 06 - WATER TREATMENT					
HAYNIES, INC.	131739	10/20/2017	OIL/FUEL FILTER	03-5-06-35111	11.95
HAYNIES, INC.	131810	10/20/2017	WHEEL NUT	03-5-06-35111	2.04
HAYNIES, INC.	131932	10/20/2017	TPM SENSOR	03-5-06-35111	142.53
HAYNIES, INC.	132012	10/20/2017	TPM SENSOR	03-5-06-35111	47.51
AUTOZONE	3424960035	10/20/2017	CONTINENTAL REDI-SENSOR 315	03-5-06-35111	48.19
ACE HARDWARE OF ALAMOSA	61347	10/20/2017	ENRGZR MAX BATT AAA/BATTE...	03-5-06-22791	39.55
PINNACOL ASSURANCE	18738067	10/10/2017	WATER TREATMENT - WATER	03-5-06-14211	157.65
WEX BANK	51469306	10/17/2017	WTP	03-5-06-22111	74.93
Department 06 - WATER TREATMENT Total:					524.35

Fund 03 - ENTERPRISE FUND Total: 83,634.68**Fund: 06 - CEMETERY ENDOWMENT**

Department: 59 - CEMETERY ENDOWMENT					
WEX BANK	51469306	10/17/2017	CEMETERY	06-5-59-22111	52.06
Department 59 - CEMETERY ENDOWMENT Total:					52.06
Fund 06 - CEMETERY ENDOWMENT Total:					52.06

Fund: 13 - EMPLOYEE BENEFIT

Department: 62 - EMPLOYEE BENEFIT					
TRIAD EAP	3973	10/20/2017	FULL TIME EMPLOYEES 4TH QTR	13-5-62-14131	669.75
TRIAD EAP	3973	10/20/2017	PART TIME EMPLOYEES 4TH QTR	13-5-62-14131	565.20
COMPANION VOLUNTARY LIFE	INV0006390	10/06/2017	LIFE,STD,LTD,VOL LIFE - OCTOB...	13-5-62-14112	2,168.67
COMPANION VOLUNTARY LIFE	INV0006391	10/06/2017	DENTAL - OCTOBER	13-5-62-14151	7,206.30
COLORADO CHOICE HEALTH PL...	INV0006482	10/10/2017	MEDICAL	13-5-62-14131	10,319.33
COLORADO CHOICE HEALTH PL...	INV0006481	10/13/2017	MEDICAL	13-5-62-14131	13,923.43

Expense Approval Report

Payable Dates: 10/01/2017 - 10/31/2017 Post Dates: 10/01/2017 - 10/31/2017 Payment Dates: 10/01/2017 - 11/27/2017

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
MILAGROS COFFEE HOUSE	31	10/20/2017	COFFEE FOR WELLNESS FAIR	13-5-62-14161	76.94
COLORADO CHOICE HEALTH PL...	INV0006478	10/19/2017	MEDICAL	13-5-62-14131	44,744.66
SUSAN VADNEY	INV0006477	10/20/2017	PRIZE FOR WELLNESS FAIR -MA...	13-5-62-14161	65.00
COLORADO CHOICE HEALTH PL...	INV0006552	10/25/2017	MEDICAL	13-5-62-14131	10,050.02
Department 62 - EMPLOYEE BENEFIT Total:					89,789.30
Fund 13 - EMPLOYEE BENEFIT Total:					89,789.30

Fund: 19 - COMMUNITY RECREATION

Department: 00 - UNDESIGNATED

COLONIAL LIFE & ACCIDENT INS	INV0006411	10/12/2017	COLONIAL LIFE & ACCIDENT INS	19-2-00-82513	10.58
AFLAC	INV0006412	10/12/2017	AFLAC	19-2-00-82520	42.63
CONTINENTAL AMERICAN INSU...	INV0006413	10/12/2017	CONTINENTAL AMERICAN INSU...	19-2-00-82521	32.35
AFLAC	INV0006414	10/12/2017	AFLAC PT	19-2-00-82520	73.50
CONTINENTAL AMERICAN INSU...	INV0006415	10/12/2017	CONTINENTAL AMERICAN INSU...	19-2-00-82521	65.27
COMPANION VOLUNTARY LIFE	INV0006416	10/12/2017	COMPANION VOLUNTARY LIFE	19-2-00-82513	5.77
PERA	INV0006418	10/12/2017	PERA PAYABLE	19-2-00-82311	4,871.38
PERA	INV0006419	10/12/2017	PERA PAYABLE	19-2-00-82311	46.05
VOLUNTARY INVESTMENT PRO...	INV0006421	10/12/2017	401K PAYABLE	19-2-00-82414	50.00
COLORADO DEPARTMENT OF R...	INV0006439	10/12/2017	STATE WITHHOLDINGS	19-2-00-82211	572.50
UNITED STATES TREASURY	INV0006441	10/12/2017	FEDERAL WITHHOLDINGS	19-2-00-82111	1,586.98
UNITED STATES TREASURY	INV0006442	10/12/2017	MEDICARE TAXES	19-2-00-82111	657.18
COLONIAL LIFE & ACCIDENT INS	INV0006501	10/26/2017	COLONIAL LIFE & ACCIDENT INS	19-2-00-82513	10.58
AFLAC	INV0006502	10/26/2017	AFLAC	19-2-00-82520	42.63
CONTINENTAL AMERICAN INSU...	INV0006503	10/26/2017	CONTINENTAL AMERICAN INSU...	19-2-00-82521	32.35
AFLAC	INV0006504	10/26/2017	AFLAC PT	19-2-00-82520	73.50
CONTINENTAL AMERICAN INSU...	INV0006505	10/26/2017	CONTINENTAL AMERICAN INSU...	19-2-00-82521	65.27
COMPANION VOLUNTARY LIFE	INV0006506	10/26/2017	COMPANION VOLUNTARY LIFE	19-2-00-82513	5.77
PERA	INV0006508	10/26/2017	PERA PAYABLE	19-2-00-82311	4,776.43
PERA	INV0006509	10/26/2017	PERA PAYABLE	19-2-00-82311	35.81
VOLUNTARY INVESTMENT PRO...	INV0006511	10/26/2017	401K PAYABLE	19-2-00-82414	50.00
COLORADO DEPARTMENT OF R...	INV0006527	10/26/2017	STATE WITHHOLDINGS	19-2-00-82211	554.98
UNITED STATES TREASURY	INV0006529	10/26/2017	FEDERAL WITHHOLDINGS	19-2-00-82111	1,507.58
UNITED STATES TREASURY	INV0006530	10/26/2017	MEDICARE TAXES	19-2-00-82111	643.08
Department 00 - UNDESIGNATED Total:					15,812.17

Department: 54 - LIBRARY

HIGHLAND CABINETS	6669	10/06/2017	50% DOWN PAYMENT	19-5-54-34591	1,264.00
PINNACOL ASSURANCE	18738067	10/10/2017	LIBRARY	19-5-54-14211	57.99
INGRAM LIBRARY SERVICE	30950068	10/17/2017	AD BK ORDER - OCT	19-5-54-35101	-20.10
WEX BANK	51469306	10/17/2017	CITY HALL - LIBRARY	19-5-54-32111	53.15
VIAERO WIRELESS	INV0006470	10/20/2017	LIBRARY	19-5-54-33202	29.81
INGRAM LIBRARY SERVICE	31077312	10/25/2017	CREDIT	19-5-54-35101	-32.98
Department 54 - LIBRARY Total:					1,351.87

Department: 66 - COMMUNITY RECREATION

ALCON CONSTRUCTION	18824	10/20/2017	MULTI PURPOSE FACILITY	19-5-66-74811	215,896.90
VALLEY ELECTRIC	28491	10/20/2017	CAPACITOR	19-5-66-35211	112.68
ALAMOSA COUNTY CLERK	INV0006461	10/20/2017	RELEASE/RECORDING	19-5-66-21111	18.00
MARILYN LOSER	411	10/06/2017	3000 TREE MAINTENANCE BRO...	19-5-66-43812	235.21
SOLTURA ENERGY CAPITAL	INV0006483	10/03/2017	PARKS&REC SOLAR	19-5-66-33411	689.24
TOTAL OFFICE SOLUTIONS	0291001-001	10/20/2017	BATTERY,PROCLL/POST IT NOTE...	19-5-66-22791	50.09
TOTAL OFFICE SOLUTIONS	0291061-001	10/20/2017	PAPER/CNST,9X12, 50PK, BK	19-5-66-21111	4.18
PINNACOL ASSURANCE	18738067	10/10/2017	PARKS	19-5-66-14211	348.06
ALAMOSA STATE BANK-VISA	0827-10/20/17	10/20/2017	LUNCH - CPRA CONFERENCE	19-5-66-32111	35.04
ALAMOSA STATE BANK-VISA	0827-10/20/17	10/20/2017	LODGING - CPRA JOLLY	19-5-66-32111	297.97
ALAMOSA STATE BANK-VISA	0827-10/20/17	10/20/2017	CPRA CONFERENCED DINNER X2	19-5-66-32111	40.79
ALAMOSA STATE BANK-VISA	0827-10/20/17	10/20/2017	LODGING - CPRA RICE	19-5-66-32111	289.63
ALAMOSA STATE BANK-VISA	0827-10/20/17	10/20/2017	CPRA CONFERENCED DINNER X2	19-5-66-32111	38.40
FRANK J. ZAMBONI & CO. INC.	090470	10/20/2017	JAM NUT/THIN PATT,HEX/LOC...	19-5-66-41101	206.69
BSN SPORTS/COLLEGIATE PACIF...	900586383	10/20/2017	WILSON EVOLUTION BASKETBA...	19-5-66-32611	261.50
ALAMOSA STATE BANK-VISA	0736-10/20/17	10/20/2017	CONFERENCE ROOM SUPPLIES	19-5-66-22791	48.19
VERIZON	INV0006480	10/13/2017	HB PARK REC/LIB DIR	19-5-66-33211	62.44

Expense Approval Report

Payable Dates: 10/01/2017 - 10/31/2017 Post Dates: 10/01/2017 - 10/31/2017 Payment Dates: 10/01/2017 - 11/27/2017

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
VERIZON	INV0006480	10/13/2017	AR COMM ACT MNG	19-5-66-33211	52.44
CHARTER COMMUNICATIONS	INV0006495	10/13/2017	BUSINESS TV/FEES	19-5-66-33211	25.21
APEX REPAIR SERVICE	5900	10/20/2017	TRIP FEE	19-5-66-35211	366.50
WEX BANK	51469306	10/17/2017	REC	19-5-66-22111	56.51
VIAERO WIRELESS	INV0006470	10/20/2017	P&R	19-5-66-33211	73.62
XCEL ENERGY	53-1142143-3102717	10/27/2017	2222 OLD SANFORD RD APT REC	19-5-66-33411	2,334.39
Department 66 - COMMUNITY RECREATION Total:					<u>221,543.68</u>
Fund 19 - COMMUNITY RECREATION Total:					<u>238,707.72</u>
Grand Total:					<u><u>1,769,148.21</u></u>

Report Summary

Fund Summary

Fund	Payment Amount
02 - GENERAL FUND	1,356,964.45
03 - ENTERPRISE FUND	83,634.68
06 - CEMETERY ENDOWMENT	52.06
13 - EMPLOYEE BENEFIT	89,789.30
19 - COMMUNITY RECREATION	238,707.72
Grand Total:	1,769,148.21

Account Summary

Account Number	Account Name	Payment Amount
02-1-00-71611	INVESTMENTS-COLOTrust	500,000.00
02-1-00-71612	INVESTMENTS- C SAFE	500,000.00
02-2-00-82111	FEDERAL WITHHOLDING	30,665.14
02-2-00-82211	STATE WITHHOLDING	7,870.54
02-2-00-82311	PERA PENSION EMPLOYEE	26,069.73
02-2-00-82317	ICMA RETIREMENT-EMPL...	3,294.14
02-2-00-82319	POLICE PENSION-EMPLOY...	30,122.90
02-2-00-82321	POLICE UNION DUES	630.00
02-2-00-82414	VIP PERA 401K	1,868.65
02-2-00-82418	AR & GARNISHMENTS	1,512.00
02-2-00-82419	VALLEY ATHLETICS	40.00
02-2-00-82513	LIFE INSURANCE WITHHO...	740.46
02-2-00-82514	FPPA DEATH & DISABILITY	2,252.54
02-2-00-82516	TASC	1,807.05
02-2-00-82517	PERA INSURANCE	31.00
02-2-00-82520	AFLAC INSURANCE	1,579.26
02-2-00-82521	CAIC INSURANCE	1,045.20
02-2-00-82523	FSA-HEALTH	1,857.46
02-4-00-66111	GF MUNICIPAL COURT FI...	250.00
02-5-10-14211	WORKMENS COMPENSAT...	7.44
02-5-10-33202	WIRELESS SERVICE	230.33
02-5-12-14211	WORKMENS COMPENSAT...	140.82
02-5-12-37995	JAIL FEES	6,825.94
02-5-12-39602	LEGAL-SERVICES	45.00
02-5-13-14211	WORKMENS COMPENSAT...	46.39
02-5-14-14211	WORKMENS COMPENSAT...	48.87
02-5-14-22791	MISCELLANEOUS SUPPLIES	52.44
02-5-15-14211	WORKMENS COMPENSAT...	15.49
02-5-15-31961	RECRUITMENT	3,476.13
02-5-15-32311	MEMBERSHIP & DUES	10.00
02-5-15-35501	OTHER EXPENSES	76.23
02-5-16-14211	WORKMENS COMPENSAT...	73.46
02-5-16-21131	POSTAGE	3,000.00
02-5-16-22791	MISCELLANEOUS SUPPLIES	29.81
02-5-17-21131	POSTAGE	484.47
02-5-17-22791	MISCELLANEOUS SUPPLIES	92.82
02-5-17-33211	TELEPHONE	446.40
02-5-17-33411	ELECTRICAL/GAS SERVICES	5,290.31
02-5-17-34105	BLDG MAINT/REPAIR	241.20
02-5-17-44251	COPIER LEASE PAYMENTS	1,279.83
02-5-17-45107	EMPLOYEE AWARDS	100.00
02-5-17-51101	ECON DEV	1,500.00
02-5-18-14211	WORKMENS COMPENSAT...	50.26
02-5-18-22111	GAS & OIL	130.99
02-5-18-32111	TRAVEL & CONFERENCES	945.50
02-5-18-33202	WIRELESS SERVICE	237.01
02-5-18-35111	VEHICLE REPAIR	102.15
02-5-18-48101	IT-HARDWARE	513.20

Account Summary

Account Number	Account Name	Payment Amount
02-5-18-48102	IT-SOFTWARE	459.34
02-5-20-14211	WORKMENS COMPENSAT...	59.81
02-5-20-32111	TRAVEL & CONFERENCES	254.00
02-5-21-14211	WORKMENS COMPENSAT...	5,208.42
02-5-21-21111	GENERAL OFFICE SUPPLIES	51.15
02-5-21-22111	GAS & OIL	3,034.25
02-5-21-22791	MISCELLANEOUS SUPPLIES	12.60
02-5-21-31651	LAB SERVICES-TESTING	30.00
02-5-21-32111	TRAVEL & CONFERENCES	28.15
02-5-21-33211	TELEPHONE	8,299.58
02-5-21-33411	ELECTRICAL/GAS SERVICES	263.15
02-5-21-35111	VEHICLE REPAIR	259.05
02-5-21-49501	INVESTIGATIVE SERVICES	500.00
02-5-22-14211	WORKMENS COMPENSAT...	1,454.78
02-5-22-22111	GAS & OIL	54.46
02-5-22-22791	MISCELLANEOUS SUPPLIES	28.38
02-5-22-31312	ADMIN- PUBLIC RELATION	597.60
02-5-22-32111	TRAVEL & CONFERENCES	283.33
02-5-22-32211	TUITION & TRAINING	1,850.00
02-5-22-33211	TELEPHONE	142.07
02-5-22-35351	RADIO EQUIP/REPAIR & ...	48,000.00
02-5-22-38833	OPERATING MACHINES & ...	13,205.00
02-5-23-14211	WORKMENS COMPENSAT...	1,000.61
02-5-23-22111	GAS & OIL	651.89
02-5-23-31661	VETERINARY SERVICES	1,500.00
02-5-23-32211	TUITION & TRAINING	69.00
02-5-23-35111	VEHICLE REPAIR	126.42
02-5-30-14211	WORKMENS COMPENSAT...	38.66
02-5-30-22111	GAS & OIL	76.28
02-5-30-22791	MISCELLANEOUS SUPPLIES	129.94
02-5-31-14211	WORKMENS COMPENSAT...	2,000.73
02-5-31-22111	GAS & OIL	2,017.41
02-5-31-22791	MISCELLANEOUS SUPPLIES	171.71
02-5-31-23511	STREET MATERIAL/REPAIR	2,704.00
02-5-31-33411	ELECTRICAL/GAS SERVICES	14,030.39
02-5-31-35111	VEHICLE REPAIR	233.85
02-5-31-45601	PAINTING & STRIPING	26.86
02-5-31-73112	STREET CIPS	84,569.60
02-5-35-14211	WORKMENS COMPENSAT...	161.54
02-5-35-22111	GAS & OIL	169.52
02-5-35-22791	MISCELLANEOUS SUPPLIES	112.06
02-5-36-14211	WORKMENS COMPENSAT...	335.35
02-5-36-22791	MISCELLANEOUS SUPPLIES	318.77
02-5-36-33411	ELECTRICAL/GAS SERVICES	588.65
02-5-36-35111	VEHICLE REPAIR	401.90
02-5-50-14211	WORKMENS COMPENSAT...	485.37
02-5-50-33211	TELEPHONE	29.22
02-5-51-14211	WORKMENS COMPENSAT...	1,012.00
02-5-51-22111	GAS & OIL	1,034.73
02-5-51-22791	MISCELLANEOUS SUPPLIES	216.26
02-5-51-33211	TELEPHONE	124.51
02-5-51-33411	ELECTRICAL/GAS SERVICES	1,933.29
02-5-51-41101	EQUIPMENT-REPAIR & M...	582.68
02-5-51-74811	PARKS/RECREATIONAL FA...	18,907.57
03-2-00-67501	REFUNDS PAYABLE HOLD...	218.22
03-2-00-82111	FEDERAL WITHHOLDING	6,489.81
03-2-00-82211	STATE WITHHOLDING	1,710.98
03-2-00-82311	PERA PENSION EMPLOYEE	12,793.11

Account Summary

Account Number	Account Name	Payment Amount
03-2-00-82414	VIP PERA 401K	1,178.29
03-2-00-82418	AR & GARNISHMENTS	219.00
03-2-00-82513	LIFE INSURANCE WITHHO...	226.52
03-2-00-82517	PERA INSURANCE	23.26
03-5-01-14211	WORKMENS COMPENSAT...	596.80
03-5-01-22111	GAS & OIL	860.59
03-5-01-22791	MISCELLANEOUS SUPPLIES	194.14
03-5-01-23711	PUMPS/PIPES/FITTINGS	1,302.68
03-5-01-32311	MEMBERSHIP & DUES	480.00
03-5-01-33411	ELECTRICAL/GAS SERVICES	20,413.90
03-5-01-35111	VEHICLE REPAIR	578.19
03-5-01-38844	EQUIPMENT REBUILDING...	113.42
03-5-01-72335	AUGMENTATION PLAN	4,629.46
03-5-02-14211	WORKMENS COMPENSAT...	371.59
03-5-02-22111	GAS & OIL	598.07
03-5-02-22791	MISCELLANEOUS SUPPLIES	76.92
03-5-02-71221	SEWER SYSTEM IMPROV...	8,688.16
03-5-03-14211	WORKMENS COMPENSAT...	3,540.85
03-5-03-22111	GAS & OIL	3,484.68
03-5-03-22791	MISCELLANEOUS SUPPLIES	155.39
03-5-03-33411	ELECTRICAL/GAS SERVICES	379.35
03-5-03-35111	VEHICLE REPAIR	1,033.31
03-5-03-37932	RECYCLING	29.84
03-5-05-14211	WORKMENS COMPENSAT...	906.48
03-5-05-22111	GAS & OIL	24.27
03-5-05-22791	MISCELLANEOUS SUPPLIES	29.81
03-5-05-31651	LAB SERVICES-TESTING	1,581.92
03-5-05-32111	TRAVEL & CONFERENCES	60.00
03-5-05-33411	ELECTRICAL/GAS SERVICES	10,105.40
03-5-05-38844	EQUIPMENT REBUILDING...	15.92
03-5-06-14211	WORKMENS COMPENSAT...	157.65
03-5-06-22111	GAS & OIL	74.93
03-5-06-22791	MISCELLANEOUS SUPPLIES	39.55
03-5-06-35111	VEHICLE REPAIR	252.22
06-5-59-22111	GAS & OIL	52.06
13-5-62-14112	MEDICAL PREM-LIFE/AD...	2,168.67
13-5-62-14131	MEDICAL SELF-INSURANCE	80,272.39
13-5-62-14151	DENTAL	7,206.30
13-5-62-14161	WELLNESS	141.94
19-2-00-82111	FEDERAL WITHHOLDING	4,394.82
19-2-00-82211	STATE WITHHOLDING	1,127.48
19-2-00-82311	PERA PENSION EMPLOYEE	9,729.67
19-2-00-82414	VIP PERA 401K	100.00
19-2-00-82513	LIFE INSURANCE WITHHO...	32.70
19-2-00-82520	AFLAC INSURANCE	232.26
19-2-00-82521	CAIC INSURANCE	195.24
19-5-54-14211	WORKMENS COMPENSAT...	57.99
19-5-54-32111	TRAVEL & CONFERENCES	53.15
19-5-54-33202	WIRELESS SERVICE	29.81
19-5-54-34591	IMPROVEMENTS/MAINT...	1,264.00
19-5-54-35101	LIBRARY MATERIALS: PRI...	-53.08
19-5-66-14211	WORKMENS COMPENSAT...	348.06
19-5-66-21111	GENERAL OFFICE SUPPLIES	22.18
19-5-66-22111	GAS & OIL	56.51
19-5-66-22791	MISCELLANEOUS SUPPLIES	98.28
19-5-66-32111	TRAVEL & CONFERENCES	701.83
19-5-66-32611	RECREATION PROGRAMS	261.50
19-5-66-33211	TELEPHONE	213.71

Account Summary

Account Number	Account Name	Payment Amount
19-5-66-33411	ELECTRICAL/GAS SERVICES	3,023.63
19-5-66-35211	BLDG MAINT/REPAIR	479.18
19-5-66-41101	EQUIPMENT-REPAIR & M...	206.69
19-5-66-43812	GRANT EXPENDITURES	235.21
19-5-66-74811	PARKS/RECREATIONAL FA...	215,896.90
	Grand Total:	1,769,148.21

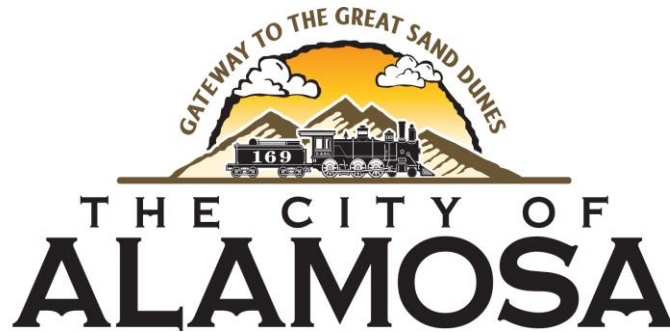
Project Account Summary

Project Account Key	Payment Amount
None	1,769,148.21
Grand Total:	1,769,148.21



Payroll Set: 01-City of Alamosa

Pay Code	Description	# of Payments	Units	Pay Amount
00	SALARY	55	3,442.00	114,606.22
01C	RETROACTIVE RAISE	5	0.00	1,755.33
01E	PARKS & REC PAY	54	0.00	6,253.77
1	REGULAR HOURLY PAY	186	11,024.11	187,002.41
11	OVERTIME PAY	112	425.10	12,368.39
11A	RETRO. RAISE OVERTIME	3	0.00	83.02
13	PHONE ALLOWANCE	1	0.00	65.00
14	VEHICLE ALLOWANCE	1	0.00	500.00
15	SHIFT DIFFERENTIAL	35	1,143.68	24,214.62
17	COURT	11	49.49	1,595.05
18	DUI OT (LEAF)	7	55.02	1,988.39
19	FULL OVERTIME	6	27.37	869.59
21	VACATION PAY	33	592.71	10,945.77
22	SICK PAY	46	460.60	8,143.30
23	COMP USED	17	104.40	1,927.52
25	ADMINISTRATIVE LEAVE	7	170.00	0.00
26	PERSONAL DAYS	7	53.62	789.00
27	BEREAVEMENT	2	35.00	587.10
30	FIRE PER CALL PAY	31	0.00	8,110.00
31	FIRE SALARY	7	0.00	1,459.18
33	HVE OT	1	4.47	136.58
37	INVESTIGATIONS OT	5	40.78	1,146.65
39	FMLA LEAVE - SICK	2	20.00	0.00
40	COURT SECURITY OT	2	7.57	264.95
43	COMP EARNED	22	87.47	0.00
63	UNIFORM ALLOWANCE	2	0.00	130.00
70	SICK (EXEMPT)	13	124.25	0.00
71	VACATION (EXEMPT)	11	117.50	0.00
72	PERSONAL (EXEMPT)	1	8.00	0.00
90	THIRD PARTY SICK PAY	1	0.00	384.00
Report Total:			17,993.14	385,325.84



300 Hunt Avenue PO Box 419 Alamosa, Colorado 81101
Finance Department

November 27, 2017

TO: City Manager

SUBJ: Monthly Financial Report

For your review, attached you will find the monthly Financial Report for October 2017.

Recommendation

Staff respectfully recommends that Council accept the Monthly Financial Report for October 2017.

Background

Attached for your review and information is the Monthly Financial Report for October 2017. The report is for all City Funds. The report shows the fiscal and period activity within the same report, making it easier to read and understand the City's current position. The accounts have been reconciled to the bank.

General Fund Revenue

Total revenue for the General Fund for the month was \$680,364.85. The City received payment for the 1.2% Sales Tax from the County in the amount of \$322,135.42. Sales Tax (general) revenue for the month total was \$247,446.28. Total revenue year to date total is \$7,812,648.15.

General Fund Expenditures

Total expenditures for the General Fund for the month were \$1,088,437.90. Total expenditures year to date are \$9,061,016.36.

Enterprise Fund Revenue

Revenue for the Enterprise Fund for the month was \$402,456.38. Year to date revenue is \$3,763,483.64.

Enterprise Fund Expenditures

Expenditures for the Enterprise Fund for the month were \$217,150.80. Year to date expenditures are \$2,715,864.98.

Retail Sales Tax Licenses

There were 4 sales tax licenses added and 0 terminated this month.



Alamosa, CO

Balance Sheet

Account Summary

As Of 10/31/2017

Account	Name	Balance
Fund: 02 - GENERAL FUND		
Assets		
02-1-00-71121	CASH IN BANK	-15,288,740.64
02-1-00-71135	PETTY CASH	50.00
02-1-00-71611	INVESTMENTS-COLOTrust	10,167,236.97
02-1-00-71612	INVESTMENTS- C SAFE	4,100,087.53
02-1-00-71617	FRONTIER BANK	250,000.00
02-1-00-71618	SLV Federal Bank CD	250,000.00
02-1-00-71621	Rio Grande Saving & Loan CD	250,000.00
02-1-00-71622	ALAMOSA STATE BANK # 4775	213,538.31
02-1-00-71624	COMMUNITY BANKS CD# 2577318593	250,000.00
02-1-00-71627	RGS & L ASSN - 02-22799406	100,000.00
02-1-00-71638	OPPENHEIMER	780,670.14
02-1-00-71639	SLV FEDERAL-	368,934.01
02-1-00-71640	RIO GRANDE SAVINGS # 6509	530,375.50
02-1-00-71641	DEL NORTE FEDERAL	270,931.50
02-1-00-71642	DTF HOLDINGS	13,192.81
02-1-00-71643	EVIDENCE HOLDING	38,008.78
02-1-00-71644	UMB CORPORATE TRUST	15,000.00
02-1-00-72141	FRANCHISE TAX RECEIVABLE	50,445.47
02-1-00-72151	SALES TAXES RECEIVABLE	813,777.65
02-1-00-72152	PROPERTY TAX RECEIVABLE	511,384.67
02-1-00-72153	HIGHWAY USERS TAX RECEIVABLE	20,633.08
02-1-00-72154	CIGARETTE TAX RECEIVABLE	3,189.76
02-1-00-72181	ACCOUNTS RECEIVABLE	64,072.93
02-1-00-72190	ACCT REC INVOICES	18,078.22
02-2-00-83101	NSF RECEIVABLES	4,523.86
Total Assets:		3,795,390.55
		3,795,390.55
Liability		
02-2-00-81110	A/P CURRENT	1,528.34
02-2-00-81111	ACCOUNTS PAYABLE	4,862.26
02-2-00-81211	EVIDENCE HOLDING PAYABLE	37,947.19
02-2-00-81212	DTF HOLDINGS	13,192.81
02-2-00-81911	DEFERRED REVENUE	511,384.67
02-2-00-81915	A/R UNAPPLIED CREDIT	-1,442.97
02-2-00-82120	UNEMPLOYMENT TAX	769.71
02-2-00-82513	LIFE INSURANCE WITHHOLDINGS	6.88
02-2-00-82514	FPPA DEATH & DISABILITY	-0.20
02-2-00-82516	TASC	0.05
02-2-00-82523	FSA-HEALTH	-1,985.47
02-2-00-83300	CREDIT CARD PMTS DEFERRED	2,332.46
02-2-00-99999	PRIOR YEAR ADJUSTMENTS	26,763.26
Total Liability:		595,358.99
Equity		
02-3-00-95511	FUND BALANCE	4,201,089.47
02-3-00-95513	RESERVE FOR TABOR	247,310.00
Total Beginning Equity:		4,448,399.47
Total Revenue		7,812,648.45
Total Expense		9,061,016.36
Revenues Over/Under Expenses		-1,248,367.91
Total Equity and Current Surplus (Deficit):		3,200,031.56
Total Liabilities, Equity and Current Surplus (Deficit):		3,795,390.55

Balance Sheet
As Of 10/31/2017

Account	Name	Balance
Fund: 03 - ENTERPRISE FUND		
Assets		
03-1-00-71121	CASH IN BANK	7,443,943.39
03-1-00-72112	ALLOWANCE FOR DOUBTFUL ACCTS	3,782.16
03-1-00-72184	ACCTS REC - WATER	28,739.43
03-1-00-72185	ACCTS REC - SEWER	16,777.13
03-1-00-72186	ACCTS REC - TRASH	17,561.00
03-1-00-73111	MATERIAL & SUPPLIES INVENTORY	200,117.15
03-1-00-77211	BUILDINGS	208,515.32
03-1-00-77213	WASTEWATER TREATMENT PLANT	8,877,704.13
03-1-00-77231	STORAGE BUILDINGS	6,090.00
03-1-00-77411	WATER MAIN	21,632,865.72
03-1-00-77415	INVESTMENT IN WATER TOWER	3,085,480.54
03-1-00-77416	RANCH	500,000.00
03-1-00-77417	LAND	388,908.00
03-1-00-77421	WATER WELLS	1,068,070.11
03-1-00-77422	WATER SHARES-AUGMENTATION	525,000.00
03-1-00-77431	SEWER IMPROVEMENTS	6,871,285.97
03-1-00-77451	G O WELL	29,247.87
03-1-00-77611	VEHICLES	260,229.53
03-1-00-77612	EQUIPMENT-WATER	751,726.75
03-1-00-77613	EQUIPMENT-SEWER	588,409.08
03-1-00-77614	EQUIPMENT-SANITATION	825,538.34
03-1-00-77615	VEHICLES-SANITATION	619,958.60
03-1-00-77671	METERS	475,694.66
03-1-00-77675	CONSTRUCTION IN PROGRESS	92,225.00
03-1-00-77911	ACCUMULATED DEPRECIATION	-19,115,190.55
03-1-00-99999	DEFERRED OUTFLOWS OF RESOURCES	354,023.00
03-2-00-67501	REFUNDS PAYABLE HOLDING ACCT	452.79
03-2-00-72188	UTILITY DEPOSITS	-18,500.00
Total Assets:		35,738,655.12
		<u>35,738,655.12</u>
Liability		
03-2-00-81110	A/P CURRENT	-11,105.49
03-2-00-81112	UTILITY UNAPPLIED CREDITS	11,730.02
03-2-00-81113	SALES TAX UNAPPLIED CREDITS	508.42
03-2-00-81820	NOTE PAYABLE	9,866,204.00
03-2-00-81821	CURRENT BOND PAYABLE	557,123.00
03-2-00-81822	BOND PAYABLE-WATER PROJECTS	4,024,000.00
03-2-00-81823	BOND PAYABLE-WATER PROJECTS CURRENT	113,000.00
03-2-00-81853	COMPENSATED ABSENCES PAYABLE	96,686.47
03-2-00-82120	UNEMPLOYMENT TAX	176.83
03-2-00-82513	LIFE INSURANCE WITHHOLDINGS	95.88
03-2-00-99991	DEFERRED INFLOWS OF RESOURCES	23,625.00
03-2-00-99998	NET PENSION LIABILITY	1,276,813.00
Total Liability:		15,958,857.13
Equity		
03-3-00-91125	CONTR CAP FROM STATE GOVT	701,039.51
03-3-00-91141	CONTR CAP - CUSTOMER	1,234,945.20
03-3-00-91151	CONTR CAP-CDBG	1,462,679.96
03-3-00-91161	CONTRIBUTED CAPITAL-GOVERNMENT	4,866,179.51
03-3-00-95511	FUND BALANCE	11,240,341.15
03-3-00-95513	RESERVE FOR TABOR	27,816.00
03-3-00-99999	RETAINED EARNINGS	-800,822.00
Total Beginning Equity:		18,732,179.33

Balance Sheet**As Of 10/31/2017**

Account	Name	Balance
Total Revenue		3,763,483.64
Total Expense		<u>2,715,864.98</u>
Revenues Over/Under Expenses		1,047,618.66
	Total Equity and Current Surplus (Deficit):	19,779,797.99
	Total Liabilities, Equity and Current Surplus (Deficit):	<u>35,738,655.12</u>

Balance Sheet

As Of 10/31/2017

Account	Name	Balance	
Fund: 04 - CAPITAL IMPROVEMENTS			
Assets			
04-1-00-71121	CASH IN BANK	1,772,165.58	
	Total Assets:	1,772,165.58	<u>1,772,165.58</u>
Liability			
	Total Liability:	0.00	
Equity			
04-3-00-95511	FUND BALANCE	1,729,365.58	
04-3-00-95512	FUND BALANCE DESIGNATED	93,600.00	
	Total Beginning Equity:	1,822,965.58	
Total Revenue		149,200.00	
Total Expense		200,000.00	
Revenues Over/Under Expenses		-50,800.00	
	Total Equity and Current Surplus (Deficit):	1,772,165.58	
	Total Liabilities, Equity and Current Surplus (Deficit):		<u>1,772,165.58</u>

Balance Sheet

As Of 10/31/2017

Account	Name	Balance	
Fund: 06 - CEMETERY ENDOWMENT			
Assets			
06-1-00-71121	CASH IN BANK	150,119.60	
	Total Assets:	150,119.60	150,119.60
Liability			
	Total Liability:	0.00	
Equity			
06-3-00-95511	FUND BALANCE	151,189.40	
06-3-00-95512	FUND BALANCE DESIGNATED	8,000.00	
	Total Beginning Equity:	159,189.40	
Total Revenue		13,400.00	
Total Expense		22,469.80	
Revenues Over/Under Expenses		-9,069.80	
	Total Equity and Current Surplus (Deficit):	150,119.60	
	Total Liabilities, Equity and Current Surplus (Deficit):		150,119.60

Balance Sheet

As Of 10/31/2017

Account	Name	Balance	
Fund: 09 - FIREMEN'S PENSION			
Assets			
09-1-00-71121	CASH IN BANK	38,124.00	
09-1-00-72152	PROPERTY TAX RECEIVABLE	39,463.77	
	Total Assets:	77,587.77	<u>77,587.77</u>
Liability			
09-2-00-81911	DEFERRED REVENUE	39,463.77	
	Total Liability:	39,463.77	
Equity			
09-3-00-95511	FUND BALANCE	0.15	
	Total Beginning Equity:	0.15	
Total Revenue		38,123.85	
Total Expense		0.00	
Revenues Over/Under Expenses		38,123.85	
	Total Equity and Current Surplus (Deficit):	38,124.00	
	Total Liabilities, Equity and Current Surplus (Deficit):		<u>77,587.77</u>

Balance Sheet

As Of 10/31/2017

Account	Name	Balance	
Fund: 11 - CONSERVATION TRUST			
Assets			
11-1-00-71121	CASH IN BANK	115,179.16	
	Total Assets:	115,179.16	115,179.16
Liability			
	Total Liability:	0.00	
Equity			
11-3-00-95511	FUND BALANCE	119,412.12	
11-3-00-95512	FUND BALANCE DESIGNATED	9,000.00	
	Total Beginning Equity:	128,412.12	
Total Revenue		76,168.55	
Total Expense		89,401.51	
Revenues Over/Under Expenses		-13,232.96	
	Total Equity and Current Surplus (Deficit):	115,179.16	
	Total Liabilities, Equity and Current Surplus (Deficit):	115,179.16	

Balance Sheet

As Of 10/31/2017

Account	Name	Balance
Fund: 12 - ACLC DEBT SERVICE		
Assets		
12-1-00-71121	CASH IN BANK	1,932.79
12-1-00-71140	CASH WITH TRUSTEE	13.90
12-1-00-71145	CASH WITH TRUSTEE-CITY COMPLEX	490,807.92
	Total Assets:	492,754.61
		<u>492,754.61</u>
Liability		
	Total Liability:	0.00
Equity		
12-3-00-95511	FUND BALANCE	492,827.38
	Total Beginning Equity:	492,827.38
Total Revenue		482,295.98
Total Expense		482,368.75
Revenues Over/Under Expenses		-72.77
	Total Equity and Current Surplus (Deficit):	492,754.61
	Total Liabilities, Equity and Current Surplus (Deficit):	<u>492,754.61</u>

Balance Sheet

As Of 10/31/2017

Account	Name	Balance	
Fund: 13 - EMPLOYEE BENEFIT			
Assets			
13-1-00-71121	CASH IN BANK	1,526,362.04	
	Total Assets:	1,526,362.04	<u>1,526,362.04</u>
Liability			
13-2-00-81111	ACCOUNTS PAYABLE	40,783.62	
	Total Liability:	40,783.62	
Equity			
13-3-00-95511	FUND BALANCE	1,110,903.82	
	Total Beginning Equity:	1,110,903.82	
Total Revenue		1,214,469.68	
Total Expense		839,795.08	
Revenues Over/Under Expenses		374,674.60	
	Total Equity and Current Surplus (Deficit):	1,485,578.42	
	Total Liabilities, Equity and Current Surplus (Deficit):		<u>1,526,362.04</u>

Balance Sheet

As Of 10/31/2017

Account	Name	Balance
Fund: 19 - COMMUNITY RECREATION		
Assets		
19-1-00-71121	CASH IN BANK	2,412,679.39
19-1-00-71135	PETTY CASH	280.00
19-1-00-71619	AIG - RECREATION TRUST FUND	181,748.49
	Total Assets:	2,594,707.88
		<u>2,594,707.88</u>
Liability		
19-2-00-81110	A/P CURRENT	-602.98
19-2-00-81111	ACCOUNTS PAYABLE	76.61
19-2-00-82120	UNEMPLOYMENT TAX	135.36
	Total Liability:	-391.01
Equity		
19-3-00-95511	FUND BALANCE	710,931.26
19-3-00-95512	FUND BALANCE DESIGNATED	58,520.00
	Total Beginning Equity:	769,451.26
Total Revenue		3,861,409.28
Total Expense		2,035,761.65
Revenues Over/Under Expenses		<u>1,825,647.63</u>
	Total Equity and Current Surplus (Deficit):	2,595,098.89
	Total Liabilities, Equity and Current Surplus (Deficit):	<u>2,594,707.88</u>

Balance Sheet

As Of 10/31/2017

Account	Name	Balance
Fund: 20 - CAPITAL PROJECTS		
Assets		
	Total Assets:	<u>0.00</u>
		<u><u>0.00</u></u>
Liability		
	Total Liability:	<u>0.00</u>
Equity		
	Total Beginning Equity:	<u>0.00</u>
Total Revenue		0.00
Total Expense		0.00
Revenues Over/Under Expenses		<u>0.00</u>
	Total Equity and Current Surplus (Deficit):	0.00
	Total Liabilities, Equity and Current Surplus (Deficit):	<u><u>0.00</u></u>

Balance Sheet

As Of 10/31/2017

Account	Name	Balance	
Fund: 31 - ENTERPRISE DEBT FUND			
Assets			
31-1-00-71121	CASH IN BANK	2,536,785.70	
	Total Assets:	2,536,785.70	<u>2,536,785.70</u>
Liability			
31-2-00-81820	NOTE PAYABLE	-3,434,468.71	
	Total Liability:	-3,434,468.71	
Equity			
31-3-00-95511	FUND BALANCE	6,084,455.77	
	Total Beginning Equity:	6,084,455.77	
Total Revenue		1,085,294.78	
Total Expense		1,198,496.14	
Revenues Over/Under Expenses		-113,201.36	
	Total Equity and Current Surplus (Deficit):	5,971,254.41	
	Total Liabilities, Equity and Current Surplus (Deficit):		<u>2,536,785.70</u>

Balance Sheet

As Of 10/31/2017

Account	Name	Balance
Fund: 54 - DRUG TASK FORCE		
Assets		
	Total Assets:	0.00
		<u>0.00</u>
Liability		
	Total Liability:	0.00
Equity		
	Total Beginning Equity:	0.00
Total Revenue		0.00
Total Expense		0.00
Revenues Over/Under Expenses		<u>0.00</u>
	Total Equity and Current Surplus (Deficit):	0.00
	Total Liabilities, Equity and Current Surplus (Deficit):	<u>0.00</u>

Balance Sheet

As Of 10/31/2017

Account	Name	Balance	
Fund: 99 - POOLED CASH			
Assets			
99-1-00-71111	POOLED CASH	708,579.90	
99-1-00-72602	DUE FROM GENERAL FUND	-232,300.66	
99-1-00-72603	DUE FROM ENTERPRISE FUND	-11,105.49	
99-1-00-72611	DUE FROM OTHER FUNDS	233,829.31	
99-1-00-72619	DUE FROM COMMUNITY REC	-557.98	
	Total Assets:	698,445.08	<u>698,445.08</u>
Liability			
99-2-00-81111	ACCOUNTS PAYABLE	-9,990.32	
99-2-00-82512	DUE TO OTHER FUNDS	708,435.40	
	Total Liability:	698,445.08	
Equity			
	Total Beginning Equity:	0.00	
Total Revenue		0.00	
Revenues Over/Under Expenses		0.00	
	Total Equity and Current Surplus (Deficit):	0.00	
	Total Liabilities, Equity and Current Surplus (Deficit):		<u>698,445.08</u>



Alamosa, CO

Budget Report

Account Summary

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 02 - GENERAL FUND							
Department: 00 - UNDESIGNATED							
02-4-00-61111	GENERAL PROPERTY TAXES	496,870.00	496,870.00	11,956.65	485,065.85	-11,804.15	2.38 %
02-4-00-61211	SPECIFIC OWNERSHIP TAXES	61,300.00	61,300.00	6,777.03	57,823.61	-3,476.39	5.67 %
02-4-00-61311	GENERAL SALES TAX	2,442,000.00	2,442,000.00	247,446.28	2,196,790.67	-245,209.33	10.04 %
02-4-00-61312	CONSTRUCTION USE TAX REVENUE	65,480.00	65,480.00	5,011.96	49,250.83	-16,229.17	24.78 %
02-4-00-61321	GENERAL SALES 1.2%	3,176,800.00	3,176,800.00	322,135.42	2,715,552.05	-461,247.95	14.52 %
02-4-00-61411	CIGARETTE TAX	33,800.00	33,800.00	2,413.12	23,747.15	-10,052.85	29.74 %
02-4-00-61511	ELECTRIC FRANCHISE	207,650.00	207,650.00	17,117.89	174,970.56	-32,679.44	15.74 %
02-4-00-61521	OCCUPATIONAL TELEPHONE TAX	10,600.00	10,600.00	1,787.07	9,670.96	-929.04	8.76 %
02-4-00-61531	TELEVISION FRANCHISE	71,100.00	71,100.00	0.00	50,294.39	-20,805.61	29.26 %
02-4-00-61541	GAS FRANCHISE	116,790.00	116,790.00	3,939.69	88,382.85	-28,407.15	24.32 %
02-4-00-61612	PMT IN LIEU OF TAXES	33,300.00	33,300.00	0.00	0.00	-33,300.00	100.00 %
02-4-00-62121	GF PERMITS (ALL TYPES)	40,700.00	40,700.00	4,559.00	58,071.50	17,371.50	142.68 %
02-4-00-62211	GF LIQUOR LICENSES AND FEES	13,600.00	13,600.00	0.00	10,796.25	-2,803.75	20.62 %
02-4-00-62221	GF SALES TAX LICENSES	15,000.00	15,000.00	180.00	5,460.00	-9,540.00	63.60 %
02-4-00-62231	GF CONTRACTORS LICENSES	3,500.00	3,500.00	175.00	1,465.00	-2,035.00	58.14 %
02-4-00-62251	GF DOG LICENSES/POUND FEES	1,000.00	1,000.00	30.00	811.00	-189.00	18.90 %
02-4-00-63162	STATE GRANTS	200,000.00	210,000.00	-16,257.20	70,579.33	-139,420.67	66.39 %
02-4-00-63511	GF STATE MOTOR VEH REG	28,500.00	28,500.00	3,045.00	24,212.02	-4,287.98	15.05 %
02-4-00-63521	GF STATE HWY USERS TAX	262,800.00	262,800.00	25,118.26	226,137.44	-36,662.56	13.95 %
02-4-00-63611	GF ALA CO ROAD & BRIDGE	6,600.00	6,600.00	167.22	6,684.25	84.25	101.28 %
02-4-00-63684	PD GRANT- OTHERS	28,510.00	28,510.00	2,656.81	98,699.81	70,189.81	346.19 %
02-4-00-64121	02 CEMETERY OPEN/CLOSE FEES	8,240.00	8,240.00	1,225.00	11,030.00	2,790.00	133.86 %
02-4-00-64211	SPECIAL POLICE OVERTIME	36,050.00	36,050.00	0.00	27,099.00	-8,951.00	24.83 %
02-4-00-64212	TRINIDAD STATE CONTRACT	0.00	0.00	4,583.33	32,576.34	32,576.34	0.00 %
02-4-00-64392	MISCELLANEOUS FLEET MNX	5,150.00	5,150.00	0.00	0.00	-5,150.00	100.00 %
02-4-00-66111	GF MUNICIPAL COURT FINES	315,200.00	315,200.00	15,625.10	143,546.55	-171,653.45	54.46 %
02-4-00-66112	RESTITUTION PAYMENTS	2,500.00	2,500.00	67.48	438.74	-2,061.26	82.45 %
02-4-00-66113	VICTIM'S ASSISTANCE	2,500.00	2,500.00	128.43	333.81	-2,166.19	86.65 %
02-4-00-66121	GF COUNTY COURT FINES	2,000.00	2,000.00	976.78	4,888.97	2,888.97	244.45 %
02-4-00-68120	SID	0.00	86,662.85	0.00	105,265.39	18,602.54	121.47 %
02-4-00-68141	LEASE AGREEMENT REVENUE	103,000.00	103,000.00	13,768.23	96,250.80	-6,749.20	6.55 %
02-4-00-68191	GENERAL GOVT MISCELLANEOUS	150,450.00	150,450.00	-1,550.79	104,695.46	-45,754.54	30.41 %
02-4-00-68291	GF OTHER PUBLIC SAFETY SERVICE	3,600.00	3,600.00	-24,365.83	915.63	-2,684.37	74.57 %
02-4-00-68292	SPECIAL FIRE SERVICES	31,500.00	31,500.00	760.00	13,215.00	-18,285.00	58.05 %
02-4-00-68294	PD TRAINING FOUNDATION	0.00	0.00	30,235.31	30,235.31	30,235.31	0.00 %
02-4-00-68321	GF CURB & GUTTER REPAIRS	10,000.00	10,000.00	0.00	4,116.00	-5,884.00	58.84 %
02-4-00-68390	GF OTHER PUBLIC WORKS SERVICES	5,150.00	5,150.00	464.63	11,714.91	6,564.91	227.47 %
02-4-00-69001	PASS THRU GRANTS-SLV HEALTH	500,000.00	1,000,000.00	0.00	0.00	-1,000,000.00	100.00 %
02-4-00-69002	PASS THRU GRANTS-JAG	0.00	68,010.00	0.00	50,638.77	-17,371.23	25.54 %
02-4-00-69292	TRANSFER IN	983,820.00	983,820.00	0.00	730,320.00	-253,500.00	25.77 %
02-4-00-71710	INTEREST FSWB	3,600.00	3,600.00	137.56	3,014.50	-585.50	16.26 %
02-4-00-71711	INTEREST ON INVESTMENTS	37,600.00	37,600.00	50.42	87,887.75	50,287.75	233.74 %
Department: 00 - UNDESIGNATED Total:		9,516,260.00	10,180,932.85	680,364.85	7,812,648.45	-2,368,284.40	23.26 %
Department: 10 - CITY COUNCIL							
02-5-10-11112	PART TIME SALARIES	36,000.00	36,000.00	3,000.00	30,000.00	6,000.00	16.67 %
02-5-10-13111	PERA/ICMA	4,280.00	4,280.00	356.20	3,562.00	718.00	16.78 %
02-5-10-14151	MEDICARE	820.00	820.00	68.30	881.40	-61.40	-7.49 %
02-5-10-14211	WORKMENS COMPENSATION	150.00	150.00	7.44	106.18	43.82	29.21 %
02-5-10-14611	UNEMPLOYMENT INSURANCE	110.00	110.00	9.00	90.00	20.00	18.18 %
02-5-10-22791	MISCELLANEOUS SUPPLIES	600.00	600.00	0.00	470.47	129.53	21.59 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
02-5-10-31312	ADMIN- PUBLIC RELATION	5,000.00	5,000.00	0.00	3,058.34	1,941.66	38.83 %
02-5-10-32111	TRAVEL & CONFERENCES	17,000.00	17,000.00	0.00	14,683.81	2,316.19	13.62 %
02-5-10-32311	MEMBERSHIP & DUES	7,500.00	7,500.00	0.00	7,352.60	147.40	1.97 %
02-5-10-33202	WIRELESS SERVICE	2,500.00	2,500.00	230.33	2,370.12	129.88	5.20 %
Department: 10 - CITY COUNCIL Total:		73,960.00	73,960.00	3,671.27	62,574.92	11,385.08	15.39 %
Department: 11 - LEGAL SERVICES							
02-5-11-11112	PART TIME SALARIES	51,920.00	51,920.00	4,135.58	41,355.80	10,564.20	20.35 %
02-5-11-13111	PERA/ICMA	7,120.00	7,120.00	566.57	5,665.70	1,454.30	20.43 %
02-5-11-14151	MEDICARE	950.00	950.00	59.97	599.70	350.30	36.87 %
02-5-11-14312	LIFE INSURANCE	210.00	210.00	0.00	0.00	210.00	100.00 %
02-5-11-14611	UNEMPLOYMENT INSURANCE	200.00	200.00	12.41	124.10	75.90	37.95 %
02-5-11-21121	LITERATURE-BOOKS	400.00	400.00	0.00	109.83	290.17	72.54 %
02-5-11-32111	TRAVEL & CONFERENCES	1,200.00	1,200.00	257.84	1,589.78	-389.78	-32.48 %
02-5-11-39602	LEGAL-SERVICES	15,000.00	15,000.00	0.00	72.96	14,927.04	99.51 %
Department: 11 - LEGAL SERVICES Total:		77,000.00	77,000.00	5,032.37	49,517.87	27,482.13	35.69 %
Department: 12 - MUNICIPAL COURT							
02-5-12-11111	FULL TIME SALARIES	81,120.00	81,120.00	6,386.94	66,760.41	14,359.59	17.70 %
02-5-12-11112	PART TIME SALARIES	45,480.00	45,480.00	3,753.86	41,292.46	4,187.54	9.21 %
02-5-12-11113	PART TIME SALARIES-SECURITY	0.00	5,000.00	264.95	3,148.60	1,851.40	37.03 %
02-5-12-12111	FULL TIME OVERTIME	200.00	200.00	0.00	0.00	200.00	100.00 %
02-5-12-13111	PERA/ICMA	17,400.00	17,400.00	1,331.86	14,258.99	3,141.01	18.05 %
02-5-12-13211	POLICE RETIREMENT PLAN	0.00	500.00	26.50	314.86	185.14	37.03 %
02-5-12-14151	MEDICARE	1,270.00	1,270.00	144.55	1,551.93	-281.93	-22.20 %
02-5-12-14211	WORKMENS COMPENSATION	400.00	400.00	140.82	904.50	-504.50	-126.13 %
02-5-12-14311	MEDICAL/DENTAL INSURANCE	12,200.00	12,200.00	593.85	6,786.90	5,413.10	44.37 %
02-5-12-14312	LIFE INSURANCE	240.00	240.00	0.00	0.00	240.00	100.00 %
02-5-12-14611	UNEMPLOYMENT INSURANCE	360.00	360.00	30.03	322.37	37.63	10.45 %
02-5-12-21111	GENERAL OFFICE SUPPLIES	600.00	600.00	28.92	595.47	4.53	0.76 %
02-5-12-32111	TRAVEL & CONFERENCES	4,000.00	4,000.00	-175.00	3,657.61	342.39	8.56 %
02-5-12-32211	TUITION & TRAINING	1,500.00	1,500.00	0.00	1,658.50	-158.50	-10.57 %
02-5-12-32311	MEMBERSHIP & DUES	350.00	350.00	0.00	280.00	70.00	20.00 %
02-5-12-35501	OTHER EXPENSES	500.00	500.00	77.17	1,899.59	-1,399.59	-279.92 %
02-5-12-37900	PASS THRU GRANTS-JAG	0.00	68,010.00	0.00	50,638.77	17,371.23	25.54 %
02-5-12-37995	JAIL FEES	125,000.00	125,000.00	6,825.94	61,302.91	63,697.09	50.96 %
02-5-12-39602	LEGAL-SERVICES	10,000.00	10,000.00	4,999.50	21,784.75	-11,784.75	-117.85 %
02-5-12-39603	PROSECUTOR SRVS	500.00	500.00	0.00	0.00	500.00	100.00 %
02-5-12-39604	SUBPOENA SRVS	500.00	500.00	0.00	205.00	295.00	59.00 %
02-5-12-39605	BAILIFF SERVICES	8,500.00	4,300.00	0.00	4,287.50	12.50	0.29 %
Department: 12 - MUNICIPAL COURT Total:		310,120.00	379,430.00	24,429.89	281,651.12	97,778.88	25.77 %
Department: 13 - CITY MANAGER							
02-5-13-11111	FULL TIME SALARIES	152,500.00	152,500.00	12,326.92	132,783.96	19,716.04	12.93 %
02-5-13-11112	PART TIME SALARIES	3,000.00	3,000.00	-231.02	551.03	2,448.97	81.63 %
02-5-13-12111	FULL TIME OVERTIME	200.00	200.00	0.00	0.00	200.00	100.00 %
02-5-13-13111	PERA/ICMA	21,400.00	21,400.00	1,737.86	17,526.38	3,873.62	18.10 %
02-5-13-14151	MEDICARE	2,620.00	2,620.00	176.57	1,946.60	673.40	25.70 %
02-5-13-14211	WORKMENS COMPENSATION	510.00	510.00	46.39	503.93	6.07	1.19 %
02-5-13-14311	MEDICAL/DENTAL INSURANCE	21,400.00	21,400.00	2,051.92	22,933.12	-1,533.12	-7.16 %
02-5-13-14312	LIFE INSURANCE	460.00	460.00	0.00	0.00	460.00	100.00 %
02-5-13-14611	UNEMPLOYMENT INSURANCE	540.00	540.00	36.60	370.75	169.25	31.34 %
02-5-13-21111	GENERAL OFFICE SUPPLIES	500.00	500.00	38.02	83.09	416.91	83.38 %
02-5-13-21121	LITERATURE-BOOKS	300.00	300.00	0.00	99.00	201.00	67.00 %
02-5-13-22791	MISCELLANEOUS SUPPLIES	0.00	0.00	0.00	10.75	-10.75	0.00 %
02-5-13-32111	TRAVEL & CONFERENCES	6,000.00	6,000.00	253.23	5,489.16	510.84	8.51 %
02-5-13-32311	MEMBERSHIP & DUES	1,300.00	1,300.00	0.00	952.21	347.79	26.75 %
02-5-13-35100	OFFICE EQUIP/FURN/FIXT	100.00	100.00	0.00	0.00	100.00	100.00 %
02-5-13-35501	OTHER EXPENSES	800.00	800.00	22.68	336.07	463.93	57.99 %
Department: 13 - CITY MANAGER Total:		211,630.00	211,630.00	16,459.17	183,586.05	28,043.95	13.25 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Department: 14 - CITY CLERK							
02-5-14-11111	FULL TIME SALARIES	57,900.00	57,900.00	4,361.76	47,417.12	10,482.88	18.11 %
02-5-14-13111	PERA/ICMA	8,000.00	8,000.00	552.36	6,011.57	1,988.43	24.86 %
02-5-14-14151	MEDICARE	810.00	810.00	58.46	636.32	173.68	21.44 %
02-5-14-14211	WORKMENS COMPENSATION	280.00	280.00	48.87	370.89	-90.89	-32.46 %
02-5-14-14311	MEDICAL/DENTAL INSURANCE	7,200.00	7,200.00	865.64	9,713.04	-2,513.04	-34.90 %
02-5-14-14312	LIFE INSURANCE	160.00	160.00	0.00	0.00	160.00	100.00 %
02-5-14-14611	UNEMPLOYMENT INSURANCE	170.00	170.00	12.22	132.95	37.05	21.79 %
02-5-14-21111	GENERAL OFFICE SUPPLIES	500.00	500.00	15.00	222.41	277.59	55.52 %
02-5-14-21211	CODE SUPPLEMENTS	6,000.00	6,000.00	0.00	4,885.00	1,115.00	18.58 %
02-5-14-22791	MISCELLANEOUS SUPPLIES	500.00	500.00	52.44	131.23	368.77	73.75 %
02-5-14-31310	ADMIN- ELECTION	10,000.00	10,000.00	0.00	27.69	9,972.31	99.72 %
02-5-14-32111	TRAVEL & CONFERENCES	3,500.00	3,500.00	0.00	3,709.77	-209.77	-5.99 %
02-5-14-32211	TUITION & TRAINING	3,000.00	3,000.00	167.84	2,092.70	907.30	30.24 %
02-5-14-32311	MEMBERSHIP & DUES	600.00	600.00	0.00	485.00	115.00	19.17 %
02-5-14-33121	LEGAL ADVERTISING	3,500.00	3,500.00	0.00	5,480.50	-1,980.50	-56.59 %
02-5-14-33211	TELEPHONE	640.00	640.00	0.00	460.43	179.57	28.06 %
02-5-14-35100	OFFICE EQUIP/FURN/FIXT	500.00	500.00	0.00	0.00	500.00	100.00 %
02-5-14-35501	OTHER EXPENSES	500.00	500.00	0.00	477.73	22.27	4.45 %
Department: 14 - CITY CLERK Total:		103,760.00	103,760.00	6,134.59	82,254.35	21,505.65	20.73 %
Department: 15 - HR/RISK MANAGEMENT							
02-5-15-11111	FULL TIME SALARIES	57,900.00	57,900.00	4,111.38	45,225.18	12,674.82	21.89 %
02-5-15-13111	PERA	8,000.00	8,000.00	496.56	5,551.36	2,448.64	30.61 %
02-5-15-14151	MEDICARE	810.00	810.00	52.56	587.56	222.44	27.46 %
02-5-15-14211	WORKMENS COMPENSATION	280.00	280.00	15.49	81.65	198.35	70.84 %
02-5-15-14311	MEDICAL/DENTAL INSURANCE	7,200.00	7,200.00	1,025.96	11,466.56	-4,266.56	-59.26 %
02-5-15-14312	LIFE INSURANCE	160.00	160.00	0.00	0.00	160.00	100.00 %
02-5-15-14611	UNEMPLOYMENT INSURANCE	170.00	170.00	10.98	121.58	48.42	28.48 %
02-5-15-21111	GENERAL OFFICE SUPPLIES	700.00	700.00	3.47	712.95	-12.95	-1.85 %
02-5-15-21121	LITERATURE-BOOKS	200.00	200.00	0.00	540.22	-340.22	-170.11 %
02-5-15-31961	RECRUITMENT	11,000.00	11,000.00	4,653.55	24,612.27	-13,612.27	-123.75 %
02-5-15-32111	TRAVEL & CONFERENCES	3,000.00	3,000.00	31.38	732.44	2,267.56	75.59 %
02-5-15-32211	TUITION & TRAINING	4,000.00	4,000.00	9.93	521.04	3,478.96	86.97 %
02-5-15-32311	MEMBERSHIP & DUES	5,500.00	5,500.00	20.00	5,520.00	-20.00	-0.36 %
02-5-15-33111	ADVERTISING	2,500.00	2,500.00	0.00	306.11	2,193.89	87.76 %
02-5-15-35112	Outside Services	0.00	0.00	0.00	500.00	-500.00	0.00 %
02-5-15-35501	OTHER EXPENSES	2,500.00	2,500.00	96.67	459.33	2,040.67	81.63 %
02-5-15-39201	INS-CLAIMS/LIAB/DEDUCT	0.00	0.00	0.00	1,303.08	-1,303.08	0.00 %
02-5-15-39203	INSURANCE	205,000.00	205,000.00	-656.00	178,507.80	26,492.20	12.92 %
Department: 15 - HR/RISK MANAGEMENT Total:		308,920.00	308,920.00	9,871.93	276,749.13	32,170.87	10.41 %
Department: 16 - FINANCE DEPARTMENT							
02-5-16-11111	FULL TIME SALARIES	251,000.00	251,000.00	17,441.00	201,799.96	49,200.04	19.60 %
02-5-16-12111	FULL TIME OVERTIME	1,000.00	1,000.00	1.23	108.23	891.77	89.18 %
02-5-16-13111	PERA/ICMA	30,000.00	30,000.00	1,806.56	21,139.44	8,860.56	29.54 %
02-5-16-13211	POLICE RETIREMENT PLAN	4,600.00	4,600.00	329.63	3,777.38	822.62	17.88 %
02-5-16-14151	MEDICARE	3,000.00	3,000.00	185.80	2,184.18	815.82	27.19 %
02-5-16-14211	WORKMENS COMPENSATION	1,400.00	1,400.00	73.46	1,887.70	-487.70	-34.84 %
02-5-16-14311	MEDICAL/DENTAL INSURANCE	42,300.00	42,300.00	3,828.92	43,726.54	-1,426.54	-3.37 %
02-5-16-14312	LIFE INSURANCE	670.00	670.00	0.00	0.00	670.00	100.00 %
02-5-16-14611	UNEMPLOYMENT INSURANCE	730.00	730.00	47.74	558.34	171.66	23.52 %
02-5-16-21111	GENERAL OFFICE SUPPLIES	3,500.00	3,500.00	72.99	2,440.11	1,059.89	30.28 %
02-5-16-21121	LITERATURE-BOOKS	500.00	500.00	0.00	105.00	395.00	79.00 %
02-5-16-21131	POSTAGE	21,000.00	21,000.00	3,000.00	15,238.10	5,761.90	27.44 %
02-5-16-21221	OUTSIDE PRINTING	6,000.00	6,000.00	0.00	2,684.80	3,315.20	55.25 %
02-5-16-22791	MISCELLANEOUS SUPPLIES	400.00	400.00	29.81	755.83	-355.83	-88.96 %
02-5-16-31303	ADMIN-AUDITING	55,000.00	55,000.00	0.00	50,985.00	4,015.00	7.30 %
02-5-16-32111	TRAVEL & CONFERENCES	4,000.00	4,000.00	11.54	3,357.83	642.17	16.05 %
02-5-16-32211	TUITION & TRAINING	4,000.00	4,000.00	0.00	3,572.00	428.00	10.70 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
02-5-16-32311	MEMBERSHIP & DUES	800.00	800.00	0.00	45.00	755.00	94.38 %
02-5-16-35501	OTHER EXPENSES	0.00	9,440.00	0.00	7,469.32	1,970.68	20.88 %
02-5-16-39999	Cash Over/Short	0.00	0.00	0.00	0.98	-0.98	0.00 %
Department: 16 - FINANCE DEPARTMENT Total:		429,900.00	439,340.00	26,828.68	361,835.74	77,504.26	17.64 %
Department: 17 - NON-DEPARTMENTAL							
02-5-17-21131	POSTAGE	10,000.00	10,000.00	491.12	7,183.66	2,816.34	28.16 %
02-5-17-21151	PHOTOCOPIES	7,000.00	7,000.00	0.00	5,742.49	1,257.51	17.96 %
02-5-17-22111	GAS & OIL	1,600.00	1,600.00	0.00	278.66	1,321.34	82.58 %
02-5-17-22791	MISCELLANEOUS SUPPLIES	3,000.00	3,000.00	164.95	3,524.60	-524.60	-17.49 %
02-5-17-23791	REPAIR AND MAINTENANCE	3,000.00	3,000.00	0.00	86.77	2,913.23	97.11 %
02-5-17-32211	TUITION & TRAINING	5,000.00	5,000.00	-199.00	2,333.36	2,666.64	53.33 %
02-5-17-33211	TELEPHONE	18,000.00	18,000.00	1,520.08	9,573.32	8,426.68	46.81 %
02-5-17-33411	ELECTRICAL/GAS SERVICES	80,000.00	80,000.00	5,290.31	58,081.75	21,918.25	27.40 %
02-5-17-34105	BLDG MAINT/REPAIR	31,000.00	31,000.00	1,608.00	20,579.04	10,420.96	33.62 %
02-5-17-35103	OUTSIDE AGENCY FUNDING	78,000.00	78,000.00	0.00	67,485.00	10,515.00	13.48 %
02-5-17-35105	SPONSORSHIP	10,000.00	10,000.00	0.00	10,000.00	0.00	0.00 %
02-5-17-35111	VEHICLE REPAIR	750.00	750.00	0.00	65.34	684.66	91.29 %
02-5-17-35501	OTHER EXPENSES	2,500.00	2,500.00	0.00	722.18	1,777.82	71.11 %
02-5-17-37902	PASS THRU GRANT-SLV HEALTH	0.00	500,000.00	0.00	4,860.00	495,140.00	99.03 %
02-5-17-44251	COPIER LEASE PAYMENTS	20,000.00	20,000.00	2,559.66	15,093.18	4,906.82	24.53 %
02-5-17-45107	EMPLOYEE AWARDS	6,000.00	6,000.00	-901.55	3,556.04	2,443.96	40.73 %
02-5-17-46130	SPECIAL PROJECTS	50,000.00	50,000.00	17,040.00	72,320.00	-22,320.00	-44.64 %
02-5-17-46140	ART PROGRAM	20,000.00	32,295.00	0.00	26,887.77	5,407.23	16.74 %
02-5-17-51101	ECON DEV	65,480.00	65,480.00	1,500.00	41,090.56	24,389.44	37.25 %
02-5-17-69812	TRANSFERS OUT	327,280.00	327,280.00	0.00	327,280.00	0.00	0.00 %
02-5-17-70800	SID-14	0.00	78,012.50	0.00	94,589.58	-16,577.08	-21.25 %
Department: 17 - NON-DEPARTMENTAL Total:		738,610.00	1,328,917.50	29,073.57	771,333.30	557,584.20	41.96 %
Department: 18 - INFORMATION TECHNOLOGY							
02-5-18-11111	FULL TIME SALARIES	167,800.00	167,800.00	13,401.27	142,842.94	24,957.06	14.87 %
02-5-18-12111	FULL TIME OVERTIME	500.00	500.00	0.00	0.00	500.00	100.00 %
02-5-18-13111	PERA/ICMA	23,100.00	23,100.00	1,726.60	18,485.48	4,614.52	19.98 %
02-5-18-14151	MEDICARE	1,640.00	1,640.00	182.73	1,956.43	-316.43	-19.29 %
02-5-18-14211	WORKMENS COMPENSATION	310.00	310.00	50.26	332.15	-22.15	-7.15 %
02-5-18-14311	MEDICAL/DENTAL INSURANCE	24,200.00	24,200.00	1,947.20	22,048.60	2,151.40	8.89 %
02-5-18-14312	LIFE INSURANCE	310.00	310.00	0.00	0.00	310.00	100.00 %
02-5-18-14611	UNEMPLOYMENT INSURANCE	340.00	340.00	38.26	407.63	-67.63	-19.89 %
02-5-18-21111	GENERAL OFFICE SUPPLIES	400.00	400.00	0.00	6.49	393.51	98.38 %
02-5-18-22111	GAS & OIL	2,350.00	2,350.00	130.99	736.25	1,613.75	68.67 %
02-5-18-22791	MISCELLANEOUS SUPPLIES	500.00	500.00	0.00	1,353.85	-853.85	-170.77 %
02-5-18-32111	TRAVEL & CONFERENCES	9,800.00	9,800.00	1,245.50	6,866.13	2,933.87	29.94 %
02-5-18-32311	MEMBERSHIP & DUES	700.00	700.00	0.00	330.00	370.00	52.86 %
02-5-18-33202	WIRELESS SERVICE	2,100.00	2,100.00	237.01	2,290.00	-190.00	-9.05 %
02-5-18-35100	OFFICE EQUIP/FURN/FIXT	450.00	450.00	0.00	594.60	-144.60	-32.13 %
02-5-18-35111	VEHICLE REPAIR	600.00	600.00	151.12	738.14	-138.14	-23.02 %
02-5-18-37941	TOOL EXPENSE	600.00	600.00	0.00	989.16	-389.16	-64.86 %
02-5-18-48101	IT-HARDWARE	43,790.00	57,390.00	2,292.03	44,047.79	13,342.21	23.25 %
02-5-18-48102	IT-SOFTWARE	148,395.00	147,095.00	1,434.84	114,805.68	32,289.32	21.95 %
02-5-18-69812	TRANSFER OUT	0.00	2,500.00	0.00	0.00	2,500.00	100.00 %
02-5-18-70241	COMPUTER HARDWARE	25,000.00	25,000.00	0.00	12,387.71	12,612.29	50.45 %
Department: 18 - INFORMATION TECHNOLOGY Total:		452,885.00	467,685.00	22,837.81	371,219.03	96,465.97	20.63 %
Department: 20 - POLICE ADMINISTRATION							
02-5-20-11111	FULL TIME SALARIES	147,600.00	147,600.00	11,172.22	123,048.07	24,551.93	16.63 %
02-5-20-12111	FULL TIME OVERTIME	500.00	500.00	191.48	1,898.81	-1,398.81	-279.76 %
02-5-20-13211	POLICE RETIREMENT PLAN	14,900.00	14,900.00	1,136.37	12,494.78	2,405.22	16.14 %
02-5-20-14151	MEDICARE	2,370.00	2,370.00	310.38	1,787.81	582.19	24.56 %
02-5-20-14211	WORKMENS COMPENSATION	4,000.00	4,000.00	59.81	2,327.52	1,672.48	41.81 %
02-5-20-14311	MEDICAL/DENTAL INSURANCE	29,000.00	29,000.00	2,712.79	31,102.51	-2,102.51	-7.25 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
02-5-20-14312	LIFE INSURANCE	450.00	450.00	0.00	0.00	450.00	100.00 %
02-5-20-14611	UNEMPLOYMENT INSURANCE	490.00	490.00	30.48	336.83	153.17	31.26 %
02-5-20-22791	MISCELLANEOUS SUPPLIES	500.00	500.00	0.00	10.53	489.47	97.89 %
02-5-20-32111	TRAVEL & CONFERENCES	4,000.00	4,000.00	127.00	1,733.88	2,266.12	56.65 %
02-5-20-32211	TUITION & TRAINING	6,000.00	6,000.00	0.00	1,300.00	4,700.00	78.33 %
02-5-20-32311	MEMBERSHIP & DUES	2,000.00	2,000.00	0.00	820.00	1,180.00	59.00 %
Department: 20 - POLICE ADMINISTRATION Total:		211,810.00	211,810.00	15,740.53	176,860.74	34,949.26	16.50 %
Department: 21 - POLICE OPERATIONS							
02-5-21-11111	FULL TIME SALARIES	946,300.00	946,300.00	72,002.16	845,214.24	101,085.76	10.68 %
02-5-21-11191	SHIFT DIFFERENTIAL - SALARIES	45,000.00	45,000.00	2,961.20	45,887.41	-887.41	-1.97 %
02-5-21-12111	FULL TIME OVERTIME	69,000.00	69,000.00	10,138.89	78,387.17	-9,387.17	-13.60 %
02-5-21-13211	POLICE RETIREMENT PLAN	106,100.00	106,100.00	8,510.26	96,949.09	9,150.91	8.62 %
02-5-21-14151	MEDICARE	30,480.00	30,480.00	1,147.64	12,778.84	17,701.16	58.07 %
02-5-21-14211	WORKMENS COMPENSATION	30,680.00	30,680.00	5,208.42	55,463.68	-24,783.68	-80.78 %
02-5-21-14311	MEDICAL/DENTAL INSURANCE	171,200.00	171,200.00	14,472.64	160,014.99	11,185.01	6.53 %
02-5-21-14312	LIFE INSURANCE	2,240.00	2,240.00	0.00	0.00	2,240.00	100.00 %
02-5-21-14611	UNEMPLOYMENT INSURANCE	2,750.00	2,750.00	239.10	2,750.47	-0.47	-0.02 %
02-5-21-14711	FPPA DEATH & DISABILITY	18,200.00	18,200.00	2,252.54	24,497.27	-6,297.27	-34.60 %
02-5-21-21111	GENERAL OFFICE SUPPLIES	4,000.00	4,000.00	528.50	2,384.75	1,615.25	40.38 %
02-5-21-21121	LITERATURE-BOOKS	750.00	750.00	0.00	749.87	0.13	0.02 %
02-5-21-21131	POSTAGE	1,550.00	1,550.00	9.96	607.46	942.54	60.81 %
02-5-21-21221	OUTSIDE PRINTING	2,000.00	2,000.00	0.00	2,219.34	-219.34	-10.97 %
02-5-21-22111	GAS & OIL	50,000.00	44,500.00	3,034.25	29,552.50	14,947.50	33.59 %
02-5-21-22791	MISCELLANEOUS SUPPLIES	4,700.00	4,700.00	260.51	4,545.13	154.87	3.30 %
02-5-21-31608	SUPPLIES- BALLISTIC V	5,100.00	5,100.00	6,366.00	7,427.00	-2,327.00	-45.63 %
02-5-21-31641	CANINE SERVICES	8,500.00	8,500.00	251.95	3,332.23	5,167.77	60.80 %
02-5-21-31651	LAB SERVICES-TESTING	7,500.00	7,500.00	660.00	4,680.00	2,820.00	37.60 %
02-5-21-31671	STATE PATROL / DISPATCHING	151,480.00	151,480.00	0.00	74,859.50	76,620.50	50.58 %
02-5-21-32111	TRAVEL & CONFERENCES	7,500.00	7,500.00	28.15	2,623.94	4,876.06	65.01 %
02-5-21-32211	TUITION & TRAINING	15,000.00	15,000.00	0.00	14,143.13	856.87	5.71 %
02-5-21-32311	MEMBERSHIP & DUES	800.00	800.00	0.00	300.00	500.00	62.50 %
02-5-21-33211	TELEPHONE	11,500.00	17,000.00	8,299.58	19,693.82	-2,693.82	-15.85 %
02-5-21-33411	ELECTRICAL/GAS SERVICES	5,000.00	5,000.00	263.15	2,336.64	2,663.36	53.27 %
02-5-21-34105	BLDG MAINT/REPAIR	4,500.00	4,500.00	18.00	3,422.76	1,077.24	23.94 %
02-5-21-35111	VEHICLE REPAIR	20,000.00	20,000.00	1,894.17	13,939.58	6,060.42	30.30 %
02-5-21-35391	RADIO EQUIP REPAIR & MAINTENAN...	1,800.00	1,800.00	150.00	16,001.59	-14,201.59	-788.98 %
02-5-21-35505	AMMO/RANGE	10,000.00	10,000.00	0.00	7,877.00	2,123.00	21.23 %
02-5-21-35507	SWAT	8,000.00	8,000.00	388.10	5,360.95	2,639.05	32.99 %
02-5-21-35509	TRAINING FOUNDATION	0.00	0.00	5,585.29	24,296.84	-24,296.84	0.00 %
02-5-21-37321	UNIFORM ALLOWANCE	12,500.00	12,500.00	0.00	15,290.19	-2,790.19	-22.32 %
02-5-21-39101	GRANT EXPENDITURE	28,510.00	28,510.00	0.00	113,650.00	-85,140.00	-298.63 %
02-5-21-39501	LAUNDRY	6,720.00	6,720.00	1,200.00	5,100.00	1,620.00	24.11 %
02-5-21-45103	SUPPLIES-CRIME PREVENT	7,000.00	7,000.00	0.00	7,910.67	-910.67	-13.01 %
02-5-21-45688	CHEM/DRUG/LAB SUPPLIES	2,000.00	2,000.00	0.00	0.00	2,000.00	100.00 %
02-5-21-49501	INVESTIGATIVE SERVICES	5,000.00	5,000.00	908.65	2,723.88	2,276.12	45.52 %
02-5-21-69812	TRANSFERS OUT	50,000.00	49,200.00	0.00	49,200.00	0.00	0.00 %
02-5-21-70111	VEHICLE REPLACEMENT	87,000.00	87,000.00	0.00	83,062.77	3,937.23	4.53 %
Department: 21 - POLICE OPERATIONS Total:		1,940,360.00	1,939,560.00	146,779.11	1,839,234.70	100,325.30	5.17 %
Department: 22 - FIRE OPERATIONS							
02-5-22-11111	FULL TIME SALARIES	90,100.00	90,100.00	9,228.96	92,062.47	-1,962.47	-2.18 %
02-5-22-11112	PART TIME SALARIES	58,400.00	58,400.00	5,139.34	46,630.65	11,769.35	20.15 %
02-5-22-12111	FULL TIME OVERTIME	0.00	0.00	70.00	2,104.00	-2,104.00	0.00 %
02-5-22-13111	PERA/ICMA	5,200.00	5,200.00	721.68	7,650.46	-2,450.46	-47.12 %
02-5-22-14151	MEDICARE	1,200.00	1,200.00	209.10	1,372.91	-172.91	-14.41 %
02-5-22-14211	WORKMENS COMPENSATION	8,000.00	8,000.00	1,454.78	5,616.42	2,383.58	29.79 %
02-5-22-14311	MEDICAL/DENTAL INSURANCE	6,200.00	6,200.00	42.02	111.61	6,088.39	98.20 %
02-5-22-14312	LIFE INSURANCE	90.00	90.00	0.00	0.00	90.00	100.00 %
02-5-22-14611	UNEMPLOYMENT INSURANCE	360.00	360.00	43.29	422.01	-62.01	-17.23 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
02-5-22-21111	GENERAL OFFICE SUPPLIES	700.00	700.00	0.00	480.37	219.63	31.38 %
02-5-22-21121	LITERATURE-BOOKS	1,200.00	1,200.00	0.00	735.20	464.80	38.73 %
02-5-22-22111	GAS & OIL	4,000.00	4,000.00	54.46	1,351.37	2,648.63	66.22 %
02-5-22-22791	MISCELLANEOUS SUPPLIES	3,000.00	3,000.00	88.62	1,422.56	1,577.44	52.58 %
02-5-22-31312	ADMIN- PUBLIC RELATION	6,500.00	6,500.00	3,647.20	4,455.20	2,044.80	31.46 %
02-5-22-31671	STATE PATROL / DISPATCHING	4,000.00	4,000.00	0.00	6,915.00	-2,915.00	-72.88 %
02-5-22-32111	TRAVEL & CONFERENCES	6,000.00	6,000.00	734.59	3,500.48	2,499.52	41.66 %
02-5-22-32211	TUITION & TRAINING	13,500.00	13,500.00	2,085.00	8,938.50	4,561.50	33.79 %
02-5-22-32311	MEMBERSHIP & DUES	1,000.00	1,000.00	0.00	1,047.00	-47.00	-4.70 %
02-5-22-33211	TELEPHONE	2,500.00	2,500.00	142.07	1,277.61	1,222.39	48.90 %
02-5-22-33411	ELECTRICAL/GAS SERVICES	4,000.00	4,000.00	0.00	2,791.24	1,208.76	30.22 %
02-5-22-35111	VEHICLE REPAIR	15,000.00	15,000.00	0.00	12,662.12	2,337.88	15.59 %
02-5-22-35211	BLDG MAINT/REPAIR	5,000.00	5,000.00	75.00	1,593.54	3,406.46	68.13 %
02-5-22-35341	MAINTENANCE AGREEMENT	1,000.00	1,000.00	0.00	0.00	1,000.00	100.00 %
02-5-22-35351	RADIO EQUIP/REPAIR & MAINT	4,800.00	29,800.00	48,150.00	75,323.43	-45,523.43	-152.76 %
02-5-22-37321	UNIFORM ALLOWANCE	3,500.00	3,500.00	0.00	684.41	2,815.59	80.45 %
02-5-22-38822	OFFICE EQUIPMENT	500.00	500.00	0.00	0.00	500.00	100.00 %
02-5-22-38833	OPERATING MACHINES & EQUIP	40,800.00	39,300.00	14,232.12	28,508.19	10,791.81	27.46 %
02-5-22-38844	EQUIPMENT REBUILDING/REPAIR	4,000.00	4,000.00	0.00	668.46	3,331.54	83.29 %
02-5-22-38845	SPEC FIRE SERVICES EXP	30,000.00	30,000.00	0.00	0.00	30,000.00	100.00 %
02-5-22-39203	INSURANCE	4,500.00	4,500.00	0.00	2,593.00	1,907.00	42.38 %
02-5-22-41101	EQUIPMENT-REPAIR & MNX	11,000.00	11,000.00	0.00	7,754.19	3,245.81	29.51 %
02-5-22-45311	SUPPLIES-SLV HAZARDOUS	1,200.00	1,200.00	0.00	1,170.00	30.00	2.50 %
02-5-22-69812	TRANSFERS OUT	100,000.00	100,000.00	0.00	100,000.00	0.00	0.00 %
02-5-22-70521	OPERATING MACHINES & EQUIPMENT	450,000.00	450,000.00	0.00	430,217.00	19,783.00	4.40 %
Department: 22 - FIRE OPERATIONS Total:		887,250.00	910,750.00	86,118.23	850,059.40	60,690.60	6.66 %
Department: 23 - SUPPORT SERVICES							
02-5-23-11111	FULL TIME SALARIES	224,700.00	224,700.00	14,169.26	142,079.54	82,620.46	36.77 %
02-5-23-12111	FULL TIME OVERTIME	8,000.00	8,000.00	1,385.09	3,609.87	4,390.13	54.88 %
02-5-23-13211	POLICE RETIREMENT PLAN	23,270.00	23,270.00	1,555.46	14,569.09	8,700.91	37.39 %
02-5-23-14151	MEDICARE	3,200.00	3,200.00	204.97	1,911.91	1,288.09	40.25 %
02-5-23-14211	WORKMENS COMPENSATION	3,400.00	3,400.00	1,000.61	6,375.56	-2,975.56	-87.52 %
02-5-23-14311	MEDICAL/DENTAL INSURANCE	51,200.00	51,200.00	3,626.54	35,905.85	15,294.15	29.87 %
02-5-23-14312	LIFE INSURANCE	540.00	540.00	0.00	0.00	540.00	100.00 %
02-5-23-14611	UNEMPLOYMENT INSURANCE	540.00	540.00	42.95	402.83	137.17	25.40 %
02-5-23-21131	POSTAGE	500.00	500.00	0.00	450.30	49.70	9.94 %
02-5-23-21221	OUTSIDE PRINTING	950.00	950.00	0.00	889.20	60.80	6.40 %
02-5-23-22111	GAS & OIL	10,000.00	10,000.00	651.89	3,297.03	6,702.97	67.03 %
02-5-23-22791	MISCELLANEOUS SUPPLIES	1,550.00	1,550.00	0.00	246.26	1,303.74	84.11 %
02-5-23-31661	VETERINARY SERVICES	15,000.00	15,000.00	1,500.00	15,000.00	0.00	0.00 %
02-5-23-31665	PROPERTY ABATEMENT	15,000.00	15,000.00	0.00	0.00	15,000.00	100.00 %
02-5-23-32211	TUITION & TRAINING	5,000.00	5,000.00	100.90	923.54	4,076.46	81.53 %
02-5-23-35111	VEHICLE REPAIR	3,000.00	3,000.00	126.42	774.73	2,225.27	74.18 %
02-5-23-37321	UNIFORM ALLOWANCE	2,000.00	2,000.00	370.31	1,395.60	604.40	30.22 %
02-5-23-49501	INVESTIGATIVE SERVICES	6,500.00	5,000.00	0.00	14,926.19	-9,926.19	-198.52 %
Department: 23 - SUPPORT SERVICES Total:		374,350.00	372,850.00	24,734.40	242,757.50	130,092.50	34.89 %
Department: 30 - PUBLIC WORKS ADMIN							
02-5-30-11111	FULL TIME SALARIES	203,400.00	203,400.00	17,987.44	139,883.14	63,516.86	31.23 %
02-5-30-12111	FULL TIME OVERTIME	1,400.00	1,400.00	163.07	1,105.17	294.83	21.06 %
02-5-30-13111	PERA/ICMA	27,900.00	27,900.00	2,342.53	18,395.65	9,504.35	34.07 %
02-5-30-14151	MEDICARE	3,600.00	3,600.00	247.94	1,947.05	1,652.95	45.92 %
02-5-30-14211	WORKMENS COMPENSATION	3,000.00	3,000.00	38.66	704.06	2,295.94	76.53 %
02-5-30-14311	MEDICAL/DENTAL INSURANCE	33,500.00	33,500.00	3,711.11	30,464.09	3,035.91	9.06 %
02-5-30-14312	LIFE INSURANCE	460.00	460.00	0.00	0.00	460.00	100.00 %
02-5-30-14611	UNEMPLOYMENT INSURANCE	570.00	570.00	51.33	403.05	166.95	29.29 %
02-5-30-21111	GENERAL OFFICE SUPPLIES	2,800.00	2,800.00	170.28	588.36	2,211.64	78.99 %
02-5-30-22111	GAS & OIL	1,500.00	1,500.00	76.28	813.27	686.73	45.78 %
02-5-30-22791	MISCELLANEOUS SUPPLIES	2,200.00	2,200.00	129.94	1,712.76	487.24	22.15 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
02-5-30-22811	ENGINEERING SUPPLIES	1,500.00	1,500.00	0.00	0.00	1,500.00	100.00 %
02-5-30-31411	ENGINEERING SERVICES	26,100.00	26,100.00	250.00	1,284.49	24,815.51	95.08 %
02-5-30-32111	TRAVEL & CONFERENCES	6,000.00	6,000.00	10.00	322.50	5,677.50	94.63 %
02-5-30-32311	MEMBERSHIP & DUES	1,500.00	1,500.00	0.00	584.00	916.00	61.07 %
02-5-30-35100	OFFICE EQUIP/FURN/FIXT	300.00	300.00	0.00	0.00	300.00	100.00 %
02-5-30-35111	VEHICLE REPAIR	750.00	750.00	0.00	632.81	117.19	15.63 %
02-5-30-37321	UNIFORM ALLOWANCE	1,400.00	1,400.00	198.00	824.00	576.00	41.14 %
Department: 30 - PUBLIC WORKS ADMIN Total:		317,880.00	317,880.00	25,376.58	199,664.40	118,215.60	37.19 %
Department: 31 - STREET MAINTENANCE							
02-5-31-11111	FULL TIME SALARIES	270,550.00	270,550.00	19,211.97	212,828.29	57,721.71	21.33 %
02-5-31-12111	FULL TIME OVERTIME	7,950.00	7,950.00	897.29	11,037.54	-3,087.54	-38.84 %
02-5-31-13111	PERA/ICMA	39,300.00	39,300.00	2,454.55	28,343.36	10,956.64	27.88 %
02-5-31-14151	MEDICARE	4,060.00	4,060.00	215.58	2,516.60	1,543.40	38.01 %
02-5-31-14211	WORKMENS COMPENSATION	19,100.00	19,100.00	2,000.73	17,643.25	1,456.75	7.63 %
02-5-31-14311	MEDICAL/DENTAL INSURANCE	57,200.00	57,200.00	5,400.60	54,574.75	2,625.25	4.59 %
02-5-31-14312	LIFE INSURANCE	720.00	720.00	0.00	0.00	720.00	100.00 %
02-5-31-14611	UNEMPLOYMENT INSURANCE	740.00	740.00	54.02	621.33	118.67	16.04 %
02-5-31-22111	GAS & OIL	40,000.00	40,000.00	2,017.41	17,963.84	22,036.16	55.09 %
02-5-31-22791	MISCELLANEOUS SUPPLIES	8,500.00	8,500.00	402.11	4,695.06	3,804.94	44.76 %
02-5-31-23511	STREET MATERIAL/REPAIR	85,500.00	85,500.00	4,859.20	49,357.91	36,142.09	42.27 %
02-5-31-23541	SALT & SAND	7,500.00	7,500.00	0.00	3,221.52	4,278.48	57.05 %
02-5-31-23551	SIGNS & POSTS	12,000.00	12,000.00	0.00	9,640.65	2,359.35	19.66 %
02-5-31-32111	TRAVEL & CONFERENCES	3,500.00	3,500.00	0.00	0.00	3,500.00	100.00 %
02-5-31-32211	TUITION & TRAINING	0.00	0.00	0.00	250.00	-250.00	0.00 %
02-5-31-33411	ELECTRICAL/GAS SERVICES	200,000.00	200,000.00	14,030.39	149,856.87	50,143.13	25.07 %
02-5-31-34111	LAND RENTAL	750.00	750.00	0.00	0.00	750.00	100.00 %
02-5-31-34311	EQUIPMENT/MACHINERY RENTAL	13,000.00	13,000.00	0.00	5,268.75	7,731.25	59.47 %
02-5-31-35111	VEHICLE REPAIR	25,000.00	25,000.00	3,903.33	13,272.50	11,727.50	46.91 %
02-5-31-35211	BLDG MAINT/REPAIR	800.00	800.00	76.20	472.20	327.80	40.98 %
02-5-31-37321	UNIFORM ALLOWANCE	1,930.00	1,930.00	0.00	447.00	1,483.00	76.84 %
02-5-31-38844	EQUIPMENT REBUILDING/REPAIR	5,000.00	5,000.00	0.00	69.59	4,930.41	98.61 %
02-5-31-45601	PAINTING & STRIPING	18,000.00	18,000.00	26.86	10,788.75	7,211.25	40.06 %
02-5-31-45602	TRAFFIC CONTROL SUPPLIES	2,000.00	2,000.00	0.00	2,003.45	-3.45	-0.17 %
02-5-31-70111	VEHICLE REPLACEMENT	7,500.00	7,500.00	0.00	7,642.14	-142.14	-1.90 %
02-5-31-70121	TRUCKS	0.00	41,904.99	0.00	41,904.99	0.00	0.00 %
02-5-31-73112	STREET CIPS	966,000.00	966,000.00	363,385.72	1,377,954.15	-411,954.15	-42.65 %
Department: 31 - STREET MAINTENANCE Total:		1,796,600.00	1,838,504.99	418,935.96	2,022,374.49	-183,869.50	-10.00 %
Department: 35 - BUILDING INSPECTION							
02-5-35-11111	FULL TIME SALARIES	130,060.00	130,060.00	9,111.55	99,899.23	30,160.77	23.19 %
02-5-35-11112	PART TIME SALARIES	47,640.00	47,640.00	4,132.10	46,812.57	827.43	1.74 %
02-5-35-12111	FULL TIME OVERTIME	1,000.00	1,000.00	0.00	250.81	749.19	74.92 %
02-5-35-13111	PERA/ICMA	24,500.00	24,500.00	1,627.38	18,713.36	5,786.64	23.62 %
02-5-35-14151	MEDICARE	2,200.00	2,200.00	174.26	2,002.36	197.64	8.98 %
02-5-35-14211	WORKMENS COMPENSATION	1,300.00	1,300.00	161.54	1,051.25	248.75	19.13 %
02-5-35-14311	MEDICAL/DENTAL INSURANCE	31,900.00	31,900.00	3,035.86	27,346.09	4,553.91	14.28 %
02-5-35-14312	LIFE INSURANCE	420.00	420.00	0.00	0.00	420.00	100.00 %
02-5-35-14611	UNEMPLOYMENT INSURANCE	480.00	480.00	36.04	414.25	65.75	13.70 %
02-5-35-21111	GENERAL OFFICE SUPPLIES	500.00	500.00	0.00	12.08	487.92	97.58 %
02-5-35-21121	LITERATURE-BOOKS	500.00	500.00	0.00	131.95	368.05	73.61 %
02-5-35-22111	GAS & OIL	2,400.00	2,400.00	169.52	1,670.77	729.23	30.38 %
02-5-35-22791	MISCELLANEOUS SUPPLIES	2,000.00	2,000.00	112.06	1,584.00	416.00	20.80 %
02-5-35-32111	TRAVEL & CONFERENCES	2,250.00	2,250.00	0.00	1,192.80	1,057.20	46.99 %
02-5-35-32311	MEMBERSHIP & DUES	500.00	500.00	0.00	230.00	270.00	54.00 %
02-5-35-35111	VEHICLE REPAIR	1,500.00	1,500.00	0.00	539.73	960.27	64.02 %
02-5-35-37321	UNIFORM ALLOWANCE	1,650.00	1,650.00	0.00	75.00	1,575.00	95.45 %
Department: 35 - BUILDING INSPECTION Total:		250,800.00	250,800.00	18,560.31	201,926.25	48,873.75	19.49 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Department: 36 - FLEET MAINTENANCE							
02-5-36-11111	FULL TIME SALARIES	121,700.00	121,700.00	8,660.39	96,307.52	25,392.48	20.86 %
02-5-36-12111	FULL TIME OVERTIME	1,500.00	1,500.00	0.00	0.00	1,500.00	100.00 %
02-5-36-13111	PERA/ICMA	16,900.00	16,900.00	1,032.60	11,650.06	5,249.94	31.06 %
02-5-36-14151	MEDICARE	1,430.00	1,430.00	109.30	1,233.03	196.97	13.77 %
02-5-36-14211	WORKMENS COMPENSATION	9,000.00	9,000.00	335.35	5,413.22	3,586.78	39.85 %
02-5-36-14311	MEDICAL/DENTAL INSURANCE	32,800.00	32,800.00	2,907.68	32,606.28	193.72	0.59 %
02-5-36-14312	LIFE INSURANCE	270.00	270.00	0.00	0.00	270.00	100.00 %
02-5-36-14611	UNEMPLOYMENT INSURANCE	320.00	320.00	22.61	255.10	64.90	20.28 %
02-5-36-22111	GAS & OIL	1,000.00	1,000.00	0.00	514.70	485.30	48.53 %
02-5-36-22791	MISCELLANEOUS SUPPLIES	12,000.00	12,000.00	779.14	8,180.73	3,819.27	31.83 %
02-5-36-32111	TRAVEL & CONFERENCES	2,500.00	2,500.00	1,938.27	1,938.27	561.73	22.47 %
02-5-36-32211	TUITION & TRAINING	0.00	0.00	-1,938.27	0.00	0.00	0.00 %
02-5-36-33411	ELECTRICAL/GAS SERVICES	12,000.00	12,000.00	588.65	6,282.61	5,717.39	47.64 %
02-5-36-35111	VEHICLE REPAIR	750.00	750.00	562.66	588.74	161.26	21.50 %
02-5-36-35112	OUTSIDE SERVICES	0.00	0.00	0.00	1,140.69	-1,140.69	0.00 %
02-5-36-35211	BLDG MAINT/REPAIR	2,000.00	2,000.00	0.00	324.68	1,675.32	83.77 %
02-5-36-37321	UNIFORM ALLOWANCE	675.00	675.00	0.00	0.00	675.00	100.00 %
02-5-36-37941	TOOL EXPENSE	4,500.00	4,500.00	90.30	2,615.89	1,884.11	41.87 %
02-5-36-45502	BULK FLUIDS	12,000.00	12,000.00	2,678.17	9,520.62	2,479.38	20.66 %
Department: 36 - FLEET MAINTENANCE Total:		231,345.00	231,345.00	17,766.85	178,572.14	52,772.86	22.81 %
Department: 50 - CEMETERY							
02-5-50-11111	FULL TIME SALARIES	39,000.00	39,000.00	2,961.60	32,759.21	6,240.79	16.00 %
02-5-50-11116	SALARIES-SEASONAL	13,000.00	13,000.00	0.00	11,408.69	1,591.31	12.24 %
02-5-50-12111	FULL TIME OVERTIME	1,000.00	1,000.00	2.22	458.97	541.03	54.10 %
02-5-50-13111	PERA/ICMA	7,400.00	7,400.00	358.53	5,684.91	1,715.09	23.18 %
02-5-50-14151	MEDICARE	720.00	720.00	37.95	659.14	60.86	8.45 %
02-5-50-14211	WORKMENS COMPENSATION	6,780.00	6,780.00	485.37	4,941.30	1,838.70	27.12 %
02-5-50-14311	MEDICAL/DENTAL INSURANCE	11,600.00	11,600.00	855.76	9,673.16	1,926.84	16.61 %
02-5-50-14312	LIFE INSURANCE	110.00	110.00	0.00	0.00	110.00	100.00 %
02-5-50-14611	UNEMPLOYMENT INSURANCE	150.00	150.00	7.85	124.49	25.51	17.01 %
02-5-50-21111	GENERAL OFFICE SUPPLIES	400.00	400.00	0.00	292.93	107.07	26.77 %
02-5-50-22791	MISCELLANEOUS SUPPLIES	1,790.00	1,790.00	115.21	1,176.59	613.41	34.27 %
02-5-50-32111	TRAVEL & CONFERENCES	400.00	400.00	0.00	0.00	400.00	100.00 %
02-5-50-32211	TUITION & TRAINING	400.00	400.00	0.00	0.00	400.00	100.00 %
02-5-50-33211	TELEPHONE	400.00	400.00	29.22	262.71	137.29	34.32 %
02-5-50-35111	VEHICLE REPAIR	350.00	350.00	0.00	10.52	339.48	96.99 %
02-5-50-35211	BLDG MAINT/REPAIR	1,000.00	1,000.00	0.00	210.79	789.21	78.92 %
02-5-50-37321	UNIFORM ALLOWANCE	350.00	350.00	0.00	0.00	350.00	100.00 %
02-5-50-41101	EQUIPMENT-REPAIR & MNX	3,000.00	3,000.00	0.00	2,667.86	332.14	11.07 %
Department: 50 - CEMETERY Total:		87,850.00	87,850.00	4,853.71	70,331.27	17,518.73	19.94 %
Department: 51 - PARKS MAINTENANCE							
02-5-51-11111	FULL TIME SALARIES	213,900.00	213,900.00	14,758.81	157,355.61	56,544.39	26.43 %
02-5-51-11112	PART TIME SALARIES	7,000.00	7,000.00	765.90	7,833.07	-833.07	-11.90 %
02-5-51-11116	SALARIES-SEASONAL	50,460.00	50,460.00	0.00	50,693.46	-233.46	-0.46 %
02-5-51-12111	FULL TIME OVERTIME	5,000.00	5,000.00	250.20	8,901.93	-3,901.93	-78.04 %
02-5-51-13111	PERA/ICMA	46,120.00	46,120.00	2,030.97	29,089.00	17,031.00	36.93 %
02-5-51-14151	MEDICARE	2,720.00	2,720.00	143.96	2,323.51	396.49	14.58 %
02-5-51-14211	WORKMENS COMPENSATION	11,500.00	11,500.00	1,012.00	9,382.34	2,117.66	18.41 %
02-5-51-14311	MEDICAL/DENTAL INSURANCE	43,100.00	43,100.00	3,453.40	38,768.02	4,331.98	10.05 %
02-5-51-14312	LIFE INSURANCE	400.00	400.00	0.00	0.00	400.00	100.00 %
02-5-51-14611	UNEMPLOYMENT INSURANCE	680.00	680.00	44.73	638.43	41.57	6.11 %
02-5-51-22111	GAS & OIL	13,000.00	13,000.00	1,034.73	9,731.74	3,268.26	25.14 %
02-5-51-22791	MISCELLANEOUS SUPPLIES	20,000.00	20,000.00	306.73	21,773.02	-1,773.02	-8.87 %
02-5-51-23711	PUMPS/PIPES/FITTINGS	8,500.00	8,500.00	0.00	8,945.29	-445.29	-5.24 %
02-5-51-32111	TRAVEL & CONFERENCES	1,000.00	1,000.00	0.00	462.56	537.44	53.74 %
02-5-51-32211	TUITION & TRAINING	1,000.00	1,000.00	0.00	150.00	850.00	85.00 %
02-5-51-33211	TELEPHONE	1,100.00	1,100.00	124.51	1,088.39	11.61	1.06 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
02-5-51-33411	ELECTRICAL/GAS SERVICES	24,750.00	24,750.00	1,933.29	27,335.86	-2,585.86	-10.45 %
02-5-51-33413	PROPANE	150.00	150.00	0.00	0.00	150.00	100.00 %
02-5-51-35104	OUTSIDE SVS	5,700.00	5,700.00	600.00	4,295.00	1,405.00	24.65 %
02-5-51-35111	VEHICLE REPAIR	3,400.00	3,400.00	0.00	1,379.12	2,020.88	59.44 %
02-5-51-35211	BLDG MAINT/REPAIR	4,000.00	4,000.00	122.43	3,012.68	987.32	24.68 %
02-5-51-35421	RANCH MAINTENANCE	7,500.00	7,500.00	0.00	3,946.96	3,553.04	47.37 %
02-5-51-35502	WEED MANAGEMENT	7,000.00	7,000.00	0.00	2,862.40	4,137.60	59.11 %
02-5-51-37321	UNIFORM ALLOWANCE	1,200.00	1,200.00	0.00	487.02	712.98	59.42 %
02-5-51-41101	EQUIPMENT-REPAIR & MNX	10,000.00	10,000.00	669.35	11,835.02	-1,835.02	-18.35 %
02-5-51-74811	PARKS/RECREATIONAL FACILITIES	400,000.00	400,000.00	157,981.93	347,418.53	52,581.47	13.15 %
02-5-51-74812	LANDSCAPING/BEAUTIFICATION	15,000.00	15,000.00	0.00	0.00	15,000.00	100.00 %
Department: 51 - PARKS MAINTENANCE Total:		904,180.00	904,180.00	185,232.94	749,708.96	154,471.04	17.08 %
Department: 52 - REC/CULTURE PROGRAMS							
02-5-52-69812	TRANSFERS OUT	88,805.00	88,805.00	0.00	88,805.00	0.00	0.00 %
Department: 52 - REC/CULTURE PROGRAMS Total:		88,805.00	88,805.00	0.00	88,805.00	0.00	0.00 %
Fund: 02 - GENERAL FUND Surplus (Deficit):		-281,755.00	-364,044.64	-408,073.05	-1,248,367.91	-884,323.27	-242.92 %
Fund: 03 - ENTERPRISE FUND							
Department: 00 - UNDESIGNATED							
03-4-00-64511	EF SANITATION SERVICE CHARGES	1,027,200.00	1,027,200.00	102,551.33	998,987.86	-28,212.14	2.75 %
03-4-00-64711	EF WATER SERVICE CHARGES	1,521,200.00	1,521,200.00	212,167.86	1,419,125.05	-102,074.95	6.71 %
03-4-00-64721	EF WATER TAP FEES	60,000.00	60,000.00	2,000.00	92,778.17	32,778.17	154.63 %
03-4-00-64811	EF SEWER SERVICE CHARGES	1,043,400.00	1,043,400.00	80,498.02	802,109.83	-241,290.17	23.13 %
03-4-00-64821	EF SEWER TAP FEES	20,000.00	20,000.00	1,000.00	9,200.00	-10,800.00	54.00 %
03-4-00-64891	E ALAMOSA MONTHLY FEES	46,200.00	46,200.00	4,236.39	42,276.51	-3,923.49	8.49 %
03-4-00-68192	CASH LONG/SHORT	0.00	0.00	2.78	168.86	168.86	0.00 %
03-4-00-68394	RECYCLING REVENUE	15,000.00	15,000.00	0.00	15,837.36	837.36	105.58 %
03-4-00-69292	TRANSFER IN	0.00	0.00	0.00	383,000.00	383,000.00	0.00 %
Department: 00 - UNDESIGNATED Total:		3,733,000.00	3,733,000.00	402,456.38	3,763,483.64	30,483.64	0.82 %
Department: 01 - WATER DEPARTMENT							
03-5-01-11111	FULL TIME SALARIES	211,800.00	238,800.00	16,161.96	179,881.73	58,918.27	24.67 %
03-5-01-12111	FULL TIME OVERTIME	12,000.00	12,000.00	777.40	8,124.36	3,875.64	32.30 %
03-5-01-13111	PERA/ICMA	30,720.00	34,320.00	2,178.33	24,577.60	9,742.40	28.39 %
03-5-01-14151	MEDICARE	2,800.00	3,150.00	230.54	2,601.09	548.91	17.43 %
03-5-01-14211	WORKMENS COMPENSATION	1,500.00	1,900.00	596.80	3,622.02	-1,722.02	-90.63 %
03-5-01-14311	MEDICAL/DENTAL INSURANCE	24,200.00	25,850.00	1,935.57	22,728.18	3,121.82	12.08 %
03-5-01-14312	LIFE INSURANCE	510.00	510.00	0.00	0.00	510.00	100.00 %
03-5-01-14611	UNEMPLOYMENT INSURANCE	580.00	580.00	47.67	537.84	42.16	7.27 %
03-5-01-21221	OUTSIDE PRINTING	500.00	500.00	0.00	0.00	500.00	100.00 %
03-5-01-22111	GAS & OIL	14,500.00	14,500.00	860.59	6,334.19	8,165.81	56.32 %
03-5-01-22791	MISCELLANEOUS SUPPLIES	9,000.00	9,000.00	207.50	6,473.09	2,526.91	28.08 %
03-5-01-23511	STREET MATERIAL/REPAIR	7,500.00	7,500.00	0.00	318.75	7,181.25	95.75 %
03-5-01-23711	PUMPS/PIPES/FITTINGS	50,000.00	50,000.00	11,096.07	31,030.12	18,969.88	37.94 %
03-5-01-31651	LAB SERVICES-TESTING	1,000.00	1,000.00	0.00	485.00	515.00	51.50 %
03-5-01-32111	TRAVEL & CONFERENCES	4,500.00	4,500.00	0.00	462.69	4,037.31	89.72 %
03-5-01-32211	TUITION & TRAINING	0.00	0.00	0.00	780.00	-780.00	0.00 %
03-5-01-32311	MEMBERSHIP & DUES	1,500.00	1,500.00	480.00	1,926.00	-426.00	-28.40 %
03-5-01-33411	ELECTRICAL/GAS SERVICES	135,000.00	135,000.00	20,413.90	99,710.37	35,289.63	26.14 %
03-5-01-35111	VEHICLE REPAIR	6,500.00	6,500.00	1,154.75	3,883.88	2,616.12	40.25 %
03-5-01-35211	BLDG MAINT/REPAIR	8,000.00	7,200.00	20.00	3,476.26	3,723.74	51.72 %
03-5-01-35311	METER REPAIRS	41,500.00	41,500.00	0.00	0.00	41,500.00	100.00 %
03-5-01-35321	WATER CONSERVATION	5,000.00	5,000.00	0.00	0.00	5,000.00	100.00 %
03-5-01-35341	MAINTENANCE AGREEMENT	9,000.00	9,000.00	0.00	6,005.22	2,994.78	33.28 %
03-5-01-37141	REFUNDING BOND INTEREST	0.00	82,885.77	0.00	16,486.92	66,398.85	80.11 %
03-5-01-37321	UNIFORM ALLOWANCE	1,200.00	1,200.00	0.00	1,138.25	61.75	5.15 %
03-5-01-38833	OPERATING MACHINES & EQUIP	3,500.00	3,500.00	0.00	0.00	3,500.00	100.00 %
03-5-01-38844	EQUIPMENT REBUILDING/REPAIR	7,000.00	7,000.00	113.42	3,951.27	3,048.73	43.55 %
03-5-01-69812	TRANSFERS OUT	91,500.00	91,500.00	0.00	91,500.00	0.00	0.00 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
03-5-01-72241	WELLS: REPAIR/REPLACE	46,000.00	46,000.00	0.00	1,868.35	44,131.65	95.94 %
03-5-01-72331	WATER DISTRIBUTION SYSTEM	419,500.00	250,000.00	3,281.32	117,605.23	132,394.77	52.96 %
03-5-01-72335	AUGMENTATION PLAN	0.00	150,000.00	4,629.46	155,034.09	-5,034.09	-3.36 %
Department: 01 - WATER DEPARTMENT Total:		1,146,310.00	1,241,895.77	64,185.28	790,542.50	451,353.27	36.34 %
Department: 02 - SEWER DEPARTMENT							
03-5-02-11111	FULL TIME SALARIES	146,840.00	146,840.00	11,649.15	114,617.82	32,222.18	21.94 %
03-5-02-12111	FULL TIME OVERTIME	15,000.00	15,000.00	277.18	4,588.21	10,411.79	69.41 %
03-5-02-13111	PERA/ICMA	25,180.00	25,180.00	1,547.53	15,127.52	10,052.48	39.92 %
03-5-02-14151	MEDICARE	2,400.00	2,400.00	163.80	1,601.01	798.99	33.29 %
03-5-02-14211	WORKMENS COMPENSATION	11,120.00	11,120.00	371.59	6,403.15	4,716.85	42.42 %
03-5-02-14311	MEDICAL/DENTAL INSURANCE	45,300.00	45,300.00	1,891.60	27,006.27	18,293.73	40.38 %
03-5-02-14312	LIFE INSURANCE	390.00	390.00	0.00	0.00	390.00	100.00 %
03-5-02-14611	UNEMPLOYMENT INSURANCE	510.00	510.00	33.89	331.34	178.66	35.03 %
03-5-02-22111	GAS & OIL	7,500.00	7,500.00	598.07	4,455.07	3,044.93	40.60 %
03-5-02-22791	MISCELLANEOUS SUPPLIES	3,000.00	3,000.00	221.93	1,684.27	1,315.73	43.86 %
03-5-02-23511	STREET MATERIAL/REPAIR	5,000.00	5,000.00	0.00	149.68	4,850.32	97.01 %
03-5-02-23711	PUMPS/PIPES/FITTINGS	17,000.00	17,000.00	0.00	6,766.79	10,233.21	60.20 %
03-5-02-31651	LAB SERVICES-TESTING	0.00	0.00	0.00	-252.54	252.54	0.00 %
03-5-02-32111	TRAVEL & CONFERENCES	2,000.00	2,000.00	0.00	34.74	1,965.26	98.26 %
03-5-02-32211	TUITION & TRAINING	0.00	0.00	0.00	263.00	-263.00	0.00 %
03-5-02-33411	ELECTRICAL/GAS SERVICES	40,000.00	40,000.00	0.00	20,865.24	19,134.76	47.84 %
03-5-02-35111	VEHICLE REPAIR	4,500.00	4,500.00	0.00	2,049.12	2,450.88	54.46 %
03-5-02-35211	BLDG MAINT/REPAIR	500.00	500.00	0.00	424.72	75.28	15.06 %
03-5-02-37321	UNIFORM ALLOWANCE	1,100.00	1,100.00	75.00	636.68	463.32	42.12 %
03-5-02-38833	OPERATING MACHINES & EQUIP	4,500.00	4,500.00	0.00	197.06	4,302.94	95.62 %
03-5-02-38844	EQUIPMENT REBUILDING/REPAIR	10,000.00	10,000.00	0.00	5,977.14	4,022.86	40.23 %
03-5-02-43311	SEWER SYS REPAIR/REHAB	0.00	0.00	5,600.00	5,600.00	-5,600.00	0.00 %
03-5-02-69812	TRANSFERS OUT	91,300.00	91,300.00	0.00	91,300.00	0.00	0.00 %
03-5-02-71221	SEWER SYSTEM IMPROVEMENTS	90,000.00	259,500.00	9,408.14	62,234.39	197,265.61	76.02 %
03-5-02-71241	LIFT STATIONS: REPAIR/REPLACE	0.00	0.00	90.00	90.00	-90.00	0.00 %
03-5-02-73511	STORM DRAINAGE	15,000.00	15,000.00	0.00	10,765.00	4,235.00	28.23 %
Department: 02 - SEWER DEPARTMENT Total:		538,140.00	707,640.00	31,927.88	382,915.68	324,724.32	45.89 %
Department: 03 - SANITATION DEPARTMENT							
03-5-03-11111	FULL TIME SALARIES	363,530.00	363,530.00	23,902.36	262,502.08	101,027.92	27.79 %
03-5-03-11112	PART TIME SALARIES	11,400.00	11,400.00	1,311.98	16,894.06	-5,494.06	-48.19 %
03-5-03-12111	FULL TIME OVERTIME	14,070.00	14,070.00	741.79	8,554.89	5,515.11	39.20 %
03-5-03-13111	PERA/ICMA	53,300.00	53,300.00	3,332.07	36,862.55	16,437.45	30.84 %
03-5-03-14151	MEDICARE	4,810.00	4,810.00	352.69	3,901.62	908.38	18.89 %
03-5-03-14211	WORKMENS COMPENSATION	30,980.00	30,980.00	3,540.85	26,773.64	4,206.36	13.58 %
03-5-03-14311	MEDICAL/DENTAL INSURANCE	60,800.00	60,800.00	4,672.32	56,563.72	4,236.28	6.97 %
03-5-03-14312	LIFE INSURANCE	880.00	880.00	0.00	0.00	880.00	100.00 %
03-5-03-14611	UNEMPLOYMENT INSURANCE	1,000.00	1,000.00	72.96	807.89	192.11	19.21 %
03-5-03-22111	GAS & OIL	60,000.00	60,000.00	3,484.68	29,329.78	30,670.22	51.12 %
03-5-03-22791	MISCELLANEOUS SUPPLIES	3,500.00	3,500.00	268.64	2,923.22	576.78	16.48 %
03-5-03-32211	TUITION & TRAINING	1,000.00	1,000.00	23.79	23.79	976.21	97.62 %
03-5-03-33411	ELECTRICAL/GAS SERVICES	6,000.00	6,000.00	379.35	5,103.04	896.96	14.95 %
03-5-03-35111	VEHICLE REPAIR	36,000.00	36,000.00	7,801.22	17,979.71	18,020.29	50.06 %
03-5-03-35211	BLDG MAINT/REPAIR	1,500.00	1,500.00	0.00	274.90	1,225.10	81.67 %
03-5-03-35381	DUMPSTER/POLYKART REPAIR	25,000.00	25,000.00	97.06	16,901.66	8,098.34	32.39 %
03-5-03-37321	UNIFORM ALLOWANCE	2,750.00	2,750.00	-75.00	198.00	2,552.00	92.80 %
03-5-03-37931	LANDFILL FEES	110,000.00	110,000.00	8,207.26	77,276.60	32,723.40	29.75 %
03-5-03-37932	RECYCLING	20,000.00	20,000.00	1,967.18	7,056.03	12,943.97	64.72 %
03-5-03-69812	TRANSFERS OUT	150,000.00	150,000.00	0.00	150,000.00	0.00	0.00 %
03-5-03-70111	VEHICLE REPLACEMENT	30,000.00	30,000.00	0.00	0.00	30,000.00	100.00 %
03-5-03-70131	HEAVY EQUIPMENT	0.00	242,641.00	0.00	242,641.00	0.00	0.00 %
Department: 03 - SANITATION DEPARTMENT Total:		986,520.00	1,229,161.00	60,081.20	962,568.18	266,592.82	21.69 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Department: 05 - SEWAGE TREATMENT							
03-5-05-11111	FULL TIME SALARIES	49,760.00	49,760.00	3,589.13	36,855.20	12,904.80	25.93 %
03-5-05-12111	FULL TIME OVERTIME	1,150.00	1,150.00	0.00	0.00	1,150.00	100.00 %
03-5-05-13111	PERA/ICMA	6,890.00	6,890.00	444.86	4,550.64	2,339.36	33.95 %
03-5-05-14151	MEDICARE	830.00	830.00	47.08	481.62	348.38	41.97 %
03-5-05-14211	WORKMENS COMPENSATION	2,120.00	2,120.00	906.48	5,312.14	-3,192.14	-150.57 %
03-5-05-14311	MEDICAL/DENTAL INSURANCE	6,200.00	6,200.00	1,025.96	11,466.56	-5,266.56	-84.94 %
03-5-05-14312	LIFE INSURANCE	160.00	160.00	0.00	0.00	160.00	100.00 %
03-5-05-14611	UNEMPLOYMENT INSURANCE	180.00	180.00	9.74	99.63	80.37	44.65 %
03-5-05-22111	GAS & OIL	600.00	600.00	24.27	348.71	251.29	41.88 %
03-5-05-22391	TREATMENT CHEMICALS/LAB	3,250.00	3,250.00	0.00	2,056.54	1,193.46	36.72 %
03-5-05-22791	MISCELLANEOUS SUPPLIES	1,500.00	1,500.00	29.81	818.74	681.26	45.42 %
03-5-05-31411	ENGINEERING SERVICES	15,000.00	15,000.00	0.00	1,210.50	13,789.50	91.93 %
03-5-05-31651	LAB SERVICES-TESTING	50,000.00	50,000.00	2,598.22	30,444.66	19,555.34	39.11 %
03-5-05-31681	DISCHARGE PERMIT FEES	14,000.00	14,000.00	0.00	24,738.70	-10,738.70	-76.71 %
03-5-05-32111	TRAVEL & CONFERENCES	2,000.00	2,000.00	60.00	254.32	1,745.68	87.28 %
03-5-05-33411	ELECTRICAL/GAS SERVICES	135,000.00	135,000.00	10,105.40	103,299.08	31,700.92	23.48 %
03-5-05-35111	VEHICLE REPAIR	400.00	400.00	41.87	41.87	358.13	89.53 %
03-5-05-35211	BLDG MAINT/REPAIR	12,000.00	12,000.00	75.00	2,853.78	9,146.22	76.22 %
03-5-05-37321	UNIFORM ALLOWANCE	275.00	275.00	0.00	75.00	200.00	72.73 %
03-5-05-38844	EQUIPMENT REBUILDING/REPAIR	30,000.00	280,000.00	1,742.53	24,961.24	255,038.76	91.09 %
03-5-05-45502	BULK FLUIDS	0.00	0.00	0.00	595.54	-595.54	0.00 %
03-5-05-69812	TRANSFERS OUT	30,000.00	30,000.00	0.00	30,000.00	0.00	0.00 %
Department: 05 - SEWAGE TREATMENT Total:		361,315.00	611,315.00	20,700.35	280,464.47	330,850.53	54.12 %
Department: 06 - WATER TREATMENT							
03-5-06-11111	FULL TIME SALARIES	57,550.00	57,550.00	4,489.60	48,797.10	8,752.90	15.21 %
03-5-06-12111	FULL TIME OVERTIME	5,000.00	5,000.00	42.09	1,621.80	3,378.20	67.56 %
03-5-06-13111	PERA/ICMA	8,570.00	8,570.00	573.99	6,408.84	2,161.16	25.22 %
03-5-06-14151	MEDICARE	760.00	760.00	60.75	678.31	81.69	10.75 %
03-5-06-14211	WORKMENS COMPENSATION	1,630.00	1,630.00	157.65	902.18	727.82	44.65 %
03-5-06-14311	MEDICAL/DENTAL INSURANCE	13,000.00	13,000.00	1,025.96	11,466.56	1,533.44	11.80 %
03-5-06-14312	LIFE INSURANCE	150.00	150.00	0.00	0.00	150.00	100.00 %
03-5-06-14611	UNEMPLOYMENT INSURANCE	160.00	160.00	12.57	140.36	19.64	12.28 %
03-5-06-22111	GAS & OIL	1,700.00	1,700.00	74.93	1,075.36	624.64	36.74 %
03-5-06-22391	TREATMENT CHEMICALS/LAB	207,000.00	207,000.00	11,933.76	75,427.86	131,572.14	63.56 %
03-5-06-22791	MISCELLANEOUS SUPPLIES	3,500.00	3,500.00	248.66	2,226.10	1,273.90	36.40 %
03-5-06-31651	LAB SERVICES-TESTING	9,000.00	9,000.00	372.59	1,647.89	7,352.11	81.69 %
03-5-06-32111	TRAVEL & CONFERENCES	2,000.00	2,000.00	192.35	250.35	1,749.65	87.48 %
03-5-06-33411	ELECTRICAL/GAS SERVICES	100,000.00	100,000.00	0.00	62,650.32	37,349.68	37.35 %
03-5-06-34105	BLDG MAINT/REPAIR	2,500.00	2,500.00	206.56	4,452.46	-1,952.46	-78.10 %
03-5-06-34106	MNX AGREEMENTS	8,500.00	8,500.00	0.00	7,639.00	861.00	10.13 %
03-5-06-35111	VEHICLE REPAIR	500.00	500.00	252.22	266.28	233.72	46.74 %
03-5-06-37321	UNIFORM ALLOWANCE	350.00	350.00	0.00	150.00	200.00	57.14 %
03-5-06-38844	EQUIPMENT REBUILDING/REPAIR	40,000.00	40,000.00	20,612.41	49,133.38	-9,133.38	-22.83 %
03-5-06-69812	TRANSFERS OUT	24,300.00	24,300.00	0.00	24,300.00	0.00	0.00 %
03-5-06-70981	BUILDING IMPROVEMENTS	120,000.00	120,000.00	0.00	140.00	119,860.00	99.88 %
Department: 06 - WATER TREATMENT Total:		606,170.00	606,170.00	40,256.09	299,374.15	306,795.85	50.61 %
Fund: 03 - ENTERPRISE FUND Surplus (Deficit):		94,545.00	-663,181.77	185,305.58	1,047,618.66	1,710,800.43	257.97 %
Fund: 04 - CAPITAL IMPROVEMENTS							
Department: 00 - UNDESIGNATED							
04-4-00-69292	TRANSFER IN	150,000.00	150,000.00	0.00	149,200.00	-800.00	0.53 %
Department: 00 - UNDESIGNATED Total:		150,000.00	150,000.00	0.00	149,200.00	-800.00	0.53 %
Department: 40 - CAPITAL IMPROVEMENTS							
04-5-40-69812	TRANSFERS OUT	200,000.00	200,000.00	0.00	200,000.00	0.00	0.00 %
Department: 40 - CAPITAL IMPROVEMENTS Total:		200,000.00	200,000.00	0.00	200,000.00	0.00	0.00 %
Fund: 04 - CAPITAL IMPROVEMENTS Surplus (Deficit):		-50,000.00	-50,000.00	0.00	-50,800.00	-800.00	-1.60 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 06 - CEMETERY ENDOWMENT							
Department: 00 - UNDESIGNATED							
06-4-00-64911	CEF CEMETERY SPACE SALES	20,000.00	20,000.00	1,350.00	13,400.00	-6,600.00	33.00 %
06-4-00-67111	INTEREST ON INVESTMENTS	50.00	50.00	0.00	0.00	-50.00	100.00 %
Department: 00 - UNDESIGNATED Total:		20,050.00	20,050.00	1,350.00	13,400.00	-6,650.00	33.17 %
Department: 59 - CEMETERY ENDOWMENT							
06-5-59-22111	GAS & OIL	900.00	900.00	52.06	322.63	577.37	64.15 %
06-5-59-33413	PROPANE	700.00	700.00	0.00	345.99	354.01	50.57 %
06-5-59-43411	IRRIGATION/SPRINKLER SYSTEMS	6,000.00	6,000.00	0.00	2,962.60	3,037.40	50.62 %
06-5-59-43621	CEMETERY IMPROVEMENTS	10,000.00	10,000.00	1,852.50	5,242.58	4,757.42	47.57 %
06-5-59-70521	OPERATING MACHINES & EQUIPMENT	15,000.00	15,000.00	0.00	13,596.00	1,404.00	9.36 %
Department: 59 - CEMETERY ENDOWMENT Total:		32,600.00	32,600.00	1,904.56	22,469.80	10,130.20	31.07 %
Fund: 06 - CEMETERY ENDOWMENT Surplus (Deficit):		-12,550.00	-12,550.00	-554.56	-9,069.80	3,480.20	27.73 %
Fund: 09 - FIREMEN'S PENSION							
Department: 00 - UNDESIGNATED							
09-4-00-61111	GENERAL PROPERTY TAXES	37,400.00	37,400.00	891.84	38,123.85	723.85	101.94 %
09-4-00-68392	FPF STATE FIRE PENSION	18,000.00	18,000.00	0.00	0.00	-18,000.00	100.00 %
Department: 00 - UNDESIGNATED Total:		55,400.00	55,400.00	891.84	38,123.85	-17,276.15	31.18 %
Department: 09 - FIREMEN'S PENSION							
09-5-09-13221	FIRE RETIREMENT PLAN	125,000.00	125,000.00	0.00	0.00	125,000.00	100.00 %
Department: 09 - FIREMEN'S PENSION Total:		125,000.00	125,000.00	0.00	0.00	125,000.00	100.00 %
Fund: 09 - FIREMEN'S PENSION Surplus (Deficit):		-69,600.00	-69,600.00	891.84	38,123.85	107,723.85	154.78 %
Fund: 11 - CONSERVATION TRUST							
Department: 00 - UNDESIGNATED							
11-4-00-63314	GRANT REVENUE	0.00	0.00	10,000.00	10,000.00	10,000.00	0.00 %
11-4-00-67111	INTEREST ON INVESTMENTS	150.00	150.00	0.00	0.00	-150.00	100.00 %
11-4-00-68531	CTF STATE LOTTERY FUNDS	88,000.00	88,000.00	0.00	66,168.55	-21,831.45	24.81 %
Department: 00 - UNDESIGNATED Total:		88,150.00	88,150.00	10,000.00	76,168.55	-11,981.45	13.59 %
Department: 60 - CONSERVATION TRUST							
11-5-60-32911	OTHER REPAIRS & MNX	5,000.00	5,000.00	555.76	9,359.01	-4,359.01	-87.18 %
11-5-60-43941	LANDSCAPE AND TREES	4,000.00	4,000.00	0.00	4,020.00	-20.00	-0.50 %
11-5-60-74811	PARKS/RECREATIONAL FACILITIES	25,000.00	25,000.00	10,000.00	22,552.50	2,447.50	9.79 %
11-5-60-74900	PUBLIC TRAILS	50,000.00	50,000.00	0.00	0.00	50,000.00	100.00 %
11-5-60-74971	GOLF COURSE BUILDING	53,470.00	53,470.00	0.00	53,470.00	0.00	0.00 %
Department: 60 - CONSERVATION TRUST Total:		137,470.00	137,470.00	10,555.76	89,401.51	48,068.49	34.97 %
Fund: 11 - CONSERVATION TRUST Surplus (Deficit):		-49,320.00	-49,320.00	-555.76	-13,232.96	36,087.04	73.17 %
Fund: 12 - ACLC DEBT SERVICE							
Department: 00 - UNDESIGNATED							
12-4-00-67111	INTEREST ON INVESTMENTS	0.00	0.00	0.00	1,295.98	1,295.98	0.00 %
12-4-00-69292	TRANSFER IN	484,000.00	484,000.00	0.00	481,000.00	-3,000.00	0.62 %
Department: 00 - UNDESIGNATED Total:		484,000.00	484,000.00	0.00	482,295.98	-1,704.02	0.35 %
Department: 65 - CITY HALL COMPLEX							
12-5-65-31631	ADMINISTRATIVE SERVICES	1,250.00	1,250.00	0.00	1,250.00	0.00	0.00 %
12-5-65-37111	REFUNDED BOND INTEREST	206,120.00	206,120.00	0.00	206,118.75	1.25	0.00 %
12-5-65-50952	BOND PRINCIPAL PAYMENTS	275,000.00	275,000.00	0.00	275,000.00	0.00	0.00 %
Department: 65 - CITY HALL COMPLEX Total:		482,370.00	482,370.00	0.00	482,368.75	1.25	0.00 %
Fund: 12 - ACLC DEBT SERVICE Surplus (Deficit):		1,630.00	1,630.00	0.00	-72.77	-1,702.77	104.46 %
Fund: 13 - EMPLOYEE BENEFIT							
Department: 00 - UNDESIGNATED							
13-4-00-68221	EBF CITY CONTRIBUTION	790,720.00	790,720.00	66,831.38	717,203.33	-73,516.67	9.30 %
13-4-00-68371	MISCELLANEOUS	0.00	0.00	0.00	266,190.27	266,190.27	0.00 %
13-4-00-69221	CITY CONTR: LIFE/AD&D	10,500.00	10,500.00	0.00	0.00	-10,500.00	100.00 %
13-4-00-69222	EBF EMPLOYEE CONTRIBUTION	252,500.00	252,500.00	21,104.64	230,290.45	-22,209.55	8.80 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
13-4-00-69223	COBRA EMPLOYEES	0.00	0.00	0.00	785.63	785.63	0.00 %
Department: 00 - UNDESIGNATED Total:		1,053,720.00	1,053,720.00	87,936.02	1,214,469.68	160,749.68	15.26 %
Department: 62 - EMPLOYEE BENEFIT							
13-5-62-14111	MAJOR MEDICAL PREMIUM	232,000.00	232,000.00	0.00	161,607.66	70,392.34	30.34 %
13-5-62-14112	MEDICAL PREM-LIFE/AD&D	10,200.00	10,200.00	2,168.67	19,318.15	-9,118.15	-89.39 %
13-5-62-14131	MEDICAL SELF-INSURANCE	720,000.00	720,000.00	80,482.39	559,647.21	160,352.79	22.27 %
13-5-62-14141	INSURANCE ADMINISTRATION	64,500.00	64,500.00	0.00	32,853.20	31,646.80	49.06 %
13-5-62-14151	DENTAL	15,000.00	71,000.00	7,206.30	61,144.54	9,855.46	13.88 %
13-5-62-14161	WELLNESS	3,000.00	3,000.00	254.69	1,183.82	1,816.18	60.54 %
13-5-62-14171	EAP	5,000.00	5,000.00	0.00	2,545.50	2,454.50	49.09 %
13-5-62-14181	NBS/TASC	5,000.00	5,000.00	475.00	1,495.00	3,505.00	70.10 %
Department: 62 - EMPLOYEE BENEFIT Total:		1,054,700.00	1,110,700.00	90,587.05	839,795.08	270,904.92	24.39 %
Fund: 13 - EMPLOYEE BENEFIT Surplus (Deficit):		-980.00	-56,980.00	-2,651.03	374,674.60	431,654.60	757.55 %
Fund: 19 - COMMUNITY RECREATION							
Department: 00 - UNDESIGNATED							
19-4-00-61311	GENERAL SALES TAX	1,221,010.00	1,221,010.00	123,722.03	1,085,293.91	-135,716.09	11.12 %
19-4-00-63314	GRANT REVENUE	634,500.00	634,500.00	16,257.20	71,107.46	-563,392.54	88.79 %
19-4-00-64115	PHOTOCOPYING	5,000.00	5,000.00	604.50	5,492.67	492.67	109.85 %
19-4-00-64116	MISCELLANEOUS	2,500.00	2,500.00	297.30	3,074.81	574.81	122.99 %
19-4-00-66110	BOOK FINES	6,000.00	6,000.00	511.33	4,522.36	-1,477.64	24.63 %
19-4-00-67111	INTEREST ON INVESTMENTS	300.00	300.00	0.00	1,303.81	1,003.81	434.60 %
19-4-00-68131	DONATIONS	7,500.00	7,500.00	3,625.00	27,160.00	19,660.00	362.13 %
19-4-00-68141	LEASE AGREEMENT REVENUE	24,750.00	24,750.00	24,750.00	24,750.00	0.00	0.00 %
19-4-00-68151	ADVERTISING/SPONSORSHIPS	15,000.00	15,000.00	0.00	0.00	-15,000.00	100.00 %
19-4-00-68191	GENERAL GOVT MISCELLANEOUS	15,000.00	15,000.00	3,530.10	22,133.09	7,133.09	147.55 %
19-4-00-68411	COLLECTION CHARGES	100.00	100.00	0.00	45.00	-55.00	55.00 %
19-4-00-68511	CRF PROGRAM REVENUE	16,000.00	16,000.00	469.00	14,846.00	-1,154.00	7.21 %
19-4-00-68512	ADULT SOFTBALL REVENUE	34,000.00	34,000.00	0.00	39,602.50	5,602.50	116.48 %
19-4-00-68513	FAIRGROUNDS REVENUE	2,100.00	2,100.00	0.00	1,656.44	-443.56	21.12 %
19-4-00-68514	SPECIAL EVENTS	3,500.00	3,500.00	0.00	4,423.17	923.17	126.38 %
19-4-00-68517	BASKETBALL PROGRAMS	11,000.00	11,000.00	6,300.00	11,520.00	520.00	104.73 %
19-4-00-68518	YOUTH BASEBALL/SOFTBALL REV	5,500.00	5,500.00	0.00	7,340.00	1,840.00	133.45 %
19-4-00-68519	AEROBICS PROGRAMS	700.00	700.00	0.00	51.80	-648.20	92.60 %
19-4-00-68520	TENNIS PROGRAMS	700.00	700.00	0.00	805.00	105.00	115.00 %
19-4-00-68521	VOLLEYBALL PROGRAMS	8,500.00	8,500.00	120.00	9,540.00	1,040.00	112.24 %
19-4-00-68522	GYMNASTICS PROGRAMS	2,400.00	2,400.00	0.00	2,227.50	-172.50	7.19 %
19-4-00-68523	RECREATION CENTER ROOM RENTAL	10,000.00	10,000.00	324.50	8,315.50	-1,684.50	16.85 %
19-4-00-68524	HOCKEY	3,000.00	3,000.00	410.00	920.00	-2,080.00	69.33 %
19-4-00-68525	SOCCER	9,000.00	9,000.00	5.00	11,213.00	2,213.00	124.59 %
19-4-00-68526	WRESTLING	2,000.00	2,000.00	0.00	2,515.00	515.00	125.75 %
19-4-00-68530	RECREATION MEMBERSHIP FEE	60,000.00	60,000.00	7,454.03	63,745.26	3,745.26	106.24 %
19-4-00-68531	ICE RINK OPERATIONS	33,950.00	33,950.00	0.00	0.00	-33,950.00	100.00 %
19-4-00-69292	TRANSFER IN	88,850.00	88,850.00	0.00	88,805.00	-45.00	0.05 %
19-4-00-69293	LEASE PROCEEDS	1,826,380.00	2,258,407.00	0.00	2,349,000.00	90,593.00	104.01 %
Department: 00 - UNDESIGNATED Total:		4,049,240.00	4,481,267.00	188,379.99	3,861,409.28	-619,857.72	13.83 %
Department: 54 - LIBRARY							
19-5-54-11111	FULL TIME SALARIES	83,520.00	83,520.00	6,569.32	72,256.94	11,263.06	13.49 %
19-5-54-11112	PART TIME SALARIES	127,720.00	127,720.00	9,112.15	101,715.54	26,004.46	20.36 %
19-5-54-12111	FULL TIME OVERTIME	300.00	300.00	19.57	36.70	263.30	87.77 %
19-5-54-13111	PERA/ICMA	28,950.00	28,950.00	2,143.84	23,293.79	5,656.21	19.54 %
19-5-54-14151	MEDICARE	3,200.00	3,200.00	226.91	2,465.57	734.43	22.95 %
19-5-54-14211	WORKMENS COMPENSATION	870.00	870.00	57.99	648.56	221.44	25.45 %
19-5-54-14311	MEDICAL/DENTAL INSURANCE	15,000.00	15,000.00	1,401.48	15,860.88	-860.88	-5.74 %
19-5-54-14312	LIFE INSURANCE	300.00	300.00	0.00	0.00	300.00	100.00 %
19-5-54-14611	UNEMPLOYMENT INSURANCE	600.00	600.00	47.34	514.58	85.42	14.24 %
19-5-54-21111	GENERAL OFFICE SUPPLIES	2,000.00	2,000.00	41.38	2,012.60	-12.60	-0.63 %
19-5-54-21131	POSTAGE	100.00	100.00	0.00	8.65	91.35	91.35 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
19-5-54-21151	PHOTOCOPIES	4,000.00	4,000.00	0.00	2,234.90	1,765.10	44.13 %
19-5-54-22451	ONLINE DATABASES	8,135.00	8,135.00	0.00	5,976.25	2,158.75	26.54 %
19-5-54-22791	MISCELLANEOUS SUPPLIES	7,000.00	7,000.00	35.99	3,613.36	3,386.64	48.38 %
19-5-54-31991	OTHER PROFESSIONAL SVS	100.00	100.00	0.00	200.00	-100.00	-100.00 %
19-5-54-32111	TRAVEL & CONFERENCES	700.00	700.00	-305.53	164.89	535.11	76.44 %
19-5-54-32211	TUITION & TRAINING	500.00	500.00	0.00	100.00	400.00	80.00 %
19-5-54-32311	MEMBERSHIP & DUES	300.00	300.00	40.00	227.00	73.00	24.33 %
19-5-54-33111	ADVERTISING	600.00	600.00	0.00	388.00	212.00	35.33 %
19-5-54-33202	WIRELESS SERVICE	360.00	360.00	29.81	278.40	81.60	22.67 %
19-5-54-34511	COLLECTION EXPENSE	600.00	600.00	0.00	400.00	200.00	33.33 %
19-5-54-34591	IMPROVEMENTS/MAINTENANCE	0.00	0.00	1,264.00	4,205.00	-4,205.00	0.00 %
19-5-54-35101	LIBRARY MATERIALS: PRINT	35,000.00	35,000.00	3,431.27	25,651.10	9,348.90	26.71 %
19-5-54-35102	LIBRARY MATERIALS: NON-PRINT	5,500.00	5,500.00	836.29	5,889.43	-389.43	-7.08 %
19-5-54-35341	MAINTENANCE AGREEMENT	1,875.00	1,875.00	0.00	459.00	1,416.00	75.52 %
19-5-54-35372	SUMMER READING	2,200.00	2,200.00	0.00	2,251.35	-51.35	-2.33 %
19-5-54-35391	RADIO EQUIP REPAIR & MAINTENAN...	800.00	800.00	0.00	250.00	550.00	68.75 %
19-5-54-38822	OFFICE EQUIPMENT	1,000.00	1,000.00	0.00	755.78	244.22	24.42 %
19-5-54-39101	GRANT EXPENDITURE	4,500.00	4,500.00	0.00	8,700.00	-4,200.00	-93.33 %
19-5-54-39726	GENEALOGY	500.00	500.00	0.00	0.00	500.00	100.00 %
19-5-54-69812	TRANSFERS OUT	171,030.00	171,030.00	0.00	171,030.00	0.00	0.00 %
Department: 54 - LIBRARY Total:		507,260.00	507,260.00	24,951.81	451,588.27	55,671.73	10.97 %
Department: 66 - COMMUNITY RECREATION							
19-5-66-11111	FULL TIME SALARIES	206,340.00	206,340.00	18,697.15	185,995.99	20,344.01	9.86 %
19-5-66-11112	PART TIME SALARIES	249,250.00	249,250.00	11,712.67	162,991.76	86,258.24	34.61 %
19-5-66-11116	SALARIES-SEASONAL	7,000.00	7,000.00	0.00	2,949.18	4,050.82	57.87 %
19-5-66-12111	FULL TIME OVERTIME	800.00	800.00	0.72	133.18	666.82	83.35 %
19-5-66-13111	PERA/ICMA	63,490.00	63,490.00	3,998.84	46,782.40	16,707.60	26.32 %
19-5-66-14151	MEDICARE	5,500.00	5,500.00	423.22	4,951.42	548.58	9.97 %
19-5-66-14211	WORKMENS COMPENSATION	9,200.00	9,200.00	348.06	5,273.89	3,926.11	42.68 %
19-5-66-14311	MEDICAL/DENTAL INSURANCE	42,000.00	42,000.00	3,723.06	37,593.73	4,406.27	10.49 %
19-5-66-14312	LIFE INSURANCE	700.00	700.00	0.00	0.00	700.00	100.00 %
19-5-66-14611	UNEMPLOYMENT INSURANCE	1,200.00	1,200.00	88.02	1,028.13	171.87	14.32 %
19-5-66-21111	GENERAL OFFICE SUPPLIES	3,000.00	3,000.00	22.18	1,429.12	1,570.88	52.36 %
19-5-66-21121	LITERATURE-BOOKS	200.00	200.00	0.00	115.95	84.05	42.03 %
19-5-66-21221	OUTSIDE PRINTING	1,500.00	1,500.00	0.00	1,170.00	330.00	22.00 %
19-5-66-22111	GAS & OIL	1,000.00	1,000.00	56.51	479.40	520.60	52.06 %
19-5-66-22411	BUILDING MAINT SUPPLIES	11,500.00	11,500.00	379.56	5,710.58	5,789.42	50.34 %
19-5-66-22791	MISCELLANEOUS SUPPLIES	10,000.00	10,000.00	109.11	5,423.79	4,576.21	45.76 %
19-5-66-31345	GOLF COURSE MAINT	5,000.00	5,000.00	0.00	1,406.18	3,593.82	71.88 %
19-5-66-32111	TRAVEL & CONFERENCES	1,500.00	1,500.00	701.83	1,037.12	462.88	30.86 %
19-5-66-32211	TUITION & TRAINING	1,000.00	1,000.00	0.00	0.00	1,000.00	100.00 %
19-5-66-32311	MEMBERSHIP & DUES	1,000.00	1,000.00	0.00	550.00	450.00	45.00 %
19-5-66-32611	RECREATION PROGRAMS	55,000.00	55,000.00	1,400.78	47,207.86	7,792.14	14.17 %
19-5-66-33111	ADVERTISING	3,500.00	3,500.00	49.00	2,020.65	1,479.35	42.27 %
19-5-66-33211	TELEPHONE	3,200.00	3,200.00	213.71	2,486.87	713.13	22.29 %
19-5-66-33411	ELECTRICAL/GAS SERVICES	85,000.00	85,000.00	3,023.63	32,102.33	52,897.67	62.23 %
19-5-66-33413	PROPANE	2,000.00	2,000.00	0.00	250.95	1,749.05	87.45 %
19-5-66-34311	EQUIPMENT/MACHINERY RENTAL	500.00	500.00	0.00	0.00	500.00	100.00 %
19-5-66-35111	VEHICLE REPAIR	1,000.00	1,000.00	0.00	70.59	929.41	92.94 %
19-5-66-35211	BLDG MAINT/REPAIR	16,000.00	16,000.00	568.18	14,674.85	1,325.15	8.28 %
19-5-66-35341	MAINTENANCE AGREEMENT	6,950.00	6,950.00	75.00	4,636.26	2,313.74	33.29 %
19-5-66-37321	UNIFORM ALLOWANCE	1,500.00	1,500.00	0.00	0.00	1,500.00	100.00 %
19-5-66-38822	OFFICE EQUIPMENT	2,000.00	2,000.00	0.00	0.00	2,000.00	100.00 %
19-5-66-41101	EQUIPMENT-REPAIR & MNX	13,000.00	13,000.00	1,464.15	4,082.41	8,917.59	68.60 %
19-5-66-43812	GRANT EXPENDITURES	0.00	0.00	16,990.20	23,840.38	-23,840.38	0.00 %
19-5-66-46130	SPECIAL PROJECTS	80,000.00	78,500.00	0.00	32,323.71	46,176.29	58.82 %
19-5-66-69812	TRANSFERS OUT	125,910.00	125,910.00	0.00	125,910.00	0.00	0.00 %
19-5-66-74811	PARKS/RECREATIONAL FACILITIES	2,583,380.00	2,890,407.00	218,721.90	829,544.70	2,060,862.30	71.30 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Department: 66 - COMMUNITY RECREATION Total:	3,600,120.00	3,905,647.00	282,767.48	1,584,173.38	2,321,473.62	59.44 %
Fund: 19 - COMMUNITY RECREATION Surplus (Deficit):	-58,140.00	68,360.00	-119,339.30	1,825,647.63	1,757,287.63	-2,570.64 %
Fund: 31 - ENTERPRISE DEBT FUND						
Department: 00 - UNDESIGNATED						
31-4-00-61311 GENERAL SALES TAX	1,221,010.00	1,221,010.00	123,722.14	1,085,294.78	-135,715.22	11.11 %
Department: 00 - UNDESIGNATED Total:	1,221,010.00	1,221,010.00	123,722.14	1,085,294.78	-135,715.22	11.11 %
Department: 90 - EF DEBT SERVICE						
31-5-90-31631 ADMINISTRATIVE SERVICES	94,920.00	94,920.00	0.00	94,920.00	0.00	0.00 %
31-5-90-37141 REFUNDING BOND INTEREST	163,460.00	163,460.00	0.00	163,453.26	6.74	0.00 %
31-5-90-50952 BOND PRINCIPAL PAYMENTS	557,120.00	557,120.00	0.00	557,122.88	-2.88	0.00 %
31-5-90-69812 TRANSFERS OUT	0.00	383,000.00	0.00	383,000.00	0.00	0.00 %
Department: 90 - EF DEBT SERVICE Total:	815,500.00	1,198,500.00	0.00	1,198,496.14	3.86	0.00 %
Fund: 31 - ENTERPRISE DEBT FUND Surplus (Deficit):	405,510.00	22,510.00	123,722.14	-113,201.36	-135,711.36	602.89 %
Report Surplus (Deficit):	-20,660.00	-1,173,176.41	-221,254.14	1,851,319.94	3,024,496.35	257.80 %

Group Summary

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 02 - GENERAL FUND						
00 - UNDESIGNATED	9,516,260.00	10,180,932.85	680,364.85	7,812,648.45	-2,368,284.40	23.26 %
10 - CITY COUNCIL	73,960.00	73,960.00	3,671.27	62,574.92	11,385.08	15.39 %
11 - LEGAL SERVICES	77,000.00	77,000.00	5,032.37	49,517.87	27,482.13	35.69 %
12 - MUNICIPAL COURT	310,120.00	379,430.00	24,429.89	281,651.12	97,778.88	25.77 %
13 - CITY MANAGER	211,630.00	211,630.00	16,459.17	183,586.05	28,043.95	13.25 %
14 - CITY CLERK	103,760.00	103,760.00	6,134.59	82,254.35	21,505.65	20.73 %
15 - HR/RISK MANAGEMENT	308,920.00	308,920.00	9,871.93	276,749.13	32,170.87	10.41 %
16 - FINANCE DEPARTMENT	429,900.00	439,340.00	26,828.68	361,835.74	77,504.26	17.64 %
17 - NON-DEPARTMENTAL	738,610.00	1,328,917.50	29,073.57	771,333.30	557,584.20	41.96 %
18 - INFORMATION TECHNOLOGY	452,885.00	467,685.00	22,837.81	371,219.03	96,465.97	20.63 %
20 - POLICE ADMINISTRATION	211,810.00	211,810.00	15,740.53	176,860.74	34,949.26	16.50 %
21 - POLICE OPERATIONS	1,940,360.00	1,939,560.00	146,779.11	1,839,234.70	100,325.30	5.17 %
22 - FIRE OPERATIONS	887,250.00	910,750.00	86,118.23	850,059.40	60,690.60	6.66 %
23 - SUPPORT SERVICES	374,350.00	372,850.00	24,734.40	242,757.50	130,092.50	34.89 %
30 - PUBLIC WORKS ADMIN	317,880.00	317,880.00	25,376.58	199,664.40	118,215.60	37.19 %
31 - STREET MAINTENANCE	1,796,600.00	1,838,504.99	418,935.96	2,022,374.49	-183,869.50	-10.00 %
35 - BUILDING INSPECTION	250,800.00	250,800.00	18,560.31	201,926.25	48,873.75	19.49 %
36 - FLEET MAINTENANCE	231,345.00	231,345.00	17,766.85	178,572.14	52,772.86	22.81 %
50 - CEMETERY	87,850.00	87,850.00	4,853.71	70,331.27	17,518.73	19.94 %
51 - PARKS MAINTENANCE	904,180.00	904,180.00	185,232.94	749,708.96	154,471.04	17.08 %
52 - REC/CULTURE PROGRAMS	88,805.00	88,805.00	0.00	88,805.00	0.00	0.00 %
Fund: 02 - GENERAL FUND Surplus (Deficit):	-281,755.00	-364,044.64	-408,073.05	-1,248,367.91	-884,323.27	-242.92 %
Fund: 03 - ENTERPRISE FUND						
00 - UNDESIGNATED	3,733,000.00	3,733,000.00	402,456.38	3,763,483.64	30,483.64	0.82 %
01 - WATER DEPARTMENT	1,146,310.00	1,241,895.77	64,185.28	790,542.50	451,353.27	36.34 %
02 - SEWER DEPARTMENT	538,140.00	707,640.00	31,927.88	382,915.68	324,724.32	45.89 %
03 - SANITATION DEPARTMENT	986,520.00	1,229,161.00	60,081.20	962,568.18	266,592.82	21.69 %
05 - SEWAGE TREATMENT	361,315.00	611,315.00	20,700.35	280,464.47	330,850.53	54.12 %
06 - WATER TREATMENT	606,170.00	606,170.00	40,256.09	299,374.15	306,795.85	50.61 %
Fund: 03 - ENTERPRISE FUND Surplus (Deficit):	94,545.00	-663,181.77	185,305.58	1,047,618.66	1,710,800.43	257.97 %
Fund: 04 - CAPITAL IMPROVEMENTS						
00 - UNDESIGNATED	150,000.00	150,000.00	0.00	149,200.00	-800.00	0.53 %
40 - CAPITAL IMPROVEMENTS	200,000.00	200,000.00	0.00	200,000.00	0.00	0.00 %
Fund: 04 - CAPITAL IMPROVEMENTS Surplus (Deficit):	-50,000.00	-50,000.00	0.00	-50,800.00	-800.00	-1.60 %
Fund: 06 - CEMETERY ENDOWMENT						
00 - UNDESIGNATED	20,050.00	20,050.00	1,350.00	13,400.00	-6,650.00	33.17 %
59 - CEMETERY ENDOWMENT	32,600.00	32,600.00	1,904.56	22,469.80	10,130.20	31.07 %
Fund: 06 - CEMETERY ENDOWMENT Surplus (Deficit):	-12,550.00	-12,550.00	-554.56	-9,069.80	3,480.20	27.73 %
Fund: 09 - FIREMEN'S PENSION						
00 - UNDESIGNATED	55,400.00	55,400.00	891.84	38,123.85	-17,276.15	31.18 %
09 - FIREMEN'S PENSION	125,000.00	125,000.00	0.00	0.00	125,000.00	100.00 %
Fund: 09 - FIREMEN'S PENSION Surplus (Deficit):	-69,600.00	-69,600.00	891.84	38,123.85	107,723.85	154.78 %
Fund: 11 - CONSERVATION TRUST						
00 - UNDESIGNATED	88,150.00	88,150.00	10,000.00	76,168.55	-11,981.45	13.59 %
60 - CONSERVATION TRUST	137,470.00	137,470.00	10,555.76	89,401.51	48,068.49	34.97 %
Fund: 11 - CONSERVATION TRUST Surplus (Deficit):	-49,320.00	-49,320.00	-555.76	-13,232.96	36,087.04	73.17 %
Fund: 12 - ACLC DEBT SERVICE						
00 - UNDESIGNATED	484,000.00	484,000.00	0.00	482,295.98	-1,704.02	0.35 %
65 - CITY HALL COMPLEX	482,370.00	482,370.00	0.00	482,368.75	1.25	0.00 %
Fund: 12 - ACLC DEBT SERVICE Surplus (Deficit):	1,630.00	1,630.00	0.00	-72.77	-1,702.77	104.46 %
Fund: 13 - EMPLOYEE BENEFIT						
00 - UNDESIGNATED	1,053,720.00	1,053,720.00	87,936.02	1,214,469.68	160,749.68	15.26 %
62 - EMPLOYEE BENEFIT	1,054,700.00	1,110,700.00	90,587.05	839,795.08	270,904.92	24.39 %

Budget Report

For Fiscal: 2017 Period Ending: 10/31/2017

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 13 - EMPLOYEE BENEFIT Surplus (Deficit):	-980.00	-56,980.00	-2,651.03	374,674.60	431,654.60	757.55 %
Fund: 19 - COMMUNITY RECREATION						
00 - UNDESIGNATED	4,049,240.00	4,481,267.00	188,379.99	3,861,409.28	-619,857.72	13.83 %
54 - LIBRARY	507,260.00	507,260.00	24,951.81	451,588.27	55,671.73	10.97 %
66 - COMMUNITY RECREATION	3,600,120.00	3,905,647.00	282,767.48	1,584,173.38	2,321,473.62	59.44 %
Fund: 19 - COMMUNITY RECREATION Surplus (Deficit):	-58,140.00	68,360.00	-119,339.30	1,825,647.63	1,757,287.63	-2,570.64 %
Fund: 31 - ENTERPRISE DEBT FUND						
00 - UNDESIGNATED	1,221,010.00	1,221,010.00	123,722.14	1,085,294.78	-135,715.22	11.11 %
90 - EF DEBT SERVICE	815,500.00	1,198,500.00	0.00	1,198,496.14	3.86	0.00 %
Fund: 31 - ENTERPRISE DEBT FUND Surplus (Deficit):	405,510.00	22,510.00	123,722.14	-113,201.36	-135,711.36	602.89 %
Report Surplus (Deficit):	-20,660.00	-1,173,176.41	-221,254.14	1,851,319.94	3,024,496.35	257.80 %

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)
02 - GENERAL FUND	-281,755.00	-364,044.64	-408,073.05	-1,248,367.91	-884,323.27
03 - ENTERPRISE FUND	94,545.00	-663,181.77	185,305.58	1,047,618.66	1,710,800.43
04 - CAPITAL IMPROVEMENTS	-50,000.00	-50,000.00	0.00	-50,800.00	-800.00
06 - CEMETERY ENDOWMENT	-12,550.00	-12,550.00	-554.56	-9,069.80	3,480.20
09 - FIREMEN'S PENSION	-69,600.00	-69,600.00	891.84	38,123.85	107,723.85
11 - CONSERVATION TRUST	-49,320.00	-49,320.00	-555.76	-13,232.96	36,087.04
12 - ACLC DEBT SERVICE	1,630.00	1,630.00	0.00	-72.77	-1,702.77
13 - EMPLOYEE BENEFIT	-980.00	-56,980.00	-2,651.03	374,674.60	431,654.60
19 - COMMUNITY RECREATION	-58,140.00	68,360.00	-119,339.30	1,825,647.63	1,757,287.63
31 - ENTERPRISE DEBT FUND	405,510.00	22,510.00	123,722.14	-113,201.36	-135,711.36
Report Surplus (Deficit):	-20,660.00	-1,173,176.41	-221,254.14	1,851,319.94	3,024,496.35



Alamosa, CO

Detail Report Account Detail

Date Range: 10/01/2017 - 10/31/2017

Account	Name		Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance	
Fund: 99 - POOLED CASH								
99-1-00-71111	POOLED CASH		1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90	
Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/01/2017	APPKT01324	DFT0004415	UNITED STATES TREASURY	12816 - UNITED STATES TREASURY			23.81	1,434,338.33
10/01/2017	APPKT01324	DFT0004416	UNITED STATES TREASURY	12816 - UNITED STATES TREASURY			5.57	1,434,332.76
10/01/2017	GLPKT05289	JN05058	CC DEPOSIT			410.00		1,434,742.76
10/02/2017	GLPKT05110	JN04894	DEPOSIT DAILY PAYMENT POSTING			3,015.92		1,437,758.68
10/02/2017	GLPKT05111	JN04895	DEPOSIT CASH RECEIPTS			578.00		1,438,336.68
10/02/2017	GLPKT05112	JN04896	DEPOSIT PAYMENT POSTING			368.59		1,438,705.27
10/02/2017	GLPKT05112	JN04896	DEPOSIT DAILY PAYMENT POSTING			18,211.36		1,456,916.63
10/02/2017	GLPKT05112	JN04896	DEPOSIT UTILITY DEPOSITS RECEIVED			50.00		1,456,966.63
10/02/2017	GLPKT05112	JN04896	DEPOSIT PAID OCT 2017 IN FULL			4,003.80		1,460,970.43
10/02/2017	GLPKT05112	JN04896	DEPOSIT DAILY CASH POSTING 10/02/2017				0.90	1,460,969.53
10/02/2017	GLPKT05112	JN04896	DEPOSIT PAYMENT POSTING			15.00		1,460,984.53
10/02/2017	GLPKT05112	JN04896	DEPOSIT DAILY CASH POSTING 10/02/2017			1,028.53		1,462,013.06
10/02/2017	APPKT01316	DFT0004396	XCEL ENERGY	15115 - XCEL ENERGY			11.02	1,462,002.04
10/02/2017	APPKT01316	DFT0004397	XCEL ENERGY	15115 - XCEL ENERGY			11.27	1,461,990.77
10/02/2017	APPKT01316	DFT0004398	XCEL ENERGY	15115 - XCEL ENERGY			196.34	1,461,794.43
10/02/2017	GLPKT05289	JN05059	CC DEPOSIT			876.00		1,462,670.43
10/03/2017	GLPKT05117	JN04900	DEPOSIT DAILY PAYMENT POSTING			632.99		1,463,303.42
10/03/2017	GLPKT05118	JN04901	DEPOSIT CASH RECEIPTS			1,175.00		1,464,478.42
10/03/2017	GLPKT05119	JN04902	DEPOSIT DAILY PAYMENT POSTING			5,310.01		1,469,788.43
10/03/2017	GLPKT05119	JN04902	DEPOSIT DAILY CASH POSTING 10/03/2017			539.08		1,470,327.51
10/03/2017	GLPKT05119	JN04902	DEPOSIT UTILITY DEPOSITS RECEIVED			50.00		1,470,377.51
10/03/2017	GLPKT05119	JN04902	DEPOSIT PAID SEPT 2017 IN FULL			1,468.26		1,471,845.77
10/03/2017	GLPKT05119	JN04902	DEPOSIT PAYMENT POSTING			30.00		1,471,875.77
10/03/2017	GLPKT05119	JN04902	DEPOSIT PAYMENT POSTING			38,718.65		1,510,594.42
10/03/2017	APPKT01316	DFT0004386	NATIONAL BENEFIT SERVICES, LLC	16012 - NATIONAL BENEFIT SERVICES, LLC			1,857.46	1,508,736.96
10/03/2017	APPKT01316	DFT0004387	SOLTURA ENERGY CAPITAL	12441 - SOLTURA ENERGY CAPITAL			689.24	1,508,047.72
10/03/2017	GLPKT05289	JN05060	CC DEPOSIT			381.00		1,508,428.72
10/04/2017	GLPKT05122	JN04905	DEPOSIT DAILY PAYMENT POSTING			148.84		1,508,577.56
10/04/2017	GLPKT05123	JN04906	DEPOSIT CASH RECEIPTS			917.00		1,509,494.56
10/04/2017	GLPKT05124	JN04907	DEPOSIT DAILY PAYMENT POSTING			2,149.95		1,511,644.51
10/04/2017	GLPKT05124	JN04907	DEPOSIT DAILY CASH POSTING 10/04/2017			7,547.00		1,519,191.51
10/04/2017	APPKT01316	DFT0004399	XCEL ENERGY	15115 - XCEL ENERGY			8,904.98	1,510,286.53
10/04/2017	APPKT01316	DFT0004400	XCEL ENERGY	15115 - XCEL ENERGY			588.65	1,509,697.88

Detail Report
Date Range: 10/01/2017 - 10/31/2017

Account	Name	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99-1-00-71111	POOLED CASH - Continued	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/04/2017	APPKT01316	DFT0004401	XCEL ENERGY	15115 - XCEL ENERGY			264.29	1,509,433.59
10/04/2017	APPKT01316	DFT0004402	XCEL ENERGY	15115 - XCEL ENERGY			11.52	1,509,422.07
10/04/2017	GLPKT05289	JN05061	CC DEPOSIT			81.00		1,509,503.07
10/05/2017	GLPKT05127	JN04910	DEPOSIT DAILY CASH POSTING 10/05/2017			2,413.12		1,511,916.19
10/05/2017	GLPKT05128	JN04911	DEPOSIT DAILY PAYMENT POSTING - ADJ				113.83	1,511,802.36
10/05/2017	GLPKT05130	JN04912	DEPOSIT DAILY PAYMENT POSTING			412.60		1,512,214.96
10/05/2017	GLPKT05132	JN04913	DEPOSIT CASH RECEIPTS			605.00		1,512,819.96
10/05/2017	GLPKT05133	JN04914	DEPOSIT DAILY PAYMENT POSTING			1,846.61		1,514,666.57
10/05/2017	GLPKT05133	JN04914	DEPOSIT DAILY CASH POSTING 10/05/2017			1.00		1,514,667.57
10/05/2017	GLPKT05133	JN04914	DEPOSIT DAILY CASH POSTING 10/05/2017			1,181.78		1,515,849.35
10/05/2017	GLPKT05135	JN04916	DEPOSIT DAILY PAYMENT POSTING			250.00		1,516,099.35
10/05/2017	GLPKT05135	JN04916	DEPOSIT DAILY PAYMENT POSTING - ADJ				250.00	1,515,849.35
10/05/2017	APPKT01316	DFT0004388	JADE COMMUNICATIONS LLC	11914 - JADE COMMUNICATIONS LLC			335.96	1,515,513.39
10/05/2017	APPKT01316	DFT0004404	XCEL ENERGY	15115 - XCEL ENERGY			8,260.12	1,507,253.27
10/05/2017	GLPKT05289	JN05062	CC DEPOSIT			78.00		1,507,331.27
10/06/2017	APPKT01294	136825	ACE HARDWARE OF ALAMOSA	12276 - ACE HARDWARE OF ALAMOSA			551.65	1,506,779.62
10/06/2017	APPKT01294	136827	ADAMSON POLICE PRODUCTS	10308 - ADAMSON POLICE PRODUCTS			6,366.00	1,500,413.62
10/06/2017	APPKT01294	136828	AERZEN USA CORPORATION	11800 - AERZEN USA CORPORATION			344.18	1,500,069.44
10/06/2017	APPKT01294	136829	AIRGAS USA, LLC	15230 - AIRGAS USA, LLC			54.55	1,500,014.89
10/06/2017	APPKT01294	136830	ALAMOSA CAR CARE CENTER	15273 - ALAMOSA CAR CARE CENTER			69.95	1,499,944.94
10/06/2017	APPKT01294	136831	ALAMOSA COUNTY PUBLIC HEALTH DEPARTM...	90022 - ALAMOSA COUNTY PUBLIC HEALTH D...			210.00	1,499,734.94
10/06/2017	APPKT01294	136832	ALAMOSA POSTMASTER	10012 - ALAMOSA POSTMASTER			3,000.00	1,496,734.94
10/06/2017	APPKT01294	136833	ALAMOSA STATE BANK-VISA	15422 - ALAMOSA STATE BANK-VISA			4,453.03	1,492,281.91
10/06/2017	APPKT01294	136834	ALERT-ALL	90032 - ALERT-ALL			3,049.60	1,489,232.31
10/06/2017	APPKT01294	136835	ALPINE ELECTRIC, INC	15231 - ALPINE ELECTRIC, INC			764.98	1,488,467.33
10/06/2017	APPKT01294	136836	APEX REPAIR SERVICE	12479 - APEX REPAIR SERVICE			1,741.50	1,486,725.83
10/06/2017	APPKT01294	136837	ARLAN'S PRO SERVICES	12385 - ARLAN'S PRO SERVICES			45.00	1,486,680.83
10/06/2017	APPKT01294	136838	ASPHALT CONSTRUCTORS INC	11660 - ASPHALT CONSTRUCTORS INC			2,155.20	1,484,525.63
10/06/2017	APPKT01294	136839	AUTOZONE	12768 - AUTOZONE			25.78	1,484,499.85
10/06/2017	APPKT01294	136840	BLACK DIAMOND RADIO	16691 - BLACK DIAMOND RADIO			178.95	1,484,320.90
10/06/2017	APPKT01294	136841	BLUE TARP FINANCIAL	15725 - BLUE TARP FINANCIAL			2.12	1,484,318.78
10/06/2017	APPKT01294	136842	BRANDON GALLEGOS	16184 - BRANDON GALLEGOS			150.00	1,484,168.78
10/06/2017	APPKT01294	136843	BRIAN PUCCERELLA	16692 - BRIAN PUCCERELLA			2,000.00	1,482,168.78
10/06/2017	APPKT01294	136844	BURGGRAAF ASSOCIATES INC.	16693 - BURGGRAAF ASSOCIATES INC.			825.00	1,481,343.78
10/06/2017	APPKT01294	136845	CENTURYLINK	12295 - CENTURYLINK			994.35	1,480,349.43
10/06/2017	APPKT01294	136846	CENTURYLINK BUSINESS SERVICE	12304 - CENTURYLINK BUSINESS SERVICE			79.33	1,480,270.10
10/06/2017	APPKT01294	136847	CHAPARRAL INC	10029 - CHAPARRAL INC			25.51	1,480,244.59
10/06/2017	APPKT01294	136848	CHARLES R. UNDERWOOD, INC.	16694 - CHARLES R. UNDERWOOD, INC.			1,680.10	1,478,564.49
10/06/2017	APPKT01294	136849	CLAIRE SOWARDS	16695 - CLAIRE SOWARDS			20.00	1,478,544.49
10/06/2017	APPKT01294	136850	CMJA	90188 - CMJA			40.00	1,478,504.49
10/06/2017	APPKT01294	136851	COLO. BUREAU OF INVESTIGATIONS	90194 - COLO. BUREAU OF INVESTIGATIONS			630.00	1,477,874.49

Detail Report
Date Range: 10/01/2017 - 10/31/2017

Account	Name	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99-1-00-71111	POOLED CASH - Continued	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/06/2017	APPKT01294	136852	COLORADO CENTRAL PUBLISHING, LLC	12332 - COLORADO CENTRAL PUBLISHING, LLC			29.00	1,477,845.49
10/06/2017	APPKT01294	136853	COLORADO GATORS	10166 - COLORADO GATORS			100.00	1,477,745.49
10/06/2017	APPKT01294	136854	COMPANION VOLUNTARY LIFE	15935 - COMPANION VOLUNTARY LIFE			9,374.97	1,468,370.52
10/06/2017	APPKT01294	136855	CREDIT BUREAU OF ALAMOSA	15335 - CREDIT BUREAU OF ALAMOSA			10.00	1,468,360.52
10/06/2017	APPKT01294	136856	CROSSWINDS	10004 - CROSSWINDS			18.54	1,468,341.98
10/06/2017	APPKT01294	136857	DANA KEPNER COMPANY	10041 - DANA KEPNER COMPANY			9,786.70	1,458,555.28
10/06/2017	APPKT01294	136858	DEL NORTE AUTO SUPPLY	16696 - DEL NORTE AUTO SUPPLY			639.20	1,457,916.08
10/06/2017	APPKT01294	136859	DPC INDUSTRIES, INC	11066 - DPC INDUSTRIES, INC			8,793.79	1,449,122.29
10/06/2017	APPKT01294	136860	ERICH SCHWIESOW	10484 - ERICH SCHWIESOW			90.00	1,449,032.29
10/06/2017	APPKT01294	136861	FEDEX	10519 - FEDEX			97.04	1,448,935.25
10/06/2017	APPKT01294	136862	FRANK J. ZAMBONI & CO. INC.	12585 - FRANK J. ZAMBONI & CO. INC.			1,243.55	1,447,691.70
10/06/2017	APPKT01294	136863	GARDNER EXCAVATING	15211 - GARDNER EXCAVATING			105,426.68	1,342,265.02
10/06/2017	APPKT01294	136864	GARRISON FENCE	10517 - GARRISON FENCE			195.92	1,342,069.10
10/06/2017	APPKT01294	136865	GE MONEY BANK/AMAZON	10953 - GE MONEY BANK/AMAZON			965.38	1,341,103.72
10/06/2017	APPKT01294	136866	GFWC WOMEN'S CITIZENSHIP CLUB OF ALAM...	12829 - GFWC WOMEN'S CITIZENSHIP CLUB ...			40.00	1,341,063.72
10/06/2017	APPKT01294	136867	HIGHLAND CABINETS	16618 - HIGHLAND CABINETS			1,264.00	1,339,799.72
10/06/2017	APPKT01294	136868	INGRAM LIBRARY SERVICE	15125 - INGRAM LIBRARY SERVICE			643.88	1,339,155.84
10/06/2017	APPKT01294	136869	INTEGRATED LAND SERVICES	16036 - INTEGRATED LAND SERVICES			250.00	1,338,905.84
10/06/2017	APPKT01294	136870	INTERLINE BRANDS., INC	10660 - INTERLINE BRANDS., INC			637.50	1,338,268.34
10/06/2017	APPKT01294	136871	JON MARTINEZ	16697 - JON MARTINEZ			150.00	1,338,118.34
10/06/2017	APPKT01294	136872	MARILYN LOSER	16703 - MARILYN LOSER			235.21	1,337,883.13
10/06/2017	APPKT01294	136873	MC CANDLESS INTERNATIONAL	15442 - MC CANDLESS INTERNATIONAL			284.91	1,337,598.22
10/06/2017	APPKT01294	136874	MCNEILUS TRUCK & MANUFACTURING CO.	10057 - MCNEILUS TRUCK & MANUFACTURI...			105.50	1,337,492.72
10/06/2017	APPKT01294	136875	MONDRAGON'S PORTABLE TOILET RENTALS	16392 - MONDRAGON'S PORTABLE TOILET R...			640.00	1,336,852.72
10/06/2017	APPKT01294	136876	NATIONAL BENEFIT SERVICES, LLC	16012 - NATIONAL BENEFIT SERVICES, LLC			75.00	1,336,777.72
10/06/2017	APPKT01294	136877	O & V PRINTING	10081 - O & V PRINTING			145.00	1,336,632.72
10/06/2017	APPKT01294	136878	OCPO	90624 - OCPO			60.00	1,336,572.72
10/06/2017	APPKT01294	136879	OFFICE DEPOT	10143 - OFFICE DEPOT			38.02	1,336,534.70
10/06/2017	APPKT01294	136880	PAYLESS SHOE SOURCE	16698 - PAYLESS SHOE SOURCE			49.99	1,336,484.71
10/06/2017	APPKT01294	136881	PROFESSIONAL COMPLIANCE & TESTING LLC	10482 - PROFESSIONAL COMPLIANCE & TESTI...			119.00	1,336,365.71
10/06/2017	APPKT01294	136882	PROFESSIONAL WATER TECHNOLOGIES	16047 - PROFESSIONAL WATER TECHNOLOGI...			19,247.04	1,317,118.67
10/06/2017	APPKT01294	136883	RANDY MARTINEZ	15828 - RANDY MARTINEZ			75.00	1,317,043.67
10/06/2017	APPKT01294	136884	RC SYSTEMS, INC	11433 - RC SYSTEMS, INC			250.00	1,316,793.67
10/06/2017	APPKT01294	136885	REBECCA STEENBURG	12445 - REBECCA STEENBURG			30.48	1,316,763.19
10/06/2017	APPKT01294	136886	REYNOLDS ENGINEERING CO.	10220 - REYNOLDS ENGINEERING CO.			990.00	1,315,773.19
10/06/2017	APPKT01294	136887	RIO GRANDE MOTOR PARTS CO, INC	12712 - RIO GRANDE MOTOR PARTS CO, INC			295.98	1,315,477.21
10/06/2017	APPKT01294	136888	ROCKY MOUNTAIN HOME HEALTH SUPPLIES L...	12220 - ROCKY MOUNTAIN HOME HEALTH S...			20.44	1,315,456.77
10/06/2017	APPKT01294	136889	ROHNI MESTAS	16699 - ROHNI MESTAS			5.00	1,315,451.77
10/06/2017	APPKT01294	136890	RPI CONSULTING LLC	16131 - RPI CONSULTING LLC			17,040.00	1,298,411.77
10/06/2017	APPKT01294	136891	RUSSELL SURVEYORS & ASSOCIATES INC	15614 - RUSSELL SURVEYORS & ASSOCIATES I...			5,600.00	1,292,811.77
10/06/2017	APPKT01294	136892	SAGE CONSTRUCTORS	16684 - SAGE CONSTRUCTORS			1,500.00	1,291,311.77

Detail Report
Date Range: 10/01/2017 - 10/31/2017

Account	Name	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99-1-00-71111	POOLED CASH - Continued	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/06/2017	APPKT01294	136893	SAN LUIS VALLEY LOCAL FOODS COALITION	16700 - SAN LUIS VALLEY LOCAL FOODS COAL...			8,679.08	1,282,632.69
10/06/2017	APPKT01294	136894	SCOTT DURAN	10503 - SCOTT DURAN			1,300.33	1,281,332.36
10/06/2017	APPKT01294	136895	SGS ACCUTEST INC	16078 - SGS ACCUTEST INC			1,205.50	1,280,126.86
10/06/2017	APPKT01294	136896	SHERWIN WILLIAMS	15363 - SHERWIN WILLIAMS			871.95	1,279,254.91
10/06/2017	APPKT01294	136897	SIRCHIE FINGERPRINT LABS, INC.	15419 - SIRCHIE FINGERPRINT LABS, INC.			325.02	1,278,929.89
10/06/2017	APPKT01294	136898	SKIBALLS RUNNING WORLD	15165 - SKIBALLS RUNNING WORLD			240.00	1,278,689.89
10/06/2017	APPKT01294	136899	STRIVEWITH LLC	16701 - STRIVEWITH LLC			6,075.91	1,272,613.98
10/06/2017	APPKT01294	136900	STU CAMPBELL	16702 - STU CAMPBELL			149.96	1,272,464.02
10/06/2017	APPKT01294	136901	THE PUEBLO CHIEFTAIN	15485 - THE PUEBLO CHIEFTAIN			1,390.00	1,271,074.02
10/06/2017	APPKT01294	136902	TOTAL OFFICE SOLUTIONS	15639 - TOTAL OFFICE SOLUTIONS			83.28	1,270,990.74
10/06/2017	APPKT01294	136903	TOWN & COUNTRY CAR & TRUCK CNT	15266 - TOWN & COUNTRY CAR & TRUCK CNT			1,040.63	1,269,950.11
10/06/2017	APPKT01294	136904	TRACTOR SUPPLY COMPANY	15873 - TRACTOR SUPPLY COMPANY			16.99	1,269,933.12
10/06/2017	APPKT01294	136905	TZA WATER ENGINEERS	15840 - TZA WATER ENGINEERS			3,281.32	1,266,651.80
10/06/2017	APPKT01294	136906	UPS	11586 - UPS			86.35	1,266,565.45
10/06/2017	APPKT01294	136907	USA BLUEBOOK	15340 - USA BLUEBOOK			209.11	1,266,356.34
10/06/2017	APPKT01294	136908	VALLEY TEXTILE RENTAL & DRY	15172 - VALLEY TEXTILE RENTAL & DRY			172.80	1,266,183.54
10/06/2017	APPKT01294	136909	WT COX SUBSCRIPTION	10374 - WT COX SUBSCRIPTION			2,095.19	1,264,088.35
10/06/2017	APPKT01294	1724	ALCON CONSTRUCTION	10016 - ALCON CONSTRUCTION			149,074.36	1,115,013.99
10/06/2017	APPKT01294	1725	DIGITCOM ELECTRONICS	10707 - DIGITCOM ELECTRONICS			150.00	1,114,863.99
10/06/2017	APPKT01294	1726	FASTENAL COMPANY	15494 - FASTENAL COMPANY			42.13	1,114,821.86
10/06/2017	APPKT01294	1727	HAYNIES, INC.	10056 - HAYNIES, INC.			969.21	1,113,852.65
10/06/2017	APPKT01294	1728	PENNY K. PETTY	15398 - PENNY K. PETTY			198.00	1,113,654.65
10/06/2017	APPKT01294	1729	SUNEDISON, LLC	11483 - SUNEDISON, LLC			3,504.59	1,110,150.06
10/06/2017	APPKT01294	1730	VALLEY LOCK & SECURITY	10109 - VALLEY LOCK & SECURITY			2,470.73	1,107,679.33
10/06/2017	APPKT01294	1731	WEISS CLEANERS	15270 - WEISS CLEANERS			600.00	1,107,079.33
10/06/2017	GLPKT05134	JN04915	DEPOSIT DAILY CASH POSTING 10/06/2017			344,973.16		1,452,052.49
10/06/2017	GLPKT05136	JN04917	DEPOSIT DAILY PAYMENT POSTING			1,308.31		1,453,360.80
10/06/2017	GLPKT05137	JN04918	DEPOSIT CASH RECEIPTS			60.00		1,453,420.80
10/06/2017	GLPKT05138	JN04919	DEPOSIT DAILY PAYMENT POSTING			2,709.17		1,456,129.97
10/06/2017	GLPKT05138	JN04919	DEPOSIT DAILY CASH POSTING 10/06/2017			2,434.49		1,458,564.46
10/06/2017	GLPKT05138	JN04919	DEPOSIT UTILITY DEPOSITS RECEIVED			50.00		1,458,614.46
10/06/2017	GLPKT05148	JN04949	DEPOSIT DAILY PAYMENT POSTING			156.25		1,458,770.71
10/06/2017	APPKT01316	DFT0004403	XCEL ENERGY	15115 - XCEL ENERGY			139.47	1,458,631.24
10/06/2017	APPKT01320	136850	CMJA Reversal	90188 - CMJA		40.00		1,458,671.24
10/06/2017	GLPKT05289	JN05063	CC DEPOSIT			370.00		1,459,041.24
10/07/2017	GLPKT05289	JN05064	CC DEPOSIT			20.00		1,459,061.24
10/09/2017	APPKT01296	136910	CATLIN, EMILY	16704 - CATLIN, EMILY			15.91	1,459,045.33
10/09/2017	APPKT01296	136911	FRITSCHKA, TANNER & MELISS	16706 - FRITSCHKA, TANNER & MELISS			32.24	1,459,013.09
10/09/2017	APPKT01296	136912	MORGAN, CAITLYN	16707 - MORGAN, CAITLYN			27.62	1,458,985.47
10/09/2017	APPKT01296	136913	OLIVAS, LEROY	16705 - OLIVAS, LEROY			7.35	1,458,978.12
10/09/2017	APPKT01297	133998	JOHNSON, RUSTY Reversal	16313 - JOHNSON, RUSTY		135.10		1,459,113.22

Detail Report
Date Range: 10/01/2017 - 10/31/2017

Account	Name	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99-1-00-71111	POOLED CASH - Continued	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/09/2017	APPKT01299	136914	MONTE VISTA COOP	10415 - MONTE VISTA COOP			2,382.18	1,456,731.04
10/09/2017	APPKT01299	136915	RUSTY JOHNSON	11937 - RUSTY JOHNSON			135.10	1,456,595.94
10/09/2017	GLPKT05149	JN04950	DEPOSIT DAILY PAYMENT POSTING			1,377.13		1,457,973.07
10/09/2017	GLPKT05150	JN04951	DEPOSIT CASH RECEIPTS			350.00		1,458,323.07
10/09/2017	GLPKT05151	JN04952	DEPOSIT DAILY CASH POSTING 10/09/2017			767.80		1,459,090.87
10/09/2017	GLPKT05151	JN04952	DEPOSIT UTILITY DEPOSITS RECEIVED			50.00		1,459,140.87
10/09/2017	GLPKT05151	JN04952	DEPOSIT DAILY PAYMENT POSTING			5,095.91		1,464,236.78
10/09/2017	GLPKT05151	JN04952	DEPOSIT PAYMENT POSTING			1,325.51		1,465,562.29
10/09/2017	GLPKT05289	JN05065	CC DEPOSIT			189.00		1,465,751.29
10/10/2017	GLPKT05155	JN04956	DEPOSIT DAILY PAYMENT POSTING			547.36		1,466,298.65
10/10/2017	GLPKT05156	JN04957	DEPOSIT CASH RECEIPTS			385.00		1,466,683.65
10/10/2017	GLPKT05157	JN04958	DEPOSIT DAILY CASH POSTING 10/10/2017			8,479.44		1,475,163.09
10/10/2017	GLPKT05157	JN04958	DEPOSIT DAILY PAYMENT POSTING			7,305.47		1,482,468.56
10/10/2017	GLPKT05157	JN04958	DEPOSIT PAID OCT 2017 IN FULL			4,583.33		1,487,051.89
10/10/2017	APPKT01316	DFT0004385	COLORADO CHOICE HEALTH PLANS	11151 - COLORADO CHOICE HEALTH PLANS			10,319.33	1,476,732.56
10/10/2017	APPKT01316	DFT0004393	PINNACOL ASSURANCE	15307 - PINNACOL ASSURANCE			18,119.42	1,458,613.14
10/10/2017	APPKT01316	DFT0004409	XCEL ENERGY	15115 - XCEL ENERGY			1,638.54	1,456,974.60
10/10/2017	GLPKT05289	JN05066	CC DEPOSIT			160.50		1,457,135.10
10/10/2017	APPKT01339	DFT0004462	XCEL ENERGY	15115 - XCEL ENERGY			11,090.85	1,446,044.25
10/11/2017	APPKT01305	130155	AUGNE, KRISTI Reversal	15797 - AUGNE, KRISTI		2.01		1,446,046.26
10/11/2017	APPKT01305	130156	CENTER FOR RESTORATIVE PROGRAM Reversal	15788 - CENTER FOR RESTORATIVE PROGRAM		6.04		1,446,052.30
10/11/2017	APPKT01305	130165	MILLER, ASHLEY P Reversal	15790 - MILLER, ASHLEY P		7.77		1,446,060.07
10/11/2017	APPKT01305	130576	INTERSTATE BILLING SRVS., INC. Reversal	12073 - INTERSTATE BILLING SRVS., INC.		32.85		1,446,092.92
10/11/2017	APPKT01305	130833	PORTER REALTY Reversal	12811 - PORTER REALTY		15.20		1,446,108.12
10/11/2017	APPKT01305	130834	RICKARD, ERIC S Reversal	15875 - RICKARD, ERIC S		10.85		1,446,118.97
10/11/2017	APPKT01305	131165	AUTOZONE Reversal	12768 - AUTOZONE		3.37		1,446,122.34
10/11/2017	APPKT01305	131242	ALEXANDER B. WILLIS Reversal	15955 - ALEXANDER B. WILLIS		7.00		1,446,129.34
10/11/2017	APPKT01305	131536	DAUGHERTY, RYAN D Reversal	15985 - DAUGHERTY, RYAN D		8.54		1,446,137.88
10/11/2017	APPKT01305	131537	MASAR, JARED P Reversal	15986 - MASAR, JARED P		12.18		1,446,150.06
10/11/2017	APPKT01305	131593	NEREYDA MARTINEZ Reversal	15999 - NEREYDA MARTINEZ		20.00		1,446,170.06
10/11/2017	APPKT01305	132489	WAYNE MARTINEZ Reversal	16086 - WAYNE MARTINEZ		5.00		1,446,175.06
10/11/2017	APPKT01305	132912	ALONZO BENNIE CARLOS LOBATO Reversal	16152 - ALONZO BENNIE CARLOS LOBATO		25.00		1,446,200.06
10/11/2017	APPKT01305	133307	BUSH-JOHNSON, FRANCESCA Reversal	16213 - BUSH-JOHNSON, FRANCESCA		14.27		1,446,214.33
10/11/2017	APPKT01305	133314	HARRIS, PORTIA L Reversal	16201 - HARRIS, PORTIA L		13.99		1,446,228.32
10/11/2017	APPKT01305	133317	RELYEA, ABRAM & BARBARA Reversal	16206 - RELYEA, ABRAM & BARBARA		16.52		1,446,244.84
10/11/2017	APPKT01305	133995	COFFIN, ELOISE D Reversal	16310 - COFFIN, ELOISE D		14.41		1,446,259.25
10/11/2017	APPKT01305	134000	KEIFFER, KYNDA M Reversal	16319 - KEIFFER, KYNDA M		3.83		1,446,263.08
10/11/2017	APPKT01305	134002	LOPEZ, ZACHARY S Reversal	16318 - LOPEZ, ZACHARY S		17.05		1,446,280.13
10/11/2017	APPKT01305	134004	NARANJO, HANK Reversal	16309 - NARANJO, HANK		2.73		1,446,282.86
10/11/2017	APPKT01305	134007	SHARP, TIMOTHY J Reversal	16315 - SHARP, TIMOTHY J		10.19		1,446,293.05
10/11/2017	APPKT01305	134204	KANSAS CITY LIFE INSURANCE COMPANY Rever...	12312 - KANSAS CITY LIFE INSURANCE COMP...		6.88		1,446,299.93

Detail Report

Date Range: 10/01/2017 - 10/31/2017

Account	Name	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99-1-00-71111	POOLED CASH - Continued	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/11/2017	APPKT01305	134386	MADRIL, STACI A Reversal	16369 - MADRIL, STACI A		18.33		1,446,318.26
10/11/2017	APPKT01305	134759	LEVULIS, SETH & LUKE Reversal	16416 - LEVULIS, SETH & LUKE		24.29		1,446,342.55
10/11/2017	APPKT01305	135280	SZKALAK, JUSTIN Reversal	16460 - SZKALAK, JUSTIN		21.35		1,446,363.90
10/11/2017	APPKT01305	135469	ROLANDO GARCIA Reversal	10592 - ROLANDO GARCIA		75.00		1,446,438.90
10/11/2017	GLPKT05160	JN04961	DEPOSIT DAILY CASH POSTING 10/11/2017			2,656.81		1,449,095.71
10/11/2017	GLPKT05161	JN04962	DEPOSIT DAILY PAYMENT POSTING			222.10		1,449,317.81
10/11/2017	GLPKT05162	JN04963	DEPOSIT CASH RECEIPTS			504.00		1,449,821.81
10/11/2017	GLPKT05163	JN04964	DEPOSIT UTILITY DEPOSITS RECEIVED			50.00		1,449,871.81
10/11/2017	GLPKT05163	JN04964	DEPOSIT PAYMENT POSTING			5,276.86		1,455,148.67
10/11/2017	GLPKT05163	JN04964	DEPOSIT DAILY CASH POSTING 10/11/2017			18,708.39		1,473,857.06
10/11/2017	GLPKT05163	JN04964	DEPOSIT PAYMENT POSTING			30.00		1,473,887.06
10/11/2017	GLPKT05163	JN04964	DEPOSIT DAILY PAYMENT POSTING			6,257.13		1,480,144.19
10/11/2017	GLPKT05289	JN05067	CC DEPOSIT			164.50		1,480,308.69
10/12/2017	PYPKT00915	DFT0004364	Payroll EFT				140,595.46	1,339,713.23
10/12/2017	APPKT01308	136916	CAROLYN SANCHEZ	16710 - CAROLYN SANCHEZ			5.00	1,339,708.23
10/12/2017	APPKT01308	136917	CHRISTINA VALDEZ	16537 - CHRISTINA VALDEZ			5.00	1,339,703.23
10/12/2017	APPKT01308	136918	GABE LUCERO	16558 - GABE LUCERO			5.00	1,339,698.23
10/12/2017	APPKT01308	136919	JOE TRUJILLO	16560 - JOE TRUJILLO			5.00	1,339,693.23
10/12/2017	APPKT01308	136920	LYNNAE VELASQUEZ	16476 - LYNNAE VELASQUEZ			5.00	1,339,688.23
10/12/2017	APPKT01308	136921	MIRANDA BARELA	16448 - MIRANDA BARELA			5.00	1,339,683.23
10/12/2017	APPKT01308	136922	NATHAN RUYBAL	16712 - NATHAN RUYBAL			5.00	1,339,678.23
10/12/2017	APPKT01308	136923	ROWENA MARTINEZ	16564 - ROWENA MARTINEZ			5.00	1,339,673.23
10/12/2017	APPKT01308	136924	RYAN WERKMEISTER	16711 - RYAN WERKMEISTER			5.00	1,339,668.23
10/12/2017	APPKT01306	DFT0004365	FIRE & POLICE PENSION ASSOC	15228 - FIRE & POLICE PENSION ASSOC			1,128.85	1,338,539.38
10/12/2017	APPKT01306	DFT0004368	PERA	10083 - PERA			42.63	1,338,496.75
10/12/2017	APPKT01306	DFT0004369	PERA	10083 - PERA			24,930.48	1,313,566.27
10/12/2017	APPKT01306	DFT0004370	PERA	10083 - PERA			46.05	1,313,520.22
10/12/2017	APPKT01306	DFT0004371	VOLUNTARY INVESTMENT PROGRAM	12137 - VOLUNTARY INVESTMENT PROGRAM			1,044.42	1,312,475.80
10/12/2017	APPKT01306	DFT0004372	VOLUNTARY INVESTMENT PROGRAM	12137 - VOLUNTARY INVESTMENT PROGRAM			385.00	1,312,090.80
10/12/2017	APPKT01306	DFT0004373	ICMA RETIREMENT TRUST-457	10512 - ICMA RETIREMENT TRUST-457			1,598.03	1,310,492.77
10/12/2017	APPKT01306	DFT0004374	ICMA RETIREMENT TRUST-457	10512 - ICMA RETIREMENT TRUST-457			125.00	1,310,367.77
10/12/2017	APPKT01306	DFT0004375	VOLUNTARY INVESTMENT PROGRAM	12137 - VOLUNTARY INVESTMENT PROGRAM			100.00	1,310,267.77
10/12/2017	APPKT01306	DFT0004376	VOLUNTARY INVESTMENT PROGRAM	12137 - VOLUNTARY INVESTMENT PROGRAM			200.00	1,310,067.77
10/12/2017	APPKT01306	DFT0004377	COLORADO DEPARTMENT OF REVENUE	15514 - COLORADO DEPARTMENT OF REVEN...			5,633.00	1,304,434.77
10/12/2017	APPKT01306	DFT0004378	UNITED STATES TREASURY	12816 - UNITED STATES TREASURY			187.30	1,304,247.47
10/12/2017	APPKT01306	DFT0004379	UNITED STATES TREASURY	12816 - UNITED STATES TREASURY			16,486.30	1,287,761.17
10/12/2017	APPKT01306	DFT0004380	UNITED STATES TREASURY	12816 - UNITED STATES TREASURY			5,325.86	1,282,435.31
10/12/2017	GLPKT05171	JN04967	DEPOSIT DAILY PAYMENT POSTING			974.50		1,283,409.81
10/12/2017	GLPKT05172	JN04968	DEPOSIT BOND RECEIPTS			500.00		1,283,909.81
10/12/2017	GLPKT05172	JN04968	DEPOSIT CASH RECEIPTS			1,153.00		1,285,062.81
10/12/2017	GLPKT05173	JN04969	DEPOSIT DAILY PAYMENT POSTING			14,972.96		1,300,035.77

Detail Report
Date Range: 10/01/2017 - 10/31/2017

Account	Name	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99-1-00-71111	POOLED CASH - Continued	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/12/2017	GLPKT05289	JN05068	CC DEPOSIT			153.00		1,300,188.77
10/13/2017	APPKT01309	136925	COLONIAL LIFE & ACCIDENT INS	10032 - COLONIAL LIFE & ACCIDENT INS			58.75	1,300,130.02
10/13/2017	APPKT01309	136926	COMPANION VOLUNTARY LIFE	15935 - COMPANION VOLUNTARY LIFE			434.21	1,299,695.81
10/13/2017	APPKT01309	136927	CONTINENTAL AMERICAN INSURANCE	12383 - CONTINENTAL AMERICAN INSURANCE			620.22	1,299,075.59
10/13/2017	APPKT01309	136928	FAMILY SUPPORT REGISTRY	15515 - FAMILY SUPPORT REGISTRY			974.00	1,298,101.59
10/13/2017	APPKT01309	136929	FIDELITY ADVISOR FUNDS	15388 - FIDELITY ADVISOR FUNDS			15,319.71	1,282,781.88
10/13/2017	APPKT01309	136930	FRATERNAL ORDER OF POLICE	15119 - FRATERNAL ORDER OF POLICE			315.00	1,282,466.88
10/13/2017	APPKT01309	136931	KANSAS CITY LIFE INSURANCE COMPANY	12312 - KANSAS CITY LIFE INSURANCE COMP...			6.88	1,282,460.00
10/13/2017	APPKT01309	136932	VALLEY HEALTH & FITNESS	10686 - VALLEY HEALTH & FITNESS			40.00	1,282,420.00
10/13/2017	GLPKT05175	JN04970	DEPOSIT DAILY PAYMENT POSTING			35.96		1,282,455.96
10/13/2017	GLPKT05176	JN04971	DEPOSIT CASH RECEIPTS			543.00		1,282,998.96
10/13/2017	GLPKT05177	JN04972	DEPOSIT PAYMENT POSTING			17,826.83		1,300,825.79
10/13/2017	GLPKT05177	JN04972	DEPOSIT DAILY PAYMENT POSTING			36,865.83		1,337,691.62
10/13/2017	GLPKT05177	JN04972	DEPOSIT DAILY CASH POSTING 10/13/2017			1,232.90		1,338,924.52
10/13/2017	GLPKT05177	JN04972	DEPOSIT PAID OCT 2017 IN FULL			707.23		1,339,631.75
10/13/2017	GLPKT05178	JN04973	DEPOSIT DAILY CASH POSTING 10/13/2017			500,000.00		1,839,631.75
10/13/2017	GLPKT05180	JN04975	DEPOSIT DAILY PAYMENT POSTING			224.82		1,839,856.57
10/13/2017	APPKT01316	DFT0004382	VERIZON WIRELESS DTF	12058 - VERIZON WIRELESS DTF			40.01	1,839,816.56
10/13/2017	APPKT01316	DFT0004383	VERIZON	90894 - VERIZON			845.93	1,838,970.63
10/13/2017	APPKT01316	DFT0004384	COLORADO CHOICE HEALTH PLANS	11151 - COLORADO CHOICE HEALTH PLANS			13,923.43	1,825,047.20
10/13/2017	GLPKT05289	JN05069	CC DEPOSIT			250.00		1,825,297.20
10/14/2017	GLPKT05289	JN05070	CC DEPOSIT			45.00		1,825,342.20
10/16/2017	GLPKT05179	JN04974	EMPLOYEE CONTRIBUTIONS				1,807.05	1,823,535.15
10/16/2017	APPKT01311	136933	ALAMOSA STATE BANK-VISA	15422 - ALAMOSA STATE BANK-VISA			145.10	1,823,390.05
10/16/2017	GLPKT05184	JN04977	DEPOSIT DAILY PAYMENT POSTING			1,180.00		1,824,570.05
10/16/2017	GLPKT05185	JN04978	DEPOSIT CASH RECEIPTS			1,755.00		1,826,325.05
10/16/2017	GLPKT05185	JN04978	DEPOSIT BOND RECEIPTS			500.00		1,826,825.05
10/16/2017	GLPKT05186	JN04979	DEPOSIT UTILITY DEPOSITS RECEIVED			50.00		1,826,875.05
10/16/2017	GLPKT05186	JN04979	DEPOSIT DAILY CASH POSTING 10/16/2017			2,709.50		1,829,584.55
10/16/2017	GLPKT05186	JN04979	DEPOSIT DAILY PAYMENT POSTING			39,252.63		1,868,837.18
10/16/2017	APPKT01316	DFT0004407	XCEL ENERGY	15115 - XCEL ENERGY			16.38	1,868,820.80
10/16/2017	APPKT01316	DFT0004408	XCEL ENERGY	15115 - XCEL ENERGY			16.38	1,868,804.42
10/16/2017	APPKT01316	DFT0004410	XCEL ENERGY	15115 - XCEL ENERGY			3,652.88	1,865,151.54
10/16/2017	APPKT01316	DFT0004411	XCEL ENERGY	15115 - XCEL ENERGY			1,373.14	1,863,778.40
10/16/2017	APPKT01316	DFT0004412	XCEL ENERGY	15115 - XCEL ENERGY			263.15	1,863,515.25
10/16/2017	APPKT01316	DFT0004413	XCEL ENERGY	15115 - XCEL ENERGY			65.53	1,863,449.72
10/16/2017	APPKT01316	DFT0004414	XCEL ENERGY	15115 - XCEL ENERGY			42.89	1,863,406.83
10/16/2017	GLPKT05289	JN05071	CC DEPOSIT			225.00		1,863,631.83
10/17/2017	GLPKT05187	JN04980	DEPOSIT DAILY PAYMENT POSTING			39.34		1,863,671.17
10/17/2017	APPKT01313	136934	DUANE OAKES	11502 - DUANE OAKES			127.00	1,863,544.17
10/17/2017	APPKT01313	136935	KENNY ANDERSON	90485 - KENNY ANDERSON			127.00	1,863,417.17

Detail Report

Date Range: 10/01/2017 - 10/31/2017

Account	Name	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99-1-00-71111	POOLED CASH - Continued	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/17/2017	GLPKT05190	JN04981	DEPOSIT DAILY PAYMENT POSTING			1,057.22		1,864,474.39
10/17/2017	GLPKT05191	JN04982	DEPOSIT CASH RECEIPTS			274.00		1,864,748.39
10/17/2017	GLPKT05192	JN04983	DEPOSIT PAID SEPT 2017 IN FULL			4,236.39		1,868,984.78
10/17/2017	GLPKT05192	JN04983	DEPOSIT PAYMENT POSTING			11,713.10		1,880,697.88
10/17/2017	GLPKT05192	JN04983	DEPOSIT DAILY PAYMENT POSTING			25,856.56		1,906,554.44
10/17/2017	GLPKT05192	JN04983	DEPOSIT DAILY CASH POSTING 10/17/2017			2,208.06		1,908,762.50
10/17/2017	APPKT01316	DFT0004395	WEX BANK	12101 - WEX BANK			12,373.79	1,896,388.71
10/17/2017	GLPKT05289	JN05072	CC DEPOSIT			417.00		1,896,805.71
10/18/2017	GLPKT05193	JN04984	DEPOSIT DAILY CASH POSTING 10/18/2017			25,118.26		1,921,923.97
10/18/2017	GLPKT05194	JN04985	DEPOSIT DAILY PAYMENT POSTING			390.61		1,922,314.58
10/18/2017	GLPKT05195	JN04986	DEPOSIT CASH RECEIPTS			245.00		1,922,559.58
10/18/2017	GLPKT05196	JN04987	DEPOSIT DAILY PAYMENT POSTING			14,299.20		1,936,858.78
10/18/2017	GLPKT05196	JN04987	DEPOSIT PAID OCT 2017 IN FULL			2,495.83		1,939,354.61
10/18/2017	GLPKT05196	JN04987	DEPOSIT DAILY CASH POSTING 10/18/2017			1,839.50		1,941,194.11
10/18/2017	GLPKT05196	JN04987	DEPOSIT PAYMENT POSTING			34,006.96		1,975,201.07
10/18/2017	APPKT01316	DFT0004405	XCEL ENERGY	15115 - XCEL ENERGY			32.78	1,975,168.29
10/18/2017	APPKT01316	DFT0004406	XCEL ENERGY	15115 - XCEL ENERGY			1,544.08	1,973,624.21
10/18/2017	GLPKT05289	JN05073	CC DEPOSIT			245.00		1,973,869.21
10/19/2017	GLPKT05200	JN04989	DEPOSIT DAILY PAYMENT POSTING			244.52		1,974,113.73
10/19/2017	GLPKT05201	JN04990	DEPOSIT CASH RECEIPTS			320.00		1,974,433.73
10/19/2017	GLPKT05202	JN04991	DEPOSIT PAYMENT POSTING			1,865.77		1,976,299.50
10/19/2017	GLPKT05202	JN04991	DEPOSIT DAILY PAYMENT POSTING			13,475.50		1,989,775.00
10/19/2017	GLPKT05202	JN04991	DEPOSIT DAILY CASH POSTING 10/19/2017			25,412.00		2,015,187.00
10/19/2017	APPKT01316	DFT0004381	COLORADO CHOICE HEALTH PLANS	11151 - COLORADO CHOICE HEALTH PLANS			44,744.66	1,970,442.34
10/19/2017	GLPKT05289	JN05074	CC DEPOSIT			211.00		1,970,653.34
10/20/2017	APPKT01314	136936	ACE HARDWARE OF ALAMOSA	12276 - ACE HARDWARE OF ALAMOSA			370.78	1,970,282.56
10/20/2017	APPKT01314	136937	ADSG, INC.	15961 - ADSG, INC.			1,778.00	1,968,504.56
10/20/2017	APPKT01314	136938	AIRGAS USA, LLC	15230 - AIRGAS USA, LLC			153.84	1,968,350.72
10/20/2017	APPKT01314	136939	ALAMOSA COUNTY CLERK	15248 - ALAMOSA COUNTY CLERK			95.50	1,968,255.22
10/20/2017	APPKT01314	136940	ALAMOSA COUNTY SHERIFF DEPT	11301 - ALAMOSA COUNTY SHERIFF DEPT			6,825.94	1,961,429.28
10/20/2017	APPKT01314	136941	ALAMOSA STATE BANK-VISA	15422 - ALAMOSA STATE BANK-VISA			2,129.40	1,959,299.88
10/20/2017	APPKT01314	136942	ALERT-ALL	90032 - ALERT-ALL			597.60	1,958,702.28
10/20/2017	APPKT01314	136943	ALLWATER SUPPLY LLC	11061 - ALLWATER SUPPLY LLC			1,134.61	1,957,567.67
10/20/2017	APPKT01314	136944	ALPINE ELECTRIC, INC	15231 - ALPINE ELECTRIC, INC			45.00	1,957,522.67
10/20/2017	APPKT01314	136945	ALPINE VETERINARY HOSPITAL	12602 - ALPINE VETERINARY HOSPITAL			73.00	1,957,449.67
10/20/2017	APPKT01314	136946	AMY MCKINLEY	16341 - AMY MCKINLEY			76.23	1,957,373.44
10/20/2017	APPKT01314	136947	APEX REPAIR SERVICE	12479 - APEX REPAIR SERVICE			366.50	1,957,006.94
10/20/2017	APPKT01314	136948	ASPHALT CONSTRUCTORS INC	11660 - ASPHALT CONSTRUCTORS INC			13,354.00	1,943,652.94
10/20/2017	APPKT01314	136949	AUTOZONE	12768 - AUTOZONE			187.78	1,943,465.16
10/20/2017	APPKT01314	136950	BENJAMIN GIBBONS	12870 - BENJAMIN GIBBONS			4,959.50	1,938,505.66
10/20/2017	APPKT01314	136953	BOBCAT OF THE ROCKIES, LLC	12352 - BOBCAT OF THE ROCKIES, LLC			192.32	1,938,313.34

Detail Report
Date Range: 10/01/2017 - 10/31/2017

Account	Name	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99-1-00-71111	POOLED CASH - Continued	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/20/2017	APPKT01314	136954	BRIDGESTONE AMERICAS, INC	12799 - BRIDGESTONE AMERICAS, INC			2,035.34	1,936,278.00
10/20/2017	APPKT01314	136955	BSN SPORTS/COLLEGIATE PACIFIC	11011 - BSN SPORTS/COLLEGIATE PACIFIC			261.50	1,936,016.50
10/20/2017	APPKT01314	136956	BUSINESS SOLUTIONS LEASING	10987 - BUSINESS SOLUTIONS LEASING			1,279.83	1,934,736.67
10/20/2017	APPKT01314	136957	CED, INC.	15223 - CED, INC.			250.08	1,934,486.59
10/20/2017	APPKT01314	136958	CENTURYLINK	12295 - CENTURYLINK			446.40	1,934,040.19
10/20/2017	APPKT01314	136959	CHARTER COMMUNICATIONS	12826 - CHARTER COMMUNICATIONS			12.60	1,934,027.59
10/20/2017	APPKT01314	136960	COLO. BUREAU OF INVESTIGATIONS	90194 - COLO. BUREAU OF INVESTIGATIONS			30.00	1,933,997.59
10/20/2017	APPKT01314	136961	COLUMBINE AUTOMOTIVE PRODUCTS	10217 - COLUMBINE AUTOMOTIVE PRODUCTS			23.00	1,933,974.59
10/20/2017	APPKT01314	136962	COPRO EFR LLC	16714 - COPRO EFR LLC			11,952.00	1,922,022.59
10/20/2017	APPKT01314	136963	DANA KEPNER COMPANY	10041 - DANA KEPNER COMPANY			233.28	1,921,789.31
10/20/2017	APPKT01314	136964	DANIEL E. VAUGHN	16708 - DANIEL E. VAUGHN			465.18	1,921,324.13
10/20/2017	APPKT01314	136965	DENVER INTERNATIONAL AIRPORT	16715 - DENVER INTERNATIONAL AIRPORT			475.00	1,920,849.13
10/20/2017	APPKT01314	136966	DUSTIN J. PARR	15417 - DUSTIN J. PARR			6.95	1,920,842.18
10/20/2017	APPKT01314	136967	EXPRESS TOLL SERVICE CENTER	11702 - EXPRESS TOLL SERVICE CENTER			28.15	1,920,814.03
10/20/2017	APPKT01314	136968	FALCON ENVIRONMENTAL CORPORATION	10438 - FALCON ENVIRONMENTAL CORPORAT..			8,688.16	1,912,125.87
10/20/2017	APPKT01314	136969	FEDEX	10519 - FEDEX			371.92	1,911,753.95
10/20/2017	APPKT01314	136970	FRANK J. ZAMBONI & CO. INC.	12585 - FRANK J. ZAMBONI & CO. INC.			206.69	1,911,547.26
10/20/2017	APPKT01314	136971	FREMAREK, INC	90577 - FREMAREK, INC			469.29	1,911,077.97
10/20/2017	APPKT01314	136972	FRONT RANGE FIRE APPARATUS	15377 - FRONT RANGE FIRE APPARATUS			1,253.00	1,909,824.97
10/20/2017	APPKT01314	136973	GALLS/QUARTERMASTER INC.	15257 - GALLS/QUARTERMASTER INC.			370.31	1,909,454.66
10/20/2017	APPKT01314	136974	GARDNER EXCAVATING	15211 - GARDNER EXCAVATING			172,108.44	1,737,346.22
10/20/2017	APPKT01314	136975	HACH COMPANY	15258 - HACH COMPANY			3,061.37	1,734,284.85
10/20/2017	APPKT01314	136976	INTERLINE BRANDS., INC	10660 - INTERLINE BRANDS., INC			495.27	1,733,789.58
10/20/2017	APPKT01314	136977	KARTCO SAFETY	12552 - KARTCO SAFETY			1,205.70	1,732,583.88
10/20/2017	APPKT01314	136978	KIMBALL MIDWEST	12711 - KIMBALL MIDWEST			199.94	1,732,383.94
10/20/2017	APPKT01314	136979	MARTINEZ MONUMENTS	16285 - MARTINEZ MONUMENTS			200.00	1,732,183.94
10/20/2017	APPKT01314	136980	MILAGROS COFFEE HOUSE	15978 - MILAGROS COFFEE HOUSE			76.94	1,732,107.00
10/20/2017	APPKT01314	136981	MOTOROLA SOLUTIONS	16064 - MOTOROLA SOLUTIONS			48,000.00	1,684,107.00
10/20/2017	APPKT01314	136982	MYERS BROTHERS TRUCK & TRACTOR	11956 - MYERS BROTHERS TRUCK & TRACTOR			5,602.43	1,678,504.57
10/20/2017	APPKT01314	136983	NORTH RIVER GREENHOUSE	90621 - NORTH RIVER GREENHOUSE			582.00	1,677,922.57
10/20/2017	APPKT01314	136984	OCPO	90624 - OCPO			60.00	1,677,862.57
10/20/2017	APPKT01314	136985	OCPO	90624 - OCPO			60.00	1,677,802.57
10/20/2017	APPKT01314	136986	OCPO	90624 - OCPO			60.00	1,677,742.57
10/20/2017	APPKT01314	136987	OCPO	90624 - OCPO			60.00	1,677,682.57
10/20/2017	APPKT01314	136988	OFFICE DEPOT	10143 - OFFICE DEPOT			58.91	1,677,623.66
10/20/2017	APPKT01314	136989	POWER EQUIPMENT COMPANY	15857 - POWER EQUIPMENT COMPANY			1,625.85	1,675,997.81
10/20/2017	APPKT01314	136990	PROFESSIONAL COMPLIANCE & TESTING LLC	10482 - PROFESSIONAL COMPLIANCE & TESTI...			119.00	1,675,878.81
10/20/2017	APPKT01314	136991	PUEBLO COMMUNITY COLLEGE	15700 - PUEBLO COMMUNITY COLLEGE			1,375.00	1,674,503.81
10/20/2017	APPKT01314	136992	RAILAMERICA HOLDING SERVICES, INC.	90680 - RAILAMERICA HOLDING SERVICES, IN...			1,069.40	1,673,434.41
10/20/2017	APPKT01314	136993	RELiance STEEL CO. #12	90694 - RELiance STEEL CO. #12			97.06	1,673,337.35
10/20/2017	APPKT01314	136994	RIO GRANDE MOTOR PARTS CO, INC	12712 - RIO GRANDE MOTOR PARTS CO, INC			321.18	1,673,016.17

Detail Report
Date Range: 10/01/2017 - 10/31/2017

Account	Name	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99-1-00-71111	POOLED CASH - Continued	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/20/2017	APPKT01314	136995	RMS UTILITIES, INC.	90719 - RMS UTILITIES, INC.			84,569.60	1,588,446.57
10/20/2017	APPKT01314	136996	RUSSELL SURVEYORS & ASSOCIATES INC	15614 - RUSSELL SURVEYORS & ASSOCIATES I...			500.00	1,587,946.57
10/20/2017	APPKT01314	136997	SAFETY KLEEN CORP	10432 - SAFETY KLEEN CORP			247.65	1,587,698.92
10/20/2017	APPKT01314	136998	SAN LUIS VALLEY REGIONAL SOLID WASTE AU...	15193 - SAN LUIS VALLEY REGIONAL SOLID W...			8,207.26	1,579,491.66
10/20/2017	APPKT01314	136999	SCHRADER'S GLASS SHOP	15902 - SCHRADER'S GLASS SHOP			15.00	1,579,476.66
10/20/2017	APPKT01314	137000	SDC LABORATORY, INC.	15264 - SDC LABORATORY, INC.			1,210.00	1,578,266.66
10/20/2017	APPKT01314	137001	SHERWIN WILLIAMS	15363 - SHERWIN WILLIAMS			163.45	1,578,103.21
10/20/2017	APPKT01314	137002	SIERRA VISTA LUMBER & STEEL	11813 - SIERRA VISTA LUMBER & STEEL			5.74	1,578,097.47
10/20/2017	APPKT01314	137003	SORUM TRACTOR	15498 - SORUM TRACTOR			561.77	1,577,535.70
10/20/2017	APPKT01314	137004	STAPLES BUSINESS ADVANTAGE	11088 - STAPLES BUSINESS ADVANTAGE			346.76	1,577,188.94
10/20/2017	APPKT01314	137005	SYNCB/AMAZON	16403 - SYNCB/AMAZON			513.20	1,576,675.74
10/20/2017	APPKT01314	137006	TOTAL OFFICE SOLUTIONS	15639 - TOTAL OFFICE SOLUTIONS			54.27	1,576,621.47
10/20/2017	APPKT01314	137007	TOWN & COUNTRY CAR & TRUCK CNT	15266 - TOWN & COUNTRY CAR & TRUCK CNT			15.83	1,576,605.64
10/20/2017	APPKT01314	137008	TRIAD EAP	16271 - TRIAD EAP			1,234.95	1,575,370.69
10/20/2017	APPKT01314	137009	TZA WATER ENGINEERS	15840 - TZA WATER ENGINEERS			4,629.46	1,570,741.23
10/20/2017	APPKT01314	137010	USA BLUEBOOK	15340 - USA BLUEBOOK			136.03	1,570,605.20
10/20/2017	APPKT01314	137011	VALLEY COURIER	10105 - VALLEY COURIER			347.95	1,570,257.25
10/20/2017	APPKT01314	137012	VALLEY ELECTRIC	10106 - VALLEY ELECTRIC			112.68	1,570,144.57
10/20/2017	APPKT01314	137013	VALLEY HUMANE LEAGUE	12867 - VALLEY HUMANE LEAGUE			1,500.00	1,568,644.57
10/20/2017	APPKT01314	137014	VALLEY TEXTILE RENTAL & DRY	15172 - VALLEY TEXTILE RENTAL & DRY			91.30	1,568,553.27
10/20/2017	APPKT01314	1732	ALCON CONSTRUCTION	10016 - ALCON CONSTRUCTION			215,896.90	1,352,656.37
10/20/2017	APPKT01314	1733	DIGITCOM ELECTRONICS	10707 - DIGITCOM ELECTRONICS			150.00	1,352,506.37
10/20/2017	APPKT01314	1734	ELBERT DISTRIBUTING OF COLORADO, INC.	15664 - ELBERT DISTRIBUTING OF COLORADO,..			505.26	1,352,001.11
10/20/2017	APPKT01314	1735	HAYNIES, INC.	10056 - HAYNIES, INC.			913.69	1,351,087.42
10/20/2017	APPKT01314	1736	SOFTWARE SPECTRUM INC., AN INSIGHT COM...	10921 - SOFTWARE SPECTRUM INC., AN INSI...			725.50	1,350,361.92
10/20/2017	APPKT01314	1737	VALLEY LOCK & SECURITY	10109 - VALLEY LOCK & SECURITY			520.70	1,349,841.22
10/20/2017	APPKT01314	1738	WEISS CLEANERS	15270 - WEISS CLEANERS			600.00	1,349,241.22
10/20/2017	APPKT01317	137015	ARLAN'S PRO SERVICES	12385 - ARLAN'S PRO SERVICES			160.00	1,349,081.22
10/20/2017	APPKT01317	137016	CIELLO POWERED BY SLVREC	16716 - CIELLO POWERED BY SLVREC			123.38	1,348,957.84
10/20/2017	APPKT01317	137017	CREDIT BUREAU OF ALAMOSA	15335 - CREDIT BUREAU OF ALAMOSA			10.00	1,348,947.84
10/20/2017	APPKT01317	137018	DON CHAPMAN	10352 - DON CHAPMAN			283.33	1,348,664.51
10/20/2017	APPKT01317	137019	OCPO	90624 - OCPO			60.00	1,348,604.51
10/20/2017	APPKT01317	137020	OCPO	90624 - OCPO			60.00	1,348,544.51
10/20/2017	APPKT01317	137021	OCPO	90624 - OCPO			60.00	1,348,484.51
10/20/2017	APPKT01317	137022	OCPO	90624 - OCPO			60.00	1,348,424.51
10/20/2017	APPKT01317	137023	PSYCHOLOGICAL DIMENSIONS PC	11530 - PSYCHOLOGICAL DIMENSIONS PC			1,300.00	1,347,124.51
10/20/2017	APPKT01317	137024	SUSAN VADNEY	16717 - SUSAN VADNEY			65.00	1,347,059.51
10/20/2017	APPKT01317	137025	VIAERO WIRELESS	12784 - VIAERO WIRELESS			9,149.20	1,337,910.31
10/20/2017	GLPKT05208	JN04995	DEPOSIT DAILY PAYMENT POSTING			825.70		1,338,736.01
10/20/2017	GLPKT05209	JN04996	DEPOSIT CASH RECEIPTS			29.00		1,338,765.01
10/20/2017	GLPKT05210	JN04997	DEPOSIT PAID SEPT 2017 IN FULL			247.00		1,339,012.01

Detail Report
Date Range: 10/01/2017 - 10/31/2017

Account	Name	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99-1-00-71111	POOLED CASH - Continued	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/20/2017	GLPKT05210	JN04997	DEPOSIT UTILITY DEPOSITS RECEIVED			50.00		1,339,062.01
10/20/2017	GLPKT05210	JN04997	DEPOSIT DAILY CASH POSTING 10/20/2017			4,273.63		1,343,335.64
10/20/2017	GLPKT05210	JN04997	DEPOSIT PAYMENT POSTING			30.00		1,343,365.64
10/20/2017	GLPKT05210	JN04997	DEPOSIT DAILY PAYMENT POSTING			11,733.48		1,355,099.12
10/20/2017	GLPKT05210	JN04997	DEPOSIT PAYMENT POSTING			52,533.66		1,407,632.78
10/20/2017	GLPKT05214	JN05000	DEPOSIT DAILY PAYMENT POSTING - ADJ				38.26	1,407,594.52
10/20/2017	APPKT01316	DFT0004394	COLORADO TRUST	16502 - COLORADO TRUST			500,000.00	907,594.52
10/20/2017	GLPKT05289	JN05075	CC DEPOSIT			104.00		907,698.52
10/21/2017	GLPKT05289	JN05076	CC DEPOSIT			137.00		907,835.52
10/23/2017	GLPKT05211	JN04998	DEPOSIT DRAFT POSTING			37,144.71		944,980.23
10/23/2017	PYPKT00921	137026	WRIGHT, DOMINIQUE DEVON				723.08	944,257.15
10/23/2017	GLPKT05213	JN04999	DEPOSIT PAYMENT POSTING			13,177.32		957,434.47
10/23/2017	GLPKT05218	JN05001	DEPOSIT DAILY PAYMENT POSTING			641.38		958,075.85
10/23/2017	GLPKT05219	JN05002	DEPOSIT CASH RECEIPTS			947.00		959,022.85
10/23/2017	GLPKT05220	JN05003	DEPOSIT DAILY CASH POSTING 10/23/2017				0.32	959,022.53
10/23/2017	GLPKT05220	JN05003	DEPOSIT DAILY CASH POSTING 10/23/2017			386.16		959,408.69
10/23/2017	GLPKT05220	JN05003	DEPOSIT PAYMENT POSTING			25,502.66		984,911.35
10/23/2017	GLPKT05220	JN05003	DEPOSIT UTILITY DEPOSITS RECEIVED			100.00		985,011.35
10/23/2017	GLPKT05220	JN05003	DEPOSIT DAILY PAYMENT POSTING			27,764.50		1,012,775.85
10/23/2017	APPKT01324	DFT0004389	PERA	10083 - PERA			180.73	1,012,595.12
10/23/2017	APPKT01324	DFT0004390	COLORADO DEPARTMENT OF REVENUE	15514 - COLORADO DEPARTMENT OF REVEN...			10.00	1,012,585.12
10/23/2017	APPKT01324	DFT0004391	UNITED STATES TREASURY	12816 - UNITED STATES TREASURY			21.04	1,012,564.08
10/23/2017	APPKT01324	DFT0004392	UNITED STATES TREASURY	12816 - UNITED STATES TREASURY			24.16	1,012,539.92
10/23/2017	GLPKT05289	JN05077	CC DEPOSIT			426.00		1,012,965.92
10/24/2017	GLPKT05222	JN05005	DEPOSIT DAILY CASH POSTING 10/24/2017			275.00		1,013,240.92
10/24/2017	GLPKT05226	JN05009	DEPOSIT DAILY PAYMENT POSTING			1,094.27		1,014,335.19
10/24/2017	GLPKT05227	JN05010	DEPOSIT CASH RECEIPTS			560.00		1,014,895.19
10/24/2017	GLPKT05228	JN05011	DEPOSIT UTILITY DEPOSITS RECEIVED			50.00		1,014,945.19
10/24/2017	GLPKT05228	JN05011	DEPOSIT PAYMENT POSTING			167,290.34		1,182,235.53
10/24/2017	GLPKT05228	JN05011	DEPOSIT DAILY PAYMENT POSTING			16,951.72		1,199,187.25
10/24/2017	GLPKT05228	JN05011	DEPOSIT DAILY CASH POSTING 10/24/2017			1,946.45		1,201,133.70
10/24/2017	GLPKT05289	JN05078	CC DEPOSIT			215.00		1,201,348.70
10/25/2017	GLPKT05229	JN05012	DEPOSIT DAILY PAYMENT POSTING - ADJ				98.05	1,201,250.65
10/25/2017	APPKT01323	137027	BLUE MOON BAY PAINTING CO.	16718 - BLUE MOON BAY PAINTING CO.			1,500.00	1,199,750.65
10/25/2017	APPKT01323	137028	CHARTER COMMUNICATIONS	12826 - CHARTER COMMUNICATIONS			25.21	1,199,725.44
10/25/2017	APPKT01323	137029	GLOBAL EQUIPMENT CO	11206 - GLOBAL EQUIPMENT CO			1,191.16	1,198,534.28
10/25/2017	APPKT01323	137030	JOHN VASQUEZ	90460 - JOHN VASQUEZ			69.00	1,198,465.28
10/25/2017	APPKT01323	137031	XCEL ENERGY	15115 - XCEL ENERGY			8,257.57	1,190,207.71
10/25/2017	GLPKT05232	JN05013	DEPOSIT DAILY PAYMENT POSTING			1,262.77		1,191,470.48
10/25/2017	GLPKT05233	JN05014	DEPOSIT DAILY CASH POSTING 10/25/2017			457.08		1,191,927.56
10/25/2017	GLPKT05233	JN05014	DEPOSIT DAILY PAYMENT POSTING			9,052.68		1,200,980.24

Detail Report
Date Range: 10/01/2017 - 10/31/2017

Account	Name	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99-1-00-71111	POOLED CASH - Continued	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/25/2017	GLPKT05233	JN05014	DEPOSIT PAYMENT POSTING			65,517.91		1,266,498.15
10/25/2017	GLPKT05233	JN05014	DEPOSIT UTILITY DEPOSITS RECEIVED			100.00		1,266,598.15
10/25/2017	GLPKT05234	JN05015	DEPOSIT CASH RECEIPTS			1,740.00		1,268,338.15
10/25/2017	GLPKT05289	JN05079	CC DEPOSIT			447.00		1,268,785.15
10/25/2017	APPKT01339	DFT0004436	C-SAFE	16615 - C-SAFE			500,000.00	768,785.15
10/25/2017	APPKT01339	DFT0004437	COLORADO CHOICE HEALTH PLANS	11151 - COLORADO CHOICE HEALTH PLANS			10,050.02	758,735.13
10/25/2017	APPKT01339	DFT0004443	XCEL ENERGY	15115 - XCEL ENERGY			375.52	758,359.61
10/26/2017	PYPKT00926	DFT0004417	Payroll EFT				124,514.31	633,845.30
10/26/2017	APPKT01324	DFT0004418	FIRE & POLICE PENSION ASSOC	15228 - FIRE & POLICE PENSION ASSOC			1,123.69	632,721.61
10/26/2017	APPKT01324	DFT0004421	PERA	10083 - PERA			11.63	632,709.98
10/26/2017	APPKT01324	DFT0004422	PERA	10083 - PERA			23,399.44	609,310.54
10/26/2017	APPKT01324	DFT0004423	PERA	10083 - PERA			35.81	609,274.73
10/26/2017	APPKT01324	DFT0004424	VOLUNTARY INVESTMENT PROGRAM	12137 - VOLUNTARY INVESTMENT PROGRAM			1,032.52	608,242.21
10/26/2017	APPKT01324	DFT0004425	VOLUNTARY INVESTMENT PROGRAM	12137 - VOLUNTARY INVESTMENT PROGRAM			385.00	607,857.21
10/26/2017	APPKT01324	DFT0004426	ICMA RETIREMENT TRUST-457	10512 - ICMA RETIREMENT TRUST-457			1,446.11	606,411.10
10/26/2017	APPKT01324	DFT0004427	ICMA RETIREMENT TRUST-457	10512 - ICMA RETIREMENT TRUST-457			125.00	606,286.10
10/26/2017	APPKT01324	DFT0004428	TASC	16690 - TASC			293.25	605,992.85
10/26/2017	APPKT01324	DFT0004429	TASC	16690 - TASC			1,513.80	604,479.05
10/26/2017	APPKT01324	DFT0004430	COLORADO DEPARTMENT OF REVENUE	15514 - COLORADO DEPARTMENT OF REVEN...			5,066.00	599,413.05
10/26/2017	APPKT01324	DFT0004431	UNITED STATES TREASURY	12816 - UNITED STATES TREASURY			138.64	599,274.41
10/26/2017	APPKT01324	DFT0004432	UNITED STATES TREASURY	12816 - UNITED STATES TREASURY			14,601.79	584,672.62
10/26/2017	APPKT01324	DFT0004433	UNITED STATES TREASURY	12816 - UNITED STATES TREASURY			4,735.30	579,937.32
10/26/2017	GLPKT05237	JN05016	DEPOSIT DAILY PAYMENT POSTING			595.62		580,532.94
10/26/2017	GLPKT05238	JN05017	DEPOSIT PAID NOV 2017 IN FULL			4,416.33		584,949.27
10/26/2017	GLPKT05238	JN05017	DEPOSIT DAILY PAYMENT POSTING			5,957.94		590,907.21
10/26/2017	GLPKT05238	JN05017	DEPOSIT DAILY CASH POSTING 10/26/2017			4,863.00		595,770.21
10/26/2017	GLPKT05238	JN05017	DEPOSIT PAYMENT POSTING			75.00		595,845.21
10/26/2017	GLPKT05238	JN05017	DEPOSIT UTILITY DEPOSITS RECEIVED			50.00		595,895.21
10/26/2017	GLPKT05238	JN05017	DEPOSIT PAYMENT POSTING			20,928.30		616,823.51
10/26/2017	GLPKT05250	JN05028	DEPOSIT CASH RECEIPTS			860.00		617,683.51
10/26/2017	GLPKT05289	JN05080	CC DEPOSIT			42.00		617,725.51
10/27/2017	APPKT01325	137032	COLONIAL LIFE & ACCIDENT INS	10032 - COLONIAL LIFE & ACCIDENT INS			58.75	617,666.76
10/27/2017	APPKT01325	137033	COMPANION VOLUNTARY LIFE	15935 - COMPANION VOLUNTARY LIFE			434.21	617,232.55
10/27/2017	APPKT01325	137034	CONTINENTAL AMERICAN INSURANCE	12383 - CONTINENTAL AMERICAN INSURANCE			620.22	616,612.33
10/27/2017	APPKT01325	137035	FAMILY SUPPORT REGISTRY	15515 - FAMILY SUPPORT REGISTRY			757.00	615,855.33
10/27/2017	APPKT01325	137036	FIDELITY ADVISOR FUNDS	15388 - FIDELITY ADVISOR FUNDS			14,803.19	601,052.14
10/27/2017	APPKT01325	137037	FRATERNAL ORDER OF POLICE	15119 - FRATERNAL ORDER OF POLICE			315.00	600,737.14
10/27/2017	APPKT01325	137038	KANSAS CITY LIFE INSURANCE COMPANY	12312 - KANSAS CITY LIFE INSURANCE COMP...			6.88	600,730.26
10/27/2017	GLPKT05240	JN05018	DEPOSIT DAILY PAYMENT POSTING			325.36		601,055.62
10/27/2017	GLPKT05241	JN05019	DEPOSIT CASH RECEIPTS			1,015.00		602,070.62
10/27/2017	GLPKT05242	JN05020	DEPOSIT UTILITY DEPOSITS RECEIVED			100.00		602,170.62

Detail Report
Date Range: 10/01/2017 - 10/31/2017

Account	Name	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99-1-00-71111	POOLED CASH - Continued	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/27/2017	GLPKT05242	JN05020	DEPOSIT DAILY CASH POSTING 10/27/2017			2,587.24		604,757.86
10/27/2017	GLPKT05242	JN05020	DEPOSIT DAILY PAYMENT POSTING			13,367.72		618,125.58
10/27/2017	GLPKT05242	JN05020	DEPOSIT PAYMENT POSTING			768.03		618,893.61
10/27/2017	GLPKT05242	JN05020	DEPOSIT DAILY CASH POSTING 10/27/2017			3.00		618,896.61
10/27/2017	GLPKT05289	JN05081	CC DEPOSIT			72.00		618,968.61
10/27/2017	APPKT01339	DFT0004444	XCEL ENERGY	15115 - XCEL ENERGY			2,334.39	616,634.22
10/28/2017	GLPKT05289	JN05082	CC DEPOSIT			4.00		616,638.22
10/30/2017	GLPKT05245	JN05023	DEPOSIT PAYMENT POSTING				7.29	616,630.93
10/30/2017	GLPKT05246	JN05024	DEPOSIT PAYMENT POSTING			7.27		616,638.20
10/30/2017	GLPKT05247	JN05025	DEPOSIT DAILY PAYMENT POSTING			1,413.62		618,051.82
10/30/2017	GLPKT05248	JN05026	DEPOSIT DAILY CASH POSTING 10/30/2017			124.00		618,175.82
10/30/2017	GLPKT05248	JN05026	DEPOSIT PAID OCT 2017 IN FULL			2,334.33		620,510.15
10/30/2017	GLPKT05248	JN05026	DEPOSIT PAYMENT POSTING			20,097.65		640,607.80
10/30/2017	GLPKT05248	JN05026	DEPOSIT UTILITY DEPOSITS RECEIVED			100.00		640,707.80
10/30/2017	GLPKT05248	JN05026	DEPOSIT DAILY PAYMENT POSTING			54,623.40		695,331.20
10/30/2017	GLPKT05249	JN05027	DEPOSIT CASH RECEIPTS			1,140.00		696,471.20
10/30/2017	GLPKT05289	JN05083	CC DEPOSIT			138.00		696,609.20
10/30/2017	APPKT01339	DFT0004439	PITNEY BOWES INC.	12378 - PITNEY BOWES INC.			484.47	696,124.73
10/30/2017	APPKT01339	DFT0004445	XCEL ENERGY	15115 - XCEL ENERGY			65.08	696,059.65
10/30/2017	APPKT01339	DFT0004446	XCEL ENERGY	15115 - XCEL ENERGY			67.15	695,992.50
10/30/2017	APPKT01339	DFT0004447	XCEL ENERGY	15115 - XCEL ENERGY			70.34	695,922.16
10/30/2017	APPKT01339	DFT0004448	XCEL ENERGY	15115 - XCEL ENERGY			186.84	695,735.32
10/30/2017	APPKT01339	DFT0004449	XCEL ENERGY	15115 - XCEL ENERGY			573.92	695,161.40
10/30/2017	APPKT01339	DFT0004450	XCEL ENERGY	15115 - XCEL ENERGY			12,884.51	682,276.89
10/31/2017	APPKT01306	DFT0004366	AFLAC	15438 - AFLAC			295.14	681,981.75
10/31/2017	APPKT01306	DFT0004367	AFLAC	15438 - AFLAC			610.62	681,371.13
10/31/2017	APPKT01324	DFT0004419	AFLAC	15438 - AFLAC			295.14	681,075.99
10/31/2017	APPKT01324	DFT0004420	AFLAC	15438 - AFLAC			610.62	680,465.37
10/31/2017	GLPKT05252	JN05029	DEPOSIT CASH RECEIPTS			211.00		680,676.37
10/31/2017	GLPKT05253	JN05030	DEPOSIT DAILY PAYMENT POSTING			1,242.48		681,918.85
10/31/2017	GLPKT05254	JN05031	DEPOSIT DAILY CASH POSTING 10/31/2017			2,381.10		684,299.95
10/31/2017	GLPKT05254	JN05031	DEPOSIT DAILY PAYMENT POSTING			16,368.71		700,668.66
10/31/2017	APPKT01327	137039	KENNY ANDERSON	90485 - KENNY ANDERSON			500.00	700,168.66
10/31/2017	APPKT01327	137040	LUCIANO SANDOVAL	16722 - LUCIANO SANDOVAL			250.00	699,918.66
10/31/2017	GLPKT05289	JN05084	CC DEPOSIT			138.00		700,056.66
10/31/2017	APPKT01339	DFT0004451	XCEL ENERGY	15115 - XCEL ENERGY			8,101.68	691,954.98
10/31/2017	APPKT01339	DFT0004452	XCEL ENERGY	15115 - XCEL ENERGY			183.01	691,771.97
10/31/2017	APPKT01339	DFT0004453	XCEL ENERGY	15115 - XCEL ENERGY			117.98	691,653.99
10/31/2017	APPKT01339	DFT0004454	XCEL ENERGY	15115 - XCEL ENERGY			16.29	691,637.70
10/31/2017	APPKT01339	DFT0004455	XCEL ENERGY	15115 - XCEL ENERGY			10.96	691,626.74
10/31/2017	GLPKT05305	JN05093	DEPOSIT DAILY CASH POSTING 10/31/2017			137.56		691,764.30

Detail Report

Account		Name		Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99-1-00-71111		POOLED CASH - Continued		1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90
Post Date	Packet Number	Source Transaction	Description	Vendor	Project Account	Debits	Credits	Running Balance
10/31/2017	GLPKT05306	JN05094	DEPOSIT DAILY CASH POSTING 10/31/2017			21,057.58		712,821.88
10/31/2017	GLPKT05321	JN05106	Record 3rd Qrt State Unemployment				3,953.26	708,868.62
10/31/2017	GLPKT05335	JN05116	October 2017 Bank Reconciliation				1,266.89	707,601.73
10/31/2017	GLPKT05335	JN05116	October 2017 Bank Reconciliation				6.00	707,595.73
10/31/2017	GLPKT05335	JN05116	October 2017 Bank Reconciliation				322.00	707,273.73
10/31/2017	GLPKT05335	JN05116	October 2017 Bank Reconciliation				2,669.63	704,604.10
10/31/2017	GLPKT05335	JN05116	October 2017 Bank Reconciliation			3,975.80		708,579.90
Total Fund: 99 - POOLED CASH:				1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90
Grand Totals:				1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

Fund Summary

Fund	Beginning Balance	Total Activity	Total Debits	Total Credits	Ending Balance
99 - POOLED CASH	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90
Grand Total:	1,434,362.14	-725,782.24	1,923,293.90	2,649,076.14	708,579.90

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Approve Minutes of Meeting November 15, 2017

ATTACHMENTS:

Description	Type
📎 Minutes of Meeting November 15, 2017	Minutes

ALAMOSA CITY COUNCIL

Regular Meeting Minutes

Council Chambers
300 Hunt Avenue, Alamosa, CO
November 15, 2017

As a full service municipal government, our mission is to enhance the quality of life for our residents, visitors, and businesses. We strive to provide balanced business, employment, recreational, and residential opportunities.

Any person needing reasonable accommodation to attend or participate in a public meeting, please contact the Alamosa City Clerk's office by telephone (719) 589-2593, by email cityclerk@ci.alamosa.co.us, in person at 300 Hunt Avenue, or by mail at POB 419, Alamosa, CO 81101.

6:00 PM - Work Session

- 1. Executive session pursuant to C.R.S. § 24-6-402(4)(f)(I) to review and discuss applications filed for the position of municipal judge.**

Councilor Daniel moved, seconded by Councilor Hensley to move into executive session pursuant to C.R.S. §24-6-402(4)(f)(I) to review and discuss applications filed for the position of municipal judge. The motion carried unanimously. The executive session ended at 6:45 p.m.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Regular Meeting was called to order on the above date by Mayor Josef Lucero at 7:00 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

Present at roll call: Mayor Josef Lucero, Councilors Charles Griego, Kristina Daniel, Michael Stefano, Ty Coleman, Liz Hensley, and Jan Vigil. Also present: City Manager Heather Brooks, City Attorney Erich Schwiesow, and City Clerk Holly Martinez.

III. AGENDA APPROVAL

Councilor Griego moved, seconded by Councilor Stefano to approve the agenda as presented. The motion carried unanimously.

IV. CITIZEN COMMENT

Alamosa City Council welcomes your comments. Citizens wishing to speak may obtain and complete a speaker card

through the City Clerk at the start of the meeting.

A. Audience Comments

Ron Brink spoke in regards to the elections and thanked all those who participated.

B. Follow-Up

None.

V. CEREMONIAL ITEMS

A. Introduction of New Police Department Officers:

- Daniel Northrup
- Brandon Bertsch
- Evan Lopez
- Ethan Haga

Chief of Police Duane Oakes introduced four new officers: Daniel Northrup, Evan Lopez, Ethan Haga, and Brandon Bertsch. All four officers were welcomed by Council.

B. Artscape's 2017 People's Choice Award

Heather Brooks provided Council with background information related to the public art program. As part of the program, there was a "People's Choice" where for about two months, the public could vote on what were their favorites. There were a total of 75 votes and of those votes, there were 43 were for the piece being honored. Council presented to Kasia Polkowsak and Kyle Cunniffi the "People's Choice Award" for the 2017 ArtScape program.

VI. CONSENT CALENDAR A

The Consent Calendar allows multiple actions with one motion. Consent Calendar A contains routine items which have been recommended for action by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

Councilor Vigil moved, seconded by Councilor Stefano to approve Consent Calendar A as presented. The motion carried unanimously.

C.7.a. Approve Minutes of Meeting November 1, 2017

C.8.a. Receive October 2017 Monthly Reports

VII. REGULAR BUSINESS

A. Presentations from Outside Agencies

1. Presentation from Amarah Raullerson, "Hope for Kids Like Me"

Sheriff Robert Jackson introduced Amarah Raullerson. Amarah Raullerson gave a presentation to Council regarding some of her background and the reason she created the column piece in the newspapers titled, "Hope for Kids like Me." Council thanked Amarah for taking the time to come and present to them and encouraged her to continue to speak on the issues.

B. Business Brought Forward by City Staff

1. Public Works

- a. The request of Leland Romero for a Permitted Use by Special Review to allow a private school (Use Group ICP-1) in a Residential Medium zone.

Dan Vaughn presented information to Council. This is a proposed school that replaces a school use. It occurs in the building that was the old Head Start building and is now being proposed for a school use again.

The group proposing this school is the Right of Passage. The proposed Right of Passage school offers educational programs and services to troubled, at-risk and vulnerable youth from foster family programs, after-school mentoring programs, charter schools, residential programs and transition services. The proposed Right of Passage services and activities are provided in an academic environment with operational hours between 7:30 a.m. - 4:00 p.m. Monday through Friday. The operation is very similar to a regular school that has weekends, holidays, Winter and Spring breaks off. This building the proposed school will be using has been used as school facility under the Head Start program. Since the closing of the old school the building has housed other uses such as day care.

The primary concern of staff is the lack of the required off-street parking. The current configuration of the site does not permit the installation of off-street parking without removing a portion of the playground. This does not appear to be an option because the State Department of Health open space/play area requirement per student in schools and day care facilities. In addition, the Americans with Disabilities Act (ADA) require a minimum of two (2) off-street van accessible spaces. However, the neighborhood is familiar with traffic generated by a school because of the historic use of the property and therefor will not be absorbing new impacts associated with a new school use. In addition, there are commercial and storage uses in the vicinity the reduce the number of residences that are potentially impacted by the new school.

The planning commission recommended that the request be approved

but with conditions that there is a limit of 22 students who may attend the school.

Councilor Vigil moved, seconded by Councilor Daniel to approve the request. The motion carried unanimously.

2. City Clerk/Municipal Court

- a. Appointment of Kevin Ruybal to the Tree Board

Holly Martinez presented information to Council. Kevin Ruybal applied to the Tree Board and was interviewed by Council on October 18th. The tree board currently has one vacancy position available with a term expiring June 21, 2021.

Councilor Vigil moved, seconded by Councilor Daniel to appoint Kevin Ruybal to the Tree Board. The motion carried unanimously.

- b. Discussion and Direction regarding Process and Timeline to fill At-Large Vacancy

Ms. Martinez presented information to Council. Current Councilor and Mayor Pro Tem, Ty Coleman currently holds an At-Large position on the City Council. Councilor Coleman will be sworn in as Mayor at the regular meeting on December 6, 2017. This will leave his current At-Large seat vacant. The Charter directs that Council make appointment to fill any vacancies that occur; however, it does not specify how the recruitment or appointment process is to happen. Vacancies have occurred in the past separate from an election. Council has solicited letters of interest, interviewed those persons, and made an appointment by ballot during a regular meeting.

Council directed staff to put out the advertisement that Council is seeking letters of interest from interested parties with a two week timeframe, giving a deadline of December 2nd to submit letters of interest.

3. City Manager/Legal

- a. Authorize the City Manager to execute the contract with Advantage Treatment Centers, Inc. (ATC) for pre-trial processing, housing, and monitoring of non-violent municipal offenders and post-conviction housing.

Heather Brooks presented information to Council. For several years, the Municipal Court Office has been evaluating tools to reduce recidivism, expand sentencing options, and reduce the use of the Alamosa County Jail. While the number of municipal only offenders in the County Jail is very limited, the overcrowding issue is something that the City of Alamosa has taken very seriously and has expressed

commitment on reducing. Additionally, some have questioned the use of incarceration for municipal level offenses and if jail was the most appropriate tool.

Through discussions with Advantage Treatment Centers, Inc. (ATC), staff feels that the contract proposed will not only substitute for the use of the Alamosa County Jail, but it will be less disruptive to municipal offenders, is less expensive, and provides more services than incarceration in an effort to reduce recidivism. With the combination of the use of ankle-monitoring equipment for those offenders deemed a flight risk, staff feels that the services provided through the contract will ensure the same appearance rate that was obtained through the use of the County jail, and potentially better results from a recidivism perspective.

Councilor Daniel stated she would not be participating in this discussion nor voting as she is an employee of Advantage Treatment Center, Inc.

Council further discussed this item and addressed concerns of if there needed to be a work session before approving the contract to get more of an understanding of this contract.

Councilor Stefano moved, seconded by Councilor Coleman to authorize the City Manager to execute the contract with Advantage Treatment Centers, Inc. (ATC) for pre-trial processing, housing, and monitoring of non-violent municipal offenders and post-conviction housing. The motion carried 5 to 1, with Mayor Lucero casting the no vote and Councilor Daniel abstaining.

b. Selection of Art for Purchase

Heather Brooks provided information to Council. There was a remaining \$5,400 left in the 2017 budget for the art program and staff recommends that Council use the remaining fund to purchase a piece of art and discuss where the piece should be located. In order to build a more robust public art program downtown, staff recommends that the selected piece remain in either its current location or a different location downtown. The People's Choice Award was presented to Kasia Polkowska and Kyle Cunniff for their piece, *Johona-Mai* (\$21,600). The Art Committee also voted on pieces less than \$8,000 in anticipation that Council's desire was to purchase a piece closer to the remaining funds. *El Pastor* by Huberto Maestas (\$7,500) received the most votes from the committee. Since the City receives a 20% commission, the cost for each piece should be reduced by 20%. Therefore, the expense of *El Pastor* is actually \$6,000. Council may choose to also purchase two less expensive pieces if they wanted.

Councilor further discuss the purchase of a piece from the ArtScape

program.

Councilor Griego moved, seconded by Council Vigil to purchase "El Pastor" by Huberto Maestas in the amount of \$6,000 and to work with the art committee on where the piece should be located. The motion carried unanimously.

C. Committee Reports

Councilor Daniel reporting on the Marketing Board meeting she attended.

Councilor Vigil reported on the HPAC board he attended.

Councilor Hensley stated that the airport advisory board would like to have city representation. Heather Brooks will add it to list of Council Committee appointments which will be before Council on their December 6th meeting.

D. Staff Announcements

Heather Brooks updated Council of the following:

- She attended Community Resource Center conference with Councilor Daniel on November 2nd and stated that the council/city needs to discuss what they can do that makes sense to create discussions/bring people together to address the needs in the community.
- Met with Ashley Valdez and updated council of the paintings on the electric boxes for the pilot program.
- Update on the media on hemp symposium. Will have President McClure come in January or February for a presentation to Council.
- Also gave an update regarding a presentation related to state funding and programs available for broadband structure.

Counselor Schwiesow gave informed Council of a question the city received by Shanna Hobbs related to a CBD shop being opened in the City. He stated that marijuana mirrors the states definition and stated that CBD is not regulated by state and not prohibited by the city. He also informed them that there is no concern on behalf of the city for one of these shops, just wanted to provide the update.

Public Works Director Pat Steenburg provided information to council related to the Rickey Recycling Center and the recent article in the paper related to it.

COUNCIL COMMENT

Councilor Vigil address concerns from a resident on Foster Avenue. He also stated that Esmeralda Martinez with the migrant program is asking for donations from groups within the valley to sponsor a family for Thanksgiving and would like Council or the city to be able to donate.

Heather stated that she will forward the email related to the city sponsoring a family because the City does this already through donations from city employees.

Councilor Stefano asked about city council shirts.

Councilor Hensley spoke about the hemp symposium.

Councilor Daniel thanked Ron Brink for his acknowledgement and for being there. She also made a statement about suicide and the crisis hotline.

Councilor Coleman also thanked Mr. Brink. He also thanked all those who participated in the election and all those who had something to do with the questions of the ballot. Councilor Coleman also thanked retiring councilors and the new councilors.

EXECUTIVE SESSIONS

Councilor Daniel moved, seconded by Councilor Vigil to move into executive session (9:36 p.m.) pursuant to C.R.S. § 24-6-402(4)(a) to discuss the acquisition of confined aquifer water rights from Cole-Hatchard and Vercoles Realty, Inc. and also pursuant to C.R.S. § 24-6-402(4)(b) to receive legal advice from the City Attorney concerning the November 2017 PERA audit report. The motion carried unanimously.

After the executive sessions, no further business will be discussed.

1. Executive session pursuant to C.R.S. § 24-6-402(4)(a) to discuss the acquisition of confined aquifer water rights from Cole-Hatchard and Vercoles Realty, Inc.
2. Executive Session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice from the City Attorney concerning the November 2017 PERA audit report

ADJOURNMENT

The meeting adjourned immediately following the executive sessions.

Holly C. Martinez, City Clerk

Josef P. Lucero, Mayor

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Approve Minutes of Special Meeting November 27, 2017

ATTACHMENTS:

Description	Type
📎 Minutes of Special Meeting November 27, 2017	Minutes

ALAMOSA CITY COUNCIL

Special Meeting Agenda

Jury Conference Room

November 27, 2017

As a full service municipal government, our mission is to enhance the quality of life for our residents, visitors, and businesses. We strive to provide balanced business, employment, recreational, and residential opportunities.

Any person needing reasonable accommodation to attend or participate in a public meeting, please contact the Alamosa City Clerk's office by telephone (719) 589-2593, by email cityclerk@ci.alamosa.co.us, in person at 300 Hunt Avenue, or by mail at POB 419, Alamosa, CO 81101.

5:00 PM - Special Meeting

EXECUTIVE SESSIONS

Executive Session pursuant to C.R.S. §24-6-402(4)(f) for Personnel Matters - Interviews of Municipal Judge Candidates

Councilor Daniel moved, seconded by Councilor Griego to move into Executive Sessions (5:03 p.m.) pursuant to C.R.S. §24-6-402(4)(f) for Personnel Matters - Interviews of Municipal Judge Candidates. The motion carried unanimously.

After the executive sessions, no further business will be discussed.

ADJOURNMENT

When back in regular session, Mayor Lucero affirmed that the Executive Session was held solely for the stated purpose.

The meeting adjourned at 8:17 p.m.

Holly C. Martinez, City Clerk

Josef P. Lucero, Mayor

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Approve Minutes of Special Meeting November 29, 2017

ATTACHMENTS:

Description	Type
📎 Minutes of Special Meeting November 29, 2017	Minutes

ALAMOSA CITY COUNCIL

Special Meeting Agenda

Council Chambers
November 29, 2017

As a full service municipal government, our mission is to enhance the quality of life for our residents, visitors, and businesses. We strive to provide balanced business, employment, recreational, and residential opportunities.

Any person needing reasonable accommodation to attend or participate in a public meeting, please contact the Alamosa City Clerk's office by telephone (719) 589-2593, by email cityclerk@ci.alamosa.co.us, in person at 300 Hunt Avenue, or by mail at POB 419, Alamosa, CO 81101.

6:00 PM - Special Meeting

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

A Special Meeting of the Alamosa City Council was called to order on the above date by Mayor Josef Lucero at 6:00 p.m. The Pledge of Allegiance was not recited.

II. ROLL CALL

Present at the meeting were: Mayor Lucero, Councilors Ty Coleman, Charles Griego, Michael Stefano, Liz Hensley and Kristina Daniel. Councilor Vigil previously asked to be excused. A quorum was declared. Also present: City Clerk Holly Martinez and City Attorney Erich Schwiesow.

III. AGENDA APPROVAL

Councilor Daniel, moved, seconded by Councilor Griego to approve the agenda as presented and to excuse Councilor Vigil. The motion carried unanimously.

EXECUTIVE SESSIONS

Executive Session pursuant to C.R.S. §24-6-402(4)(e) to determine positions on matters subject to negotiations, develop strategies for negotiations, and instruct negotiations - Regarding Potential Negotiations toward Municipal Judge Job Offer

Councilor Daniel moved, seconded by Councilor Griego to move into Executive Session pursuant to C.R.S. §24-6-402(4)(e) to determine positions on matters subject to negotiations, develop strategies for negotiations, and instruct negotiators - regarding potential negotiations toward Municipal Judge Job Offer. The motion carried

unanimously.

ADJOURNMENT

When back in regular session, Mayor Lucero affirmed that the Executive Session was held solely for the stated purpose.

The meeting adjourned at 6:51 p.m.

Holly C. Martinez, City Clerk

Josef P. Lucero, Mayor

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Approve contract with James R. McDonald for Municipal Judge Services

Recommended Action:

Approve the contract as presented.

Background:

This contract is to enter into an agreement toward securing the City's next Municipal Judge. Mr. McDonald was selected, and has agreed to the terms of the contract.

The basic elements of the contract are:

- Salary of \$35,000 per year.
- Benefits of PERA consistent with past practices for this position.
- Start date is in December, with an exact date yet to be determined.
- Municipal Judge shall hold regular court sessions on a schedule mutually determined by Municipal Judge and the City, generally eight (8) sessions (two full and four half days) per month, although the parties recognize a desire to streamline as much as possible the number of court sessions.
- The term of the agreement shall be for approximately two years, from December 2017 to December 31, 2019.

NOTE: The full contract is available through the City Clerk's office by request.

Issue Before the Council:

Does Council wish to secure the services of James R. McDonald through the proposed contract?

Alternatives:

- Approve the contract as drafted.
- Approve the contract with changes.
- Do not approve the contract and further direct staff.

Fiscal Impact:

The Municipal Judge position is one that is critical to the function of the City and the operation of the Municipal Court, and as such is included in the budget.

Legal Opinion:

Counselor Schwiesow has prepared and reviewed the contract and will be available at the meeting if needed.

Conclusion:

Mr. McDonald has been notified of the terms of contract and has accepted the position and as such, it would be appropriate to enter into this contract.

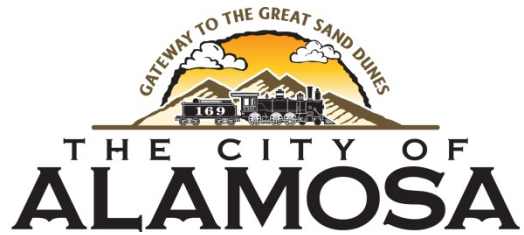
**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Adams State Cross Country Day Proclamation

ATTACHMENTS:

Description	Type
 ASU Cross Country Day Proclamation	Backup Material



Proclamation

ADAMS STATE CROSS COUNTRY DAY December 8, 2017

WHEREAS, Adams State Men's and Women's programs have recently won two national titles in cross country and;

WHEREAS, the running programs have won 54 national titles, and

WHEREAS, the running programs have brought recognition and honor to the community of Alamosa.

NOW THEREFORE, I, Josef P. Lucero, Mayor of Alamosa, Colorado, by virtue of the authority vested in me do hereby proclaim December 8th, 2017 as:

Adams State Cross Country Day

in the City of Alamosa, Colorado.

Further, I encourage all Citizens of the City of Alamosa to support the celebration and corresponding activities.

Given under my hand and the seal of the City of Alamosa this 8th day of December, 2017

Josef P. Lucero, Mayor

Holly C. Martinez, City Clerk

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Second Reading and Public Hearing, Ordinance No. 33-2017, An ordinance repealing and replacing Chapter 21 of the *Code of Ordinances of the City of Alamosa* adopting a new Alamosa Unified Development Code in place of the existing zoning code

Recommended Action:

Conduct public hearing and, unless evidence to the contrary is introduced, approve Ordinance No. 33-2017.

Background:

Chapter 21 of the *Code of Ordinances of the City of Alamosa* represents the current zoning code for the City of Alamosa. The current zoning code was adopted in 1982 (Ordinance No. 12-1982), and has since been amended in part numerous times, but has not been thoroughly reviewed and revised.

After lengthy review and public input, the City of Alamosa Planning Commission adopted a new comprehensive plan for the City on January 25, 2017, and Council endorsed the adopted plan on February 15, 2017. The new Comprehensive Plan was undertaken with the intention to revise the zoning code in order to more successfully implement the vision and provisions of the Comprehensive Plan. In fact, the same consultants worked on the Comprehensive Plan and on the new Unified Development Code intended to replace the existing zoning code to further the objectives of the Comprehensive Plan. The City was successful in receiving a DOLA Mineral Impact grant that helped fund both initiatives.

A working committee of two members of the Planning Commission, staff and two Councilors have spent countless hours in consultation with Todd Messenger and Gabe Preston, the advisors working on the Comprehensive Plan and the Unified Development Code in drafting of the new Comprehensive Plan and drafting of a new Unified Development Code to replace the existing zoning code and implement the vision of the Comprehensive Plan. Additionally, the draft Code was placed on the City's website three months ago for public comment combined with the use of social media to encourage review. The Planning Commission unanimously approved the Code at the September 27th meeting.

The new Unified Development Code is designed to promote planned, logical, fiscally and environmentally responsible, and orderly development and redevelopment within the city. It does this in a number of ways:

· Establishing zoning districts and development standards that promote the use and development of property and balance the objectives of:

- a. Reducing barriers to entry or expansion of businesses by reducing the cost of and time involved in obtaining development approval and complying with applicable development and design regulations;
- b. Supporting the stability and improvement of established residential, business, and industrial areas of the city by protecting or improving their physical and functional integrity and character;
- c. Conserving and enhancing economic, social, cultural, recreational, and aesthetic property values; and

- d. Ensuring adequate light and air and maintaining appropriate open spaces;
- Providing for a variety of housing opportunities for a diverse population;
- Diversifying and improving transportation options by enhancing multimodal transportation choices, maintaining a balance of land uses, allowing for horizontally and vertically mixed uses in appropriate locations, and other appropriate measures;
- Protecting and enhancing the City's tax base by enhancing opportunities for commerce, and by increasing property values through business creation and expansion, quality building improvements, infill development, and redevelopment;
- Providing for sufficient, efficient, fiscally sustainable, and cost-effective transportation, water, sanitary sewer, school, park, stormwater conveyance and treatment, and other public and private facilities and services;
- Promoting public safety by securing safety from fire, flood, and other dangers through appropriate site design and adequate infrastructure and emergency services, in coordination with independent providers of public services (e.g., schools and recreation);
- Promoting appropriate stewardship of natural resources, including water resources;
- Providing for efficient and fair development approval procedures that respect private property rights and promote appropriate development; and
- Promoting the efficient and responsible use of public and private resources towards the accomplishment of the purposes set out in the Code.

A draft of the zoning map referenced in the Code is attached. You will note that, consistent with the new approach in the Code, it contains a number of new zones (established use, campus, central business district) that were not contained in the earlier zoning map. There are a few details in the draft map still under review by staff, and it is anticipated that there will be some minor changes to the draft map between the initial posting in Novus and the second reading, which will be highlighted on second reading.

Staff is still conducting reviews of the draft code attached, and will have a number of fairly minor, but still important, changes between this posting in Novus and second reading. For clarity, those changes will be shown in a redline version when the Code comes on for second reading and public hearing.

There are a number of issues that staff will direct Council's attention to at the second reading:

- 1) How to address the possibility of murals (table 21-4-702A p.83) and see examples attached to this communication
- 2) How to address species diversification in landscaping requirements (§21-5-302 on p. 122)
- 3) How to address water and other development issues in annexations (§21-8-401 to -405)
- 4) Making sure that the balance of assignment of routine approvals to administrative staff vs. bringing before planning commission is appropriate (for example minor variances in building size or setback if falling within set standards; minor changes to issued special use permits)
- 5) The type and location of the various zones as set forth on the zoning map

Issue Before the Council:

Does Council wish to approve Ordinance 33-2017?

Alternatives:

1) Approve the Ordinance.

2) Approve the Ordinance, with changes to certain areas such as, for example and not by way of limitation, the zoning map, how murals are treated, how the code addresses landscaping requirements, how the code addresses water and other developmental needs in the context of annexation, how the code addresses administrative approvals of certain activities. Note that these are all subject to future amendment as the City gains experience with implementation of the code.

2) Decline to approve the Ordinance in whole or in part, and give staff further direction. Under the terms of the grant that was received to assist in development of the Comprehensive Plan and this Unified Development Code, the Code must be adopted before the end of the year, so any significant changes will likely involve special meetings to meet that timeline.

Fiscal Impact:

The new Code is an attempt, in part, to streamline the City's development processes. A significant amount of administrative authority is vested in the appropriate staff person, generally the Public Works Director, to manage development consistent with the vision of the Code such that staff resources that used to be spent bringing routine matters to Council may be saved. No estimate has been made of the anticipated savings in implementation of the Code, but no increased expenditures are anticipated.

Legal Opinion:

The Code was developed by Todd Messenger, the land use specialist attorney advising the City. Both Mr. Messenger and the City Attorney will be available for comment if necessary.

Conclusion:

Approval of this Ordinance completes the necessary steps for embodying the future development envisioned in the Comprehensive Plan, and will serve to clarify and streamline the City's Development Process. As with any new complex code provision, staff anticipates that future amendments to the Code will become necessary as issues arise in its implementation, but believes that this revision represents a complete and thorough overhaul of the development code to modernize its vision.

ATTACHMENTS:

Description	Type
❑ Ordinance 33-2017 Adopting Unified Development Code	Ordinance
❑ Chapter 21 - Unified Development Code	Backup Material
❑ Chapter 21 - Unified Development Code Draft Redline	Backup Material
❑ Chapter 21 - Unified Development Code Draft 10.5.2017	Ordinance
❑ New Zoning Map draft 9.19.2017	Exhibit
❑ Thompson-Oen mural	Backup Material

▣	Bike Mural	Backup Material
▣	car mural	Backup Material
▣	crane mural	Backup Material
▣	library mural	Backup Material
▣	mariachi mural	Backup Material
▣	museum mural	Backup Material
▣	wall art	Backup Material
▣	other town political mural	Backup Material
▣	other town pot mural	Backup Material

ORDINANCE NO. 33-2017

AN ORDINANCE REPEALING AND REPLACING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF ALAMOSA ADOPTING A NEW ALAMOSA UNIFIED DEVELOPMENT CODE IN PLACE OF THE EXISTING ZONING CODE

WHEREAS, Chapter 21 of the *Code of Ordinances of the City of Alamosa* represents the current zoning code for the City of Alamosa; and

WHEREAS, the current zoning code was adopted in 1982 (Ordinance No. 12-1982), and has since been amended in part numerous times, but has not been thoroughly reviewed and revised; and

WHEREAS after lengthy review and public input, the City of Alamosa Planning Commission adopted a new comprehensive plan for the City on January 25, 2017, and Council endorsed the adopted plan on February 15, 2017; and

WHEREAS, the new Comprehensive Plan contains a vision for the City's development that is not entirely captured in the existing zoning code; and

WHEREAS, The new Comprehensive Plan was undertaken with the intention to revise the zoning code in order to more successfully implement the vision and provisions of the Comprehensive Plan; and

WHEREAS, a working committee of two members of the Planning Commission, staff and two Councilors have spent countless hours in consultation with advisors involved in drafting of the new Comprehensive Plan and drafting of a new Unified Development Code to replace the existing zoning code and implement the vision of the Comprehensive Plan; and

WHEREAS, at its regular meeting on September 27, 2017, the Planning Commission approved the Unified Development Code and recommended that Council adopt it; and

WHEREAS, Council endorses the purposes of the Unified Development Code, which are to promote the health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City of Alamosa, Colorado, by using the City's home rule, constitutional, and statutory powers to:

- (1) Implement the City's adopted Comprehensive Plan and other adopted plans, which plans:
 - a. Reflect the shared values of the City's inhabitants with respect to the character, form, and function of its future development; and
 - b. Promote planned, logical, fiscally and environmentally responsible, and orderly development and redevelopment within the City and other areas that may be subject to the City's regulatory authority;

- (2) Establish zoning districts and development standards that promote the use and development of property and balance the objectives of:
 - a. Reducing barriers to entry or expansion of businesses in targeted areas by reducing the cost of obtaining development approval and complying with applicable development and design regulations;
 - b. Supporting the stability and improvement of established residential, business, and industrial areas of the City by protecting or improving their physical and functional integrity and character;
 - c. Conserving and enhancing economic, social, cultural, recreational, and aesthetic property values; and
 - d. Ensuring adequate light and air and maintaining appropriate open spaces;
- (3) Provide for a variety of housing opportunities for a diverse population;
- (4) Diversify and improve transportation options by enhancing multimodal transportation choices, maintaining a balance of land uses, allowing for horizontally and vertically mixed uses in appropriate locations, and other appropriate measures;
- (5) Protect and enhance the City's tax base by enhancing opportunities for commerce, and by increasing property values through business creation and expansion, quality building improvements, infill development, and redevelopment;
- (6) Provide for sufficient, efficient, fiscally sustainable, and cost-effective transportation, water, sanitary sewer, school, park, stormwater conveyance and treatment, and other public and private facilities and services;
- (7) Promote public safety by securing safety from fire, flood, and other dangers through appropriate site design and adequate infrastructure and emergency services, in coordination with independent providers of public services (e.g., schools and recreation);
- (8) Promote appropriate stewardship of natural resources, including water resources;
- (9) Provide for efficient and fair development approval procedures that respect private property rights and promote appropriate development; and
- (10) Promote the efficient and responsible use of public and private resources towards the accomplishment of the purposes set out herein; and

WHEREAS, Council makes the following findings, states the following objectives, and has the following intent regarding adoption of the Unified Development Code ("UDC"):

A- Findings, Objectives, and Legislative Intent Regarding Sexually-Oriented Business

- (1) Sexually-oriented businesses cause adverse secondary effects, which are recognized by the

U.S. Supreme Court (in cases such as *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990)) and the 10th Circuit Court of Appeals (in cases such as *Doctor John's v. G. Blake Wahlen*, 542 F.3d 787 (10th Cir. 2008)) as impacting substantial governmental interests in health, safety and welfare.

(2) In *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000), the U.S. Supreme Court held that a “city need not ‘conduct new studies or produce evidence independent of that already generated by other cities’ to demonstrate the problem of secondary effects, ‘so long as whatever evidence the city relies upon is reasonably believed to be relevant to the problem that the city addresses.’”

(3) Other cases, such as *City of Littleton v. Z.J. Gifts*, 541 U.S. 774 (2004), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *Essence, Inc. v. City of Federal Heights*, 285 F.3d 1272 (10th Cir. 2002), *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998), *O'Connor v. City and County of Denver*, 894 F. 2d 1210 (10th Cir. 1990), *City of Colorado Springs v. 2354 Inc.*, 896 P.2d 272 (Colo. 1995), *7250 Corp. v. Board of County Comm'rs for Adams County*, 799 P. 2d 917 (Colo. 1990), and *Marco Lounge, Inc. v. City of Federal Heights*, 625 P.2d 982 (Colo. 1981), have upheld reasonable regulations of sexually-oriented businesses.

(4) The negative secondary impacts of sexually-oriented businesses have been studied in other communities. These communities include, but are not limited, to Adams County, Colorado; Dallas, Texas; Denver, Colorado; Ellicottville, New York; Garden Grove, California; Houston, Texas; Indianapolis, Indiana; Islip, New York; Las Vegas, Nevada; Los Angeles, California; Louisville, Kentucky; New York, New York; Oklahoma City, Oklahoma; Phoenix, Arizona; Rome City, Georgia; St. Paul, Minnesota; Tucson, Arizona; and Whittier, California;.

(5) The American Center for Law and Justice also completed a study on the secondary effects of such uses, dated March 1996.

(6) Secondary effects of sexually-oriented businesses may include any or all of the following material effects on the health, safety, and welfare of City residents:

- a. Particularly when they are located in close proximity to each other, sexually-oriented businesses are an indicia of urban blight, or a factor that downgrades the quality of life in the adjacent area;
- b. Sexually-oriented businesses have a deleterious effect on both neighboring businesses and surrounding residential areas, as they are regularly correlated to an increase in crime and a decrease in property values;
- c. Sexually-oriented businesses commonly require special supervision from public safety agencies in order to protect public health, safety and welfare, including that of the patrons of such businesses;
- d. Studies and experience show that in the absence of regulation of sexually-oriented businesses, significant criminal activity, including prostitution, narcotics and liquor law

violations, have historically and regularly occurred within and within the immediate vicinity of such businesses;

e. Sexually-oriented businesses are frequently used for unlawful and unhealthful sexual activities, including prostitution and sexual liaisons of a casual nature, and the concern over sexually transmitted diseases, including HIV, is a legitimate health concern of the City;

f. Sexually-oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are often not controlled by the operators of the establishments; and

g. Children and minors may be harmed by exposure to the secondary effects of sexually-oriented businesses, including those encountered when children walk through or visit in the immediate neighborhood of such businesses.

(b) Objectives. The City wishes to minimize and control the adverse secondary effects of sexually-oriented businesses and thereby protect the health, safety and welfare of the citizens; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; deter the spread of urban blight; and protect residents and property owners from increased crime.

(c) Intent. It is not the intent of this Code to suppress any speech protected by the First Amendment, but to enact reasonable, content-neutral regulations that address the secondary effects of sexually-oriented businesses. To this end, the regulations in this Code that apply specifically to sexually-oriented businesses impose restrictions which are no greater than necessary to further the City's substantial interest in preventing adverse secondary effects attributable to such businesses.

B. - Findings Regarding Regulation of Marijuana Uses and Marijuana Cultivation

(1) Marijuana is a controlled substance under federal law, and possession of marijuana is prohibited by federal law.

(2) The voters of the State of Colorado have approved a constitutional amendment to the State Constitution to allow for persons with "debilitating medical conditions" to use medical marijuana. The will of the voters is reflected in Article XVIII, Section 14 of the Colorado Constitution. That Section of the Colorado Constitution is further implemented and further regulated by C.R.S. § 12-43.3-101, et seq.

(3) The voters of the State of Colorado have approved a constitutional amendment to the State Constitution to legalize, under state law, the personal use of marijuana by persons over the age of 21. However, part of the amendment, reflected in Article XVIII, Section 16(5)(f) of the Colorado Constitution, provides, "A locality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance"

(4) The United States Constitution, in Article VI, Debts, Supremacy, Oaths, provides in part, “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution”

(5) Marijuana is a Schedule I controlled substance under 21 U.S.C. § 812. Possession and sale of marijuana is illegal under federal law. (See 21 U.S.C. § 841, et seq.) Violators of U.S. Code are subject to criminal and civil penalties under Federal law.

(6) The United States Department of Justice (“U.S. DOJ”) issued a memorandum on October 19, 2009 regarding U.S. DOJ policy on enforcement of the Federal Controlled Substances Act in states that allow medical marijuana under state law. In that memorandum, Deputy Attorney General David Ogden writes, in pertinent part:

a. “Of course, no State can authorize violations of federal law Accordingly, in prosecutions under the Controlled Substances Act, federal prosecutors are not expected to charge, prove, or otherwise establish any state law violations.”

b. “This guidance regarding resource allocation does not ‘legalize’ marijuana or provide a legal defense to a violation of federal law, nor is it intended to create any privileges, benefits, or rights, substantive or procedural, enforceable by any individual, party, or witness in any administrative, civil, or criminal matter.”

c. “Nor does clear and unambiguous compliance with state law . . . create a legal defense to a violation of the Controlled Substances Act.”

(7) In response to the reallocation of investigative and prosecutorial resources of the U.S. DOJ, medical marijuana uses have proliferated in Colorado.

(8) On February 23, 2017 a White House official signaled that there will be “greater enforcement” of federal laws against marijuana use, particularly in the area of recreational marijuana; however, as of the effective date, neither the White House nor the U.S. DOJ has articulated a substantive change in policy.

C - Interests, Findings, and Legislative Intent Regarding Sign Regulation

The City has the following legitimate, important, substantial, or compelling interests in regulating signs:

(1) Preventing the proliferation of signs of generally increasing size, dimensions, and intrusiveness (also known as “sign clutter”) that tends to result from competition for the attention of passing motorists and pedestrians, because sign clutter:

- a. Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
 - b. May involve physical obstruction of streets, sidewalks, or trails, creating public safety hazards;
 - c. Degrades the aesthetic quality of the City, making the City a less attractive place for residents, business owners, visitors, and private investment;
 - d. Increases the cost of doing business in the City by placing undue pressure on business owners to invest in ever-increasing amounts of signage; and
 - e. Dilutes or obscures messages on individual signs due to the increasing intensity of competition for attention.
- (2) Maintaining and enhancing the historic character of downtown Alamosa.
 - (3) Protecting the health of the tree canopy in the City.
 - (4) Maintaining a high quality aesthetic environment to protect and enhance property values, leverage public investments in streets, sidewalks, trails, plazas, parks, and landscaping, and enhance community pride.
 - (5) Protecting minors from speech that is harmful to them as provided by state or federal law, by preventing such speech in places that are accessible to and used by minors.

Findings. The City finds that:

- (1) Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out above and the constitutionally-protected right to free expression.
- (2) The sign regulations set out in this Code are unrelated to the suppression of constitutionally-protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
- (3) The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this Code is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced herein.
- (4) Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing sign clutter.
- (5) Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the City's streets if they are not removed.
- (6) Certain classifications of speech are not constitutionally protected due to the harm that they

cause to individuals or the community.

(c) Intent. The sign regulations in this Code represent the City's best effort to advance its legitimate, important, substantial, and compelling interests while ensuring consistency with an evolving legal framework.

D - Interests, Findings, and Legislative Intent Regarding Wireless Telecommunications Facilities Regulations

Interests. The unique and diverse landscapes of the city are among its most valuable assets. Protecting these assets will require that location and design of wireless telecommunication services and/or equipment be sensitive to and in scale and harmony with, the character of the community.

Findings. The City finds that providing predictable, consistent, and balanced standards for the siting and screening of wireless telecommunication services facilities and equipment is important in order to:

- (1) Preserve the character and aesthetics of areas which are in close proximity to wireless telecommunication services facilities and equipment;
- (2) Protect the health, safety, and welfare of persons living or working in the area surrounding wireless telecommunication services facilities and equipment related to the placement, construction or modification of such facilities; and
- (3) Allow development that is compatible in appearance with allowed uses of the underlying zoning district.

Intent. It is the intent of the City to further its interests in protecting its community character while also promoting access to wireless telecommunications services within the City. To that end, the City intends to:

- (1) Enforce standards that mitigate the visual, aesthetic, and safety impacts of wireless telecommunications facilities through careful design, siting and screening, and placement for their construction or modification;
- (2) Allow for fair and meaningful competition and, to the greatest extent possible, extend to all people in all areas of the City high quality wireless telecommunication services at reasonable costs; and
- (3) Encourage co-location and clustering of antenna sites and structures, when practical, to help reduce the number of such facilities that may be required in the future to service the needs of customers, and thus avert unnecessary proliferation of facilities on private and public property; and

WHEREAS, Council considers it to be in the best interests of the citizens of Alamosa to replace the existing zoning code with the modernized Unified Development Code;

NOW THEREFORE BE IT ORDAINED by the City Council of Alamosa as follows:

Section 1. Adoption of Unified Development Code. Chapter 21 of The *Code of Ordinances of Alamosa, Colorado* is hereby repealed and replaced, in its entirety, with the attached *Alamosa Unified Development Code*.

Section 2. Severability. Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 3. General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section 4. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

Section 5. Publication and Effective Date. This ordinance shall take effect January 1, 2018. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

Section 6. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

INTRODUCED, READ AND APPROVED on first reading the 1st day of November, 2017, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 6th day of December, 2017, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

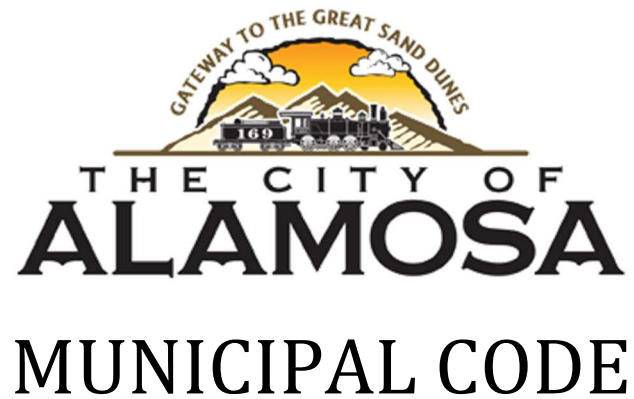
APPROVED, AND ADOPTED after public hearing the 6th day of December, 2017.

CITY OF ALAMOSA

By _____
Josef P. Lucero, Mayor

ATTEST:

Holly C. Martinez, City Clerk



Chapter 21 - ZONING

CONTENTS

Article I. - Title, Purpose, Authority, Applicability, Jurisdiction, Transition, Interpretation, and Severability	1
Division 1-1. - Title, Purposes, Authority, and Disclaimers.....	1
Sec. 21-1-101. - Title.....	1
Sec. 21-1-102. - Purposes	1
Sec. 21-1-103. - Authority	3
Sec. 21-1-104. - Statement of Policy Regarding Marijuana Uses and Marijuana Cultivation.....	4
Sec. 21-1-105. - Liability for damages	5
Division 1-2. - Applicability, Jurisdiction, Interpretation, and Transition	5
Sec. 21-1-201. - Applicability	5
Sec. 21-1-202. - Jurisdiction	6
Sec. 21-1-203. - Interpretation.....	6
Sec. 21-1-204. - Transition.....	6
Article II. - Zones and Land Use	8
Division 2-1. - Zones	8
Sec. 21-2-101. - Purpose of Zones.....	8
Sec. 21-2-102. - Establishment of Zones	8
Sec. 21-2-103. - Official Zoning Map	9
Sec. 21-2-104. - Interpretation of Zoning Map	9
Sec. 21-2-105. - Zoning of Annexed Land	11
Sec. 21-2-106. - Standards for Rezoning	11
Division 2-2. - Land Use.....	13
Sec. 21-2-201. - Interpretation of Land Use Tables	13
Sec. 21-2-202. - Residential and Special Residential Land Use Table.....	14
Sec. 21-2-203. - Civic, Education, and Health Care Land Use Table.....	17
Sec. 21-2-204. - General Commercial and Motor Vehicle Land Use Table	19
Sec. 21-2-205. - Hospitality, Recreation, and Entertainment Land Use Table.....	22

Sec. 21-2-206. - Industry, Transportation, Storage, and Disposal Land Use Table.....	25
Sec. 21-2-207. - Utility and Communications Land Use Table	29
Sec. 21-2-208. - Agricultural Land Use Table.....	30
Sec. 21-2-209. - Uses That Are Prohibited in All Zones.....	31
Sec. 21-2-210. - Uses That Are Not Listed	31
Sec. 21-2-211. - Essential Governmental or Public Utilities Services	34
Division 2-3. - Limited and Conditional Use Standards	34
Sec. 21-2-301. - Purpose and Application of Division.....	34
Sec. 21-2-302. - General Standards for All Conditional Uses.....	34
Division 2-4. - Temporary Uses.....	35
Sec. 21-2-401. - Temporary Use Permit Required; Conditions of Approval	35
Sec. 21-2-402. - Temporary Special Events	36
Sec. 21-2-403. - Temporary Retail Uses	38
Sec. 21-2-404. - Temporary Buildings and Temporary Construction Uses	39
Sec. 21-2-405. - Short-Term Rental of Dwelling Units	41
Division 2-5. - Accessory Uses	42
Sec. 21-2-501. - Storage and Overnight Parking of Commercial Vehicles or Recreational Vehicles	42
Sec. 21-2-502. - Home Occupations and Cottage Industries.....	42
Article III. - Density, Intensity, Open Space, Landscape Surface, and Scale.....	45
Division 3-1. - Purpose and Application of Article.....	45
Sec. 21-3-101. - Purpose of Article	45
Sec. 21-3-102. - Application of Article.....	45
Division 3-2. - Residential Development Yield	45
Sec. 21-3-201. - Residential Density and Open Space.....	45
Sec. 21-3-202. - Alternative Compliance with Open Space Ratio Requirements	46
Division 3-3. - Nonresidential and Mixed-Use Development Yield.....	46
Sec. 21-3-301. - Required Landscape Surface Ratio	46

Sec. 21-3-302. - Development Intensity	47
Article IV. - Lot, Building, and Structure Standards.....	48
Division 4-1. - Established Neighborhood Zone.....	48
Sec. 21-4-101. - Purpose and Application of Division.....	48
Sec. 21-4-102. - Status of Existing Lots and Buildings in EN Zone.	48
Sec. 21-4-103. - EN Zone Flexible Setback Standards.....	48
Division 4-2. - Housing Palette	52
Sec. 21-4-201. - Purpose and Application of Division.....	52
Sec. 21-4-202. - Single-Family Detached Lot and Building Standards.....	52
Sec. 21-4-203. - Duplex Lot and Building Standards.....	54
Sec. 21-4-204. - Townhouse Lot and Building Standards	55
Sec. 21-4-205. - Multiplex or Multifamily Lot and Building Standards	56
Sec. 21-4-206. - Manufactured Home Lot and Building Standards	58
Sec. 21-4-207. - Tiny Home, Cottage, Small Duplex, and Co-housing Cluster Lot and Building Standards	59
Sec. 21-4-208. - Live-Work Lot and Building Standards	60
Division 4-3. - Nonresidential and Mixed-Use Lot and Building Standards	61
Sec. 21-4-301. - Nonresidential and Mixed-Use Lot and Building Standards	61
Division 4-4. - Exceptions to Lot and Building Standards.....	61
Sec. 21-4-401. - Purpose and Application of Division.....	61
Sec. 21-4-402. - Setback Flexibility.....	61
Sec. 21-4-403. - Projections into Required Setbacks	65
Sec. 21-4-404. - Exception to Building Height Regulations.....	66
Division 4-5. - Supplemental Standards	66
Sec. 21-4-501. - Purpose of Division	66
Sec. 21-4-502. - Accessory Buildings	66
Sec. 21-4-503. - Accessory Dwelling Units	67
Sec. 21-4-504. - Fences, Garden Walls, Retaining Walls, and Hedges	67
Sec. 21-4-505. - Swimming Pools.....	69
Sec. 21-4-506. - Outdoor Storage	69

Sec. 21-4-507. - Loading and Service Areas	70
Sec. 21-4-508. - Trash Collection.....	71
Sec. 21-4-509. - Drive-In or Drive-Through Facilities	72
Sec. 21-4-510. - Satellite Dishes and Antennae	72
Sec. 21-4-511. - Renewable Energy.....	73
Sec. 21-4-512. - Unattended Collection Boxes	74
Division 4-6. - Wireless Telecommunications Facilities.....	74
Sec. 21-4-601. - Purpose and Applicability of Division	74
Sec. 21-4-602. - Site Selection Standards.....	76
Sec. 21-4-603. - Telecommunications Towers.....	76
Sec. 21-4-604. - Multiple-Use Facilities	77
Sec. 21-4-605. - Lighting and Signage.....	78
Sec. 21-4-606. - Maintenance, Abandonment, and Removal.....	79
Division 4-7. - Signs.....	79
Sec. 21-4-701. - Applicability, Exemptions, and Permit Exceptions	79
Sec. 21-4-702. - Types of Signs Permitted	82
Sec. 21-4-703. - Design Characteristics	84
Sec. 21-4-704. - Content.....	87
Division 4-8. - Design Standards.....	88
Sec. 21-4-801. - Purpose and Application of Division.....	88
Sec. 21-4-802. - Alternative Design Standards	89
Sec. 21-4-803. - Large-Scale Retail (“Big Box”) Design Standards	89
Sec. 21-4-804. - Downtown Design Standards.	92
Sec. 21-4-805. - Manufactured Home Park and Manufactured Home Subdivision Design Standards	95
Article V. - Site Design Standards.....	98
Division 5-1. - Site Design, Circulation, and Connectivity	98
Sec. 21-5-101. - Purpose and Application.....	98
Sec. 21-5-102. - General Site Design Principles.....	98
Sec. 21-5-103. - Circulation and Connectivity.....	99

Sec. 21-5-104. - On-Site Snow Storage.....	100
Sec. 21-5-105. - Street, Alley, and Pedestrian Way Design	100
Sec. 21-5-106. - Blocks.....	103
Sec. 21-5-107. - Lots	104
Sec. 21-5-108. - Sight Triangles	104
Division 5-2. - Parking and Loading.....	105
Sec. 21-5-201. - Purpose and Application of Division.....	105
Sec. 21-5-202. - Calculation of Required Parking Spaces.....	107
Sec. 21-5-203. - Parking Tables.....	108
Sec. 21-5-204. - Required Accessible Parking Spaces.....	112
Sec. 21-5-205. - Special Studies.....	112
Sec. 21-5-206. - Credit for On-Street Parking.....	113
Sec. 21-5-207. - Shared Parking.....	114
Sec. 21-5-208. - Remote Parking	116
Sec. 21-5-209. - Parking Lot Design Standards	118
Sec. 21-5-210. - Parking Space Markings, Traffic Control Devices, and Parking Stops	119
Sec. 21-5-211. - Required Truck Loading Areas.....	120
Sec. 21-5-212. - Vehicle Stacking Requirements.....	121
Sec. 21-5-213. - Construction, Operation, and Maintenance	122
Division 5-3. - Landscaping and Open Space.....	123
Sec. 21-5-301. - Purpose and Application of Division.....	123
Sec. 21-5-302. - Landscape Design Principles.....	123
Sec. 21-5-303. - Size and Quality of Landscape Plants; Tree Preservation Credits.....	124
Sec. 21-5-304. - General Landscaping	126
Sec. 21-5-305. - Parking Lot Landscaping	127
Sec. 21-5-306. - Bufferyard Landscaping.....	128
Sec. 21-5-307. - Maintenance Standards.....	128
Sec. 21-5-308. - Open Space	129

Division 5-4. - Lighting	130
Sec. 21-5-401. - Single-Family Detached, Duplex, and Townhome Lighting Standards.....	130
Sec. 21-5-402. - Multifamily, Nonresidential, and Mixed-Use Lighting Standards.....	130
Sec. 21-5-403. - Exterior Lighting for Outdoor Recreation	131
Sec. 21-5-404. - Public Safety and Public Nuisance	131
Division 5-5. - Grading, Erosion, and Sediment Control	132
Sec. 21-5-501. - Intent and Liability.....	132
Sec. 21-5-502. - General Standards for Grading.....	133
Sec. 21-5-503. - Permanent Best Management Practices (BMPs)	135
Sec. 21-5-504. - Design of Permanent Drainage Systems.....	136
Article VI. - Mitigation of Development Impacts	137
Division 6-1. - Impact Analysis.....	137
Sec. 21-6-101. - Fiscal and Infrastructure Impact Analysis.....	137
Sec. 21-6-102. - Traffic Impact Analysis.....	138
Division 6-2. - Required Dedications and Fees-in-Lieu.....	139
Sec. 21-6-201. - Form of Dedication.....	139
Sec. 21-6-202. - Parks.....	139
Division 6-3. - Public Improvements, Site Improvements, and Easements.....	141
Sec. 21-6-301. - Public Improvements and Site Improvements.....	141
Sec. 21-6-302. - Utilities.....	144
Sec. 21-6-303. - Stormwater Maintenance Easements.....	145
Division 6-4. - Operations Plans – Mineral Extraction and Heavy Truck Routing	145
Sec. 21-6-401. - Purpose and Application of Division.....	145
Sec. 21-6-402. - Master Plan for Extraction	145
Sec. 21-6-403. - Heavy Truck Routing Plan.....	146

Article VII. - Nonconformities.....	147
Division 7-1. - Purpose and Application of Article.....	147
Sec. 21-7-101. - Purpose	147
Sec. 21-7-102. - Application.....	147
Division 7-2. - Nonconforming Uses	148
Sec. 21-7-201. - Continuation of Nonconforming Use	148
Sec. 21-7-202. - Change of Nonconforming Use	149
Sec. 21-7-203. - Discontinuance of a Nonconforming Use.....	149
Sec. 21-7-204. - Conversion of a Nonconforming Use to a Conforming Use.....	149
Division 7-3. - Nonconforming Buildings or Structures	150
Sec. 21-7-301. - Modifications to a Nonconforming Building or Structure.....	150
Sec. 21-7-302. - Completion of Building or Structure.....	150
Sec. 21-7-303. - Damage to a Nonconforming Building or Structure.....	151
Division 7-4. - Other Physical Nonconformities.....	151
Sec. 21-7-401. - Conforming Uses with Physical Nonconformities.....	151
Sec. 21-7-402. - Nonconforming Landscaping or Buffering.....	151
Sec. 21-7-403. - Nonconforming Signs.....	152
Sec. 21-7-404. - Nonconforming Lighting.....	152
Sec. 21-7-405. - Nonconforming Parking.....	153
Sec. 21-7-406. - Nonconforming Density	153
Sec. 21-7-407. - Nonconforming Lots of Record.....	154
Article VIII. - Administration and Enforcement.....	155
Division 8-1. - Administrative Bodies.....	155
Sec. 21-8-101. - Administrator.....	155
Sec. 21-8-102. - City Engineer	155
Sec. 21-8-103. - Planning Commission.....	156
Sec. 21-8-104. - Zoning Board of Adjustment.....	158
Sec. 21-8-105. - City Council.....	159

Division 8-2. - Permits and Approvals	159
Sec. 21-8-201. - Approvals or Permits Required	159
Sec. 21-8-202. - Administrative Approvals and Permits	160
Sec. 21-8-203. - Discretionary Approvals.....	161
Division 8-3. - Planned Unit Development and Campus Master Plans	163
Sec. 21-8-301. - Purpose and Application of Division.....	163
Sec. 21-8-302. - Scope	164
Sec. 21-8-303. - Types of Planned Unit Development	164
Sec. 21-8-304. - Standards that May be Modified in a Planned Unit Development.....	166
Sec. 21-8-305. - Approval Criteria for Modification of Standards in a Planned Unit Development.....	167
Sec. 21-8-306. - Construction Procedures and Building Permits.....	168
Sec. 21-8-307. - Amendments to the Final Development Plan or Campus Master Plan.....	168
Sec. 21-8-308. - Enforcement of Development Schedule	169
Sec. 21-8-309. - Control of Development Following Completion.....	169
Division 8-4. - Annexation and Disconnection.....	170
Sec. 21-8-401. - Annexation and Disconnection Procedure.....	170
Sec. 21-8-402. - Required Annexation Agreement.....	171
Sec. 21-8-403. - Approval Criteria	172
Sec. 21-8-404. - Zoning of Annexed Property	173
Sec. 21-8-405. - Execution of Annexation Agreement; Recordation of Approval	173
Division 8-5. - Standardized Procedures.....	173
Sec. 21-8-501. - Standardized Review Process.....	173
Sec. 21-8-502. - <i>Ex Parte</i> Communications	176
Sec. 21-8-503. - Pre-Application Meeting.....	176
Sec. 21-8-504. - Application.....	178
Sec. 21-8-505. - Application Fees and Escrows.....	178
Sec. 21-8-506. - Completeness Review	180
Sec. 21-8-507. - Sufficiency Review.....	180

Sec. 21-8-508. - Stale Applications	181
Sec. 21-8-509. - Administrative Review	181
Sec. 21-8-510. - Referrals	183
Sec. 21-8-511. - Public Notice	183
Sec. 21-8-512. - Public Meetings and Public Hearings	186
Sec. 21-8-513. - Continuances and Withdrawal	186
Sec. 21-8-514. - Successive Applications	186
Sec. 21-8-515. - Recording of Approvals	187
Sec. 21-8-516. - Effect of Approvals	187
Sec. 21-8-517. - Duration of Approvals	188
Sec. 21-8-518. - Extensions of Approvals	188
Sec. 21-8-519. - Correction of Approvals	190
Sec. 21-8-520. - Vacation of Easements, Rights-of-Way, or Plats	191
Sec. 21-8-521. - Special Procedures for Wireless Telecommunications Facilities	192
Division 8-6. - Vested Property Rights	193
Sec. 21-8-601. - Applications	193
Sec. 21-8-602. - Vested Property Rights; Establishment	193
Sec. 21-8-603. - Notice of Hearing and Decision; Form of Approval	194
Sec. 21-8-604. - Notice of Final Approval	194
Sec. 21-8-605. - Requirements of Ordinance or Resolution	194
Sec. 21-8-606. - No Rights Created	195
Sec. 21-8-607. - Exceptions	195
Division 8-7. - Administrative Modifications, Variances, and Administrative Appeals	196
Sec. 21-8-701. - Administrative Modifications	196
Sec. 21-8-702. - Variances	198
Sec. 21-8-703. - Administrative Appeals	199
Article IX. - Enforcement	201
Division 9-1. - Purpose and Application of Article	201
Sec. 21-9-101. - Purpose of Article	201

Sec. 21-9-102. - Application of Article	201
Division 9-2. - Enforcement Procedures	202
Sec. 21-9-201. - Notice of Violation	202
Sec. 21-9-202. - Immediate Orders and Immediate Actions	203
Sec. 21-9-203. - Administrative Process	205
Sec. 21-9-204. - Administrative Suspension of Licenses, Permits, and Approvals	205
Sec. 21-9-205. - Judicial Process	206
Division 9-3. - Remedies	207
Sec. 21-9-301. - Nature of Remedies; Preference for Civil Remedies	207
Sec. 21-9-302. - Revocation of Licenses, Permits, and Approvals	207
Sec. 21-9-303. - Civil Remedies	207
Sec. 21-9-304. - Criminal Penalties.....	208
Article X. - Findings, Objectives, and Intent.....	209
Division 10-1. - Findings, Objectives, and Intent Regarding Specific Uses	209
Sec. 21-10-101. - Findings, Objectives, and Legislative Intent Regarding Sexually-Oriented Business	209
Sec. 21-10-102. - Findings Regarding Regulation of Marijuana Uses and Marijuana Cultivation.....	210
Division 10-2. - Findings Regarding Regulation of Certain Structures.....	212
Sec. 21-10-201. - Interests, Findings, and Legislative Intent Regarding Sign Regulation.....	212
Sec. 21-10-202. - Interests, Findings, and Legislative Intent Regarding Wireless Telecommunications Facilities Regulations	213
Article XI. - Measurements, Calculations, Rules of Construction, Acronyms, and Definitions	215
Division 11-1. - Measurements and Calculations	215
Sec. 21-11-101. - Measurements.....	215
Sec. 21-11-102. - Calculations	216

Division 11-2. - Rules of Construction, Acronyms, and Definitions	217
Sec. 21-11-201. - Rules of Construction	217
Sec. 21-11-202. - Table of Acronyms	217
Sec. 21-11-203. - Definitions	218

Article I. - Title, Purpose, Authority, Applicability, Jurisdiction, Transition, Interpretation, and Severability

Division 1-1. - Title, Purposes, Authority, and Disclaimers

Sec. 21-1-101. - Title

This Chapter shall be known and may be cited as the “Alamosa Unified Development Code,” and may be referred to herein as “this Code” or “UDC.”

Sec. 21-1-102. - Purposes

- (a) **General Purposes.** The purpose and intent of this Code is to promote the health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City of Alamosa, Colorado, by using the City’s home rule, constitutional, and statutory powers to:
- (1) Implement the City’s adopted Comprehensive Plan and other adopted plans, which plans:
 - a. Reflect the shared values of the City’s inhabitants with respect to the character, form, and function of its future development; and
 - b. Promote planned, logical, fiscally and environmentally responsible, and orderly development and redevelopment within the City and other areas that may be subject to the City’s regulatory authority;
 - (2) Establish zoning districts and development standards that promote the use and development of property and balance the objectives of:
 - a. Reducing barriers to entry or expansion of businesses in targeted areas by reducing the cost of obtaining development approval and complying with applicable development and design regulations;
 - b. Supporting the stability and improvement of established residential, business, and industrial areas of the City by protecting or improving their physical and functional integrity and character;
 - c. Conserving and enhancing economic, social, cultural, recreational, and aesthetic property values; and
 - d. Ensuring adequate light and air and maintaining appropriate open spaces;
 - (3) Provide for a variety of housing opportunities for a diverse population;
 - (4) Diversify and improve transportation options by enhancing multimodal transportation choices, maintaining a balance of land uses, allowing for horizontally and vertically mixed uses in appropriate locations, and other appropriate measures;

- (5) Protect and enhance the City's tax base by enhancing opportunities for commerce, and by increasing property values through business creation and expansion, quality building improvements, infill development, and redevelopment;
 - (6) Provide for sufficient, efficient, fiscally sustainable, and cost-effective transportation, water, sanitary sewer, school, park, stormwater conveyance and treatment, and other public and private facilities and services;
 - (7) Promote public safety by securing safety from fire, flood, and other dangers through appropriate site design and adequate infrastructure and emergency services, in coordination with independent providers of public services (*e.g.*, schools and recreation);
 - (8) Promote appropriate stewardship of natural resources, including water resources;
 - (9) Provide for efficient and fair development approval procedures that respect private property rights and promote appropriate development; and
 - (10) Promote the efficient and responsible use of public and private resources towards the accomplishment of the purposes set out herein.
- (b) **Purposes of Regulation of Sexually-Oriented Businesses.**
- (1) The purpose of the regulations in this UDC that apply specifically to sexually-oriented businesses is to set reasonable and uniform regulations to prevent the deleterious location and siting of such businesses, and to ensure that site and building design techniques are used to minimize secondary effects, for example, by limiting views into areas of a building in which the business is operated.
 - (2) The regulations have neither the purpose nor the effect of imposing an unconstitutional limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent nor effect of the regulations to restrict or deny access by adults to those sexually-oriented materials that are protected by the First Amendment.
 - (3) This Code shall not be interpreted to condone or legitimize the distribution of obscene material or other comparable material that is not protected by the First Amendment.
- (c) **Purposes of Regulation of Signs.** The purpose of the provisions in this UDC related to signs is to set out reasonable regulations for the design, location, installation, operation, repair, maintenance, and removal of signs in a manner that advances the City's legitimate, important, substantial, and compelling interests, while simultaneously safeguarding the constitutionally protected right of free speech.
- (d) **Other Specific Purposes.** Other specific purposes of the various provisions of this Code may be expressed therein. Additional City Council findings are set out in Article IX.

Sec. 21-1-103. - Authority

- (a) **Generally.** The provisions of this Code are authorized as provided in this Section. The City may be authorized or required to act in additional areas from time to time. This Section is not intended, in any way, to limit the City's ability to accept such additional authorizations or requirements.
- (b) **City Charter.** Primary authority for all provisions herein that affect the area within the corporate boundaries of the City of Alamosa and are neither matters of statewide concern nor preempted by federal law is created by Article I, Section 2 (Powers, Rights and Liabilities), Article XIV, Section 4 (Zoning), and Article XV, Section 2 (Functions and Duties [of the Department of Public Works]) of the Home Rule Charter of the City of Alamosa, Colorado. This authority is granted by Article XX, Section 6 (Home Rule for Cities and Towns), Colorado Constitution.
- (c) **Colorado Revised Statutes.** Supplemental authority for the provisions of this Code is provided by the Colorado Revised Statutes, if they are not inconsistent with the provisions herein, or if they are preemptive of charter ordinances. The following provisions of the Colorado Revised Statutes may be used as authority for certain provisions of this Code:
 - (1) Regulate zoning, planning, subdivision, and development of land and building by C.R.S. Title 31, Article 23;
 - (2) Designate and administer areas and activities of state interest by C.R.S. §§ 24-65.1-101 to 108, 201 to 204, 301, 401 to 407, 501 to 502 and 34-1-301 et seq., as amended;
 - (3) Regulate planned unit development by C.R.S. § 24-67-101 et seq.;
 - (4) Regulate certain activities on, and uses of land by C.R.S. § 29-20-101 et seq., as amended;
 - (5) Regulate to avoid various types of pollution by virtue of C.R.S. § 25-7-112 (water pollution, radiation, noise);
 - (6) Regulate annexation of land by C.R.S. § 31-12-101 et seq., as amended;
 - (7) Regulate medical marijuana uses by C.R.S. Title 12, Article 43.3;
 - (8) Regulate recreation marijuana uses by C.R.S. Title 12, Article 43.4;
 - (9) Recognize the vesting of property rights for site-specific development orders according to C.R.S. § 24-68-101, et. seq.; and
 - (10) Regulate surveying practices according to C.R.S. § 38-51-101, et seq.
- (d) **United States Code.** Some of the regulations in this Code are authorized or required by federal law, which may include programs that are delegated to the State of Colorado for administration. Such regulations may include, but shall not be limited to:
 - (1) Flood damage prevention, pursuant to 42 U.S.C. § 4022; and

- (2) Local implementation of the National Pollutant Discharge Elimination System (“NPDES”), pursuant to 33 U.S.C. § 1342.
- (e) **Additional Authority; Limitations.** Should further authorizing legislation exist or be enacted, this Code is additionally deemed to be enacted or effective pursuant thereto, except:
 - (1) This Code shall supersede inconsistent legislation if the City’s home rule authority so allows; and
 - (2) This Code shall be superseded by such legislation only to the extent of any irreconcilable conflict if the City’s home rule authority does not subordinate such legislation.

Sec. 21-1-104. - Statement of Policy Regarding Marijuana Uses and Marijuana Cultivation

- (a) **Inherent Risks.** Marijuana, medical and otherwise, is a controlled substance under federal law. Therefore, applicants, investors, employees, and others associated with the marijuana uses know or should know that, among other things:
 - (1) If the U.S. DOJ chooses a different allocation of its investigative and prosecutorial resources (towards “greater enforcement”):
 - a. The federal government may be more likely to prosecute those individuals who are found in violation of the Controlled Substances Act and any other applicable federal criminal laws; and
 - b. Owners of marijuana uses and other persons who cultivate, store, or possess marijuana may be subject to penalties under federal law, including incarceration, fines, and forfeitures, including forfeiture of the building in which the use is located and the contents thereof.
 - (2) Insurance companies could deny coverage, including (among other things) coverage for casualty losses or personal injuries, based on violations of the Controlled Substances Act.
 - (3) Lenders could, at any time, determine that the use is unlawful and exercise any rights they may have under the terms of the loan, which in some cases may include a demand for immediate repayment of the entire loan balance.
- (b) **No Right to Continued Use; No Vested Rights; No Compensable Rights.**
 - (1) Based on the current U.S. DOJ policy and the state of Colorado law, this Code allows certain marijuana uses according to the regulatory program created by Colorado law. However, for so long as marijuana (medical and otherwise) remains a controlled substance under federal law, no approval pursuant to this Code shall be construed to create any enforceable or compensable property right to the establishment or continuation of a marijuana use under any circumstances.

- (2) No approval by the City shall be construed to introduce liability to the City for any consequential harms to the applicant or those associated with a proposed marijuana use, including but not limited to business owners, investors, employees, land owners, insurance companies, lenders, caregivers, patients, or customers.
- (c) **Certain Marijuana Land Uses Prohibited.** The City of Alamosa has exercised its right pursuant to Article XVIII, Section 16(5)(f) of the Colorado Constitution and prohibits the operation of certain marijuana uses as provided in Article X and Article XI of the Alamosa Code of Ordinances.

Sec. 21-1-105. - Liability for damages.

This Code shall not be construed to hold the City or its authorized representatives responsible for any damage to persons or property by reason of approvals, permitting, inspection, or re-inspection authorized herein.

Division 1-2. - Applicability, Jurisdiction, Interpretation, and Transition

Sec. 21-1-201. – Applicability

- (a) **Generally.** No land shall be developed except in accordance with the applicable provisions of this Code. All of the following are considered “development” that is subject to the applicable requirements of this Code (including provisions related to nonconformities):
 - (1) The use of any building, structure, or land (including new uses, changes in use, expansions of existing uses, and material changes to the operational characteristics of existing uses).
 - (2) Construction, material alteration, repair, relocation, or demolition of infrastructure, structures (including but not limited to fences, retaining walls, signs, and towers), or buildings.
 - (3) Land clearing in anticipation of the construction of infrastructure, structures, or buildings for non-agricultural purposes.
 - (4) Any other disturbance of land, soil, vegetation, or waterways, including excavation, fill, or other alteration of land for construction or other purposes, but not including routine landscape maintenance or ditch maintenance.
 - (5) Any division of a lot or parcel of land for land development, for sale, or for lease, whether by metes and bounds, subdivision, or other technique.
- (b) **Applicability to Publicly Owned Property.** The provisions of this Code are applicable not only to private persons, agencies, corporations and organizations, but also to all public agencies, and organizations to the full extent that they may be enforceable under the United States Constitution and the Constitution and Statutes of the State of Colorado.

- (c) **Relationship to Covenants, Conditions, and Restrictions.** This Code does not abrogate private restrictions that affect the use, development, or maintenance of property. The City has no duty to search for the existence of private restrictions on property, and the City will not interpret, enforce, or apply private restrictions unless it is a party to them.
- (d) **Relationship to Referral Agencies.** Certain applications may be referred to affected agencies or entities for review and comment. It is the applicant's responsibility to comply with all applicable rules and regulations. The City may withhold hearing or approval of an application until issues between the applicant and a referral agency or entity are resolved if the City determines that the issue affects public health or safety, or the referral agency's function or property rights.

Sec. 21-1-202. - Jurisdiction

This Code shall apply within the corporate boundaries of the City of Alamosa, Colorado, as may be amended from time to time, and, limited only to control with reference to a major street plan and not otherwise, shall also include all land lying within three (3) miles of the corporate boundaries of the City and not located within any other municipality, except that in the case of any of such non-municipal land lying within five (5) miles of the City and another municipality, the jurisdiction of the City shall terminate at a boundary line equidistant from the respective corporate limits of the city. This Code may also apply according to the terms of one or more applicable intergovernmental agreements.

Sec. 21-1-203. - Interpretation

The provisions of this Code may be regarded as the minimum requirements for the promotion of public health, safety, comfort, convenience, prosperity, and general welfare. This Code shall be interpreted to implement its stated purposes, and in such interpretations, the specific shall control the general.

Sec. 21-1-204. - Transition

(a) Pending Applications.

- (1) *Generally.* An application for approval of a site specific development plan, as well as the approval, conditional approval, or denial of approval of such plan, shall be governed only by the duly adopted laws and regulations in effect at the time the complete application is submitted. *See C.R.S. § 24-68-102.5, Applications - Approval by Local Government.*
- (2) *Exception.* The City may adopt a new or amended ordinance or regulation, when necessary, for the immediate preservation of public health and safety, and may enforce such ordinance or regulation in relation to applications pending at the time such ordinance or regulation is adopted. *See C.R.S. § 24-68-102.5, Applications - Approval by Local Government.*

- (b) **Generally.** Development that was approved before the effective date may be carried out within the scope of the development approval or permit, provided that the approval is valid and has not lapsed. Where development approvals or other approvals authorize the issuance of a permit, the permit must be requested within the period that the approval is valid. Work that is authorized by permits must be commenced during the period in which the permit is valid, and then diligently pursued to completion.
- (c) **Term of Approvals and Permits that Pre-Date the Effective Date.**
 - (1) Development approvals and permits that are valid on the effective date are valid until the earlier of:
 - a. Their stated expiration date (or vested rights period), which may be on the face of the permit or development approval, or within related documents such as development agreements or regulations in force on the date of the approval; or
 - b. Two years from the Effective Date.
 - (2) The following approvals are not terminated by this subsection:
 - a. Rezoning, except rezoning to zones that are not set out in this UDC;
 - b. Vacations or abandonments of easements or rights-of-way;
 - c. Comprehensive Plan amendments; and
 - d. Recorded final plats.

Article II. - Zones and Land Use

Division 2-1. - Zones

Sec. 21-2-101. - Purpose of Zones

The zones that are established by this Article are intended to:

- (1) Encourage new development, reinvestment, and redevelopment that are consistent with the City's Comprehensive Plan;
- (2) Promote a range of economic opportunities that diversify the City's economy and provide opportunities for its residents;
- (3) Respect and reinforce the fabric of the City's neighborhoods;
- (4) Promote development that has character, scale, and quality that are compatible with the surrounding context;
- (5) Provide opportunities for commercial and mixed-use development to serve City and regional residents;
- (6) Provide opportunities for development of additional land uses that create primary employment; and
- (7) Respond to constraints that are inherent in the landscape.

Sec. 21-2-102. - Establishment of Zones

In order to implement the purposes and provisions of this Chapter, the City hereby establishes the zones that are set out in Table 21-2-102, Zones. The acronym used to refer to the zone, as well as the general purposes of each zone, are also set out in the Table.

TABLE 21-2-102 ZONES		
Zone	Acronym	Purpose
Agricultural	A	This zone is intended for areas that are primarily in an unimproved, natural state, as well as areas which are utilized for keeping and pasturing livestock and growing crops and plant materials, and where routine farm production activities are practiced.
Estate Residential	RE	This zone is intended for large-lot (at least 12,000 square feet), single-family detached residential uses.
Low-Density Residential	RL	This zone is intended for low-density, suburban-scale residential development.
Medium-Density Residential	RM	This zone is intended to allow for mixed residential alternatives, such as small-lot single-family detached and as well as low-scale multiple-unit, attached configurations such as multiplexes, duplexes, and townhouses.
High-Density Residential	RH	This zone is intended to allow for a variety of housing types such as single-family detached, small-number attached single-family dwellings, as well as multi-unit residential uses at apartment densities (maximum of twenty-five (25) dwelling units per gross acre).
Mixed-Use	MU	This zone is intended to implement the mixed-use opportunity area designation of the Comprehensive Plan. It allows for an integrated vertical or horizontal mix of residential, commercial, office, civic, and recreational uses.

TABLE 21-2-102 ZONES		
Zone	Acronym	Purpose
Commercial Business	CB	This zone is intended to be used for a full range of retail sales and commercial services, serving both residents and visitors. This zone also allows vertically mixed commercial-residential development, such as residential apartments or condominiums located above retail shops.
Industrial	I	This zone is intended to be used for clean manufacturing, research and development, processing, and warehousing activities, and for other industrial uses provided that their impacts are appropriately mitigated. Offices and limited retail that is accessory to a permitted industrial or office use are also allowed in this district.
Central Business District	CBD	This zone encompasses the City's historic commercial core, framed by 4 th and 6 th Streets on the north and south, and Denver and Edison Avenues on the east and west; and is intended to support a walkable, pedestrian-scale center for shopping, entertainment, dining, arts, culture, and community events.
Campus	CA	This zone is intended to promote the development of education, health care, recreation, or research campuses pursuant to a campus master plan.
Established Neighborhoods	EN	This zone is intended to promote re-investment in established neighborhoods, while maintaining the existing physical character of the neighborhood

Sec. 21-2-103. - Official Zoning Map

- (a) **Generally.** The locations of the various zones are depicted on the map entitled "Official Zoning Map of the City of Alamosa" (referred to hereinafter as "ZONING MAP"). The Zoning Map is incorporated into and made part of this UDC.
- (b) **Maintenance of Zoning Map.** The Zoning Map is maintained by the Administrator. The Administrator shall promptly update the Zoning Map after a rezoning ordinance is adopted.
- (c) **Status of Zoning Map.** The Zoning Map that is on file with the Administrator shall control in the event of a conflict between said map and any other reproduction of the Zoning Map, including but not limited to, maps that are made available electronically.

Sec. 21-2-104. - Interpretation of Zoning Map

- (a) **Generally.** The precise location of any zone boundary line shown on the Zoning Map shall be identified using the rules set out in this Section. It is the intent of the City Council that all land within the City of Alamosa be located within a zone. In the event that land within the City exists for which no zone can be identified (even after the application of the standards in this Section), no permits for development or use of said land shall be issued until the City Council adopts an initial zoning ordinance for the land. Such action shall be taken at the City Council's first available regular meeting after the City discovers that the land is not zoned.
- (b) **Conflicts Between Zoning Map and Adopted Rezoning Ordinance, After Effective Date of UDC.** Conflicts between the zone boundaries on the Zoning Map and the zoning for land that is set out in an adopted rezoning ordinance dated after the effective date of this UDC could result from administrative or scrivener's errors. In the event of such conflict:
 - (1) It is presumed that the adopted rezoning ordinance controls, and the Zoning Map shall be promptly corrected when the conflict is identified. In such a case, the Administrator shall provide written notice of the correction to the owners of property that is the subject of a zoning map correction.

- (2) The presumption may be rebutted if it is obvious that the error is within the text of the rezoning ordinance, in that:
 - a. The rezoning affects property that was not the subject of the application for rezoning; or
 - b. The rezoning affects only a portion of the property that was the subject of the application, the application requested rezoning for the entire property, and the application was granted without conditions that restricted the extent of the rezoning; or
 - c. The legal description of the land in the rezoning ordinance does not close, but the description of the land that was intended to be the subject of the rezoning ordinance is otherwise obvious.
- (c) **Conflict Between Zoning Map and Adopted Rezoning Ordinance, Before Effective Date of UDC.** Any conflict between the boundaries on the Zoning Map and a rezoning ordinance that was adopted before the effective date of this UDC shall be resolved as follows:
 - (1) If the Zoning Map conflicts with a rezoning ordinance adopted before the effective date, the Zoning Map boundaries control. However, if the rezoning ordinance was tied to a site specific development plan, then the Zoning Map designation shall not interfere with any vested rights created by the site specific development plan.
 - (2) If the Zoning Map conflicts with an active planned unit development (“PUD”) ordinance that was adopted before the effective date, the PUD ordinance controls, unless there is record evidence to show that the Zoning Map was intended to adjust the boundaries of the PUD.
 - (3) If the Zoning Map conflicts with an inactive PUD ordinance, or with the boundary of a completed PUD, then the Zoning Map controls.
 - (4) If the Zoning Map conflicts with a development or annexation agreement, then the conflict shall be resolved according to the terms of the agreement.
- (d) **Identifiable Features.** In the absence of a rezoning ordinance that specifies parcel boundaries, where zoning district boundary lines appear to follow identifiable features, their location shall be determined by applying the rules of this subsection in order from (1) to (5):
 - (1) *Rights-of-Way.* Boundary lines shown as following, or approximately following, streets, alleys, railroad tracks, or utility lines shall be construed as following the centerline of the right-of-way. Where the location of the actual streets or alleys differs from the location of corresponding streets or alleys on the Zoning Map, the location of the actual streets or alleys controls.
 - (2) *Property Lines.* Boundary lines shown as following, or approximately following, lot lines or other property lines shown on the Zoning Map shall be construed as following such lines.

- (3) *Toe or Top of Slope.* Boundary lines shown as following, or approximately following, the toe or the top of a steep slope, shall be construed as following the contour line of the toe or top of slope.
- (4) *Watercourses.* Boundaries shown as following, or approximately following, the centerline of streams or other watercourses shall be construed as following the channel centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline. However, such movement shall not render existing development nonconforming.
- (5) *Parallel to Features.* Boundaries shown as separated from and parallel, or approximately parallel, to any of the features listed in subsections (d)(1) through (d)(4), above, shall be construed to be parallel to such features and at such distances as are shown by the scale on the zoning map.
- (e) **Un-subdivided Land or No Identifiable Feature.** In the absence of a rezoning ordinance that specifies parcel boundaries, on un-subdivided land, or where a district boundary follows no identifiable feature, the location of district boundaries shall be determined by applying the following rules in sequential order, until the boundaries are known:
 - (1) *Text Dimensions.* The boundary shall be located by reference to dimensions shown in text on the zoning map, if any.
 - (2) *Map Scale.* The boundary shall be located using the map scale appearing on the zoning map.

Sec. 21-2-105. - Zoning of Annexed Land

- (a) **Generally.** Zoning of annexed land or land in the process of annexation is an “initial zoning.”
- (b) **Timing of Adoption of Zoning Ordinance.** An ordinance annexing a subject property into the City may provide for the zoning of the subject property. If the zoning ordinance is considered separately, it shall not be finally adopted by the City Council before final adoption of the annexation ordinance. The zoning ordinance may be processed concurrently and heard at the same hearing as the annexation ordinance for the subject property.

Sec. 21-2-106. - Standards for Rezoning

- (a) **Generally.**
 - (1) The City Council may approve an application for rezoning if it finds that:
 - a. The policy set out in Subsection B., below, is implemented;
 - b. The standards set out in Subsection C., below, are met; and
 - c. One or more of the alternatives set out in Subsection D., below are met.
 - (2) If the proposed rezoning is to a CA Zone, the subject property shall be at least 20 acres in area and under single ownership or control.
- (b) **Historic Resource Protection and Hazard Mitigation**

- (1) It is the policy of the City not to rezone land in a manner that would tend to create or facilitate the creation of development rights or entitlements that would either:
 - a. Reduce the level of protection for significant historical resources that exist on the Subject Property; or
 - b. Expose additional people or personal property to unmitigated natural or man-made hazards that are present on the Subject Property.
 - (2) This policy may be waived upon a finding by the City Council that:
 - a. Alternative means have been implemented (or will be implemented as a condition of development approval) to achieve a comparable or better level of historic resource protection or hazard mitigation; or
 - b. The policy is outweighed by a substantial community interest that is served by approval of the rezoning.
- (c) **Compatibility and Public Benefits.** All applications for rezoning shall meet all of the following standards:
- (1) The proposed zone is in conformance with the Comprehensive Plan's future land use map;
 - (2) The proposed zone will provide a benefit (or degree of benefit) to the community or immediate area that cannot be provided in the existing zone, and which is sufficient to offset potential adverse impacts of the proposed zone, if any;
 - (3) Public facilities are addressed in at least one of the following ways:
 - a. Adequate public facilities are available to serve development in the proposed zone; or
 - b. The proposed zone would limit demands upon public facilities more than the existing zone; or
 - c. Reasonable assurances are provided that adequate facilities will be made available to serve new development by the time the new development places demands on the facilities.
- (d) **Alternative Standards.** All applications for rezoning shall meet at least one of the following four alternative standards:
- (1) *Alternative #1.* The proposed zone is more appropriate than the existing zone to implement the most recent adopted City plan that:
 - a. Was developed with public input (*e.g.*, the Comprehensive Plan or a special area, corridor, redevelopment, or strategic plan); and
 - b. Includes the Subject Property.
 - (2) *Alternative #2.* The proposed zone is more appropriate than the existing zone because:

- a. There has been a change in character or capacity of public infrastructure in the area (*e.g.*, installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.); and
 - b. The proposed zone allows for the reasonable development or redevelopment of the subject property in a manner that will be compatible with its existing or planned context.
- (3) *Alternative #3.* The proposed zone is more appropriate than the existing zone because:
 - a. There is greater need in the City for land in the proposed zone than the existing zone; and
 - b. The proposed zone will promote a balance of land uses in the City that will improve economic opportunity for City residents.
- (4) *Alternative #4.* The proposed zone is more appropriate than the existing zone because:
 - a. The existing zoning for the property was erroneously assigned; or
 - b. Development has not proceeded in reliance on the erroneous zone.

Division 2-2. - Land Use

Sec. 21-2-201. - Interpretation of Land Use Tables

- (a) **Generally.** The tables set out in this Division ("LAND USE TABLES") describe which land uses are allowed administratively ("PERMITTED USES"), allowed administratively if certain conditions are met ("LIMITED USES"), allowed after public hearing if certain conditions are met ("CONDITIONAL USES"), and not allowed ("PROHIBITED USES") in each zone.
- (b) **Legend.** The following symbols are used in the Land Use Tables:
 - (1) "P" means "Permitted Use." Permitted uses are subject to administrative review for compliance with the general requirements of this UDC.
 - (2) "L" means "Limited Use." Limited uses are subject to administrative review for compliance with specific standards that pertain to the use, and for compliance with general standards for all limited uses, and the general requirements of this UDC.
 - (3) "C" means "Conditional Use." Conditional uses are subject to public hearing review for compliance with specific standards that pertain to the use, general standards for all conditional uses, and the general requirements of this UDC.
 - (4) "-" means "Prohibited Use." Prohibited uses are not allowed in the specified zone.
- (c) **Multiple Uses.** Proposed uses that combine more than one listed use, except those that qualify as "mixed-use," shall meet the substantive and procedural requirements for each applicable listed use.

Sec. 21-2-202. - Residential and Special Residential Land Use Table

- (a) **Generally.** The Residential and Special Residential Land Uses are set out in Table 21-2-202A, *Residential and Special Residential Land Uses*.

TABLE 21-2-202A RESIDENTIAL AND SPECIAL RESIDENTIAL LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Residential Uses												
Single-family detached	(by lot type – see below)											
Farmstead (street access)	-	-	-	-	-	-	-	-	-	-	P	
Estate (street access)	P	P	P	-	-	-	-	-	-	L	P	(b)(1)
Suburban (street access)	P	-	P	P	P	P	-	-	-	L	-	(b)(1)
Town (street access)	L	-	-	P	P	P	-	-	-	L	-	(b)(1)
Town (alley access)	P	-	-	P	P	P	-	-	-	L	-	(b)(1)
Duplex or twin house	P	-	-	P	P	P	-	-	-	-	-	-
Townhouse or rowhouse	-	-	-	P	P	P	-	-	-	-	-	-
Multiplex or Multifamily	L	-	-	L	P	P	L	-	L	L	-	(b)(2)
Manufactured home	L	-	-	L	L	-	-	-	-	-	-	(b)(3)
Cottage clusters or co-housing clusters	L	L	L	L	L	L	-	-	-	L	P	(b)(4)
Live-work	L	-	-	L	L	P	P	-	P	-	P	(b)(5)
Special Residential Uses												
Assisted living or congregate care	-	-	-	P	P	P	P	-	-	L	-	(b)(6)
Boarding or rooming house	-	-	-	-	P	P	-	-	-	L	-	(b)(7)
Convalescent center, Alzheimer’s care, memory care, nursing home	-	-	-	L	P	P	P	-	-	L	-	(b)(8)
Group home	L	L	L	L	L	L	-	-	-	L	L	(b)(9)
Sheltered care facility	-	-	-	-	C	C	-	-	-	C	C	(b)(10)

(b) Residential and Special Residential Use-Specific Standards.

(1) *Single-Family Detached.*

- a. Single-family detached dwelling units are allowed in the CA Zone if:
 - i. They provide lodging principally for employees of the other uses on the campus; or
 - ii. They exist on the effective date of this UDC.
- b. Street accessed town lots are allowed in the EN Zone if alley access is not available or otherwise not reasonable as determined by the Administrator.

(2) *Multiplex or Multifamily.* Multifamily dwelling units are allowed if:

- a. In the EN Zone:

- i. No individual building contains more than eight dwelling units and the applicable standards of Section 21-4-205, *Multiplex and Multifamily Lot and Building Standards*, are met; or
 - ii. The multiplex or multifamily use exists on the effective date of this UDC.
 - b. In the RM Zone, no individual multiplex or multifamily building contains more than four dwelling units on the ground floor.
 - c. In the CB Zone, the units are located in vertically mixed-use buildings.
 - d. In the CBD Zone:
 - i. The dwelling units are located above the ground floor; or
 - ii. The dwelling units do not have frontage on Main Street.
 - e. In the CA Zone, the units provide housing principally for students, employees, or contractors of the other uses on the campus.
- (3) *Manufactured Homes*. Manufactured homes are allowed if:
 - a. In the EN Zone, the manufactured home was already installed upon the subject property on the effective date of this UDC.
 - b. In the RM Zone or RH Zone, the manufactured home is installed within a manufactured home park or manufactured home subdivision.
- (4) *Cottage Clusters or Co-Housing Clusters*. Cottage clusters or co-housing clusters are allowed if:
 - a. In the EN Zone, cottage clusters or co-housing clusters contain not more than eight dwelling units and are separated from each other within the same zone by not less than 200 feet, measured from property boundary line to property boundary line.
 - b. In the RE, RL, RM, RH, or MU Zones, cottage clusters or co-housing clusters contain no more than 12 dwelling units and are separated from each other within the same zone by not less than 500 feet, measured from property boundary line to property boundary line.
 - c. In the CA Zone, cottage clusters or co-housing clusters provide housing principally for students, employees, or contractors of the other uses on the campus, and include not more than 20 dwelling units per cluster.
- (5) *Live-Work*. Live-work units are allowed if:
 - a. In the EN Zone, the subject property is located across the street from the CBD Zone.
 - b. In the RM Zone, the subject property fronts on Stockton Street.
 - c. In the RH Zone, the subject property:
 - i. Is located across the street from a CB or I zone;

- ii. Takes direct access from the street that defines the district boundary; and
 - iii. Is not located within a manufactured home park or manufactured home subdivision.
- (6) *Assisted Living or Congregate Care.* Assisted living or congregate care is allowed in the CA Zone if it is related to the purpose of the campus (e.g., assisted living or congregate care is allowed on a healthcare or hospital campus as part of the healthcare mission, or on a college or university campus if it is related to an educational program of the college or university).
- (7) *Boarding or Rooming House.* Boarding and rooming houses are allowed in the CA Zone if they principally provide lodging for students, employees, contractors, or guests of the other uses on the campus.
- (8) *Convalescent Center, Alzheimer's Care, Memory Care, or Nursing Home.* Convalescent center, Alzheimer's care, memory care, or nursing home uses are allowed if:
 - a. In the RM Zone, the subject property is located at a zone boundary with an RH Zone or nonresidential Zone, or fronts on and takes access from an arterial or collector street.
 - b. In the CA Zone, the use is related to the purpose of the campus.
- (9) *Group Home.* Group homes are allowed if:
 - a. In the EN, RE, RL, RM, RH, MU, and A Zones, they are spaced from other group homes on the same street (for corner lots, both intersecting streets) by not less than 150 feet.
 - b. In the CA Zone:
 - i. The use is related to the purpose of the campus; and
 - ii. They are spaced from other group homes on the same street (for corner lots, both intersecting streets) by not less than 150 feet.
- (10) *Sheltered Care Facility.* Sheltered care facilities may be allowed if:
 - a. In the RH Zone, the subject property:
 - i. Is located at a zone boundary with a nonresidential Zone;
 - ii. Takes access from the street that forms the boundary; and
 - iii. Is separated from other sheltered care facilities by not less than 600 feet.
 - b. In the MU Zone, the subject property is separated from other sheltered care facilities by not less than 600 feet.
 - c. In the CA Zone, the use is related to the purpose of the campus.
 - d. In the A Zone:
 - i. The subject property is at least 10 acres in area; and

- ii. Agriculture or outdoor recreation is a material part of the treatment program.

Sec. 21-2-203. - Civic, Education, and Health Care Land Use Table

- (a) **Generally.** The Civic, Education, and Health Care Land Uses are set out in Table 21-2-203A, *Civic, Education, and Health Care Land Uses*.

TABLE 21-2-203A CIVIC, EDUCATION, AND HEALTH CARE LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Civic												
Cemetery or Mausoleum	-	-	-	-	-	-	-	-	-	P	P	-
City Facilities	P	P	P	P	P	P	P	P	P	P	P	-
Funeral Home or Crematorium	-	-	-	-	-	P	P	-	-	P	-	-
Place of Assembly	L	-	L	P	P	P	P	P	L	P	-	(b)(1)
Protective Care	-	-	-	-	-	-	-	C	-	-	C	(b)(2)
Day Care												
Adult Day Care	-	-	-	-	-	P	P	-	-	P	-	-
Child Care Center, Small	L	L	L	L	L	P	P	L	-	P	-	(b)(3)
Child Care Center, Large	L	-	-	L	L	P	P	L	-	P	-	(b)(4)
Family Child Care Home	P	P	P	P	P	P	-	-	-	P	P	-
Education												
School	L	L	L	L	L	P	P	C	-	P	-	(b)(5)
College or University	-	-	-	-	-	P	P	L	-	P	-	(b)(6)
Vocational School / Job Training Center	-	-	-	-	-	L	L	L	-	P	-	(b)(7)
Health Care												
Hospital or Emergency Room	-	-	-	-	-	C	P	-	-	P	-	(b)(8)
Medical Office or Clinic	-	-	-	-	-	P	P	-	-	P	-	-

(b) Civic, Education, and Health Care Use-Specific Standards.

- (1) *Place of Assembly.* Places of assembly are allowed if:
- In the EN and RL Zones:
 - A place of assembly exists on the effective date of this UDC; or
 - The subject property is at least one-half acre in area and located on a street corner.
 - In the CBD Zone, the use is located above the ground floor.
- (2) *Protective Care.* Protective care is allowed:
- In the I Zone if:

- i. The use is not a correctional facility or a juvenile detention facility (but may be a short-term detention facility for arrestees who are awaiting trial);
 - ii. The building coverage ratio of the subject property does not exceed 10 percent;
 - iii. The subject property is not less than five acres in area;
 - iv. Principal buildings are set back from property lines not less than 50 feet;
 - v. The subject property is at least 1,000 feet from public parks or schools; and
 - vi. Unless the use is surrounded by a security fence, the use is surrounded by a Class D bufferyard.
 - b. In the A Zone if:
 - i. The building coverage ratio of the subject property does not exceed 10 percent;
 - ii. The subject property is not less than 20 acres in area;
 - iii. Principal buildings are set back from property lines not less than 125 feet;
 - iv. The subject property is at least 1,000 feet from public parks or schools; and
 - v. Unless the use is surrounded by a security fence, the use is surrounded by a Class D bufferyard.
- (3) *Child Care Center, Small.* Small child care centers are allowed if:
- a. In the EN, RE, RL, RM, or RH Zones,
 - i. The use is provided at an existing school or place of public assembly; or
 - ii. The subject property is located on a corner lot and no other child care centers are located on the same street segments or within 250 feet, whichever distances are shorter.
 - b. In the I Zone:
 - i. The use is provided at an existing school or place of public assembly; or
 - ii. The use is provided for employees of an industrial use that is located on the same property or on adjoining property.
- (4) *Child Care Center, Large.* Large child care centers are allowed if:
- a. In the EN, RM, or RH Zones:

- i. The use is provided at an existing school or place of public assembly; or
 - ii. The subject property is not less than one acre in area, and no other child care centers are located on the same street segment or within 250 feet on either side of the use along the street that it fronts, whichever distance is shorter.
 - b. In the I Zone:
 - i. The use is provided at an existing place of public assembly; or
 - ii. The use is provided for employees of an industrial use that is located on the same property or on adjoining property.
- (5) *School.* Schools are allowed if:
- a. In the EN, RE, RL, RM, or RH Zones, the area of the subject property is at least:
 - i. Elementary Schools: The greater of 5 acres or 1,200 sf. per student at design capacity.
 - ii. Middle Schools: The greater of 10 acres or 1,900 sf. per student at design capacity.
 - iii. High Schools: The greater of 20 acres or 2,000 sf. per student at design capacity.
 - b. In the I Zone, a material component of the school's curriculum is industrial in nature, and the use is appropriately buffered from heavy industrial uses.
- (6) *College or University.* Colleges or universities are allowed in the I Zone if the instruction provided or research performed within the zone is principally industrial in nature.
- (7) *Vocational School / Job Training Center.* Vocational schools or job training centers are allowed in the MU, CB, and I Zones if:
- a. The curriculum is limited to traditional classroom instruction; or
 - b. The vocational training is of a type that is permitted in the underlying zone, or that is allowed as a limited use and the limited use standards are met (e.g., vocational training in auto body repair is allowed where heavy motor vehicle repair and services uses are allowed).
- (8) *Hospital or Emergency Room.* Hospitals or emergency rooms are allowed in the MU Zone if they take access from a collector or arterial street, or from a local street that does not also provide direct access to a single-family detached or duplex use between the hospital or emergency room and a major arterial.

Sec. 21-2-204. - General Commercial and Motor Vehicle Land Use Table

- (a) **Generally.** The General Commercial and Motor Vehicle Land Uses are set out in Table 21-2-204A, *General Commercial and Motor Vehicle Land Uses*.

TABLE 21-2-204A GENERAL COMMERCIAL AND MOTOR VEHICLE LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
General Commercial												
Heavy Retail	-	-	-	-	-	L	P	P	-	-	-	(b)(1)
Liquor Stores	-	-	-	-	-	P	P	-	P	L	-	-
Personal Services	-	-	-	-	-	P	P	-	P	P	-	-
Retail Sales and Services Type 1	-	-	-	-	-	P	P	L	P	L	-	(b)(2)
Retail Sales and Services Type 2	-	-	-	-	-	L	L	-	-	L	-	(b)(3)
Professional or Business Offices	-	-	-	-	-	P	P	P	L	P	-	(b)(4)
Recording or Television Studio	-	-	-	-	-	L	L	P	L	P	-	(b)(5)
Veterinary and Animal Facilities	-	-	-	-	-	L	L	P	L	L	P	(b)(6)
Motor Vehicle Land Uses												
Fueling/Charging Stations or Light Motor Vehicle Repairs and Services	-	-	-	-	-	L	P	P	-	-	-	(b)(7)
Heavy Motor Vehicle Repairs and Services	-	-	-	-	-	-	L	P	-	-	-	(b)(8)
Motor Vehicle Wash	-	-	-	-	-	-	P	P	-	-	-	-
Motor Vehicle Parking	-	-	-	-	-	P	P	P	P	P	-	-
Motor Vehicle Sales and Rental	-	-	-	-	-	L	P	P	L	-	-	(b)(9)

(b) **General Commercial and Motor Vehicle Use-Specific Standards.**

- (1) *Heavy Retail.* Heavy retail is allowed in the MU Zone if:
 - a. Not more than 33 percent of the area put to the heavy retail use is located outdoors; and
 - b. The outdoor area used for the display of merchandise is adjacent to a wall of a principal structure, is configured as a walled or decoratively fenced area, and is set back from property lines as required for principal buildings.
- (2) *Retail Sales and Services Type 1.* Retail sales and services type 1 are allowed if:
 - a. In the I Zone:
 - i. The retail sales or services are related to an industrial use on the subject property (*e.g.*, the sale of merchandise that is manufactured or assembled on-site);
 - ii. The retail sales or services are incidental to a permitted use (*e.g.*, the sales of boxes or locks at a self-storage facility); or
 - iii. The retail sales or services support other industrial uses (*e.g.*, contractor supply shops).
 - b. In the CA Zone:

- i. The use is targeted towards the students, employees, or contractors of, or visitors to, the other uses on the campus; and
 - ii. The use is incidental to the overall purpose of the campus.
- (3) *Retail Sales and Services Type 2.* Retail sales and services type 2 are allowed if:
 - a. In the MU Zone or CB Zone, the use is separated from other retail sales and services type 2 uses by at least 600 feet, measured in both directions along the street upon which the use fronts.
 - b. In the CA Zone, the use is targeted towards the students, employees, or contractors of the other uses on the campus, and are incidental to the overall function of the campus.
- (4) *Professional or Business Offices.* Professional or business offices are allowed in the CBD Zone, but if the use fronts on Main Street, it must be located above the ground floor.
- (5) *Recording or Television Studio.* Recording or television studios are allowed if:
 - a. In the MU Zone or CB Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM.
 - b. In the CBD Zone:
 - i. The subject property does not front on Main Street; and
 - ii. Noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM.
- (6) *Veterinary and Animal Facilities.* Veterinary and animal facilities are allowed if:
 - a. In the MU Zone or CB Zone:
 - i. Treatment is limited to small domestic animals (*e.g.*, dogs, cats, birds, and exotic pets); and
 - ii. Outdoor dog runs, if provided, are not less than 250 feet away from any residential property line.
 - b. In the CBD Zone:
 - i. The subject property does not front on Main Street;
 - ii. Treatment is limited to small domestic animals; and
 - iii. There are no outdoor dog runs.
 - c. In the CA Zone, the use is related to the purpose of the campus.
- (7) *Fueling/Charging Stations or Light Motor Vehicle Repairs and Services.* Fueling/charging stations or light motor vehicle repairs and services are allowed in the MU Zone if they are limited to electric vehicle charging.

- (8) *Heavy Motor Vehicle Repairs and Services.* Heavy motor vehicle repairs and services are allowed in the CB Zone if the area in which the use is conducted is not less than 250 feet away from any residential property line.
- (9) *Motor Vehicle Sales and Rental.* Motor vehicle sales and rental is allowed in the MU Zone and CBD Zone if the use is located entirely indoors.

Sec. 21-2-205. - Hospitality, Recreation, and Entertainment Land Use Table

- (a) **Generally.** The Hospitality, Recreation, and Entertainment Land Uses are set out in Table 21-2-205A, *Hospitality, Recreation, and Entertainment Land Uses*.

TABLE 21-2-205A HOSPITALITY, RECREATION, AND ENTERTAINMENT LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Hospitality												
Bar, Tavern, or Nightclub	-	-	-	-	-	L	P	-	P	L	-	(b)(1)
Bed and Breakfast	L	L	L	L	P	P	P	-	L	P	P	(b)(2)
Campground or RV Park	-	-	-	-	-	-	L	-	-	L	P	(b)(3)
Hotel or Motel	-	-	-	-	-	P	P	-	P	P	-	-
Restaurant, Drive-In or Drive-Through	-	-	-	-	-	-	P	-	-	-	-	-
Restaurant, Indoor	-	-	-	L	L	P	P	L	P	P	-	(b)(4)
Restaurant, Outdoor	-	-	-	L	L	L	P	-	P	L	-	(b)(5)
Recreation and Entertainment												
Commercial Equestrian Facility	-	-	-	-	-	-	-	-	-	-	P	-
Indoor Amusement, Recreation, and Entertainment	-	-	-	-	-	L	P	L	P	L	-	(b)(6)
Indoor Gun Ranges	-	-	-	-	-	-	L	L	-	-	-	(b)(7)
Outdoor Commercial Amusement	-	-	-	-	-	-	P	-	-	-	-	-
Park	P	P	P	P	P	P	P	P	L	P	P	(b)(8)
Sexually-Oriented Business	-	-	-	-	-	-	L	L	-	-	-	(b)(9)
Stadium or Amphitheater	-	-	-	-	-	L	-	-	-	L	-	(b)(10)
Zoo	-	-	-	-	-	-	-	-	-	C	C	(b)(11)

(b) Hospitality, Recreation, and Entertainment Use-Specific Standards.

- (1) *Bar, Tavern, or Nightclub.* Bar, tavern, or nightclub is allowed if:
- In the MU Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance.
 - In the CA Zone, the use is targeted towards the students, employees, or contractors of the other uses on the campus, and is incidental to the overall function of the campus.

- (2) *Bed and Breakfast.* Bed and breakfast is allowed if:
 - a. In the EN Zone, the lot area of the subject property is at least 7,000 square feet.
 - b. In the RE Zone, the lot area of the subject property is at least 12,000 square feet.
 - c. RL, or RM Zones:
 - i. The lot area of the subject property is at least 7,000 square feet; and
 - ii. The subject property is a corner lot.
 - d. In the CBD Zone, the subject property does not front on Main Street.
- (3) *Campground or RV Park.* Campgrounds or RV Parks are allowed in the CA Zone if:
 - a. The use complies with CDPHE standards (6 CCR 1010-9) for modern campgrounds;
 - b. The use is surrounded by a Type B Bufferyard; and
 - c. The use is targeted towards visitors to the other uses on the campus, and is incidental to the overall function of the campus.
- (4) *Restaurant, Indoor.* Indoor restaurants are allowed if:
 - a. In the RM or RH Zones, the restaurant existed on the effective date.
 - b. In the I Zone, the scale and hours of operation of the restaurant are limited such that it primarily provides service to employees and visitors to the surrounding industrial uses.
- (5) *Restaurant, Outdoor.* Outdoor restaurants are allowed if:
 - a. In the RM or RH Zones, the restaurant existed on the effective date.
 - b. In the MU Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance.
 - c. In the CA Zone, the use is targeted towards the students, employees, or contractors of, or visitors to, the other uses on the campus, and is incidental to the overall function of the campus.
- (6) *Indoor Amusement, Recreation, and Entertainment.* Indoor amusement, recreation, and entertainment are allowed if:
 - a. In the MU Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance.

- b. In the I Zone, the use is located in an area in which light industrial uses are established, and is spaced not less than 250 feet from heavy industrial or heavy logistics uses.
 - c. In the CA Zone, the use is targeted towards the students, employees, or contractors of, or visitors to, the other uses on the campus, and is incidental to the overall function of the campus.
- (7) *Indoor Gun Ranges.* Indoor gun ranges are allowed if:
- a. In the CB Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance.
 - b. In the I Zone:
 - i. Noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance; and
 - ii. The use is located in an area in which light industrial uses are established, and is spaced not less than 250 feet from heavy industrial or heavy logistics uses.
- (8) *Park.* Parks are allowed in the CBD Zone if they are limited to passive recreation activities (*e.g.*, plazas, fountains, outdoor seating).
- (9) *Sexually-Oriented Business.* Sexually-oriented businesses are allowed in the CB Zone or I Zone if:
- a. The building that contains the use is located not less than 100 feet from the right-of-way lines of Highway 285 and Highway 160;
 - b. All activities related to the business are conducted indoors;
 - c. The use is spaced not less than 1,000 feet, measured as the shortest distance from the property line of the use to the nearest property line of the use or zone from which spacing is required, from:
 - i. Other sexually-oriented businesses;
 - ii. Lots that are developed with dwelling units;
 - iii. Residential zone boundaries;
 - iv. Schools, public parks, and child care centers that are located within the City limits; and
 - v. Places of assembly;
- Except that the spacing requirement may be reduced to 500 feet from those listed uses that do not operate between 7:00 PM and 9:00 AM;

- d. Access to the use is configured to allow for verification of age of customers before entry into rooms where sexually-oriented merchandise is displayed or sexually-oriented entertainment activities occur; and
 - e. The interior of the use is configured so that sexually-oriented activity, sexually-oriented merchandise, and depictions of said activity or merchandise, are not visible from outside of the building through windows or doors.
- (10) *Zoo.* Zoos are allowed if:
- a. In the CA Zone, the zoo is related to the purpose of an educational campus in that the animals are research subjects for faculty and students on the campus;
 - b. In the A Zone:
 - i. Noise generated by the use will not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance;
 - ii. The subject property is at least 10 acres in area;
 - iii. The use is enclosed with a Type B Bufferyard; and
 - iv. The zoo operator maintains a Colorado wildlife exhibitor's park license.

Sec. 21-2-206. - Industry, Transportation, Storage, and Disposal Land Use Table

- (a) **Generally.** The Industry, Transportation, Storage, and Disposal Land Uses are set out in Table 21-2-206A, *Industry, Transportation, Storage, and Disposal Land Uses*.

TABLE 21-2-206A INDUSTRY, TRANSPORTATION, STORAGE, AND DISPOSAL LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Industry												
Heavy Industry	-	-	-	-	-	-	-	L	-	L	-	(b)(1)
Light Industry	-	-	-	-	-	L	L	P	-	L	-	(b)(2)
Marijuana Testing Facility	-	-	-	-	-	-	-	C	-	C	-	(b)(3)
Resource Extraction, Minerals	-	-	-	-	-	-	-	L	-	-	P	(b)(4)
Resource Extraction, Oil and Gas	-	-	-	-	-	-	-	-	-	-	P	-
Transportation												
Airport	-	-	-	-	-	-	-	C	-	-	L	(b)(5)
Heavy Logistics	-	-	-	-	-	-	-	L	-	-	-	(b)(6)
Helistop	-	-	-	-	-	-	-	C	-	L	L	(b)(7)
Storage												
Outdoor Storage Yard	-	-	-	-	-	-	-	L	-	L	-	(b)(8)
Self-Storage	-	-	-	-	-	L	P	P	-	L	-	(b)(9)

TABLE 21-2-206A INDUSTRY, TRANSPORTATION, STORAGE, AND DISPOSAL LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Disposal												
Salvage or Junk Yard	-	-	-	-	-	-	-	C	-	-	-	(b)(10)
Transfer Station	-	-	-	-	-	-	-	C	-	L	C	(b)(11)

(b) **Industry, Transportation, Storage, and Disposal Use-Specific Standards.**

(1) *Heavy Industry.* Heavy industry is allowed if:

- a. In the I Zone:
 - i. A truck routing plan is provided that shows how trucks will avoid streets that provide access to single-family detached and duplex uses;
 - ii. Noise generated by the use will not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM; and
 - iii. Outdoor storage and processing areas shall be screened from view from residential zones and public rights-of-way with a Class C Bufferyard.
- b. In the CA Zone:
 - i. The use is related to the purpose of the campus;
 - ii. Heavy truck traffic is limited to two trips per week;
 - iii. Noise generated by the will not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM; and
 - iv. Outdoor storage and processing areas shall be screened from view from residential zones and public rights-of-way with a Class C Bufferyard.

(2) *Light Industry.* Light industry is allowed if:

- a. In the MU and CB Zones, the use is allowed in conjunction with on-site retail or educational uses in which the products of the use are used or sold.
- b. In the CA Zone, the use is related to the purpose of the campus.

(3) *Marijuana Testing Facility.* Marijuana testing facilities may be allowed if:

- a. In the I Zone, the facility is located not less than 1,000 feet from any other marijuana testing facility.
- b. In the CA Zone:
 - i. The facility is located not less than 1,000 feet from any other marijuana testing facility; and
 - ii. The use is related to the purpose of the campus.

- (4) *Resource Extraction, Minerals.* Mineral resource extraction is allowed if:
- a. All extraction activities shall be in accordance with an adopted Master Plan for Extraction. *See Sec. 21-6-402, Master Plan for Extraction.*
 - b. The use shall be screened from view from adjacent property and public rights-of-way with a Class C Bufferyard that includes an eight-foot tall privacy fence or masonry wall or earthen berm.
 - c. A truck routing plan is required. *See Sec. 21-6-403, Heavy Truck Routing Plan.*
 - d. Noise generated by the use shall not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM.
 - e. Existing tree stands shall be preserved to the extent practicable as a method of screening the operation from adjacent public streets.
 - f. Access points and interior vehicular use areas shall be designed and maintained to limit airborne dust and erosion, and to prevent tracking of debris onto public rights-of-way.
- (5) *Airport.* Airports are allowed in the I Zone or A Zone if:
- a. A master plan for the airport and a forecast of aviation activity is provided that demonstrates that the proposal is designed to minimize the impact on existing and approved residential uses by:
 - i. Minimizing the number of residences that are brought within the 55 DNL noise zone;
 - ii. Ensuring that residential uses do not come within the 65 DNL noise zone unless they are subject to an appropriate aviation easement; and
 - iii. The airport's safety zones are situated so that the airport will not materially interfere with the anticipated development of the City; and
 - b. The airport will not interfere with safety or operations at existing airports, heliports, or helistops; and
 - c. The airport complies with all applicable federal regulations.
- (6) *Heavy Logistics.* Heavy logistics uses are allowed in the I Zone if:
- a. A truck routing plan is provided that shows how trucks will avoid streets that provide access to single-family detached and duplex uses;
 - b. Noise generated by the use will not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM; and
 - c. Outdoor truck or trailer storage areas are paved and screened from view from residential zones and public rights-of-way with a Class B Bufferyard.
- (7) *Helistop.* Helistop is allowed in the I, CA, or A Zones if:

- a. The helistop is intended to serve a nonresidential land use on the subject property (*e.g.*, a hospital)
 - b. A forecast of aviation activity and noise impacts is provided that demonstrates that the proposal is designed to minimize the impact on existing and approved residential uses by:
 - i. Minimizing the number of residences that are brought within the 55 DNL noise zone;
 - ii. Ensuring that residential uses do not come within the 65 DNL noise zone unless they are subject to an appropriate aviation easement; and
 - iii. Safety zones are situated so that the helistop will not materially interfere with the anticipated development of the City; and
 - c. The helistop will not interfere with safety or operations at existing airports, heliports, or helistops; and
 - d. The helistop complies with all applicable federal regulations.
- (8) *Outdoor Storage Yard.* Outdoor storage yards are allowed:
- a. In the I Zone if the outdoor storage yard complies with the standards set out in Section 21-4-506, *Outdoor Storage*.
 - b. In the CA Zone if:
 - i. The outdoor storage yard is related to the purpose or maintenance of the campus; and
 - ii. The outdoor storage yard complies with the standards set out in Section 21-4-506, *Outdoor Storage*.
- (9) *Self-Storage.* Self-storage is allowed:
- a. In the MU Zone if the use is screened from view from public streets by intervening buildings and a Class B bufferyard is installed along side and rear lot lines, or:
 - i. The use is located within a multi-story building;
 - ii. The building includes windows on street-facing elevations, such that not less than 15 percent of the elevations are transparent;
 - iii. The principal public entrance to the building is architecturally prominent; and
 - iv. Overhead doors are not present on street-facing elevations unless they are screened from view by a Class B bufferyard.
 - b. In the CA Zone if:
 - i. The self-storage facility is related to the purpose or maintenance of the campus, or is for the use of residents, employees, or students of the campus;

- ii. Overhead doors do not face public streets; and
 - iii. The use is screened from view from public streets and adjacent residential zones (if any) by a Class B bufferyard or intervening buildings.
- (10) *Salvage or Junk Yard.* Salvage or junk yards are allowed in the I Zone if:
- a. Noise generated by the use does not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance; and
 - b. The outdoor areas of the salvage or junk yard comply with the standards set out in Section 21-4-506, *Outdoor Storage*.
- (11) *Transfer Station.* Transfer stations are allowed in the I, CA, or A Zones if
- a. The use shall be enclosed within a Class D Bufferyard that includes security fencing and access controls.
 - b. A heavy truck routing plan is required. *See Sec. 21-6-403, Heavy Truck Routing Plan.*
 - c. Noise generated by the use shall not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM.
 - d. All waste shall be stored in an enclosed building, except that clean, palletized recyclable materials may be stacked outdoors provided that they are secured against being blown away.
 - e. The use shall be located not less than 1,000 feet from the boundary of any residential zone (on-site buffers may be counted towards the 1,000 foot separation).

Sec. 21-2-207. - Utility and Communications Land Use Table

- (a) **Generally.** The Utility and Communications Land Uses are set out in Table 21-2-207A, *Utility and Communications Land Uses*.

TABLE 21-2-207A UTILITY AND COMMUNICATIONS LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Utilities												
Major Utility Facilities (110+ kV Power Lines)	C	-	-	-	-	C	C	L	-	C	C	(b)(1)
Communications												
Wireless Telecommunications Facilities	L	L	L	L	L	L	L	L	L	L	P	(b)(2)
Telecommunications Towers	-	-	-	-	-	C	C	L	-	C	P	(b)(3)

- (b) **Utility and Communications Use-Specific Standards.**

- (1) *Major Utility Facilities.*
- a. No new transmission lines shall be installed without a certificate of need from the Colorado Public Utilities Commission, or an exemption certification. To the extent practicable, new transmission lines shall be located within existing transmission easements or routed outside of the City limits.
 - b. New transmission lines that are not located within existing transmission easements shall be routed to minimize their impact on the natural resource, and scenic values of the City, according to the following priorities, in descending order:
 - i. Minimize impacts of structures, construction, and maintenance on residential neighborhoods;
 - ii. Minimize impacts of structures, construction, and maintenance on views of the natural environment;
 - iii. Minimize impacts of structures, construction, and maintenance on historic resources; and
 - iv. Minimize visual impacts using existing topographic features and existing stands of trees as screens between the route and areas of existing development within the City.
- (2) *Wireless Telecommunications Facilities and Telecommunications Towers.* Wireless telecommunications facilities and telecommunications towers, including co-located facilities, shall comply with the standards of Division 4-6, *Wireless Telecommunications Facilities*.

Sec. 21-2-208. - Agricultural Land Use Table

- (a) **Generally.** The Agricultural Land Uses are set out in Table 21-2-208A, *Agricultural Land Uses*.

TABLE 21-2-208A AGRICULTURAL LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Agricultural or Commercial Crop Production	-	-	-	-	-	-	-	-	-	L	P	(b)(1)
Community Garden	P	P	P	P	P	P	P	P	P	P	P	-
Keeping and Pasturing of Livestock	-	-	-	-	-	-	-	-	-	-	P	-
Wholesale Nursery or Greenhouse	-	-	-	-	-	L	L	P	-	-	P	(b)(2)

- (b) **Agricultural Use-Specific Standards.**

- (1) *Agriculture or Commercial Crop Production.* Agriculture or commercial crop production is allowed in the CA Zone if it is related to the purpose of the campus in that the agricultural products are principally researched, processed, or consumed on the campus.

- (2) *Wholesale Nursery or Greenhouse.* Wholesale nurseries or greenhouses are allowed in MU Zone or CB Zone if:
 - a. Greenhouses and nursery storage buildings are set back according to the requirements that apply to principal buildings.
 - b. Active areas of open air nurseries are spaced not less than 200 feet from residential zones and uses, measured as the shortest distance from the nearest edge of the part of the nursery that is used to grow plants for sale to the property line of the residential zone or use.
 - c. A truck routing plan is provided that shows how trucks will avoid streets that provide access to single-family detached and duplex uses.

Sec. 21-2-209. - Uses That Are Prohibited in All Zones

The following uses are prohibited in all zones within the City of Alamosa:

- (1) Disposal of radioactive wastes;
- (2) Fossil fuel power generation (except back-up generators for individual uses);
- (3) Intensive agriculture;
- (4) Marijuana uses (except medical or recreational testing laboratories);
- (5) Nuclear power generation; and
- (6) Slaughterhouse.

Sec. 21-2-210. - Uses That Are Not Listed

- (a) **Generally.** If a proposed use is not listed in the land use tables of Sections 21-2-201 to 21-2-208, inclusive, or in Section 21-2-209, then the proposal shall be evaluated pursuant to this Section. The evaluation will determine whether the proposal is a permitted, limited, conditional, or prohibited use, or whether it is something other than a principal use as such is defined by this UDC.

- (b) **Findings and Intent**

- (1) The City Council recognizes that there is a middle-ground between the position that “all uses that are not specifically permitted by the UDC are prohibited” and the position that “all uses that are not specifically prohibited by the UDC are allowed.” The City Council finds:
 - a. The former places too much burden on the right to use property, and is therefore not consistent with the values of the residents of the City; and
 - b. The latter would frustrate the purposes and administration of this UDC by inviting arguments regarding whether a particular use is included in the list of uses regulated by this UDC and creating uncertainty that undermines the stability upon which many residents and real estate investors depend for their lifestyles and livelihoods.

- (2) This Section is intended to provide a “middle ground.” It is the intent of this Section to create sufficient flexibility to allow for property owners to establish new uses that are not specifically identified in this UDC, without placing upon the property owner the burden of waiting for the City to initiate and process an ordinance amending this UDC.
- (3) This Section should be interpreted to favor the establishment of the new use. Accordingly, if a new use meets the threshold determination under subsection (d), below, and is comparable to two or more listed uses, then the listed use which is allowed with the least process shall be selected as the comparable use.
- (4) It is the intent of the City Council to provide flexibility, but not to allow this Section to be used to avoid the application of this UDC. Likewise, it also is the intent of the City Council that this Section not be used to create rules and regulations that are not part of this UDC.

(c) **Application**

- (1) The first step of this process (the “THRESHOLD DETERMINATION” in subsection (d), below) is to determine whether a proposed use is a principal use under this UDC, and not something else (like a temporary use or a structure) that should be allowed without City approval or with a more limited administrative review (e.g., a staff review, a building permit, etc.).
- (2) If a proposed unlisted use is a principal use, then it is the intent of City Council that it be approved in the same manner and under the same conditions as the single listed use to which the proposed use is most closely functionally comparable (see subsection (e), below).
- (3) If a proposed unlisted use is not a principal use, then it is the intent of the City Council to ensure that it is classified appropriately as a temporary land use, an accessory use, a part of an existing principal use, an accessory building or structure, or a sign. That classification shall be used to determine if any requirements of this UDC apply.

(d) **Threshold Determination**

- (1) The Administrator shall review the description of the proposed use and decide whether the proposed use is:
 - a. A principal land use;
 - b. A seasonal land use;
 - c. A temporary land use;
 - d. An accessory use;
 - e. An accessory building or structure;
 - f. A sign;

- g. Mechanical, water, wastewater, electrical equipment, or communications equipment which provides services to a building or use on the applicant's property and not to other properties;
 - h. Essential services; or
 - i. An area or activity that is a customary part of the existing or approved principal use of the applicant's property.
 - (2) Proposed principal land uses shall be evaluated according to the standards of subsection (e), below. Other classifications (listed subsections (d)(1)b. to (d)(1)i., above) do not require further analysis under this Section, but may be subject to other requirements of this UDC according to its terms, or to the Building Codes, or to other parts of the City of Alamosa Municipal Code.
- (e) **Functionally Comparable Principal Uses.** New or changed principal uses are permitted, limited, conditional, or prohibited in the same manner as uses to which they are most closely functionally comparable. An unlisted use is functionally comparable to a listed use if, with regard to each of the decision criteria below, the unlisted use is categorically similar (*e.g.*, a residential use is not “functionally comparable” to an industrial use, even if it could otherwise meet the standards of this subsection) and has no greater negative impacts than listed use to which it is being compared:
- (1) Average daily and peak hour trip generation (personal vehicles and heavy trucks);
 - (2) Impervious surface;
 - (3) Regulated air or water emissions;
 - (4) Noise;
 - (5) Ground vibration;
 - (6) Exterior lighting;
 - (7) Dust;
 - (8) Odors (including but not limited to odors from storage of solid wastes prior to pickup);
 - (9) Potentially hazardous conditions (such as risk of fire or explosion, projectiles leaving the site, etc.);
 - (10) Use and storage of hazardous materials;
 - (11) Secondary impacts on the community (*e.g.*, increased crime or threats to public health, or degradation of historic resources); or
 - (12) Implementation of the Comprehensive Plan.
- (f) **Effect of Determination.**

- (1) If the Administrator finds that an unlisted use is most closely functionally comparable to a permitted, limited, or conditional use, then an application for approval of the unlisted use at a particular location shall be processed with the same restrictions as the listed use that is functionally comparable.
- (2) If the Administrator determines that an unlisted use is most closely functionally comparable to a prohibited use, or is not functionally comparable to any listed use, then the unlisted use is a prohibited use.
- (g) **Record-Keeping; Proposed Amendment.** The Administrator shall keep a record of all determinations of functionally comparable uses. The Administrator may propose an amendment to this UDC to incorporate such uses into existing use definitions, or to add new land uses and revise the land use tables accordingly.

Sec. 21-2-211. - Essential Governmental or Public Utilities Services

Essential governmental or public utilities services are allowed in all zones.

Division 2-3. - Limited and Conditional Use Standards

Sec. 21-2-301. - Purpose and Application of Division

- (a) **Purpose.** The purpose of this Division is to promote compatibility among land uses in the City by establishing standards for specific uses that are designated as Limited (“L”) or Conditional (“C”) in the tables of Division 2-2, *Land Use*.
- (b) **Application.**
 - (1) In zones where a land use is designated as a Limited Use (“L”) in the tables of Division 2-2, *Land Use*, the limited use shall be approved if:
 - a. The standards of this Division that relate to the use in the zone in which the subject property is located are met; and
 - b. All other requirements of this UDC are met.
 - (2) In zones where a land use is designated as a Conditional Use (“C”) in the tables of Division 2-2, *Land Use*, the conditional use shall be approved if:
 - a. The standards of this Division that relate to the use in the zone in which the subject property is located are met;
 - b. The general standards for all conditional uses that are set out in Section 21-2-302, *General Standards for All Conditional Uses*, are met; and
 - c. All other requirements of this UDC are met.

Sec. 21-2-302. - General Standards for All Conditional Uses

- (a) **Generally.** All conditional uses shall meet the standards of this Section related to plan implementation, compatibility, and community need.

- (b) **Plan Implementation.** The proposed conditional use in its proposed location will not conflict with the implementation of current adopted plans of the City, including, but not limited to, the Comprehensive Plan;
- (c) **Compatibility.** The conditional use:
 - (1) Will be compatible with surrounding land uses;
 - (2) Is proposed for a location that is appropriate in terms of mitigating the impacts or risks of the use to the natural environment, or the environmental impacts or risks are mitigated through the design or the operation of the use; and
 - (3) Will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment trajectory (for example, by creating a critical mass of similar conditional uses that is likely to discourage permitted uses by making the vicinity less desirable for them).
- (d) **Community Need.** The conditional use, in the proposed location, will:
 - (1) Address a material need for the use in the community; or
 - (2) Create jobs that are likely to pay more than the median wages for the region, or support a critical mass of related and mutually supportive land uses that promote economic development and opportunity.

Division 2-4. - Temporary Uses

Sec. 21-2-401. - Temporary Use Permit Required; Conditions of Approval

- (a) **Generally.** A temporary use permit is required for the temporary special events identified in Section 21-2-402, *Temporary Special Events*, the temporary retail uses identified in Section 21-2-403, *Temporary Retail Uses*, and the temporary buildings and temporary construction uses identified in Section 21-2-404, *Temporary Buildings and Temporary Construction Uses*. Temporary use permits are issued by the Administrator.
- (b) **Exceptions.** This Division does not apply to:
 - (1) The use of public parks and rights-of-way;
 - (2) Pre-approved temporary uses (which are subject to the standards set out in the applicable site plan or other approval and not the standards of this Division); and
 - (3) Special events (*e.g.*, sporting events or festivals) at elementary schools, middle schools, high schools, colleges, or universities.
- (c) **Conditions of Approval.**
 - (1) Conditions of approval may be imposed by the Administrator if deemed necessary to minimize the potential adverse impacts of a temporary use on neighboring properties, public streets, or the City, or to reduce hazards to the public, historic resources, or event participants.

- (2) Such conditions shall not relate to the content of or viewpoint expressed in constitutionally protected speech, except where a statute so authorizes (*e.g.*, statutes that protect minors from speech that is harmful to minors) or a court of competent jurisdiction has upheld such conditions.
- (3) Generally, conditions of approval may include, but are not limited to, the following:
 - a. Modification of, or restrictions on, the hours of operation or duration of the event.
 - b. Arrangements for the provision of services or equipment, such as traffic control or security personnel, fire protection, emergency response personnel, or specialized equipment that is reasonably needed to ensure safe operation of the use or event.
 - c. Additional insurance, based on the scale and risks involved with the use or event.
- (d) **Denial of Temporary Use Permit.** The City may refuse to issue a temporary use permit if the application does not demonstrate compliance with the applicable standards of this Division, or if proposed use or event is too large to be safely conducted at the proposed site.

Sec. 21-2-402. - Temporary Special Events

- (a) **Generally.** The standards of this Section apply to temporary special events that are likely to attract more than 250 people at any one time. Such events may include outdoor entertainment, cultural, religious, or charitable events, as well as flea markets, farmers' markets, craft shows, and comparable events.
- (b) **Standards for Approval of Temporary Use Permits for Special Events.**
 - (1) *Frequency and Duration.* No site shall host a temporary special event more than 75 days per year, and no individual event shall be longer than 12 days.
 - (2) *General Site Requirements.* The event shall be held on a site that is suitable for safely accommodating the expected level of attendance.
 - (3) *Buildings and Structures.*
 - a. Temporary structures that are taller than the height limitations of the applicable zone shall be set back from all property lines a distance of 1 foot for every 2 feet in height.
 - b. If existing buildings are used, they must be in a condition that is safe and appropriate for the intended level of use and occupancy.
 - (4) *Access and Circulation.*
 - a. The street from which access is taken must have adequate capacity to serve the temporary special event. A traffic management plan may be required to ensure safe access and safe operation of adjacent streets.

- b. Safe on-site vehicular and pedestrian circulation routes shall be identified and unobstructed emergency access shall be provided.
- (5) *Parking.*
- a. The number of parking spaces available for the temporary special event shall be sufficient to meet the peak demands of the event, assuming 4 attendees per vehicle.
 - b. Fewer parking spaces may be allowed if the applicant demonstrates that the reduced number is justified based on the nature of the event, the provision of alternative transportation (*e.g.*, buses), or the close association of the event with a permanent use that provides parking for attendees.
 - c. Parking may be provided in remote locations, provided that if parking is provided more than 800 feet from the boundaries of the temporary special event, an appropriate level of shuttle service is provided between the event and the parking area.
 - d. Truck parking and loading areas shall be provided as necessary to service the event and provide for storage of trucks and trailers that will remain on-site. Trucks shall be routed away from local residential streets.
- (6) *Noise.* Noise controls may be required for temporary special events that are expected to generate high levels of noise or to operate after 9:00 PM.
- (7) *Security.* Adequate security shall be provided for the proposed temporary special event.
- (8) *Sanitation.* Adequate restrooms shall be provided to serve the event. Trash containers and recycling bins shall be placed in convenient areas, including principal places of assembly, near food and beverage vendors, near restrooms, and at pedestrian entry and exit points.
- (9) *Insurance.*
- a. A Certificate of Insurance shall be provided to the City demonstrating that the applicant has a commercial general liability insurance policy, written on an occurrence basis for bodily injury, personal injury, property damage, and product liability, with a minimum limit of liability of \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
 - b. Additional endorsements may be required for events with amusement rides or alcoholic beverages.
- (10) *Restoration and Cleanup.* The site of the temporary event and the abutting right-of-way shall be cleared of all litter and debris from the event, including temporary signage, not more than two days after the last day of the event. The City may require a refundable deposit for site clean-up.

Sec. 21-2-403. - Temporary Retail Uses

- (a) **Generally.** Temporary retail uses involve the outdoor sales of retail products on a temporary basis. Illustrative temporary commercial sales uses include seasonal holiday sales (*e.g.*, pumpkins and Christmas trees), outdoor sales by a single itinerant vendor (*e.g.*, poster or framed art sale, carpet sales). Temporary retail sales uses do not include garage sales or sales at temporary special events.
- (b) **Standards for Approval of Temporary Use Permits for Temporary Retail Uses.**
- (1) *Frequency and Duration.* No site shall host a temporary retail use more than 100 days per year, and no individual event shall be longer than 14 days.
 - (2) *General Site Requirements.* The event shall be held on a site that is suitable for safely accommodating the scale of the temporary retail use. Temporary retail uses may be conducted from vacant property or property that is not used for residential purposes.
 - (3) *Setbacks.* Retail displays and temporary structures shall be set back not less than 10 feet from all property lines.
 - (4) *Structure Height.* Temporary structures shall not exceed 15 feet in height.
 - (5) *Access and Circulation.*
 - a. The street from which access is taken must have adequate capacity to serve the temporary retail use. A traffic management plan may be required to ensure safe access and safe operation of adjacent streets.
 - b. Safe on-site vehicular and pedestrian circulation routes shall be identified and unobstructed emergency access shall be provided. If the temporary retail use is located on a site that includes operating permanent uses, the temporary retail use shall not interfere with access to the permanent uses.
 - (6) *Parking.*
 - a. Four parking spaces shall be provided for each 1,000 square feet of land area occupied by temporary retail displays. Such parking spaces shall not be spaces that are required for operating permitted uses on the site.
 - b. Fewer parking spaces may be allowed if the applicant demonstrates that the reduced number is justified based on the nature of the event, the provision of alternative transportation (*e.g.*, buses), or the close association of the event with a permanent use that provides parking for customers who are likely to visit the permanent use and the temporary retail use in the same trip.
 - c. Parking may be provided in remote locations, provided that if parking is provided more than 800 feet from the boundaries of the temporary retail use, an appropriate level of shuttle service is provided between the event and the parking area.

- d. Truck parking and loading areas shall be provided as necessary to service the temporary retail use and provide for storage of trucks and trailers that will remain on-site. Trucks shall be routed away from local residential streets.
- (7) *Site Restoration and Cleanup.* The site of the temporary retail use and the abutting right-of-way shall be cleared of all litter and debris from the temporary use, including temporary signage, not more than two days after the last day of the sales event.

Sec. 21-2-404. - Temporary Buildings and Temporary Construction Uses

- (a) **Temporary Buildings and Temporary Construction Uses.** Temporary buildings and temporary construction uses are those uses that relate to construction activities or the temporary expansion of an existing permanent use into a portable building. There are two classes of temporary buildings and temporary construction uses:
- (1) *Class A Temporary Building / Construction Uses.* “Class A Temporary Building / Construction Uses” are temporary heavy construction uses, such as batch plants for lime, concrete, asphalt, or other materials, or areas for the bulk outdoor storage or staging of construction materials or equipment.
 - (2) *Class B Temporary Building / Construction Uses.* “Class B Temporary Building / Construction Uses” are temporary buildings that are used on construction sites as contractor offices, sales offices, security buildings, sanitary facilities, or storage buildings, as well as storage containers that are larger than 8 feet x 8 feet x 20 feet, or dumpsters with a total capacity of more than 30 cubic yards. Class B temporary building and construction uses also include manufactured buildings that are used to temporarily expand the capacity of an existing use, including portable classrooms on school campuses, either in advance of and during permanent construction or to accommodate a temporary increase in capacity.
- (b) **Temporary Storage Containers and Dumpsters.**
- (1) Temporary storage containers and dumpsters are used for temporary outdoor storage of household or business property in shipping containers during remodeling, landscaping, cleaning, or moving; or the temporary placement of a roll-off dumpster or comparable solid waste container (*e.g.*, disposable containers that require collection service other than standard household garbage collection) for household waste, construction waste, or landscaping debris. To qualify as a “temporary storage container” or “temporary dumpster,” and not a “Class B Temporary Building / Construction Use”:
 - a. Storage containers may not be larger than 8 feet x 8 feet x 20 feet in dimension; and
 - b. Dumpsters may not have a capacity that is larger than 30 cubic yards.

- (2) Temporary storage containers or dumpsters shall not be placed on the public right-of-way without prior approval by the Public Works Director.

- (c) **Standards for Approval of Temporary Use Permits for Temporary Buildings and Temporary Construction Uses.** The standards that apply to approvals of Temporary Use Permits for temporary buildings and temporary construction uses are set out in Table 21-2-404C, *Standards for Approval of Temporary Buildings and Temporary Construction Uses*.

TABLE 21-2-404C STANDARDS FOR APPROVAL OF TEMPORARY BUILDINGS AND TEMPORARY CONSTRUCTION USES			
Temporary Use	Location of Use	Operational Requirements	Duration of Use
Class A Temporary Building / Construction Uses			
Concrete, mortar and asphalt batching operations	Must be located at least 600 feet from property lines of lots that are used for residential purposes (measured as the shortest linear distance from the edge of the operation and the boundary or property line). Must be set back at least 40 feet from the right-of-way line and 25 feet from all other property lines.	Restroom facilities shall be provided on-site for employees / contractors. Plans shall provide for stormwater management and erosion and sediment control, and upon termination of use, final grading, site stabilization, and re-vegetation. Surety shall be provided in the amount of 125 percent of the estimated site restoration cost plus estimated road repair cost along principal truck routes. All necessary traffic control shall be provided at the applicant's expense. Appropriate dust control measures shall be implemented. Hours of operation shall be limited to 8:00 AM to 8:00 PM if any residential use is located within 1,000 feet; 6:00 AM to 10:00 PM in all other locations.	Established by approval, but will coincide with the use of the facility for a specified construction project.
Temporary construction yard	Must be set back at least 40 feet from the right-of-way line and 25 feet from all other property lines.	Plans shall provide for stormwater management and erosion and sediment control, and upon termination of use, final grading, site stabilization, and re-vegetation. Surety shall be provided in the amount of 125 percent of the estimated site restoration cost plus estimated road repair cost along principal truck routes. Appropriate dust control measures shall be implemented. Truck and heavy equipment activity limited to 8:00 AM to 8:00 PM if any residential use is located within 1,000 feet; 6:00 AM to 10:00 PM in all other locations.	Established by approval, but will coincide with the use of the facility for a specified construction project.
Class B Temporary Building / Construction Uses			
Temporary manufactured buildings	The building shall be set back as required for principal buildings, if possible. Alternative locations may be approved as part of a construction staging plan if there is no reasonable alternative location that complies with the required setbacks.	May be used by construction superintendent, construction workers, contractors, and other personnel on a construction team; a security office; or as temporary office or classroom space. Restroom facilities shall be provided on properties that use temporary buildings unless the buildings are only used for storage. May not be used as a residence.	No limit for public schools; construction-related facilities shall be removed prior to certificate of occupancy for last building; other buildings shall be removed within two years from date of permit.
Model homes and on-site real estate offices	On lot or parcel proposed for development	Sales limited to units located on the lot or parcel proposed for development; sales offices within model homes shall meet applicable building code criteria. Restroom facilities shall be provided in or within 100 feet of model homes or on-site real estate offices.	Temporary buildings shall be removed upon completion of the model home(s) or suitable permanent floor area on-site.

TABLE 21-2-404C STANDARDS FOR APPROVAL OF TEMPORARY BUILDINGS AND TEMPORARY CONSTRUCTION USES			
Temporary Use	Location of Use	Operational Requirements	Duration of Use
Temporary Storage Containers and Dumpsters			
Temporary storage containers	On a subject property that is served by the temporary storage container. No encroachment onto lawn areas or sidewalks is permitted. On nonresidential parcels, containers must be set back 20 feet from all property lines unless the Administrator determines a lesser setback is appropriate due to the configuration of the site.	N/A	In general, 5 days If an active construction project is occurring with a valid permit, 6 months If located behind the principal building and screened from view from public rights-of-way, 1 year.
Temporary dumpsters	Must be located on a hard surface on the lot using the dumpster, set back at least one ft. from the property line. Dumpsters shall be located behind nonresidential and multifamily buildings and shall not obstruct required parking areas.	All refuse shall be contained within the dumpster, and shall be secured if necessary to prevent it from being removed from the dumpster by wind or wildlife.	If used for construction or renovation, may remain in place for 1 week after the permit is closed. If used for other purposes, up to 10 days.

- (d) **Extension of Approvals.** Approvals pursuant to this Section may be extended upon demonstration of good cause, appropriate maintenance, extension of any required surety, and diligent pursuit of the purposes for which the uses were established. All applications for renewal of a temporary use permit issued pursuant to this Section shall be submitted to the Administrator at least seven days before the permit expires.

Sec. 21-2-405. - Short-Term Rental of Dwelling Units

- (a) **Generally.** The standards of this Section apply to short-term rental of residential dwelling units, which includes rental of all or part of a dwelling unit for a term of less than 30 days.
- (b) **Business License Required.** No dwelling unit shall be offered for short-term rental unless the owner or lessee (with the written authorization of the owner) has first secured a business license for such use from the City.
- (c) **Parking.** Short-term rental contracts shall limit the number of guest vehicles to the number of parking spaces that are available to accommodate them.

Division 2-5. - Accessory Uses

Sec. 21-2-501. - Storage and Overnight Parking of Commercial Vehicles or Recreational Vehicles

- (a) **Generally.** Commercial vehicles and mobile homes shall not be parked or stored on any lot that is developed with a dwelling, or on any lot in any residential district (such lots, individually and collectively, "RESIDENTIAL LOTS"), except in accordance with this Section.
- (b) **Commercial Vehicles.** No more than one commercial vehicle, not to exceed one and one-half (1½) tons rated capacity for each family living on the premises, shall be parked overnight on a residential lot. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be parked overnight on a residential lot.
- (c) **Recreational Vehicles.** Recreational vehicles, except pickups with camper shells, shall not be parked or stored overnight on a residential lot unless such parking or storage is behind the front building line. A recreational vehicle shall not be occupied for a period of more than 48 hours while it is parked or stored on private property within the City (except in a manufactured home park or campground).

Sec. 21-2-502. - Home Occupations and Cottage Industries

- (a) **Generally.** The accessory use of a dwelling unit for business purposes is allowed pursuant to the standards of this Section. These regulations do not apply to the use of work spaces in live-work units or to a residential building that has been legally converted to a commercial use.
- (b) **Requirements and Limitations.** These standards are intended to protect the residential function and physical character of the neighborhood in which the accessory business use is located, including, but not limited to, the quiet enjoyment of nearby residential property by its occupants.
 - (1) *Minimum Lot and Building Requirements.*
 - a. There are no minimum lot and building requirements for a home occupation.
 - b. The minimum lot area for a cottage industry is 20,000 sf.
 - (2) *Physical Features and Building Character.* The following are not allowed:
 - a. Modifications to the principal building that alter its residential character;
 - b. Construction of accessory buildings or structures that alter the residential character of the lot;
 - c. New, separate entrances to the building that provide access only to the area used for the business; and
 - d. Outdoor displays.
 - (3) *Limitations on Business Operations.* The following are not allowed:

- a. Solicitation, advertising, or promotion of the business in a manner that generates commercial traffic, either vehicular or pedestrian, that is inconsistent with the residential character of the neighborhood.
- b. Parking demands that are inconsistent with the residential use of the neighborhood.
- c. Use of areas outside of the principal or accessory buildings for business purposes, except parking.
- d. Business use of a garage in a manner that reduces available parking on the lot to less than that required by this UDC.
- e. Pick-up or delivery of products or machinery by commercial vehicles or heavy trucks other than parcel pick-up and delivery services.
- f. Production of noise, vibration, light, dust, odor, fumes, smoke, or other comparable effects which are detectable outside the dwelling unit.
- g. Storage of hazardous, combustible, or volatile materials in amounts which are greater than typically stored for home use.
- h. Storage of motor fuels in amounts that are greater than typically stored for home use. Storage of more than ten gallons of gasoline or diesel fuel on site shall be presumed to be in violation of this requirement if related to a home-based business.
- i. No commercial vehicles associated with the business shall be stored at the home location or stored parked on residential streets.
- j. Professional services, instruction, or counseling to more than one person at one time unless it meets the standards of subsection (b)(5), *Small Groups*.

(4) *Employees.*

- a. A Home Occupation may employ any resident of the dwelling unit, plus one additional employee who does not reside in the dwelling unit. A Cottage Industry may employ any resident of the dwelling unit, plus three additional employees who do not reside in the dwelling unit.
- b. Employees who work off-site shall not regularly gather at the dwelling unit for transportation to off-site locations.

(5) *Small Groups.*

- a. Professional services, instruction, or counseling to small groups of up to six persons are allowed as a Cottage Industry.
- b. Professional services, instruction, or counseling to small groups of up to four persons may be allowed as a Home Occupation if the following are met:
 - i. The total number of small group gatherings shall not exceed two times per week.

- ii. The small groups shall not be scheduled on the same day of the week.
- (6) *Building and Fire Code Compliance.* If the business use of the home involves employees who are not residents of the home, the building shall comply with all applicable building and fire codes, as amended from time to time.
- (c) **Business License Required.** The use of a dwelling unit for business purposes requires a business license from the City.
- (d) **Continuation of Established Business Use of the Home.** Any lawful business use of the home that is operating on the effective date, which has a current, valid business license, shall be permitted to continue notwithstanding the provisions of this Section; provided, however, that such use is not expanded or modified in a manner that creates a greater impact on the neighborhood. Future expansions or modification of the principal building or use, or change in the business license shall thereafter comply with all applicable provisions of this UDC.

Article III. - Density, Intensity, Open Space, Landscape Surface, and Scale

Division 3-1. - Purpose and Application of Article

Sec. 21-3-101. - Purpose of Article

The purpose of this Article is to set out density, intensity, open space, landscape surface, and scale requirements to ensure that new development in each zone is compatible with the existing or planned character and scale of the zone.

Sec. 21-3-102. - Application of Article

- (a) Division 3-2, *Residential Development Yield*, establishes a residential density limitation and a minimum open space ratio for each zone. The maximum density is used to calculate the maximum number of dwelling units that are allowed on a subject property. The minimum open space ratio is used to determine how much of the subject property may be developed with buildings and paved areas. The buildable area of the subject property may be laid out with a variety of lot types, based on the housing types that are allowed in the zone (*see* Section 21-2-202, *Residential and Special Residential Land Use*), and the lot and building standards for those housing types (*see* Division 4-2, *Housing Palette*).
- (b) Division 3-3, *Nonresidential and Mixed-Use Development Yield*, sets out standards for the minimum amount of landscape area that is required in nonresidential or mixed-use development, and standards for the scale of nonresidential buildings that are located within residential zones.

Division 3-2. - Residential Development Yield

Sec. 21-3-201. - Residential Density and Open Space

- (a) **Generally.**
 - (1) The number of dwelling units that may be constructed on a subject property is based on the area of the subject property and the zone in which it is located.
 - (2) After the maximum number of dwelling units is calculated according to the standards of this Section, the specifications for individual lots or building types shall comply with the requirements of Division 4-2, *Housing Palette*, for the type(s) of housing that will be developed.
- (b) **Density and Open Space by Zone.** The maximum residential density and minimum open space ratio ("OSR") for each zone are set out in Table 21-3-201B, *Maximum Density and Minimum Open Space Ratio*.

TABLE 21-3-201B MAXIMUM DENSITY AND MINIMUM OPEN SPACE RATIO											
Standard	Zones										
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A
Maximum Density (u/a)	12	3	5	12	18	18	12	N/A	not limited	18	0.2
Minimum Open Space Ratio ("OSR") (%)	N/A	N/A	10%	10%	12.5%	15%	N/A	N/A	-	10%	-

Sec. 21-3-202. - Alternative Compliance with Open Space Ratio Requirements

- (a) **Generally.** The minimum open space ratio may be met (in whole or in part) by preserving an equivalent amount of open space on private property as provided in this Section.
- (b) **Standards for Alternative Compliance.** Private property may be counted towards open space requirements if all of the following conditions exist:
- (1) The proposed development has fewer than 10 dwelling units; and
 - (2) The plat includes building envelopes and, as appropriate, designated landscape areas, that will ensure that:
 - a. Applicable yard requirements of the housing palette (*see* Division 4-2, *Housing Palette*) will be applied; and
 - b. Buildings and structures (except fences) are not allowed in areas that are used to meet the open space requirement; and
 - (3) The drainage plan shows how drainage will be conveyed to appropriate stormwater facilities; and
 - (4) Bufferyards, if required, are identified on the plat as landscape easements; and
 - (5) Covenants, conditions, and restrictions:
 - a. Provide for the ongoing maintenance of landscape easements (where such easements exist);
 - b. Ensure that the maintenance requirement is enforceable by the City; and
 - c. Require the written consent of the Administrator prior to amendment of the maintenance obligation.

Division 3-3. - Nonresidential and Mixed-Use Development Yield

Sec. 21-3-301. - Required Landscape Surface Ratio

- (a) **Generally.** The standards of this Section apply to nonresidential and mixed-use development.

- (b) **Required Landscape Surface Ratio (“LSR”).** Required LSRs for nonresidential uses in each zone are set out in Table 21-3-301B, *Minimum LSR by Zone*. The LSR is the minimum portion of the subject property that must be allocated to natural features, permeable surfaces, or landscaping.

TABLE 21-3-301B MINIMUM LSR BY ZONE											
Standard	Zones										
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A
Minimum LSR	15%	25%	25%	15%	15%	10%	10%	-	-	15%	80%

Sec. 21-3-302. - Development Intensity

- (a) **Generally.** In nonresidential and mixed-use zones, the intensity of development (*e.g.*, floor area ratio), is not directly regulated. Instead, it is limited by required parking, landscape surface ratio, setbacks, building height, and buffering requirements. The intensity of specific uses may be limited by use-specific or district-specific building coverage, floor area, or height standards, or by conditions of approval of a conditional use.
- (b) **Nonresidential Scale in Residential Zones.**
- (1) In residential zones (EN, RE, RL, RM, and RH), the gross floor area of nonresidential buildings (except schools and places of public assembly) shall be limited based on the type of street from which primary access is taken, as provided in Table 21-3-302B, *Nonresidential Building Scale in Residential Zones*.

TABLE 21-3-302B NONRESIDENTIAL BUILDING SCALE IN RESIDENTIAL ZONES			
Classification of Street from which Access is Taken	Maximum Building Coverage		Nonresidential Gross Floor Area Limit
	RE, RL	EN, RM, RH	
State Highway or Arterial	25%	35%	No Specific Limit
Collector	20%	30%	15,000 sf.
Local Street	15%	25%	8,000 sf.

- (2) The maximum nonresidential floor area for a subject property that is bounded by streets of different classifications may be based on a higher-order bounding street from which the property does not take access, provided that:
- The street that provides access intersects with the larger bounding street; and
 - No residential front yards are located across the street in the area between the access to the nonresidential parcel and the larger bounding street.

Article IV. - Lot, Building, and Structure Standards

Division 4-1. - Established Neighborhood Zone

Sec. 21-4-101. - Purpose and Application of Division

- (a) **Purpose.** The purpose of this Division is to provide standards that allow for neighborhood diversity and stability in the EN Zone. The EN Zone is generally characterized by medium and higher density single-family development, with duplexes and small multifamily buildings interspersed.
- (b) **Application of Division.** The standards of this Division apply within the EN Zone.

Sec. 21-4-102. - Status of Existing Lots and Buildings in EN Zone.

- (a) **Protection of Existing Lots, Buildings, and Density.**
 - (1) Lots within the EN Zone that were lawfully created and existing as of the date the zoning of the lot changed to the EN Zone are “conforming” for the purposes of this UDC regardless of their dimensions.
 - (2) Buildings within an EN Zone that were lawfully constructed as of the date the zoning of the lot changed to the EN Zone are “conforming” to these regulations regardless of their height, building coverage, floor area ratio, or setbacks.
 - (3) Duplex and multifamily residential dwelling units within the EN Zone that were lawfully constructed as of the date the zoning of the lot changed to the EN Zone are “conforming” to these regulations with regard to density.
 - (4) It is the policy of the City to allow for the continuation of existing residential uses, and for the construction of new single-family detached buildings on existing vacant lots in the EN Zone. As such, the development yield of each existing vacant lot in the EN Zone shall be a minimum of one single-family detached dwelling unit.
- (b) **Restriction on Subdivision of Combined Lots.** If two or more existing lots of record are combined for the purposes of development as of the effective date (*i.e.*, an existing building footprint spans two or more lots), they shall not be subsequently split for the purposes of separate development, unless all of the resulting lots meet the applicable minimum requirements for lot width, lot frontage, and lot area.

Sec. 21-4-103. - EN Zone Flexible Setback Standards

- (a) **Generally.** In general, the standards of Division 4-2, *Housing Palette*, apply within the EN Zone. However, with regard to residential building setbacks:

- (1) Setback standards apply to new residential building construction on vacant lots, redevelopment of developed residential lots for residential use, and to nonresidential buildings. Front setbacks may be reduced for single-family detached and duplex uses as provided in subsection (b), below.
 - (2) Setback standards apply to expansions of existing residential buildings, except that such standards may be modified according to subsections (b) and (c), below.
- (b) **Contextual Front or Rear Setback Reduction.**
- (1) The required front setback may be reduced if it is demonstrated that:
 - a. 50 percent or more of the lots on the same side of the street segment (not counting the applicant's lot) are developed with buildings that are set back at distances that are less than the required front yard setback;
 - b. The average front setback of all of the developed lots on the same side of the street segment (with fractions dropped) is less than the required front setback; and
 - c. The reduced front setback is not less than the average front setback of all of the developed lots on the same side of the street segment.
 - (2) The required rear setback may be reduced for an addition to an existing building if it is demonstrated that the proposed rear building setback is equal to not more than 10 percent less than the average actual rear setback of the other homes on the same side of the same block.
- (c) **Individual Lot Setback Reductions.** The following setback reductions are allowed for additions to existing buildings.
- (1) *All Setbacks.* Setback reductions on individual lots shall be applied only if it is demonstrated that the setback-specific standards below are met, and:
 - a. The proposed construction does not interfere with planned expansion of right-of-way (if right-of-way expansion is planned, the encroachment shall be evaluated as if the right-of-way has been expanded);
 - b. The proposed construction does not result in interference with a utility easement, drainage easement, emergency access, or required sight triangle; and
 - c. The proposed addition does not create new or increased nonconformity with respect to the building code or fire code (*e.g.* fire separation distance) on either the subject property or adjoining property.
 - (2) *Front Setbacks.*
 - a. **OPTION #1.** The reduction is 10 percent or less of the required front setback, and the encroachment will not reduce the depth of a driveway to:
 - i. Less than 20 feet in length to the edge of the sidewalk; or

- ii. Less than 25 feet in length to the edge of pavement if no sidewalk is either provided or planned.
 - b. OPTION #2. The reduction is more than 10 percent of the required front setback, but less than 25 percent of the required front setback, and:
 - i. No garage doors or carport openings that face the street are located in the reduced setback area;
 - ii. The improvement is not more than 18 feet in height;
 - iii. The proposed construction does not involve the destruction of a healthy, mature tree; and
 - iv. If the encroachment is more than 10 feet wide (measured parallel to the front building line), then a canopy tree or evergreen tree is located between the encroachment and the street.
 - c. OPTION #3. The existing building encroaches upon the setback as of the effective date, and:
 - i. The proposed construction does not involve the destruction of a healthy, mature tree;
 - ii. The proposed construction will not reduce the depth of a driveway to less than 20 feet in length to the edge of the sidewalk or less than 25 feet in length to the edge of pavement if no sidewalk is either provided or planned; and
 - iii. The proposed construction will be set back not less than 90 percent of the setback of the existing building.
- (3) *Interior Side Setbacks.* Interior side setbacks may be reduced by up to 40 percent if it is demonstrated that the proposed construction meets the following standards:
 - a. LIMIT OF ENCROACHMENT TOWARDS RESIDENTIAL PROPERTY. If the lot that adjoins the proposed building expansion is used for residential purposes, then:
 - i. The building expansion is screened from view from the street by at least one evergreen tree per story of the building expansion, unless it encroaches into the required side setback less than one foot closer to the lot line than the existing building;
 - ii. Building expansions that are 12 feet in height (measured from the average grade across the side of the proposed construction facing the abutting lot) or less are set back at least 42 inches from the side lot line; and
 - iii. Building expansions that are more than 12 feet in height (measured from the average grade across the side of the proposed construction facing the abutting lot) are set back at least five feet from the side lot line.

- b. LIMIT OF ENCROACHMENT TOWARDS NONRESIDENTIAL PROPERTY OR OPEN SPACE. If the lot that abuts the proposed building expansion is used for nonresidential purposes or permanent open space that is at least 20 feet in width, then the building expansion is set back at least 42 inches from the side lot line.
 - c. HORIZONTAL DIMENSION. The building expansion, combined with the existing building, will not create a horizontal building dimension of more than 50 feet that does not include an offset in the building wall of at least two feet for a horizontal distance of at least six feet.
 - d. WINDOWS. The building expansion does not include a window that is located directly across from another window on a residential building that is closer than 15 feet away, unless:
 - i. The window is on the first floor and a privacy fence is installed between the two buildings to a height of six feet; or
 - ii. The window is not operational and is made of glass block or frosted glass.
- (4) *Street Side Setbacks.*
- a. On corner lots of double-loaded blocks, street side setbacks may be reduced up to 50 percent if it is demonstrated that:
 - i. The portion of the building expansion that encroaches on the street side setback contains not more than 15 percent of the floor area of the building; and
 - ii. No horizontal dimension of the part of the building expansion that encroaches upon the street side setback runs for more than 30 feet unless there is an offset of at least two feet for a distance of at least six feet to break up the apparent mass of the building wall.
 - b. On corner lots that are not on double-loaded blocks, street side setbacks may be reduced as if the street side setback were a front setback.
- (5) *Rear Setbacks.* Rear setbacks may be reduced up to 20 percent if it is demonstrated that:
- a. No driveway on an alley-loaded lot with a rear-facing garage door will be affected such that its resulting length will be between three and 20 feet.
 - b. There will be at least 500 square feet of useable, permeable landscaped area in the back yard.
 - c. The encroachment affects not more than 40 percent of the rear elevation of the building.

Division 4-2. - Housing Palette

Sec. 21-4-201. - Purpose and Application of Division

- (a) **Purpose.** The purpose of Division 4-2, *Housing Palette*, is to set out types of housing that may be developed in the City, and to establish minimum lot and building standards (and in some cases, other applicable standards) for each housing type. The housing palette provides a range of choices for lot sizes and housing types so that applicants may design projects that promote affordability and diversity, address multiple market demands, and (where appropriate) protect open space and natural resources.
- (b) **Application.**
- (1) *Measure the Available Land.* Step 1 is to multiply the open space ratio by the land area of the subject property to determine how much land must be open, and how much land is available for development. The open space that is required in each zone is set out in Article III, *Density, Intensity, and Open Space*.
 - (2) *Calculate the Maximum Unit Count.* Step 2 is to calculate the maximum unit count by multiplying the allowed density by the land area of the subject property (in acres, including open space). The densities that are allowed in each zone are set out in Article III, *Density, Intensity, and Open Space*.
 - (3) *Check the Use Table.* Step 3 is to determine which housing types are allowable in the zone by checking the use table. The use table is set out in Section 21-2-202, *Residential and Special Residential Land Use Table*.
 - (4) *Check the Site Design Standards and Apply the Housing Palette.* Step 4 is to review the applicable design standards in this Article and Article V, *Site Design Standards*, and then lay out a development that incorporates the allowable housing types of the applicant's choice. The standards for each housing type are set out in this Division.

Sec. 21-4-202. - Single-Family Detached Lot and Building Standards

- (a) **Generally.** The single-family detached housing type consists of a single-family dwelling unit located on a privately-owned lot with private yards on each side of the dwelling unit. An illustrative single-family detached building is shown in Figure 21-4-202A, *Illustrative Single-Family Detached Building*.

FIGURE 21-4-202A
ILLUSTRATIVE SINGLE-FAMILY DETACHED BUILDING



- (b) **Lot and Building Standards.** Table 21-4-202B, *Single-Family Detached Lot and Building Standards*, below, establishes lot and building standards for four types of single-family dwelling units.

TABLE 21-4-202B SINGLE-FAMILY DETACHED LOT AND BUILDING STANDARDS								
Single-Family Lot Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ¹
Estate Lot (Street Access)								
Principal Building	12,000 sf.	100 ft.	30 ft.	10 ft.	30 ft.	25 ft.	2.5	20%
Accessory Buildings			49 ft.	10 ft.	30 ft.	10 ft.	2	
Suburban Lot (Street Access)								
Principal Building	7,000 sf.	60 ft.	25 ft.	10 ft.	25 ft.	25 ft.	2	30%
Accessory Buildings			35 ft.	3 ft. ²	25 ft.	5 ft.	1	
Town Lot (Street Access)								
Principal Building	4,500 sf.	45 ft.	25 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Buildings			35 ft.	3 ft. ²	8 ft.	5 ft.	1	
Town Lot (Alley Access)								
Principal Building	4,500 sf.	40 ft.	15 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Buildings			Behind front building line	3 ft. ²	8 ft.	5 ft. ³	1.5	
TABLE NOTES: ¹ BCR = Building Coverage Ratio ² Increased setback may be required if required by fire code. ³ No garage with an overhead door that faces an alley shall be set back to create a driveway that is more than 3 ft. but less than 20 feet long.								

Sec. 21-4-203. - Duplex Lot and Building Standards

- (a) **Generally.** The duplex housing type consists of two single-family dwelling units located in a single building (either side-by-side or over-and-under). An illustrative duplex building is shown in Figure 21-4-203A1, *Illustrative Side-by-Side Duplex Building*, and Figure 21-4-203A2, *Illustrative Over-Under Duplex Building*.

FIGURE 21-4-203A1
ILLUSTRATIVE SIDE-BY-SIDE DUPLEX BUILDING



FIGURE 21-4-203A2
ILLUSTRATIVE OVER-UNDER DUPLEX BUILDING



- (b) **Lot and Building Standards.** Table 21-4-203B, *Duplex Lot and Building Standards*, below, establishes lot and building standards for duplex buildings.

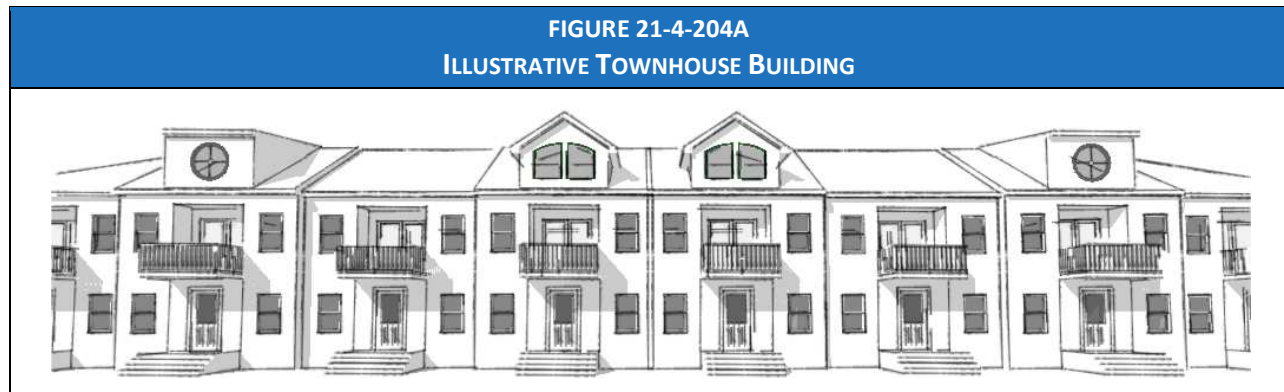
TABLE 21-4-203B DUPLEX LOT AND BUILDING STANDARDS								
Duplex Type	Minimum						Maximum	
	Lot Area ¹	Lot Width ¹	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ²
Side-by-Side (Street Access)								
Principal Building	8,000 sf.	80 ft.	25 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Building			Behind principal building	5 ft.	8 ft.	5 ft.	1	
Side-by-Side (Alley Access)								
Principal Building	8,000 sf.	80 ft.	15 ft.	5 ft.	8 ft.	25 ft.	2	40%
Garage (attached or detached)			Behind principal building	5 ft.	8 ft.	3 ft. ³	1 ⁴	

**TABLE 21-4-203B
DUPLEX LOT AND BUILDING STANDARDS**

Duplex Type	Minimum						Maximum	
	Lot Area ¹	Lot Width ¹	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ²
Accessory Building			Behind principal building	5 ft.	8 ft.	3 ft.	1	
Over-Under (Alley Access)								
Principal Building	7,000 sf.	70 ft.	15 ft.	5 ft.	8 ft.	25 ft.	2	45%
Garage (attached or detached)			Behind principal building	5 ft.	8 ft.	3 ft. ³	1 ⁴	
Accessory Building			Behind principal building	5 ft.	8 ft.	3 ft.	1	
TABLE NOTES: ¹ Measured per building. No dwelling unit shall be allocated less than 40 percent of the lot area or lot width. ² BCR = Building Coverage Ratio ³ No garage with an overhead door that faces an alley shall be set back to create a driveway that is more than 3 ft. but less than 20 feet long. ⁴ Attached garages within the setbacks for the principal building are treated as part of the principal building.								

Sec. 21-4-204. - Townhouse Lot and Building Standards

- (a) **Generally.** The townhouse housing type consists of three or more dwelling units located in a single building, in which the individual dwelling units are separated by vertical firewalls. An illustrative townhouse building is shown in Figure 21-4-204A, *Illustrative Townhouse Building*.



- (b) **Lot and Building Standards.** Table 21-4-204B, *Townhouse Lot and Building Standards*, below, establishes lot and building standards for townhouse buildings.

**TABLE 21-4-204B
TOWNHOUSE LOT AND BUILDING STANDARDS**

Townhouse Lot Type	Minimum						Maximum	
	Lot Area (per unit)	Lot Width (per unit)	Front Setback	Building Separation	Street Side Setback	Rear Setback	Stories	Units per Bldg.
Street Access	2,500 sf.	25 ft.	10 ft. / 20 ft. ¹	10 ft.	10 ft.	15 ft.	2	6
Alley or Parking Court Access	2,200 sf.	22 ft.	8 ft.	10 ft.	10 ft.	0 ft. ²	3	8

TABLE 21-4-204B TOWNHOUSE LOT AND BUILDING STANDARDS								
Townhouse Lot Type	Minimum						Maximum	
	Lot Area (per unit)	Lot Width (per unit)	Front Setback	Building Separation	Street Side Setback	Rear Setback	Stories	Units per Bldg.
TABLE NOTES: ¹ Setback to garage door. ² May be increased as the City determines is necessary to provide safe access along the alley or within the parking court. Garage doors that face alleys or parking courts shall not be located in the area between 4 feet and 20 feet from the nearest edge of the alley or parking court.								

Sec. 21-4-205. - Multiplex or Multifamily Lot and Building Standards

- (a) **Generally.** Multiplex and multifamily are both multiple-family building types. Multiplex buildings are constructed to look like large single-family homes. *See Figure 21-4-205A1, Illustrative Multiplex Building.* The multifamily housing type is typically in the form of apartments or condominiums of two to three stories in height. *See Figure 21-4-205A2, Illustrative Multifamily Building.* Multifamily dwelling units may also be located in the upper floors of vertically mixed-use buildings; however, those buildings are subject to the standards for nonresidential and mixed-use buildings set out in Division 4-3, *Nonresidential and Mixed-Use Lot and Building Standards*, and not the standards of this Section.

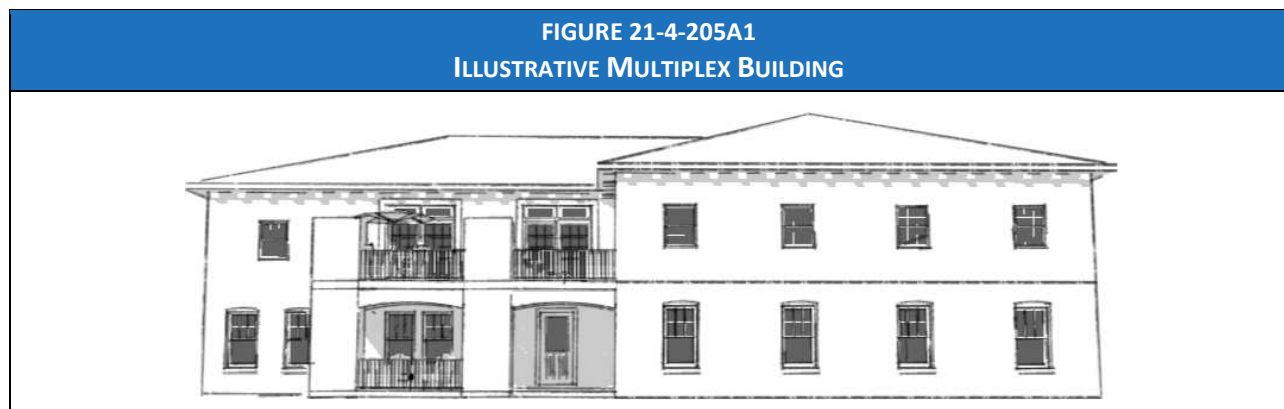


**FIGURE 21-4-205A2
ILLUSTRATIVE MULTIFAMILY BUILDING**

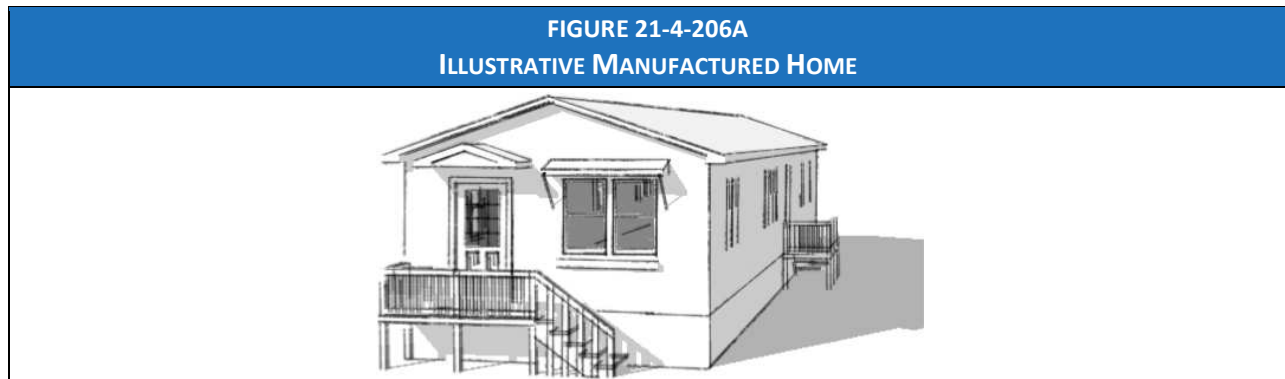


- (b) **Lot and Building Standards.** Table 21-4-205B, *Multiplex and Multifamily Lot and Building Standards*, below, establishes lot and building standards for multiplex and multifamily buildings.

TABLE 21-4-205B MULTIPLEX AND MULTIFAMILY LOT AND BUILDING STANDARDS		
Development Standards	Housing Type	
	Multiplex	Multifamily
Dimensions of Subject Property		
Minimum Area of Subject Property	3-unit building: 8,000 sf. 4-unit building: 10,000 sf. 5-unit building: 12,000 sf.	11,000 sf.
Minimum Width of Subject Property	3-unit building: 80 ft. 4-unit building: 100 ft. 5-unit building: 120 ft.	70 ft.
Minimum Setbacks and Building Separation		
Front Setback	15 ft.	15 ft.
Interior Side Setback	10 ft.	10 ft.
Building Separation	15 ft.	15 ft.
Street Side Setback	15 ft.	15 ft.
Rear Setback	20 ft.	20 ft.
Parking Setback	3 ft. ¹	3 ft. ¹
Height and Building Coverage		
Maximum Stories	2.5	3
Maximum Building Coverage Ratio	45%	45%
TABLE NOTES:		
¹ No garage with an overhead door that faces an alley shall be set back to create a driveway that is more than 3 ft. but less than 20 feet long.		

Sec. 21-4-206. - Manufactured Home Lot and Building Standards

- (a) **Generally.** Manufactured homes are a special type of single-family detached home, in that they are constructed in factories according to federal standards (instead of local building codes), and are designed to be moved. There are three types of manufactured homes: single-wide (transported in one section), double-wide (transported in two sections), and triple-wide (transported in three or more sections). An illustrative example of a single-wide is provided in Figure 21-4-206A, *Illustrative Manufactured Home*.



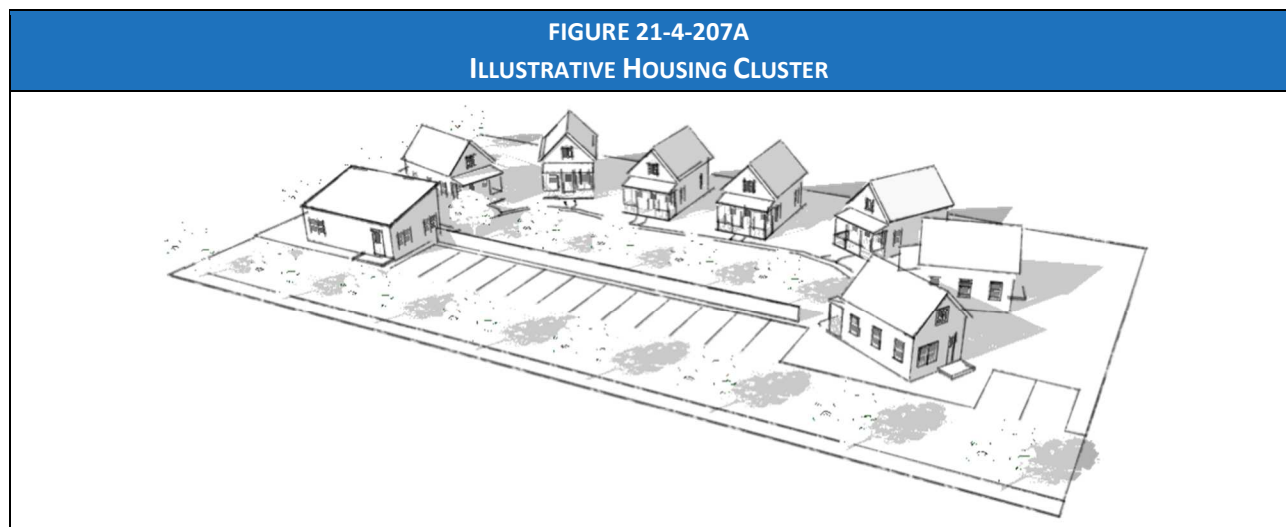
(b) **Lot and Building Standards.**

- (1) The lot and building standards for manufactured homes are set out in Table 21-4-206B, *Manufactured Home Lot and Building Standards*. The standards of this Subsection apply to manufactured homes that are located in new manufactured home parks or manufactured home subdivisions, or expanded areas of existing manufactured home parks or manufactured home subdivisions.
- (2) In existing manufactured home parks and manufactured home subdivisions, manufactured homes may be placed on existing lots or spaces that do not comply with this section, provided that they are spaced a minimum of 10 feet apart and 10 feet from the boundary lines of the manufactured home park or manufactured home subdivision.
- (3) Where manufactured homes are allowed as an individual residential use in other areas, they are subject to the standards applied to single-family detached homes.

TABLE 21-4-206B MANUFACTURED HOME LOT AND BUILDING STANDARDS								
Lot Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ¹
Single-Wide	4,000 sf.	40 ft.	15 ft. ²	5 ft.	8 ft.	10 ft.	1	50%
Double-Wide	5,000 sf.	50 ft.	15 ft. ²	5 ft.	8 ft.	10 ft.	1	50%
Triple-Wide	6,000 sf.	60 ft.	15 ft. ²	5 ft.	8 ft.	10 ft.	1	50%
TABLE NOTES:								
¹ BCR = Building Coverage Ratio								
² Where parking is provided in front of the building, the setback shall be increased to 20 ft.								

Sec. 21-4-207. - Tiny Home, Cottage, Small Duplex, and Co-housing Cluster Lot and Building Standards

- (a) **Generally.** The tiny home and cottage housing types consists of small single-family detached residences that have a floor area that is less than 750 square feet. The small duplex housing type is a duplex with a total floor area of less than 1500 square feet. These housing types are typically arranged in a cluster of three to 12 residential buildings around a green space, and may include a common building as an amenity (*e.g.*, a common kitchen or meeting area). Vehicular access is provided by a shared parking lot. See Figure 21-4-207A, *Illustrative Housing Cluster*.

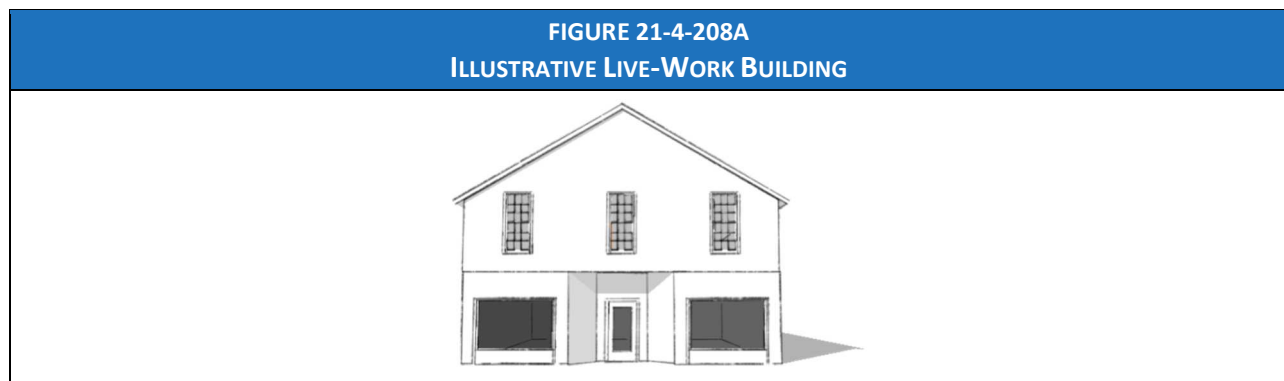


- (b) **Lot and Building Standards.** Table 21-4-207B, *Tiny Home, Cottage, Small Duplex, and Co-Housing Cluster Lot and Building Standards*, below, establishes lot and building standards for clusters of tiny homes, cottages, and small duplex buildings, and for common buildings within the clusters.

TABLE 21-4-207B TINY HOME, COTTAGE, SMALL DUPLEX, AND CO-HOUSING CLUSTER LOT AND BUILDING STANDARDS									
Housing Type	Minimum							Maximum	
	Lot Area ¹	Lot Width ²	Front Setback ³	Side Setback ³	Street Side Setback ³	Rear Setback ³	Building Spacing ⁴	Stories	OSR ⁵
Tiny Home ⁶	7,500 sf.	75 ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft. front to front; 10 ft. all other	1	35%
Cottages ⁷	12,500 sf.	125 ft.						1.5	
Small Duplex ⁷	12,500 sf.	125 ft.						1.5	
Common Building	12,500 sf.	125 ft.						1.5	
TABLE NOTES: ¹ Minimum area of subject property in which cluster is developed. ² Minimum width of subject property in which cluster is developed. For clusters that include more than one housing type, the largest minimum width applies. ³ Applies to cluster as a whole in relation to adjoining property. ⁴ Minimum spacing among buildings within the cluster. ⁵ OSR = Open Space Ratio. ⁶ Building footprint of 400 sf. or less. ⁷ Building footprint of 800 sf. or less.									

Sec. 21-4-208. - Live-Work Lot and Building Standards

- (a) **Generally.** The live-work housing type consists of a dwelling unit with an integrated ground-floor workspace. Live-work buildings may take many forms, including single-family detached, townhouse, and multifamily. An illustrative single-family detached live-work building is shown in Figure 21-4-208A, *Illustrative Live-Work Building*.



- (b) **Lot and Building Standards.** Table 21-4-208B, *Live-Work Lot and Building Standards*, below, establishes lot and building standards for live-work buildings.

TABLE 21-4-208B LIVE-WORK LOT AND BUILDING STANDARDS	
Lot Type	Lot and Building Standards
Single-Family Detached	See Sec. 21-4-202, <i>Single-Family Detached Lot and Building Standards</i>
Townhome	See Sec. 21-4-204, <i>Townhouse Lot and Building Standards</i>
Multifamily	See Sec. 21-4-205, <i>Multiplex or Multifamily Lot and Building Standards</i> (multifamily only)

Division 4-3. - Nonresidential and Mixed-Use Lot and Building Standards

Sec. 21-4-301. - Nonresidential and Mixed-Use Lot and Building Standards

Table 21-4-301, *Nonresidential and Mixed-Use Lot and Building Standards*, sets out the lot and building standards for nonresidential and mixed-use development.

TABLE 21-4-301 NONRESIDENTIAL AND MIXED-USE LOT AND BUILDING STANDARDS											
Standard	Zones										
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A
Minimum Lot Standards											
Lot Area	8,000 sf.	0.5 ac.	0.5 ac.	8,000 sf.	8,000 sf.	0.5 ac. ¹	0.5 ac.	0.5 ac.	N/A	N/A	5 ac.
Lot Width (ft.)	80 ft.	100 ft.	100 ft.	80 ft.	80 ft.	100 ¹	100	100	25	N/A	165
Minimum Setback Standards (ft.)											
Front	25	30	30	25	25	0	30	30	0	25	30
Street Side	10	30	30	25	10	0	30	30	0	25	30
Interior Side											
Principal Buildings	7	10	10	7	7	0 ²	7	7	0	7	20
Accessory Buildings	3	10	3	3	3	0 ²	3	3	0	3	15
Rear											
Principal Buildings	25	25	25	25	25	0 ²	25	25	0	20	25
Accessory Buildings	5	10	5	5	5	0 ²	5	5	0	5	10
Maximum Building Height Standards (ft.)											
Principal Buildings	35	35	35	35	50	50	50	50	50	90	45
Accessory Buildings	20	20	20	20	20	20	20	25	20	45	45
TABLE NOTES: ¹ Lot area and lot width may be reduced if parking is provided in centralized facilities outside of the subject property and sufficient landscape surface is provided in the development as required by Section 21-3-301, <i>Required Landscape Surface Ratio</i> . ² If the lot line from which the setback is measured is shared with a lot that is put to residential use, the setback is 20 feet.											

Division 4-4. - Exceptions to Lot and Building Standards

Sec. 21-4-401. - Purpose and Application of Division

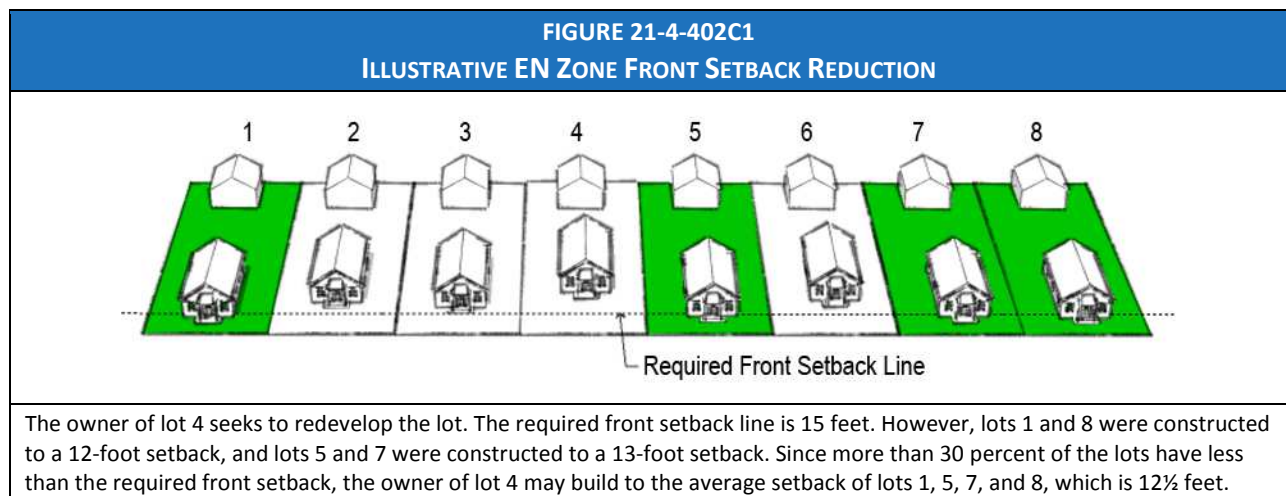
The purpose of this Division is to set out the exceptions to the lot and building standards that are set out in Division 4-2, *Housing Palette*, and Division 4-3, *Nonresidential and Mixed-Use Lot and Building Standards*.

Sec. 21-4-402. - Setback Flexibility

- (a) **Generally.** Setbacks may be administratively modified as provided in this Section.
- (b) **Effect on Building Coverage.** The objective of this Section is not to allow an increase the permissible building coverage, but instead, to provide for a range of relationships between buildings and the street.

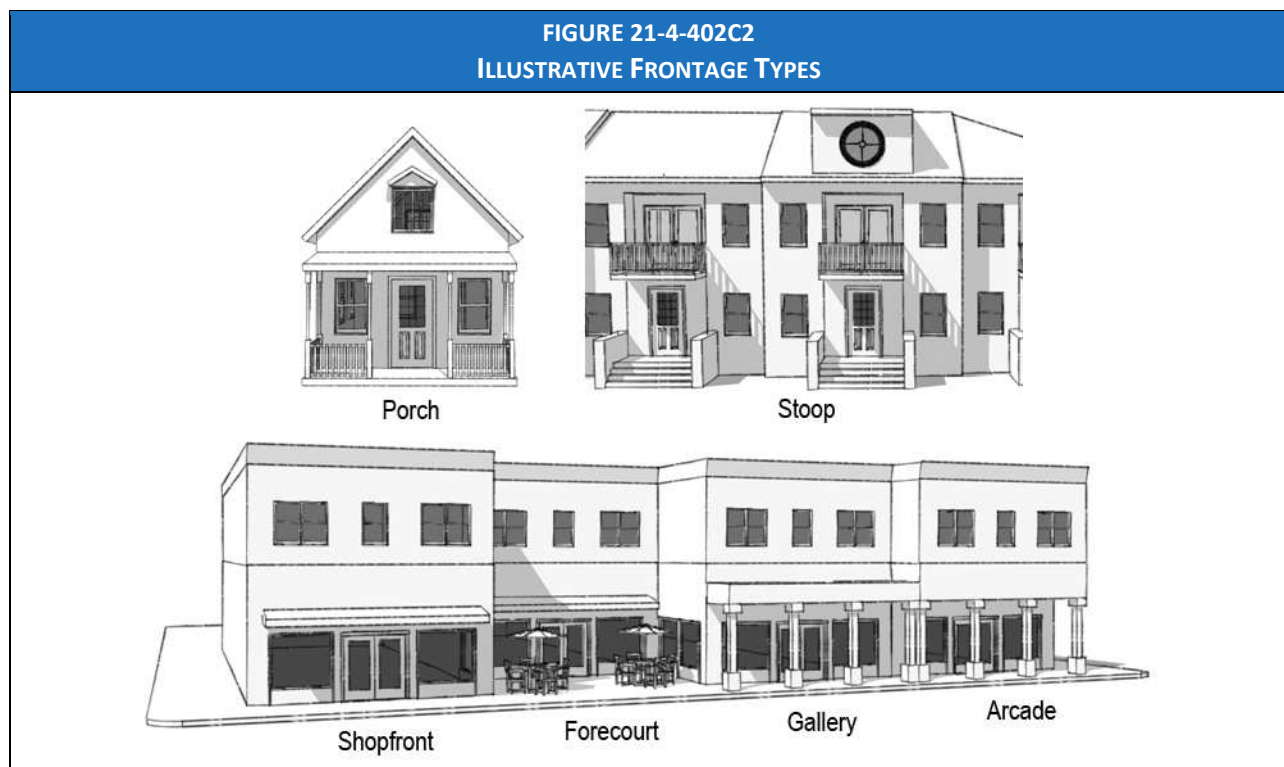
(c) **Front Setbacks.**

- (1) *EN Zone.* In the EN Zone, the front yard requirement for single-family detached and duplex dwellings that front on local streets (not collector or arterial streets) may be reduced if:
- 30 percent or more of the lots on the same side of the street segment (not counting the subject property) within the same Zone are developed with principal buildings that are set back at distances that are less than the required front setback;
 - The reduced front setback is not less than the average front setback of the developed lots on the same side of the street segment that are set back less than the required front setback. (See Figure 21-4-402C1, *Illustrative EN Zone Front Setback Reduction*).



- (2) *CA Zone.* In the CA Zone, front setbacks may be reduced to five feet if:
- A build-to line is established by the campus master plan or by existing conditions along the same side of the block;
 - For single-family detached, duplex, and townhome buildings:
 - Access is taken from an alley;
 - Garage doors that face alleys are not located in the area between 3 feet and 20 feet from the nearest edge of the alley; and
 - Buildings have a porch or stoop frontage (see Figure 21-4-402C2, *Illustrative Frontage Types*).
 - For nonresidential, mixed-use, and multifamily buildings:
 - Parking is not located between the building and the street;
 - Nonresidential and mixed-use buildings have shopfront, gallery, arcade, or forecourt frontages; and

- iii. Multifamily buildings have a porch, stoop, gallery, arcade, or forecourt frontage (see Figure 21-4-402C2, *Illustrative Frontage Types*).



(d) **Interior Side Setbacks.**

- (1) Interior side setbacks for single-family detached lots may be reduced by the Administrator up to 30 percent (or up to 100 percent if the applicant owns or controls both affected lots), provided that:
- a. The reduction is necessary due to the existing development of the lot, or specific physical or access constraints justify the reduction;
 - b. There is no reduction of an interior side setback along a lot line that is also a boundary line of the subdivision;
 - c. Buildings on both sides of the reduced setback are constructed to applicable building and fire codes based on their proximity to each other;
 - d. There is sufficient space between the buildings for building maintenance and emergency access, or a sufficient easement is provided on the adjacent lot for such access; and
 - e. Windows that face the reduced setback are not located across from each other within a six-foot offset distance along the building wall unless they are frosted and inoperable, or located at least six feet above the room floor of the story in which they are located.

- (2) Interior side setbacks for lots that are not used for single-family detached purposes may be reduced by the Administrator by up to 20 percent, provided that:
 - a. The reduction is necessary due to the existing development of the lot, or specific physical or access constraints justify the reduction;
 - b. The reduction affects only one side lot line;
 - c. The affected side lot line is not shared with a lot that is put to single-family detached or duplex use; and
 - d. Buildings on both sides of the reduced setback are constructed to applicable building and fire codes based on their proximity to each other.
- (e) **Street Side Setbacks.** Street side setbacks may be reduced by the Administrator by up to 20 percent, provided that:
 - (1) The reduction is necessary due to the existing development of the lot, or specific physical or access constraints justify the reduction;
 - (2) There will be no material impact on public safety as a result of potential obstruction of the street for sight distances, or movement of emergency vehicles;
 - (3) Sight triangles are not obstructed;
 - (4) Building walls are located at least five feet from the inside edge of the public sidewalk and do not encroach upon the public right-of-way or drainage or utility easements; and
 - (5) All street-facing overhead doors are set back 20 feet.
- (f) **Rear Setbacks.** Rear setbacks may be reduced by the Administrator by up to 20 percent for lots with street access, and up to 100 percent for lots with alley access, provided that:
 - (1) The reduction is necessary due to the existing development of the lot, or specific physical or access constraints justify the reduction;
 - (2) If the lot is accessed from an alley:
 - a. There is sufficient area for parking, and maneuvering, and safe passage along the alley;
 - b. Sight triangles are not obstructed;
 - c. There will be no material impact on public safety as a result of potential obstruction of a street or alley for sight distances or movement of emergency vehicles; and
 - d. All alley-facing overhead doors are set back less than 3 feet or more than 20 feet.
 - e. The building will not encroach upon a drainage or utility easement.

- (3) If the lot is accessed from a street, windows within the reduced setback area do not face the back yards of adjoining single-family detached or duplex residential uses unless they are frosted and inoperable, or located at least six feet above the room floor of the story in which they are located

Sec. 21-4-403. - Projections into Required Setbacks

- (a) **Generally.** Specified structures and architectural features may encroach into required setback areas as provided in Table 21-4-403A, *Setback Reductions for Building Elements, Equipment, and Structures*. The encroachments authorized by this Section are subject to all applicable building code requirements.

TABLE 21-4-403A SETBACK REDUCTIONS FOR BUILDING ELEMENTS, EQUIPMENT, AND STRUCTURES						
Architectural Element	Yard In Which Setback Reduction is Allowed				Amount of Setback Reduction Allowed (use whichever column allows the least setback reduction)	
	Front	Interior Side	Street Side	Rear	Measured From Setback Line Towards Property Line	Measured From Property Line Towards Interior of the Property
Air conditioning units	No	Yes	Yes	Yes	3 ft.	3 ft.
Awnings, canopies, or sunshades without supports that extend to ground	Yes	Yes	Yes	Yes	4 ft.	2 ft.
Balconies	Yes	No	Yes	Yes	2 ft.	4 ft.
Chimneys	Yes	Yes	Yes	Yes	2 ft.	3 ft.
Decks, porches, or patios that are not covered, if the surface of the deck is less than 3 feet above average adjacent grade	Yes	No	Yes	Yes	Any distance	3 ft.
Decks, porches, or patios that are not covered, if the surface of the deck is 3 feet or more above average adjacent grade	No	No	No	Yes	2 ft.	5 ft.
One-story bay windows	Yes	No	Yes	Yes	2 ft.	4 ft.
Overhanging eaves and gutters	Yes	Yes	Yes	Yes	4 ft.	2 ft.
Parking shelters, detached from the principal building and open on all sides ¹	No	Yes	No	Yes	50% of the required setback	3 ft.
Stairways that are necessary for access to a permitted building or for access to property; fire escapes.	No	No	Yes	Yes	As necessary	3 ft.
Cornices, canopies, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features	Yes	Yes	Yes	Yes	2 ft.	2 ft.
TABLE NOTES: ¹ This exception does not apply in zones that are developed with single-family detached dwelling units of any type.						

- (b) **Limitations.** No building, building element, or structure shall cross a lot line:
- (1) Into separately owned property, unless a recorded document provides for access to and maintenance of the projection;
 - (2) Into public property or rights-of-way, unless a revocable encroachment permit is issued by the Administrator;
 - (3) Into access easements; or
 - (4) Into utility easements, unless the design of the improvement and a recorded agreement allows access to the utility and allows the utility or the City to efficiently remove the encroachment at the property owner's expense.

Sec. 21-4-404. - Exception to Building Height Regulations

The height of chimneys, radio and television towers, wind chargers, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, grain elevators, and necessary mechanical appurtenances may exceed the building height regulations subject to approval as a conditional use, except that the standards for approval that are set out in Section 21-2-302, *General Standards for All Conditional Uses*, are replaced with the following:

- (1) The additional height does not materially affect the adequacy of light and air on adjacent properties or public rights-of-way;
- (2) The additional height does not materially affect views from neighboring properties to landmarks or scenic vistas;
- (3) The additional height does not affect public safety in case of structural collapse; and
- (4) Adequate firefighting capabilities are available to address the additional height in the event of a fire emergency.

Division 4-5. - Supplemental Standards

Sec. 21-4-501. - Purpose of Division

The purpose of this Division is to set out standards for certain accessory buildings, structures, and accessory uses.

Sec. 21-4-502. - Accessory Buildings

- (a) **Generally.** Accessory buildings (e.g., detached garages, storage buildings, or accessory dwelling units) shall comply with all requirements for principal buildings except where specifically modified by this Chapter.
- (b) **Spacing.** No part of any accessory building shall be located closer than 10 feet to any other building, whether on the same lot or on an adjacent lot.

- (c) **Construction.** All accessory buildings (except greenhouses) that are larger than 200 square feet in floor area:
 - (1) Shall be installed on a permanent foundation; and
 - (2) Shall be designed and constructed with cladding and roofing materials and colors that are comparable or complimentary to the principal building.

Sec. 21-4-503. - Accessory Dwelling Units

- (a) **Generally.** Accessory dwelling units are allowed on lots that contain single-family detached dwelling units according to the standards of this Section.
- (b) **Accessory Dwelling Units in Accessory Buildings.** If the accessory dwelling unit is in an accessory building:
 - (1) The floor area of the accessory dwelling unit may not be more than 500 square feet; and
 - (2) The lot area of the subject property must be at least 8,000 square feet or the lot depth of the subject property must be at least 125 feet.
- (c) **Integrated Units.** If the accessory dwelling unit is integrated into the principal building, the floor area of the accessory dwelling unit may not be more than 30 percent of the floor area of the principal building, except that an integrated accessory dwelling unit may occupy an entire basement or garden level, regardless of floor area.

Sec. 21-4-504. - Fences, Garden Walls, Retaining Walls, and Hedges

- (a) **Generally.** A fence, hedge, garden wall, retaining wall, column, pier, post, dog run, or any similar type structure, or any combination of such structures, are subject to the standards of this Section.
- (b) **Building Code.** All fences, garden walls, or retaining walls that are more than six feet in height are subject to Building Code requirements.
- (c) **Identification of Property Lines.** It shall be the responsibility of the property owner to locate all property lines. No fence or wall may extend beyond or across a property line except by agreement with the adjoining property owner. No fence, hedge, or wall shall extend into street or alley rights-of-way.
- (d) **Sidewalk Setback.** No fence, hedge, or wall shall be placed nearer than 18 inches to any public sidewalk, unless by written permission of the Administrator.
- (e) **Security Fencing.** No barbed wire, razor edge, or electrically charged fence shall be permitted, except as follows:
 - (1) In the I zone, barbed wire or razor edge fences may be used if there is a demonstrated need for heightened security due to the nature of the use.
 - (2) In the A zone, barbed wire or an electrically charged fence may be used.
- (f) **Dog Runs.** Dog runs are allowed only in back yards.

(g) **Maximum Height; Exceptions.**

- (1) No fence, garden wall, retaining wall, or hedge shall exceed six feet in height in a side yard, rear yard, or street side yard behind the front building line, and four feet in height in a front yard or street side yard in front of the front building line, except that:
 - a. If the State of Colorado requires a particular use to have a higher fence than this UDC otherwise allows, and the use meets all other requirements of this UDC, then the maximum height shall be increased to allow the state-mandated fence height.
 - b. Wall height may be increased by up to two inches to allow for drainage under the wall.
 - c. The height of a dog run may be increased to up to ten feet, provided that the dog run is set back from property lines not less than two feet for each foot in height (or portion thereof) that the dog run fence extends above six feet.
 - d. The height of a deer fence may be increased to up to ten feet, provided that the deer fence is set back from property lines not less than two feet for each foot in height (or portion thereof) that the deer fence extends above six feet.
 - e. Posts and pillars may exceed the maximum fence height by up to eight inches.
 - f. Open arches, gates, and pergolas may be constructed up to nine feet in height, provided such elements are spaced at least 30 feet apart.
 - g. Fences that are used for athletic fields (e.g., baseball diamonds), play courts (e.g., tennis), or driving ranges are not subject to the height restriction.
 - h. Walls that are used in Class D Bufferyards, and buffers between industrial uses and other uses, may be up to 10 feet in height.
- (2) The Administrator may approve deviations from the standards of this subsection as required to create appropriate buffering or screening, accommodate recreational uses, or provide for specific security requirements.

(h) **Materials.**

- (1) All privacy fences shall be constructed to orient any exposed structural framework to the interior of the subject property;
- (2) All fences, garden walls, or retaining walls that are visible from public rights-of-way must be made from traditional fence or wall materials such as:
 - a. Fence materials:
 - i. Wood, vinyl, or composite wood (in picket, shadowbox, or post-and-rail formats);
 - ii. Metal (chain-link fencing or aluminum or wrought iron decorative fencing);

- b. Wall materials:
 - i. Stacked stone;
 - ii. Tinted split-face concrete masonry units;
 - iii. Brick;
 - iv. Stucco-finished block; or
- c. For fences or walls, materials that are approved by the Administrator that are comparable to the materials listed in this subsection (h)(2).

Sec. 21-4-505. - Swimming Pools

- (a) **Generally.** A swimming pool may be permitted in any zone as an accessory use, subject to the standards of this Section.
- (b) **Location.** No public or private swimming pool may be located in any required front or side setback that abuts a street. No swimming pool basin shall be located closer than five feet to a property line.
- (c) **Enclosure.**
 - (1) Every swimming pool must be completely surrounded by a fence or garden wall not less than six feet in height with no openings that are large enough to facilitate climbing or permit children to pass through, other than gates or doors that can be fastened to protect against entry. A building may be used as part of such required enclosure.
 - (2) All gates or doors that open through such fenced or walled enclosures must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

Sec. 21-4-506. - Outdoor Storage

- (a) **Generally.** Outdoor storage areas, whether as a primary use (e.g. salvage or junk yard or outdoor storage yard) or accessory use (e.g., to heavy industry or heavy retail), shall meet the standards of this Section.
- (b) **Location.**
 - (1) The area used for outdoor storage shall be located in a back yard or side yard, except that if the principal use is heavy industry, outdoor storage yard, or salvage or junk yard, outdoor storage areas may be located anywhere on the subject property.
 - (2) Notwithstanding subsection (b)(1), outdoor storage area shall not be located in areas that are used for parking, bufferyards, or stormwater conveyance or detention areas, or that are environmentally sensitive areas (e.g., a wetland).
- (c) **Surfacing.** Outdoor storage areas shall be surfaced and maintained in a manner that prevents windblown particulates.

- (d) **Screening and Enclosure.** The area used for outdoor storage shall be enclosed by a Class B Bufferyard (see Section 21-5-306) that includes fence or screen wall that is not less than six feet in height, except that:
- (1) If the principal use is heavy retail, then the area used for outdoor storage shall be enclosed by a wall that is integrated into the principal building in terms of aesthetics, quality, and durability.
 - (2) If the principal use is salvage or junk yard, the area used for outdoor storage shall be enclosed by a Class C Bufferyard (see Section 21-5-306) that includes a fence, screen wall, berm, or combination thereof that is at least eight feet in height.
 - (3) If the principal use is single-family or duplex residential, the area used for outdoor storage shall be enclosed by a privacy fence that is at least five feet in height.
- (e) **Operation and Maintenance.**
- (1) The area used for outdoor storage shall be kept orderly, pest-free, and odor-free.
 - (2) The following materials shall not be stored outdoors: gasoline, other motor fuels, and comparable or greater fire or explosion hazards; or items that have a high potential for generating obnoxious odors or windblown particulates or debris.
 - (3) Unless the principal use is salvage or junk yard, the outdoor storage area shall not be used to dispose of inoperable vehicles, inoperable machines, garbage, or other waste.
 - (4) If the principal use is single-family or duplex residential, outdoor storage areas shall not be used for storage of materials, products, and equipment used for a home occupation or cottage industry.
- (f) **Common Residential Outdoor Storage.** Residential development, including manufactured home parks and manufactured home subdivisions, may provide for common outdoor storage, as follows:
- (1) Common outdoor storage areas in residential developments shall be enclosed by a Class B Bufferyard (see Section 21-5-306).
 - (2) Access to the common outdoor storage area shall be provided from a street within the development.
 - (3) Common outdoor storage areas shall not be located such that they adjoin neighboring residential development.

Sec. 21-4-507. - Loading and Service Areas

- (a) **Generally.** Loading and service areas for nonresidential uses shall conform to the standards of this Section. Where alley access is not available for loading in the CBD zone, over-the-curb loading is allowed.
- (b) **Required Setback.** No areas for loading or building service shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian way.

- (c) **Design Integration.** Loading docks, semi-truck or trailer parking, utility meters, HVAC equipment, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are mitigated and, to the maximum extent feasible, out of view from adjacent properties and public streets.
- (d) **Materials.** Screening materials shall be comparable to the principal materials of the building and landscape in terms of aesthetics, quality, and durability.

Sec. 21-4-508. - Trash Collection

- (a) **Generally.** Trash collection for multifamily and nonresidential uses shall conform to the requirements of this Section.
- (b) **Centralized Collection Facilities.** Multifamily uses shall provide centralized collection facilities. Manufactured home parks, manufactured home subdivisions, and nonresidential uses may provide centralized collection facilities. Such facilities shall be designed and configured as follows:
 - (1) *Distance to Dwelling Units or Nonresidential Uses.* Centralized solid waste collection facilities shall be located so that they are available within 200 linear feet of the principal entrance of each residential unit or nonresidential service entrance on the subject property.
 - (2) *Location on Site.*
 - a. Centralized solid waste collection facilities shall be set back at least:
 - i. 10 feet from interior property lines; and
 - ii. 20 feet from any public street, public sidewalk, or internal pedestrian way.
 - b. In the alternative, if it is not possible to service the centralized facilities in a location which is at least 10 feet from all property lines, then the facilities may be located closer to the property lines, provided that:
 - i. They are designed and constructed to be consistent and compatible with the building or buildings on the subject property in terms of materials and architecture;
 - ii. The setback reduction is applied to the front setback as a "last resort," and only if it is demonstrated that no other setback reduction will solve the service problem; and
 - iii. They are located as far from the property line as is practicable.
- (c) **Enclosure Requirements.**
 - (1) The areas where refuse and recycling containers are stored shall be fully enclosed to the height of the tallest dumpster with screen walls, privacy fencing, or a landscaped berm.

- (2) The materials, colors, and design of screening walls or fences and any cover shall be comparable to those used as principal materials and colors on the principal building in terms of quality, durability, and aesthetic appearance.
 - (3) The enclosures shall be sized to include the types of solid waste containers that will be necessary to serve the use or uses of the subject property.
- (d) **Access Configuration.**
 - (1) Service gates shall be provided and shall remain closed at all times except when the containers are being serviced.
 - (2) The enclosure shall also provide separate, accessible pedestrian access gates.
- (e) **Container Specification.** Containers shall be fly-tight, watertight, and rodent-proof.

Sec. 21-4-509. - Drive-In or Drive-Through Facilities

- (a) **Generally.** Drive-in or drive-through facilities, where allowed, are subject to the standards of this Section.
- (b) **Minimization of Circulation Conflicts.** Traffic circulation shall be arranged so that internal pedestrian and vehicular movements are compatible and traffic hazards are minimized.
- (c) **Minimization of Off-Site Hazards.** Traffic circulation, ingress and egress shall be arranged so as to avoid hazardous or adverse effects on adjacent sites and streets.

Sec. 21-4-510. - Satellite Dishes and Antennae

- (a) **Generally.** The standards of this Section apply to satellite dishes and antennae that are typically associated with residential uses. They are not applicable to facilities that are used for commercial purposes or the provision of personal wireless telecommunication services to people who do not reside on the lot on which the dish or antenna is located.
- (b) **TV Antennae, DTV Antennae, Wireless Cable Antennae, and Satellite Dishes.**
 - (1) The following are allowed if they are attached to a building or mounted on a mast that extends not more than 12 feet above the highest peak of the roof:
 - a. TV antennae;
 - b. DTV antennae;
 - c. Wireless cable antennae; or
 - d. Satellite dishes that are one meter or less in diameter; or
 - e. Antennae for MMDS, ITFS, or Wireless Internet, that are one meter or less in diameter or diagonal measurement.
 - (2) All cabling must be run internally (when feasible), securely attached, and as inconspicuous as practicable.
 - (3) Masts that are greater than 12 feet above the peak of the roof are allowed if it is demonstrated that:

- a. An adequate signal cannot be obtained at a lower height; and
 - b. The mast and antenna are lower than overhead utility lines, or set back from overhead utility lines such that a collapse of the mast will not result in contact with the lines.
- (4) Satellite dishes that are more than one meter in diameter are allowed if:
 - a. They are located on the ground in the rear yard and are not visible from ground-level views from public rights-of-way or abutting properties; or
 - b. If the dish cannot be located in the rear yard, it is located on the ground within the permitted building envelope on the side of the building, and the dish or antenna is fully screened from view from public rights-of-way with:
 - i. A masonry wall; or
 - ii. An evergreen hedge or evergreen shrubs and understory trees.
- (c) **Amateur Radio Antennae.** Amateur radio antennae are permitted if the following standards are met:
 - (1) Height, setbacks, and screening for the antenna structure shall be as provided in Table 21-4-510C, *Amateur Radio Antennae*.
 - (2) Support structures that are not attached to the antenna structure are accessory structures for the purposes of this UDC.

TABLE 21-4-510C AMATEUR RADIO ANTENNAE				
Lot Area	Max. Height	Min. Front Setback	Min. Street Side Setback	Min. Side and Rear Setback
more than 2 ac.	120 ft.	100 ft.; or, alternatively, 20 ft. behind back wall of principal building	Height of antenna	Greater of required building setback or 70 ft.
more than 8,000 sf., up to 2 ac.	72 ft.	72 ft.; or alternatively, 15 ft. behind back wall of principal building	Height of antenna	Greater of required building setback or 25 ft.
8,000 sf. or less	40 ft.	Same as required for principal building		

Sec. 21-4-511. - Renewable Energy

- (a) **Generally.** Renewable energy systems include solar collectors (photovoltaic arrays or water heaters), geothermal heating and cooling systems, and small wind energy conversion systems. They do not include the manufacture of renewable combustible fuels (*e.g.*, ethanol or biodiesel).
- (b) **Photovoltaic Arrays.** Photovoltaic arrays convert sunlight into electricity. The following standards apply to photovoltaic arrays:
 - (1) *Roof-Mounts.* Photovoltaic arrays may be roof-mounted on principal and accessory buildings and structures (*e.g.*, covered walkways or covered parking spaces) in all residential districts.

- (2) *Ground-Mounts or Structure-Mounts.* Ground or structure-mounted photovoltaic arrays (not mounted on buildings or roofed structures) shall be set back as if they were detached accessory buildings if the highest point on the panels is more than eight feet above grade.
- (c) **Geothermal Heating and Cooling Systems.** Geothermal heating and cooling systems use buried pipes to exchange heat with the ground, cooling buildings in the summer and warming them in the winter. Closed loop systems (horizontal and vertical loop systems) are permitted, provided that the loops are set back two feet from property lines and do not encroach into utility easements.
- (d) **Small Wind Energy Conversion Systems.**

Sec. 21-4-512. - Unattended Collection Boxes

- (a) **Generally.** Unattended collection boxes may be located in parking and loading areas of nonresidential uses, according to the standards of this Section.
- (b) **Location.**
 - (1) Unattended collection boxes shall be set back at least five feet from front property lines.
 - (2) Unattended collection boxes shall not obstruct parking or vehicular circulation.
- (c) **Construction.** Unattended collection boxes shall be constructed of waterproof and rustproof materials, and shall be secured against animals and scavenging.
- (d) **Maintenance.** Materials that are deposited in unattended collection boxes shall be collected on a regular schedule that is sufficient to prevent the boxes from overflowing.

Division 4-6. - Wireless Telecommunications Facilities

Sec. 21-4-601. - Purpose and Applicability of Division

- (a) **Purpose.** The unique and diverse landscapes of the City are among its most valuable assets. Protecting these assets requires that wireless telecommunications facilities and related equipment be designed and sited in a manner that is sensitive to, and in scale and harmony with, the character of the community. As such, the purpose of this Division is to provide design standards specific to wireless telecommunications facilities in order to ensure their compatibility with the surrounding environment and existing and anticipated development patterns.
- (b) **Intent.**
 - (1) These regulations are intended to provide predictable, consistent, and balanced standards for the siting and screening of wireless telecommunications facilities and related equipment on private property within the City, in order to:

- a. Preserve the character and aesthetics of areas that are in close proximity to wireless telecommunications facilities and related equipment by minimizing the visual, aesthetic, and safety impacts of such facilities and equipment through careful design, siting, screening, and placement;
 - b. Protect the health, safety, and welfare of persons living, recreating, or working in the area surrounding wireless telecommunications facilities and related equipment, as they relate to the placement, construction, or modification of such facilities;
 - c. Provide development that is compatible in appearance with allowed uses of the underlying zone;
 - d. Ensure that the City does not unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services;
 - e. Encourage co-location and clustering of antenna sites and structures, when practical, to help reduce the number of such facilities that may be required in the future to service the needs of customers, and thus avert unnecessary proliferation of facilities and related equipment; and
 - f. Ensure the timely processing of applications for insubstantial changes to existing wireless telecommunications facilities (See Section 21-8-521 for approval procedures).
- (2) It is not the intent of these regulations to regulate the placement, construction, or modification of wireless telecommunications facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's regulations concerning such emissions.
- (c) **Applicability.**
 - (1) This Division applies to wireless telecommunications facilities and related equipment related to cellular telephone, paging, enhanced specialized mobile radio ("ESMR"), personal communication services ("PCS"), commercial mobile radio service ("CMRS"), and other commercial wireless telecommunication devices, including facilities and equipment that are affixed to the ground or buildings, and all associated structures and equipment such as transmitters, antennas, monopole antennas, towers, masts, microwave dishes, cabinets, and equipment rooms.
 - (2) This Division does not apply to facilities that are regulated by Section 21-4-510, *Satellite Dishes and Antennae*.
- (d) **Conditions and Limitations.** Approval by the City of a wireless telecommunications facility or related equipment application is an approval of the land use only, and shall not be construed to waive any other applicable zoning or building regulations.

Sec. 21-4-602. - Site Selection Standards

- (a) Wireless telecommunications facilities shall, in accordance with the requirements of this UDC, be located in the following order of preference:
 - (1) First, the facilities shall be co-located with existing or approved wireless telecommunications facilities (“co-location priority”); or installed on existing approved structures that are (or will be) principally used for other purposes (*e.g.*, buildings, flagpoles, church steeples, cupolas, ball field lights, water towers, etc.) (“multiple-use facility priority”);
 - (2) Second, in locations where existing topography, vegetation, buildings or other structures provide the greatest amount of screening; and
 - (3) Last, on vacant ground or highly visible sites without significant visual mitigation and where screening or buffering is difficult.
- (b) The co-location priority and multiple-use facility priority locations (collectively, “first priority locations”) may be waived by the Administrator or other decision making authority upon a showing that:
 - (1) Federal or state regulations prohibit the installation of the wireless telecommunications facility in the first priority locations;
 - (2) The proposed wireless telecommunications facility would interfere with the current uses of the first priority locations;
 - (3) The proposed wireless telecommunications facility, if installed in the first priority locations, would materially interfere with surrounding property or uses;
 - (4) The owners of the first priority locations will not agree to reasonable terms;
 - (5) No available first priority location is appropriate for the proposed wireless telecommunications facility due to its physical characteristics or capacity to provide the desired service from the first priority locations; or
 - (6) Installation of the proposed wireless telecommunications facility in the first priority locations is not in the best interest of the public health, safety or welfare.

Sec. 21-4-603. - Telecommunications Towers

- (a) **Location and Form.**
 - (1) *Prohibited Locations.* Towers are not allowed in the following locations:
 - a. Residential zones, and any location within 100 feet of a residential zone boundary.
 - b. The CBD zone.
 - c. The area within 200 feet of the centerline of Highway 160.
 - d. The area within 200 feet of the centerline of Highway 285 South.

- e. The area bounded by the railroad tracks, Highway 285 South, and Highway 160.
- f. The area within 200 feet of the centerline of Highway 17.

(2) *Prohibited Forms.* Guyed mast towers are prohibited.

- (b) **Maximum Height.** The maximum tower height by zone is set out in Table 21-4-603B, *Maximum Tower Height by Zone*.

TABLE 21-4-603B MAXIMUM TOWER HEIGHT BY ZONE							
Standard	Zone						
	Residential Zones	MU	CB	I	CBD	CA	A
Maximum Height	Not Allowed	100 ft.	100 ft.	100 ft.	Not Allowed	100 ft.	150 ft.

- (c) **Design for Concealment.** New telecommunications towers shall be designed insofar as practicable to conceal their presence or intended use. Design plans shall call out all design or location elements that tend to conceal the presence or intended use of the tower (e.g., limitation of height to tree line, color or material specifications, “stealth” features such as artificial tree limbs, or other contextual or physical features).
- (d) **Design for Co-location.** New telecommunications towers shall be designed to provide for co-location of other wireless telecommunications facilities or equipment by structurally “overbuilding” in order to handle the loading demands of additional antennas.
- (e) **Co-location of Additional Facilities.** Facilities that are proposed for co-location on an existing tower shall not reduce the effectiveness of any concealment techniques that applied to the existing tower when it was constructed.

Sec. 21-4-604. - Multiple-Use Facilities

- (a) **Generally.** All wireless telecommunications facilities (including co-located facilities) that are mounted on multiple-use facilities, and related equipment (whether installed on the roof or on the ground), shall be concealed from view from adjacent and nearby public rights-of-way and property (whether public or private) by paint color selection and either:
- (1) Camouflage (e.g., the facility appears to be an integrated part of the architecture of the building or the function of the structure, such that its presence is not obvious); or
 - (2) Physical barriers such as:
 - a. Parapet walls, screen walls, or architectural or structural elements (e.g., steeples, cupolas, belfries, chimneys, towers, turrets,) that are compatible with the building or structure’s design in terms of color, materials, or texture; or
 - b. Fencing, landscaping or berming that is compatible with the site’s overall design.
- (b) **Height.**

- (1) The maximum height of building-mounted wireless telecommunications facilities that are located on a rooftop is:
 - a. Antennae: 5 ft. above the highest portion of the roof; or
 - b. Whip antennae: 10 ft. above the highest portion of the roof.
- (2) The maximum height of building-mounted wireless telecommunications facilities that are located on a building wall, or of structure-mounted (e.g., flagpoles, light poles, water towers, and comparable structures) wireless telecommunications facilities, is:
 - a. The top of the parapet for a building with a flat-roofed system; or
 - b. The eave line above the equipment for a building with a sloped-roof system; or
 - c. The top of the structure.
- (c) **Setbacks and Step-backs.**
 - (1) Building-mounted antennae and related equipment shall be set back the same distances that are required for principal buildings.
 - (2) Roof-mounted antennae shall be stepped back from the parapet wall one foot for each foot in height between the roof surface and the top of the antenna.

Sec. 21-4-605. - Lighting and Signage

- (a) **Generally.** In addition to other applicable sections of the City code regulating signage or outdoor lighting, the standards of this Section apply to wireless telecommunications facilities and related equipment.
- (b) **Lighting.** Telecommunications towers and tower-mounted wireless telecommunications facilities and related equipment shall not be illuminated, unless such illumination is required by state or federal regulations. Wireless telecommunications facilities (except towers and tower-mounted facilities), including accessory buildings and equipment, may be illuminated as provided in Division 5-4, *Lighting*.
- (c) **Signage.** The display of any sign other than as required by law as to public safety warnings, licenses, certifications, or other required seals on any wireless communications facility or related equipment is prohibited. Emergency contact telephone numbers shall be posted:
 - (1) On each wireless telecommunications facility; or
 - (2) In the case of tower-mounted facilities, at the base of the tower or on each gate if the tower is enclosed by a security fence.
- (d) **Access.**
 - (1) Access to and from wireless telecommunications facilities and related equipment shall comply with all applicable building code requirements.

- (2) No wireless telecommunications facility shall be located in a required parking, maneuvering, or vehicle or pedestrian circulation area such that it interferes with or in any way impairs the intent or functionality of the area for such parking or circulation.
- (3) Wireless telecommunications facilities shall be secured from access by the general public, but access for emergency services must be provided. Access roads shall be capable of supporting all potential emergency response vehicles and equipment.
- (4) Any easements required for ingress and egress and for electrical and telephone shall be recorded at the county clerk and recorder's office prior to the issuance of building permits.

Sec. 21-4-606. - Maintenance, Abandonment, and Removal

- (a) **Maintenance.** All towers, antennas, related facilities and equipment, and the subject property shall be maintained in a safe and clean condition in accordance with project approvals and building codes. The operator or property owner shall be responsible for maintaining the subject property and its improvements free from graffiti, debris, and litter. All towers, antennas and related facilities shall be subject to periodic inspection by the City to ensure continuing compliance with all conditions of approval and requirements of this section.
- (b) **Abandonment and Removal.** All required approvals shall be in effect only so long as the antennas and other structures are operated on the subject property. Facilities that are not in use for 180 consecutive days for personal wireless services purposes shall be considered abandoned and shall be removed by the facility owner within 45 days of the 180th consecutive day of non-use. Following removal, the subject property shall be restored to the condition it was in prior to the installation or construction of the facility. Such removal shall be carried out in accordance with applicable health and safety requirements.

Division 4-7. - Signs

Sec. 21-4-701. - Applicability, Exemptions, and Permit Exceptions

- (a) **Generally.**
 - (1) The provisions of this Division apply to the display, construction, installation, erection, alteration, use, location, maintenance, and removal of all signs within the City that are not specifically exempt from such application.
 - (2) No sign shall be displayed, constructed, installed, erected, or altered within the City until the City has issued a sign permit, unless the sign is exempt from this Division, partially exempt from this Division, or the sign (or modification) qualifies for an exception to the permit requirement.
- (b) **Exemptions.** This Division does not apply to:

- (1) Signs of any type that are installed or posted (or required to be installed or posted) by the Federal government, the State of Colorado, Alamosa County, the City, or the School District (collectively, "GOVERNMENTAL ENTITIES"), on property owned or controlled by the Governmental Entity. Such signs include but are not limited to street signs and permanent traffic control devices, temporary signs that are used in conjunction with traffic control, and other signs that said entities display, require, or license to be displayed upon property that they own or control.
 - (2) Decorations that are clearly incidental, customary, and commonly associated with a holiday.
- (c) **Partial Exemptions.** The following signs are subject only to Section 21-4-703, *Design Characteristics*, and shall not require a sign permit:
- (1) Signs that are required by applicable building codes (*e.g.*, address numbers) or health and safety regulations (*e.g.*, the Occupational Safety and Health Act ("OSHA")); or to comply with other laws or regulations (collectively, "REQUIRED SIGNS").
 - (2) Signs that are not visible from any of the following areas due to the configuration of the building(s) or structure(s) or the topography of the site upon which the signs are located:
 - a. Residential lots;
 - b. Abutting property not under common ownership; or
 - c. Public rights of way.
 - (3) Signs that are not legible from abutting property or rights-of-way due to the configuration of the building(s) or structure(s) or the topography of the subject property or the orientation or setback or typeface of the sign, provided that the sign area is not more than 32 square feet.
 - (4) Signs that are applied to or painted on a utility cabinet or pedestal, provided that:
 - a. The cabinet or pedestal is in use for its principal purpose as a utility cabinet or pedestal and the sign does not interfere with such use;
 - b. The cabinet or pedestal is not larger than four feet in horizontal dimension and five feet in vertical dimension; and
 - c. The owner of the utility cabinet or pedestal consents to the installation of the sign.
 - (5) Historic signs.
 - (6) Flags that are hung from not more than three rigid, straight, building-mounted or ground-mounted flagpoles per 100 feet of property frontage or fraction thereof, provided that:
 - a. No more than three flags are flown from any one flagpole;

- b. No flag obstructs pedestrian, bicycle, or vehicular traffic, or a required sight triangle; and
 - c. No flag exceeds 32 square feet in area.
- (7) Small Signs.
 - a. Signs that are affixed to a building or structure, that do not exceed one square foot in sign area, provided that only one such sign is present on each elevation that is visible from public rights-of-way or neighboring property; and
 - b. Signs that are less than one square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets.
- (8) Temporary signs.
- (d) **Exceptions to Permit Requirement.**
 - (1) *Maintenance of or Incidental Changes to Existing Signs.* No permit is required for routine sign maintenance, painting, replacing a panel in a cabinet sign (except that the installation of a new manual changeable copy message center or electronic message center does require a permit), or replacing light sources with lighting of comparable brightness.
 - (2) *Signs that Do Not Require Permits.* Section 21-4-702, *Types of Signs Permitted*, lists some signs that may be displayed without a sign permit. However, such signs are subject to all applicable provisions of this Division:
- (e) **Relationship to Other Regulations.**
 - (1) In addition to the regulations set out in this Division, signs may also be subject to applicable State laws and regulations (e.g., State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, as may be amended from time to time), Federal laws and regulations, and applicable adopted building and electrical codes. Exceptions to the sign permit requirement do not constitute exemptions to other applicable codes or permit requirements.
 - (2) Where any provision of this Division covers the same subject matter as other regulations of the City, the more specific regulation shall control the more general one, unless the City determines that the more restrictive regulation is facially content-based or otherwise clearly unenforceable as a matter of law.
 - (3) Where any provision of this Division covers the same subject matter as other regulations of the State of Colorado or the United States, the applicant is advised that nothing in this Chapter shall be construed as a defense to a violation of applicable state or federal law except as may be provided in the state or federal law.

Sec. 21-4-702. - Types of Signs Permitted

- (a) **Generally.** The types of signs that are allowed in the various zones of the City are specified in Table 21-4-702A, *Permitted Signs by Type, Characteristics, and Zoning District*.

TABLE 21-4-702A PERMITTED SIGNS BY TYPE, CHARACTERISTICS, AND ZONING DISTRICT							
Key: P = Allowed without sign permit; S = Allowed with sign permit; N = Not allowed							
Sign Type Sign Area Placement	Zones						
	Residential	Mixed-Use or Nonresidential					
	EN, RE, RL, RM, RH	MU	CB	I	CBD	CA	A
Attached to Buildings							
Canopy	N-N ¹	N-S ¹	S	S	S	S	N
Max. Sign Area	-	50% of vertical surface area of awning or 50% of fascia of canopy					
Placement Standards	-	- Allowed on valence of awning or on fascia of canopy; - Awning or canopy must shelter door, window, outdoor activity area, or outdoor seating area; 8 ft. min. vertical clearance is required					
Marquee	N-N	N-S	S	N	S	S	N
Max. Sign Area	-	70 sf.		-	70 sf.		-
Placement Standards	-	1 per building, above principal entrance 8 ft. min. vertical clearance - Not allowed if projecting sign or v sign is on same elevation		-	1 per building, above principal entrance 8 ft. min. vertical clearance - Not allowed if projecting sign or v sign is on same elevation		-
Projecting	N-N	N-S	S	S	S	S	N
Max. Sign Area	-	40 sf.					
Placement Standards	-	1 per street-facing building elevation 8 ft. min. vertical clearance is required - Not allowed if marquee sign or v sign is on same elevation					
Roof	N-N	N-S	S	N	S	S	N
Max. Sign Area	-	50 sf.		-	50 sf.		-
Placement Standards	-	1 per building - Not to exceed lesser of 8 ft. above roof or maximum building height - Not allowed if integral roof sign is present		-	1 per building - Not to exceed lesser of 8 ft. above roof or maximum building height - Not allowed if integral roof sign is present		-
Roof, Integral	N-N	N-S	S	N	S	S	N
Max. Sign Area	-	25% of vertical surface of roof structure		-	25% of vertical surface of roof structure		-
Placement Standards	-	Not allowed if roof sign is present		-	Not allowed if roof sign is present		-
Suspended	N-N	N-S	S	S	S	S	N
Max. Sign Area (per sign)	-	3 sf.					
Placement Standards	-	1 per building entrance 8 ft. min. vertical clearance required					

TABLE 21-4-702A PERMITTED SIGNS BY TYPE, CHARACTERISTICS, AND ZONING DISTRICT							
Key: P = Allowed without sign permit; S = Allowed with sign permit; N = Not allowed							
Sign Type Sign Area Placement	Zones						
	Residential	Mixed-Use or Nonresidential					
	EN, RE, RL, RM, RH	MU	CB	I	CBD	CA	A
Temporary	P-P	p ² -P	P	P	P	P	P
Max. Sign Area per Building (per sign/total)	4 sf. / 4 sf.	32 sf. / 96 sf.	48 sf. / 96 sf.	32 sf. / 96 sf.	16 sf. / 16 sf.	32 sf. / 96 sf.	32 sf.
Placement Standards	-	- Notwithstanding previous row, temporary signage attached to building shall not exceed 10% of wall area upon which such signs are attached - Temporary wall signs shall be securely fastened to avoid wrinkles and movement in the wind; fasteners shall be concealed					
V-sign	N-S	N-S	S	S	S	S	N
Max. Sign Area	40 sf.						-
Placement Standards	1 per street-facing building elevation 8 ft. min. vertical clearance is required - Not allowed if marquee sign or projecting sign is on same elevation						-
Wall (painted or applied)	N-S	N-S	S	S	S	S	S
Max. Total Sign Area (% wall)	5% of front walls; 100% of all other walls	10% of front walls; 100% of all other walls					5% of front walls; 100% of all other walls
Placement Standards	# of signs not limited						
Wall (cabinet or channel letter)	N-S	N-S	S	S	S	S	N
Max. Total Sign Area (sf.)	1 sf. / lf. of elevation	1.5 sf. / lf. of elevation					-
Placement Standards	# of signs not limited						
Window	P-N	p ² -P	P	P	P	P	P
Max. Sign Area (% of window)	10%	40%	50%	40%	40%	40%	10%
Placement Standards	# of signs not limited						
Freestanding							
Permanent	P-S	N-S	S	S	S	S	S
Max. Sign Height	5 ft. 8 ft. ³	8 ft.	1 ft. / 10 ft. of frontage, not to exceed 30 ft.		8 ft.	1 ft. / 10 ft. of frontage, not to exceed 30 ft.	8 ft.
Max. Sign Area	6 sf. 20 sf. ³	40 sf.	5 x height, not to exceed 80 sf.		40 sf.	5 x height, not to exceed 80 sf.	12 sf.
Min. Setbacks	5 ft. from property lines; 15 ft. from building walls						
Max. Number	1 per frontage	1 per 200 lf. of frontage, plus 1 sign per ingress and egress not to exceed 4 ft. in height and 8 sf. in area					1 per lot
Temporary	P-P	p ² -P	P	P	P	P	P
Max. Sign Height	5 ft.	4 ft.	8 ft.	8 ft.	4 ft.	8 ft.	8 ft.

TABLE 21-4-702A PERMITTED SIGNS BY TYPE, CHARACTERISTICS, AND ZONING DISTRICT							
Key: P = Allowed without sign permit; S = Allowed with sign permit; N = Not allowed							
Sign Type Sign Area Placement	Zones						
	Residential	Mixed-Use or Nonresidential					
	EN, RE, RL, RM, RH	MU	CB	I	CBD	CA	A
Max. Sign Area (per sign)	6 sf.	8 sf.	32 sf.	32 sf.	8 sf.	32 sf.	16 sf.
Min. Setbacks	2 ft. from property lines	3 ft. from property lines; all temporary signs except sidewalk signs shall be set back 10 feet from building walls					
Max. Number	1 per 5 lf. frontage	1 per building	1 per 200 lf. of frontage		1 per lot	1 per 200 lf. of frontage	
Other Standards	Temporary signs shall not block sidewalks or other areas that are intended for pedestrian or vehicular use; sidewalk signs shall leave not less than 4 feet of clear sidewalk for pedestrian circulation						
Table Note: ¹ In this column, the first letter regarding whether and how a sign is allowed applies to single-family detached, manufactured home, duplex, and townhome uses, and the second letter applies to multifamily and nonresidential uses. The standards that appear in the rows below are not applicable to lots where the sign type is not allowed. ² Single-family detached, manufactured home, duplex, and townhome uses are subject to the standards for such uses that are set out in the “Residential” zone column ³ The first number applies to single-family detached, manufactured home, duplex, townhome, and vacant land uses. The second number applies to multifamily and nonresidential uses.							

(b) **Vacant Land.**

- (1) Permanent signs shall not be installed on vacant lots or parcels unless the lots or parcels are part of an approved subdivision plat.
- (2) Temporary freestanding signs may be installed on vacant lots or parcels as follows:
 - a. A zone standards apply if the subject property is greater than 2 acres in area
 - b. CBD zone standards apply if the subject property is 2 acres or less in area.

Sec. 21-4-703. - Design Characteristics

- (a) **Prohibited Elements.** The following elements and materials shall not be incorporated as an element of any sign or sign structure, whether temporary or permanent:
- (1) Animated or moving parts, including any moving, swinging, rotating, or spinning parts or flashing, blinking, scintillating, fluctuating, or otherwise animated light, except electronic message centers, standard flags, feather flags, banners, temporary holiday displays, and clocks.
 - (2) Cardboard, card stock, or paper, except when laminated or used as a window sign.
 - (3) Motor vehicles, unless:
 - a. The vehicles are operational, and either:
 - i. Automobile dealer inventory; or
 - ii. Regularly used as motor vehicles, with current registration and tags;
 - b. The display of signage on the motor vehicle would not interfere with the immediate operation of the motor vehicle (e.g., signs that are held in place

- by an open hood or trunk are not allowed; signs that cover windows are not allowed; and signs that would fall off of the vehicle if the vehicle were in motion are not allowed); and
 - c. The motor vehicle is legally parked in a designated parking space.
- (4) Semi trailers, shipping containers, or portable storage units, unless:
- a. The trailers, containers, or portable storage units are:
 - i. Structurally sound and capable of being transported;
 - ii. Used for their primary purpose (e.g., storage, pick-up, or delivery); and
 - iii. If subject to registration, have current registration and tags; and
 - b. The display of signage is incidental to the primary purpose; and
 - c. The semi trailer, shipping container, or portable storage unit is parked or placed in a designated loading area or on a construction site in an area that is designated on an approved construction staging plan.
- (5) Stacked products (e.g., tires, soft drink cases, bagged soil or mulch).
- (6) Unshielded bare light bulbs that are larger than C9 format or brighter than 50 lumens per bulb, except that neon tubing shall not be considered a “bare light bulb” for the purposes of this standard.
- (7) Materials with a high degree of specular reflectivity, such as polished metal, installed in a manner that creates substantial glare from headlights, street lights, or sunlight. This prohibition does not include retroreflective materials that comply with the standards set forth in the Manual on Uniform Traffic Control Devices (“MUTCD”), published by the U.S. Department of Transportation, Federal Highway Administration.
- (b) **Prohibited Obstructions.** In no event shall a sign, whether temporary or permanent, obstruct the use of:
- (1) Building ingress or egress, including doors, egress windows, and fire escapes.
 - (2) Operable windows (with regard to movement only; obstruction of transparency is allowed as provided herein).
 - (3) Equipment, structures, or architectural elements that are related to public safety, building operations, or utility service (e.g., standpipes, downspouts, fire hydrants, electrical outlets, lighting, vents, valves, and meters).
 - (4) Any required vision clearance area.
- (c) **Prohibited Mounts.** No sign, whether temporary or permanent, shall be posted, installed, mounted on, fastened, or affixed to any of the following:
- (1) Any tree or shrub.
 - (2) Any utility pole or light pole, unless:

- a. The sign is a banner or flag that is not more than 10 square feet in area;
 - b. The owner of the utility pole or light pole consents to its use for the display of the banner or flag;
 - c. The banner or flag is mounted on brackets or a pole that extend not more than 30 inches from the utility pole or light pole; and
 - d. The banner or flag is either situated above an area that is not used by pedestrians or vehicles, or the bottom of the banner or flag has a sign clearance of at least eight feet.
- (3) Utility cabinets or pedestals (except signs that are applied by or with the consent of the owner of the utility cabinet or pedestal).
- (4) An exposed, unfinished metal pole that is more than six feet in height, except that this standard does not apply to flags that are flown from flagpoles.
- (d) **Prohibited Locations.** In addition to applicable setback requirements and other restrictions set out in this Division, no sign shall be located in any of the following locations:
- (1) In or over public rights-of-way (which, in addition to streets, may include other sidewalks, parkways, trails, multi-use pathways, retaining walls, utility poles, traffic calming devices, medians, and center islands that are within public rights-of-way), except:
- a. Signs painted on or affixed to transit shelters and bus benches as authorized by the provider of the shelter or bench, but not extending beyond the physical structure of the shelter or bench; or
 - b. Signs that are the subject of a revocable license agreement with the City, installed and maintained in accordance with the terms of that agreement.
 - c. Temporary yard signs, so long as they are erected and maintained in accordance with the following limitations:
 - i. Signs may only be placed on rights of way in residential zoning districts.
 - ii. Signs may only be placed on the right of way immediately adjacent to a residential lot if the owner or tenant of such lot has given permission for such placement.
 - iii. Signs may only be in place during the period of time between September 1 and November 15 in any given year.
 - iv. The top of the sign must be less than three feet from ground level.
 - v. Signs must be a minimum of 18 inches behind the back of the curb, and 12 inches from the edge of any sidewalk.
 - vi. Signs may not be larger than 10 square feet.

- (2) Within 12 inches from building corners, cornice or eave lines, or ground planes, or within six inches of doors, windows, downspouts, or dimensional architectural details, except that a sign located within a sign band that is 18 inches or less in height may extend to within two inches of the border of the sign band.
- (e) **Illumination.** Internal and external illumination of permanent signs is allowed in all nonresidential and mixed-use zones, and for multifamily and nonresidential uses in residential zones, as follows:
 - (1) All illumination shall comply with the standards set out in Division 5-4, *Lighting*.
 - (2) External lights, electrical equipment, and wiring shall be concealed from view.
 - (3) Flashing, blinking, or chasing lights are not allowed.
 - (4) Lighted signs in residential zones shall be turned off by 10:00 p.m.
- (f) **Electronic Message Centers.** Electronic message centers are allowed on freestanding permanent signs in the CB and CBD zones, as follows:
 - (1) Electronic message centers are subject to the requirements of Division 5-4, *Lighting*.
 - (2) Electronic message centers shall appear to be integrated into a permanent freestanding sign, and shall not comprise more than 35 percent of the sign area of sign to which they are attached.
 - (3) Not more than one electronic message center is allowed per subject property.
 - (4) Electronic message centers are not allowed if a changeable copy panel is present on the subject property.
 - (5) Electronic message centers that are both visible from, and located within 100 feet from, a residential zone shall be turned off by 10:00 p.m.
- (g) **Changeable Copy.** Changeable copy panels are allowed as a component of freestanding permanent signs in the CB zone and on lots that contain nonresidential uses in residential zones, as follows:
 - (1) Changeable copy panels shall not exceed 35 percent of the sign area of the freestanding permanent sign, and shall be located beneath the permanent sign elements.
 - (2) Changeable copy panels shall be secured and protected against weather.

Sec. 21-4-704. - Content

- (a) **Generally.** Except as provided in this Section, no sign shall be approved or disapproved based on the message it displays.
- (b) **Prohibition on Certain Types of Unprotected Speech.** The following content is prohibited without reference to the viewpoint of the individual speaker:
 - (1) Text or graphics of an indecent or immoral nature that is harmful to minors under state or federal law;

- (2) Text or graphics that advertise unlawful transactions, except as provided in Subsection (c) of this Section;
 - (3) Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats; or
 - (4) Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words “Stop,” “Yield,” “Caution,” or “Danger,” or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
- (c) **Commercial Speech Related to Marijuana.** Federal law prohibits the advertising and sale of marijuana. Colorado law specifically allows the advertising and sale of marijuana, subject to comprehensive state regulation. As of the effective date of this UDC, the U.S. Department of Justice has indicated that it will use prosecutorial discretion to (in general) not enforce federal marijuana laws in states that have legalized marijuana under state law and enacted comprehensive regulations for the marijuana industry. Accordingly, if the City permits marijuana uses, the City will allow a limited exception to Subsection (b)(2) of this Section for the signs of marijuana businesses, provided that the businesses are licensed and operated in compliance with applicable state statutes and regulations. The exception created by this Subsection does not create a defense to the enforcement of federal law, nor shall the City be liable for any damages of any type caused by the enforcement of federal law. If the federal policy regarding prosecutorial discretion officially changes such that federal marijuana prohibitions are enforced in Colorado, then the limited exception created by this Section shall automatically terminate, and signs advertising marijuana shall be considered prohibited signs.
- (d) **Severability.** The narrow classifications of content that are prohibited by this Section are either not protected by the United States or Colorado Constitutions, or are offered limited protection that is outweighed by the substantial and compelling governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each Subsection of this Section (e.g., Subsections (b)(1), (b)(2), (b)(3), (b)(4) or Subsection (c)) be individually severable in the event that a court holds one or more of them to be inconsistent with the United States or Colorado Constitutions.

Division 4-8. - Design Standards

Sec. 21-4-801. - Purpose and Application of Division

- (a) **Generally.** The design standards set out in this Division are intended to be applied to certain types of development or within certain areas of the City. Each section of this Division includes an applicability statement that describes the type of development or the geographic area (or both) to which the standards of the section apply. With the exception of the alternative design standards that may be created by Section 21-4-802, *Alternative Design Standards*, the standards of this Division are applied administratively.

- (b) **Alternative Design Standards.** The City Council may allow the use of alternative design standards instead of otherwise applicable design standards from this Division, as set out in Sec. 21-4-802, *Alternative Design Standards*.

Sec. 21-4-802. - Alternative Design Standards

The design standards set out in this Division are not necessarily the only techniques by which the objective of quality design and development may be achieved. They are intended as minimum standards which, if met, will create the character and quality that the City expects from new large-scale retail sales and services uses. Alternative methods for achieving the objectives of this Division may be approved if, due to innovative design, the use of natural features or screening, intensive landscaping, or other techniques, it is demonstrated that the design objectives are achieved and that the level of design as expressed in these standards is either met or exceeded.

Sec. 21-4-803. - Large-Scale Retail (“Big Box”) Design Standards

- (a) **Applicability.** The standards of this Section apply to all new development or redevelopment that has all of the following characteristics:
- (1) The development is located in the CB or MU zone;
 - (2) The development is principally intended for retail sales and services (type 1 or type 2), heavy retail, business services, personal services, liquor stores, or restaurant uses; and
 - (3) The development includes more than 25,000 square feet of floor area within a single building, even if the building is divided into multiple tenant spaces.
- (b) **Architectural Standards.**
- (1) *Building Articulation and Detailing.*
 - a. Street-facing and parking lot-facing building elevations that are more than 100 feet wide shall be articulated in order to mitigate the appearance of building mass and to provide visual interest, as follows:
 - i. Wall plane projections or recesses that are offset at least three feet for a distance of at least five feet shall be included on the building elevation.
 - ii. The cumulative total width of the required offsets shall not be less than 20 percent of the width of the building elevation.
 - b. Street-facing and parking lot-facing building elevations shall have no rectangular area of “blank wall” that is taller than 15 feet or wider than 40 feet.
 - c. Building elevations that include principal public entrances shall include arcades, display windows, entry areas, awnings, or other comparable features in the area within 10 feet above ground level along not less than:
 - i. 40 percent of their horizontal width in the CB zone; or

- ii. 60 percent of their horizontal width in the MU zone.
- d. The features that are required by subsection (b)(1)c., above, must be integral parts of the building's architecture, and not appear as superficially applied trim, graphics, or paint.

(2) *Vertical Articulation and Roof Structures.*

- a. Variations in apparent building height shall be used to break up building scale (*e.g.*, tower elements, varying roof heights, or varying parapet height).
- b. Where sloped roof systems are used:
 - i. Roof pitch shall be not less than four feet of vertical rise for every twelve feet of horizontal run (4:12 pitch) and not more than 12 feet of vertical rise for every 12 feet of horizontal run (12:12 pitch).
 - ii. The roof system shall have a compound form.
- c. Where flat roof systems are used:
 - i. Parapets shall conceal the roof system and any rooftop equipment (such as HVAC units) from street-level public view.
 - ii. Parapet height, on average, shall not exceed 15 percent of the height of the supporting wall, and shall not at any point exceed one-third of the height of the supporting wall.
 - iii. Parapets shall include three-dimensional cornice treatment.

(3) *Cladding Materials.*

- a. The following shall not be used as primary cladding materials:
 - i. Smooth-faced concrete block;
 - ii. Tilt-up concrete panels;
 - iii. Vinyl siding;
 - iv. Corrugated, "R-panel," "U-panel," or standing-seam metal panels; or
 - v. Exterior insulation finishing systems ("EIFS").
- b. The following are permitted as primary cladding materials:
 - i. Brick or thin brick;
 - ii. Sandstone or other native stone;
 - iii. Tinted textured or split face concrete masonry units;
 - iv. Pre-finished structural or architectural insulated metal panel systems; or
 - v. Stucco.
- c. The Administrator may allow additional materials that are not prohibited by subsection (b)(3)a. to be used as primary cladding materials if it is demonstrated that they are of comparable quality, durability, and appearance to the materials that are listed in subsection (b)(3)b.

- (4) *Colors.*
 - a. Principal building colors shall be low reflectance, subtle, neutral, or earth tones. High-intensity colors, primary colors, metallic colors, black, or fluorescent colors are not allowed.
 - b. Building trim and accent areas may be painted or finished with brighter colors (including primary colors).
 - (5) *Accent Lighting.* Neon tubing (or comparable lighting systems), whether shielded or not, shall not be used to highlight building trim or accent areas.
- (c) **Building Access.**
- (1) *CB Zone.* In the CB zone:
 - a. Primary public entrances shall be located on the elevation of the building that is closest in distance to the majority of off-street parking spaces. If that elevation is more than 100 feet wide, it shall include at least two public entrances.
 - b. If there is only one primary public entrance to the building, it shall be located near the center of the building, or in a location that tends to optimize the accessibility of the entrance from the parking lot.
 - c. If there are multiple public entrances, they shall be distributed in a manner that tends to optimize accessibility to the building from the parking lot.
 - d. Parking areas shall be designed to provide routes for safe pedestrian access from sidewalks on adjoining rights-of-way to the primary public entrances.
 - (2) *MU Zone.* In the MU zone:
 - a. Primary public entrances shall be located on a street-facing elevation. Access shall also be provided from elevations that face parking lots that serve the use, if those elevations are not street-facing.
 - b. Parking areas shall be designed to provide routes for safe pedestrian access to the primary public entrances.
- (d) **Additional Setbacks.**
- (1) *CB Zone.* In the CB zone, buildings shall be set back not less than 35 feet from all property lines.
 - (2) *MU Zone.* In the MU zone, buildings shall be set back not less than 35 feet from zone boundaries, unless the zone boundary is a street, in which case standard front or street side setbacks apply.
- (e) **Sidewalks.** Sidewalks of at least six feet in width shall be provided along all adjoining public streets, and shall be connected to routes that provide safe access to the building.

Sec. 21-4-804. - Downtown Design Standards.

- (a) **Purpose and Intent.** The purpose of the downtown design standards is to promote the long-term economic prosperity of Downtown Alamosa as a vital, pedestrian-friendly urban center for government, culture, office, finance, tourism, specialty shopping, dining, and entertainment. These standards are intended to promote:
- (1) Safe and convenient pedestrian circulation,
 - (2) Complementary new development and redevelopment that respects the existing character and historic qualities of Downtown Alamosa;
 - (3) Adaptive re-use of existing historic buildings; and
 - (4) Coordinated design to sustain and further encourage a cohesive downtown core.
- (b) **Applicability.** This Section applies to all development (hereafter referred to as “renovations/development”) within the CBD zone that affects the exterior of properties that are visible from public ways, including alterations, renovations or additions to and replacement of existing buildings, new construction, the erection of a sign, or that involves site disturbance.
- (c) **Building Setbacks and Frontage.** Buildings shall reinforce the traditional building alignment found on the same block. Such alignments vary within the downtown, as follows:
- (1) Buildings that are located on the following street segments shall be built to the front property line along 100 percent of the street frontage (except at recessed building entries or upper-story step-backs):
 - a. 400 through 700 blocks of Main Street; and
 - b. 300 through 500 blocks of State Avenue.
 - (2) Where buildings are built to the front property line as required by subsection (c)(1), above, recessed building entrances shall be provided for principal public entrances to ground floor uses. Such recessed building entrances are allowed elsewhere in the CBD zone if historically used in the immediate area.
 - (3) In areas of the CBD zone not specifically described in subsection (c)(1), above, buildings shall be constructed to the established building line.
- (d) **Building Mass, Form, and Orientation.** New development, redevelopment, and additions to existing buildings shall be consistent with the traditional mass, scale, orientation, fenestration, and architectural character of the existing buildings in the CBD zone within the immediate area (except buildings with single-family form), as follows:
- (1) Building forms shall be comparable to those seen traditionally on the same block. Simple rectangular solids are typically appropriate.

- (2) Building widths shall appear to be similar to those found historically on the same or adjacent blocks. Buildings that are wider than the traditional pattern shall be designed to appear as a series of individual buildings that fit into the traditional pattern (for buildings that are located on corners, this standard applies only to the primary street frontage).
- (3) Facade proportions shall reinforce those present on historic buildings that are visible from the subject property and the street in front of the subject property, as follows:
 - a. The ratio of the width to height of the building shall appear to be maintained with respect to renovations to existing buildings, such that:
 - i. Expansions of building that extend the building elevation more than 10 feet in horizontal width shall be designed so that addition to the building appears to be a separate building.
 - ii. Expansions of the building that add a floor to the building shall be designed so that the vertical addition is stepped back from all vertical building planes along street frontages not less than one foot for each additional foot in height that the addition adds to the building.
 - b. All renovation and development construction shall maintain the original proportions of the facades and storefront openings, including the spacing of storefront bays to one another, in a manner that is consistent with the historic buildings within the downtown.
 - c. The facades of buildings shall include architectural treatments and details that are commonly used on traditional or historic storefronts in Alamosa. Such treatments and details include parapets or cornices, sign bands, upper-story windows, awnings, display windows, and kickplates below display windows. New buildings may utilize contemporary interpretations of traditional or historic treatments and details.
- (4) No area of blank wall shall be larger than 20 feet wide or 12 feet high.
- (5) Roof forms shall be consistent with those of existing and traditional buildings that are visible from the subject property and the street in front of the subject property.
- (6) The standards of this Subsection (d) shall not apply to modifications of single-family detached residential building forms, unless the applicant proposes to change the essential form of the building to a commercial building form. If a single-family detached building form is maintained, the building and roof forms and proportions shall be comparable to the existing building or comparably-aged residential buildings within a one-quarter mile radius. For example, large expanses of glass, such as oversized display windows, or false building fronts are inappropriate on single-family detached residential building forms that are used for commercial purposes.

(e) **Building Materials.**

- (1) On existing buildings, historical cladding materials shall be maintained, repaired, or replaced in-kind wherever feasible. For example, a brick facade shall generally be maintained, repaired, or replaced with brick, and not stucco or other material.
- (2) New construction shall use exterior cladding materials that are consistent with traditional or historic downtown buildings in terms of texture, color, scale, durability, and quality. Such materials may include brick, stone, historically appropriate ornamental pressed metal, wood, and stucco.
- (3) Exterior renovations to existing buildings shall utilize cladding materials that are consistent with the historic materials original to the structure.
- (4) The following shall not be used as primary cladding materials:
 - a. Smooth-faced concrete block;
 - b. Tilt-up concrete panels;
 - c. Vinyl siding;
 - d. Corrugated, "R-panel," "U-panel," or standing-seam metal panels; or
 - e. Exterior insulation finishing systems ("EIFS").

(f) **Building Access.** If a subject property is located on a corner lot within the CBD zone, it shall provide access at the corner or along both the primary street and the side (or "secondary") street. Display windows or outdoor seating areas may be provided along the side or secondary street in lieu of (or in addition to) building access in that location.

(g) **Off-Street Parking.**

- (1) Where parking is provided on-site and in conjunction with a building, all parking shall be located at the rear or to one side of the building. To the maximum extent feasible, ingress and egress to parking lots shall be from an alley.
- (2) Parking that is located to the side of the building shall be buffered from the public sidewalk (except at points of vehicular ingress and egress) with a three-foot high masonry wall that includes a "seat wall" component that is between 18 and 20 inches high (including the cap) and at least 12 inches in depth (at the cap). If the parking lot is accessed from the street, the wall shall be set back three feet from the public sidewalk.
- (3) Parking structures shall be integrated with the architectural character of surrounding buildings.
 - a. To the maximum extent practicable, where parking structures front on streets, retail and other uses along ground floor frontage should be provided to minimize interruptions in pedestrian interest and variety.
 - b. Where such uses are not practicable, parking structures shall be designed so that the use of the building for parking is not obvious (except at points of vehicular ingress and egress) from the building's architecture and finishes.

(h) **Pedestrian Amenities and Streetscape.**

- (1) Street-facing yards, if larger than 10 feet in depth and 500 square feet in area and not used for parking, shall be landscaped with:
 - a. One tree per 1,000 square feet (dropping fractions); and
 - b. Shrubs, perennials, bulbs, a seeded or sodded lawn, hardscaped (e.g., brick pavers) plazas, fountains, sculptures, or xeriscaping.
- (2) Sidewalks shall be provided in all areas of Downtown Alamosa. Sidewalks shall be constructed in such a way as to maintain continuity and historical character of the street.
- (3) Pedestrian-scaled streetscape elements that create visual interest at the sidewalk edge, such as awnings, canopies, planters, seating, and displays may be allowed to encroach upon the portion of the right-of-way used for a sidewalk, subject to a revocable license executed by the City and the owner of the subject property.

Sec. 21-4-805. - Manufactured Home Park and Manufactured Home Subdivision Design Standards

- (a) **Generally.** Manufactured homes may only be placed in manufactured home parks or manufactured home subdivisions. Mobile homes are not permitted anywhere within the City of Alamosa. Manufactured home parks and manufactured home subdivisions shall be designed according to the minimum standards of this Section.

(b) **Manufactured Home Installation.**

- (1) All manufactured homes shall meet the following installation specifications:
 - a. The average elevation of a manufactured home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four feet from the top of the foundation pad.
 - b. The wheels, axles, tongue, towing apparatus, and transporting lights shall be removed prior to final installation of the manufactured home.
- (2) Within manufactured home subdivisions, the space between the finished grade of the property on which a manufactured home is located and the exterior edges of the finished floor of the unit must be skirted with rock, brick, or concrete masonry construction installed on a concrete footing so there is not a visible gap between the finished floor and the ground. All skirting materials shall be compatible in appearance with the home and shall allow for adequate ventilation and drainage. The skirting must be a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the manufactured home and totally screens the crawlspace under the manufactured home.

(c) **Vehicular Circulation and Configuration of Internal Streets.**

- (1) Manufactured home parks and manufactured home subdivisions that are designed to accommodate more than 20 manufactured homes shall be designed with a minimum of two points of vehicular ingress and egress.
 - (2) Generally, internal streets must be interconnected or looped. However, where site constraints required a dead-end, a cul-de-sac turnaround shall be provided with a minimum radius that will provide an appropriate turnaround for service and emergency vehicles.
 - (3) Access to all manufactured home lots (or spaces) shall be from interior streets.
- (d) **Perimeter Setbacks.** There shall be a minimum setback of 20 feet from any portion of a manufactured home or accessory structure to any exterior boundary of the manufactured home park or manufactured home subdivision.
- (e) **Pedestrian Circulation.** An internal circulation system of sidewalks, trails, or multi-use pathways shall be installed within the manufactured home park or manufactured home subdivision to provide for safe and convenient pedestrian access and circulation.
- (f) **Lighting.** All interior streets and sidewalks shall be lighted for safe movement of vehicles and pedestrians at night. Such lights shall be shielded to prevent glare on adjacent properties and external streets, and to avoid sky glow.
- (g) **Individual Storage Buildings.** One detached storage building is permitted on each manufactured home lot or space, for use by the resident of that lot or space. All such storage buildings shall be located in the rear one-half of the lot or space.
- (h) **Community Storage Areas.** A manufactured home park or manufactured home subdivision may also include outdoor storage areas for use by all residents for large items such as recreational vehicles, boats, trailers, or commercial vehicles. Such storage areas must be set back not less than 50 feet from the boundaries of the manufactured home park or manufactured home subdivision, and must be completely screened from off-site views. Such storage areas shall not be used for the storage or disposal of junk.
- (i) **Fences and Accessory Structures.** Fences and dog runs are allowed upon lots or spaces that are used for individual manufactured homes, provided that fences are located behind the front building line of the manufactured home and dog runs are located in the back yard.
- (j) **Accommodation of Tiny Homes or Occupied Recreational Vehicles.** A manufactured home park may include areas for tiny homes or recreational vehicles ("RVs"), as follows:
- (1) Such areas shall not exceed 15 percent of the total area of the manufactured home park.
 - (2) The period of occupancy of RVs shall not exceed 30 consecutive days. The period of occupancy of building code-compliant tiny homes is not limited.
 - (3) In areas designated for RVs, the following additional minimum design standards shall be met:

- a. The minimum area designated for each RV space shall be not less than 3,500 square feet, with a minimum width and frontage of 35 feet.
 - b. The minimum depth of each RV space shall be 100 feet.
 - c. All RVs parked in a manufactured home park shall be in good repair. Motorized camper vehicles shall have a valid motor vehicle inspection sticker.
- (k) **Buffers.** Manufactured home parks and manufactured home subdivisions shall be screened from adjacent streets with a Class B bufferyard, and screened from adjacent properties with not less than a Class C bufferyard.

Article V. - Site Design Standards

Division 5-1. - Site Design, Circulation, and Connectivity

Sec. 21-5-101. - Purpose and Application

- (a) **Generally.** Review pursuant to this Division is intended to ensure quality design, but, in general, not to require a density or intensity reduction. It is the policy of the City that the principles of this Division be applied to the maximum extent possible without imposing restrictions that reduce the density or intensity of development that is permitted on the subject property by this UDC.
- (b) **Modifications to Plans.** The City may require modifications to proposed site plans or subdivision plats that otherwise conform to the standards of the UDC in order to enhance the quality of the design in accordance with the qualitative principles of this Division. The standards of this Division shall be applied and interpreted in the context of the other applicable standards that are set out in other parts of this UDC.

Sec. 21-5-102. - General Site Design Principles

- (a) **Generally.** Sites should be planned and developed to provide functional and desirable settings for the buildings that are to be constructed, to mitigate impacts on adjacent properties, and to enhance connectivity to other areas of the City for motor vehicles, pedestrians, and bicyclists, as provided in this Section.
- (b) **Compatibility.** The proposed site plan or subdivision plat shall be designed in a way that:
 - (1) Provides appropriate space for buffers and transitions between incompatible land uses or obvious changes in density or intensity along side or rear boundaries of the subject property;
 - (2) In areas where such uses are located or planned in close proximity to each other, provides appropriate linkages between residential uses and retail, restaurant, personal service, entertainment, and office uses, providing access while protecting neighborhood integrity;
 - (3) Protects downstream property and public infrastructure from flooding, erosion, or sedimentation from stormwater runoff;
 - (4) Appropriately addresses natural hazards, if present;
 - (5) Anticipates and provides for future connections to neighboring properties that are likely to be developed, redeveloped, or expanded with similar or supportive land uses within ten years;
 - (6) Minimizes interference with existing access to adjacent and nearby properties, unless new and improved access is provided by the proposed development;
 - (7) Protects significant natural features or views where possible; and

- (8) Does not materially reduce the level of service of public services or utilities that are provided to surrounding development.
- (c) **Future Adjacent Development.** The proposed development shall be designed in a way that shows how future development of adjacent parcels under common ownership (if any) will relate to the subject property in terms of transportation linkages, utilities, and drainage.
- (d) **Flood Damage Prevention.** Development within a special flood hazard area is restricted as provided in Chapter 8, *Flood Damage Prevention*, City of Alamosa Municipal Code.

Sec. 21-5-103. - Circulation and Connectivity

- (a) **Internal Circulation.**
 - (1) Internal circulation systems shall be interconnected.
 - (2) Pedestrian routes shall be located along (or visible from) all streets, except that, where street connections are not feasible or the Administrator determines that they are undesirable, off-street trails and paths may be used instead to provide pedestrian connections among buildings and land uses, and between abutting properties.
 - (3) If proposed development includes more than one street or more than 100 parking spaces, then the internal circulation system (*e.g.*, new streets, sidewalks, or trails) shall be designed such that alternative travel routes are provided through the development.
- (b) **Access.** For multifamily, nonresidential, and vertically mixed-use development, the following access standards apply:
 - (1) Access to off-street parking lots or parking structures shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic ingress and egress, and maximum safety for pedestrians and vehicular traffic on the site.
 - (2) The number of access points shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated.
 - (3) Access points shall not be more than 24 feet in width unless the City Engineer determines that a wider access is necessary (*e.g.*, for tractor-trailers or additional access lanes) and shall be clearly and permanently marked and defined.
 - (4) If there are multiple access points on the same frontage of a subject property, such access points shall be separated not less than 64 feet, measured centerline to centerline. For every foot that the lot frontage exceeds 100 feet, the minimum required separation shall be increased by one foot. The minimum spacing requirement shall not be greater than 200 feet (except where required by CDOT on a State Highway), although spacing wider than 200 feet is allowed if proposed.
 - (5) In the case of a corner lot, access points shall be located not closer than 30 feet to the intersecting street flowlines.

- (6) Access points shall not be located closer than 15 feet to an interior side lot line, except that a common access to two adjoining properties may be provided at the shared lot line.
- (c) **Cross Access / External Connections.**
 - (1) Cross-access shall be provided among nonresidential and mixed-use parcels where practicable, in order to manage curb cuts and balance the need for mobility with the need for access to lots and buildings.
 - (2) Proposed development shall connect to existing and planned streets where necessary to complete planned street networks.
 - (3) Paths, sidewalks, and trails shall not be routed through parking lots (except to make connections to buildings) if other practical alternatives exist. Where paths, sidewalks, or trails must be routed through parking lots, they shall be located between parking modules and protected by curbs.

Sec. 21-5-104. - On-Site Snow Storage

- (a) **Generally.** Adequate areas for snow storage shall be provided for all development that includes streets or on-site parking.
- (b) **Location and Configuration.** Snow storage areas shall be located and configured to safely and efficiently melt snow, and to minimize and manage the impacts of pollutants from the resulting runoff, as follows:
 - (1) Snow storage areas shall be located to drain away from pedestrian and vehicular use areas, and into vegetated buffer strips or other appropriate best management practices ("BMPs"), such that water quality is improved and off-site drainage impacts are mitigated.
 - (2) Snow storage areas shall be configured so that stored snow does not obstruct any of the following:
 - a. Sight triangles at driveways and intersections;
 - b. Emergency access routes;
 - c. Required parking spaces;
 - d. Pedestrian routes; and
 - e. Drain inlets.
 - (3) To the greatest extent feasible, snow storage areas shall be located in areas with solar exposure, away from streets, sidewalks, and trails.

Sec. 21-5-105. - Street, Alley, and Pedestrian Way Design

- (a) **Generally.** Streets shall be designed in accordance with the standards of this Section.

(b) **Street Plans.** Streets shall be located and configured to implement adopted plans of the City that show the general location and classification of new streets, and new arterial and collector streets shall align with existing streets of the same classification. The exact location and classification of new streets will be determined during the development review process.

(c) **Right-of-Way Dimensions.**

(1) Street, alley, and pedestrian way right-of-way widths and curves shall meet the standards of Table 21-5-105C, *Right-of-Way Specifications*, unless otherwise approved by the Planning Commission upon a demonstration that an alternative right-of-way width will:

- a. Provide for appropriate levels of multimodal use that meets City level of service standards and provides for safe travel during all seasons;
- b. Reduce costs to the City for routine and periodic maintenance;
- c. Include appropriate connections to existing streets; and
- d. Improve the character of the area served by the street.

TABLE 21-5-105C RIGHT-OF-WAY SPECIFICATIONS		
Classification	Right-of-way width (ft.)	Minimum centerline curve radius (ft.)
Local	60	100
Collector	60	300
Minor arterial	80	300
Marginal access	40	100
Alley	20	100
Pedestrian way	10	N/A

- (2) Principal arterial streets shall conform to state highway standards.
- (3) Minimum grade shall be determined by the City Engineer.
- (4) Maximum grade through intersections shall be four percent. The maximum grade shall extend a minimum of 50 feet each direction from the centerline of the intersecting streets.
- (5) Pedestrian ways, not less than 10 feet wide, may be required to provide access to schools, playgrounds, shopping centers, open space areas, or other community facilities.
- (6) Sidewalks that are at least four feet in width shall be provided along all sides of a lot that abut a public street or way. Sidewalks shall be constructed within the street right-of-way, parallel to the street, unless:
 - a. A different configuration of the pedestrian circulation system is desirable in order to preserve topographical or natural features, or to provide visual interest;

- b. It is demonstrated that the alternative pedestrian circulation system will provide safe and convenient circulation; and
 - c. The applicant provides for the perpetual maintenance of the alternative pedestrian circulation system through a homeowners' association, special district, or appropriate easements that allocate maintenance responsibilities.
- (d) **Alleys.** Paved alleys that are open at both ends shall be provided in commercial and industrial areas, unless the Administrator determines that other appropriate provisions (other than an alley) are made for service access.
- (e) **Fire Lanes.** Fire lanes shall be required where necessary to protect the subject property and adjoining properties during the period of development and when developed, and an easement to such effect shall be dedicated to the City. The easement shall be 16 feet in width, remain free of obstructions, and provide access at all times.
- (f) **Integration.**
 - (1) Except where interruptions of the street network are necessary due to significant features such as ditches, railroads, parks, or limited access roadways, new streets shall integrate into the existing street pattern so as to:
 - a. Address the new development's access and circulation needs;
 - b. Provide a pattern of streets that facilitates mobility and provides a choice of routes and travel modes, in that existing and planned streets (including streets that are shown on pending applications for development approval on adjacent property) are continued in a similar alignment on the subject property and at a comparable right-of-way and pavement width, except where:
 - i. There is a demonstrated need to change the street cross-section in order to improve the safety of the traveling public, or to provide on-street parking in areas where it is appropriate;
 - ii. The right-of-way or pavement section of the existing street is substandard; or
 - iii. The continuation would create incompatibility or materially concentrate through-traffic in residential neighborhoods.
 - (2) When a tract is subdivided into larger than normal building lot(s) or parcel(s), such lot(s) or parcel(s) shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

- (3) Where the subject property is adjacent to land that is likely to be developed or redeveloped in the future, streets, bicycle paths, sidewalks, trails, and access ways in the development's proposed transportation system shall continue through to the boundary lines of the subject property to provide for the orderly subdivision and development of the adjoining land, or the transportation and access needs of the City.
- (g) **Intersections.** Streets shall intersect as nearly at right angles as possible.
- (h) **Cul-de-sacs.** Cul-de-sacs are allowed where necessary due to site constraints such as topography, site dimensions, or the presence of ditches or railroads; however, no cul-de-sac shall be longer than 600 feet from the point of connection to the street to the middle of the cul-de-sac end, and the turnaround right-of-way diameter shall be at least 100 feet. Surface drainage of the cul-de-sac shall be toward the intersecting street, or if such drainage is not possible, a drainage easement must be provided through the cul-de-sac.
- (i) **Offsets.** Street jogs are not allowed on arterial streets, and may be allowed on collector streets only if it is demonstrated that the physical conditions of the subject property require the offset, and the design will not compromise public safety. Streets with centerline offsets of less than 150 feet will not be accepted.
- (j) **Interim Turnarounds.** Where a street will eventually be extended beyond the boundaries of the subject property, but is temporarily dead-ended, an interim turnaround (e.g., a hammerhead or cul-de-sac with a 90-foot diameter) may be required.
- (k) **Half-Streets.** Half streets are not allowed.
- (l) **Reserve Strips.** Reserve strips in private ownership that purport to control access to streets are prohibited. Reserve strips that are dedicated to the City are allowed.
- (m) **Natural Resources.** New streets shall be located with appropriate regard for topography, vegetation, waterways, ditches, open spaces, and comparable resources that are environmentally sensitive, legally protected, or potential amenities.
- (n) **Engineering Specifications.** New streets shall have such dimensions, curbs, gutters, sidewalks, and pavements as may be required by City engineering specifications promulgated by the Public Works Director, and rights-of-way shall be sufficient to accommodate underground utility lines.

Sec. 21-5-106. - Blocks

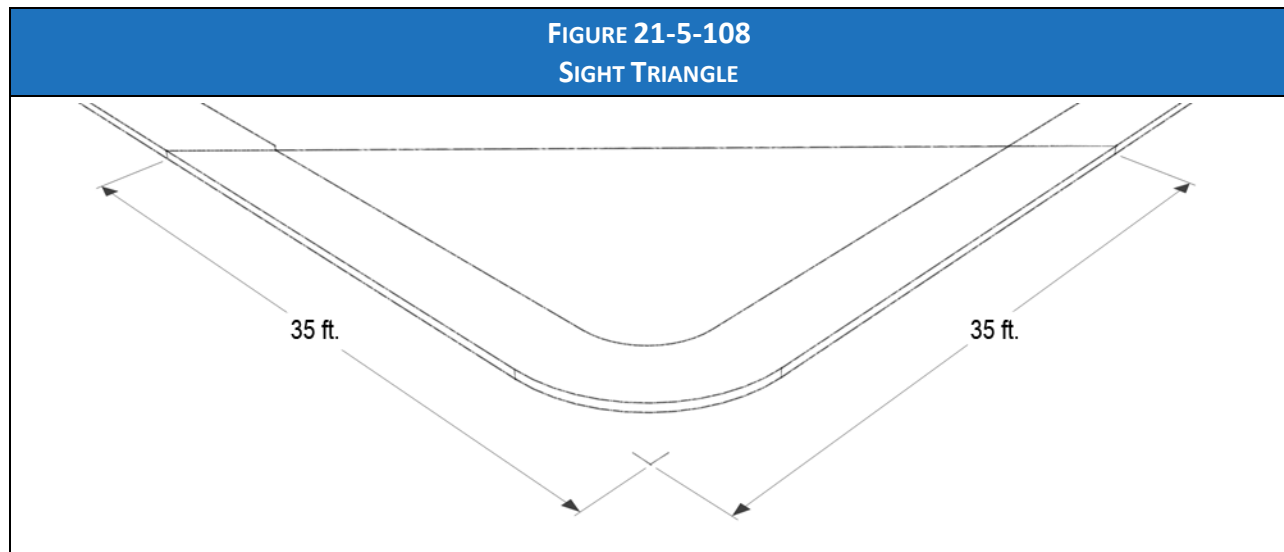
- (a) **Generally.** Block lengths and widths shall be suitable for the uses or lot sizes that are contemplated, and shall be adequate for requirements pertaining to minimum lot areas, dimensions, and setbacks.
- (b) **Block Length.** Blocks shall be at least 400 feet and not more than 1,320 feet in length unless adjacent to a railroad right-of-way, park, arterial street, natural area, ditch, or similar feature that makes street intersections impractical.

Sec. 21-5-107. - Lots

- (a) **Size and Shape.** Lots shall meet all applicable zoning requirements.
- (b) **Floodplains.** New lots shall not be created that include portions of the floodplain unless a reasonable building envelope exists on a portion of the lot that is outside of the floodplain.
- (c) **Access.** All lots shall take access from a public street. Single-family detached, duplex, townhome, and multiplex lots shall take access only from local streets, or from alleys or parking courts that are connected to local streets.
- (d) **Lot Frontage.** The minimum lot frontage shall be the least of:
 - (1) The minimum lot width required by this UDC for the particular lot type;
 - (2) 50 feet for lots that do not front on a cul-de-sac; or
 - (3) 35 for lots that front on a cul-de-sac.
- (e) **Double-Frontage Lots.** Double-frontage lots shall be prohibited except:
 - (1) Where essential to provide separation from arterial streets or state highways; or
 - (2) Where lots that span an existing block are assembled for nonresidential or mixed-use development.

Sec. 21-5-108. - Sight Triangles

No building, fence, wall, sign, hedge, shrub, planting, tree, or other sight obstruction between two and one-half feet and eight feet above the elevation of the crown of the street shall be located within the triangular area formed by the edge of the surface of the street or curb line and a line connecting them at points 35 feet from their point of intersection. See Figure 21-5-108, *Sight Triangle*.



Division 5-2. - Parking and Loading

Sec. 21-5-201. - Purpose and Application of Division

- (a) **Purpose.** The purpose of this Division is to ensure that:
- (1) Adequate off-street motor vehicle parking is provided for uses that are approved pursuant to this UDC, in order to:
 - a. Promote economic development; and
 - b. Protect the character and quality of life in residential neighborhoods that may be impacted by overflow parking;
 - (2) The utilization of parking resources may be optimized based on shared parking programs that allow for the utilization of a parking lot or structure by different uses that have different peak demands for parking, and based on the “internal trip capture” of areas of the City such as the MU, CBD, and CA Zones;
 - (3) Appropriate parking areas and accessible routes will be provided for persons with disabilities when parking lots or structures are developed, expanded, or reconfigured;
 - (4) Adequate loading areas and (where appropriate) stacking areas are provided that do not interfere with the function of adjoining streets or 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 Division, such that investments in upgrades to real property are promoted.
- (b) **Application.**

- (1) *Number of Required Parking and Loading Spaces.*
 - a. Section 21-5-202, *Calculation of Required Parking Spaces*, establishes the methodology for calculating the number of required parking spaces, including measurement of independent variables and application of available credits and reductions.
 - b. Section 21-5-203, *Parking Tables*, sets out the number of required parking spaces for each land use set out in the use tables, based on the parking district in which the use is located.
 - c. Section 21-5-204, *Required Accessible Parking Spaces*, sets out the number of parking spaces that must be designed, located, and configured as accessible parking spaces to meet the requirements of the Americans with Disabilities Act.
 - d. Section 21-5-205, *Special Studies*, sets out the requirements for special parking studies, which are generally used to determine parking requirements for certain land uses.
 - e. Section 21-5-206, *Credit for On-Street Parking*, allows an allocation of on-street parking spaces within a development to the individual land uses in the development.
 - f. Section 21-5-207, *Shared Parking*, sets out the methodology for calculating the number of required parking spaces in locations where different types of uses create different peak parking demands on a particular parking area.
 - g. Section 21-5-208, *Remote Parking*, sets out standards for the provision of parking on a property that is off-site from the subject property.
 - (2) *Parking, Loading, and Stacking Design.*
 - a. Section 21-5-209, *Parking Lot Design Standards*, sets out requirements for parking lot design, including the minimum dimensions for parking spaces and drive aisles.
 - b. Section 21-5-210, *Parking Space Markings, Traffic Control Devices, and Parking Stops*, sets out the standards for how parking spaces must be delineated, and cross-references standards for traffic control devices.
 - c. Section 21-5-211, *Required Truck Loading Areas*, sets out standards for the design of truck loading areas.
 - d. Section 21-5-212, *Vehicle Stacking Requirements*, sets out standards for stacking lanes for drive-through uses.
 - (3) *Construction, Operation, and Maintenance.* Section 21-5-213, *Construction, Operation, and Maintenance*, sets out standards for the construction, operation, and maintenance of parking lots.
- (c) **Relationship to Certificate of Occupancy.**

- (1) Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the building inspector.
- (2) The building inspector may grant an extension of time for completion of parking if:
 - a. The parking space is not required for immediate use;
 - b. The applicant executes an improvements agreement for the parking spaces and provides appropriate security in the form of a letter of credit or cash deposit equaling 125 percent of the cost to complete the improvements as estimated by a professional engineer and approved by the building inspector; and
 - c. The improvements agreement provides that in event the parking spaces are not constructed within one year after the date of extension, the City may apply the security to complete the parking spaces.

Sec. 21-5-202. - Calculation of Required Parking Spaces

- (a) **Generally.** Section 21-5-203, *Parking Tables*, sets out the number of parking spaces that are required for each land use that is listed in Division 2-2, *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) *Floor Area.* Where the independent variable is square feet ("sf."), the number of parking spaces is based on the number of square feet occupied by the use (or occupied by a component of the use that is specified in the table).
 - (2) *Dwelling Unit.* Where the independent variable is a dwelling unit ("U"), the number of parking spaces is calculated based on the number of dwelling units. In some cases, the parking requirements are based on the number of bedrooms (per "#" BRU) in each dwelling unit.
 - (3) *Bed.* Where the independent variable is "bed," the number of parking spaces is based on the number of beds in the facility instead of the number of bedrooms or some other measure. Per-bed calculations are typically applied to uses that offer residential care or overnight accommodations with shared rooms.
 - (4) *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.
 - (5) *Seat / Seat Design Capacity.* If the independent variable is "seat," the number of parking spaces is based on the number of seats that are provided to guests (patrons, members, etc.). If the independent variable is "seat design capacity," the number of parking spaces is based on the maximum seating capacity of the use as established by applicable fire code.

- (6) **Maximum Capacity.** If the independent variable is “maximum capacity,” the number of parking spaces is based on the lesser of:
- The maximum number of people who may occupy the use pursuant to applicable fire code; or
 - The maximum number of people who may occupy the use pursuant to other applicable regulatory or operational standards.
- (7) **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 to the nearest whole number using standard rounding techniques.
- (d) **Parking Reductions.** Generally, the total number of required parking spaces is equal to the sum of the required parking for each use of a subject property. However, parking requirements may be reduced according to the methodology of Section 21-5-207, *Shared Parking*.

Sec. 21-5-203. - Parking Tables

- (a) **Generally.** Parking requirements for individual land uses shall be as set out in this Section.
- (b) **Residential and Special Residential Parking Standards.** The Residential and Special Residential Land Use parking standards are set out in Table 21-5-203B, *Residential and Special Residential Parking Standards*.

TABLE 21-5-203B RESIDENTIAL AND SPECIAL RESIDENTIAL PARKING STANDARDS	
Land Use	Parking Standard
Residential Uses	
Single-family detached (all types)	2 sp. / U
Duplex or twin house	2 sp. / U
Townhouse or rowhouse	2 sp. / U
Multiplex or multifamily	1.5 sp. / studio or 1 BRU; 2 sp. / 2 BRU; 3 sp. / 3+ BRU
Manufactured home	2 sp. / U + 1 sp. / 10 U visitor parking in manufactured home park or manufactured home subdivision
Cottage clusters or co-housing clusters	1 sp. / tiny home; 2 sp. / cottage
Live-work	3 sp. / U
Special Residential Uses	
Assisted living or congregate care	2 sp. / 3 U
Boarding or rooming house	2 sp. + 1 sp. / guest room
Convalescent center, Alzheimer’s care, memory care, nursing home	1 sp. / 4 beds
Group home	1 sp. / 3 occupants at maximum capacity
Sheltered care facility	1 sp. / 2 beds

- (c) **Civic, Education, and Health Care Parking Standards.** The civic, education, and health care parking standards are set out in Table 21-5-203C, *Civic, Education, and Health Care Parking Standards*.

TABLE 21-5-203C CIVIC, EDUCATION, AND HEALTH CARE PARKING STANDARDS	
Land Use	Parking Standard
Civic	
Cemetery or Mausoleum	1 sp. / acre; but If cemetery includes internal roads and grave sites are set back 8 ft. from roads, formal parking is not required.
City Facilities	As determined by City based on facility type
Funeral Home or Crematorium	Greater of: (i) 1 sp. / 3 seats in principal assembly area; or (ii) 1 sp. / 21 sf. of principal assembly area (if no fixed seats) + 2 sp. for crematorium
Place of Assembly	greater of: 1 sp. / 3 seats in principal assembly area; or 1 sp. / 21 sf. of principal assembly area (if no fixed seats)
Protective Care	1 sp. / 2 beds
Day Care	
Adult Day Care	3 sp. / 1,000 sf.
Child Care Center, Small	1 sp. / employee
Child Care Center, Large	5 sp. / 4 employees
Family Child Care Home	Same as dwelling unit; additional parking not required for family child care home unless dwelling unit is nonconforming
Education	
School	middle, elementary or pre-school: 1 sp. / 10 students at maximum capacity); high school: 1 sp. / 2 students at maximum capacity
College or University	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Vocational School / Job Training Center	3 sp. / 2 students during peak use
Health Care	
Hospital or Emergency Room	Greater of: (i) 3 sp. / 2 beds; or (ii) 2 sp. / exam or treatment room
Medical Office or Clinic	1 sp. / 150 sf.

- (d) **General Commercial and Motor Vehicle Parking Standards.** The general commercial and motor vehicle parking standards are set out in Table 21-5-203D, *General Commercial and Motor Vehicle Parking Standards*.

TABLE 21-5-203D GENERAL COMMERCIAL AND MOTOR VEHICLE PARKING STANDARDS	
Land Use	Parking Standard
General Commercial	
Heavy Retail	1 sp. / 600 sf.
Liquor Stores	1 sp. / 250 sf.
Personal Services	1 sp. / 250 sf.
Retail Sales and Services Type 1	1 sp. / 250 sf.
Retail Sales and Services Type 2	1 sp. / 250 sf.
Professional or Business Offices	3 sp. / 1,000 sf.
Recording or Television Studio	By special study (see Sec. 21-5-205, <i>Special Studies</i>)

TABLE 21-5-203D GENERAL COMMERCIAL AND MOTOR VEHICLE PARKING STANDARDS	
Land Use	Parking Standard
Veterinary and Animal Facilities	3 sp. / 1,000 sf.
Motor Vehicle Land Uses	
Fueling/Charging Stations or Light Motor Vehicle Repairs and Services	1.5 sp. / fueling station (including station itself); 2 sp. / service bay (not including space inside bay)
Heavy Motor Vehicle Repairs and Services	3 sp. / service bay (not including space inside bay)
Motor Vehicle Wash	1 sp. / bay for self-serve wash systems; 4 sp. / conveyor for conveyor-based wash systems; areas used for hand finishing or detailing shall not be counted towards parking requirement
Motor Vehicle Parking	N/A
Motor Vehicle Sales and Rental	3 sp. / 1,000 sf. used for showroom and sales offices + 3 sp. / service bay (not including space inside bay); spaces that are used for inventory shall not be counted towards parking requirement

- (e) **Hospitality, Recreation, and Entertainment Parking Standards.** The hospitality, recreation, and entertainment parking standards are set out in Table 21-5-203E, *Hospitality, Recreation, and Entertainment Parking Standards*.

TABLE 21-5-203E HOSPITALITY, RECREATION, AND ENTERTAINMENT PARKING STANDARDS	
Land Use	Parking Standard
Hospitality	
Bar, Tavern, or Nightclub	Greater of: (i) 1 sp. / 3 seats; or (ii) 11 sp. / 1,000 sf.
Bed and Breakfast	1 sp. + 1 sp. / guest room
Campground or RV Park	1 sp. / campsite, RV space, or cabin
Hotel or Motel	1.1 sp. / guest room + 50% of required parking for accessory restaurant, retail, bar, tavern, or nightclub
Restaurant, Drive-In or Drive-Through	11 sp. / 1,000 sf.
Restaurant, Indoor	11 sp. / 1,000 sf.
Restaurant, Outdoor	11 sp. / 1,000 sf. (including outdoor areas used for dining)
Recreation and Entertainment	
Commercial Equestrian Facility	1 sp. / 4 stables
Indoor Amusement, Recreation, and Entertainment	Seated entertainment: 1 sp. / 2 fixed seats; or 1 sp. / 21 sf. of seating area (if no fixed seats); Bowling alley: 4 sp. / lane + 1 sp. / 75 sf. of dining, billiards, or arcade; All others: 1 sp. / 75 sf.
Indoor Gun Ranges	2 sp. / 3 stations
Outdoor Commercial Amusement	Batting cages: 2 sp. + 1.25 sp. / station; Go-cart racing, bumper boats, or bumper cars: 1.25 sp. per car or boat; All other: by special study (see Sec. 21-5-205, <i>Special Studies</i>)
Park	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Sexually-Oriented Business	Retail: 1 sp. / 250 sf. Entertainment: 1 sp. / 21 sf. of area accessible to patrons
Stadium or Amphitheater	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Zoo	By special study (see Sec. 21-5-205, <i>Special Studies</i>)

- (f) **Industry, Transportation, Storage, and Disposal Parking Standards.** The industry, transportation, storage, and disposal parking standards are set out in Table 21-5-203F, *Industry, Transportation, Storage, and Disposal Parking Standards*.

TABLE 21-5-203F INDUSTRY, TRANSPORTATION, STORAGE, AND DISPOSAL PARKING STANDARDS	
Land Use	
Industry	
Heavy Industry	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Light Industry	2 sp. / 1,000 sf.
Marijuana Testing Facility	3 sp. / 1,000 sf.
Resource Extraction, Minerals	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Resource Extraction, Oil and Gas	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Transportation	
Airport	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Heavy Logistics	1 sp. / 5,000 sf.
Helistop	4 sp. / helistop pad
Storage	
Outdoor Storage Yard	4 sp. / acre, but not less than 2 sp.
Self-Storage	2 sp. + 1 sp. / 10,000 sf.
Disposal	
Salvage or Junk Yard	4 sp. / acre, but not less than 6 sp.
Transfer Station	By special study (see Sec. 21-5-205, <i>Special Studies</i>)

- (g) **Utility and Communications Parking Standards.** The utility and communications parking standards are set out in Table 21-5-203G, *Utility and Communications Parking Standards*.

TABLE 21-5-203G UTILITY AND COMMUNICATIONS PARKING STANDARDS	
Land Use	
Utilities	
Major Utility Facilities (110+ kV Power Lines)	N/A
Communications	
Wireless Telecommunications Facilities	N/A
Telecommunications Towers	1 sp. (formal marking and paving are not required)

- (h) **Agricultural Parking Standards.** The agricultural parking standards are set out in Table 21-5-203H, *Agricultural Parking Standards*.

TABLE 21-5-203H AGRICULTURAL PARKING STANDARDS	
Land Use	
Agricultural or Commercial Crop Production	N/A
Community Garden	1 sp. / 1 st 20 plots + 1 sp. / 10 plots thereafter
Keeping and Pasturing of Livestock	N/A

TABLE 21-5-203H AGRICULTURAL PARKING STANDARDS	
Land Use	
Wholesale Nursery or Greenhouse	1 sp. / acre of nursery + 1 sp. / 10,000 sf. of greenhouse

Sec. 21-5-204. - Required Accessible Parking Spaces

- (a) **Generally.** Parking spaces that are accessible to persons with disabilities (“ACCESSIBLE PARKING SPACES”) shall be provided as set out in this Section. Such spaces shall be counted toward the total number of spaces that are provided for the purposes of compliance Section 21-5-203, *Parking Tables*, after applicable reductions.
- (b) **Number of Required Spaces.** Accessible parking spaces shall be provided as set out in Table 21-5-204B, *Number of Accessible Parking Spaces*, or as required by the most current revision of the ADA Standards for Accessible Design, Section 208 (as may be amended or re-titled from time to time), whichever requires more parking spaces for disabled persons.

TABLE 21-5-204B NUMBER OF ACCESSIBLE PARKING SPACES		
Number of Parking Spaces Required by this Division	Number of Accessible Spaces	Number of Spaces that Must be Van Accessible
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2 percent of total number of parking spaces	1 out of 8 accessible parking spaces, rounded up
1,001 and over	20, plus 1 for each 100 parking spaces in excess of 1,000 parking spaces	1 out of 8 accessible parking spaces, rounded up

Sec. 21-5-205. - Special Studies

- (a) **Generally.**
- (1) Some of the uses that are listed in the tables set out in Section 21-5-203, *Parking Tables*, have nonlinear or widely varying parking demand characteristics. Accordingly, their parking requirements are listed in the tables as “special study.” Required parking for these uses shall be established according to the standards of this Section.
 - (2) Special studies may also be submitted to support a request to reduce the number of required parking spaces to less than that set out in Section 21-5-203, *Parking Tables*, due to the nature of the operations or specific location of a proposed use. Such special studies shall include and support all requested reductions in parking.

(b) **Special Study Requirements.**

- (1) A special study shall be conducted by a qualified transportation planner or traffic engineer at the Applicant's expense. The Administrator shall be responsible for determining whether the qualifications of any proposed transportation planner or traffic engineer are acceptable to the City for this purpose.
- (2) The special study shall provide:
 - a. A peak parking analysis of at least three functionally comparable uses.
 - b. 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.

(c) **Approval of Special Study.**

- (1) The City 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.
- (2) As a condition of approval of a special study, the City may require that land be reserved or land-banked for additional parking if there is a demonstrably high probability that:
 - a. The variability of the parking study may result in a materially higher parking demand than anticipated;
 - b. The use of the improvements on the subject property could change, resulting in a materially higher demand for parking.

Sec. 21-5-206. - Credit for On-Street Parking

In mixed-use developments that provide new on-street parking along internal streets, the on-street parking may be credited to particular uses. The number of parking spaces to be credited equals ($S_a \times P$), where:

S_a = the buildable area of the subject property divided by the developed and buildable area of the mixed-use development in which it is located; and

P = the total parking that is available on-street in the mixed-use development.

Sec. 21-5-207. - Shared Parking

- (a) **Generally.** In locations where a mix of uses allows for synergy with respect to the utilization of parking spaces due to differences in the timing of peak parking demand, the City may reduce the minimum required number of parking spaces according to the provisions of this Section.
- (b) **Shared Parking Table.** Shared parking allows a reduction in the total number of required parking spaces when a subject property is occupied by two or more uses that generally do not have peak parking demands at the same time. When any land or building is used for two or more categories of uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:
- (1) Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals, by the appropriate percentage listed in Table 21-5-207B1, *Shared Parking Table*, for each of the designated time periods.
 - (2) Calculate a sum for all uses for each of the five time periods (each of the columns). The minimum parking requirement is the highest of these sums, plus any reserved spaces that were excluded from the calculation in the first step. Figure 21-5-207B2, *Illustrative Shared Parking Credit Calculation*, provides an example of how to use Table 21-5-207B1, *Shared Parking Table*, to calculate required parking.

TABLE 21-5-207B1 SHARED PARKING TABLE					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail / Commercial	5%	70%	90%	100%	70%
Commercial Lodging	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

FIGURE 21-5-207B2 ILLUSTRATIVE SHARED PARKING CREDIT CALCULATION					
EXAMPLE: A mixed-use building has 4 two-bedroom apartments, 5,000 square feet of office space, and 5,000 square feet of retail space. Individually, these uses would separately require 43 parking spaces ((4 du. x 2 sp. / unit) + (5,000 sf. x (3 sp. / 1,000 sf.)) + (5,000 sf. x (1 sp. / 250 sf.)) = 43). However, combined, they could share 34 parking spaces, as shown in the calculation below.					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential (8 spaces)	100% x 8 = 8	60% x 8 = 4.8 ¹	90% x 8 = 7.2	80% x 8 = 6.4	90% x 8 = 7.2

FIGURE 21-5-207B2 ILLUSTRATIVE SHARED PARKING CREDIT CALCULATION					
EXAMPLE: A mixed-use building has 4 two-bedroom apartments, 5,000 square feet of office space, and 5,000 square feet of retail space. Individually, these uses would separately require 43 parking spaces ((4 du. x 2 sp. / unit) + (5,000 sf. x (3 sp. / 1,000 sf.)) + (5,000 sf. x (1 sp. / 250 sf.)) = 43). However, combined, they could share 34 parking spaces, as shown in the calculation below.					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Office (15 spaces)	5% x 15 = 1	100% x 15 = 15	10% x 15 = 1.5	10% x 15 = 1.5	5% x 15 = 0.8
Retail / Commercial (20 spaces)	5% x 20 = 1	70% x 20 = 14	90% x 20 = 18	100% x 20 = 20	70% x 20 = 14
Commercial Lodging	80% x 0 = 0	80% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Restaurant	10% x 0 = 0	50% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Gaming and Entertainment	10% x 0 = 0	40% x 0 = 0	100% x 0 = 0	80% x 0 = 0	100% x 0 = 0
All Others	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0
COLUMN TOTALS	10	34^{1,2}	27	30	22
TABLE NOTES: ¹ Round to the nearest 1/10 th space for each individual calculation, then apply standard rounding to the column total (in this case, round 33.8 to 34). ² The largest number, 34, is the number of parking spaces that are required. In this example, the number of required parking spaces is reduced by 21 percent due to the optimization of the peak use periods in the parking lot.					

(c) **Special Shared Parking Study.**

- (1) In the alternative to the methodology in Table 21-5-207B1, *Shared Parking Table*, an Applicant may submit a shared parking study to demonstrate that the parking that is required to serve a certain mix of uses is less than the sum of the parking requirements for each individual use.
- (2) The special study shall be conducted by a qualified transportation planner or traffic engineer at the Applicant's expense (the Administrator shall be responsible for determining whether the qualifications of any proposed transportation planner or traffic engineer are acceptable to the City for this purpose), and shall:
 - a. Review peak parking demand periods for the proposed uses during a 24-hour weekday and each weekend day, and shall propose a required number of parking spaces based on the combined peak hour demand for parking.
 - b. Provide data on the following:
 - i. The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.
 - ii. Similar mixes of uses in other areas of the region or comparable cities in other regions.
 - iii. Degree of variability of parking for individual uses (average, range, and standard deviation).

- (3) The City may require a reserved open area if it finds that the risk of parking needs changing over time so warrants. Once the project is occupied and well-established, if there is a surplus of parking, the Applicant may petition for additional development capacity and parking using the reserved area.
- (d) **Shared Parking Among Lots Under Different Ownership.** A shared parking reduction may be applied to uses on several properties that are under different ownership, provided that long-term maintenance of the arrangement is assured by:
 - (1) An approved parking plan that provides for interconnected parking lots and a pedestrian circulation system that connects the various uses and parking areas, such that it is convenient to move among the various uses; and
 - (2) Recorded access and parking easements, approved as to form by the City Attorney, that provide, at a minimum, for:
 - a. Cross-access among the parking areas and connections that allow for parking by any of the different uses anywhere among the parking areas;
 - b. Allocation of maintenance responsibilities;
 - c. A right of enforcement by the City; and
 - d. A requirement for City consent in order to terminate the easements.

Sec. 21-5-208. - Remote Parking

- (a) **Generally.** In the CA, MU, and CBD zones, remote parking may be provided in lieu of on-site off street parking, pursuant to the standards of this Section. Remote parking is not allowed for residential uses unless they are located within a CA Zone and the purpose of the campus is academic.
- (b) **Location of Remote Parking.**
 - (1) The remote parking must be in a zone that allows surface parking as a principal use.
 - (2) The distance from the nearest wall of the building to be served by remote parking and the nearest boundary of the remote parking lot shall not exceed 300 ft.
 - (3) No street that is higher order than a collector shall separate the subject property from the remote parking.
- (c) **Parking Plan Required.**
 - (1) All applicants that propose remote parking shall provide a parking plan that addresses the following:
 - a. The location of the parking area and the distance between it and the subject property;
 - b. The path of safe pedestrian travel (*e.g.*, sidewalk, across certain streets, parking lot(s), trails) between the buildings or land uses and the remote parking facility;

- c. The total number of parking spaces that are required for the subject property;
 - d. The number of proposed remote parking spaces; and
 - e. Information on total parking demand served by the remote parking facility, including:
 - i. The location and names of all buildings, structures, or land uses for which the parking spaces are provided;
 - ii. Days and hours of operation of the uses that utilize the facility;
 - iii. Peak days and hours of operation of such uses;
 - iv. Parking calculations for each use that utilizes the facility, including the measurement of the independent variable use to calculate required parking;
 - v. Shared parking calculations, if used; and
 - vi. A loading and unloading plan for the Subject Property and the remote parking facility; and
 - f. If required by the Administrator, a study by a parking or traffic consultant to demonstrate that there is no substantial conflict (*e.g.*, materially increased risk of vehicular-pedestrian conflict or unreasonable traffic congestion) inherent in the proposed remote parking arrangement.
- (d) **Required Legal Documentation.** An executed legal agreement, in a form acceptable to the City Attorney, by and among the owners of the properties for which remote parking arrangements are proposed, shall include at a minimum the following:
- (1) The parking plan;
 - (2) A legal description of the properties to be bound;
 - (3) Allocation of responsibilities for permanent improvement and maintenance of off-site parking areas;
 - (4) Termination only if the City consents, upon demonstration by the applicant to the City that the affected uses fully comply with minimum parking requirements in the absence of the remote parking area(s) provided for in the agreement; and
 - (5) Recognition of the authority of the City to base decisions regarding development approvals for the properties that are subject to the agreement upon the remote parking provided for in the agreement, and to seek enforcement against any or all parties if the parking is not provided according to the terms of the agreement.
- (e) **Recording.** A copy of the approved parking plan and fully-executed legal agreement shall be recorded at the office of County Clerk, and shall thereafter be binding upon the applicants, their heirs, successors, and assigns. Such recordation shall thereafter limit and control the issuance of permits and certificates and the operation of all properties that are subject to the parking plan.

Sec. 21-5-209. - Parking Lot Design Standards**(a) Parking Lot Design.**

- (1) All surface parking spaces for multifamily and nonresidential uses shall be set back 10 feet from the front lot line and five feet from all other lot lines, except that parking lots on adjoining lots may be connected.
- (2) Parking spaces for live-work, multiplex, multifamily, and nonresidential uses shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

(b) Relationship to Buildings.

- (1) In the MU Zone, parking lots shall be located to the rear or sides of nonresidential, multifamily, and mixed-use buildings.
- (2) The location of parking lots in relation to buildings in other zones or for certain development types may be subject to requirements set out in Division 4-8, *Design Standards*.

(c) Standard Parking Space Dimensions. Standard parking spaces shall have the following dimensions:

- (1) Parallel parking spaces: 8 ft. stall width x 25 ft. stall length.
- (2) Surface angled parking spaces (30 to 90 degrees from centerline in the direction of travel): 9 ft. stall width x 20 ft. stall length.
- (3) Structured or enclosed angled parking spaces (30 to 90 degrees from the centerline in the direction of travel): 9 ft. stall width x 18 ft. stall length.

(d) Compact Parking Spaces. Up to five percent of required parking spaces may be “compact parking spaces.” Compact parking spaces may only be provided in angled configurations. The dimensions of a compact parking space are 8 ft. stall width x 15 ft. stall length.**(e) Accessible Parking Space Dimensions, Design, and Location.**

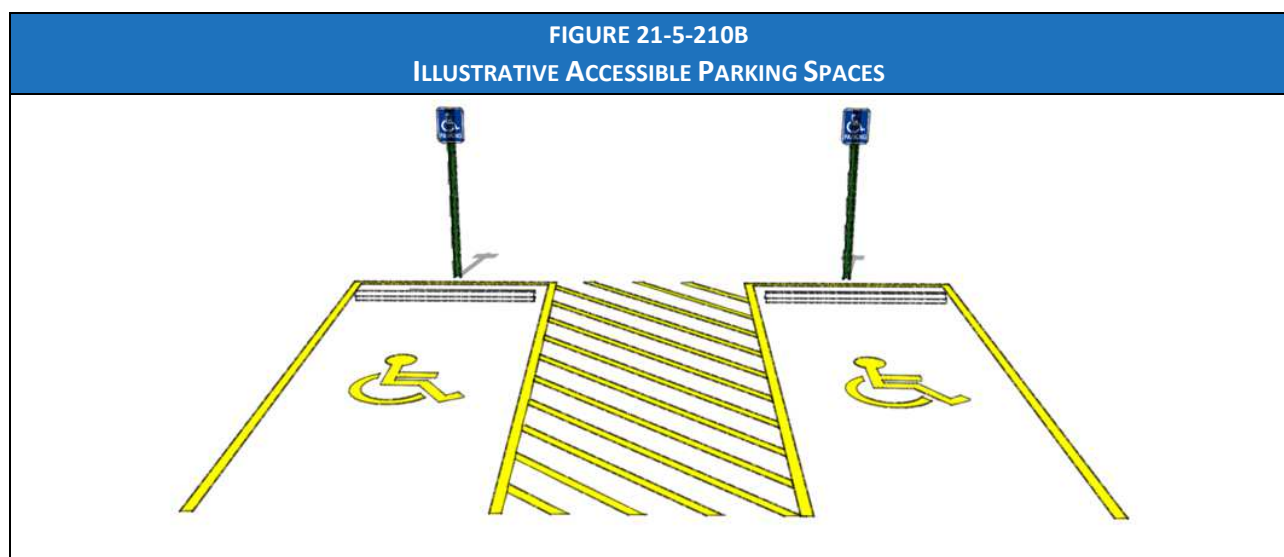
- (1) The design and location of disabled parking spaces shall be as required by the 2010 ADA Standards for Accessible Design, Section 502 (as may be amended or subsequently titled or numbered from time to time, “ADA 502”), at the time the parking space is striped;
- (2) Accessible routes to and from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

- (f) **Vertical Clearance.** A vertical clearance of not less than eight feet shall be provided over all parking spaces. 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. All parking structure entrances shall include an overhead bar to alert oversized vehicles regarding vertical clearance.
- (g) **Parking Aisle Widths.** Parking aisles shall be dimensioned as shown in Table 21-5-209G, *Minimum Parking Aisle Width*.

TABLE 21-5-209G MINIMUM PARKING AISLE WIDTH					
Measurement	Parking Space Angle (from Centerline in the Direction of Travel)				
	0° / Parallel Parking	45°	60°	75°	90°
Min. One-Way Drive Aisle Width	13 ft.	14 ft.	16 ft.	18 ft.	24 ft.
Min. Two-Way Drive Aisle Width	19 ft.	Not allowed	Not allowed	Not allowed	24 ft.

Sec. 21-5-210. - Parking Space Markings, Traffic Control Devices, and Parking Stops

- (a) **Generally.** All parking spaces shall be marked and maintained on the pavement and any directional markings or signs shall be installed and maintained as required by the approved parking plan.
- (b) **Accessible Parking Spaces.** Each accessible parking space shall be marked with a free-standing or wall mounted sign using the standard symbol that signifies the space as designed to be accessible to persons with disabilities, along with the phrase "ACCESSIBLE PARKING." In addition, the standard symbol shall be painted on the pavement within the parking space. (See Figure 21-5-210B, *Illustrative Accessible Parking Spaces*.) This requirement shall automatically change to conform to any amendments to the 2010 ADA Standards for Accessible Design (as may be amended, re-titled or renumbered from time to time) that are in effect at the time the parking space is striped.



- (c) **Traffic Control Devices.** All traffic control devices (signs, markings, and signals) shall conform to the *Manual on Uniform Traffic Control Devices (MUTCD)*, latest edition.
- (d) **Parking Stops.**
 - (1) Parking stops, curbs, or bumper rails shall be installed in all parking spaces (except parallel parking spaces) at the perimeter of the parking lot and in all ADA-accessible parking spaces (except parallel parking spaces).
 - (2) Parking stops or curbs shall be at least four inches high and set back a minimum of four feet from the sidewalk line. Bumper rails, if used, shall be set back a minimum of one foot from the sidewalk line.
 - (3) The City may require the installation of parking stops, curbs, or bumper rails in other locations if they are needed to prevent traffic from cutting across the parking lot outside of the drive aisles.

Sec. 21-5-211. - Required Truck Loading Areas

- (a) **Generally.**
 - (1) Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.
 - (2) If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
 - (3) Off-street parking areas used to fulfill the requirements of this Section shall not be used for loading and unloading operations except during off-peak parking periods.
- (b) **CBD and MU Exception.** In the CBD Zone and MU Zone, over-the-curb loading from local streets or alleys is allowed in lieu of the off-street loading requirements of this Section, provided that the loading occurs during off-peak hours and the areas that are used for loading are approved by the Public Works Director.
- (c) **Loading Space 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.
- (d) **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.

- (e) **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 loading area.
- (f) **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 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. The uses that share loading areas meet all of the following criteria:
 - i. The uses are adjacent;
 - ii. Convenient, complimentary hours are established for loading and unloading, and such hours are posted;
 - iii. The loading spaces are easily accessible and well-lit; and
 - iv. The loading areas are not located on through traffic streets, and whenever possible, are located behind one of the buildings served by the loading areas.
- (g) **Relationship to Building.**
 - (1) Except in the I Zone, loading areas shall be located behind the principal building or may be located on the side of the principal building if the loading areas are screened from front and side views by wing walls or a shed structure.
 - (2) In the I Zone, the location of loading areas in relation to buildings is not restricted.
- (h) **Design.** Off-street loading facilities shall be designed so that they do not interfere with fire exits or emergency access routes.

Sec. 21-5-212. - Vehicle Stacking Requirements

- (a) **Generally.** 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. Stacking spaces measure eight feet wide by 20 feet long and provide direct access to a service window. The position in front of a drive-through station (*e.g.*, a service window, ATM, or station at a drive-through bank) is counted as a stacking space.
- (b) **Requirements.** 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):
 - i. Four stacking spaces to each menu board (including the position at the menu board);
 - ii. Four stacking spaces between the menu board and the first window (including the position at the first window); and
 - iii. Two spaces between the first window and the second window (including the position at the second window).
 - b. If one service window is provided (for both payments and pick up):
 - i. Six stacking spaces to the menu board; and
 - ii. 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 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.
- (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 a parking bufferyard separates the stacking area from the street.
 - (3) Stacking lanes shall be designed with an adjoining eight-foot wide bypass lane.

Sec. 21-5-213. - Construction, Operation, and Maintenance

- (a) **Driving and Parking Surface.** Areas used for parking, standing, and maneuvering of vehicles shall be surfaced with asphalt or concrete or other material of comparable quality approved by the Administrator, and must be maintained adequately for all-weather use.

- (b) **Operation of Parking Lots.** Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- (c) **Operation of Loading Areas.** The long-term storage of trucks and trailers in loading spaces is prohibited. Such spaces shall be available for routine use by delivery vehicles.

Division 5-3. - Landscaping and Open Space

Sec. 21-5-301. - Purpose and Application of Division

- (a) **Generally.** This Division includes standards for three categories of landscaping:
 - (1) *General Landscaping.* General landscaping is the landscaping that is required regardless of the location of the subject property with respect to other uses.
 - (2) *Parking Lot Landscaping.* Parking lot landscaping is the landscaping within and on the boundaries of surface parking lots.
 - (3) *Bufferyard Landscaping.* Bufferyard landscaping is contextual. That is, bufferyards are required (or not) based on the zoning, development type, or right-of-way type that adjoins the subject property.
- (b) **Relationship to Open Space Ratio or Landscape Surface Ratio.** The landscaping areas that are defined in this Division are counted towards the open space ratio and landscape surface ratio of the subject property.
- (c) **Applicability of Standards; General Exceptions.**
 - (1) Except as provided in Subsection (b)(2), the standards of this Division apply to all new development, redevelopment, or substantial improvements to existing sites or buildings.
 - (2) The standards of this Division do not apply to:
 - a. Individual lots that are used for existing single-family detached or duplex dwellings.
 - b. Modifications to nonresidential buildings where the redevelopment does not expand the floor area of the use by more than 10 percent.
- (d) **Landscape Calculations.** No area of a subject property shall be counted more than once for the purposes of applying landscaping requirements.

Sec. 21-5-302. - Landscape Design Principles

- (a) **Generally.** Landscapes for nonresidential and multifamily development that involve more than 1,000 square feet of landscaped area shall be designed by a qualified landscape architect or design professional. The Administrator shall develop and maintain a list of qualifications or certifications that are acceptable to the City for this purpose.

- (b) **Plant Spacing.** Plant spacing shall allow for adequate growth of plants at maturity and for intersection visibility.
- (c) **Family, Genus, and Species Selection.**
- (1) Within each category of required planting (*i.e.*, canopy trees, understory trees, evergreens, and shrubs):
 - a. Not more than 30 percent shall be of any one family;
 - b. Not more than 20 percent shall be of any one genus; and
 - c. Not more than 10 percent shall be of any one species.
 - (2) Native and low-water demanding plants and turf shall be used where practicable.
 - (3) Native species and natural drainage ways shall be protected if practicable.
 - (4) Plants shall be compatible with project soils.
 - (5) Russian Olive (*Elaeagnus angustifolia*), Salt Cedar (*Tamarix ramosissima*), and plants that are identified as noxious, invasive, or prohibited by the United States or the State of Colorado shall not be planted in the City.
- (d) **Irrigation and Soil Moisture Control.**
- (1) Plants with similar water requirements shall be grouped together on the same irrigation hydrozone;
 - (2) High-irrigation turf and plantings shall be limited to appropriate high-use areas with high visibility and functional needs;
 - (3) Soil improvements shall be incorporated where necessary for healthy plant growth; and
 - (4) In permeable areas that are not covered by groundcover vegetation, mulch or rock shall be applied to help retain water in the soil and to help prevent erosion.

Sec. 21-5-303. - Size and Quality of Landscape Plants; Tree Preservation Credits

- (a) **Size and Quality of Landscape Plants.** In general, plant materials that are installed according to the requirements of this Division shall meet the standards that are set out in this Section. However, larger sizes may be required to ensure survival or to implement a condition of approval of a limited or conditional use.
- (b) **Minimum Size of Landscape Materials.** The minimum sizes of landscape materials used to satisfy the requirements of this Division are set out in Table 21-5-303B, *Minimum Size of Landscape Materials*.

TABLE 21-5-303B MINIMUM SIZE OF LANDSCAPE MATERIALS	
Type of Plant Material	Minimum Caliper, Height, or Container Size
Evergreen Trees	6 ft. Height
Deciduous Shade Trees	2 in. Caliper

TABLE 21-5-303B MINIMUM SIZE OF LANDSCAPE MATERIALS	
Type of Plant Material	Minimum Caliper, Height, or Container Size
Deciduous Ornamental Trees	2 in. Caliper
Shrub	5 gallon minimum; If used in bufferyards, estimated growth to 3 ft. in height within 3 years

(c) **Specification of Landscape Materials.** All plant material shall be true to type, form, species, quality and free of injury, broken root balls, pests and diseases as well as conform to the minimum requirements described in “American Standards for Nursery Stock” (ANSI Z60.1), published by AmericanHort, as may be amended from time to time, and follow the Green Industries of Colorado (“GreenCo”) Tree Planting Recommendations, as may be amended from time to time. Plant materials shall have normal, well-developed branches and vigorous root systems.

(d) **Tree Preservation Credits.**

- (1) Existing trees that are preserved on a subject property count towards the planting requirements of this Division, provided that:
 - a. They are established for at least five years and not prohibited by Section 21-5-302, *Landscape Design Principles*, subsection (c)(5); and
 - b. They are not:
 - i. Overmature;
 - ii. Diseased;
 - iii. Poor in form;
 - iv. Leaning heavily over buildings;
 - v. Too close to building foundations;
 - vi. Damaging sidewalks and driveways; or
 - vii. Impacting utilities.
- (2) Preserved trees may count as more than one tree for the purposes of the landscaping requirements, as set out in Table 21-5-303D2, *Tree Preservation Credits*.

TABLE 21-5-303D2 TREE PRESERVATION CREDITS			
DBH of Tree to be Preserved		Tree Credit	Landscape Area Where Credit May Be Applied
Min. Diameter	Up to, But Not Including		
none	10 inches	1	Location of preserved tree.
10 inches	15 inches	2	Location of preserved tree.
15 inches	20 inches	3	Location of preserved tree, or any other location except a bufferyard.
20 inches	no limit	5	Location of preserved tree, or any other location except a Class C or Class D Bufferyard.

Sec. 21-5-304. - General Landscaping

- (a) **Generally.** General landscaping is required as set out in this Section.
- (b) **Applicability.** The standards of this Section apply in all zones except CBD, and except as provided in Section 21-5-301, *Purpose and Application of Division*, subsection (c)(2).
- (c) **General Landscape Area.**
 - (1) The general landscape area is the permeable area of the subject property, except for the following areas:
 - a. Parking lot landscape areas (see Sec. 21-5-305, *Parking Lot Landscaping*);
 - b. Bufferyards (see Sec. 21-5-306, *Bufferyard Landscaping*);
 - c. Areas within and extending up to 15 feet from plazas, play fields, or other outdoor gathering spaces or recreation areas, the use of which would be diminished by the presence of trees;
 - d. Areas within designated outdoor storage areas or work areas;
 - e. Areas within irrigation ditch easements, or within 30 feet of the ditch bank if the easement does not have delineated boundaries;
 - f. Areas used for gardens;
 - g. Wetlands and waterbodies;
 - h. Stormwater detention facilities;
 - i. Utility and drainage easements;
 - j. Wooded areas;
 - k. Areas where ground-mounted solar panels (of any type) are installed, and any areas around them that must be kept clear of vegetation to avoid shading of the panels in order to optimize their use;
 - l. Permeable areas that are less than 80 square feet that are enclosed by any combination of buildings, structures, impermeable surfaces such as asphalt or concrete, or any of the areas described in Subsection (c)(1), above; and
 - m. Areas in which the soils or topography are not suitable for the establishment and growth of healthy trees.
- (d) **Waiver or Reduction of Tree Planting Requirements.** The Administrator may waive or decrease planting requirements if the total number of trees that are required exceeds the number that can be reasonably planted on the subject property without materially increasing fire risk, compromising the health of the trees, or diminishing the use of the property.
- (e) **Tree Planting Requirements.** Trees shall be planted in all general landscaping areas at a rate of not less than one tree per 2,000 square feet of general landscaping area, with fractions dropped.

- (f) **Landscape Design.** The tree planting requirements are not spacing requirements. Trees may be planted in formal or informal arrangements. Trees that reach a mature height of more than 25 feet shall not be planted within 20 feet of an overhead utility line.
- (g) **Groundcovers.** Groundcovers shall be planted as necessary to stabilize soil and prevent erosion.

Sec. 21-5-305. - Parking Lot Landscaping

- (a) **Generally.** Parking lot landscaping is required as set out in this Section.
- (b) **Applicability.** The standards of this Section apply to surface parking lots associated with all nonresidential and multifamily uses, except parking lots that contain fewer than 16 parking spaces, and except in the CBD Zone.
- (c) **Parking Lot Landscape Areas.** Landscaping is required in all of the following areas:
 - (1) At the ends of parking aisles, planted in endcap islands that are not less than nine feet wide and 36 feet long (18 feet where the parking module does not adjoin another parking module), with 10 foot curb radii on the side that faces outward from the parking aisle;
 - (2) Between the endcaps of parking rows, either:
 - a. Planted in interior islands that are not less than nine feet wide and 36 feet long (18 feet where the parking module does not adjoin another parking module), with 5 foot curb radii at both ends; or
 - b. Planted in interior landscape strips that are at least five feet wide that are located between parking modules, or at the edges of parking modules where parking modules do not adjoin each other.
 - (3) At the corners of parking lots, planted in corner islands, which are the area defined by the extension of the outer edges of intersecting parking modules.
- (d) **Spacing of Parking Lot Landscape Areas.** Parking lot landscape areas shall be spaced so that no parking lot landscape area is more than 100 feet from any other parking lot landscape area, measured from curb to curb.
- (e) **Planting Requirements.**
 - (1) Each endcap island, interior island, and corner shall be planted with a minimum of one canopy tree or two understory trees.
 - (2) Each landscape strip shall be planted with not less than one canopy tree or two understory trees per 100 linear feet. Formal arrangement of the trees in the landscape strip is not required.
 - (3) The Administrator may waive the planting requirements of this subsection, or allow the landscaping to be planted in an alternative location on the subject property (if reasonably available), for any particular landscape area or portion thereof if:

- a. The tree or trees will interfere with sight triangles that are necessary for safe ingress to or egress from the parking lot; or
- b. The landscape area is not conducive to the healthy growth of trees (*e.g.*, due to topography, solar orientation, or soil types); or
- c. The landscape area is part of a stormwater conveyance system, and is not suitable for tree planting.

Sec. 21-5-306. - Bufferyard Landscaping

- (a) **Generally.** Bufferyard landscaping is required as set out in this Section, and as set out in this UDC for specific uses or situations.
- (b) **Applicability.** The standards of this Section apply to all required bufferyards.
- (c) **Bufferyard Classifications.** For the purposes of this UDC, there are five classifications of bufferyards, as set out in Table 21-5-306C, *Bufferyard Classifications*.

TABLE 21-5-306C BUFFERYARD CLASSIFICATIONS						
Bufferyard Classification	Width	Required Plantings per 100 Linear Feet				Berm, Opaque Fence, or Wall ¹
		Canopy Trees	Understory Trees	Evergreen Trees	Shrubs	
Class A	5 ft.	1	1	1	10	Not required
Class B	10 ft.	2	1	1	20	Not required
Class C	25 ft.	2	2	4	30	6 ft. high
Class D	30 ft.	3	3	4	30	8 ft. high
Parking Bufferyard	5 ft.	0	0	0	40	3 ft. high allowed as alternative to shrubs ²

TABLE NOTE:

¹ If a fence or wall is used, all understory trees and shrubs, and not less than 50 percent of the canopy trees and evergreen trees shall be planted on the outside of the wall. If a berm is used, all shrubs shall be planted on the outside (or outside slope) of the berm.

² For nonresidential uses that are located within or adjacent to a residential zone, an opaque fence or wall that is not less than five nor more than six feet in height is required on all boundaries of the subject property that are shared with properties that are in a residential zone.

- (d) **Parking Bufferyards.** Surface parking lots for multifamily and nonresidential land uses shall be buffered from adjoining streets and adjoining residential property. Unless another type of bufferyard is required along the same boundary of the subject property, the minimum bufferyard for this purpose shall be a Parking Bufferyard.

Sec. 21-5-307. - Maintenance Standards

- (a) **Generally.** All landscaping elements and irrigation equipment shall be maintained in good condition. Ongoing maintenance, including the replacement of dead or unhealthy plantings, is required for areas that are landscaped pursuant to an approved landscape plan.
- (b) **Restrictions within Dripline or Critical Root Zone of Trees Used for Credit.** The following restrictions apply within the larger of the dripline or the critical root zone of trees that are used for credit pursuant to Section 21-5-303, *Size and Quality of Landscape Plants; Tree Preservation Credits*:

- (1) *Prohibited Activities.* The following are not allowed:
 - a. Cutting or filling;
 - b. Storage of building materials or debris;
 - c. Disposal of wastes;
 - d. Installation of impervious paving.
 - (2) *Barricades Required.* The dripline or critical root zone shall be barricaded during construction to prevent damage to the trees and their roots by construction equipment.
- (c) **Tree Pruning Techniques.**
- (1) The following pruning techniques are prohibited on trees that are preserved or planted pursuant to an approved landscape plan:
 - a. Topping (cutting large vertical branches of the tree to reduce its height).
 - b. Tipping (cutting branches between nodes).
 - c. Bark ripping (cutting branches so that the bark rips when the branch falls).
 - d. Flush cuts (cutting the branch too close to the collar, the area where the branch connects to the tree).
 - e. Stub cuts (cutting branches too far away from the collar, the area where the branch connects to the tree).
 - (2) All pruning of trees within the public right-of-way or on public property shall be performed in accordance with ANSI A300, Part 1 (Pruning), as amended from time to time, and TREE PRUNING BEST MANAGEMENT PRACTICES or BEST MANAGEMENT PRACTICES - UTILITY PRUNING OF TREES, as applicable (published by the International Society of Arboriculture), as either may be amended from time to time.

Sec. 21-5-308. - Open Space

- (a) **Generally.** The area of land or water that is designated as open space for the purposes of satisfying the minimum open space ratio shall be physically suited for one or more of the following uses:
 - (1) Any landscape area that is required by this Division;
 - (2) Conservation of open land in its natural state (*e.g.*, woodlands, stream corridors, grasslands, floodplains, and the like);
 - (3) Active or passive recreation (*see* Section 21-6-202, *Parks*); or
 - (4) Agriculture, horticulture, forestry, or fishery uses (including barns, stables, and other structures accessory or incidental to such uses, provided that such structure cover less than 10 percent of the site), where permitted under the appropriate zoning classification.
- (b) **Location and Form.**

- (1) Open space shall, to the maximum extent feasible, be compact and contiguous and connected to existing or anticipated protected open space on adjacent properties.
- (2) The exact location and configuration of the land to be dedicated shall be determined by the City in consultation with the applicant, and shall take into consideration the suitability of the proposed open space sites for their stated purposes, and their proximity to other open space, parks, trails, or recreational lands.
- (3) The following areas shall be given priority in dedicating or setting aside open space:
 - a. Sensitive environmental areas such as stream corridors and wetlands.
 - b. Wildlife habitat.
 - c. Woodlands.
 - d. Parks.
 - e. Recreational paths and trails.

Division 5-4. - Lighting

Sec. 21-5-401. - Single-Family Detached, Duplex, and Townhome Lighting Standards

Exterior lighting on single-family detached, duplex, and townhome lots shall either be provided with fixtures that emit 1,500 lumens or less, or be configured so that lights do not cause glare that is visible outside of the property lines of the subject property. All exterior lighting on single-family, duplex, or townhome lots is subject to Sec. 21-5-404, *Public Safety and Public Nuisance*.

Sec. 21-5-402. - Multifamily, Nonresidential, and Mixed-Use Lighting Standards

- (a) **Generally.** Exterior lighting on multifamily, nonresidential, and mixed-use sites shall conform to the requirements of this Section. Exterior lighting that does not produce glare or sky glow and is not visible from outside of the subject property is exempt from the provisions of this section.
- (b) **Fixture Types.**
 - (1) Generally, light fixtures (wherever mounted) shall be “cut-off” fixtures that are oriented to limit illumination that is visible or measurable at the property line.
 - (2) “No cut-off” fixtures may be used only for decorative purposes, provided:
 - a. Their luminaires that produce no more than 1,500 lumens (approximately equal to a traditional 100W incandescent bulb); and
 - b. They are not installed above a height of eight feet.
- (c) **Maximum Freestanding Fixture Height.** No freestanding light fixture shall be greater than 25 feet in height, except that greater heights may be approved by the Administrator if it is demonstrated that the greater height improves site lighting compared to fixtures that are 25 feet in height or less.
- (d) **Maximum Illumination Levels.**

- (1) Outdoor lighting shall be deflected, shaded and focused away from adjacent properties, and shall not be a nuisance to such adjacent properties.
 - (2) Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed three-tenths of a foot-candle, measured vertically, and three-tenths of a foot-candle, measured horizontally, on adjacent properties.
- (e) **Canopy Lighting.** Canopy lighting for uses that have sheltered outside work or service areas or porte-cocheres, shall meet the standards of this Section. All lighting fixtures shall be recessed into the canopy so that they cannot be viewed from off-site from an eye height of four feet.

Sec. 21-5-403. - Exterior Lighting for Outdoor Recreation

- (a) **Generally.** Ball diamonds, playing fields, driving ranges, tennis courts, and similar amusement or recreation uses have unique requirements for nighttime visibility and, generally, have limited hours of operation. The standards of this Section, and not Section 21-5-402, *Multifamily, Nonresidential, and Mixed-Use Lighting Standards*, apply to outdoor recreation uses.
- (b) **Fixture Type.** Light fixtures for illumination of playing courts and athletic fields shall be “cut-off” fixtures that are oriented to limit sky glow and direct lighting that is visible or measurable at the property line.
- (c) **Maximum Freestanding Fixture Height.** No freestanding light fixture shall be greater than 40 feet in height, except that greater heights may be approved by the Administrator if it is demonstrated that the greater height improves site lighting compared to fixtures that are 40 feet in height or less.
- (d) **Maximum Illumination.**
 - (1) Field and court lighting shall be deflected, shaded and focused away from adjacent properties and shall not be a nuisance to adjacent properties.
 - (2) Field and court lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half foot-candle, measured vertically, and one-half foot-candle, measured horizontally, at the property line.
 - (3) Buffering may be used to reduce impacts of outdoor recreation lighting in order to achieve compliance with the requirements of this Subsection (d).

Sec. 21-5-404. - Public Safety and Public Nuisance

- (a) **Generally.** The City may require the modification or removal or limited operation of existing or new lighting fixtures if they are found to be a public hazard or public nuisance according to the criteria of this Section.
- (b) **Hazards.** Criteria for finding illumination to be a public hazard are as follows:

- (1) Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle.
 - (2) Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in their path.
- (c) **Nuisance.** Criteria for finding illumination to be a public nuisance are as follows:
 - (1) Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of their property.
 - (2) A high frequency or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of property other than the subject property.
 - (3) Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives the average person from the usual and reasonable enjoyment of the public streets and properties of the City.

Division 5-5. - Grading, Erosion, and Sediment Control

Sec. 21-5-501. - Intent and Liability

- (a) **Legislative Intent.** The intent of this Division is to enhance the quality of water in the City's drainage ways and subsequent receiving waters in order to promote the safety, public health, convenience, and general welfare of the City by:
 - (1) Establishing requirements for stormwater quantity and quality control as part of new development and redevelopment to prevent impacts on the storm sewer system and receiving waters from runoff leaving new development and redevelopment within the City.
 - (2) Establishing requirements for grading permits for construction activities and development to prevent soil erosion, sedimentation, and other pollutants from leaving construction sites.
- (b) **Liability.** Any person who undertakes or causes to be undertaken any activity which involves disturbance of the land's surface shall ensure that soil erosion, sedimentation, increased pollutant loads, and changed water flow characteristics resulting from the activity are controlled so as to minimize pollution of receiving waters. The requirements of this Division are the minimum standards, and a person's compliance with the same shall not relieve such person from the duty of enacting all measures necessary to minimize pollution of receiving waters.

Sec. 21-5-502. - General Standards for Grading

- (a) **Generally.** Stormwater discharges from construction activities shall not cause, nor have the reasonable potential to cause pollution, contamination, or degradation of waters of the state. Grading activities (except agriculture) that affect more than one acre of land, or that affect land within 150 feet of the Rio Grande, shall be conducted in accordance with an approved stormwater management plan ("SWMP") that details the best management practices ("BMPs") to be used during construction and upon completion of construction.
- (b) **Best Management Practices (BMPs) During Construction.**
- (1) *Construction BMPs.* Construction site operators shall protect water quality and control runoff and erosion through the implementation of appropriate construction BMPs.
 - (2) *Timing of Installation.* All temporary or permanent erosion control BMPs that are intended to function during earth disturbance operations shall be installed before any construction activities take place.
 - (3) *Selection of BMPs.* The selection, design, and installation of appropriate structural and nonstructural BMPs must be done in accordance to the latest revision of the *Urban Drainage and Flood Control District's ("UDFCD") Urban Storm Drainage Criteria Manuals ("USDCM")*. BMPs must be adequately designed and scaled to provide control for all potential pollutant sources associated with construction activity to prevent pollution or degradation of surface waters.
 - (4) *Types of Construction BMPs.* Construction BMPs shall include appropriate Erosion Control BMPs, Sediment Control BMPs, Material Management BMPs, and Site Management BMPs.
 - a. Erosion Control BMPs (*e.g.*, mulching, erosion blankets, check dams etc.) limit the amount and rate of erosion occurring on disturbed areas.
 - b. Sediment Control BMPs (*e.g.*, silt fence, inlet/outlet protection, sediment traps/basins etc.) attempt to capture the soil that has been eroded before it leaves the construction site.
 - c. Material Management BMPs (*e.g.*, stockpile management, good housekeeping practices etc.) limit contact of runoff with pollutants commonly found at construction sites, such as construction materials and equipment-related fluids.
 - d. Site Management BMPs (*e.g.*, construction phasing or sequencing, protection of existing vegetation, street sweeping etc.) minimize erosion and sediment transport by considering construction phasing, scheduling, and sequencing of land disturbing activities. These BMPs minimize the duration of exposure or quantity of exposed soils that are susceptible to erosion. Site management also ensures BMPs implemented at the site are properly selected, installed, inspected, maintained, and repaired to reduce erosion and sediment transport.

- (5) *Management of Flows.* Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the earth disturbance area shall be designed to limit the water flow to a non-erosive velocity.

(c) **Grading Operations.**

- (1) Any earth disturbance shall be conducted in a manner that effectively reduces accelerated soil erosion and resulting sedimentation, and does not exceed the erosion expected to occur for the subject property in its totally undeveloped state.
- (2) All earth disturbances shall be completed diligently so that the exposed area of any disturbed land shall be limited to the shortest possible period of time.
- (3) Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the disturbed area.
- (4) Construction site operators shall control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
- (5) Concrete washout water shall not be discharged to the storm sewer system, public right-of-way, or waters of the state. On-site permanent disposal of concrete washout waste is not allowed.
- (6) Off-site vehicle tracking of sediments shall be controlled and minimized.
- (7) Bulk storage structures for petroleum products and other chemicals shall have secondary containment or equivalent adequate protection so as to contain all spills and prevent any spilled material from entering surface waters.
- (8) Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters or runoff shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering surface waters.
- (9) No building material wastes or unused building materials shall be buried, dumped, or discharged at the site.
- (10) The City may require sampling and testing on a case-by-case basis in the event that there is reason to suspect that compliance with the SWMP is a problem, or to measure the effectiveness of the BMPs.

(d) **Stabilization and Planting.**

- (1) Exposed areas of cut and fill shall be planted with at least two genera of native plants that are selected for their ability to stabilize the soil and prevent erosion.
- (2) Generally, planting shall be timed within 90 days of the completion of final grading unless other construction activities are planned within 90 days of that date. If final grading is completed between October 1 and March 15, planting is required by no later than June 15.

- (3) The Administrator may require financial guarantees in the form of cash deposits or letters of credit to guarantee completion of the work.

Sec. 21-5-503. - Permanent Best Management Practices (BMPs)

(a) Generally.

- (1) The latest revision of the *Urban Drainage and Flood Control District's ("UDFCD") Urban Storm Drainage Criteria Manuals ("USDCM")* shall be used to establish criteria for new development and redevelopment planning, water quality protection, and the selection and design of appropriate permanent BMPs.
- (2) Appropriate BMPs for the proposed project shall be designed and implemented according to the UDFCD-USDCM specifications and following good engineering, hydrologic, and pollution control practices.
- (3) BMPs that are not included within the latest revision to the UDFCD-USDCM may be used only with the approval of the City Engineer.

(b) Types of Permanent BMPs. Permanent (post-construction) stormwater BMPs are generally divided into two categories: Treatment BMPs and Source Control BMPs.

- (1) *Treatment BMPs.* Treatment BMPs include a variety of alternatives generally categorized as conveyance practices and storage practices (*e.g.* a grass swale, retention pond, or sand filter) that provide treatment of the stormwater runoff quantity and quality.
- (2) *Source Control BMPs.* Source Control BMPs stop or redirect pollutants before they enter the storm sewer system. A Source Control BMP can be a structural component of a planned site (*e.g.* a covered area for material storage) or a procedural BMP. Procedural BMPs involve public education, training, and development of standard operating procedures.

(c) Location of Structural BMPs.

- (1) Treatment or source control BMPs that involve structures shall be located on private property when possible.
 - a. When so located, the BMP shall be owned and operated by the owner of the property on which the BMP is located.
 - b. As a condition of approval of the BMP, the owner shall agree to operate and maintain the BMP to its design capacity unless and until the City relieves the property owner of that responsibility in writing.
 - c. The obligation to maintain the BMP shall be memorialized on a subdivision plat, annexation plat, or in another form acceptable to the City Attorney, and shall be recorded in the office of the Alamosa County Clerk and Recorder.
- (2) When the BMP must be located within the public right-of-way or within property owned by the City, the City shall own, operate, and maintain the facility.

Sec. 21-5-504. - Design of Permanent Drainage Systems

- (a) **Generally.** Open drainage systems and underground drainage systems shall be designed according to the standards of this Section.
- (b) **Design Objectives for Open Drainage Systems.** Site drainage using open systems shall be planned such that it:
 - (1) Minimizes negative impacts on natural site features (*e.g.*, through grading or erosion) and minimizes obstructions or alterations of natural drainageways;
 - (2) Creates an amenity that is incorporated into the overall landscape plan, as follows:
 - a. Detention and drainage areas with a volume of less than 1,000 cubic feet should be designed as natural landscape amenities;
 - b. If feasible, detention and drainage areas with a volume of 1,000 cubic feet or more should be designed as recreational amenities; and
 - (3) Appears natural in character, even if stabilized for erosion control. For example:
 - a. Natural drainage ways should be incorporated into the drainage plan and the site design should feature them as amenities.
 - b. Storm drains may be developed as an open landscaped feature that is lined with native grasses and indigenous plants, while also meeting technical engineering standards.
 - c. The use of riprap and other devices that do not appear natural in character should be avoided in favor of treatments that appear more natural in the context of the City and the region, such as local stone, native trees and shrubs, and drought tolerant grasses.
- (c) **Underground Systems.** When a drainage system cannot be designed as a site amenity, or the drainage system is located in the CB, CBD, or I Zone, an underground drainage system may be used instead of a surface drainage system.

Article VI. - Mitigation of Development Impacts

Division 6-1. - Impact Analysis

Sec. 21-6-101. - Fiscal and Infrastructure Impact Analysis

- (a) **Generally.** A fiscal and infrastructure impact analysis is required for all proposed development that includes more than 16 dwelling units or more than 25,000 square feet of gross floor area of nonresidential uses.
- (b) **Timing of Submittal.** The fiscal and infrastructure impact analysis shall be submitted with the preliminary plat or site plan (if no plat is required).
- (c) **Contents.**
 - (1) The fiscal and infrastructure impact analysis shall evaluate the impact of the proposed subdivision or development on the capacity or quality of the City's existing infrastructure, including the City's water and sewage treatment systems and the school system, and provide analysis and recommendations as follows:
 - a. The projected service demands for city utilities, services, and infrastructure, including water, sewer, and schools, that are directly generated by the proposed subdivision or development;
 - b. An analysis of the capacity of existing and planned municipal facilities and infrastructure to meet future demands directly generated by the proposed subdivision or development, and a determination of any resulting capacity shortfalls or degradation in service or quality;
 - c. An estimate of the costs associated with the provision of municipal utilities and services to the proposed subdivision; and
 - d. A list of recommendations for infrastructure improvements, if any, that are needed to ensure that the proposed subdivision or development will not have a significant, adverse impact on the City's infrastructure capacity or quality.
 - (2) The City Engineer may waive some of, or add to the requirements on a case-by-case basis as circumstances warrant based on the nature of the proposed development.
- (d) **Mitigation of Adverse Impacts Required.** In no instance shall the City approve a preliminary plat or site plan if the fiscal and infrastructure impact analysis shows there will be a significant, adverse impact on the City's infrastructure capacity or quality, unless the applicant provides on-site or off-site measures acceptable to the City that will substantially or completely mitigate the adverse impacts created by the proposed subdivision or development, or the City Council determines that the benefits of the project, including potential tax revenues, jobs, or public services to be provided, outweigh the anticipated adverse impacts.

Sec. 21-6-102. - Traffic Impact Analysis

- (a) **Generally.** A traffic impact analysis is required for all proposed development that includes more than 16 dwelling units or more than 25,000 square feet of gross floor area of nonresidential uses.
- (b) **Timing of Submittal.** The traffic impact analysis shall be submitted with the preliminary plat or site plan (if no plat is required).
- (c) **Contents.**
 - (1) The traffic impact analysis shall evaluate the impact of the traffic projected to be generated by proposed subdivision or development on the capacity of the existing streets in the City, and provide analysis and recommendations as follows:
 - a. An inventory of existing conditions within one mile of the proposed subdivision or development, including:
 - i. Roadway network and traffic control;
 - ii. Existing traffic volumes in terms of peak hours and average daily traffic (“ADT”);
 - iii. Planned roadway improvements by others; and
 - iv. Intersection levels of service.
 - b. Projected site-generated traffic volumes in terms of:
 - i. Peak hours and ADT;
 - ii. Approach/departure distribution (including method of determination);
 - iii. Site traffic volumes on roadways; and
 - iv. Comparison of existing conditions to proposed site generation.
 - c. An analysis of future traffic conditions including:
 - i. Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic); and
 - ii. Intersection levels of service.
 - d. A description and schematic plan of recommended access and on-site circulation.
 - e. A description of proposed on-site and/or off-site mitigation measures necessary to meet the level of service (“LOS”) standard set forth in subsection (d), below.
 - (2) The City Engineer may waive some, or add to the requirements on a case-by-case basis as circumstances warrant based on the nature of the proposed development.
- (d) **Mitigation of Adverse Impacts Required.** The street system within the proposed subdivision or development shall:

- (1) Provide LOS C on all proposed streets and at all proposed intersections; and
- (2) Maintain LOS C, or current level of service (if lower), on all adjoining streets and intersections, unless the City Council determines that the benefits of the project, including potential tax revenues, jobs, or public services to be provided, outweigh the anticipated adverse impacts.

Division 6-2. - Required Dedications and Fees-in-Lieu

Sec. 21-6-201. - Form of Dedication

Dedications of right-of-way for public streets, drainage easements, utility easements, parks, schools, or other public purposes shall be required and shall be made by the applicant on the plat, or, in the case of a site plan, by separate instrument approved as to form by the City Attorney.

Sec. 21-6-202. - Parks

- (a) **Generally.** Land for parks shall be dedicated, or a fee-in-lieu paid, for residential and special residential development as provided herein. Dedicated parks are counted towards the required open space ratio of the development.
- (b) **Exceptions.**
 - (1) The requirements of this Section do not apply to cases in which dedication arrangements were approved at the time of annexation or previous subdivision of the same property.
 - (2) In the case of redevelopment, the requirements of this Section apply only to the net new dwelling units that are created by the redevelopment.
- (c) **Park Dedication Requirements.**
 - (1) Land for parks shall be dedicated at the rate of six acres per 1,000 residents in a proposed residential development. Dedication requirements for individual housing types are set out in Table 21-6-202B, *Park Dedication Requirements by Housing Type*.

TABLE 21-6-202B PARK DEDICATION REQUIREMENTS BY HOUSING TYPE			
Housing Type	Estimated Persons Per Unit	Acres Per Unit	Square Feet Per Unit
Single-family detached	3.07	0.018	802
Duplex or twin house	3.07	0.018	802
Townhouse or rowhouse	2.37	0.014	619
Multiplex or multifamily	2.16	0.013	565
Manufactured home	2.37	0.014	619
Cottages	2.37	0.014	619
Tiny homes	1.00	0.006	261
Live-work	2.16	0.013	565

- (2) Special residential housing types with ambulatory populations who are not restricted to the premises shall provide 0.006 acres (261 square feet) per bed.
- (3) Park land shall meet the following minimum requirements:
 - a. The area shall be located so as to serve all of the residents of the subdivision or development;
 - b. The land shall be suitable for the types of recreational facilities that are proposed;
 - c. The area shall be accessible from a public street or shall adjoin and become part of or connect with an already existing public park, trail, or open space area that is accessible from a public street;
 - d. Detention or retention areas or other storm water control facilities may be included if it is demonstrated that the land is accessible and usable for recreational purposes; and
 - e. The land shall be free of all liens or other financial encumbrances, and of all non-financial encumbrances that may limit its use as a public park.
- (d) **Fee-in-Lieu of Park Dedication.** The applicant shall pay to the City, in lieu of the dedication, an amount of cash equal to the fair market value of the required dedication as an improved park if:
 - (1) The total land dedication required by subsection (b), above, is less than one acre; or
 - (2) The development is located in the CBD Zone; or
 - (3) The Planning Commission determines that a fee-in-lieu is appropriate, after considering:
 - a. The size of the development and its adequacy for accommodating a suitable public use site;
 - b. The community facility aspects of the comprehensive development plan and the school district's master plan;
 - c. Existing parks and other public uses in the area;
 - d. The topography, geology, and location of land in the subdivision that is available for dedication;
 - e. The needs of the people in the area; and
 - f. The availability of resources for operating and maintaining the park.
- (e) **Public Use Reservations.** Portions of a subject property that is being subdivided may be reserved for later acquisition for public use. Such reservation shall be delineated on the final plat and related provisions shall be clearly noted.

Division 6-3. - Public Improvements, Site Improvements, and Easements

Sec. 21-6-301. - Public Improvements and Site Improvements

(a) **Generally.**

(1) *Public Improvements.* Depending upon the nature of the application for development approval, public improvements that must be constructed, installed, or otherwise provided by the applicant may include, but are not limited to:

- a. Permanent survey monuments, range points and lot pins;
- b. Streets, alleys, acceleration or deceleration lanes, sidewalks, and curb and gutter, in accordance with the City standards;
- c. Street name signs and traffic-control signs or other street control devices;
- d. Bridges, culverts, or open drainage channels;
- e. Street lights;
- f. Water lines and fire hydrants;
- g. Sanitary sewer lines; and
- h. Storm drainage improvements and storm sewers.

The public improvements contemplated by this Section are intended to provide services to the subject property or to offset the impacts of the development of the subject property.

(2) *Landscaping.* Depending upon the nature of the application for development approval, the City may require collateral and warranties for landscaping.

(b) **Engineering Specifications.** Engineering specifications for public improvements are promulgated by the Public Works Director.

(c) **Improvements Agreement.** All applicants whose development applications require construction, installation, or provision of public improvements or fees-in-lieu thereof, or the installation of required landscaping, shall be required to execute an improvements agreement. The City has a standard form of improvements agreement, a copy of which is available from the Administrator.

(d) **Standards for Public Improvements.** All public improvements and required landscaping shall be constructed to comply with all applicable City standards, regulations, and specifications. No subdivision or other development for which public improvements or required landscaping are proposed shall be finally approved or recorded without the execution of the improvements agreement, along with the required financial security, in a form approved by the City.

(e) **Cost of Processing.** Applicants are required to pay the costs of processing the development application and improvements agreement, including all consultant costs, legal fees, and other fees incurred by the City.

(f) **Collateral for Improvements.**

- (1) Prior to the recordation of any final plat or issuance of any permits for development of a subdivision or other development for which public improvements or required landscaping are proposed, the applicant shall provide to the City collateral in the amount of 125% of the total estimated cost of construction of the improvements, in the form of either:
 - a. A cash deposit; or
 - b. A letter of credit issued by a financial institution authorized to do business in the State of Colorado.
- (2) The applicant shall ensure that the collateral remains unencumbered and free from claims of others so that any requests of the City for payment or enforcement may be immediately and unequivocally honored without cost to the City.
- (3) The applicant shall provide an independent, third-party report of the status of the improvements every six months during construction.
- (4) Such collateral shall be maintained, in the amount required by the agreement, through the warranty period as set forth herein.
- (5) If, at any time prior to final acceptance and expiration of the warranty period, the City determines that the collateral is not sufficient to cover all costs of construction of the improvements and provides the applicant with a written basis for the requested increase to collateral, the applicant shall be required to post additional or supplemental collateral in an amount deemed reasonably sufficient and approved by City to pay for all costs of construction, including any administrative costs and contingency amount.
- (6) After preliminary acceptance, the City may reduce the amount of required collateral during the warranty period to an amount reasonably determined by the Administrator, based on the potential cost of repair or restoration of the improvements.

(g) **Completion and Acceptance of Improvements.**

- (1) The applicant shall complete construction of the improvements within a specified period of time from the date of the improvements agreement.
- (2) The City will perform periodic inspections of the public improvements and landscaping, and the applicant shall promptly modify, alter, or repair, at its own cost and expense, any improvements or landscaping that are not constructed or installed in accordance with the approved plans, such that the improvements conform to the approved plans.
- (3) Upon completion of construction of the improvements and landscaping according to the approved plans, the applicant shall make a written request for preliminary acceptance of such improvements and landscaping ("PRELIMINARY ACCEPTANCE"). With said request, the applicant shall:

- a. File with the City an original and digital copy (in a form approved by the Administrator) of the as-built construction plans of public improvement(s), stamped and certified by the Engineer of Record who shall also be a state-registered professional engineer; and
 - b. Submit to the City a sworn affidavit and documentary evidence that there exists no lien or encumbrance upon or against the public improvements resulting from unpaid amounts owing to contractors, subcontractors, material persons or other persons involved or engaged in the construction or installation of the public improvements.
- (4) Upon request for preliminary acceptance, the City shall determine whether the improvements and landscaping are installed according to approved plans. If so, the City shall issue to the applicant a certificate of preliminary acceptance, granting preliminary acceptance of the public improvements and approval of the landscaping, and setting the terms of the warranty period. The warranty period ("WARRANTY PERIOD") shall terminate two years from the date of preliminary acceptance.
- (5) Upon expiration of the Warranty Period:
 - a. The City shall re-inspect the improvements and landscaping and require correction of all defects and failures of the improvements prior to the issuance of final acceptance of the improvements and the release of any remaining collateral.
 - b. Upon completion of any required warranty repairs, reconstruction, or replacement, public improvements shall become the property of the City (and thereby the City's maintenance responsibility) by final acceptance of the public improvements by the City.
- (h) **Timing of Certificates of Occupancy.** No certificates of occupancy shall be issued for any building permits until such time as the City has issued (at a minimum) preliminary acceptance of the public improvements and landscaping that are identified in the improvements agreement. A conditional certificate of occupancy may be issued if installation of landscaping is delayed due to season or adverse weather conditions, and the amount and duration of the security identified in the improvements agreement is sufficient to cover the cost of installation.
- (i) **Reimbursement for Off-Site or Oversized Improvements.** In the event oversized utilities or off-site improvements are required, arrangements for reimbursement may be made whereby the applicant may be allowed to recover the cost of the utilities or off-site improvements that have been provided by the applicant to the extent they are scaled beyond the requirements of the proposed development. The method and time of payment under the reimbursement shall be established in accordance with the current policies of the City related to the placement of such oversized utilities or off-site improvements.

Sec. 21-6-302. - Utilities**(a) Utility Easement Widths.**

- (1) Utility easements shall be provided along lot lines in new subdivisions as follows:
 - a. Boundary lot lines (any lot line that is also a boundary of the subject property): at least 10 ft.
 - b. Rear lot lines: 8 ft.
 - c. Side lot lines (where necessary): 5 ft.
- (2) If the location of utility easements along lot lines is unsuitable for the use of the utility companies due to drainage, irrigation ditches, timbered area, or other obstructions, easements of appropriate width shall be provided adjacent to the areas of obstruction.

(b) Underground Installation Required; Exceptions.

- (1) The applicant shall underground all electric, gas, and communications lines (collectively, "UTILITIES") within the boundaries of the subject property or subdivision plat, and that are required to be relocated pursuant to this UDC or as a condition of approval of the development.
- (2) Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, street lighting, or other facilities necessarily appurtenant to such underground utilities may be installed or placed above ground.
- (3) High-voltage electric transmission and distribution feeder lines and necessary appurtenances thereto may be installed or placed above ground.
- (4) The Administrator may waive the underground requirement with regard to power and communications lines if:
 - a. The subject property has existing service via overhead lines on the date of application;
 - b. No new utility poles will be installed as a result of the proposed development; and
 - c. The subject property has less than 200 feet of frontage, or the scale of the proposed development does not justify the cost of undergrounding the existing lines.

- (c) All utilities that serve proposed development shall be located within dedicated and platted public utility easements or public street rights-of-way, which shall be approved and thereafter subject to acceptance by the City with respect to those utilities that are municipally operated. The applicant shall be responsible for arranging connections from the subject property to existing utility systems.

Sec. 21-6-303. - Stormwater Maintenance Easements

- (a) **Generally.** No later than the date of preliminary acceptance of public improvements, the applicant shall deliver to the City an executed stormwater maintenance easement agreement in a form approved by the City Attorney that authorizes the City to access and inspect stormwater improvements, and to maintain, repair, or replace the stormwater improvements at the property owners' expense if the property owner fails to do so within 14 days after notice from the City that such maintenance, repair, or replacement is required for the proper operation of the improvements.
- (b) **Natural Drainageways.** Where a subject property is traversed by a watercourse, drainageway, channel, or stream (but not including an irrigation ditch), there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the boundaries of such watercourse, and such further width as may be required for necessary flood control measures. The requirements for such easements are set out in Chapter 8, City of Alamosa Municipal Code.

Division 6-4. - Operations Plans – Mineral Extraction and Heavy Truck Routing**Sec. 21-6-401. - Purpose and Application of Division**

- (a) **Purpose.** The purpose of this Division is to set out requirements for operations plans that ensure that the operational impacts of certain uses are anticipated and mitigated.
- (b) **Application.** This Division applies when the requirements for approval of a land use include one or both of the plans set out in Section 21-6-402 or Section 21-6-403, or where the City determines that such plans are necessary to mitigate the projected impacts of a land use that involves unusual amounts of heavy truck traffic.

Sec. 21-6-402. - Master Plan for Extraction

- (a) **Generally.** Minerals shall not be extracted except according to a Master Plan for Extraction prepared by the applicant and approved by the Planning Commission.
- (b) **Contents of Master Plan for Extraction.** The Master Plan for Extraction shall address:
 - (1) Any system adopted by the Colorado geological survey grading commercial mineral deposits according to such factors as magnitude of the deposit and time of availability for and feasibility of extraction of a deposit;
 - (2) The potential for effective multiple sequential use which would result in the optimum benefit to the landowner, neighboring residents, and the community as a whole;
 - (3) The development or preservation of land to enhance development of physically attractive surroundings compatible with the surrounding area;

- (4) The quality of life of the residents in and around areas which contain commercial mineral deposits;
- (5) The Comprehensive Plan and specific area or topical plans;
- (6) Maximization of extraction of commercial mineral deposits;
- (7) The ability to reclaim the area pursuant to the provisions of Section 32-101, *et seq.*, 34 C.R.S., *Colorado Mined Land Reclamation Act*; and
- (8) The ability to reclaim an area owned by the City or other governmental authority, pursuant to an adopted plan, to be used for public purposes by the City or governmental authority consistent with such proposed use.

Sec. 21-6-403. - Heavy Truck Routing Plan

- (a) **Generally.** A heavy truck routing plan is required for uses as specifically identified in this UDC and for uses that the Administrator determines will involve the use of semi-trailers, dump trucks, trash hauling trucks, or comparable heavy vehicles at a frequency of more than 10 heavy vehicle trips per week.
- (b) **When Required.** For the uses that require heavy truck routing plans, such plans shall be submitted with site plans.
- (c) **Updates.** Heavy truck routing plans shall be updated when:
 - (1) New routes are proposed by the applicant.
 - (2) The applicant proposes to increase heavy truck traffic by more than 20 percent compared to that set out in the approved heavy truck routing plan.
 - (3) Routes are changed by the City or other relevant transportation authority in a manner that affects the approved heavy truck routing plan.
- (d) **Contents.** The heavy truck routing plan shall include, at a minimum:
 - (1) The type or class of heavy trucks that will be used by the applicant's proposed land use;
 - (2) The anticipated frequency of delivery and departures of heavy trucks;
 - (3) The hours of heavy truck traffic;
 - (4) A map illustrating the route(s) to and from a state highway (or to and from anticipated destinations in the City), of all heavy trucks used by the proposed land use; and
 - (5) A map illustrating the routing and flow of heavy trucks within the subject property.

Article VII. - Nonconformities

Division 7-1. - Purpose and Application of Article

Sec. 21-7-101. - Purpose

- (a) **Generally.** The application of new regulations to existing development may create circumstances in which existing lot dimensions, density, intensity, land uses, buildings, structures, landscaping and buffering, lighting, parking areas, or signs do not strictly conform to the requirements of the new regulations. For existing lots or development (including uses, buildings, structures, and signs) that are “legally nonconforming,” this Article sets out equitable rules for whether, when, and how the regulations of this UDC apply.
- (b) **Conversion of Nonconformities.** Generally, nonconforming uses, buildings, structures, and signs are not allowed to be enlarged, expanded, increased, nor be used as grounds for adding other structures or uses that are now prohibited in the same zone. This Article provides standards by which minor nonconforming uses can be made “conforming” through a public hearing process.
- (c) **Reduction of Nonconformities.** It is the policy of the City to encourage reinvestments in property that increase its value and utility and reduce its external impacts. Since bringing a developed parcel into full compliance with this UDC may involve substantial costs that may discourage reinvestment, Division 7-4, *Other Physical Nonconformities*, provides a set of thresholds for determining when new construction or modifications to development trigger a requirement for increasing conformity with the various requirements of this UDC.

Sec. 21-7-102. - Application

- (a) **Generally.** This Article applies to uses, buildings, structures, landscaping, buffering, signs, lighting, parking, density, and lots that were:
 - (1) Lawfully established, constructed, installed, planted, or created prior to the effective date but do not conform to the requirements of this UDC; or
 - (2) Lawfully established, constructed, installed, planted, or created in one zone, but no longer conform to the requirements of this UDC after the subject property is rezoned.
- (b) **Effect of Article.** Nothing in this Article shall be interpreted to require a change in plans, construction, or designated use of any building in which a building permit was lawfully obtained from the City prior to the effective date of this UDC or subsequent amendment, provided that construction:
 - (1) Was commenced before the expiration of the building permit; and
 - (2) Work is proceeding diligently toward completion.

- (c) **Changes of Ownership.** Nothing in this Article shall be construed to affect or restrict changes in ownership, nor shall changes in ownership affect the application of any of the requirements of this Article.
- (d) **Evidence of Status.** Evidence that a nonconforming situation is a legal nonconformity and not a violation of this UDC shall be submitted by the owner of the property or use upon request of the Administrator.
- (e) **Exceptions to Article.**
 - (1) *EN Zone.* Lots of record within the NC Zone, regardless of their size, and existing buildings on said lots of record, are “conforming lots” and “conforming buildings,” respectively.
 - (2) *Vested Rights.* This Article does not apply to site-specific development plans for which rights are vested, during the period of vested rights.
 - (3) *Unlawful Uses, Buildings, or Structures.* This Article does not allow for the perpetuation of unlawful development. Such development is not “legally nonconforming,” but instead, “unlawful,” and is subject to all of the provisions of this UDC (including enforcement provisions) and any other applicable law.
 - (4) *Natural Shifts of Zone Boundaries.* If a zone boundary changes as a result of a change in location of a river, stream, or ditch channel centerline, other natural boundary-defining feature, or street, such change of zone boundary does not render existing development nonconforming.
 - (5) *Taking for Public Use.* Any nonconforming building, structure, parking, or lot that is expressly created or caused by a conveyance of privately-owned land to a Federal, State, or local government to serve a public purpose is conforming for the purposes of this UDC, and is not subject to limitations in this Article. This exemption applies in cases where private land is obtained by a governmental entity for a public purpose, through condemnation, threat of condemnation, or otherwise, when that transaction creates a nonconformity in the remainder parcel in terms of setback, lot area, or other standards of this UDC. However, this exemption does not apply to right-of-way dedication or other public conveyances of land required by the City in the course of subdivision, site plan, or other development approvals.

Division 7-2. - Nonconforming Uses

Sec. 21-7-201. - Continuation of Nonconforming Use

- (a) **Generally.** Subject to the provisions of this Article, a nonconforming use may be continued and maintained in reasonable repair, but shall not be altered or extended. The extension of a nonconforming use to a portion of a structure that was arranged or designed for the nonconforming use at the time of adoption of this UDC is not an extension of a nonconforming use.

- (b) **Casualty Loss.** If the building or structure in which a nonconforming use is damaged to the extent that the cost of repair exceeds 50 percent of the appraised value of the property (including the building) for tax purposes, then the nonconforming use of the property shall not be resumed.

Sec. 21-7-202. - Change of Nonconforming Use

If a nonconforming use is changed to a different use, the new use shall be a use that conforms to the regulations of the zone in which the use is located. After such change, all future use of the subject property shall comply with applicable provisions of this UDC.

Sec. 21-7-203. - Discontinuance of a Nonconforming Use

- (a) **Nonconforming Uses that Involve Structures.** If a nonconforming use involving a structure is discontinued from use for a period of six months, further use of the subject property shall conform to the requirements of this UDC.
- (b) **Nonconforming Uses that Do Not Involve Structures.** If a nonconforming use not involving a structure is discontinued for a period of three months, further use of the subject property shall conform to the requirements of this UDC.

Sec. 21-7-204. - Conversion of a Nonconforming Use to a Conforming Use

- (a) **Generally.** In many instances, nonconforming uses may be integral parts of the City's fabric, that is, its character and function, so their continuing existence promotes the City's policy of retaining existing businesses or protecting its character and neighborhoods. In these instances, the classification "nonconforming use" and resulting restriction on investment may not be what the community desires. As such, a nonconforming use may be made "conforming" pursuant to this Section in order to remove the potential stigma associated with the "nonconforming" designation.
- (b) **Limitation.** Unlawful uses may not be made conforming under this Section.
- (c) **Conversion by Conditional Use Approval; Standards.** A conditional use approval may be granted to make a nonconforming use "conforming," if:
 - (1) The criteria for approval of a conditional use set forth in Section 21-2-302, *General Standards for All Conditional Uses*, are met; and
 - (2) The use has minimal nonconformities and has been integrated into the function of its surrounding neighborhood or zone, as evidenced by the following:
 - a. Nearby City residents regularly patronize the use or are employed by the use (for nonresidential uses in or abutting residential neighborhoods).
 - b. Management practices eliminate nuisances such as:
 - i. Spillover of noise or light;
 - ii. Odors and appearance of waste materials and litter;
 - iii. Unreasonably congested on-street parking; or

- iv. Comparable conflicts with abutting and nearby properties.
 - c. There is no material history of complaints about the use (a history of complaints is justification for denying the conditional use permit, unless the conditions of the permit will eliminate the sources of the complaints).
 - d. If the use is nonresidential, it is licensed in accordance with the applicable ordinances of the City.
 - e. The use has been maintained in good condition and its classification as a nonconforming use would be a disincentive for such maintenance.
- (d) **Conditions.** Conditions may be imposed relative to bufferyards, landscaping, or other site design provisions, or other limitations (including limitations on future expansion or operational characteristics) necessary to ensure that, as a conforming use, the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures, lighting, landscaping, parking, drainage, or operations of the use.
- (e) **Effect of Approval.** Uses that comply with the terms of a conditional use approval that is issued in accordance with this Section are converted from “legally nonconforming uses” to “conforming uses” by virtue of the issuance of the conditional use permit, and subject to its terms. Conditional use approvals shall be provided to the Applicant in writing and may be recorded by the Applicant at the Applicant’s expense.
- (f) **Effect of Denial.** If an application for conversion of a nonconforming use is denied, the use may thereafter continue as a nonconforming use.

Division 7-3. - Nonconforming Buildings or Structures

Sec. 21-7-301. - Modifications to a Nonconforming Building or Structure

A building or structure that contains a conforming use, but is nonconforming as to height, setback, or coverage, may be altered or extended, provided that the alteration or extension does not result in a further violation of this UDC or applicable Building Code.

Sec. 21-7-302. - Completion of Building or Structure

Nothing contained in this Division shall require any change in the plans, construction, alteration, or designated use of a building for which a building permit has been issued and construction work has commenced prior to the effective date of this UDC, except that if the designated use will be nonconforming it shall, for the purpose of Section 21-7-203, *Discontinuance of a Nonconforming Use*, be a discontinued use if not in operation within 18 months after the date of issuance of the building permit.

Sec. 21-7-303. - Damage to a Nonconforming Building or Structure

- (a) **Cost of Repair is 50 Percent or More of Appraised Value.** If a nonconforming building or structure is damaged to the extent that the cost of repair is 50 percent or more of the appraised value of the property (including the building) for tax purposes, then future construction on the subject property shall conform to the requirements of this UDC.
- (b) **Cost of Repair is Less than 50 Percent of Appraised Value.** If cost of repair is less than 50 percent of the appraised value of the property (including the building) for tax purposes, then restoration is allowed, provided that it is commenced within six months of the damage and completed within 18 months after commencement.

Division 7-4. - Other Physical Nonconformities**Sec. 21-7-401. - Conforming Uses with Physical Nonconformities**

- (a) **Generally.** A use that is permitted by Division 2-2, *Land Use*, or that meets all applicable limited use standards (in the case of a limited use) or conditional use standards (in the case of a conditional use), may be established, continued, maintained, modified, enlarged, or extended, even if other nonconformities are present on the subject property, such as:
 - (1) The use is located on a nonconforming lot;
 - (2) The use occupies a nonconforming building;
 - (3) The use occupies or otherwise utilizes a nonconforming structure;
 - (4) The use is located on a lot with nonconforming landscaping or buffering;
 - (5) The use utilizes a nonconforming sign;
 - (6) The use is illuminated by nonconforming lighting; or
 - (7) The use has nonconforming parking.
- (b) **No Implied Waivers.** The authorization in subsection (a), above, shall not be construed as a waiver of the requirements of Division 7-3, *Nonconforming Buildings or Structures*, or this Division with respect to the nonconformities that are present on the subject property. Modifications to buildings, structures, landscaping and buffering, signage, lighting, or parking may require correction or partial correction of nonconforming situations, as provided in this Article.

Sec. 21-7-402. - Nonconforming Landscaping or Buffering

- (a) **Building Expansions, Parking Lot Improvements, and Expansions of Existing Uses.** If an existing building, parking lot, or use is expanded or improved, additional landscaping and buffering is required only with respect to the new area of the building or use, or the new or modified area of the parking lot.

- (b) **Change of Use.** Modifications to nonconforming landscaping or buffering are not required if the use of a building changes from one use to another without further changes to the subject property or the exterior of the building, unless:
 - (1) A change of use requires additional parking, in which case the parking that is provided to meet that requirement must also comply with the standards in Division 5-3, *Landscaping*.
 - (2) A change of use requires limited or conditional use approval, in which case the conditions for approval may include requirements for additional landscaping or buffering upgrades.
- (c) **Redevelopment.** If an existing property is redeveloped, landscaping and buffering shall be provided as required by Division 5-3, *Landscaping and Open Space*, and any applicable limited or conditional use standards.

Sec. 21-7-403. - Nonconforming Signs

- (a) **Continuance.** A nonconforming sign may be continued and maintained in reasonable repair, but shall not be altered.
- (b) **Historic Signs.** Historic signs shall not be considered nonconforming signs, and may be rehabilitated or altered in accordance with the preservation brief published by the U.S. Department of the Interior, "The Preservation of Historic Signs," copies of which are available through the Department of Public Works.
- (c) **Discontinuance.** The right to maintain a nonconforming sign shall terminate immediately if:
 - (1) The sign is abandoned;
 - (2) The owner of the subject property commits any violation of this article, with respect to such nonconforming sign;
 - (3) The sign is damaged, from any cause whatsoever, and the cost of repairing such damage exceeds 50 percent of the replacement cost of such sign on the date of such damage or destruction; or
 - (4) The sign is obsolete.

Sec. 21-7-404. - Nonconforming Lighting

- (a) **Building Expansions, Parking Lot Improvements, and Expansions of Existing Uses.**
 - (1) If an existing building, parking lot, or use is expanded or improved, all new or relocated lighting shall be required to meet the provisions of Division 5-4, *Lighting*.
 - (2) Existing lighting shall be brought into compliance with this UDC when:
 - a. A building is expanded such that its floor area grows by 25 percent or more;
 - b. The land area occupied by an outdoor land use increases by more than 35 percent;

- c. The value of proposed new, expanded, or upgraded buildings or improvements (collectively “new construction”) on the subject property exceeds two times the value of the buildings and improvements on the subject property before the new construction; or
 - d. With respect to parking lot lighting, the land area occupied by a parking lot increases by more than 10 percent. .
- (b) **Change of Use.** Modifications to nonconforming lighting are not required if the use of a building changes from one use to another without further changes to the site or the exterior of the building, unless:
 - (1) A change of use requires additional parking, in which case the parking that is provided to meet that requirement must also comply with the standards in Division 5-4, *Lighting*.
 - (2) A change of use requires limited or conditional use approval, in which case the conditions for approval may include requirements for additional lighting upgrades.
- (c) **Redevelopment.** If the subject property is redeveloped, lighting shall be provided as required by Division 5-4, *Lighting*.

Sec. 21-7-405. - Nonconforming Parking

- (a) **Building Expansions and Expansions of Existing Uses.** If an existing building or use is expanded, additional parking is required only in proportion to the new area of the building or use.
- (b) **Change of Use.** If the use of a building changes, resulting in a net additional demand for parking, then the number of new parking spaces that are required shall be calculated as the lesser of:
 - (1) The required parking for the new use according to Division 5-2, *Parking and Loading*; or
 - (2) (Number of existing parking spaces) + ((number of parking spaces required for the new use) - (number of parking spaces required for the existing use))
- (c) **Redevelopment.** If an existing building is redeveloped, parking shall be brought into conformity with this UDC.

Sec. 21-7-406. - Nonconforming Density

If a subject property contains more dwelling units than are allowed by the zone in which the subject property is located, the building or buildings may be expanded or extended as may be allowed by this UDC, but the physical aspects of such expansions or extensions shall be in compliance with this UDC, and no new dwelling units shall be created.

Sec. 21-7-407. - Nonconforming Lots of Record

- (a) **Generally.** In any zone in which single-family dwellings are permitted, a single-family residence and customary accessory buildings may be erected on any single lot of record that exists on the effective date of this UDC. Such a lot must have been in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though such lot fails to meet the requirements of the zone in which it is located for area, or width, or both, provided that the requirement of the zone for minimum yard dimensions shall be met unless a variance to the requirements has been granted by the Zoning Board of Adjustment.
- (b) **Combination Required.** If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on the effective date, and part, or all of the lots do not meet the requirements of the zone in which they are located as to minimum area or frontage or both, the lands shall be considered for the purpose of this chapter to be an undivided parcel, and no portion of the parcel shall be sold or used in a manner that diminishes compliance with lot width and area requirements established by this UDC.

Article VIII. - Administration and Enforcement

Division 8-1. - Administrative Bodies

Sec. 21-8-101. - Administrator

- (a) **Generally.** The Administrator is the Public Works Director or his or her designee, or such other employee of or contractor to the City as may be designated by the City Manager from time to time.
- (b) **Authority and Responsibilities.**
 - (1) The Administrator is designated to administer and enforce this UDC.
 - (2) The Administrator shall have the power to make inspections of buildings and premises to carry out the duties of the enforcement of this UDC.
- (c) **Recommendations.** The Administrator shall make recommendations to the Planning Commission, Zoning Board of Adjustment, and City Council as to recommendations or decisions that said bodies are assigned under this UDC.
- (d) **Decisions.** The Administrator shall decide the following types of applications:
 - (1) Temporary use permits
 - (2) Use permits or change in use permits
 - (3) Limited use permits
 - (4) Final plats
 - (5) Site plans
 - (6) Standard-form development agreements
 - (7) Minor modifications

Sec. 21-8-102. - City Engineer

- (a) **Generally.** The City Engineer is the official who is responsible for the approval, inspection, and acceptance of public improvements. The City Engineer shall be the Public Works Director or his or her designee.
- (b) **Authority and Responsibilities.** The City Engineer has the following authority and responsibilities:
 - (1) The City Engineer shall review plans for public improvements and verify that the proposed collateral for same is sufficient under this LDC.
 - (2) The City Engineer shall inspect public improvements and grant preliminary and final acceptance of same.

- (3) The City Engineer shall conduct such other activities as directed by the City Manager from time to time.
- (c) **Decisions.** The City Engineer shall decide the following types of applications:
 - (1) Stormwater management plans; and
 - (2) Construction plans for public improvements.

Sec. 21-8-103. - Planning Commission

- (a) **Generally.** The Planning Commission is established pursuant to Article XIV, Section 1, of the *Charter of the City of Alamosa* ("Charter").
- (b) **Powers and Duties.** The Planning Commission shall have the powers and duties set forth in Article XIV, Section 2, of the Charter, and shall perform the following additional functions described in this UDC.
- (c) **Decisions.** The Planning Commission shall hear and decide or make recommendation upon, as the case may be, the following types of applications:
 - (1) Conditional use (subject to ratification by the City Council as set forth in Section 21-8-105(c)(1), below).
 - (2) Preliminary plat (subject to ratification by the City Council as set forth in Section 21-8-105(c)(2), below).
 - (3) Final development plans (subject to ratification by the City Council as set forth in Section 21-8-105(c)(3), below).
 - (4) Comprehensive Plan amendments
 - (5) Variances that are applied to subdivision plats
- (d) **Recommendations.** The Planning Commission shall make recommendations with respect to the following types of applications:
 - (1) Rezoning
 - (2) Certificate of Designation
 - (3) Preliminary Development Plan (and major amendments to PDP)
 - (4) Vacation of plats
 - (5) Abandonment of easements or rights-of-way
 - (6) Text amendments to this UDC
- (e) **Membership and Qualifications.** Membership and qualifications shall be as set out in Article XIV, Section 1, of the Charter.
- (f) **Appointment; Term.** The method and term of appointments shall be as set out in Article XIV, Section 1, of the Charter.

- (g) **Alternate Members.** City council may establish, modify, or abolish by resolution one (1) or two (2) additional Planning Commission positions to serve in the following capacities:
 - (1) The first position (the “PRIMARY ALTERNATE”) may serve as an alternate in proceedings where the Planning Commission would otherwise be without a quorum of members eligible to vote on an issue, or who are able to participate in proceedings on a given matter. The Primary Alternate may also be used to establish a fully constituted Planning Commission during those times when a vacancy exists for a particular ward or for an at-large position when a qualified, willing person has not been appointed, despite the City’s reasonable efforts to fill such position.
 - (2) The second position (the “SECONDARY ALTERNATE”) is identical to the Primary Alternate, and shall operate identically, except that it shall serve when need arises only after the Primary Alternate is either already serving or cannot serve or vote.
- (h) **Vacancies.** If a vacancy occurs during the term of a Planning Commission member, the vacancy shall be filled as provided in Article XIV, Section 1, of the Charter.
- (i) **Meetings.**
 - (1) Meetings shall be held at the call of the Chair or Administrator and at such other times that the majority of the members of the Commission shall determine.
 - (2) All meetings shall be open to the public, except that the Commission may go into executive session in accordance with the Open Meetings Law.
 - (3) Open meetings shall be recorded.
 - (4) A quorum of the Commission shall consist of three voting members, and a majority vote of the members present shall constitute action by the Commission.
 - (5) The Chair shall decide all points of order or procedure unless otherwise directed by a motion approved by a majority of the Commission members present at the time.
 - (6) The Commission shall keep minutes of its proceedings, showing the vote of each member on every matter or, if absent or failing to vote, indicating such fact, and it shall also keep records of such proceedings, and such records shall be filed with the City Clerk.
- (j) **Rules.** The Planning Commission may adopt procedural rules for the conduct of its business, which shall not be inconsistent with the requirements of this UDC.
- (k) **Officers.** The Planning Commission shall, at its first regular meeting of each calendar year, choose one of its members to act as Chair and one member to serve as Vice-Chair. The Chair shall preside at all meetings of the Commission, except that, in his or her absence, the Vice-Chair shall preside. The City Manager or designee shall act as secretary to the Planning Commission.
- (l) **Consultants.** The Planning Commission may retain consultants and technical advisors as provided in Article XIV, Section 1, of the Charter.

- (m) **Compensation; Reimbursement.** Planning Commission members serve without pay. Members may be reimbursed for expenses incurred upon approval of the City Council.

Sec. 21-8-104. - Zoning Board of Adjustment

- (a) **Generally.** Pursuant to Article XIV, Section 5, of the *Charter of the City of Alamosa* ("Charter"), the Alamosa Planning Commission, established under Article XIV, Section 1, of the Charter, shall serve and act as needed, from time to time, as the Zoning Board of Adjustment. The Planning Commission is appointed to this role pursuant to the power invested in the city council under Section 2(e) of said Article XIV of the Charter.
- (b) **Powers and Duties.** The Zoning Board of Adjustment has the following powers and duties:
 - (1) To hear and decide all questions on appeal from final decisions of the Administrator.
 - (2) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or determination made by an administrative official based on or made in the enforcement of this UDC.
 - (3) To hear and decide (grant or deny) applications for variances, except variances applied to subdivision plats.
 - (4) To hear and decide such other matters as the City Council may prescribe by ordinance.
- (c) **Decisions.**
 - (1) The Zoning Board of Adjustment shall decide applications for variances from this UDC.
 - (2) The Zoning Board of Adjustment shall decide administrative appeals from final decisions of the Administrator.
- (d) **Membership and Qualifications.** The Planning Commission shall serve as the Zoning Board of Adjustment.
- (e) **Meetings.** The meetings shall be held at the call of the Chair and at such other times as the Zoning Board of Adjustment may determine. The Chair or, in his or her absence, the Vice-Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- (f) **Rules.**
 - (1) The concurring vote of four members of the Board of Adjustment shall be required to overturn decisions made by the Administrator presented to the Zoning Board of Adjustment.
 - (2) Any other matters shall require a majority vote of members present of the Zoning Board of Adjustment.
 - (3) The Zoning Board of Adjustment may adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this UDC.

- (g) **Officers.** The Zoning Board of Adjustment shall be the same as the officers of the Planning Commission.
- (h) **Records.** The Zoning Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each decision; or, if absent or failing to vote, indicating that. It shall keep records of its examinations and other official actions, all of which shall be a public record and filed immediately in the office of the Board of Adjustment.

Sec. 21-8-105. - City Council

- (a) **Generally.** The City Council is formed as provided in the Article III, of the *Charter of the City of Alamosa*. The City Council delegates certain responsibilities for the administration of the UDC as provided herein.
- (b) **Decisions.** The City Council retains the authority to decide the following types of applications:
 - (1) Rezoning
 - (2) Certificates of designation
 - (3) Development agreements (except standard-form development agreements)
 - (4) Text amendments to this UDC
 - (5) Preliminary Development Plans (and major changes to PDPs)
 - (6) Appeals from decisions of the Planning Commission
 - (7) Vacations of plats
 - (8) Abandonment of easements or rights-of-way
- (c) **Ratifications.**
 - (1) The City Council ratifies the following decisions of the Planning Commission:
 - a. Conditional use
 - b. Preliminary plat
 - c. Final development plans
 - (2) City Council ratification is by consent agenda, but in extraordinary circumstances, a Planning Commission decision may be removed from the consent agenda and heard by the Council as provided in Section 21-8-512.

Division 8-2. - Permits and Approvals

Sec. 21-8-201. - Approvals or Permits Required

Approvals or permits are required for development in the City unless specifically exempted by this UDC. Most of the required approvals and permits are described in this Division. Planned unit

development approvals are detailed in Division 8-3, *Planned Unit Development and Campus Master Plans*. Annexations are detailed in Division 8-4, *Annexation and Disconnection*.

Sec. 21-8-202. - Administrative Approvals and Permits

- (a) **Generally.** Administrative approvals and permits are issued by the Administrator or City Engineer upon a finding of compliance with the requirements of this UDC. No public hearing is required.
- (b) **Administrative Approvals and Permits Established.** The administrative approvals and permits that are required by this UDC are set out in Table 21-8-202B, *Administrative Approvals and Permits*. These approvals and permits are in addition to other reviews, approvals, and permits that may be required for compliance with other laws, statutes, or regulations, such as:
- (1) State or Federal law, including, but not limited to, the Clean Water Act, the Clean Air Act, or the Endangered Species Act;
 - (2) Adopted building and safety codes;
 - (3) Ordinances that require permits for activities on public land or within public rights-of-way; or
 - (4) Business licensing ordinances.

TABLE 21-8-202B ADMINISTRATIVE APPROVALS AND PERMITS					
Approval or Permit	Required For	Timing	Exceptions	Decision-Maker	Reference ¹
Land Use Approvals and Permits					
Temporary Use Permit	Operation of temporary use	Prior to establishment of temporary use	None	Administrator	Div. 2-4
Use Permit or Change in Use Permit	Check for zoning compliance as condition of issuance of building permit	Simultaneously with issuance of building permit	Building permits that are not related to the establishment of or change to a land use	Administrator	Div. 2-2
Limited Use Permit	Establishment of Limited Use	Prior to establishment of Limited Use	None	Administrator	Div. 2-2 and 2-3
Site or Design Related Permits and Approvals					
Infrastructure Construction Plans	Construction of public improvements such as streets, utilities, and stormwater management systems	Processed with final plat or site plan; approved prior to commencement of construction of specified improvements	N/A	Administrator	Engineering Standards Manual
UDC Compliance Approval	Check for UDC compliance as condition of issuance of building permit	Simultaneously with issuance of building permit	Plumbing, electrical, or other permits that do not implicate UDC standards	Administrator	<i>passim</i>

TABLE 21-8-202B ADMINISTRATIVE APPROVALS AND PERMITS					
Approval or Permit	Required For	Timing	Exceptions	Decision-Maker	Reference ¹
Grading, Erosion and Sediment Control	Authorization for site grading	Prior to site grading, generally simultaneously with building permit or approval of infrastructure construction plans	Traditional agricultural practices; routine landscape maintenance; ditch maintenance	City Engineer	Engineering Standards Manual
Final Plat (major or minor subdivision)	Conveying lots by reference to plat; obtaining building permits within a subdivision	If infrastructure is provided, approval of infrastructure construction plans is prerequisite to approval of final plat; final plat required prior to sale of or construction upon individual lots	N/A	Administrator	<i>passim</i>
Site Plan	All development	Prior to issuance of building permit and grading, erosion, and sediment control permit	Single-family detached or duplex buildings on individual lots; changes in the use of a building that do not involve exterior modifications or site work	Administrator	<i>passim</i>
Development Agreement; Improvements Agreement; Public Improvements Agreement (however titled)	Providing timing and security for implementation of infrastructure construction plans or landscape plans	Prior to issuance of infrastructure construction permits, or as set out in the development agreement	Development agreements that establish vested rights or materially depart from City-approved form	City Manager	Sec. 21-6-301
Modifications and Other Relief					
Administrative (Minor) Modification	Minor modifications to standards within this UDC or to approved final development plans	Prior to the issuance of permits or approvals to which the modifications apply	N/A	Administrator	Sec. 21-8-701
TABLE NOTE: ¹ References are provided for convenience only and are not intended to limit the application of this UDC					

Sec. 21-8-203. - Discretionary Approvals

- (a) **Generally.** Discretionary approvals and permits are issued by the City after compliance with all applicable requirements of this UDC is demonstrated to the respective decision-maker(s) at a hearing.
- (b) **Discretionary Permits Established.** The discretionary approvals and permits that are required by this UDC are set out in Table 21-8-203B, *Discretionary Approvals and Permits*. These approvals and permits are in addition to other reviews, approvals, and permits that may be required for compliance with other laws, statutes, or regulations, such as:
- (1) State or Federal law, including, but not limited to, the Clean Water Act, Clean Air Act, and the Endangered Species Act;

- (2) Further administrative permits (*e.g.*, site plans or final plats);
- (3) Adopted building codes;
- (4) Ordinances that require permits for activities in public the rights-of-way; or
- (5) Business licensing ordinances.

TABLE 21-8-203B DISCRETIONARY APPROVALS AND PERMITS						
Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued By	Reference ¹
Land Use / Zoning						
Conditional Use Permit	Establishment of a conditional use	Prior to the establishment of a conditional use	N/A	Administrator	PC, ratified by City Council	Div. 2-2 and 2-3
Rezoning	Changing the zone that applies to a subject property	Prior to the application of standards from the requested zone	N/A	PC	City Council	Sec. 21-2-106
Certificate of Designation	Development of solid waste disposal sites and facilities	Prior to issuance of any permits for solid waste disposal sites and facilities	N/A	PC	City Council	C.R.S. § 25-15-201 or Title 30, Article 20, C.R.S., as applicable
Site Development / Subdivision / Planned Unit Development						
Preliminary Plat	Approval of a proposed major subdivision (not required for minor subdivisions)	Prior to final plat or issuance of permits that authorize construction or site work	N/A	Administrator	PC, ratified by City Council	<i>passim</i>
Preliminary Development Plan ("PDP")	First step of Planned Unit Development process; if applicable, filed with preliminary plat	Prior to approval of Final Development Plan	N/A	PC	City Council	Div. 8-3
Final Development Plan ("FDP")	Second step of Planned Unit Development process; may be filed with final plats or site plans	Prior to approval of final plat or site plan	N/A	Administrator	PC, ratified by City Council	Div. 8-3, Art. VI
Campus Master Plan	Approval of the general layout of development and arrangement of uses within a campus in the CA Zone	Prior to final plat, or if no final plat is required, prior to approval of site plans or building permits that authorize site work or building construction	N/A	PC	City Council	Div. 8-3, Art. II, Art. III, Art. V, Art. VI

TABLE 21-8-203B DISCRETIONARY APPROVALS AND PERMITS						
Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued By	Reference ¹
Development Agreement; Improvements Agreement; Public Improvements Agreement (however titled)	Providing timing and security for implementation of infrastructure construction plans or landscape plans; vesting development rights	Prior to issuance of construction permits, or as set out in the development agreement	Agreements that may be approved administratively	Administrator	City Council	Div. 6-3 and authority under City Charter
Vacation / Abandonment						
Planned Unit Development Amendment, Major	Major changes to approved Preliminary Development Plan	Prior to implementation of major changes	N/A	PC	City Council	Div. 8-7
Vacation of Plat or Abandonment of Easement or Right-of-Way	Vacation of plats or abandonment of easements or rights-of-way	N/A	N/A	PC	City Council	Sec. 21-8-520
Amendments						
LDC Text Amendment	Amending the text of this LDC	N/A	N/A	PC	City Council	N/A
Comprehensive Plan Amendment	Amending the text or maps of the Comprehensive Plan	N/A	N/A	Administrator	PC	N/A
Relief						
Variance	Authorizing development which does not strictly comply with the requirements of this UDC	Prior to issuance of permits that authorize the construction or site work	Variances shall not authorize uses which are otherwise prohibited in the zone, nor authorize development that does not comply with the Floodplain Management Regulations	N/A	ZBOA	Sec. 21-8-702
Administrative Appeals	See Sec. 21-8-703, <i>Administrative Appeals</i>					
TABLE NOTE: ¹ References are provided for convenience only and are not intended to limit the application of this UDC						

Division 8-3. - Planned Unit Development and Campus Master Plans

Sec. 21-8-301. - Purpose and Application of Division

(a) **Purpose.** The purpose of this Division is to:

- (1) Establish standards and procedures to allow for creative, innovative, and beneficial development patterns, facilities, or mixes of land uses that were not contemplated by this UDC and therefore may not otherwise be allowed by this UDC.
 - (2) Establish standards for the approval and implementation of campus master plans to facilitate the development of campuses within the CA Zone.
- (b) **Application.**
- (1) Planned unit development is approved in a two-step process. The first step is a preliminary development plan (“PDP”), which sets out the general parameters for the development. The second step is the final development plan (“FDP”) which sets out specific development standards for some or all of the property within the boundaries of the PDP. Planned unit development is used to modify development standards as provided in this Division. If individual lots are to be created, PDP applications are processed concurrently with preliminary plats, and FDP applications are processed concurrently with final plats.
 - (2) Campus master plans are approved in a one-step process. The campus master plan details the proposed general locations and intensities of land uses, buildings, parking areas, and open spaces, conceptual traffic and pedestrian circulation systems, and the classes of buffers or techniques for transition between the CA Zone and adjoining property in other zones. The campus master plan may also include thresholds for development after which off-site improvements will be required to mitigate the impacts of the campus. Upon approval of a campus master plan, further approvals of the uses, buildings, and infrastructure set out in the campus master plan are administrative. Campus master plans are intended to be long-term documents that are implemented in conjunction with long-term capital improvements plans, and may be vested pursuant to the requirements of this UDC for periods in excess of 10 years.

Sec. 21-8-302. - Scope

- (a) **Planned Unit Development.**
- (1) *Zones Where Allowed.* Application for a planned unit development may be made for land located in any zoning district except A, agricultural district.
 - (2) *Modification of Standards.* Development standards for a planned unit development are controlled by the criteria and standards established in Section 21-8-304, *Standards that May be Modified in a Planned Unit Development.*
- (b) **Campus Master Plan.** Campus master plans are allowed in the CA Zone.

Sec. 21-8-303. - Types of Planned Unit Development

- (a) **Generally.**

- (1) The following types of planned unit developments may be established by overlaying a PUD development plan over the applicable existing zoning district or districts. The overlays are as follows:
 - a. PUD-R (a planned residential development within an RE, RL, RM, or RH Zone);
 - b. PUD-C (a planned commercial development within a CB Zone); and
 - c. PUD-I (a planned industrial development within an I Zone).
 - (2) A zoning change is not required; however, the area included in each approved planned unit development shall be indicated on the zoning map.
- (b) **Planned Residential Development (PUD-R).**
- (1) *Generally.* Property within the RE, RL, RM, and RH Zones may be developed as PUD-R, planned residential development.
 - (2) *Land Use.* Within the PUD-R district the following uses may be permitted by the City Council:
 - a. Uses permitted by right, by limited use approval, or by conditional use approval in the underlying zone or zones;
 - b. Commercial uses, if the planned unit development contains 600 or more dwelling units. Such commercial uses shall be subject to the following requirements:
 - i. Parking related to the commercial uses must be included as an integral part of the PUD and shall not occupy more than 1.5 percent of the total area of the PUD.
 - ii. Commercial uses in any phase shall not be open to use prior to the completion of, and issuance of certificate of occupancy for, at least 50 percent of the dwelling units in that phase.
 - iii. Unless modified by the City Council, all requirements applicable to the MU Zone are applicable to the commercial center in the PUD-R district.
 - iv. Commercial uses shall be limited to categories reasonably necessary to efficiently serve residents of the development in which the uses are located.
 - (3) *Income-Restricted Housing.* Provision for low- and moderate-income housing may be required in a residential planned development. If required, the number of low and moderate income units shall be determined by the City Council in accordance with current city policies.
 - (4) *Density.* Density shall be limited according to the maximum density of the underlying zone.

- (c) **Planned Commercial Development (PUD-CB).** The PUD-CB district is created to provide for the development of planned business and shopping centers. It is intended to promote the grouping of professional and commercial uses and to provide areas large enough to establish harmonious relationships between structures, people and the automobile through the use of well-planned parking, access, pedestrian walkways, courtyards, malls and open spaces. Any commercial zoned area may be developed as a PUD-C district. Uses that are permitted by right, by limited use approval, or by conditional use approval in the underlying zone may be permitted in the PUD-C district.
- (d) **Planned Industrial Development (PUD-I).** The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well-planned parking and access, landscaped open areas, and harmonious relationships among buildings and structures. Any industrial zoned area may be developed as a PUD-I development. Uses that are permitted by right, by limited use approval, or by conditional use approval in the underlying zone may be permitted in the PUD-I district.

Sec. 21-8-304. - Standards that May be Modified in a Planned Unit Development

- (a) **Generally.** The standards that are set out in this Section may be modified in a planned unit development.
- (b) **Open Space.**
 - (1) Open space, in addition to required landscape areas and park and school dedications may be required by the City Council upon recommendation by the Planning Commission. The requirement for additional open space will be based on the following factors:
 - a. The City's adopted comprehensive plan;
 - b. Drainage, vegetation, natural features, and other physical conditions of the subject property;
 - c. The types, densities, and intensities of development, employment, and residential use;
 - d. The overall projected demand for open space and recreational facilities by residents or employees of the development.
 - (2) Such open space shall be owned and maintained as common open space by the developer or an organization established for the ownership and maintenance of common open space, unless the City Council accepts dedication of the open space.
- (c) **Residential Lot and Building Standards.** The minimum lot area per dwelling unit requirements as set out in Division 4-2, *Housing Palette*, apply to the planned unit development, except that the City Council may modify such requirements to allow for new housing types or configurations that meet market demands within the City and that provide comparable private or public outdoor use areas.

- (d) **Other Lot and Building Standards.** Other lot and building standards, including building height, may be modified by the City Council.

Sec. 21-8-305. - Approval Criteria for Modification of Standards in a Planned Unit Development

- (a) **Generally.** The standards identified in Section 21-8-304, *Standards that May be Modified in a Planned Unit Development*, may be modified if the development plan demonstrates compliance with the criteria set out in this Section.
- (b) **Approval Criteria.** A final development plan that proposes modification of the standards in this UDC shall meet each of the following criteria (or demonstrate that the criteria are not applicable):
 - (1) There is an appropriate relationship to the surrounding area;
 - (2) Circulation in terms of internal street circulation system is designed for the type of traffic generated, safety, separation from living areas, convenience, access, and noise and exhaust control, and there is proper circulation in parking areas in terms of safety, convenience, separation and screening;
 - (3) If residential uses are proposed, there is consideration of, and provision for, low and moderate income housing;
 - (4) Functional open space is provided in terms of optimum preservation of natural features including trees and drainage areas, recreation, views, density relief, and convenience of function;
 - (5) The development provides a variety of housing types, densities, facilities and open space;
 - (6) The development provides for privacy in terms of the needs of individuals, families, and adjoining property;
 - (7) Pedestrian and bicycle traffic is facilitated in terms of safety, separation from vehicular traffic, convenience, access points of destination and attractiveness;
 - (8) Building types are appropriate in terms of density, site relationship, bulk, and massing;
 - (9) Building design creates a “sense of place” in terms of architectural design, orientation, relationship to open space, spacing among buildings, quality of materials, harmonious color palette, complimentary textures, screened storage areas, and appropriate lighting;
 - (10) Signs are complimentary to the scale, architecture, and cladding materials used on the principal buildings; and
 - (11) Landscaping of subject property is high quality and serves functional purposes in terms of screening, defining outdoor spaces, providing shelter for pedestrians, and softening building masses.

Sec. 21-8-306. - Construction Procedures and Building Permits

- (a) **Building Permits.** The appropriate official shall issue building permits for buildings and structures in the area covered by an approved final development plan or campus master plan, provided that:
- (1) The time limit established by the planned unit development's tentative development schedule or the duration of the campus master plan, as applicable, has not expired;
 - (2) The final development plan or campus master plan has been recorded in the public records of Alamosa County;
 - (3) If the subject property was also subdivided, the final plat has been recorded in the public records of Alamosa County;
 - (4) All infrastructure required by an improvements agreement or campus master plan is in place and preliminary acceptance has been granted; and
 - (5) The buildings or structures are in conformity with the approved final development plan or campus master plan and with all other applicable ordinances and regulations.
- (b) **Certificate of Occupancy.** The appropriate official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan or campus master plan if the completed building or structure conforms to the requirements of the approved final development plan or campus master plan, applicable building codes, and all other applicable ordinances and regulations.
- (c) **Expiration of PUD Approval.** If the time limit established by the development schedule has passed or if the campus master plan has expired, no building permits shall be issued until after the Planning Commission has reviewed the development plan or campus master plan for conformance to this UDC (the Planning Commission may require such modification as may be necessary to ensure such conformance) and approved a new development schedule.

Sec. 21-8-307. - Amendments to the Final Development Plan or Campus Master Plan

- (a) **Generally.** No changes may be made in the approved final development plan or campus master plan during the construction of the planned unit development, except upon application to the appropriate administrative body under the procedures provided below.
- (b) **Minor Changes.** Minor changes may be approved by the Administrator pursuant to Section 21-8-701, *Administrative Modifications*.
- (c) **Major Changes.**
- (1) All changes in use or increases in the density of the final development plan or campus master plan must be approved by the City Council, under the procedures authorized by this UDC for the amendment of the zoning map.

- (2) All other changes that do not qualify for administrative approval pursuant to Section 21-8-701, *Administrative Modifications*, must be approved by the City Council under the procedures authorized for final development plan or campus master plan approval.
- (d) **Recordation of Amendments.** Any changes that are approved for the final development plan or campus master plan must be recorded as amendments to the recorded copy of the final development plan or campus master plan.

Sec. 21-8-308. - Enforcement of Development Schedule

- (a) **Generally.** From time to time the Planning Commission shall compare the actual development accomplished in the various planned unit developments or campuses with the approved tentative development schedules.
- (b) **Revocation or Extension of Approval.** If the owner or owners of property in the planned unit developments or campuses have failed to meet the approved development schedule, the commission may initiate proceedings to revoke the approved final development plan or campus master plan. Upon recommendation of the Planning Commission and for good cause shown by the property owner, the City Council may extend the limits of the development schedule.
- (c) **Assurances for Common Open Space.** The City Council may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan will be provided and developed.

Sec. 21-8-309. - Control of Development Following Completion

- (a) **Enforceability.** Unless the subject property is owned by the State of Colorado, the provisions of a final development plan or campus master plan relating to the use of land and the location of common open space shall run in favor of the City and shall be enforceable at law or in equity by the City without limitation on any power or regulation otherwise granted by law.
- (b) **Certificate of Completion for Planned Unit Development.**
 - (1) *Timing.* The Administrator shall issue a certificate certifying the completion of the planned unit development, and the City Clerk shall note the issuance of the certificate on the approved final development plan.
 - (2) *Effect.* After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development will be principally controlled by the approved final development plan. Where the final development plan is silent as to a particular matter addressed by this UDC, this UDC shall apply unless the Administrator finds that such application would collaterally prevent the exercise of rights granted by the final development plan.

- (3) *Subsequent Amendment.* After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency as follows:
- a. The Administrator may approve changes to single-family detached and duplex buildings as provided in Article IV, *Lot, Building, and Structure Standards*.
 - b. The Planning Commission may approve the minor extension, alteration, or modification of existing buildings or structures if the extension, alteration, or modification is consistent with the purposes and intent of the final development plan and does not increase any dimension of a building or structure by more than ten 10 percent.
 - c. The City Council may approve uses that are not authorized by the approved final development plan, but otherwise may be allowed in the planned unit development as a use by right, by limited use approval, or by conditional use approval in the underlying zone in which the planned development is located.
- (c) **Restoration of Damaged Buildings or Structures.** A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or campus master plan unless an amendment to the final development plan or campus master plan is approved in accordance with this article.
- (d) **Changes of Use or Dimensions of Open Space; Other Changes.** Changes in the use or dimensions of common space, and all other changes not listed in this Section, may be authorized only by an amendment to the final development plan or campus master plan approved by the City Council, which shall be processed in the same manner as a new final development plan.
- (e) **No Effect on Covenants.** No changes in the final development plan or campus master plan that are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the planned unit development.

Division 8-4. - Annexation and Disconnection

Sec. 21-8-401. - Annexation and Disconnection Procedure

All annexation of unincorporated territory to the City shall comply with the requirements and procedures set out in the Municipal Annexation Act, C.R.S. § 31-12-101, *et seq.*, as amended from time to time. Any disconnection of incorporated territory from the City shall be done in accordance with C.R.S. §§ 31-12-501 to 503 thereof, as amended from time to time.

Sec. 21-8-402. - Required Annexation Agreement

- (a) **Generally.** Except as to an annexation of an enclave without the consent of the property owner or owners, or as to an annexation upon election, the requirements of this Division and any additional conditions determined in the discretion of the City Council shall be contained in a written Annexation Agreement to be executed by the land owner and developer (if applicable) prior to final City Council action on the annexation.
- (b) **Conditions.** In addition to any conditions imposed in the discretion of the City Council, the following items shall be addressed in annexation agreement unless specifically waived in the annexation agreement:
 - (1) *Floodplain.* The City may require that upon annexation, any area of land that is situated within an area of special flood hazard shall be dedicated to the City or protected from development by an appropriate conservation easement.
 - (2) *Water Rights.* If the subject property will be connected to the City's water system, the annexation agreement shall contain a description of the water rights that are appurtenant to the property to be annexed, a warranty of merchantable title, and an agreement to convey such water rights as the City chooses to have conveyed. Upon the approval of both parties, the annexation agreement may provide for the lease-back of such water for a stated annual rental until the property is developed. In the absence of water rights associated with the property to be annexed in an amount or type sufficient to offset the estimated increased water usage of the property at the time of development the City may require the Applicant to provide water rights or payment of an amount to offset such estimated usage as determined by the City.
 - (3) *Extensions of Utility Services and Public Improvements.* The City may require the applicant to:
 - a. Pay all costs for design and construction of all public improvements and utility services necessary to serve the subject property, including but not limited to, roads, curbs, gutters, sanitary and drainage sewers, water, street lights, electricity, telephone, gas, and cable television service all in accordance with applicable City, public utility company, or service provider standards and specifications;
 - b. Dedicate to the City, public utility company, or service provider (as applicable) without charge, free and clear of all liens and encumbrances that may be inconsistent with the easement, those easements or rights-of-way that are necessary for installation and maintenance of said utility and service lines and other public improvements (including public streets and trails), and in addition shall convey the public improvements to the appropriate entity upon completion and acceptance of the improvements.

- (4) *Public Dedications.* In addition to those dedications required in subsection (3)b. of this Section, the City may require the applicant to dedicate, without charge and free and clear of any liens and encumbrances, such real property as is required to provide for public uses that will be needed in the annexed area (e.g., parks, public schools, utility facilities, etc.).
- (5) *Title Insurance.* For real estate that will be dedicated to the City, the applicant shall:
 - a. Provide evidence of the status of title in the form of a title insurance commitment by a title insurance company acceptable to the City; and
 - b. Upon acceptance of the status of title by the City, shall insure title in the City on a policy form acceptable to City, in an amount designated by the Administrator, which amount shall be reasonably calculated to cover the actual value to City of the affected real estate after the improvements are completed.
- (c) **Annexation Handbook.** The City Council may approve an Annexation Handbook by resolution. The Annexation Handbook may include additional requirements for annexation, and may include standard forms for petitions, resolutions, ordinances, and agreements related to annexation.

Sec. 21-8-403. - Approval Criteria

All annexations shall be reviewed for compliance with the following criteria. However, annexation is a discretionary legislative act. The City shall never be compelled to annex, unless otherwise required by state law, even if all these approval criteria have been satisfied.

- (1) The proposed annexation is in compliance with the Municipal Annexation Act of 1965 (CRS § 31-12-101, *et seq.*, as amended from time to time).
- (2) The annexation implements or does not frustrate the Comprehensive Plan, and the best interests of the City would be served by annexation of the subject property.
- (3) The property is capable of being integrated into the City and developed in compliance with all applicable provisions of this UDC.
- (4) At the time any development of the property proposed to be annexed is completed, there will be capacity to adequately serve residents of such area with all necessary utilities and facilities.
- (5) 4-7, 9 of Annexation Handbook (p.19)

Sec. 21-8-404. - Zoning of Annexed Property

- (a) **Generally.** Zoning of land in the process of annexation may be done in accordance with the procedure and notice requirements of this Division. The proposed zoning amendment shall not be passed on final reading prior to the date when the annexation ordinance is passed on final reading, but the ordinance annexing the property may also zone the property. If the zoning process is commenced prior to the effective date of the annexation ordinance, the legal protest area for rezoning shall be determined solely on geographic location, irrespective of whether the land in such legal protest area is within or without or partly within and partly without the boundaries of the City.
- (b) **Application of UDC.** Any area annexed shall be brought under the provisions of this chapter and the map thereunder within 90 days from the effective date of the annexation ordinance, irrespective of any legal review which may be instituted challenging the annexation. During such 90-day period, or such portion thereof as is required to zone the territory, the city shall refuse to issue any building permit for any portion of all of the newly annexed area.

Sec. 21-8-405. - Execution of Annexation Agreement; Recordation of Approval

- (a) **Annexation Agreement.** Following approval of an annexation or conditional approval of an annexation with all conditions being agreed to, the annexation agreement, which shall have all conditions of approval expressly noted therein, shall be signed by the Mayor, and shall be attested by the City Clerk.
- (b) **Recording of Ordinance and Map.**
 - (1) The City shall file:
 - a. One copy of the annexation map with the original annexation ordinance with the City Clerk;
 - b. Three certified copies of the annexation ordinance and map with the Alamosa County Clerk and Recorder, which shall record one copy and distribute the other copies as provided in C.R.S. § 31-12-113(2).
 - (2) The applicant shall pay all required recording fees, and it shall be the applicant's responsibility to ensure that such recording was successfully completed.

Division 8-5. - Standardized Procedures**Sec. 21-8-501. - Standardized Review Process**

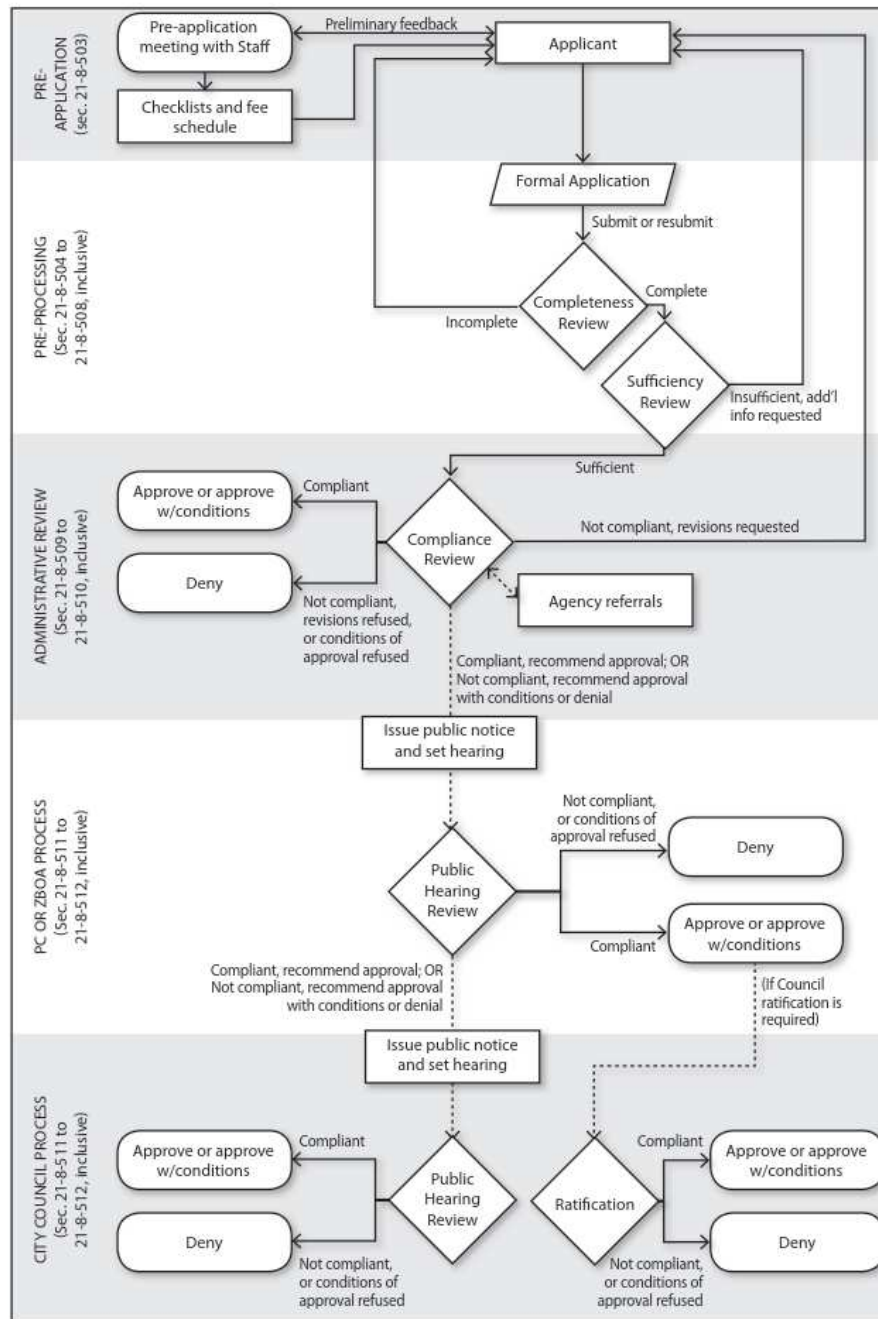
- (a) **Generally.** The standard development approval procedures of this Division apply to all applications for approvals or permits that are set out in Division 8-2, *Permits and Approvals*.

- (b) **Process.** The approval procedures set out in Section 21-8-503 to Section 21-8-512, inclusive, are undertaken in sequence until an application is considered and decided by the designated decision-maker for the type of application at issue. Table 21-8-501B1, *Standardized Procedures*, lists the approval steps that are required, based on the decision-maker. Figure 21-8-501B2, *Standardized Procedures*, illustrates the flow of application processing.

TABLE 21-8-601B1 STANDARDIZED PROCEDURES			
Process Step ¹	Decision-Maker		
	Administrator	Planning Commission or Zoning Board of Adjustment	City Council
21-8-503	Required Unless Waived by Administrator	Required	Required
21-8-504	Required	Required	Required
21-8-505	Required	Required	Required
21-8-506	Required	Required	Required
21-8-507	Required	Required	Required
21-8-508	Required	Required	Required
21-8-509	Required	Required	Required
21-8-510	Referrals may be required by Administrator if nature or location of application justifies referral	Required	Required
21-8-511	Not Required	Required	Required for decisions
21-8-512	Not Required	Required	Required for decisions and ratifications
TABLE NOTE:			
¹ The references in this column are to the Sections of this Division that describe the process step.			

- (c) **Special Review Types.** The communications uses that are listed in Table 21-2-207, *Utility and Communications Land Use Table*, are subject to the standardized review procedures, as modified by Section 21-8-521, *Special Procedures for Wireless Telecommunications Facilities*.

FIGURE 21-8-501B2
STANDARDIZED PROCEDURES



Sec. 21-8-502. - Ex Parte Communications

- (a) **Generally.** It is the policy and practice of the City to decide applications only on the merits presented in the application, on-record public comments, and at public hearings (if public hearings are required). Therefore, *ex parte* communications are not allowed.
- (b) **Timing.** The prohibition on *ex parte* communications begins on the date of application and ends when the appeal period for an issued development order has expired.
- (c) **Inadvertent Communications.**
 - (1) It is not always possible to prevent *ex parte* communications. Elected and appointed officials who hear applications required by this UDC shall not privately discuss the merits of a pending application or appeal.
 - (2) If a communication is received outside of the record (*e.g.*, it is not in the application, agency comments, or public comments, nor was it presented at a noticed public hearing), then the official shall disclose the communication, including the speaker and the substance of the communication, on the record of the public hearing before the application is heard.
 - (3) The decision-maker or recommending body must base its decision only on the evidence presented on the record. The contents of the *ex parte* communication shall not be considered part of the record for decision-making unless the information in the communication is also presented at the hearing (other than through the required disclosure).

Sec. 21-8-503. - Pre-Application Meeting

- (a) **Generally.** A pre-application meeting is an opportunity for the potential applicant to meet with City staff before filing an application, in order to:
 - (1) Identify the applicable review procedures and likely timelines;
 - (2) Review preliminary materials and identify potential issues and related information requirements; and
 - (3) Identify what fees will be due, including whether an escrow payment will be required for professional consultant review.
- (b) **When Required.** A pre-application meeting is required for all application types, except permits for signs, home occupations, and cottage industries. Informal meetings may be scheduled prior to a pre-application meeting, at the discretion of the Administrator.
- (c) **Meeting Logistics.**
 - (1) The Administrator is authorized, but not required, to establish a regular schedule for pre-application meetings.
 - (2) Pre-application meetings may be conducted in person, by telephone, or by internet-based communication tools, as may be agreed between the potential applicant and the Administrator.

- (d) **Meeting Materials.** The potential applicant shall bring to (or submit prior to) the pre-application meeting sufficient supporting materials to explain, as applicable to the type of application to be submitted:
- (1) For all applications:
 - a. The location of the project;
 - b. The proposed uses (in general terms);
 - c. The relationship of the proposal to existing development; and
 - d. Any other conditions or items that the potential applicant believes are relevant to the processing of the application.
 - (2) For applications that involve new construction:
 - a. The proposed arrangement of buildings, parking, access points, open spaces, and drainage facilities (including water quality and stormwater detention facilities);
 - b. The general locations and extent of natural or man-made hazards, irrigation ditches, open water, floodplains, and floodways on and adjacent to the subject property; and
 - c. For subdivisions, the proposed general lot layout.
 - (3) For applications that involve renovation, rehabilitation, or re-use of existing buildings:
 - a. A brief history of the building; and
 - b. The number of square feet of floor area affected by the application.
 - (4) The Administrator may request that the Applicant bring completed application forms (in draft form) for the types of permits being sought.
- (e) **Summary.** Upon request by the potential applicant, within 21 calendar days of the pre-application meeting, The Administrator shall deliver to the applicant:
- (1) A checklist of submittal materials that will be necessary for the type(s) of application(s) sought; and
 - (2) A copy of the City's application fee schedule.
- (f) **Courtesy Presentations.** At the pre-application meeting, a potential applicant may request an opportunity to make a courtesy presentation of a proposed development concept or conceptual subdivision map in a design charrette process. Attendees may include appropriate staff, referral agencies, design professionals, and other persons identified by the Administrator or the potential applicant.

Sec. 21-8-504. - Application

- (a) **Generally.** Every application for development approval required by this UDC shall be submitted on a form approved by the Administrator, along with the corresponding application fee (fees are established by resolution of the City Council). Unless waived by the Administrator, all applications shall include electronic versions of all attachments in a format approved by the Administrator.
- (b) **Forms.**
 - (1) The Administrator shall promulgate and periodically revise, as necessary, forms for each type of application required by this UDC. Minimum application requirements and provisions for waiving application requirements may be provided in an appendix to this UDC.
 - (2) Application forms shall include the specific information that is required to process each type of application. The specific information requirements shall be established and periodically revised by the Administrator, and have the purpose of facilitating:
 - a. The evaluation of applications for compliance with the standards of this UDC; and
 - b. The administration of this UDC.
 - (3) The Administrator is authorized to establish a standardized format for each type of required submittal, and to allow deviations from the format in instances where the Administrator finds that an alternative format would provide for more efficient review.
- (c) **Schedule.** The Administrator is authorized, but not required, to establish regular intake days or times for any or all classifications of applications for development approval, except sign permits and administrative appeals.

Sec. 21-8-505. - Application Fees and Escrows

- (a) **Generally.** Fees shall be charged to offset the cost of application processing (including any application for amendments of existing approvals), reviews, public notices, hearings, and recordkeeping. Application fees to be charged by the City shall be established, from time to time, by resolution adopted by the City Council.
- (b) **Recording Fees.** Recording fees of the Alamosa County Clerk and Recorder's Office shall be paid to the County by the Applicant at the time of any required recording.
- (c) **Referral Agency Fees.** The Applicant may be required to pay any fees assessed by referral agencies in advance of their review and comment. Failure to obtain comments from referral agencies due to failure to pay review fees may result in delay or denial of an application.
- (d) **Escrow for Consultant Review.**
 - (1) *Consultant Review Authorized.*

- a. The Administrator is authorized to retain professional consultants at the Applicant's expense to assist in the review of proposed development.
 - b. The Administrator may make an initial determination as to the use of consultants at the time of the pre-application meeting, and may revise the determination at the time of application if new or changed information in the application materials justifies the revision.
- (2) *Initial Escrow Payment.*
 - a. If the Administrator determines that an application will require review by professional consultants, then the Applicant shall execute an escrow agreement in a form approved by the City Attorney, and make an initial escrow payment in an amount sufficient to cover the estimated review costs.
 - b. The Administrator shall provide the Applicant with a preliminary estimate of professional consultant review fees at a time established during the pre-application meeting by agreement with the Applicant. Alternatively, the Administrator may advise the Applicant regarding the amount of a fixed-fee that has been established in advance for the type of application presented.
- (3) *Use of Escrow Payment.* The City may draw upon the escrow to pay the fees and expenses of professional consultants retained by the City to review the application.
- (4) *Additional Escrow Funds.* The Administrator may require additional escrow funds to be paid for additional services related to the application, should they become necessary. If a balance is due at the time an application is approved, it shall be paid by the Applicant as a condition of approval.
- (5) *Return of Escrow Funds.* Escrow funds shall be returned to the Applicant as follows:
 - a. If the Administrator decides not to use consultants, then escrow funds shall be returned to the Applicant within 30 days of the decision.
 - b. If the Applicant withdraws the application, then the Administrator shall notify the consultants to stop work within 24 hours of the withdrawal. The Administrator shall then return the escrow to the Applicant, less the amount required to pay the consultant for work actually performed.
 - c. When the application is decided, any positive escrow balance shall be returned to the Applicant within 60 days.
- (6) *Account Reports.* Applicants shall be provided with a monthly accounting of the use of escrow funds.
- (7) *Fixed-Fee Consultant Review.* The Administrator is authorized to establish:
 - a. A roster of consultants that are pre-qualified to conduct reviews of various types; and
 - b. For routine application types with predictable review fees, a schedule of fixed-fees for consultant review.

Sec. 21-8-506. - Completeness Review

- (a) **Generally.** The Administrator shall review all submitted applications for completeness. A complete application includes all of the materials required on the application forms, materials requested at the pre-application conference, any required professional certifications, and all fees and escrows that are required for application processing.
- (b) **Schedule.** Generally, all applications shall be reviewed for completeness within seven calendar days after an application is submitted.
- (c) **Incomplete Applications.**
 - (1) Incomplete applications shall be returned to the Applicant, along with any fee included with the application, with a written explanation that describes in general terms the materials that must be submitted in order to complete the application.
 - (2) An application that does not include the applicable processing fee shall not be considered complete.
 - (3) Incomplete applications are not considered filed.
- (d) **Complete Applications.** Complete applications shall be processed according to the applicable procedures of this Article.
- (e) **Waiver of Application Information Requirements.** The Administrator may waive any of the information requirements of a particular application type if it is obvious to the Administrator that they do not relate to the processing of the application for which the waiver is requested. The Administrator may not waive application fees.

Sec. 21-8-507. - Sufficiency Review

- (a) **Generally.** All applications shall be technically sufficient for review, meaning that:
 - (1) The application materials are internally consistent and are presented as required by this UDC and the applicable application forms.
 - (2) Materials are prepared by qualified professionals (where such qualifications are required), and signatures and certifications are present, if required.
 - (3) The application materials are technically sufficient (*e.g.*, legal descriptions and calls and distances on surveys describe closed polygons within acceptable tolerances, calculations that are provided are performed according to the methodologies set out in this UDC, etc.) to demonstrate compliance with applicable standards of this UDC.
- (b) **Insufficient Applications.**
 - (1) An application is insufficient if it does not meet the standards of Subsection (a), above.

- (2) If an application is determined to be insufficient, the Administrator shall notify the Applicant and provide a written explanation regarding the materials that must be submitted, or revisions that must be made, in order to continue processing the application.
 - (3) The Applicant shall provide the materials or revisions that are required to make the application sufficient within 14 days of the date of the notice.
 - (4) If an Applicant fails to submit the required materials within the time period specified in Subsection (b)(3), above, or if the Applicant fails to submit a sufficient application after three rounds of review, then the application fee shall be retained and the application shall be returned to the Applicant as insufficient.
- (c) **Sufficient Applications.** Technically sufficient applications shall be processed according to the applicable standards and procedures of this UDC.

Sec. 21-8-508. - Stale Applications

- (a) **Generally.** This Section is intended to extinguish applications that become stale due to inaction by the Applicant.
- (b) **Expiration of Stale Applications.** When an action by the Applicant is required for further processing of an application (for example, if revisions are requested after agency referrals), the application shall become void:
 - (1) Six months after the date that the action is requested if the Applicant either fails to take action or fails to request an extension of time pursuant to Subsection (c) below; or
 - (2) Upon failure to timely provide requested information to make an application technically sufficient pursuant to Section 21-8-507, *Sufficiency Review*.
- (c) **Extension of Time.** The time for expiration of an application may be extended by up to six additional months upon written request of the Applicant before the end of the period set out in Subsection (b), above.

Sec. 21-8-509. - Administrative Review

- (a) **Generally.** Upon determination that an application is complete and sufficient, the Administrator shall cause the application to be reviewed for technical compliance with all applicable requirements of this UDC, as follows:
 - (1) Appropriate City staff or consultants shall review the application; and
 - (2) The application shall be promptly referred to applicable referral agencies and individuals for review and comment pursuant to Section 21-8-510, *Referrals*.
- (b) **Recommended Revisions.**

- (1) The Administrator shall provide comments from City staff or consultants (collectively, "STAFF COMMENTS"). The staff comments shall provide Staff or consultant input and address or include comments by referral agencies and interested individuals. The Applicant shall revise and resubmit the application with appropriate changes based on staff comments, and with responses to staff comments that did not result in changes to the application.
 - (2) Upon receipt of the re-submittal, the Administrator may refer the application to referral agencies again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments (or lack thereof), or require the agency's technical expertise for appropriate review.
 - (3) The re-submittal shall not require an application fee unless both of the following conditions are met:
 - a. The revisions are inappropriate or incomplete; and
 - b. Repeated failure to address comments requires more than three rounds of revisions.
- (c) **Administrative Recommendation, Decision, or Referral.** Promptly after determination that a complete application addresses the comments and recommendations provided pursuant to Subsection (b), above (or, after finding that no revisions will be required):
- (1) If the application is for an administrative approval or permit, then the Administrator shall:
 - a. Approve, approve with conditions, or deny the application, as appropriate; or
 - b. Upon a determination that the development, as proposed, may have material impacts on neighboring properties or City resources that are unusual in kind or degree, or that there is material potential for disagreement regarding whether the application complies with the standards of this UDC, the Administrator may refer the application to the Planning Commission for review and recommendation and City Council for decision, according to the applicable standards of this UDC.
 - (2) If the application is for a public hearing approval or permit, then the Administrator shall make a recommendation regarding the application and forward the recommendation and the application materials and referral comments to the next body that will consider it for further recommendation or approval.
- (d) **Meeting Logistics.**
- (1) If the application is for a public hearing approval or permit, then the Administrator shall set the application on the agenda of the next body that will consider the application.
 - (2) Generally, the application shall be heard during the next regular meeting of the body which meets the following two conditions:

- a. There is sufficient time to meet applicable public notice requirements; and
 - b. There is available room on the agenda.
- (3) The Administrator shall coordinate with recommending and decision-making bodies to fix reasonable times for hearings. Said bodies are authorized to convene special meetings to hear applications as they determine appropriate.
- (4) The Administrator, or a designee, shall notify the Applicant regarding the time and place of the public hearings.

Sec. 21-8-510. - Referrals

- (a) **Generally.** Applications may be referred for additional review by agencies or consultants according to the procedures set out in this Section.
- (b) **Inter-Jurisdictional Referrals.**
 - (1) As part of the review process, the City may seek review and comment by referral agencies that have expertise in the subject matter impacted by the application, that have jurisdiction over one or more aspects of the proposed development, or whose operations will likely be affected by the proposed development. Referral agency comments are advisory to the City.
 - (2) The Administrator may refer an application to any agency, jurisdiction, ditch company, land management entity, utility, or department that the Administrator determines is likely to be materially affected by the application. The Administrator's determination regarding referrals is not appealable.
 - (3) The agency referral period is 21 calendar days, which can be extended by up to 30 additional days by mutual consent of the Applicant and the Administrator.
 - (4) Failure of an agency to respond within the prescribed time period (or extended period) is interpreted as consent by that agency to the contents of the application. However:
 - a. Such consent does not waive the authority of agencies which have concurrent jurisdiction with the City; and
 - b. Such consent is not implied if the applicant fails to pay the agency's required review fees.
- (c) **Consultant Review.** Upon notice to the Applicant, the Administrator may refer the application to consultants selected by the City, in order to obtain technical review and recommendations. The cost of such referrals shall be borne by the Applicant.

Sec. 21-8-511. - Public Notice

- (a) **Generally.** For applications that require public notice, public notice shall be provided according to the standards of this Section.
- (b) **Contents of Public Notice.** Public notice shall include the following elements:

- (1) The phrase "PUBLIC NOTICE" at the top of the notice.
 - (2) A brief description of the type of application (*e.g.*, rezoning from zone X to zone Y).
 - (3) The date, time, and place of the hearing.
 - (4) A brief summary of what the Applicant is requesting (*e.g.*, approval of a 10,000 sf. commercial retail development).
 - (5) The physical address of the subject property, or if an address is not available, a location map of the property or a statement that the legal description is on file with the Administrator.
 - (6) A notice that interested persons may obtain more information from the Administrator.
 - (7) Contact information for the Administrator.
- (c) **Types of Public Notice.** Table 21-8-511C, *Types of Public Notice*, sets out standardized requirements for publication, posting, and mail notice that are used for different application types and different phases of the application process. The types of notice that are set out in the table are used to establish notice requirements for each type of application in Table 21-8-511D, *Required Public Notice by Application Type*.

TABLE 21-8-511C TYPES OF PUBLIC NOTICE			
Type of Notice	When Required	Frequency or Duration	Other Requirements
Publication (PUB)			
PUB.1	At least 14 days before public hearing	1 publication	NA
PUB.2	At least 7 days before public hearing	1 publication	NA
Posting (PO)			
PO.1	At least 7 days before public hearing	Post until public hearing commences	NA
Mail (ML)			
ML.1 (radius or area)	At least 7 days before public hearing	1 mailing	Mail notice must be sent to all property owners within 300 feet of the boundaries of the subject property.

- (d) **Type of Public Notice Required by Application Type.** Table 21-8-511D, *Required Public Notice by Application Type*, sets out the notices that are required at each state of processing for each type of application for which notice is required.

TABLE 21-8-511D REQUIRED PUBLIC NOTICE BY APPLICATION TYPE		
Application Type	Form of Required Public Notice for ...	
	Board or Commission Review	Council Review
Use-Oriented Permits and Approvals		
Conditional Use Permit	PO.1; (PUB.1 if vested rights are requested)	N/A

TABLE 21-8-511D REQUIRED PUBLIC NOTICE BY APPLICATION TYPE		
Application Type	Form of Required Public Notice for ...	
	Board or Commission Review	Council Review
Rezoning	PUB.1; PO.1; ML.1	PUB.2; PO.1
Comprehensive Plan Future Land Use Map Amendment	PUB.1; PO.1	N/A
Site Development (Layout)		
Preliminary Development Plan	PUB.1; PO.1; ML.1 (all owners within proposed zone, and all owners within 300 ft. of proposed boundaries)	PUB.1; PO.1; ML.1 (all owners within proposed zone, and all owners within 300 ft. of proposed boundaries)
Final Development Plan	PUB.1; PO.1; ML.1 (all owners within proposed zone, and all owners within 300 ft. of proposed boundaries)	N/A
Relief		
Variance	PO.1; ML.1	N/A
Administrative Appeal	PUB.2; PO.1	N/A
Administration		
Development Agreement	By type of approval associated with development agreement; PUB.1 if vested rights are requested	
Vested Rights	As provided in Division 8-6, <i>Vested Property Rights</i>	

(e) **Standards for Required Notices.**

- (1) *Publication.* Published notice shall be printed in a newspaper of general circulation in the City of Alamosa.
- (2) *Posting.* Posted notice shall be on a sign in a form approved by the City.
- (3) *Mail.* Mailed notice shall be delivered via first class U.S. Mail.

(f) **Optional Notices.**

- (1) *Electronic Mail.* Electronic mail notice may be delivered to an opt-in distribution list that is created for the purpose of notifying people about applications for approvals and permits in the City. Electronic mail notice shall include the subject line "PUBLIC NOTICE OF PROPOSED DEVELOPMENT," and the statement in the body of the e-mail that "Electronic mail notice is provided as a courtesy to opt-in subscribers. Failure of an e-mail communication to reach a subscriber does not constitute failure of public notice."
- (2) *Internet.* Internet notice may be posted on the official web site of the City, on a page or pages that are designated for such notices. However, internet notice is also provided as a courtesy and is not official notice. Therefore, failure of internet notice shall not constitute a failure of public notice.

Sec. 21-8-512. - Public Meetings and Public Hearings

- (a) **Generally.** Public meetings and public hearings shall be carried out in accordance with the procedural rules of the body conducting the meeting or hearing.
- (b) **City Council Ratification.**
 - (1) Approvals that require City Council ratification shall be placed on the next available consent agenda of the City Council after the Planning Commission meeting at which the approval was granted.
 - (2) Prior to the Council meeting, the Administrator shall forward the materials that were considered by the Planning Commission and a summary of the decision by the Planning Commission to the City Council.
 - (3) Notwithstanding any code or policy provision to the contrary, approvals may be removed from the consent agenda only by majority vote of the quorum. If an item is removed from the consent agenda, the City Council may ask questions of the Administrator, and may thereafter ratify the decision or to place it on the next available City Council agenda for public hearing.
 - (4) The Administrator shall promptly notify the applicant regarding the City Council's decision.
 - (5) Council review of an approval at public hearing shall be *de novo*.

Sec. 21-8-513. - Continuances and Withdrawal

- (a) **Continuances.** Requests for continuance by the Applicant of any proceeding called for in this UDC may be granted at the discretion of the body holding the public meeting or public hearing. If granted, the Applicant shall pay all additional costs associated with the rescheduling of the proceeding.
- (b) **Withdrawal.** Any application may be withdrawn, either in writing or on the record, prior to or during the meeting or hearing at which the application is considered, provided that it is withdrawn before official action is taken on the application.

Sec. 21-8-514. - Successive Applications

- (a) **Generally.** It is the policy of the City not to hear successive applications for the same approval or permit after a substantially similar application is denied. The limitations of this Section prevent the consideration of successive applications.
- (b) **Time Required Between Substantially Similar Applications.** If an application for a permit or approval is denied, a substantially similar application will not be accepted for:
 - (1) Six months from the date of denial in the case of administrative permits; and
 - (2) 12 months from the date of denial for all other permits or approvals.
- (c)

Exceptions to Successive Application Restrictions. The Administrator may allow exceptions to this Section if there has been a material change of circumstances that justifies consideration of a substantially similar application. By way of example and not limitation:

- (1) If a spacing requirement was the reason for the denial, and the use from which spacing is required moved away; or
- (2) If a subsequent amendment to this UDC now allows for approval of the application.

Sec. 21-8-515. - Recording of Approvals

(a) **Generally.** The following permits and approvals shall be recorded in the public records of Alamosa County at the applicant's expense:

- (1) Annexation agreements, maps, and ordinances
- (2) Final Plats
- (3) Preliminary Development Plans
- (4) Final Development Plans
- (5) Conditional Use Approvals
- (6) Development Agreements, Public Improvements Agreements, and Reimbursement Agreements

(b) **Timing.**

- (1) Upon approval of a final plat, preliminary development plan, or final development plan, the applicant shall provide final mylar drawings to the City Clerk within 90 days for execution by the City and recording.
- (2) The final mylar drawings shall include:
 - a. All required signatures except those to be provided by the City; and
 - b. All modifications that were required as conditions of approval.
- (3) Failure of an applicant to timely submit a conforming plan to the City Clerk shall, upon the enactment of a resolution by the City Council finding that the submittal was untimely, void the approval.

Sec. 21-8-516. - Effect of Approvals

(a) **Generally.** It is the intent of the City that development approved pursuant to this UDC be carried out in a timely manner pursuant to the specifications, terms, and conditions of approval; and that the steps within each approval process be carried out with diligence.

(b) **Effect of Approval or Permit.**

- (1) Approval of an application means that the City consents to the particular use, plan, or other specific activity for which the approval was granted. Physical development of land may require a sequence of related (and increasingly detailed) approvals.

- (2) Supplemental materials that are provided in support of an approval become part of the approval (*e.g.*, elevations, lists of building materials, etc.) unless otherwise noted in the approval itself.
- (3) Approvals and permits may be transferred to a subsequent owner of the property for which the approval or permit was issued, unless the approval or permit is specifically designated as non-transferable by condition of approval. Transferred permits shall continue to be valid for their full original terms, and the transferee may apply for an amendment to the approval or permit in the same manner as the original Applicant.

Sec. 21-8-517. - Duration of Approvals

- (a) **Administrative Approvals.** The administrative approvals described in Table 21-8-202B, *Administrative Approvals and Permits*, except a final plat or development agreement, shall be valid for one year from the date of approval.
- (b) **Discretionary Approvals.** Discretionary approvals will lapse and be of no further force or effect if a complete application for the next stage of approval is not filed before the deadline set out in this subsection:
 - (1) The discretionary approvals described in Table 21-8-203B, *Discretionary Approvals and Permits*, shall lapse as follows:
 - a. One year from date of approval:
 - i. Conditional use permit
 - ii. Variance
 - b. Two years from date of approval:
 - i. Certificate of designation
 - ii. Preliminary plat
 - iii. Preliminary development plan
 - c. Three years from date of approval:
 - i. Final development plan
- (c) **Development Agreements.** A development agreement is valid for the term set out in the development agreement.
- (d) **Approvals That Do Not Lapse.** Rezoning, vacations or abandonments of easements or rights-of-way, UDC text amendments, Comprehensive Plan amendments, recorded final plats, and administrative appeals do not lapse.

Sec. 21-8-518. - Extensions of Approvals

- (a) **Generally.** The term of permits and approvals may be extended by written request according to the standards and procedures of this Section.

- (b) **Timing of Application for Extension.** Expired permits and approvals cannot be extended. Written requests for extensions shall be received not later than 30 days prior to the expiration of the permit or approval. Untimely requests for extensions will not be granted unless it is demonstrated that extraordinary circumstances (*e.g.*, an unusual severe weather event) justify the request.
- (c) **Extensions for Extraordinary Circumstances.** The City Council may, by resolution, extend the term of all permits and approvals City-wide or in designated areas of the City in response to extraordinary circumstances, such as flood, wildfire, tornado, or other natural or man-made disaster which makes it temporarily infeasible to commence or continue with construction. The period of such extensions shall be determined by the City Council.
- (d) **Administrative Extensions.** Unless otherwise provided in the permit or approval, the Administrator may grant one extension of any permit or approval for a period not to exceed the original term or 18 months, whichever is shorter. Such extensions may be granted upon timely written request with good cause shown.
- (e) **Extensions after Hearing.**
 - (1) Unless otherwise provided in the permit or approval, a hearing is required for:
 - a. Extensions for terms that are longer than those which can be granted by the Administrator pursuant to Subsection (d), above; and
 - b. Second (and subsequent) extensions.
 - (2) Extensions of discretionary permits and approvals pursuant to this subsection shall be heard by the body that granted the original approval. Extensions of administrative permits and approvals pursuant to this subsection shall be heard by the Board of Adjustment.
 - (3) Extensions may be granted after hearing if it is demonstrated that:
 - a. There is good and reasonable cause for the request; and
 - b. The Applicant has provided reasonable assurances that it will perform (or cause to be performed) the work authorized by the permit or approval within the extended term.
- (f) **Extensions Pursuant to Permit or Approval Terms.** If a method of extension is provided within a permit, or approval, or related development agreement between the Applicant and the City, then such method of extension shall supersede this Section with respect to said permit or approval.
- (g) **Effect of Appeals, Litigation, or Mediation.**
 - (1) If there is an appeal, litigation, or mediation during the time period that limits the Applicant's ability to use or develop land pursuant to a permit or approval granted by the City, then the term of the permit or approval shall be tolled for the duration of the appeal, litigation, or mediation, and the date shall be recalculated upon conclusion of the appeal, litigation, or mediation.

- (2) The new expiration date shall be established by adding the number of days that the approval would have remained valid before the appeal, litigation, or mediation commenced to the date the appeal, litigation, or mediation was concluded by:
 - a. The expiration of the subsequent appeal period after final judgment or order in the initial appeal or litigation, or, if no appeal is available, after issuance of the final judgment or order; or
 - b. The termination of mediation by resolution of the conflict or impasse.
- (3) This subsection does not apply to litigation which is related to enforcement of a violation of this UDC.

Sec. 21-8-519. - Correction of Approvals

- (a) **Generally.** Permits and approvals may be corrected pursuant to this Section.
- (b) **Correction of Recorded Final Plats.** If it is discovered that there is a minor survey or drafting error in a recorded final plat, a request, in writing, to record a corrected plat shall be submitted to the Administrator. The request shall be accompanied with an affidavit witnessed by a professional land surveyor. The surveyor witnessing this corrected plat shall be an impartial observer having no personal interest in the platted land. The Administrator shall thereupon record the corrected plat at the applicant's expense.
- (c) **Correction of Scrivener's Errors.** Development approvals other than final plats may be corrected by the Administrator or upon application to the Administrator as follows:
 - (1) *Generally.* The Administrator may approve an application to reform a scrivener's error in a development approval, including an error in an application or notice, which error causes the permit or approval to inaccurately reflect the decision-maker's intent, and where it is demonstrated that:
 - a. The correction does not include a change of judgment, policy, or prior intent of the decision-maker;
 - b. The reformation of the permit or approval is essential to ensure that the documentation reflects the intent and decision of the decision-maker;
 - c. The record, including, but not limited to, the Staff recommendation, minutes, and motion, evidences the clear intent of the decision-maker;
 - d. The substance of the decision was clearly evident at the time of the decision, and there was no intent to deceive the public or the decision-maker on the part of the current Applicant at any time;
 - e. Failure to approve the reformation would lead to an unjust result;
 - f. The error in the development approval did not mislead anyone in a way that would cause them to be prejudiced by the reformation; and
 - g. Any errors related to public notice did not affect the legal sufficiency of the required notice.

- (2) *Correction Within 30 Days.* In the alternative, the Administrator, within 30 days of the decision on an application for development approval, may correct a clerical or scrivener's error in the development approval if:
 - a. The error is not related to public notice;
 - b. The error causes the approval, as written, to inaccurately reflect the clear decision of the decision-maker; and
 - c. The Administrator promptly notifies the applicant and the decision-maker regarding the corrections.
- (d) **Effect on Approval.** A permit or approval that is modified pursuant to this Section shall relate back to the date of the corrected approval, such that the effective date of the corrected language shall be deemed to be the same as the effective date of the original approval.

Sec. 21-8-520. - Vacation of Easements, Rights-of-Way, or Plats

- (a) **Generally.** Easements or rights-of-way that are granted to the City by deed, agreement, or final plat may be vacated as provided in this Section.
- (b) **Administrative Vacation.** The Administrator may vacate the City's interest in an easement or right-of-way if:
 - (1) The easement or right-of-way is not for roadway purposes;
 - (2) The City does not have a fee-simple interest in the right-of-way;
 - (3) The easement or right-of-way has not been put to use for its intended purpose;
 - (4) The easement or right-of-way is not necessary to provide services or non-vehicular access to property other than the Subject Property, or there are reasonable alternative ways to provide such services or public access; and
 - (5) The easement or right-of-way is intended to serve or provide non-vehicular access to development for which related approvals have lapsed or been abandoned.
- (c) **City Council Vacation.** The City Council may by ordinance vacate the City's interest in an easement or right-of-way, or vacate a plat, if it finds:
 - (1) The statutory requirements of C.R.S. § 43-2-301, *et seq.* are met if the easement or right-of-way is for roadway purposes, or if platted roadways are affected;
 - (2) The vacation does not conflict with adopted plans;
 - (3) The vacation does not landlock any parcel of land or restrict the access such that it is unreasonable or economically prohibitive;
 - (4) The vacation will not result in adverse impacts on the health, safety, or welfare of City residents and business owners, or reduce the quality of public facilities or public services (including emergency response services) provided to any parcel of land.

Sec. 21-8-521. - Special Procedures for Wireless Telecommunications Facilities

- (a) **Generally.** The procedures of this Section apply to communications uses that are listed in Table 21-2-207, *Utility and Communications Land Use Table*.
- (b) **“Shot Clock”.** The Federal Communications Commission has established mandatory time frames for review of different types of applications for the communications uses that are listed in Table 21-2-207, *Utility and Communications Land Use Table*.
 - (1) The “shot clock” commences at the time the application is filed, whether the application is complete or not. With respect to communications uses, Section 21-8-506(b) and (c), are modified as follows:
 - a. The City shall respond to the applicant with regard to whether the application is complete within 30 days after it is filed. The notice from the City shall specifically delineate all missing information, and specify the code provision, ordinance, application instruction, or other publicly-stated procedure that requirements the information. Such determination of incompleteness tolls the “shot clock.”
 - b. Applications that are incomplete shall be retained by the City.
 - c. The City shall evaluate a resubmittal for completeness and respond to the applicant within 10 days.
 - i. If the City requests information that had previously been identified in the notice issued pursuant to subsection (c)(1)a., above, the “shot clock” shall be tolled again.
 - ii. If the City requests additional information that was not identified in the notice, the shot clock shall continue to run.
 - (2) The “shot clock” concludes:
 - a. 150 days after commencement for new installations that are regulated by 47 U.S.C. § 332(c)(7).
 - b. 90 days after commencement for substantial changes to existing installations (e.g., co-locations that are not subject to 47 U.S.C. § 1455).
 - c. 60 days after commencement for “eligible facilities” as defined in 47 U.S.C. § 1455.
 - (3) In addition to the tolling that occurs under subsection (c)(1), the “shot clock” may be tolled by agreement with the applicant.
- (c) **Approval of Application.** Approvals shall be in writing and shall specify all design elements that are intended to conceal the wireless telecommunications facility.
- (d) **Denial of Application.** Denials shall be in writing and shall specify the reasons for denial, including reference to substantial evidence in the record that supports the denial.

Division 8-6. - Vested Property Rights

Sec. 21-8-601. - Applications

- (a) **Generally.** Except as otherwise provided in subsection (b) below, an application for approval of a site-specific development plan, as well as the approval, conditional approval or denial of approval of the plan, shall be governed only by the land use regulations in effect at the time an application is submitted to the City. For the purposes of this Section, land use regulations include this UDC, as well as any zoning or development regulations that have previously been adopted that apply to the subject property and that remain in effect at the time of the application for approval of the plan.
- (b) **Exceptions.** Notwithstanding the limitations contained in subsection (a) above, the City Council may adopt a new or amended regulation when necessary for the immediate preservation of public health and safety and may enforce such regulation in relation to applications pending at the time such regulation is adopted.

Sec. 21-8-602. - Vested Property Rights; Establishment

- (a) **Site Specific Development Plans.** The following types of site-specific development plan approvals will establish vested property rights in accordance with Article 68, Title 24, C.R.S.:
 - (1) Final planned unit development (“PUD”) plan.
 - (2) Final subdivision plat.
 - (3) Conditional use permit.
 - (4) Development agreement.
- (b) **Other Approvals; Additional Vested Development Rights.** A development agreement may provide for vesting of additional development rights, or for a longer vesting period than provided for in Article 68, Title 24, C.R.S. Such a development agreement may be part of a final PUD, final subdivision, or conditional use permit approval, or a development agreement may provide for vesting rights in additional types of site-specific development plans than those specified above, including but not limited to annexation agreements.
- (c) **Establishment of Vested Rights.** A vested property right shall be deemed established with respect to any property upon the approval or conditional approval by resolution or ordinance of a site-specific development plan establishing vested right, following notice and public hearing.
- (d) **Effect of Vested Rights.** A vested property right shall attach to and run with the subject property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan or development agreement, including any amendments thereto.

Sec. 21-8-603. - Notice of Hearing and Decision; Form of Approval

- (a) **Generally.** No site-specific development plan which establishes a vested property right shall be approved unless and until notice thereof has been given and a public hearing thereon has been conducted.
- (b) **Timing of Notice of Public Hearing.** At least 14 days' notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City. Notice of said public hearing shall include language stating that the approval or conditional approval of the site-specific development plan will create a vested property right.
- (c) **Form of Approval.** Final approval from the City Council shall be by ordinance or resolution. A site-specific development plan shall be deemed approved on the effective date of the approving ordinance or resolution.

Sec. 21-8-604. - Notice of Final Approval

- (a) **Generally.** Approval of vested rights shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such right to referendum or judicial review shall not begin to run until the date of publication, in a newspaper of general circulation within the City, of the notice specified in this Section advising the general public of the site-specific development plan approval and creation of a vested property right pursuant to Title 24, Article 68, C.R.S.
- (b) **Notice of Final Approval.** As soon as practicable following the date a site-specific development plan is approved, and not later than 14 days following such approval date, the City Clerk shall cause a notice to be published advising the general public of the site-specific development plan approval and creation of a vested property right pursuant to Article 68, Title 24, C.R.S. Such notice shall be substantially in the following form:

Notice is hereby given to the general public of the approval of a site-specific development plan, and the creation of a vested property right pursuant to Title 24, Article 68, C.R.S., pertaining to the following described property:

[The property shall be described in the notice, and appended to said notice shall be the ordinance or resolution granting such approval.]

Sec. 21-8-605. - Requirements of Ordinance or Resolution

Any ordinance or resolution approving a site-specific development plan shall, but not by way of limitation, include the following provisions, unless expressly exempted by the City Council:

- (1) The rights granted by the site-specific development plan shall remain vested for a period of three years (or such longer period as may be established in a development agreement) from the effective date of the approval. However, any failure to abide by any of the terms and conditions attendant to the approval shall result in the forfeiture of said vested property rights. Failure to properly record all plats and agreements required of the developers to be recorded by City ordinance shall also result in the forfeiture of said vested property rights.
- (2) The approval granted hereby shall be subject to all rights of referendum and judicial review, except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication provided for in UDC § 21-8-604.
- (3) Zoning that is not part of the site-specific development plan approved hereby shall not result in the creation of a vested property right.
- (4) Nothing in this approval shall exempt the site-specific development plan from subsequent reviews and approvals required by this approval or the general rules, regulations and ordinances of the City, provided that such reviews and approvals are not inconsistent with this approval.
- (5) The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulations by the City, including but not limited to building, fire, plumbing, electrical, and mechanical codes. In this regard, as a condition of this site-specific development approval, the applicant shall abide by any and all such applicable building, fire, plumbing, electrical, and mechanical codes, unless an exemption therefrom is granted in writing.

Sec. 21-8-606. - No Rights Created

Nothing in this Division is intended to create any vested property right other than those that are available to applicants pursuant to the provisions of the Vested Rights Statute (Article 68, Title 24, C.R.S.) In the event of the repeal or invalidation of the Vested Rights Statute, this Division shall be deemed to be repealed and the provisions hereof no longer effective.

Sec. 21-8-607. - Exceptions

A vested property right, once established by this approval, shall preclude any zoning or land use action by the City or pursuant to an initiated measure which would alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the site-specific development plan, except:

- (1) With the consent of the applicant;
- (2) Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the property, which hazards could not reasonably have been discovered at the time of this approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety and welfare; or

- (3) To the extent that compensation is paid as provided in Article 68, Title 24, C.R.S.

Division 8-7. - Administrative Modifications, Variances, and Administrative Appeals

Sec. 21-8-701. - Administrative Modifications

- (a) **Purpose.** The purpose of an administrative modification is to provide an efficient process for minor change to permits or approvals, including those related to site plans, preliminary plans, and planned unit developments, provided that the changes do not substantially alter the approved development parameters.
- (b) **Range of Administrative Flexibility.** The items listed in this subsection qualify for an administrative amendment within the ranges specified. If an item does not qualify as an administrative amendment, it is considered a major change and must be processed in the same manner as a new application. The Administrator may approve:
- (1) *Floor Area.* Up to a 10 percent increase in nonresidential floor area for any institutional, commercial or industrial development (including planned unit development). The increase is limited to hallways, stairways, restrooms, and storage, or a proven necessity for the operational safety of the project. An amended floor plan shall accompany the final application and be included as a part of the approved documents.
 - (2) *Building Height.* An increase in building height up to 20 percent, provided that adequate fire protection is available, and the height increase will not unreasonably affect single-family detached or duplex lots within 150 feet.
 - (3) *Building Spacing.* A reduction up to 10 percent for the minimum distance between buildings within the development. However, the reduction shall not authorize a violation of applicable building or fire codes.
 - (4) *Building Setbacks.* A reduction in building setbacks as provided in Section 21-4-402, *Setback Flexibility*.
 - (5) *Building Footprints.*
 - a. A 10 percent increase in the area of building footprints. However, this shall not reduce required open space or landscape surface to less than the minimum applicable requirements of this UDC (or approved planned unit development), nor reduce parking or setbacks, nor increase the maximum height or density from those approved.
 - b. A reduction in building footprints.
 - c. Relocation of building envelopes or footprints, provided that the relocation does not change any of development restrictions that are set out in the permit or approval, and an analysis of impacts to the originally approved

drainage study demonstrate that there will be no material negative impact on drainage.

- (6) *Open Space or Landscape Surface.* An increase in open space or landscape surface.
 - (7) *Public Improvements.* Changes to the specifications of public improvements, provided that the changes are consistent with current City requirements.
 - (8) *Lighting, Landscaping, Trash Disposal.* Changes to lighting, landscaping, or trash disposal areas, provided that the changes are consistent with the requirements of this UDC.
- (c) **Specific Exclusions.** The following are not eligible for approval as an administrative modification under any circumstances:
- (1) Addition of new land uses to the list of approved uses in a planned unit development;
 - (2) An increase in residential density;
 - (3) An application that requires additional right-of-way dedications, vacations of public improvements, or modification of an existing development agreement or improvements agreement;
 - (4) A transfer of density from one development phase to another, or from one site to another (where density by area or phase is specified on an approved development plan);
 - (5) Increases of building height of more than 20 percent; and
 - (6) Subdivision related changes (such as lot lines, easements, rights-of-way, internal roadways, vacations and / or drainage systems) that require a replat or plat correction.
- (d) **Decision.**
- (1) The Applicant shall submit required application materials, along with a letter of intent that details how the proposed modification meets the applicable amendment criteria set out in subsection (e), below.
 - (2) The Administrator will make a determination as to the proposal's eligibility to be processed administratively.
 - (3) The Administrator may refer any request for an administrative amendment to the Planning Commission for consideration at a regular meeting. The Administrator will notify the Applicant if it is determined that Planning Commission review will be required.
- (e) **Approval Criteria.** Administrative modifications shall meet the following criteria:
- (1) The modification implements or does not reduce the potential for implementation of the Comprehensive Plan;

- (2) The modification is consistent with the efficient development and preservation of the development approval or permit;
 - (3) The modification will not adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest;
 - (4) The modification is in keeping with the spirit and intent of this UDC and will not weaken the purposes of the regulations; and
 - (5) The modification will not adversely affect the public health, safety, and welfare.
- (f) **Conditions.** The Administrator may impose conditions of approval that will secure substantially the objectives of the standard that is modified, and that will substantially mitigate potential adverse impacts on the environment or on adjacent properties, including but not limited to additional landscaping or buffering.
- (g) **Major Modifications and Amendments.** Modifications and amendments that are not authorized by this Section shall be processed in the same manner as a new application for permit or approval.

Sec. 21-8-702. - Variances

- (a) **Subdivision and Planned Unit Development Plan Variances.** The Planning Commission may authorize variances from provisions of this UDC that apply to a proposed subdivision or planned unit development plan in cases where, due to exceptional topographical conditions or other conditions peculiar to the subject property, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this UDC. The variance shall be in keeping with the intent of the Comprehensive Plan.
- (b) **Other Variances.** The Board of Adjustment may grant or deny variances from the provisions of this UDC when:
- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
 - (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
 - (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
 - (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
 - (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;

- (6) That such unnecessary hardship has not been created by the applicant;
 - (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
 - (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.
- (c) **Referral to Planning Commission.** The Zoning Board of Adjustment may request a recommendation from the Planning Commission to assist it in determining if the above requirements have been satisfied. Further, the Zoning Board of Adjustment may require that a special variance application form be completed by the appellant to ensure that the appellant fully understands the criteria on which the board must base its findings.
- (d) **Prohibitions.** The Zoning Board of Adjustment may not grant variances from the provisions of this UDC covering the use or density or land or buildings, or the provisions governing planned unit developments. In granting any variance, the Zoning Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this UDC.

Sec. 21-8-703. - Administrative Appeals

- (a) **Hearings, Appeals and Notices.**
- (1) Appeals to the Board of Adjustment may be taken by any person aggrieved by any administrative decision based upon or made in the course of the administration or enforcement of the provisions of this UDC.
 - (2) Any such an appeal must be made, within 21 days from the date the administrative decision was communicated to the applicant, which shall be the date of emailing or hand delivery, or, if the decision was communicated by mail only, three days from the date of mailing. The form or any other procedure relating thereto, shall be as specified in any rules of procedure adopted by the Board of Adjustment, but shall in any event comply with the provisions concerning the Notice of Appeal set forth below.
- (b) **Notice of Appeal.** The appellant shall file with the Board of Adjustment a notice of appeal specifying the grounds thereof, with a copy to the Administrator. The Administrator shall promptly forward all papers constituting the record of action upon which the appeal was taken to the Board of Adjustment.
- (c) **Notice of Hearing.** Upon receipt of the notice of appeal and record, the Board of Adjustment shall fix a time for hearing of the appeal, which shall be not less than seven nor more than 35 days from the filing of the Notice of Appeal. A notice of the hearing shall be provided as set out in Section 21-8-511, *Public Notice*, and written notice shall also be sent by first class mail to the party appealing and the owner of the property that is the subject of the appeal.

- (d) **Hearing Procedure.** At the hearing, any party may appear in person or by agent or attorney. The Board of Adjustment may affirm, reverse (wholly or partly), or modify the order, requirement, decision or determination appealed and may make such order, requirement, decision or determination as in their opinion ought to be made in the premises, and to that end shall have all powers of the officer from whom the appeal is taken.
- (e) **Decision.** The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of an administrative official or agency.

Article IX. - Enforcement

Division 9-1. - Purpose and Application of Article

Sec. 21-9-101. – Purpose of Article

- (a) **Generally.** The City Council finds that the enforcement of this UDC is an important public service, and that code enforcement is vital to the protection of the public health, safety, welfare, and quality of life. The purpose of this Article is to encourage prompt compliance with the UDC.
- (b) **Procedures and Remedies are Not Exclusive.** Nothing in this Article is intended to limit the remedies that are available to the City to prevent, cure, or abate violations of this UDC. This Article shall not be construed to prevent the City from using any enforcement procedures that are lawful and appropriate, nor shall it be construed as an election of remedies.

Sec. 21-9-102. - Application of Article

- (a) **Generally.** This Article provides the general process for enforcing the UDC, and the general remedies that are available to the City. However, as provided in Section 29-9-101, *Purpose of Article*, the City may take any lawful action to remedy violations of this UDC, including seeking any remedy or imposing any penalty that is available under this UDC, Colorado law or administrative rules promulgated thereunder, or Federal law.
- (b) **Enforcement of LUDC, Generally.**
 - (1) Division 9-2, *Enforcement Procedures*, sets out:
 - a. A general procedure for code enforcement by City Staff; and
 - b. Additional actions that may be taken by the Administrator.
 - (2) In addition to the enforcement provisions of this Article, specific conditions of development approval or improvements agreements may provide additional or alternative enforcement procedures or remedies.
- (c) **Remedies.** Division 9-3, *Remedies*, provides a non-exclusive list of defenses and potential consequences of enforcement when a person is found to have violated this UDC.

Division 9-2. - Enforcement Procedures

Sec. 21-9-201. - Notice of Violation

- (a) **Generally.** In the event of the failure of the owner, an adult tenant, or an adult person in possession of any real property in the City to comply with the provisions of this Chapter, the Code Enforcement Officer shall serve a written notice of violation ("NOV"), in a form prescribed by the Department of Public Works, upon the property owner whose property is being kept contrary to the provisions of this Chapter.
- (b) **Contents of Notice of Violation.** The NOV shall include, at a minimum:
 - (1) The address of the property where the violation is alleged.
 - (2) Specific reference to the Section(s) of this UDC or to conditions of a development approval that are alleged to have been violated.
 - (3) If necessary, a statement of the action that must be taken to bring the property or use into compliance with this UDC.
 - (4) A time frame, not to exceed 28 days, for bringing the property or use into compliance with this UDC. An extension may be granted by the Administrator as long as the property owner is diligently working towards a resolution.
 - (5) A statement that if the violation is not corrected within a specified period of time, the prosecution for the violation may be initiated subsequently by the issuance of a summons and complaint.
 - (6) Contact information for a person or department who can answer questions about the warning.
- (c) **Time for Correction.**
 - (1) The length of time for correction shall be a reasonable period of time, depending on the facts and circumstances of the violation, in the judgment of the Code Enforcement Officer, but shall be not less than seven days nor more than 28 days after service of the NOV.
 - (2) In determining the time period, the Code Enforcement Officer shall determine, taking into account the action that must be taken by the property owner to bring the property into compliance with this Chapter, as well as the detriment to the neighborhood and surrounding properties, if any, from continuing non-compliance.
- (d) **Service of Notice of Violation.**
 - (1) Service shall be made by personally delivering a copy of said notice of violation to the owner, and to any adult tenant, or an adult person in possession of the property, in which case service shall be deemed complete upon receipt; or

- (2) If personal service cannot be achieved after reasonably diligent efforts, service may be by mailing, by certified mail, a copy of the notice to the property owner at his/her last known address, as designated in the records of the county assessor, in which case service shall be deemed complete at noon the third business day after mailing.
 - (3) Subject to the limitations of Subsection (f), below, and the discretion of the Code Enforcement Officer, warnings are the preferred method of assuring compliance with this UDC.
- (e) **Limitations.** The Code Enforcement Officer may recommend immediate prosecution by service of a summons and complaint without first issuing a Notice of Violation under this Section if:
 - (1) During the previous 24 months, the property owner has been warned of, cited for, or summoned to court for the same violation; or
 - (2) The Code Enforcement Officer determines that the violation is likely to create an imminent hazard to life or property.

Sec. 21-9-202. - Immediate Orders and Immediate Actions

- (a) **Generally.** As provided in this Section, the Code Enforcement Officer may issue immediate orders or take other immediate actions as necessary to halt violations of this UDC, to prevent activities from violating or exacerbating violations of this UDC, or to remedy violations of this UDC.
- (b) **Cease and Desist Orders.** The Code Enforcement Officer may issue a cease and desist order to close unlawful uses or to halt other violations of this UDC for which the Code Enforcement Officer determines that other available procedures and remedies under this Article are inadequate.
- (c) **Stop Work Orders.**
 - (1) The Code Enforcement Officer shall have the authority to stop any or all construction activities as deemed necessary to halt, correct, or prevent an imminent violation of this UDC by issuing a written stop work order to the owner, contractor, permittee, or operator.
 - (2) If the appropriate permittee or operator cannot be located, the stop work order shall be posted in a conspicuous place upon the area where the activity is occurring. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the City.
 - (3) Such permittee or operator shall immediately stop all activity until authorized, in writing, by the City to proceed. It is unlawful for any permittee or operator to fail to comply with a stop work order.
 - (4) Stop work orders may be issued for:
 - a. Construction work for which a required development approval or permit has not been issued;

- b. A violation of any condition of development approval, development agreement, stormwater quality permit, stormwater management plan, or other plan required by this UDC;
- c. Material departure from approved construction drawings or specifications;
- d. A violation of this UDC;
- e. A violation of any other ordinance of the City, State law, or Federal law pertaining to the development; or
- f. The existence of any condition or the occurrence of any act which endangers health, life, or safety, or creates a high potential for damage to property.

(d) **Permit Actions.**

- (1) *Permit Holds.* Upon recommendation of the Code Enforcement Officer, the Administrator may direct City departments that are responsible for the issuance of permits related to platting, construction, expansion, or operation of a use, building, structure, sign, or fence, to hold further permits until the Code Enforcement Officer certifies that violations are corrected, or until the City Council, Municipal Court, or other court of appropriate jurisdiction orders that the hold be lifted (for example, if an owner fails to plat property where a plat is required, the Code Enforcement Officer may order that building permits be withheld until the plat is approved and recorded).
- (2) *Temporary Suspension of Permits, Generally.*
 - a. The Code Enforcement Officer may suspend permits for a period of not more than 21 days in order to:
 - i. Address an imminent danger to public health, public safety, or public or private property;
 - ii. Prevent irreparable harm that is otherwise likely to occur if the activities that are the basis for the temporary revocation were to continue;
 - iii. Achieve compliance with conditions of approval, or with limited or conditional use standards, if applicable; or
 - iv. Ensure that construction proceeds according to approved plans and applicable laws.
 - b. If the Code Enforcement Officer temporarily suspends a permit, the Code Enforcement Officer shall immediately notify the City Attorney and the Administrator. The City Attorney may seek a court order in Municipal Court or other court of appropriate jurisdiction permanently revoking the permit if compliance is not achieved within 21 days. The City Attorney may request a temporary injunction to extend the temporary suspension of the permit in order to avoid irreparable harm.

- (e) **Removal of Temporary Signs.** The Code Enforcement Officer may immediately remove (or cause to be removed) temporary signs that are placed in violation Division 4-7, *Signs*.

Sec. 21-9-203. - Administrative Process

- (a) **Generally.** The Code Enforcement Officer may issue a citation for violation of this UDC. The recipient of a citation shall correct the violations that are alleged and pay any applicable fines or restitution to the City within 21 days of the date of the citation.
- (b) **Relationship to Other Enforcement Procedures.** Enforcement actions are intended to be cumulative in nature. The City may pursue any and all lawful remedies, separately or concurrently, to effect compliance with an issued citation, including issuance of immediate orders and prosecution of violations as criminal offenses. If a recipient of a citation does not take timely action required by the citation and does not timely request administrative review pursuant to this Section, then the City may proceed to enforce the citation in Municipal Court.
- (c) **Contents of Citation.** Citations shall include at least the following information:
 - (1) The address or location of the property where the violation is alleged.
 - (2) Specific reference to the Section(s) of this UDC or to conditions of a development approval that are alleged to have been violated.
 - (3) If necessary, a statement of the action that must be taken to bring the property or use into compliance with this UDC and a time frame, not to exceed 21 days, for achieving compliance with this LUDC.
 - (4) The amount of any fine that is assessed as a result of the violation.
 - (5) A statement that if the requirements of the citation are not met within the stated time frame, the party cited may be compelled to appear in Municipal Court.
 - (6) A statement that the cited party may challenge the citation within 14 days of the date of the citation by written request for a hearing in municipal court.
- (d) **Payment of Fines.** If the municipal court affirms the citation or modifies the citation, any fines that are imposed shall be payable to the City not later than 30 days after the date of the municipal court's decision.
- (e) **Collection of Fines.** A fine assessed by means of a citation may be collected by any means allowed by law.

Sec. 21-9-204. - Administrative Suspension of Licenses, Permits, and Approvals

- (a) **Generally.** In the case of violations of, or noncompliance with, this UDC or of violations of, or failure to meet, conditions of approval, the Administrator, City Manager, or City Attorney may schedule a hearing prior to taking civil action in court in order to investigate and consider a suspension of a license, permit, or approval as provided in this Section.

- (b) **Referral of Notice of Violation.** The Administrator may refer a notice of violation of conditions of approval to the City Council for initiation of proceedings to revoke an approval in cases of:
 - (1) Violations of this UDC;
 - (2) Violations of conditions of approval; or
 - (3) Failure to meet conditions of approval.
- (c) **Introduction.** To consider revocation of an approval, the City Council shall introduce the matter during a regular meeting. Upon affirmative vote of a majority of the quorum present, the matter shall be referred to the Planning Commission for a recommendation.
- (d) **Planning Commission Review and Recommendation.** Upon referral, the Administrator shall place the matter on the next available agenda of the Planning Commission, which shall hold a quasi-judicial hearing at which it shall hear evidence from the Administrator or the Administrator's designee, and from the recipient of the notice of violation. Upon conclusion of the hearing, the Planning Commission shall make a recommendation to the City Council, which shall include recommended findings of fact.
- (e) **City Council Decision.** Upon recommendation of the Planning Commission, the Administrator shall place the matter on the next available agenda of the City Council, which shall hold a quasi-judicial hearing. Upon conclusion of the public hearing, the City Council shall consider the testimony adduced at the hearing and the recommendation of the Planning Commission, and shall decide whether to revoke the approval, attach additional conditions to ensure future compliance, or dismiss the charge of the violation. Decisions to revoke an approval or attach additional conditions shall include written findings of fact.
- (f) **Effect of Suspension.** An approval that is suspended is inoperative during the period of suspension, and all uses authorized by the approval shall cease operations. If the City Council does not put a time limit on the suspension and the violator does not appeal to a court or competent jurisdiction, then the suspension becomes a permanent revocation of the license, permit, or approval upon the lapse of the appeal period.

Sec. 21-9-205. - Judicial Process

The City may initiate action to enforce this UDC in the Alamosa Municipal Court, or in any other court of appropriate jurisdiction, according to the applicable rules of procedure. Judicial actions may include, but are not limited to, proceedings for temporary or permanent injunction, abatement, declaratory judgment, or other appropriate actions or proceedings to prevent, enjoin, abate, remove, or otherwise correct violations of this UDC or permits or approvals granted hereunder.

Division 9-3. - Remedies

Sec. 21-9-301. - Nature of Remedies; Preference for Civil Remedies

- (a) **Generally.** The remedies provided in this Article, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law.
- (b) **Each Day a Separate Offense.** Each day that a violation exists constitutes a separate offense.
- (c) **Preference for Civil Remedies.** It is the intent of the City to apply civil remedies described in this Division, and to use criminal enforcement only in egregious cases, including, but not limited to, multiple repeated offenses.

Sec. 21-9-302. - Revocation of Licenses, Permits, and Approvals

Development approvals or permits may be permanently revoked if the City Council (pursuant to Section 21-9-204, *Administrative Suspension of Licenses, Permits, and Approvals*) or a court of appropriate jurisdiction finds a failure to correct a violation that resulted in a temporary suspension of the permit; or if there was fraud or material misrepresentation in the application materials that supported the issuance of the permit.

Sec. 21-9-303. - Civil Remedies

- (a) **Fines.** Any person who violates or fails to comply with any provision of this UDC shall be subject to a civil penalty up to the maximum amount allowed by law, for each offense. The City Council may establish a schedule of fines by resolution.
- (b) **Declaratory or Injunctive Relief.** The City may seek declaratory or injunctive relief in order to enforce this UDC or conditions of approval.
- (c) **Responsible Parties.** Every person furthering the violation of, or showing failure to comply with, the UDC, whether the person directly commits the act or aids or abets the same and whether present or absent, shall be proceeded against and held as a principal.
- (d) **Specific Performance.** The City may seek specific performance in order to enforce improvements agreements, annexation agreements, and other agreements, however titled, that are used to implement the requirements of this UDC.

Sec. 21-9-304. - Criminal Penalties

- (a) **Generally.** The owner or owners of any building or buildings or premises or part thereof where anything in violation of this Chapter exists or is placed or maintained; and any architect, builder, or contractor who assists in the commission of any such violation; and all persons or corporations who violate or maintain any violation of any of the provisions of this Chapter or who fail to comply therewith or with any requirements thereof or who build in violation of any statement of plans submitted and approved hereunder shall, for each and every violation or noncompliance, be guilty of an ordinance violation and, upon conviction thereof, shall be punishable in accordance with the general penalty provision established in the City of Alamosa Municipal Code, Section 1-17.
- (b) **Responsible Parties.** Every person furthering the violation of, or showing failure to comply with, the UDC, whether the person directly commits the act or aids or abets the same and whether present or absent, shall be proceeded against and held as a principal.

Article X. - Findings, Objectives, and Intent

Division 10-1. - Findings, Objectives, and Intent Regarding Specific Uses

Sec. 21-10-101. - Findings, Objectives, and Legislative Intent Regarding Sexually-Oriented Business

- (a) **Findings.** The regulation of sexually-oriented businesses in this UDC are based on the following findings of the City Council:
- (1) Sexually-oriented businesses cause adverse secondary effects, which are recognized by the U.S. Supreme Court (in cases such as *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990)) and the 10th Circuit Court of Appeals (in cases such as *Doctor John's v. G. Blake Wahlen*, 542 F.3d 787 (10th Cir. 2008)) as impacting substantial governmental interests in health, safety and welfare.
 - (2) In *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000), the U.S. Supreme Court held that a "city need not 'conduct new studies or produce evidence independent of that already generated by other cities' to demonstrate the problem of secondary effects, 'so long as whatever evidence the city relies upon is reasonably believed to be relevant to the problem that the city addresses.'"
 - (3) Other cases, such as *City of Littleton v. Z.J. Gifts*, 541 U.S. 774 (2004), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *Essence, Inc. v. City of Federal Heights*, 285 F.3d 1272 (10th Cir. 2002), *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998), *O'Connor v. City and County of Denver*, 894 F. 2d 1210 (10th Cir. 1990), *City of Colorado Springs v. 2354 Inc.*, 896 P.2d 272 (Colo. 1995), *7250 Corp. v. Board of County Comm'rs for Adams County*, 799 P. 2d 917 (Colo. 1990), and *Marco Lounge, Inc. v. City of Federal Heights*, 625 P.2d 982 (Colo. 1981), have upheld reasonable regulations of sexually-oriented businesses.
 - (4) The negative secondary impacts of sexually-oriented businesses have been studied in other communities. These communities include, but are not limited, to Adams County, Colorado; Dallas, Texas; Denver, Colorado; Ellicottville, New York; Garden Grove, California; Houston, Texas; Indianapolis, Indiana; Islip, New York; Las Vegas, Nevada; Los Angeles, California; Louisville, Kentucky; New York, New York; Oklahoma City, Oklahoma; Phoenix, Arizona; Rome City, Georgia; St. Paul, Minnesota; Tucson, Arizona; and Whittier, California;
 - (5) The American Center for Law and Justice also completed a study on the secondary effects of such uses, dated March 1996.
 - (6) Secondary effects of sexually-oriented businesses may include any or all of the following material effects on the health, safety, and welfare of City residents:

- a. Particularly when they are located in close proximity to each other, sexually-oriented businesses are an indicia of urban blight, or a factor that downgrades the quality of life in the adjacent area;
 - b. Sexually-oriented businesses have a deleterious effect on both neighboring businesses and surrounding residential areas, as they are regularly correlated to an increase in crime and a decrease in property values;
 - c. Sexually-oriented businesses commonly require special supervision from public safety agencies in order to protect public health, safety and welfare, including that of the patrons of such businesses;
 - d. Studies and experience show that in the absence of regulation of sexually-oriented businesses, significant criminal activity, including prostitution, narcotics and liquor law violations, have historically and regularly occurred within and within the immediate vicinity of such businesses;
 - e. Sexually-oriented businesses are frequently used for unlawful and unhealthful sexual activities, including prostitution and sexual liaisons of a casual nature, and the concern over sexually transmitted diseases, including HIV, is a legitimate health concern of the City;
 - f. Sexually-oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are often not controlled by the operators of the establishments; and
 - g. Children and minors may be harmed by exposure to the secondary effects of sexually-oriented businesses, including those encountered when children walk through or visit in the immediate neighborhood of such businesses.
- (b) **Objectives.** The City wishes to minimize and control the adverse secondary effects of sexually-oriented businesses and thereby protect the health, safety and welfare of the citizens; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; deter the spread of urban blight; and protect residents and property owners from increased crime.
- (c) **Intent.** It is not the intent of this Code to suppress any speech protected by the First Amendment, but to enact reasonable, content-neutral regulations that address the secondary effects of sexually-oriented businesses. To this end, the regulations in this Code that apply specifically to sexually-oriented businesses impose restrictions which are no greater than necessary to further the City's substantial interest in preventing adverse secondary effects attributable to such businesses.

Sec. 21-10-102. - Findings Regarding Regulation of Marijuana Uses and Marijuana Cultivation

- (a) **Generally.** The findings of this Section support the policy that is articulated in Section 21-1-104, *Statement of Policy Regarding Marijuana Uses and Marijuana Cultivation*.
- (b) **Findings.** The City Council finds that, as of the effective date of this UDC:

- (1) Marijuana is a controlled substance under federal law, and possession of marijuana is prohibited by federal law.
- (2) The voters of the State of Colorado have approved a constitutional amendment to the State Constitution to allow for persons with “debilitating medical conditions” to use medical marijuana. The will of the voters is reflected in Article XVIII, Section 14 of the Colorado Constitution. That Section of the Colorado Constitution is further implemented and further regulated by C.R.S. § 12-43.3-101, et seq.
- (3) The voters of the State of Colorado have approved a constitutional amendment to the State Constitution to legalize, under state law, the personal use of marijuana by persons over the age of 21. However, part of the amendment, reflected in Article XVIII, Section 16(5)(f) of the Colorado Constitution, provides, “A locality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance”
- (4) The United States Constitution, in Article VI, Debts, Supremacy, Oaths, provides in part, “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution”
- (5) Marijuana is a Schedule I controlled substance under 21 U.S.C. § 812. Possession and sale of marijuana is illegal under federal law. (See 21 U.S.C. § 841, et seq.) Violators of U.S. Code are subject to criminal and civil penalties under Federal law.
- (6) The United States Department of Justice (“U.S. DOJ”) issued a memorandum on October 19, 2009 regarding U.S. DOJ policy on enforcement of the Federal Controlled Substances Act in states that allow medical marijuana under state law. In that memorandum, Deputy Attorney General David Ogden writes, in pertinent part:
 - a. “Of course, no State can authorize violations of federal law Accordingly, in prosecutions under the Controlled Substances Act, federal prosecutors are not expected to charge, prove, or otherwise establish any state law violations.”
 - b. “This guidance regarding resource allocation does not ‘legalize’ marijuana or provide a legal defense to a violation of federal law, nor is it intended to create any privileges, benefits, or rights, substantive or procedural, enforceable by any individual, party, or witness in any administrative, civil, or criminal matter.”

- c. “Nor does clear and unambiguous compliance with state law . . . create a legal defense to a violation of the Controlled Substances Act.”
- (7) In response to the reallocation of investigative and prosecutorial resources of the U.S. DOJ, medical and recreational marijuana uses have proliferated in Colorado.
- (8) On February 23, 2017 a White House official signaled that there will be “greater enforcement” of federal laws against marijuana use, particularly in the area of recreational marijuana; however, as of the effective date, neither the White House nor the U.S. DOJ has articulated a substantive change in policy.

Division 10-2. - Findings Regarding Regulation of Certain Structures

Sec. 21-10-201. - Interests, Findings, and Legislative Intent Regarding Sign Regulation

- (a) **Statement of Interests.** The City has the following legitimate, important, substantial, or compelling interests in regulating signs:
 - (1) Preventing the proliferation of signs of generally increasing size, dimensions, and intrusiveness (also known as “sign clutter”) that tends to result from competition for the attention of passing motorists and pedestrians, because sign clutter:
 - a. Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
 - b. May involve physical obstruction of streets, sidewalks, or trails, creating public safety hazards;
 - c. Degrades the aesthetic quality of the City, making the City a less attractive place for residents, business owners, visitors, and private investment;
 - d. Increases the cost of doing business in the City by placing undue pressure on business owners to invest in ever-increasing amounts of signage; and
 - e. Dilutes or obscures messages on individual signs due to the increasing intensity of competition for attention.
 - (2) Maintaining and enhancing the historic character of downtown Alamosa.
 - (3) Protecting the health of the tree canopy in the City.
 - (4) Maintaining a high quality aesthetic environment to protect and enhance property values, leverage public investments in streets, sidewalks, trails, plazas, parks, and landscaping, and enhance community pride.
 - (5) Protecting minors from speech that is harmful to them as provided by state or federal law, by preventing such speech in places that are accessible to and used by minors.
- (b) **Findings.** The City finds that:

- (1) Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out above and the constitutionally-protected right to free expression.
 - (2) The sign regulations set out in this Code are unrelated to the suppression of constitutionally-protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
 - (3) The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this Code is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced herein.
 - (4) Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing sign clutter.
 - (5) Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the City's streets if they are not removed.
 - (6) Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.
- (c) **Intent.** The sign regulations in this Code represent the City's best effort to advance its legitimate, important, substantial, and compelling interests while ensuring consistency with an evolving legal framework.

Sec. 21-10-202. - Interests, Findings, and Legislative Intent Regarding Wireless Telecommunications Facilities Regulations

- (a) **Interests.** The unique and diverse landscapes of the city are among its most valuable assets. Protecting these assets will require that location and design of wireless telecommunication services and/or equipment be sensitive to and in scale and harmony with, the character of the community.
- (b) **Findings.** The City finds that providing predictable, consistent, and balanced standards for the siting and screening of wireless telecommunication services facilities and equipment is important in order to:
- (1) Preserve the character and aesthetics of areas which are in close proximity to wireless telecommunication services facilities and equipment;
 - (2) Protect the health, safety, and welfare of persons living or working in the area surrounding wireless telecommunication services facilities and equipment related to the placement, construction or modification of such facilities; and

- (3) Allow development that is compatible in appearance with allowed uses of the underlying zoning district.
- (c) **Intent.** It is the intent of the City to further its interests in protecting its community character while also promoting access to wireless telecommunications services within the City. To that end, the City intends to:
- (1) Enforce standards that mitigate the visual, aesthetic, and safety impacts of wireless telecommunications facilities through careful design, siting and screening, and placement for their construction or modification;
 - (2) Allow for fair and meaningful competition and, to the greatest extent possible, extend to all people in all areas of the City high quality wireless telecommunication services at reasonable costs; and
 - (3) Encourage co-location and clustering of antenna sites and structures, when practical, to help reduce the number of such facilities that may be required in the future to service the needs of customers, and thus avert unnecessary proliferation of facilities on private and public property.

Article XI. - Measurements, Calculations, Rules of Construction, Acronyms, and Definitions

Division 11-1. - Measurements and Calculations

Sec. 21-11-101. - Measurements.

(a) **Height.**

(1) *Buildings.*

- a. Building height is measured from a horizontal reference plane at the elevation of the average existing grade across the front building line, measured at major building corners, to the highest point among the following:
 - i. The midpoint of a sloped (gable, hip or gambrel) roof;
 - ii. The top of the parapet of a flat roof system; or
 - iii. The deck line of a mansard roof.
- b. The following building elements and appurtenances are excepted from the building height measurement, but only to the minimum degree necessary to achieve compliance with applicable building codes (or if not regulated by building codes, to provide for appropriate function):
 - i. Chimneys,
 - ii. Vents (*e.g.*, attic fans, cupola vents, radon mitigation, plumbing vents, etc.), and
 - iii. Light collection domes for daylighting systems.
- c. In addition to the elements and appurtenances described in subsection (a)(1)b., above, with regard to multifamily and nonresidential buildings, the following are also excepted from the building height measurement:
 - i. Non-habitable towers, spires, belfries, and domes;
 - ii. Screened mechanical equipment;
 - iii. "Green roof" vegetation;
 - iv. Roof access, elevator, and stair towers; and
 - v. Clock towers.

(2) *Fences, Walls, and Retaining Walls.*

- a. The height of fences, walls, or retaining walls is measured as the vertical distance from a point of measurement at the average finished grade for each interval on the outside of the enclosed area (or the side closest to the property line if the fence or wall does not enclose anything) to the highest

point at the top of the fence or wall for that interval, excluding posts and pilasters.

b.

In general, fence or wall height is measured in 40 foot horizontal intervals, or the distance between posts or pilasters, whichever is shorter.

- (3) *Monopoles and towers.* The height of a monopole or tower is measured from the lowest point of the anchored base of the tower, at its grade, to the highest point of the structure. For antenna towers, height shall be measured inclusive of any antennas placed on the tower. For wind turbines, height shall be measured to the top of the rotor at its highest point during rotation.
- (4) *Roofed structures other than buildings.* The height of roofed structures other than buildings (e.g., gazebos) is measured as the distance from the grade plane at the base of the structure to the top of the highest point on the structure, including attachments thereto.
- (b) **Building coverage.** Building coverage is measured as the area of a lot or parcel that is occupied by principal and accessory buildings at ground level. For the purpose of this UDC, building coverage is measured as the footprint of the principal and any accessory buildings at grade, including any carport (whether enclosed or not). Eaves, overhangs, and decks that project less than two feet from the building walls are not included in the measurement of building coverage. Overhangs, covered porches, cantilevers, and decks that project more than two feet from building walls are included in the measurement of building coverage.
- (c) **Floor area.** Floor area is measured as the horizontal floor area included within the outside walls of a building or portion thereof, including habitable tenant houses and attic space, but not including vent shafts, courts, or uninhabitable areas below ground level or in attics.
- (d) **Lot area.** Lot area is the total planar area within a lot that is enclosed by its lot lines.
- (e) **Lot depth.** Lot depth is the average horizontal distance between front and rear lot lines.
- (f) **Lot width.** Lot width is the horizontal distance between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.
- (g) **Setbacks.** Setbacks are measured horizontally at right angles to the affected lot line to the nearest point of the building or structure for which the setback is being measured.

Sec. 21-11-102. - Calculations

- (a) **Building Coverage Ratio.** Building coverage ratio is calculated as building coverage divided by lot area.
- (b) **Density.** Density is calculated as the number of dwelling units per acre of land of a lot or subject property, as applicable to the circumstances of the calculation.
- (c) **Open Space Ratio.** Open space ratio is calculated as the total area of open space on a subject property divided by the total area of the subject property.

Division 11-2. - Rules of Construction, Acronyms, and Definitions

Sec. 21-11-201. - Rules of Construction

The words and terms used, defined, interpreted, or further described in this chapter may be construed as follows:

- (1) The particular controls the general.
- (2) The word “shall” is mandatory.
- (3) The word “may” is permissive.
- (4) Words used in the present tense include the future unless the context clearly indicates the contrary.
- (5) Words used in the singular include the plural, and words used in the plural include the singular, unless the context clearly indicates the contrary.

Sec. 21-11-202. - Table of Acronyms

Table 21-11-202 sets out the abbreviations and acronyms that are used in this UDC.

TABLE 21-11-202 ABBREVIATIONS AND ACRONYMS	
Acronym	Meaning
ac.	Acre
ADA	Americans with Disabilities Act, 42 U.S.C. § 12101, et seq., as amended from time to time
ADA 502	2010 ADA Standards for Accessible Design § 502, as amended from time to time, and however subsequently titled or numbered
ADT	Average Daily Traffic
Art.	Article
BMP	Best Management Practice
BRU	Preceded by a number, “Bedroom Unit” (e.g., 2 Bedroom Unit)
CAFO	Concentrated Animal Feeding Operation
CCR	Colorado Code of Regulations
CDPHE	Colorado Department of Public Health and Environment
CMRS	Commercial Mobile Radio Service
C.O.	Certificate of Occupancy
C.R.S.	Colorado Revised Statutes
dBA	A-weighted Decibels
DBH	Diameter at Breast Height
Div.	Division
DNL	Day-Night Average Sound Level
<i>e.g.</i>	<i>exempli gratia</i> (translation: “for example”), which is followed by illustrative, non-exclusive examples
EIFS	Exterior Insulation Finishing Systems
EOPC	Engineer’s Opinion of Probable Cost
EPA	United States Environmental Protection Agency
ESMR	Enhanced Specialized Mobile Radio
FDP	Final Development Plan
ft.	Feet
<i>i.e.</i>	<i>id est</i> (translation: “that is”), which is followed by an elaboration of the topic
IGA	Intergovernmental Agreement
lf.	Linear Feet

TABLE 21-11-202 ABBREVIATIONS AND ACRONYMS	
Acronym	Meaning
LAN	Local Area Network
LOS	Level of Service
LSR	Landscape Surface Ratio
Max.	Maximum
Min.	Minimum
MUTCD	Manual on Uniform Traffic Control Devices
N/A	Not Applicable
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System, created by the Clean Water Act, 33 U.S.C. § 1251, <i>et seq.</i>
OSHA	Occupational Safety and Health Act, 29 U.S.C. § 651, <i>et seq.</i>
OSR	Open Space Ratio
PC	City of Alamosa Planning Commission
PCS	Personal Communications Services
PDP	Preliminary Development Plan
PUD	Planned Unit Development
RV	Recreational Vehicle
Sec.	Section
sf.	Square Feet
sp.	Parking Space (or Parking Spaces)
SWMP	Stormwater Management Plan
U	Dwelling Unit
U/A	Dwelling Units per Acre
UDC	City of Alamosa Unified Development Code
UDFCD	Urban Drainage and Flood Control District
U.S.	When preceded and followed by numbers, United States Reports (a Supreme Court Reporter); otherwise United States
U.S.C.	United States Code
U.S. DOJ	United States Department of Justice
USDCM	Urban Storm Drainage Criteria Manual (all volumes), published by UDFCD, as amended or revised from time to time
ZBOA	City of Alamosa Zoning Board of Adjustment

Sec. 21-11-203. - Definitions

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACCESSORY STRUCTURE means a structure that is accessory to a principal building or structure, such as a shed or detached garage.

ACCESSORY USE means a use of property that is incidental or subordinate to the principal use, such as a home occupation.

ADMINISTRATOR means the Public Works Director or his or her designee.

ADULT DAY CARE means a facility that is certified by the State of Colorado to provide health and social services on a less than 24-hour basis to elderly, blind, or disabled adults.

AIRPORT means an area of land that is used for the landing and takeoff of aircraft (fixed-wing or helicopter). An airport may be private or public, and may include related buildings and facilities, such as fixed-base operators, hangars, terminals, fueling and de-icing facilities, maintenance facilities, and car rental agencies, gift shops, and restaurants.

ALCOHOLIC BEVERAGE SALES means the retail sale of beer, wine, spirits, or other alcoholic beverages for off-premises consumption. The phrase “alcoholic beverage sales” applies to those uses which must obtain a Colorado retail liquor store license.

ALLEY means a minor right-of-way or easement for motor vehicles that gives a secondary means of access to the back or side of lots or parcels that otherwise abut a street. Alleys are often used for service access and utility installations.

ALTERNATIVE TOWER STRUCTURE means artificial trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that are visually compatible with their context (e.g., a natural setting or surrounding buildings or structures), which camouflage or conceal the presence of antennas or towers. The phrase “alternative tower structure” also includes any antenna or antenna array attached to the alternative tower structure.

AMATEUR RADIO ANTENNA means an antenna used by an amateur radio (a.k.a. “HAM Radio”) operator pursuant to 47 C.F.R. 97, Subpart A.

ANIMAL EQUIVALENT UNIT means a unit of measurement to compare various animal types based upon equivalent forage needs or waste generation. Animal equivalent units are set out in the table below.

ANIMAL EQUIVALENT UNITS	
Animal	Animal Equivalent Units
Adult Cow with Unweaned Calf	1.00
Mature Dairy Cattle	1.40
Slaughter or Feeder Cow	1.00
Sheep	0.20
Goat	0.20
Llama	0.60
Horse	1.25
Mule	1.25
Donkey	1.25
Burro	1.25
Swine (>55 pounds)	0.40
Swine (<55 pounds)	0.07
Laying Hens	0.03
Broiler Chickens	0.01
Turkeys	0.02
Other Animals	Average Animal Weight (in pounds) / 1,000 pounds

ANTENNA means any structure, including but not limited to a monopole antenna, tower, parabolic, or disk-shaped device in single or multiple combinations of either solid or mesh construction, intended for the purpose of receiving or transmitting communication to or from another antenna, orbiting satellite, cell phone, television, radio, or other telecommunications device, as well as supporting equipment necessary to install or mount the antenna on an antenna tower or building.

ANTENNA TOWER means any structure that is designed and constructed primarily for the purpose of supporting one or more antennae. This includes guyed mast, lattice towers, monopoles, alternative tower structures, and towers that are taller than ten feet that are installed or mounted on top of a

building, along with any separate building or structure on the same lot used to house any supporting electronic equipment.

ARCADE FRONTAGE means that the street-facing elevation of the principal building includes an integrated colonnade that is covered by upper stories of the building, and that shelters the sidewalk or walkway in front of the building elevation.

ASSISTED LIVING OR CONGREGATE CARE means a residential facility that provides meals or assistance with daily activities, such as dressing, grooming, and bathing, for the elderly or adults who are unable to manage these activities themselves.

BAR, TAVERN, OR NIGHTCLUB means a use engaged in the sale of alcoholic beverages for on-premises consumption, where such sales account for more than 50 percent of gross revenues. The use does not include temporary sales of alcohol for on-premise consumption.

BED AND BREAKFAST INN means an adaptive re-use of a single-family detached building as a place of overnight accommodation, in which: (i) eight or fewer guest rooms are rented for daily or weekly terms; (ii) breakfast is provided to guests; and (iii) the operator resides on the premises.

BERM means a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.

BOARD OF ADJUSTMENT means the City of Alamosa Zoning Board of Adjustment.

BOARDING OR ROOMING HOUSE means a residential building in which three or more bedrooms are available to be rented to guests on a short-term or long-term basis. Some services (e.g., meals or laundry) may be provided, and common areas, such as kitchens, living areas, or bathrooms, may be shared.

BUFFERYARD means open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block buildings, structures, storage areas, noise, lights, or other nuisances. Bufferyards are classified into five classifications, with specific uses, locations, or purposes calling for specific bufferyard classifications. *See* Table 21-5-306C for classifications.

BUILDING means an enclosed structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind, excluding fences.

BUSINESS SERVICES means commercial services, such as printing and copy centers, 3D print shops, direct mail services, repair services and shops (except automobile, truck, and heavy equipment repair), parcel service drop-off locations and mailbox services, and data recovery shops.

CALIPER means the diameter of a tree trunk, measured six inches above the soil. Caliper measurements are used to measure single-trunk trees that are grown in nurseries. Trees that are already established on a subject property are measured using a diameter at breast height ("DBH") technique. *See* Diameter at breast height ("DBH").

CAMPGROUND OR RV PARK means an area of land developed and intended for use to provide the traveling public with short-term accommodations for recreational vehicles, motor homes, travel trailers, truck campers, park models, and tents.

CAMPUS means a master-planned collection of buildings and grounds that typically include a variety of uses and activities for an academic institution (e.g., a college campus), non-academic institution

(e.g., a hospital campus), or a business or group of related businesses (e.g., a research park campus), which are normally designed to provide common areas and amenities that provide focal points within the master plan.

CEMETERY / MAUSOLEUM means any place in which there is provided space either below or above the surface of the ground for the interment of the remains of human bodies.

CENTRAL BUSINESS DISTRICT means the area bounded by Fourth Street on the north, Denver Avenue on the east, Sixth Street on the south and Edison Avenue on the west.

CHANGEABLE COPY PANEL means a portion a sign with characters, letters, or illustrations that can be manually (not electronically) changed or rearranged without structurally altering the surface of the sign.

CHILD CARE CENTER means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five or more children under the age of 16 years and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes: (i) facilities commonly known as “day care centers,” “day nurseries,” “nursery schools,” “kindergartens,” “preschools,” “play groups,” “day camps,” “summer camps,” “centers for mentally retarded children,” and (ii) facilities that provide 24-hour care for dependent and neglected children, and (iii) facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school, except that the term does not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades. Child care centers are classified as either “small” (five to 12 children) or “large” (13 or more children).

CITY FACILITIES means a building, structure, storage yard, or major utility installation that is owned, operated, and used by the City, that the City determines is necessary for its operations or the advancement of the health, safety and welfare of City residents.

CODE ENFORCEMENT OFFICER means an employee or contractor of the City who is designated by the City Manager to make inspections and issue notices and orders to correct violations of this UDC.

CO-HOUSING COMMUNITY means a community of cottage dwellings, including tiny homes or small duplex dwellings that are clustered around commonly-owned open space, and that share a common house.

CO-LOCATION means locating one or more antennae for more than one provider on a single antenna tower.

COMMERCIAL AGRICULTURE means the science and art of production of plants and animals useful to man, including, to a variable extent, the preparation of these products for man’s use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products and farm production for commercial purposes. Commercial agriculture does not include: (i) commercial equestrian facilities; or (ii) concentrated animal feeding operations.

COMMERCIAL EQUESTRIAN FACILITIES means an establishment that boards horses or teaches, tests, or advances the skills of horses or horse riders.

COMMERCIAL MOBILE RADIO SERVICE (“CMRS”) means a Federal Communications Commission designation for any carrier or licensee whose wireless network is connected to the public switched telephone network and/or is operated for profit. CMRS is more specifically defined in 47 CFR § 20.9, as amended from time to time, which shall control this definition in the event of a conflict.

COMMERCIAL VEHICLE means:

- (1) Any motor vehicle, trailer, or semi-trailer that:
 - a. Is designed or used to carry freight, other vehicles, equipment, passengers for a fee, or merchandise in the furtherance of any business enterprise; and
 - b. Has a gross weight of more than 10,000 pounds;
- (2) Any step van or truck that is designed for commercial moving or parcel delivery services;
- (3) Any truck that is used for mobile retail sales (*e.g.*, ice cream, lunches);
- (4) Any vehicle with more than four wheels that is used for business purposes;
- (5) Any trailer that is used to haul machinery, supplies, or equipment for business purposes (horse trailers, boat trailers, motorcycle trailers, RV trailers, and car trailers put to personal use are not included in the definition);
- (6) Any trailer that is used for commercial hauling (*e.g.*, waste, junk, or lawn clippings), or commercial moving services;
- (7) Any vehicle which has permanently mounted outside brackets or holders for ladders, tools, pipes, or other similar equipment, unless such vehicle is used for on-call emergency services contracted by the City or other governmental entity.

ILLUSTRATIVE COMMERCIAL VEHICLES



COMMON HOUSE is a building that is commonly owned by residents of a co-housing community, which may include a kitchen and dining area, laundry, recreational space, shared amenities, and up to three guest rooms.

COMMON OPEN SPACE means a parcel of land or an area of water or a combination of both land and water within a subdivision or a planned unit development. Common open space does not include streets, alleys, parks, off-street parking and loading areas, public open space, or other facilities dedicated by the developer for public use or for motor vehicle use. Common open space is substantially free of structures, but may contain such improvements that are approved as part of the planned unit development and are appropriate for recreation purposes.

COMMON PROPERTY means a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites in a planned unit development or subdivision.

COMMUNITY GARDEN means land where plants are grown and maintained by a group of individuals in the community. Community gardens may produce food for individual consumption or food for sale, may be designed for beautification of the community, or may be used for educational purposes.

COMPATIBLE or **COMPATIBILITY** means that the characteristics of different uses or activities, or their design (including site layout, architecture, landscaping, lighting, and noise mitigation), allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, massing and bulk of structures, noise, lights, odors, traffic patterns, and environmental and safety risks. Compatibility does not mean “the same as.” Rather, compatibility refers to whether proposed development maintains the character of existing development, or establishes a desired pattern or type of development as envisioned in the Comprehensive Plan or applicable design standards.

COMPREHENSIVE PLAN means the comprehensive plan for the City which has been officially approved to provide long-range development policies for the City and which includes, among other things, the plan for future land use, multimodal circulation, and public facilities.

CONCENTRATED ANIMAL FEEDING OPERATION (“CAFO”) means a facility where large numbers of animals are raised in confinement, as more specifically defined by 40 CFR § 122.23, as may be amended from time to time.

CORNER LOT means a lot that abuts two streets at their intersection, or upon two parts of the same street, and where, in either case, the interior angle formed by the intersection of street centerlines does not exceed 135 degrees.

COTTAGE DWELLING. *See* Dwelling, cottage.

COTTAGE INDUSTRY means a business that is operated out of a dwelling unit or accessory building on a residential or agricultural lot, which involves: (i) employment of up to four unrelated people who do not live in the dwelling unit; (ii) commercial deliveries from semi-trailer trucks; (iii) a light industrial use that does not involve pick-ups or deliveries by semi-trailer trucks; or (iv) on-site parking of commercial vehicles.

DAY-NIGHT AVERAGE SOUND LEVEL (“DNL”) means the average noise level over a 24-hour period. The noise between the hours of 10pm and 7am is artificially increased by 10 dB. This noise is weighted to take into account the decrease in community background noise of 10dB during this period.

DIAMETER AT BREAST HEIGHT (“DBH”) means the diameter of a single-trunk tree, measured at four and one-half feet above the ground. Diameter at breast height is used to measure existing, established trees on a subject property. Nursery stock is measured using the caliper technique. *See* Caliper.

DISTRICT means an area or areas within the limits of the City, within which the regulations and requirements governing use, lot, and bulk of building and premises are uniform.

DNL ZONE means an area within corresponding noise contours on the noise exposure map of an airport, identified in accordance with the requirements of 14 CFR Part 150.

DOUBLE-LOADED BLOCK means a block that includes two columns of lots, whether or not separated by an alley.

DRIVE-IN FACILITY means a facility that is designed to provide, wholly or in part, service to customers while they remain in their automobiles parked upon the premises. Drive-in facilities are commonly (but not necessarily) associated with restaurants, banks, dry-cleaners, convenience stores, and coffee shops.

DUPLEX OR TWIN HOUSE DWELLING. *See Dwelling, duplex or twin house.*

DWELLING UNIT (OR “**DWELLING**”) means any building or part thereof, constituting a separate independent housekeeping establishment (with areas for cooking, bathing, and sleeping) that is designed to be occupied, in whole or in part, for residential purposes. The word “dwelling” includes the residential component of a live-work unit, but does not include hotels, motels, resorts, boarding or rooming houses, assisted living units, congregate care units, nursing home rooms, convalescent care rooms, memory care rooms, tents, recreational vehicles, or other structures designed or used primarily for temporary or transient occupancy.

DWELLING, COTTAGE means a single-family dwelling unit that contains less than 1,000 square feet of floor area.

DWELLING, DUPLEX OR TWIN HOUSE means a dwelling unit that is located in a building that contains two dwelling units that are separated by either a common wall or a floor.

DWELLING, MULTIFAMILY means a dwelling unit that is located in a building that includes three or more dwelling units, or that is located within a mixed-use building that is not classified as “live-work” (*i.e.*, dwelling units above a downtown storefront are classified as multifamily dwelling units, regardless of how many dwelling units are in the building). The phrase “multifamily dwelling” does not include townhouse or rowhouse.

DWELLING, SINGLE-FAMILY DETACHED means a dwelling unit that is located within a building that is free-standing and surrounded on all sides by open areas or yards, that is designed for use and occupancy by one family.

DWELLING, TOWNHOUSE OR ROWHOUSE means a dwelling unit that is located in a building that includes three or more dwelling units that are accessed from the outside and separated by common walls.

EASEMENT means authorization by a property owner for the use of any designated part of the owner’s property by the public or another person or entity (e.g., neighboring property owner, ditch company, or utility company) for specific purposes.

EMPLOYEES, for the purposes of evaluating compliance with parking standards that are related to the number of employees, means all persons, including proprietors, working on a premises during the largest shift at peak season.

ESSENTIAL GOVERNMENTAL OR PUBLIC UTILITIES SERVICES means gas, electrical, steam, or water transmission distribution systems, collection, communication, and supplier-disposal systems. Such services may include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes,

police call boxes, traffic signals, hydrants, cabinets, pedestals, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety or general welfare.

FAMILY means a single individual, cooking and living upon a premises as a separate, independent housekeeping unit; or a group of persons doing their own cooking and living together upon the premises, sharing household responsibilities as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or adoption; or a group of not more than four unrelated persons doing their own cooking and living together upon a premises as a single housekeeping unit.

FAMILY CHILD CARE HOME means a private residence used for the daytime care of up to six children who are not related to the operator of the family child care home.

FENCE OR GARDEN WALL means a free-standing structure of metal, masonry, composition, wood, or any combination thereof resting on, or partially buried in the ground and rising above ground level, which is used for confinement, screening or decorative purposes. The phrase “fence or garden wall” does not include retaining walls.

FLOODPLAIN is defined in Section 8-5, *Alamosa Municipal Code*.

FORECOURT FRONTAGE means that the street-facing elevation of the building includes a functional courtyard between the sidewalk and the building.

FRATERNITY, SORORITY, DORMITORY OR GROUP STUDENT HOUSE means a building occupied by and maintained exclusively for students affiliated with an academic or vocational institution.

FRONTAGE means that portion of a lot, parcel, tract or block that abuts a street.

FUNERAL HOME means a building that is used principally for: (i) human funeral services; (ii) embalming and the performance of other services used in the preparation of the dead for burial; or (iii) the performance of autopsies and other tests or surgical procedures on human remains. In addition to these functions, funeral homes may also store caskets, urns, hearses, and other vehicles used in funeral processions.

GALLERY FRONTAGE means that the street-facing elevation of the principal building includes an integrated colonnade that shelters the sidewalk or walkway in front of the building.

GARAGE, PRIVATE means an accessory building or an enclosed portion of a principal building that is designed for the shelter or storage of motor vehicles owned or operated by occupants of the main building only.

GASOLINE SERVICE STATION OR LIGHT MOTOR VEHICLE REPAIRS AND SERVICES means a building or premise on, or in which, the principal use is one or more of the following: (i) retail sale of gasoline, oil, or other fuel for motor vehicles; (ii) routine service to passenger vehicles which generally takes less than 90 minutes to complete (e.g., tire rotation and balance, brake service, oil changes, glass repair and replacement, fluid changes, etc.); or (iii) repairs and service to motorcycles, scooters, snowmobiles, ATVs, riding lawnmowers, and other vehicles with engines of less than 1500 cc displacement. The phrase “gasoline service station or light motor vehicle repairs and services” does not include liquefied petroleum gas distribution facilities, heavy automotive repairs and services, or automotive sales and rental.

GRADE means the elevation of ground level.

GRADE PLANE means the average elevation of the finished ground level at the center of all walls of a building or at the center of a structure.

GROUP HOME means a dwelling unit, in which care or assistance with daily tasks is provided for not more than eight unrelated individuals. There are four types of group homes:

Group home for developmentally disabled persons means a state-licensed group home exclusively for the care of persons with developmental disabilities, as defined and regulated by the Colorado Department of Human Services, Division for Developmental Services, and the Colorado Department of Public Health and Environment.

Group home for elderly persons means a group home of persons 60 years of age or older who do not require medical attention associated with a residential health care facility. Group homes for elderly persons are licensed by the Colorado Department of Public Health and Environment as either an assisted living residence or an alternative care facility.

Group home for mentally ill persons means a state-licensed group home exclusively for the care of persons with mental illness, as defined and regulated by the Colorado Department of Public Health and Environment.

Group home for children awaiting disposition means a state-licensed group home for children up to 18 years of age who are not related to the head of the household, and who are awaiting disposition to foster homes or other accommodations.

GUEST HOUSE means an accessory building that is physically detached from a single-family dwelling unit, does not contain cooking facilities, is serviced through the same utility meters or connections as the single-family dwelling unit, and is intended for occupancy only by guests of the family that resides in the single-family dwelling unit.

GUEST ROOM means a room in a hotel, motel, bed and breakfast inn, or rooming or boarding house that is offered to the public for compensation, in which room no provision is made for in-room cooking, and which room is used only for transient occupancy.

GUYED MAST TOWER means a tall, thin, vertical structure that receives support from guy lines.

HEAVY INDUSTRY means industrial uses (that are not specifically defined elsewhere in this Code) that can be described in one of the following four ways:

- 1) Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Code or this definition, which involve: (i) a material risk of significant environmental contamination, explosion, or fire; (ii) perceptible ground vibration at the property line; (iii) excessive noise or dust emissions at the property line and downwind; (iv) large-scale outdoor storage of inputs or products; (v) significant outdoor installations of processing equipment; (vi) outside emission of objectionable odors; (vii) more than five trips by semi trailer trucks per day; or
- 2) Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, logs, pulpwood, or fossil fuels; or

- 3) Activities that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to the Colorado Stationary Sources Program or Title V of the Federal Clean Air Act; or
- 4) Activities that are required to obtain a Certificate of Designation under C.R.S. § 25-15-201 (hazardous waste disposal sites), Title 30, Article 20, Colorado Revised Statutes (various other types of disposal sites).

For illustrative purposes, uses classified as heavy industry may include (if they meet the thresholds of this definition), but are not limited to: (i) coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline stations); and bulk fuel dealers; (ii) facilities used in the primary or secondary production of metals (e.g., primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops); (iii) portland cement plants; (iv) sawmills and pulp mills; (v) incinerators with the capacity to charge more than 250 tons of refuse per day; (vi) lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants; (vii) fossil fuel combustion (except for electricity generation) totaling more than 250 million BTUs per hour of heat input; (viii) fabrication of motor vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components; (ix) drycleaner processing plants that use large quantities of PERC or comparable petrochemical solvents; (x) manufacture of plastic products (except assembly of parts that are manufactured elsewhere); (xi) hot mix asphalt plants; (xii) composting facilities; and (xiii) meat processing involving butchering of large animal carcasses.

HEAVY LOGISTICS CENTER means a wholesaling, warehousing, and/or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. “product warehouses”), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. “truck terminals” or “logistics centers”), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least 10 heavy truck trips per day. Warehousing and distribution uses that involve fewer than 10 heavy truck trips per day are classified as light industry.

HEAVY MOTOR VEHICLE REPAIRS AND SERVICES means repairs to passenger vehicles that are not included in the definition of the gasoline service station or light automotive repairs and services use, such as body repair, paint, upholstery, engine replacement or reconditioning, air conditioning replacement, tire recapping, and custom body work (but not including installation of audio, video, and navigation systems); and any type of repairs to commercial vehicles or construction vehicles.

HEAVY RETAIL means retail or service activities in which more than 25 percent of the area put to the use is located outside or in partially enclosed structures. Illustrative heavy retail uses include manufactured home sales, boat sales, heavy equipment sales or rental, retail greenhouses and garden supply stores, and outdoor lumberyards. Heavy retail does not include uses that are specifically defined elsewhere in this Code, such as motor vehicle sales and rental.

HEDGE means a dense row of shrubs or low trees planted in a regular pattern such that they function as a garden wall.

HELISTOP means an area of land or portion of a building or structure that is used for the landing and takeoff of helicopters, for private use or public safety purposes.

HISTORIC SIGN means a sign that has been recognized as part of an historic designation that is on the National, State, or Local Register of Historic Places; or a sign that is attached to a building or structure that is part of such historic designation, if the sign was installed during the period of significance of the designation.

HOME BUSINESS means a business that is operated out of a dwelling unit, which involves employment of up to two unrelated individuals who do not live in the dwelling unit. These uses are limited to office or service businesses. The phrase “home business” does not include: (i) wholesale or retail sales, except for sales distributors who fill orders for catalog type products and then make deliveries to the customer’s house (as opposed to customers coming to the place of business), or who fill orders by “drop shipping” from the manufacturer or a distribution center; (ii) activities that require commercial deliveries from semi-trailer trucks (as opposed to parcel services); (iii) on-site parking of commercial vehicles, or on-street parking of commercial vehicles next to the dwelling unit.

HOME OCCUPATION means an occupation carried on in a dwelling unit (or accessory building on a residential lot) by members of the family occupying the dwelling unit, with no servant, employee, or other person being so engaged, such that the residential character of the building and lot is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful use and occupancy of their homes.

HOMEOWNERS ASSOCIATION means an incorporated organization operating under recorded land agreements through which: (i) each lot or homeowner in a subdivision, planned unit development, or other described land area is automatically a member; (ii) each lot is automatically subject to charge for a proportionate share of the expenses for the organization’s activities, such as maintaining a common property, and (iii) the charge, if unpaid, becomes a lien against the property.

HOSPITAL OR EMERGENCY ROOM means an institution that is licensed, certified, or approved as a “hospital” by the Colorado Department of Public Health and Environment (“CDPHE”), where sick or injured persons are given medical care and, in the course of same, may be housed overnight, fed, and provided nursing and related services. The phrase also includes a free-standing emergency department.

HOTEL OR MOTEL means an establishment that principally provides temporary lodging in guest rooms, and in which meals, conference rooms, exercise rooms, swimming pools, retail sales, entertainment, and personal services may also be available to guests or the general public.

INDOOR AMUSEMENT, RECREATION, AND ENTERTAINMENT means uses that provide commercial amusement or recreation activities indoors (except sexually-oriented businesses or indoor firing / gun ranges), including, but not limited to bowling alleys; indoor playgrounds (may include conventional playground equipment, inflatables, trampolines, rock climbing walls, zip lines, and comparable equipment); indoor skating rinks (ice or roller); laser tag; local area network

("LAN") gaming centers; pool or billiard rooms; game arcades (*e.g.*, video games, skee ball, and comparable amusement machines); dance halls; martial arts facilities; yoga studios; indoor athletic courts or fields; fitness centers; indoor pools; and recreation centers.

INDOOR FIRING/GUN RANGE means an indoor facility for shooting firearms at targets.

INTENSIVE AGRICULTURE means (1) concentrated animal feeding operations ("CAFOs") of any size, as defined by 40 C.F.R. § 122.23, Concentrated Animal Feeding Operations; (2) concentrated aquatic animal production facilities, as defined by 40 C.F.R. § 122.24, Concentrated Aquatic Animal Production Facilities; (3) any use where animals are tightly confined in buildings or outdoor pens or pastures with more than one animal equivalent unit per acre, including feedlots, hog farms, and poultry operations; or (4) any other agricultural use that is required to obtain a discharge permit under the Federal Clean Water Act due to animal wastes.

JUNK (SALVAGE) means scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, scrap zinc, and all other scrap metals and their alloys, bones, rags, used cloth, used rubber, used rope, used foil, used bottles, old cotton; used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane parts, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; and all other products subject to being dismantled or recycled.

KENNEL means a lot or building in which four or more dogs or cats at least four months of age are kept commercially for board, propagation, or sale.

LATTICE ANTENNA TOWER means a self-supporting tower with multiple legs and cross bracing of structural steel or other material.

LEVEL OF SERVICE ("LOS") means, with respect to streets and intersections, a measure of the mobility characteristics of a street segment or intersection, as determined by the volume-capacity ratio or vehicle delay, as set out in the HIGHWAY CAPACITY MANUAL, as may be revised from time to time, published by the Transportation Research Board ("TRB").

LIGHT INDUSTRY means land uses that involve research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components or from organic materials, with limited outside storage and limited external impacts or risks (such that the use is not defined as Heavy Industry or Heavy Logistics). Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than 10 truck trips per day. Light industry does not include marijuana uses.

For illustrative purposes, light industry uses include: (i) assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components; (ii) offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include overhead door access to indoor storage of tools, parts, and materials, parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or limited outdoor storage areas; (iii) food production (*e.g.*, commercial kitchen or bakery) and packaging, but not meat processing involving butchering of large animal carcasses, marijuana uses, or restaurants of any type; (iv) beverage production (alcoholic and non-alcoholic) and bottling; (v) furniture making or refinishing; (vi) manufacture, printing, or dyeing of textiles or apparel (except low volume production at a retail store); (vii) printing and publishing,

except copy centers, and except printing presses that require a Stationary Source permit or Title V permit for air emissions; (viii) research, development, and testing laboratories (*e.g.*, for development of products, equipment, or materials), if not classified as “office” or “heavy industry”; (ix) disassembly of consumer electronics and/or appliances into component parts, where all operations and storage are within an enclosed building; (x) manufacture of glass products (*e.g.*, window panes, bottles and jars), including hand-blown products; (xi) fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry); (x) manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products (except compounding pharmacies, which are retail sales and service uses, and except marijuana uses); (xi) packaging of products; (xii) storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or (xiii) wholesalers, except that wholesale membership clubs that offer memberships to the general public are not Light Industrial uses.

LIVE-WORK UNIT means a building or portion of a building that combines a dwelling unit with an integrated workspace that is principally used by one or more of the residents of the dwelling unit. The floor area of the workspace is subordinate or equal to the residential use.

LOT means a parcel of land that is described with reference to a recorded plat, which is intended for private ownership, development, and use.

LOT, DOUBLE FRONTAGE means a lot that runs through a block from street to street.

LOT, INTERIOR means a lot other than a corner lot.

LOT LINE, FRONT means the property line that divides a lot from the abutting street right-of-way. With respect to residential corner lots, the front lot line is typically the shortest street right-of-way line. With respect to nonresidential corner lots, the front lot line is typically the lot line that abuts the street with the larger capacity.

LOT LINE, REAR means, except on a double frontage lot, the property line opposite the front lot line.

LOT LINE, SIDE means any lot line other than a front or rear lot line.

LOT OF RECORD (or, where context suggests, “**LOT**”) means a parcel of land with boundaries that have been established by a legal instrument such as a recorded plat, recorded deed, or court order, which is used as a single development or building site, and which is recognized as a distinct property for purposes of transfer of title. A single lot of record may include multiple or fractional platted lots if said lots have been combined for the purposes of transfer of title or for the purposes of creating a building site.

MAJOR SUBDIVISION means a division of land into six or more new lots, or a division of land into any number of lots if it also includes dedications of public easements, rights-of-way, or other areas of land for public use. For the purpose of this definition, “public easements” do not include easements for utilities or drainage that serve only the lots in the subdivision.

MAJOR UTILITY FACILITIES means: (i) non-nuclear electrical generation facilities of any type; (ii) substations used for switching, regulating, transforming, or otherwise modifying the characteristics of electricity; (iii) transmission lines operated at 110 kilovolts or more; (iv) structures and equipment associated with such substations or transmission lines; (v) centralized water treatment

plants; or (vi) centralized wastewater treatment plants. Major utility facilities do not include facilities related to telecommunications.

MANUFACTURED HOME means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, and which has certification required by the United States Secretary of Housing and Urban Development and was constructed in compliance with the requirements of 42 U.S.C. § 5401, et seq., *Manufactured Home Construction and Safety Standards*, and the regulations of the Department of Housing and Urban Development that are promulgated thereunder. The phrase “manufactured home” does not include a recreational vehicle, nor does it include a mobile home.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel of land that is divided (or, in the case of the subdivision, platted) into two or more lots for long-term lease or sale, with infrastructure designed for the installation of manufactured homes.

MARIJUANA USE means: (i) a medical marijuana center; (ii) a medical marijuana-infused product manufacturer; (iii) an optional premises cultivation operation; (iv) a medical marijuana testing facility; (v) a retail marijuana store; (vi) a retail marijuana cultivation facility; (vii) a retail marijuana products manufacturing facility; or (viii) a retail marijuana testing facility, as the same are defined by the Colorado Statutes or rules of the Colorado Department of Revenue, Marijuana Enforcement Division, from time to time.

MARQUEE means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather and to provide a large vertical plane for the display of signage, often including changeable copy panels.

MAXIMUM EXTENT FEASIBLE shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with a regulation or minimize potential harm or adverse impacts have been undertaken.

MEDICAL OFFICE OR CLINIC means a facility that provides medical, psychiatric, or surgical service for sick or injured persons, or provides preventative care or monitoring, exclusively on an outpatient basis. Services may include diagnostic services, treatment, training, administration, and related services to outpatients, employees, or visitors, with or without appointment. The phrase also includes immediate care facilities, where urgent (non-emergency) care treatment is the dominant form of care provided at the facility, medical laboratories to the extent necessary to carry out diagnostic services for the medical clinic’s patients, and physical therapy, licensed massage, chiropractic, acupuncture, hypnotherapy, nutrition counseling, homeopathy, Ayurveda, and other comparable services.

MINOR SUBDIVISION means a subdivision of land into two to five new lots, or that consolidate two or more lots, or that move existing lot lines between or among lots. Minor subdivisions do not include subdivisions that involve any new or changed dedications of public easements, rights-of-way, or public land. For the purpose of this definition, “public easements” do not include easements for utilities or drainage that serve only the lots in the subdivision.

MOBILE HOME means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, and which does not have certification required by the United States Secretary of Housing and Urban Development and was not constructed in compliance with the requirements of 42 U.S.C. § 5401, et seq., *Manufactured Home Construction and Safety Standards*, the regulations of the Department of Housing and Urban Development that are promulgated thereunder, or the residential building codes of the City of Alamosa, Colorado.

MONOPOLE TOWER means a slender un-guyed self-supporting tower (that does not include any lattice cross bracing structure) on which antennas can be placed.

MOTOR VEHICLE PARKING, as a principal land use, means a surface parking lot or parking structure that provides parking spaces for one or more uses that are located on a separate lot or parcel.

MOTOR VEHICLE SALES AND RENTAL means a business engaged in the sale or rental of motor vehicles, in which some or all of the motor vehicle inventory is stored on-site.

MULTIFAMILY DWELLING. *See Dwelling, multifamily.*

MULTIPLEX means a multifamily building that is architecturally designed to resemble a large single-family detached building (*i.e.*, the boundaries of the individual dwelling units are not easily discernible from outside the building, garage doors are screened from view, and entry doors are arranged so that there appears to be only one principal entrance to the building).

NONCONFORMING SIGN means a sign that was lawfully erected and in use prior to the effective date of this UDC, or any amendment thereto which does not conform to the regulations of this UDC.

NONCONFORMING STRUCTURE OR USE means a structure or use that was allowed before the effective date of this UDC, which does not meet the requirements of this UDC.

NURSING HOME, CONVALESCENT CENTER, OR MEMORY CARE means a facility that provides continuous day and night room and board, personal services, and medical care for compensation, for two or more elderly or infirm persons who are not related to the owner or operator facility.

OBSELETE SIGN means a sign (except an historic sign) that identifies or advertises an activity, business, product, or service which is no longer conducted, produced, performed, or sold on the premises, or a sign that does not contain a message for a period of more than six months.

OFF-STREET LOADING SPACE means a space located outside of a public street or alley, intended for the discharge of passengers, or a space directly accessible to the building it serves for bulk pickups and deliveries by delivery vehicles.

OFF-STREET PARKING AREA means any parking area located wholly within the limits of one or more lots or parcels.

OPEN SPACE means land that is at least 95 percent open from surface to sky, which may be vegetated but which may not be paved for motor vehicle use. Open space may include buildings or structures that are directly related to the function of the open space, such as park shelters, grandstands, boathouses, or clubhouses.

OUTDOOR COMMERCIAL AMUSEMENT means an outdoor entertainment venue that includes such facilities as amusement rides (*e.g.*, roller coasters, zip lines, carnival rides), batting cages, mini-golf, bumper cars, bumper boats, go-cart racing, and / or water slides. Outdoor commercial amusement

may also include indoor or outdoor areas with games, expositions, tent shows, rodeos, incidental food service, and incidental retail uses (*e.g.*, souvenir shops) that are subordinate to the principal outdoor entertainment uses.

OUTDOOR STORAGE YARD means an area of land that is used for the storage of materials, merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or chattels of any nature that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises. The phrase does not include: (i) storage or display of items that are offered for sale to the general public, such as new and used cars, recreational vehicles, boats, manufactured homes, landscape and building materials, where such items are permitted for sale in the zoning district in which they are located; (ii) the storage of wrecked or inoperable vehicles (*see* “salvage or junk yard”); or (iii) outdoor parking of motor vehicles that are regularly used in connection with the operation of a business or institution, or parked for less than 48 hours for maintenance service.

PARK means an outdoor place for passive or active recreation, which may include facilities such as playgrounds, racquetball courts, fitness courses, picnic areas, botanical gardens, jogging trails, cycling facilities, tot-lots, playing fields, outdoor swimming pools, tennis courts, golf courses, and wildlife sanctuaries.

PARKING MODULE means an access aisle with a row of parking on each side, or an access aisle with a row of parking on one side if parking is not provided on both sides.

PARKING SPACE means an improved area of land that is designated for parking a single vehicle.

PERMITTED USE means a use that is specifically allowed within a district.

PERSONAL COMMUNICATIONS SERVICES (“PCS”) means wireless services that are similar to cellular telephone services (*e.g.*, Time Division Multiple Access, Code Division Multiple Access, and Global System for Mobile communications technologies), but that operate within the 1,850 to 1,990 MHz frequency bands.

PERSONAL SERVICES means an establishment engaged in the provision of informational, instructional, personal improvement, personal care, and similar services, such as portrait shops, photography studios, art and music schools, driving schools, handicraft or hobby instruction, laundry and dry-cleaning retail outlets, beauty and barber shops, shoe repair, and tailor/alterations shops.

PLACE OF ASSEMBLY means a building in which people assemble for scheduled civic, educational, religious, or cultural purposes, such as civic clubs, lecture halls, places of worship, conference centers, and meeting halls.

PLANNED UNIT DEVELOPMENT means a project of a single owner or a group of owners acting jointly, involving a related group of residences, or businesses, or industries and associated uses, planned as a single entity and therefore subject to development and regulation as one land use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional, open space for the benefit of the entire development, and is designed to provide variety and diversity through creative design that may include the modification of zoning and subdivision standards, so that maximum long-range benefits can be gained and the unique features of the development or site are preserved or enhanced, while still being in harmony with the surrounding neighborhood.

PLANNING COMMISSION means the City of Alamosa Planning Commission.

PORCH FRONTAGE means that the street-facing elevation of the principal building includes a porch that shelters the principal building entrance, and does not include overhead doors.

PORTE-COCHÈRE means a porch-like or portico-like structure at a main or secondary entrance to a building, through which a motor vehicle can pass, in order for the occupants to access the building from the motor vehicle (or vice-versa) under cover, protected from the weather.

PREMISES means a general term that encompasses part or all of any lot parcel or tract or part or all of any building or structure or group of buildings or structures located thereon.

PRIVATE UTILITY means any utility other than a municipally owned and operated utility, including telephone, electric, gas, and other privately owned and operated utilities.

PROFESSIONAL OR BUSINESS OFFICES means offices from which professional, business, or financial services are provided. The phrase includes such services as accounting, auditing and bookkeeping; advertising and graphic design; architectural, engineering, and surveying services; attorneys and court reporters; “back-office” operations of banks, mortgage companies, insurance companies, and financial services (“front office” services are classified as “retail sales and services”); call centers; computer programming; corporate headquarters or administrative offices; counseling services (except medical counseling services); consulting services; data processing, data mining, and word processing services; detective agencies; interior design; retail catalog, internet, and telephone order processing (but not warehousing); and virtual office services.

PROPERTY LINE means the boundary of any lot, parcel or tract as the same is described in the conveyance to the owner, and shall not include the streets or alleys upon which the lot, parcel or tract may abut.

PROTECTIVE CARE means a facility that provides custodial care and treatment in a protective living environment for persons residing voluntarily or by court placement including, without limitation, correctional and post-correctional facilities, juvenile detention facilities, “halfway houses” (but not sober houses), and temporary custody facilities. Protective care also includes uses that would be classified as sheltered care facility or rehabilitation center, or a group home, if the use involves treatment of sexual offenders or people with a known tendency to commit acts of violence.

PUBLIC HEARING means a meeting of the Planning Commission, Board of Adjustment, or City Council, at which a recommendation or decision under this UDC is considered, and for which public notice is generally given and the opportunity for the applicant and the general public to be heard is provided.

RECORDING OR TELEVISION STUDIO means a facility for the recording and production of audio or video material, such as the recording of music, voice, video, for live broadcast or post-production.

RECREATIONAL VEHICLE (“RV”) means a motor vehicle or a trailer that may be pulled by a passenger vehicle or light truck (e.g., a camper, motor home, or fifth-wheel trailer), that provides less than 400 sf. of living and sleeping area.

RESIDENTIAL ZONE means the following zones, individually and collectively: Established Neighborhoods (EN), Residential Estate (RE), Residential Light (RL), Residential Medium (RM), or Residential High (RH).

RESOURCE EXTRACTION, MINERAL means the extraction of coal or mineral resources (including sand and gravel, but not oil and gas) from the land (surface or subsurface).

RESOURCE EXTRACTION, OIL AND GAS means the exploration for or extraction of oil and gas resources.

RESTAURANT, DRIVE-IN OR DRIVE-THROUGH means an establishment engaged in the sale of pre-prepared or rapidly prepared food or beverages to customers in a ready-to-consume state, for consumption either within the restaurant building, outside but on the premises, or off the premises, and which includes a drive-in or drive-through facility. The design or principal method of operation involves two or more of the following characteristics: (i) the elimination, in whole or in part, of table service, thus requiring customers to place orders at the counter where the orders are filled; (ii) service of food in edible containers or in paper, plastic, foil or other disposable containers; or (iii) insufficient facilities for on premises consumption of the total volume of food sold by the establishment.

RESTAURANT, INDOOR means an establishment engaged in the sale of food and beverages in a ready-to-consume state, where all activities are conducted indoors. The use may also include the production and sale of fermented malt beverages, malt, special malt and vinous and spirituous liquors for consumption on the premises.

RESTAURANT, OUTDOOR means an establishment engaged in the sale of food and beverages in a ready-to-consume state, where some or all of the dining areas are outdoors. The use may also include the production and sale of fermented malt beverages, malt, special malt and vinous and spirituous liquors for consumption on the premises.

RETAIL means any sale of goods to the ultimate consumer for direct consumption or use (and not for resale).

RETAIL SALES AND SERVICES, TYPE 1 means a use involving the sale, lease, or rental of consumer, home, and business goods to consumers. Such uses include but are not limited to department stores, furniture stores, clothing stores, and establishments providing the following products or services: antiques, appliances, art, art supplies, beauty supplies, bicycles, books, magazines and newspapers, craft supplies, copies, costumes, dry goods, electronics, fabric, framing, garden supplies, gifts, groceries, hardware, home improvement goods, household products, jewelry, music, musical instruments, office supplies, party supplies, pet supplies, pharmaceuticals, phones, photography equipment, produce, signs, sporting goods, stationary, toys, and videos; and new automotive parts and accessories. The phrase also includes services such as banking, picture framing, installation of electronics (e.g., audio systems and navigation systems) into motor vehicles, real estate offices that are open for walk-in traffic; repairs of products sold by the establishment (e.g., a computer store may also repair computers), repairs of consumer electronics, and comparable services. The phrase "Retail Sales and Services, Type 1" does not include uses that are classified or defined more specifically in this Code, including but not limited to Retail Sales and Services, Type 2; Restaurants (all types); Sexually-Oriented Businesses; retail Marijuana Uses (whether medical or recreational); and Motor Vehicle Sales and Rentals.

Retail sales and services, type 1 uses are generally conducted indoors. However, the phrase also includes uses in which not more than 25 percent of the area used for storage and display of products is located outside or in partially enclosed structures.

RETAIL SALES AND SERVICES, TYPE 2 means the following types of establishments: attended charitable donation collection centers; coin laundries; off-track betting centers; second-hand stores; thrift shops; consignment stores; head shops or drug paraphernalia stores; tattoo parlors; check cashing stores; payday loan providers; pawn shops. Retail sales and services, type 2 uses are conducted indoors.

RIGHT-OF-WAY, PUBLIC means all streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel.

ROWHOUSE DWELLING. *See Dwelling, townhouse or rowhouse.*

SALVAGE OR JUNK YARD means any establishment that is maintained, used, or operated for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. This use is also referred to by the Colorado statutes as “automobile graveyard.” *See C.R.S. § 43-1-502.*

SCHOOL means a public or private licensed preschool; a public, private, or charter K-8, elementary (which may also include kindergarten), middle, junior high, or high school; or a vocational or language school.

SCREENING means decorative fencing, evergreen hedges or earth berms maintained for the purpose of concealing from view the area behind such screening.

SELF-STORAGE means the provision of individual storage compartments for household or commercial goods within a building. Storage spaces may be accessed from interior hallways or individual outside doors. This use may also include quarters for one or more persons employed by and residing at the self-storage facility for the purpose of on-site management and security.

SETBACK LINE means a line or lines designating the area outside of which buildings and certain other structures may not be erected.

SEXUALLY-ORIENTED BUSINESS means a “sexually-oriented theater/dancing establishment” or a “sexually-oriented retail establishment.”

Sexually-oriented theater/dancing establishment means any of the following uses:

Adult arcade, which means any commercial establishment or private club where, for any form of consideration, one or more video displays, still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons per machine at any one time, are used to regularly show digital images or video, films, motion pictures, video cassettes, slides, or other photographic reproductions or digitally, mechanically, electronically, or chemically reproduced visual materials characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas.

Adult cabaret, which means a nightclub, bar, restaurant, concert hall, auditorium, or other commercial establishment or private club that regularly features or presents live adult entertainment with an emphasis upon the display or exhibition of specified sexual activities or specified anatomical areas.

Nude model studio, which means any place where a person who appears nude, semi-nude, or who otherwise displays specified anatomical areas, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. The phrase “nude model studio” does not include a proprietary school licensed by the State of Colorado or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or a business in a structure: (i) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and (ii) where in order to participate in a class a student must enroll at least three days in advance of the class; and (iii) where no more than one nude or semi-nude model is on the premises at any one time.

Adult motel, which means a hotel, motel or similar commercial establishment which: (i) offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital images or video, slides, or other photographic reproductions or digitally, mechanically, electronically, or chemically reproduced visual materials which are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction; or offers a sleeping room for rent for a period of time that is less than 10 hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult motion picture theater, which means a commercial establishment or private club, where for any form of consideration, digital images or video, films, motion pictures, video cassettes, slides, or similar photographic reproductions or digitally, mechanically, electronically, or chemically reproduced visual materials characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas are regularly shown. An establishment meeting the definition of an adult arcade is not an adult motion picture theater.

Adult theater, which means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear nude or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

Sexual encounter center, which means a business or commercial establishment or private club that offers, for the purpose of sexual arousal, pleasure, gratification, or abuse, for any form of consideration, a place where two or more persons may congregate, associate, or consort and observe, view, participate, or engage in specified sexual activities or expose specified anatomical areas.

Sexually-oriented retail establishment means a commercial establishment that:

(i) devotes a significant or substantial portion of its business to the rental or sale of any one or more of the following (“ADULT ITEMS”): (a) books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, digital video, video cassettes, slides, or other

photographic reproductions or digitally, mechanically, electronically, or chemically reproduced visual materials that are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas; or (b) instruments, devices, or paraphernalia which are designed for use or marketed primarily for engaging in specified sexual activities; or

(ii) is characterized by one or more of the following: (a) a significant or substantial portion of its stock in trade consists of Adult Items; or (b) a significant or substantial portion of its revenues is derived from the rental or sale of Adult Items; or (c) a significant or substantial portion of its floor space, shelf space or storage space is devoted to Adult Items; or (d) a significant or substantial portion of its advertising is devoted to Adult Items.

SHELTERED CARE FACILITY means: (i) facilities, other than group homes, in which residents live in an institutional environment and are, generally, under the care or control of staff; (ii) in-patient drug and alcoholism hospitals and rehabilitation centers, in which residents have institutional care, or are given medical treatments by staff in an institutional setting. The phrase sheltered care facility does not include assisted living, congregate care, convalescent center, Alzheimer's care, memory care, or nursing home uses. The phrase sheltered care facility does not include "sober houses," which are classified according to the type of residential use in which the use is located (*e.g.*, a rooming or boarding house or multifamily use).

SHOPFRONT FRONTAGE means that the street-facing elevation of the principal building abuts the sidewalk (except for a recessed entry, if provided), the principal entrance is at the same grade as the sidewalk, and display windows provide transparency into the building from street-level views.

SHOPPING CENTER means a composite arrangement of shops and stores which provide a variety of goods and services to the general public, when developed as an integral unit.

SIGHT TRIANGLE (also referred to as "**VISION CLEARANCE AREA**") means a triangular area located at the intersection of two streets, a street and a driveway, or a street and a railroad, within which visual obstructions are restricted. Two sides of the sight triangle are line segments measured from the corner intersection of the extension of the right-of-way lines to a distance specified in this Code, and the third side is a line segment joining the ends of the other two sides.

SIGN means any object, device or part thereof situated outdoors, or indoors within three feet of a window, if oriented for viewing outside of the window, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, idea, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. Signs do not include merchandise or products that are displayed behind windows.

SIGN, ANIMATED means any sign or part of a sign which changes physical position by any movement or rotation, or which uses moving images or flashing lights of any sort.

SIGN, AWNING means a sign that is a part of or attached to an awning that shelters a door, building entrance, or window. Marquees and canopies are not awnings.

SIGN, CANOPY means any sign that is a part of or attached to a canopy or other plastic or structural shelter over a door, entrance, window, or outdoor service area. Awnings and marquees are not canopies.

SIGN, FLASHING means any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

SIGN, GROUND (a.k.a. **FREESTANDING SIGN**) means a sign supported by poles, uprights or braces extending from the ground, or an object on the ground but not attached to any part of any building.

SIGN, HISTORIC means any sign or marker recognized as part of a building's historic designation by the National, State, or Local Register of Historic Places.

SIGN, ILLUMINATED means a sign lighted by or exposed to artificial lighting either by lights on the sign or directed toward the sign.

SIGN, INTEGRAL ROOF means any sign that is erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof, and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, MARQUEE means any sign attached to integrated into a marquee.

SIGN, PROJECTING means a sign that is affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

SIGN, ROOF means any sign that is erected and constructed wholly on and over the roof of a building, that is supported by the roof structure, and that extends vertically above the highest portion of the roof.

SIGN, SUSPENDED means a sign that is suspended from the underside of a horizontal plane surface, and is supported by such surface.

SIGN, TEMPORARY means any sign that is designed for temporary use, which is not permanently mounted.

SIGN, V-SIGN means a sign consisting of two essentially equal faces, positioned at an angle subtending less than 179 degrees and more than 90 degrees. A sign positioned at an angle extending 90 degrees or less is considered a projecting sign.

SIGN, WALL means a sign attached to, painted on, or erected against or within six inches of a wall of a building, with a single display surface that is parallel to the face of the building to which the sign is attached, and wholly confined to an area within the boundaries of the surface of the wall.

SIGN, WINDOW means a sign which is applied or attached to or located within three feet of the interior of a window, which sign can be seen through the window from the exterior of the structure.

SINGLE-FAMILY DETACHED DWELLING. *See Dwelling, single-family detached.*

SMOKING LOUNGE means a retail tobacco businesses in which on-premises smoking is allowed, or a private club in which tobacco is smoked on the premises.

SOBER HOUSE means a residential use that is occupied by people who are recovering from substance abuse, which provides a structured environment that supports sobriety, and which serves as an interim environment between rehabilitation and mainstream society. Sober houses may provide on-site counseling, but do not provide on-site medical treatment. Comparable facilities that provide institutional care or on-site medical treatment are classified as "sheltered care."

SOLID WASTE DISPOSAL means facilities for the disposal of non-nuclear waste or fill. The phrase “solid waste disposal” includes solid waste disposal sites and facilities, as defined by C.R.S. § 30-20-101; and hazardous waste disposal sites, as defined by C.R.S. § 25-15-200.3.

SPECIAL FLOOD HAZARD AREA is defined in Section 8-5, *Definitions*, City of Alamosa Municipal Code.

SPECIFIED ANATOMICAL AREAS means and includes any of the following: (i) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES means and includes any of the following: (i) the fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; (ii) sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; (iii) flagellation, mutilation or torture for purposes of sexual arousal, gratification, pleasure, or abuse; (iv) human genitals in a state of sexual stimulation, arousal, or tumescence; or (v) excretory functions as part of or in connection with any of the activities specified above.

STOOP FRONTAGE means that the street-facing elevation of the principal building includes stairs that lead to an elevated “stoop” at the principal building entrance. The stoop may be covered or open.

STREET means the entire width between the boundary line of every way that provides for public use for the purpose of vehicular and pedestrian traffic and placement of utilities and including the term “road,” “highway,” “land,” “placings,” “avenue” or other similar designations, but not including the term “alley.”

STREET, COLLECTOR means any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

STREET FRONTAGE means that portion of a property boundary that is shared with the boundary of a public street.

STREET, MARGINAL ACCESS (FRONTAGE) means a local street lying parallel to and adjoining an arterial street or freeway right-of-way, that provides access to abutting properties and protection from through traffic.

STREET, MINOR ARTERIAL means any street serving major traffic movements that is designed primarily as a traffic carrier between various sections of the City, that forms part of a network of through streets, and that provides service and access to abutting properties only as a secondary function and serves a collector function for access to principal arterial streets.

STREET, PRINCIPAL ARTERIAL means a highway that is designed primarily as a traffic carrier between cities.

STRUCTURAL ALTERATION means any change to the supporting members of a building, including foundations, bearing walls, or partitions, columns, beams, or girders, or any structural change in the roof.

STRUCTURE means anything constructed or erected with a fixed location from the ground above grade, but not including ground-level paving, poles, lines, cables, or other transmission or other distribution facilities of public utilities.

STRUCTURE, NONCONFORMING. See Nonconforming structure or use.

SUBJECT PROPERTY means any legally described lot or parcel of land that is designated by the owner or developer as land to be used or developed as a single unit, or that has been developed as a unit as determined by the City. A subject property may be subdivided to create individual lots and tracts.

TEMPORARY SIGN means a sign that is designed or intended to be displayed for a short period of time.

TOWNHOUSE DWELLING. *See Dwelling, townhouse or rowhouse.*

TRANSFER STATION means the use of land or a facility, regardless of name or title, to unload waste of any kind or type from vehicles, and, with or without intermediate processing such as compaction, sorting, or shredding, subsequently re-load the waste onto other vehicles for delivery to another transfer site, storage site, or disposal site. The phrase includes a facility for drop-off of recyclable materials (e.g., waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard, and other discarded household materials), where the materials are sorted, temporarily stored, and then shipped in bulk to other locations for processing. The phrase does not include a wastewater treatment facility.

UNATTENDED COLLECTION BOX means a drop-off box, container, receptacle, or similar facility that accepts textiles, shoes, books, household goods, or other salvageable personal property items to be used by the operator for distribution, resale, or recycling. The phrase “unattended collection box” does not include dumpsters and recycling containers that are intended for solid waste processing.

UNIVERSITY OR COLLEGE means an educational institution that is authorized by the State of Colorado or other nationally recognized accrediting entity to award associates’ or higher degrees.

USE means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

USE, ACCESSORY. *See Accessory use.*

USE, NONCONFORMING. *See Nonconforming structure or use.*

USE, PRINCIPAL means the main use of land or structures as distinguished from a subordinate or accessory use.

VEHICLE WASH means any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles on a commercial basis.

VETERINARY AND ANIMAL HOSPITAL FACILITIES means veterinary clinics and animal hospitals that provide care for small domestic animals, large animals, or livestock, which may include facilities that provide daytime or overnight boarding of small domestic animals.

WHIP ANTENNA means an antenna in the form of a long flexible wire or rod.

WHOLESALE NURSERY OR GREENHOUSE means land that is used to raise trees, shrubs, flowers, and other plants that are sold at wholesale to retailers or landscape professionals.

WHOLESALE TRADE BUSINESS means the wholesale of manufactured products, supplies, and equipment, which may include accessory offices and showrooms. Products may be picked up on-site or delivered to the customer. The use may also include related product repair, minor fabrication services, or repackaging of goods.

WIRELESS TELECOMMUNICATIONS FACILITIES (A.K.A. WIRELESS TELECOMMUNICATION SERVICES FACILITIES OR EQUIPMENT) means a facility used to provide personal wireless services as defined at 47 U.S.C. § 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. The phrase does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of this Code. The phrase “wireless telecommunications services facility or equipment” includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, base stations, support equipment, alternative tower structures, and towers. It does not include the support structure to which the facility, equipment, or components thereof are attached if the use of such structures for such facility, equipment, or components is not the primary use. The phrase does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include antennae that are incidental to residential uses, including residential satellite dish antenna under two feet in diameter, radio or television receivers, or amateur radio (HAM radio) antennae, or other facilities specifically excluded from this Code.

YARD means an open space on a lot that is unobstructed from the ground upward except as otherwise provided in this Code.

YARD, FRONT means the yard extending between the side lot lines, from the front lot line to the principal structure.

YARD, REAR means the yard extending between the side lot lines, from the rear lot line to the principal structure.

YARD, SIDE means the yard extending between the principal structure and the side lot line, not including areas that are part of the front yard or the rear yard.

ZOO means a place where live animals are kept and exhibited to the public. The animals may also be studied, given medical treatment, and bred. The term “zoo” does not include agricultural uses or uses that sell live animals.

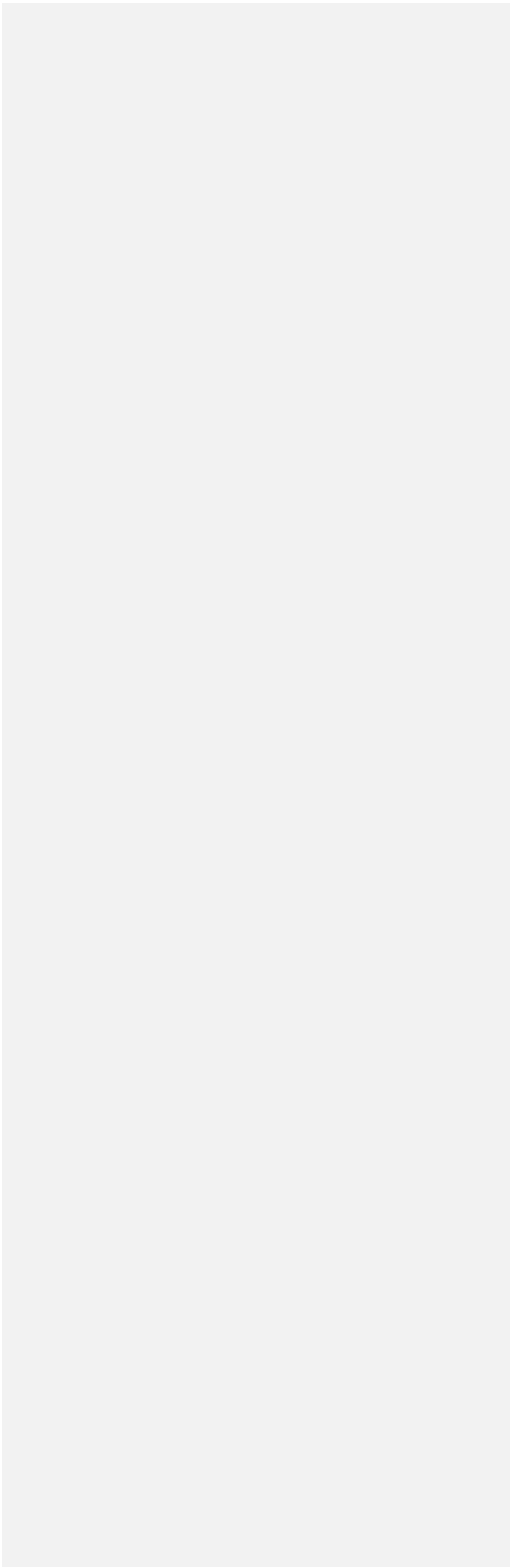


Chapter 21 - ZONING

~~PUBLIC REVIEW DRAFT 1.1~~

~~8-22-2017~~

CONTENTS



CONTENTS

<u>Article I. - Title, Purpose, Authority, Applicability, Jurisdiction, Transition, Interpretation, and Severability</u>	<u>1</u>
<u>Division 1-1. - Title, Purposes, Authority, and Disclaimers.....</u>	<u>1</u>
<u>Sec. 21-1-101. - Title.....</u>	<u>1</u>
<u>Sec. 21-1-102. - Purposes</u>	<u>1</u>
<u>Sec. 21-1-103. - Authority</u>	<u>3</u>
<u>Sec. 21-1-104. - Statement of Policy Regarding Marijuana Uses and Marijuana Cultivation.....</u>	<u>4</u>
<u>Sec. 21-1-105. - Liability for damages.....</u>	<u>5</u>
<u>Division 1-2. - Applicability, Jurisdiction, Interpretation, and Transition</u>	<u>5</u>
<u>Sec. 21-1-201. - Applicability</u>	<u>5</u>
<u>Sec. 21-1-202. - Jurisdiction</u>	<u>6</u>
<u>Sec. 21-1-203. - Interpretation.....</u>	<u>6</u>
<u>Sec. 21-1-204. - Transition.....</u>	<u>6</u>
<u>Article II. - Zones and Land Use</u>	<u>8</u>
<u>Division 2-1. - Zones</u>	<u>8</u>
<u>Sec. 21-2-101. - Purpose of Zones.....</u>	<u>8</u>
<u>Sec. 21-2-102. - Establishment of Zones</u>	<u>8</u>
<u>Sec. 21-2-103. - Official Zoning Map</u>	<u>9</u>
<u>Sec. 21-2-104. - Interpretation of Zoning Map</u>	<u>9</u>
<u>Sec. 21-2-105. - Zoning of Annexed Land</u>	<u>11</u>
<u>Sec. 21-2-106. - Standards for Rezoning.....</u>	<u>11</u>
<u>Division 2-2. - Land Use.....</u>	<u>13</u>
<u>Sec. 21-2-201. - Interpretation of Land Use Tables</u>	<u>13</u>
<u>Sec. 21-2-202. - Residential and Special Residential Land Use Table.....</u>	<u>14</u>
<u>Sec. 21-2-203. - Civic, Education, and Health Care Land Use Table.....</u>	<u>17</u>
<u>Sec. 21-2-204. - General Commercial and Motor Vehicle Land Use Table</u>	<u>19</u>
<u>Sec. 21-2-205. - Hospitality, Recreation, and Entertainment Land Use Table.....</u>	<u>22</u>

Sec. 21-2-206. - Industry, Transportation, Storage, and Disposal Land Use Table.....	25
Sec. 21-2-207. - Utility and Communications Land Use Table.....	29
Sec. 21-2-208. - Agricultural Land Use Table.....	30
Sec. 21-2-209. - Uses That Are Prohibited in All Zones.....	31
Sec. 21-2-210. - Uses That Are Not Listed.....	31
Sec. 21-2-211. - Essential Governmental or Public Utilities Services.....	34
Division 2-3. - Limited and Conditional Use Standards.....	34
Sec. 21-2-301. - Purpose and Application of Division.....	34
Sec. 21-2-302. - General Standards for All Conditional Uses.....	34
Division 2-4. - Temporary Uses.....	35
Sec. 21-2-401. - Temporary Use Permit Required; Conditions of Approval.....	35
Sec. 21-2-402. - Temporary Special Events.....	36
Sec. 21-2-403. - Temporary Retail Uses.....	38
Sec. 21-2-404. - Temporary Buildings and Temporary Construction Uses.....	39
Sec. 21-2-405. - Short-Term Rental of Dwelling Units.....	41
Division 2-5. - Accessory Uses.....	42
Sec. 21-2-501. - Storage and Overnight Parking of Commercial Vehicles or Recreational Vehicles.....	42
Sec. 21-2-502. - Home Occupations and Cottage Industries.....	42
Article III. - Density, Intensity, Open Space, Landscape Surface, and Scale.....	45
Division 3-1. - Purpose and Application of Article.....	45
Sec. 21-3-101. - Purpose of Article.....	45
Sec. 21-3-102. - Application of Article.....	45
Division 3-2. - Residential Development Yield.....	45
Sec. 21-3-201. - Residential Density and Open Space.....	45
Sec. 21-3-202. - Alternative Compliance with Open Space Ratio Requirements.....	46
Division 3-3. - Nonresidential and Mixed-Use Development Yield.....	46
Sec. 21-3-301. - Required Landscape Surface Ratio.....	46

Sec. 21-3-302. - Development Intensity	47
Article IV. - Lot, Building, and Structure Standards.....	48
Division 4-1. - Established Neighborhood Zone.....	48
Sec. 21-4-101. - Purpose and Application of Division.....	48
Sec. 21-4-102. - Status of Existing Lots and Buildings in EN Zone.	48
Sec. 21-4-103. - EN Zone Flexible Setback Standards.....	48
Division 4-2. - Housing Palette.....	52
Sec. 21-4-201. - Purpose and Application of Division.....	52
Sec. 21-4-202. - Single-Family Detached Lot and Building Standards.....	52
Sec. 21-4-203. - Duplex Lot and Building Standards.....	54
Sec. 21-4-204. - Townhouse Lot and Building Standards.....	55
Sec. 21-4-205. - Multiplex or Multifamily Lot and Building Standards.....	56
Sec. 21-4-206. - Manufactured Home Lot and Building Standards.....	58
Sec. 21-4-207. - Tiny Home, Cottage, Small Duplex, and Co-housing Cluster Lot and Building Standards	59
Sec. 21-4-208. - Live-Work Lot and Building Standards	60
Division 4-3. - Nonresidential and Mixed-Use Lot and Building Standards.....	61
Sec. 21-4-301. - Nonresidential and Mixed-Use Lot and Building Standards.....	61
Division 4-4. - Exceptions to Lot and Building Standards.....	61
Sec. 21-4-401. - Purpose and Application of Division.....	61
Sec. 21-4-402. - Setback Flexibility.....	61
Sec. 21-4-403. - Projections into Required Setbacks	65
Sec. 21-4-404. - Exception to Building Height Regulations.....	66
Division 4-5. - Supplemental Standards	66
Sec. 21-4-501. - Purpose of Division.....	66
Sec. 21-4-502. - Accessory Buildings.....	66
Sec. 21-4-503. - Accessory Dwelling Units	67
Sec. 21-4-504. - Fences, Garden Walls, Retaining Walls, and Hedges.....	67
Sec. 21-4-505. - Swimming Pools	69
Sec. 21-4-506. - Outdoor Storage	69

Sec. 21-4-507. - Loading and Service Areas.....	7170
Sec. 21-4-508. - Trash Collection.....	71
Sec. 21-4-509. - Drive-In or Drive-Through Facilities.....	72
Sec. 21-4-510. - Satellite Dishes and Antennae.....	72
Sec. 21-4-511. - Renewable Energy.....	7473
Sec. 21-4-512. - Unattended Collection Boxes.....	74
Division 4-6. - Wireless Telecommunications Facilities.....	7574
Sec. 21-4-601. - Purpose and Applicability of Division.....	7574
Sec. 21-4-602. - Site Selection Standards.....	76
Sec. 21-4-603. - Telecommunications Towers.....	7776
Sec. 21-4-604. - Multiple-Use Facilities.....	77
Sec. 21-4-605. - Lighting and Signage.....	78
Sec. 21-4-606. - Maintenance, Abandonment, and Removal.....	79
Division 4-7. - Signs.....	8079
Sec. 21-4-701. - Applicability, Exemptions, and Permit Exceptions.....	8079
Sec. 21-4-702. - Types of Signs Permitted.....	82
Sec. 21-4-703. - Design Characteristics.....	8584
Sec. 21-4-704. - Content.....	8887
Division 4-8. - Design Standards.....	8988
Sec. 21-4-801. - Purpose and Application of Division.....	8988
Sec. 21-4-802. - Alternative Design Standards.....	89
Sec. 21-4-803. - Large-Scale Retail ("Big Box") Design Standards.....	9089
Sec. 21-4-804. - Downtown Design Standards.....	92
Sec. 21-4-805. - Manufactured Home Park and Manufactured Home Subdivision Design Standards.....	9695
Article V. - Site Design Standards.....	98
Division 5-1. - Site Design, Circulation, and Connectivity.....	98
Sec. 21-5-101. - Purpose and Application.....	98
Sec. 21-5-102. - General Site Design Principles.....	98
Sec. 21-5-103. - Circulation and Connectivity.....	99

Sec. 21-5-104. - On-Site Snow Storage.....	100
Sec. 21-5-105. - Street, Alley, and Pedestrian Way Design	100
Sec. 21-5-106. - Blocks.....	104103
Sec. 21-5-107. - Lots	104
Sec. 21-5-108. - Sight Triangles	105104
Division 5-2. - Parking and Loading.....	105
Sec. 21-5-201. - Purpose and Application of Division.....	105
Sec. 21-5-202. - Calculation of Required Parking Spaces.....	107
Sec. 21-5-203. - Parking Tables.....	108
Sec. 21-5-204. - Required Accessible Parking Spaces.....	112
Sec. 21-5-205. - Special Studies.....	113112
Sec. 21-5-206. - Credit for On-Street Parking.....	114113
Sec. 21-5-207. - Shared Parking.....	114
Sec. 21-5-208. - Remote Parking	116
Sec. 21-5-209. - Parking Lot Design Standards	118
Sec. 21-5-210. - Parking Space Markings, Traffic Control Devices, and Parking Stops	119
Sec. 21-5-211. - Required Truck Loading Areas.....	120
Sec. 21-5-212. - Vehicle Stacking Requirements.....	122121
Sec. 21-5-213. - Construction, Operation, and Maintenance	123122
Division 5-3. - Landscaping and Open Space.....	123
Sec. 21-5-301. - Purpose and Application of Division.....	123
Sec. 21-5-302. - Landscape Design Principles.....	124123
Sec. 21-5-303. - Size and Quality of Landscape Plants; Tree Preservation Credits.....	125124
Sec. 21-5-304. - General Landscaping	126
Sec. 21-5-305. - Parking Lot Landscaping	127
Sec. 21-5-306. - Bufferyard Landscaping.....	128
Sec. 21-5-307. - Maintenance Standards.....	129128
Sec. 21-5-308. - Open Space	130129

Division 5-4. - Lighting	131130
Sec. 21-5-401. - Single-Family Detached, Duplex, and Townhome Lighting Standards.....	131130
Sec. 21-5-402. - Multifamily, Nonresidential, and Mixed-Use Lighting Standards.....	131130
Sec. 21-5-403. - Exterior Lighting for Outdoor Recreation	132131
Sec. 21-5-404. - Public Safety and Public Nuisance	132131
Division 5-5. - Grading, Erosion, and Sediment Control.....	133132
Sec. 21-5-501. - Intent and Liability.....	133132
Sec. 21-5-502. - General Standards for Grading.....	133
Sec. 21-5-503. - Permanent Best Management Practices (BMPs)	135
Sec. 21-5-504. - Design of Permanent Drainage Systems.....	136
Article VI. - Mitigation of Development Impacts	138137
Division 6-1. - Impact Analysis.....	138137
Sec. 21-6-101. - Fiscal and Infrastructure Impact Analysis.....	138137
Sec. 21-6-102. - Traffic Impact Analysis.....	139138
Division 6-2. - Required Dedications and Fees-in-Lieu.....	140139
Sec. 21-6-201. - Form of Dedication.....	140139
Sec. 21-6-202. - Parks.....	140139
Division 6-3. - Public Improvements, Site Improvements, and Easements.....	142141
Sec. 21-6-301. - Public Improvements and Site Improvements.....	142141
Sec. 21-6-302. - Utilities	145144
Sec. 21-6-303. - Stormwater Maintenance Easements.....	146145
Division 6-4. - Operations Plans – Mineral Extraction and Heavy Truck Routing	146145
Sec. 21-6-401. - Purpose and Application of Division.....	146145
Sec. 21-6-402. - Master Plan for Extraction	146145
Sec. 21-6-403. - Heavy Truck Routing Plan.....	147146

Article VII. - Nonconformities.....	148147
Division 7-1. - Purpose and Application of Article.....	148147
Sec. 21-7-101. - Purpose	148147
Sec. 21-7-102. - Application.....	148147
Division 7-2. - Nonconforming Uses	149148
Sec. 21-7-201. - Continuation of Nonconforming Use	149148
Sec. 21-7-202. - Change of Nonconforming Use.....	150149
Sec. 21-7-203. - Discontinuance of a Nonconforming Use.....	150149
Sec. 21-7-204. - Conversion of a Nonconforming Use to a Conforming Use.....	150149
Division 7-3. - Nonconforming Buildings or Structures	151150
Sec. 21-7-301. - Modifications to a Nonconforming Building or Structure.....	151150
Sec. 21-7-302. - Completion of Building or Structure	151150
Sec. 21-7-303. - Damage to a Nonconforming Building or Structure.....	152151
Division 7-4. - Other Physical Nonconformities.....	152151
Sec. 21-7-401. - Conforming Uses with Physical Nonconformities.....	152151
Sec. 21-7-402. - Nonconforming Landscaping or Buffering.....	152151
Sec. 21-7-403. - Nonconforming Signs.....	153152
Sec. 21-7-404. - Nonconforming Lighting.....	153152
Sec. 21-7-405. - Nonconforming Parking.....	154153
Sec. 21-7-406. - Nonconforming Density	154153
Sec. 21-7-407. - Nonconforming Lots of Record	155154
Article VIII. - Administration and Enforcement.....	156155
Division 8-1. - Administrative Bodies.....	156155
Sec. 21-8-101. - Administrator.....	156155
Sec. 21-8-102. - City Engineer	156155
Sec. 21-8-103. - Planning Commission.....	157156
Sec. 21-8-104. - Zoning Board of Adjustment.....	159158
Sec. 21-8-105. - City Council.....	160159

Division 8-2. - Permits and Approvals	161159
Sec. 21-8-201. - Approvals or Permits Required	161159
Sec. 21-8-202. - Administrative Approvals and Permits	161160
Sec. 21-8-203. - Discretionary Approvals	162161
Division 8-3. - Planned Unit Development and Campus Master Plans	165163
Sec. 21-8-301. - Purpose and Application of Division	165163
Sec. 21-8-302. - Scope	165164
Sec. 21-8-303. - Types of Planned Unit Development	166164
Sec. 21-8-304. - Standards that May be Modified in a Planned Unit Development	167466
Sec. 21-8-305. - Approval Criteria for Modification of Standards in a Planned Unit Development	168167
Sec. 21-8-306. - Construction Procedures and Building Permits	169168
Sec. 21-8-307. - Amendments to the Final Development Plan or Campus Master Plan	169168
Sec. 21-8-308. - Enforcement of Development Schedule	170169
Sec. 21-8-309. - Control of Development Following Completion	170169
Division 8-4. - Annexation and Disconnection	172170
Sec. 21-8-401. - Annexation and Disconnection Procedure	172470
Sec. 21-8-402. - Required Annexation Agreement	172471
Sec. 21-8-403. - Approval Criteria	173472
Sec. 21-8-404. - Zoning of Annexed Property	174173
Sec. 21-8-405. - Execution of Annexation Agreement; Recordation of Approval	174473
Division 8-5. - Standardized Procedures	175173
Sec. 21-8-501. - Standardized Review Process	175173
Sec. 21-8-502. - <i>Ex Parte</i> Communications	177476
Sec. 21-8-503. - Pre-Application Meeting	177476
Sec. 21-8-504. - Application	179478
Sec. 21-8-505. - Application Fees and Escrows	179178
Sec. 21-8-506. - Completeness Review	181480
Sec. 21-8-507. - Sufficiency Review	181480

Sec. 21-8-508. - Stale Applications	182181
Sec. 21-8-509. - Administrative Review	182181
Sec. 21-8-510. - Referrals	184183
Sec. 21-8-511. - Public Notice	184183
Sec. 21-8-512. - Public Meetings and Public Hearings	187186
Sec. 21-8-513. - Continuances and Withdrawal	187186
Sec. 21-8-514. - Successive Applications	187186
Sec. 21-8-515. - Recording of Approvals	188187
Sec. 21-8-516. - Effect of Approvals	188187
Sec. 21-8-517. - Duration of Approvals	189188
Sec. 21-8-518. - Extensions of Approvals	190188
Sec. 21-8-519. - Correction of Approvals	191190
Sec. 21-8-520. - Vacation of Easements, Rights-of-Way, or Plats	192191
Sec. 21-8-521. - Special Procedures for Wireless Telecommunications Facilities	193192
Division 8-6. - Vested Property Rights	194193
Sec. 21-8-601. - Applications	194193
Sec. 21-8-602. - Vested Property Rights: Establishment	194193
Sec. 21-8-603. - Notice of Hearing and Decision: Form of Approval	195194
Sec. 21-8-604. - Notice of Final Approval	195194
Sec. 21-8-605. - Requirements of Ordinance or Resolution	196194
Sec. 21-8-606. - No Rights Created	196195
Sec. 21-8-607. - Exceptions	196195
Division 8-7. - Administrative Modifications, Variances, and Administrative Appeals	197196
Sec. 21-8-701. - Administrative Modifications	197196
Sec. 21-8-702. - Variances	199198
Sec. 21-8-703. - Administrative Appeals	200199
Article IX. - Enforcement	202201
Division 9-1. - Purpose and Application of Article	202201
Sec. 21-9-101. - Purpose of Article	202201

Sec. 21-9-102. - Application of Article	202201
Division 9-2. - Enforcement Procedures	203202
Sec. 21-9-201. - Notice of Violation	203202
Sec. 21-9-202. - Immediate Orders and Immediate Actions	204203
Sec. 21-9-203. - Administrative Process	206205
Sec. 21-9-204. - Administrative Suspension of Licenses, Permits, and Approvals	206205
Sec. 21-9-205. - Judicial Process	207206
Division 9-3. - Remedies	208207
Sec. 21-9-301. - Nature of Remedies; Preference for Civil Remedies	208207
Sec. 21-9-302. - Revocation of Licenses, Permits, and Approvals	208207
Sec. 21-9-303. - Civil Remedies	208207
Sec. 21-9-304. - Criminal Penalties	209208
Article X. - Findings, Objectives, and Intent	210209
Division 10-1. - Findings, Objectives, and Intent Regarding Specific Uses	210209
Sec. 21-10-101. - Findings, Objectives, and Legislative Intent Regarding Sexually-Oriented Business	210209
Sec. 21-10-102. - Findings Regarding Regulation of Marijuana Uses and Marijuana Cultivation	211240
Division 10-2. - Findings Regarding Regulation of Certain Structures	213212
Sec. 21-10-201. - Interests, Findings, and Legislative Intent Regarding Sign Regulation	213212
Sec. 21-10-202. - Interests, Findings, and Legislative Intent Regarding Wireless Telecommunications Facilities Regulations	214213
Article XI. - Measurements, Calculations, Rules of Construction, Acronyms, and Definitions	216215
Division 11-1. - Measurements and Calculations	216215
Sec. 21-11-101. - Measurements	216215
Sec. 21-11-102. - Calculations	217216

Division 11-2. - Rules of Construction, Acronyms, and Definitions	218217	
Sec. 21-11-201. - Rules of Construction	218217	
Sec. 21-11-202. - Table of Acronyms	218217	
Sec. 21-11-203. - Definitions	219218	
 Article I. - Title, Purpose, Authority, Applicability, Jurisdiction, Transition, Interpretation, and Severability	1	
~~Division 1-1. - Title, Purposes, Authority, and Disclaimers~~	~~1~~	Formatted: Check spelling and grammar
~~Sec. 21-1-101. - Title~~	~~1~~	Formatted: Check spelling and grammar
~~Sec. 21-1-102. - Purposes~~	~~1~~	Formatted: Check spelling and grammar
~~Sec. 21-1-103. - Authority~~	~~3~~	Formatted: Check spelling and grammar
~~Sec. 21-1-104. - Statement of Policy Regarding Marijuana Uses and Marijuana Cultivation~~	~~4~~	Formatted: Check spelling and grammar
~~Sec. 21-1-105. - Liability for damages~~	~~5~~	Formatted: Check spelling and grammar
~~Division 1-2. - Applicability, Jurisdiction, Interpretation, and Transition~~	~~5~~	Formatted: Check spelling and grammar
~~Sec. 21-1-201. - Applicability~~	~~5~~	Formatted: Check spelling and grammar
~~Sec. 21-1-202. - Jurisdiction~~	~~6~~	Formatted: Check spelling and grammar
~~Sec. 21-1-203. - Interpretation~~	~~6~~	Formatted: Check spelling and grammar
~~Sec. 21-1-204. - Transition~~	~~6~~	Formatted: Check spelling and grammar
 Article II. - Zones and Land Use	8	
~~Division 2-1. - Zones~~	~~8~~	Formatted: Check spelling and grammar
~~Sec. 21-2-101. - Purpose of Zones~~	~~8~~	Formatted: Check spelling and grammar
~~Sec. 21-2-102. - Establishment of Zones~~	~~8~~	Formatted: Check spelling and grammar
~~Sec. 21-2-103. - Official Zoning Map~~	~~9~~	Formatted: Check spelling and grammar
~~Sec. 21-2-104. - Interpretation of Zoning Map~~	~~9~~	Formatted: Check spelling and grammar
~~Sec. 21-2-105. - Zoning of Annexed Land~~	~~11~~	Formatted: Check spelling and grammar
~~Sec. 21-2-106. - Standards for Rezoning~~	~~11~~	Formatted: Check spelling and grammar
~~Division 2-2. - Land Use~~	~~13~~	Formatted: Check spelling and grammar
~~Sec. 21-2-201. - Interpretation of Land Use Tables~~	~~13~~	Formatted: Check spelling and grammar
~~Sec. 21-2-202. - Residential and Special Residential Land Use Table~~	~~14~~	Formatted: Check spelling and grammar
~~Sec. 21-2-203. - Civic, Education, and Health Care Land Use Table~~	~~17~~	Formatted: Check spelling and grammar

~~Sec. 21-2-204. General Commercial and Motor Vehicle Land Use Table~~	19	Formatted: Check spelling and grammar
~~Sec. 21-2-205. Hospitality, Recreation, and Entertainment Land Use Table~~	22	Formatted: Check spelling and grammar
~~Sec. 21-2-206. Industry, Transportation, Storage, and Disposal Land Use Table~~	25	Formatted: Check spelling and grammar
~~Sec. 21-2-207. Utility and Communications Land Use Table~~	29	Formatted: Check spelling and grammar
~~Sec. 21-2-208. Agricultural Land Use Table~~	30	Formatted: Check spelling and grammar
~~Sec. 21-2-209. Uses That Are Prohibited in All Zones~~	31	Formatted: Check spelling and grammar
~~Sec. 21-2-210. Uses That Are Not Listed~~	31	Formatted: Check spelling and grammar
~~Sec. 21-2-211. Essential Governmental or Public Utilities Services~~	34	Formatted: Check spelling and grammar
~~Division 2-3. Limited and Conditional Use Standards~~	34	Formatted: Check spelling and grammar
~~Sec. 21-2-301. Purpose and Application of Division~~	34	Formatted: Check spelling and grammar
~~Sec. 21-2-302. General Standards for All Conditional Uses~~	34	Formatted: Check spelling and grammar
~~Division 2-4. Temporary Uses~~	35	Formatted: Check spelling and grammar
~~Sec. 21-2-401. Temporary Use Permit Required: Conditions of Approval~~	35	Formatted: Check spelling and grammar
~~Sec. 21-2-402. Temporary Special Events~~	36	Formatted: Check spelling and grammar
~~Sec. 21-2-403. Temporary Retail Uses~~	37	Formatted: Check spelling and grammar
~~Sec. 21-2-404. Temporary Buildings and Temporary Construction Uses~~	39	Formatted: Check spelling and grammar
~~Sec. 21-2-405. Short-Term Rental of Dwelling Units~~	41	Formatted: Check spelling and grammar
~~Division 2-5. Accessory Uses~~	42	Formatted: Check spelling and grammar
~~Sec. 21-2-501. Storage and Overnight Parking of Commercial Vehicles or Recreational Vehicles~~	42	Formatted: Check spelling and grammar
~~Sec. 21-2-502. Home Occupations and Cottage Industries~~	42	Formatted: Check spelling and grammar
~~Article III. Density, Intensity, Open Space, Landscape Surface, and Scale~~	45	
~~Division 3-1. Purpose and Application of Article~~	45	Formatted: Check spelling and grammar
~~Sec. 21-3-101. Purpose of Article~~	45	Formatted: Check spelling and grammar
~~Sec. 21-3-102. Application of Article~~	45	Formatted: Check spelling and grammar
~~Division 3-2. Residential Development Yield~~	45	Formatted: Check spelling and grammar
~~Sec. 21-3-201. Residential Density and Open Space~~	45	Formatted: Check spelling and grammar
~~Sec. 21-3-202. Alternative Compliance with Open Space Ratio Requirements~~	46	Formatted: Check spelling and grammar

~~Division 3.3. Nonresidential and Mixed-Use Development Yield~~	~~46~~	Formatted: Check spelling and grammar
~~Sec. 21.3.301. Required Landscape Surface Ratio~~	~~46~~	Formatted: Check spelling and grammar
~~Sec. 21.3.302. Development Intensity~~	~~47~~	Formatted: Check spelling and grammar
~~Article IV. Lot, Building, and Structure Standards~~	~~48~~	
~~Division 4.1. Established Neighborhood Zone~~	~~48~~	Formatted: Check spelling and grammar
~~Sec. 21.4.101. Purpose and Application of Division~~	~~48~~	Formatted: Check spelling and grammar
~~Sec. 21.4.102. Status of Existing Lots and Buildings in EN Zone~~	~~48~~	Formatted: Check spelling and grammar
~~Sec. 21.4.103. EN Zone Flexible Setback Standards~~	~~48~~	Formatted: Check spelling and grammar
~~Division 4.2. Housing Palette~~	~~52~~	Formatted: Check spelling and grammar
~~Sec. 21.4.201. Purpose and Application of Division~~	~~52~~	Formatted: Check spelling and grammar
~~Sec. 21.4.202. Single-Family Detached Lot and Building Standards~~	~~52~~	Formatted: Check spelling and grammar
~~Sec. 21.4.203. Duplex Lot and Building Standards~~	~~54~~	Formatted: Check spelling and grammar
~~Sec. 21.4.204. Townhouse Lot and Building Standards~~	~~55~~	Formatted: Check spelling and grammar
~~Sec. 21.4.205. Multiplex or Multifamily Lot and Building Standards~~	~~56~~	Formatted: Check spelling and grammar
~~Sec. 21.4.206. Manufactured Home Lot and Building Standards~~	~~58~~	Formatted: Check spelling and grammar
~~Sec. 21.4.207. Tiny Home, Cottage, Small Duplex, and Co-housing Cluster Lot and Building Standards~~	~~59~~	Formatted: Check spelling and grammar
~~Sec. 21.4.208. Live-Work Lot and Building Standards~~	~~60~~	Formatted: Check spelling and grammar
~~Division 4.3. Nonresidential and Mixed-Use Lot and Building Standards~~	~~61~~	Formatted: Check spelling and grammar
~~Sec. 21.4.301. Nonresidential and Mixed-Use Lot and Building Standards~~	~~61~~	Formatted: Check spelling and grammar
~~Division 4.4. Exceptions to Lot and Building Standards~~	~~61~~	Formatted: Check spelling and grammar
~~Sec. 21.4.401. Purpose and Application of Division~~	~~61~~	Formatted: Check spelling and grammar
~~Sec. 21.4.402. Setback Flexibility~~	~~61~~	Formatted: Check spelling and grammar
~~Sec. 21.4.403. Projections into Required Setbacks~~	~~64~~	Formatted: Check spelling and grammar
~~Sec. 21.4.404. Exception to Building Height Regulations~~	~~66~~	Formatted: Check spelling and grammar
~~Division 4.5. Supplemental Standards~~	~~66~~	Formatted: Check spelling and grammar
~~Sec. 21.4.501. Purpose of Division~~	~~66~~	Formatted: Check spelling and grammar
~~Sec. 21.4.502. Accessory Buildings~~	~~66~~	Formatted: Check spelling and grammar
~~Sec. 21.4.503. Accessory Dwelling Units~~	~~66~~	Formatted: Check spelling and grammar
~~Sec. 21.4.504. Fences, Garden Walls, Retaining Walls, and Hedges~~	~~67~~	Formatted: Check spelling and grammar

~~Sec. 21.4.505. Swimming Pools~~	68	Formatted: Check spelling and grammar
~~Sec. 21.4.506. Outdoor Storage~~	69	Formatted: Check spelling and grammar
~~Sec. 21.4.507. Loading and Service Areas~~	70	Formatted: Check spelling and grammar
~~Sec. 21.4.508. Trash Collection~~	70	Formatted: Check spelling and grammar
~~Sec. 21.4.509. Drive-In or Drive-Through Facilities~~	72	Formatted: Check spelling and grammar
~~Sec. 21.4.510. Satellite Dishes and Antennae~~	72	Formatted: Check spelling and grammar
~~Sec. 21.4.511. Renewable Energy~~	73	Formatted: Check spelling and grammar
~~Sec. 21.4.512. Unattended Collection Boxes~~	73	Formatted: Check spelling and grammar
~~Division 4.6. Wireless Telecommunications Facilities~~	74	Formatted: Check spelling and grammar
~~Sec. 21.4.601. Purpose and Applicability of Division~~	74	Formatted: Check spelling and grammar
~~Sec. 21.4.602. Site Selection Standards~~	75	Formatted: Check spelling and grammar
~~Sec. 21.4.603. Telecommunications Towers~~	76	Formatted: Check spelling and grammar
~~Sec. 21.4.604. Multiple-Use Facilities~~	77	Formatted: Check spelling and grammar
~~Sec. 21.4.605. Lighting and Signage~~	78	Formatted: Check spelling and grammar
~~Sec. 21.4.606. Maintenance, Abandonment, and Removal~~	78	Formatted: Check spelling and grammar
~~Division 4.7. Signs~~	79	Formatted: Check spelling and grammar
~~Sec. 21.4.701. Applicability, Exemptions, and Permit Exceptions~~	79	Formatted: Check spelling and grammar
~~Sec. 21.4.702. Types of Signs Permitted~~	81	Formatted: Check spelling and grammar
~~Sec. 21.4.703. Design Characteristics~~	84	Formatted: Check spelling and grammar
~~Sec. 21.4.704. Content~~	87	Formatted: Check spelling and grammar
~~Division 4.8. Design Standards~~	88	Formatted: Check spelling and grammar
~~Sec. 21.4.801. Purpose and Application of Division~~	88	Formatted: Check spelling and grammar
~~Sec. 21.4.802. Alternative Design Standards~~	88	Formatted: Check spelling and grammar
~~Sec. 21.4.803. Large Scale Retail ("Big Box") Design Standards~~	88	Formatted: Check spelling and grammar
~~Sec. 21.4.804. Downtown Design Standards~~	91	Formatted: Check spelling and grammar
~~Sec. 21.4.805. Manufactured Home Park and Manufactured Home Subdivision Design Standards~~	94	Formatted: Check spelling and grammar
~~Article V. Site Design Standards~~	97	
~~Division 5.1. Site Design, Circulation, and Connectivity~~	97	Formatted: Check spelling and grammar
~~Sec. 21.5.101. Purpose and Application~~	97	Formatted: Check spelling and grammar

~~Sec. 21-5-102. General Site Design Principles.....~~	~~97~~	Formatted: Check spelling and grammar
~~Sec. 21-5-103. Circulation and Connectivity.....~~	~~98~~	Formatted: Check spelling and grammar
~~Sec. 21-5-104. On-Site Snow Storage.....~~	~~99~~	Formatted: Check spelling and grammar
~~Sec. 21-5-105. Street, Alley, and Pedestrian Way Design.....~~	~~99~~	Formatted: Check spelling and grammar
~~Sec. 21-5-106. Blocks.....~~	~~103~~	Formatted: Check spelling and grammar
~~Sec. 21-5-107. Lots.....~~	~~103~~	Formatted: Check spelling and grammar
~~Sec. 21-5-108. Sight Triangles.....~~	~~104~~	Formatted: Check spelling and grammar
~~Division 5-2. Parking and Loading.....~~	~~104~~	Formatted: Check spelling and grammar
~~Sec. 21-5-201. Purpose and Application of Division.....~~	~~104~~	Formatted: Check spelling and grammar
~~Sec. 21-5-202. Calculation of Required Parking Spaces.....~~	~~106~~	Formatted: Check spelling and grammar
~~Sec. 21-5-203. Parking Tables.....~~	~~107~~	Formatted: Check spelling and grammar
~~Sec. 21-5-204. Required Accessible Parking Spaces.....~~	~~111~~	Formatted: Check spelling and grammar
~~Sec. 21-5-205. Special Studies.....~~	~~112~~	Formatted: Check spelling and grammar
~~Sec. 21-5-206. Credit for On-Street Parking.....~~	~~113~~	Formatted: Check spelling and grammar
~~Sec. 21-5-207. Shared Parking.....~~	~~113~~	Formatted: Check spelling and grammar
~~Sec. 21-5-208. Remote Parking.....~~	~~115~~	Formatted: Check spelling and grammar
~~Sec. 21-5-209. Parking Lot Design Standards.....~~	~~117~~	Formatted: Check spelling and grammar
~~Sec. 21-5-210. Parking Space Markings, Traffic Control Devices, and Parking Stops.....~~	~~118~~	Formatted: Check spelling and grammar
~~Sec. 21-5-211. Required Truck Loading Areas.....~~	~~119~~	Formatted: Check spelling and grammar
~~Sec. 21-5-212. Vehicle Stacking Requirements.....~~	~~121~~	Formatted: Check spelling and grammar
~~Sec. 21-5-213. Construction, Operation and Maintenance.....~~	~~122~~	Formatted: Check spelling and grammar
~~Division 5-3. Landscaping and Open Space.....~~	~~122~~	Formatted: Check spelling and grammar
~~Sec. 21-5-301. Purpose and Application of Division.....~~	~~122~~	Formatted: Check spelling and grammar
~~Sec. 21-5-302. Landscape Design Principles.....~~	~~123~~	Formatted: Check spelling and grammar
~~Sec. 21-5-303. Size and Quality of Landscape Plants; Tree Preservation Credits.....~~	~~124~~	Formatted: Check spelling and grammar
~~Sec. 21-5-304. General Landscaping.....~~	~~125~~	Formatted: Check spelling and grammar
~~Sec. 21-5-305. Parking Lot Landscaping.....~~	~~126~~	Formatted: Check spelling and grammar
~~Sec. 21-5-306. Bufferyard Landscaping.....~~	~~127~~	Formatted: Check spelling and grammar
~~Sec. 21-5-307. Maintenance Standards.....~~	~~128~~	Formatted: Check spelling and grammar
~~Sec. 21-5-308. Open Space.....~~	~~129~~	Formatted: Check spelling and grammar

~~Division 5.4. Lighting~~	~~129~~	Formatted: Check spelling and grammar
~~Sec. 21-5-401. Single-Family Detached, Duplex, and Townhome Lighting Standards~~	~~129~~	Formatted: Check spelling and grammar
~~Sec. 21-5-402. Multifamily, Nonresidential, and Mixed Use Lighting Standards~~	~~129~~	Formatted: Check spelling and grammar
~~Sec. 21-5-403. Exterior Lighting for Outdoor Recreation~~	~~130~~	Formatted: Check spelling and grammar
~~Sec. 21-5-404. Public Safety and Public Nuisance~~	~~131~~	Formatted: Check spelling and grammar
~~Division 5.5. Grading, Erosion, and Sediment Control~~	~~131~~	Formatted: Check spelling and grammar
~~Sec. 21-5-501. Intent and Liability~~	~~131~~	Formatted: Check spelling and grammar
~~Sec. 21-5-502. General Standards for Grading~~	~~132~~	Formatted: Check spelling and grammar
~~Sec. 21-5-503. Permanent Best Management Practices~~	~~134~~	Formatted: Check spelling and grammar
~~Sec. 21-5-504. Design of Permanent Drainage Systems~~	~~135~~	Formatted: Check spelling and grammar
~~Article VI. Mitigation of Development Impacts~~	~~136~~	
~~Division 6.1. Impact Analysis~~	~~136~~	Formatted: Check spelling and grammar
~~Sec. 21-6-101. Fiscal and Infrastructure Impact Analysis~~	~~136~~	Formatted: Check spelling and grammar
~~Sec. 21-6-102. Traffic Impact Analysis~~	~~137~~	Formatted: Check spelling and grammar
~~Division 6.2. Required Dedications and Fees in Lieu~~	~~138~~	Formatted: Check spelling and grammar
~~Sec. 21-6-201. Form of Dedication~~	~~138~~	Formatted: Check spelling and grammar
~~Sec. 21-6-202. Parks~~	~~138~~	Formatted: Check spelling and grammar
~~Division 6.3. Public Improvements, Site Improvements, and Easements~~	~~139~~	Formatted: Check spelling and grammar
~~Sec. 21-6-301. Public Improvements and Site Improvements~~	~~139~~	Formatted: Check spelling and grammar
~~Sec. 21-6-302. Utilities~~	~~142~~	Formatted: Check spelling and grammar
~~Sec. 21-6-303. Stormwater Maintenance Easements~~	~~144~~	Formatted: Check spelling and grammar
~~Division 6.4. Operations Plans~~	~~144~~	Formatted: Check spelling and grammar
~~Sec. 21-6-401. Purpose and Application of Division~~	~~144~~	Formatted: Check spelling and grammar
~~Sec. 21-6-402. Master Plan for Extraction~~	~~144~~	Formatted: Check spelling and grammar
~~Sec. 21-6-403. Heavy Truck Routing Plan~~	~~145~~	Formatted: Check spelling and grammar

Article VII. - Nonconformities..... 146Division 7-1. - Purpose and Application of Article..... 146Sec. 21-7-101. - Purpose..... 146Sec. 21-7-102. - Application..... 146Division 7-2. - Nonconforming Uses..... 147Sec. 21-7-201. - Continuation of Nonconforming Use..... 147Sec. 21-7-202. - Change of Nonconforming Use..... 148Sec. 21-7-203. - Discontinuance of a Nonconforming Use..... 148Sec. 21-7-204. - Conversion of a Nonconforming Use to a Conforming Use..... 148Division 7-3. - Nonconforming Buildings or Structures..... 149Sec. 21-7-301. - Modifications to a Nonconforming Building or Structure..... 149Sec. 21-7-302. - Completion of Building or Structure..... 149Sec. 21-7-303. - Damage to a Nonconforming Building or Structure..... 150Division 7-4. - Other Physical Nonconformities..... 150Sec. 21-7-401. - Conforming Uses with Physical Nonconformities..... 150Sec. 21-7-402. - Nonconforming Landscaping or Buffering..... 150Sec. 21-7-403. - Nonconforming Signs..... 151Sec. 21-7-404. - Nonconforming Lighting..... 151Sec. 21-7-405. - Nonconforming Parking..... 152Sec. 21-7-406. - Nonconforming Density..... 152Sec. 21-7-407. - Nonconforming Lots of Record..... 152Article VIII. - Administration and Enforcement..... 154Division 8-1. - Administrative Bodies..... 154Sec. 21-8-101. - Administrator..... 154Sec. 21-8-102. - City Engineer..... 154Sec. 21-8-103. - Planning Commission..... 155Sec. 21-8-104. - Zoning Board of Adjustment..... 157Sec. 21-8-105. - City Council..... 158

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

Formatted: Check spelling and grammar

~~Division 8-2. - Permits and Approvals~~	~~158~~	Formatted: Check spelling and grammar
~~Sec. 21-8-201. Approvals or Permits Required~~	~~158~~	Formatted: Check spelling and grammar
~~Sec. 21-8-202. Administrative Approvals and Permits~~	~~158~~	Formatted: Check spelling and grammar
~~Sec. 21-8-203. Discretionary Approvals~~	~~160~~	Formatted: Check spelling and grammar
~~Division 8-3. - Planned Unit Development and Campus Master Plans~~	~~162~~	Formatted: Check spelling and grammar
~~Sec. 21-8-301. Purpose and Application of Division~~	~~162~~	Formatted: Check spelling and grammar
~~Sec. 21-8-302. Scope~~	~~163~~	Formatted: Check spelling and grammar
~~Sec. 21-8-303. Types of Planned Unit Development~~	~~163~~	Formatted: Check spelling and grammar
~~Sec. 21-8-304. Standards that May be Modified in a Planned Unit Development~~	~~165~~	Formatted: Check spelling and grammar
~~Sec. 21-8-305. Approval Criteria for Modification of Standards in a Planned Unit Development~~	~~165~~	Formatted: Check spelling and grammar
~~Sec. 21-8-306. Construction Procedures and Building Permits~~	~~166~~	Formatted: Check spelling and grammar
~~Sec. 21-8-307. Amendments to the Final Development Plan or Campus Master Plan~~	~~167~~	Formatted: Check spelling and grammar
~~Sec. 21-8-308. Enforcement of Development Schedule~~	~~168~~	Formatted: Check spelling and grammar
~~Sec. 21-8-309. Control of Development Following Completion~~	~~168~~	Formatted: Check spelling and grammar
~~Division 8-4. - Annexation and Disconnection~~	~~169~~	Formatted: Check spelling and grammar
~~Sec. 21-8-401. Annexation and Disconnection Procedure~~	~~169~~	Formatted: Check spelling and grammar
~~Sec. 21-8-402. Required Annexation Agreement~~	~~169~~	Formatted: Font: (Intl) Cambria, Check spelling and grammar
~~Sec. 21-8-403. Approval Criteria~~	~~170~~	Formatted: Font: (Intl) Cambria, Check spelling and grammar
~~Sec. 21-8-404. Zoning of Annexed Property~~	~~170~~	Formatted: Font: (Intl) Cambria, Check spelling and grammar
~~Sec. 21-8-405. Execution of Annexation Agreement; Recordation of Approval~~	~~171~~	Formatted: Font: (Intl) Cambria, Check spelling and grammar
~~Division 8-5. - Standardized Procedures~~	~~171~~	Formatted: Check spelling and grammar
~~Sec. 21-8-501. Standardized Review Process~~	~~171~~	Formatted: Check spelling and grammar
~~Sec. 21-8-502. Ex Parte Communications~~	~~174~~	Formatted: Check spelling and grammar
~~Sec. 21-8-503. Pre Application Meeting~~	~~174~~	Formatted: Check spelling and grammar
~~Sec. 21-8-504. Application~~	~~176~~	Formatted: Check spelling and grammar
~~Sec. 21-8-505. Application Fees and Escrows~~	~~176~~	Formatted: Check spelling and grammar
~~Sec. 21-8-506. Completeness Review~~	~~178~~	Formatted: Check spelling and grammar
~~Sec. 21-8-507. Sufficiency Review~~	~~178~~	Formatted: Check spelling and grammar

~~Sec. 21-8-508. Stale Applications~~	~~179~~	Formatted: Check spelling and grammar
~~Sec. 21-8-509. Administrative Review~~	~~179~~	Formatted: Check spelling and grammar
~~Sec. 21-8-510. Referrals~~	~~181~~	Formatted: Check spelling and grammar
~~Sec. 21-8-511. Public Notice~~	~~181~~	Formatted: Check spelling and grammar
~~Sec. 21-8-512. Public Meetings and Public Hearings~~	~~184~~	Formatted: Check spelling and grammar
~~Sec. 21-8-513. Continuances and Withdrawal~~	~~184~~	Formatted: Check spelling and grammar
~~Sec. 21-8-514. Successive Applications~~	~~184~~	Formatted: Check spelling and grammar
~~Sec. 21-8-515. Recording of Approvals~~	~~185~~	Formatted: Check spelling and grammar
~~Sec. 21-8-516. Effect of Approvals~~	~~185~~	Formatted: Check spelling and grammar
~~Sec. 21-8-517. Duration of Approvals~~	~~186~~	Formatted: Check spelling and grammar
~~Sec. 21-8-518. Extensions of Approvals~~	~~186~~	Formatted: Check spelling and grammar
~~Sec. 21-8-519. Correction of Approvals~~	~~189~~	Formatted: Check spelling and grammar
~~Sec. 21-8-520. Vacation of Easements, Rights of Way, or Plats~~	~~189~~	Formatted: Check spelling and grammar
~~Sec. 21-8-521. Special Procedures for Wireless Telecommunications Facilities~~	~~190~~	Formatted: Check spelling and grammar
~~Division 8-6. Vested Property Rights~~	~~191~~	Formatted: Check spelling and grammar
~~Sec. 21-8-601. Applications~~	~~191~~	Formatted: Check spelling and grammar
~~Sec. 21-8-602. Vested Property Rights: Establishment~~	~~191~~	Formatted: Check spelling and grammar
~~Sec. 21-8-603. Notice of Hearing and Decision; Form of Approval~~	~~192~~	Formatted: Check spelling and grammar
~~Sec. 21-8-604. Notice of Final Approval~~	~~192~~	Formatted: Check spelling and grammar
~~Sec. 21-8-605. Requirements of Ordinance or Resolution~~	~~192~~	Formatted: Check spelling and grammar
~~Sec. 21-8-606. No Rights Created~~	~~193~~	Formatted: Check spelling and grammar
~~Sec. 21-8-607. Exceptions~~	~~193~~	Formatted: Check spelling and grammar
~~Division 8-7. Administrative Modifications, Variances, and Administrative Appeals~~	~~194~~	Formatted: Check spelling and grammar
~~Sec. 21-8-701. Administrative Modifications~~	~~194~~	Formatted: Check spelling and grammar
~~Sec. 21-8-702. Variances~~	~~196~~	Formatted: Check spelling and grammar
~~Sec. 21-8-703. Administrative Appeals~~	~~197~~	Formatted: Check spelling and grammar
~~Article IX. Enforcement~~	~~199~~	
~~Division 9-1. Purpose and Application of Article~~	~~199~~	Formatted: Check spelling and grammar
~~Sec. 21-9-101. Purpose of Article~~	~~199~~	Formatted: Check spelling and grammar

~~Sec. 21-9-102. Application of Article~~	~~199~~	Formatted: Font: (Default) Cambria, Check spelling and grammar
~~Division 9-2. - Enforcement Procedures~~	~~200~~	Formatted: Check spelling and grammar
~~Sec. 21-9-201. Notice of Violation~~	~~200~~	Formatted: Check spelling and grammar
~~Sec. 21-9-202. Immediate Orders and Immediate Actions~~	~~201~~	Formatted: Check spelling and grammar
~~Sec. 21-9-203. Administrative Process~~	~~203~~	Formatted: Check spelling and grammar
~~Sec. 21-9-204. Administrative Suspension of Licenses, Permits, and Approvals~~	~~203~~	Formatted: Check spelling and grammar
~~Sec. 21-9-205. Judicial Process~~	~~204~~	Formatted: Check spelling and grammar
~~Division 9-3. Remedies~~	~~204~~	Formatted: Check spelling and grammar
~~Sec. 21-9-301. Nature of Remedies; Preference for Civil Remedies~~	~~204~~	Formatted: Check spelling and grammar
~~Sec. 21-9-302. Revocation of Licenses, Permits, and Approvals~~	~~205~~	Formatted: Check spelling and grammar
~~Sec. 21-9-303. Civil Remedies~~	~~205~~	Formatted: Check spelling and grammar
~~Sec. 21-9-304. Criminal Penalties~~	~~205~~	Formatted: Check spelling and grammar
~~Article X. Findings, Objectives, and Intent~~	~~206~~	
~~Division 10-1. Findings, Objectives, and Intent Regarding Specific Uses~~	~~206~~	Formatted: Check spelling and grammar
~~Sec. 21-10-101. Findings, Objectives, and Legislative Intent Regarding Sexually-Oriented Business~~	~~206~~	Formatted: Check spelling and grammar
~~Sec. 21-10-102. Findings Regarding Regulation of Marijuana Uses and Marijuana Cultivation~~	~~207~~	Formatted: Check spelling and grammar
~~Division 10-2. Findings Regarding Regulation of Certain Structures~~	~~209~~	Formatted: Check spelling and grammar
~~Sec. 21-10-201. Interests, Findings, and Legislative Intent Regarding Sign Regulation~~	~~209~~	Formatted: Check spelling and grammar
~~Sec. 21-10-202. Interests, Findings, and Legislative Intent Regarding Wireless Telecommunications Facilities Regulations~~	~~210~~	Formatted: Check spelling and grammar
~~Article XI. Measurements, Calculations, Rules of Construction, Acronyms, and Definitions~~	~~212~~	
~~Division 11-1. Measurements and Calculations~~	~~212~~	Formatted: Check spelling and grammar
~~Sec. 21-11-101. Measurements~~	~~212~~	Formatted: Check spelling and grammar
~~Sec. 21-11-102. Calculations~~	~~213~~	Formatted: Check spelling and grammar

<u>Division 11-2. - Rules of Construction, Acronyms, and Definitions</u>	214	Formatted: Check spelling and grammar
<u>Sec. 21-11-201. - Rules of Construction</u>	214	Formatted: Check spelling and grammar
<u>Sec. 21-11-202. - Table of Acronyms</u>	214	Formatted: Check spelling and grammar
<u>Sec. 21-11-203. - Definitions</u>	215	Formatted: Check spelling and grammar
<u>APPENDIX A. APPLICATION FORMS AND CHECKLISTS</u>	A-1	
<u>PLANNED UNIT DEVELOPMENT</u>	A-1	Formatted: Check spelling and grammar
<u>Preliminary Development Plan Checklist</u>	A-1	Formatted: Check spelling and grammar
<u>Final Development Plan Checklist</u>	A-2	Formatted: Check spelling and grammar
<u>ADMINISTRATIVE MODIFICATIONS</u>	A-3	Formatted: Check spelling and grammar
<u>WIRELESS COMMUNICATIONS FACILITIES</u>	A-4	Formatted: Check spelling and grammar
<u>SITE PLANS</u>	A-5	Formatted: Check spelling and grammar

Article I. - Title, Purpose, Authority, Applicability, Jurisdiction, Transition, Interpretation, and Severability

Division 1-1. - Title, Purposes, Authority, and Disclaimers

Sec. 21-1-101. - Title

This Chapter shall be known and may be cited as the “Alamosa Unified Development Code,” and may be referred to herein as “this Code” or “UDC.”

Sec. 21-1-102. - Purposes

- (a) **General Purposes.** The purpose and intent of this Code is to promote the health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City of Alamosa, Colorado, by using the City’s home rule, constitutional, and statutory powers to:
- (1) Implement the City’s adopted Comprehensive Plan and other adopted plans, which plans:
 - a. Reflect the shared values of the City’s inhabitants with respect to the character, form, and function of its future development; and
 - b. Promote planned, logical, fiscally and environmentally responsible, and orderly development and redevelopment within the City and other areas that may be subject to the City’s regulatory authority;
 - (2) Establish zoning districts and development standards that promote the use and development of property and balance the objectives of:
 - a. Reducing barriers to entry or expansion of businesses in targeted areas by reducing the cost of obtaining development approval and complying with applicable development and design regulations;
 - b. Supporting the stability and improvement of established residential, business, and industrial areas of the City by protecting or improving their physical and functional integrity and character;
 - c. Conserving and enhancing economic, social, cultural, recreational, and aesthetic property values; and
 - d. Ensuring adequate light and air and maintaining appropriate open spaces;
 - (3) Provide for a variety of housing opportunities for a diverse population;
 - (4) Diversify and improve transportation options by enhancing multimodal transportation choices, maintaining a balance of land uses, allowing for horizontally and vertically mixed uses in appropriate locations, and other appropriate measures;

- (5) Protect and enhance the City's tax base by enhancing opportunities for commerce, and by increasing property values through business creation and expansion, quality building improvements, infill development, and redevelopment;
- (6) Provide for sufficient, efficient, fiscally sustainable, and cost-effective transportation, water, sanitary sewer, school, park, stormwater conveyance and treatment, and other public and private facilities and services;
- (7) Promote public safety by securing safety from fire, flood, and other dangers through appropriate site design and adequate infrastructure and emergency services, in coordination with independent providers of public services (*e.g.*, schools and recreation);
- (8) Promote appropriate stewardship of natural resources, including water resources;
- (9) Provide for efficient and fair development approval procedures that respect private property rights and promote appropriate development; and
- (10) Promote the efficient and responsible use of public and private resources towards the accomplishment of the purposes set out herein.

(b) **Purposes of Regulation of Sexually-Oriented Businesses.**

- (1) The purpose of the regulations in this UDC that apply specifically to sexually-oriented businesses is to set reasonable and uniform regulations to prevent the deleterious location and siting of such businesses, and to ensure that site and building design techniques are used to minimize secondary effects, for example, by limiting views into areas of a building in which the business is operated.
- (2) The regulations have neither the purpose nor the effect of imposing an unconstitutional limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent nor effect of the regulations to restrict or deny access by adults to those sexually-oriented materials that are protected by the First Amendment.
- (3) This Code shall not be interpreted to condone or legitimize the distribution of obscene material or other comparable material that is not protected by the First Amendment.

(c) **Purposes of Regulation of Signs.** The purpose of the provisions in this UDC related to signs is to set out reasonable regulations for the design, location, installation, operation, repair, maintenance, and removal of signs in a manner that advances the City's legitimate, important, substantial, and compelling interests, while simultaneously safeguarding the constitutionally protected right of free speech.

(d) **Other Specific Purposes.** Other specific purposes of the various provisions of this Code may be expressed therein. Additional City Council findings are set out in Article IX.

Sec. 21-1-103. - Authority

- (a) **Generally.** The provisions of this Code are authorized as provided in this Section. The City may be authorized or required to act in additional areas from time to time. This Section is not intended, in any way, to limit the City's ability to accept such additional authorizations or requirements.
- (b) **City Charter.** Primary authority for all provisions herein that affect the area within the corporate boundaries of the City of Alamosa and are neither matters of statewide concern nor preempted by federal law is created by Article I, Section 2 (Powers, Rights and Liabilities), Article XIV, Section 4 (Zoning), and Article XV, Section 2 (Functions and Duties [of the Department of Public Works]) of the Home Rule Charter of the City of Alamosa, Colorado. This authority is granted by Article XX, Section 6 (Home Rule for Cities and Towns), Colorado Constitution.
- (c) **Colorado Revised Statutes.** Supplemental authority for the provisions of this Code is provided by the Colorado Revised Statutes, if they are not inconsistent with the provisions herein, or if they are preemptive of charter ordinances. The following provisions of the Colorado Revised Statutes may be used as authority for certain provisions of this Code:
 - (1) Regulate zoning, planning, subdivision, and development of land and building by C.R.S. Title 31, Article 23;
 - (2) Designate and administer areas and activities of state interest by C.R.S. §§ 24-65.1-101 to 108, 201 to 204, 301, 401 to 407, 501 to 502 and 34-1-301 et seq., as amended;
 - (3) Regulate planned unit development by C.R.S. § 24-67-101 et seq.;
 - (4) Regulate certain activities on, and uses of land by C.R.S. § 29-20-101 et seq., as amended;
 - (5) Regulate to avoid various types of pollution by virtue of C.R.S. § 25-7-112 (water pollution, radiation, noise);
 - (6) Regulate annexation of land by C.R.S. § 31-12-101 et seq., as amended;
 - (7) Regulate medical marijuana uses by C.R.S. Title 12, Article 43.3;
 - (8) Regulate recreation marijuana uses by C.R.S. Title 12, Article 43.4;
 - (9) Recognize the vesting of property rights for site-specific development orders according to C.R.S. § 24-68-101, et. seq.; and
 - (10) Regulate surveying practices according to C.R.S. § 38-51-101, et seq.
- (d) **United States Code.** Some of the regulations in this Code are authorized or required by federal law, which may include programs that are delegated to the State of Colorado for administration. Such regulations may include, but shall not be limited to:
 - (1) Flood damage prevention, pursuant to 42 U.S.C. § 4022; and

- (2) Local implementation of the National Pollutant Discharge Elimination System ("NPDES"), pursuant to 33 U.S.C. § 1342.
- (e) **Additional Authority; Limitations.** Should further authorizing legislation exist or be enacted, this Code is additionally deemed to be enacted or effective pursuant thereto, except:
 - (1) This Code shall supersede inconsistent legislation if the City's home rule authority so allows; and
 - (2) This Code shall be superseded by such legislation only to the extent of any irreconcilable conflict if the City's home rule authority does not subordinate such legislation.

Sec. 21-1-104. - Statement of Policy Regarding Marijuana Uses and Marijuana Cultivation

- (a) **Inherent Risks.** Marijuana, medical and otherwise, is a controlled substance under federal law. Therefore, applicants, investors, employees, and others associated with the marijuana uses know or should know that, among other things:
 - (1) If the U.S. DOJ chooses a different allocation of its investigative and prosecutorial resources (towards "greater enforcement"):
 - a. The federal government may be more likely to prosecute those individuals who are found in violation of the Controlled Substances Act and any other applicable federal criminal laws; and
 - b. Owners of marijuana uses and other persons who cultivate, store, or possess marijuana may be subject to penalties under federal law, including incarceration, fines, and forfeitures, including forfeiture of the building in which the use is located and the contents thereof.
 - (2) Insurance companies could deny coverage, including (among other things) coverage for casualty losses or personal injuries, based on violations of the Controlled Substances Act.
 - (3) Lenders could, at any time, determine that the use is unlawful and exercise any rights they may have under the terms of the loan, which in some cases may include a demand for immediate repayment of the entire loan balance.
- (b) **No Right to Continued Use; No Vested Rights; No Compensable Rights.**
 - (1) Based on the current U.S. DOJ policy and the state of Colorado law, this Code allows certain marijuana uses according to the regulatory program created by Colorado law. However, for so long as marijuana (medical and otherwise) remains a controlled substance under federal law, no approval pursuant to this Code shall be construed to create any enforceable or compensable property right to the establishment or continuation of a marijuana use under any circumstances.

- (2) No approval by the City shall be construed to introduce liability to the City for any consequential harms to the applicant or those associated with a proposed marijuana use, including but not limited to business owners, investors, employees, land owners, insurance companies, lenders, caregivers, patients, or customers.
- (c) **Certain Marijuana Land Uses Prohibited.** The City of Alamosa has exercised its right pursuant to Article XVIII, Section 16(5)(f) of the Colorado Constitution and prohibits the operation of certain marijuana uses as provided in Article X and Article XI of the Alamosa Code of Ordinances.

Sec. 21-1-105. - Liability for damages.

This Code shall not be construed to hold the City or its authorized representatives responsible for any damage to persons or property by reason of approvals, permitting, inspection, or re-inspection authorized herein.

Division 1-2. - Applicability, Jurisdiction, Interpretation, and Transition

Sec. 21-1-201. – Applicability

- (a) **Generally.** No land shall be developed except in accordance with the applicable provisions of this Code. All of the following are considered “development” that is subject to the applicable requirements of this Code (including provisions related to nonconformities):
 - (1) The use of any building, structure, or land (including new uses, changes in use, expansions of existing uses, and material changes to the operational characteristics of existing uses).
 - (2) Construction, material alteration, repair, relocation, or demolition of infrastructure, structures (including but not limited to fences, retaining walls, signs, and towers), or buildings.
 - (3) Land clearing in anticipation of the construction of infrastructure, structures, or buildings for non-agricultural purposes.
 - (4) Any other disturbance of land, soil, vegetation, or waterways, including excavation, fill, or other alteration of land for construction or other purposes, but not including routine landscape maintenance or ditch maintenance.
 - (5) Any division of a lot or parcel of land for land development, for sale, or for lease, whether by metes and bounds, subdivision, or other technique.
- (b) **Applicability to Publicly Owned Property.** The provisions of this Code are applicable not only to private persons, agencies, corporations and organizations, but also to all public agencies, and organizations to the full extent that they may be enforceable under the United States Constitution and the Constitution and Statutes of the State of Colorado.

- (c) **Relationship to Covenants, Conditions, and Restrictions.** This Code does not abrogate private restrictions that affect the use, development, or maintenance of property. The City has no duty to search for the existence of private restrictions on property, and the City will not interpret, enforce, or apply private restrictions unless it is a party to them.
- (d) **Relationship to Referral Agencies.** Certain applications may be referred to affected agencies or entities for review and comment. It is the applicant's responsibility to comply with all applicable rules and regulations. The City may withhold hearing or approval of an application until issues between the applicant and a referral agency or entity are resolved if the City determines that the issue affects public health or safety, or the referral agency's function or property rights.

Sec. 21-1-202. - Jurisdiction

This Code shall apply within the corporate boundaries of the City of Alamosa, Colorado, as may be amended from time to time, and, limited only to control with reference to a major street plan and not otherwise, shall also include all land lying within three (3) miles of the corporate boundaries of the City and not located within any other municipality, except that in the case of any of such non-municipal land lying within five (5) miles of the City and another municipality, the jurisdiction of the City shall terminate at a boundary line equidistant from the respective corporate limits of the city. This Code may also apply according to the terms of one or more applicable intergovernmental agreements.

Sec. 21-1-203. - Interpretation

The provisions of this Code may be regarded as the minimum requirements for the promotion of public health, safety, comfort, convenience, prosperity, and general welfare. This Code shall be interpreted to implement its stated purposes, and in such interpretations, the specific shall control the general.

Sec. 21-1-204. - Transition

- (a) **Pending Applications.**
 - (1) *Generally.* An application for approval of a site specific development plan, as well as the approval, conditional approval, or denial of approval of such plan, shall be governed only by the duly adopted laws and regulations in effect at the time the complete application is submitted. *See C.R.S. § 24-68-102.5, Applications - Approval by Local Government.*
 - (2) *Exception.* The City may adopt a new or amended ordinance or regulation, when necessary, for the immediate preservation of public health and safety, and may enforce such ordinance or regulation in relation to applications pending at the time such ordinance or regulation is adopted. *See C.R.S. § 24-68-102.5, Applications - Approval by Local Government.*

- (b) **Generally.** Development that was approved before the effective date may be carried out within the scope of the development approval or permit, provided that the approval is valid and has not lapsed. Where development approvals or other approvals authorize the issuance of a permit, the permit must be requested within the period that the approval is valid. Work that is authorized by permits must be commenced during the period in which the permit is valid, and then diligently pursued to completion.
- (c) **Term of Approvals and Permits that Pre-Date the Effective Date.**
- (1) Development approvals and permits that are valid on the effective date are valid until the earlier of:
- a. Their stated expiration date (or vested rights period), which may be on the face of the permit or development approval, or within related documents such as development agreements or regulations in force on the date of the approval; or
 - b. Two years from the Effective Date.
- (2) The following approvals are not terminated by this subsection:
- a. Rezoning, except rezonings to zones that are not set out in this UDC;
 - b. Vacations or abandonments of easements or rights-of-way;
 - c. Comprehensive Plan amendments; and
 - d. Recorded final plats.

Article II. - Zones and Land Use

Division 2-1. - Zones

Sec. 21-2-101. - Purpose of Zones

The zones that are established by this Article are intended to:

- (1) Encourage new development, reinvestment, and redevelopment that are consistent with the City's Comprehensive Plan;
- (2) Promote a range of economic opportunities that diversify the City's economy and provide opportunities for its residents;
- (3) Respect and reinforce the fabric of the City's neighborhoods;
- (4) Promote development that has character, scale, and quality that are compatible with the surrounding context;
- (5) Provide opportunities for commercial and mixed-use development to serve City and regional residents;
- (6) Provide opportunities for development of additional land uses that create primary employment; and
- (7) Respond to constraints that are inherent in the landscape.

Sec. 21-2-102. - Establishment of Zones

In order to implement the purposes and provisions of this Chapter, the City hereby establishes the zones that are set out in Table 21-2-102, Zones. The acronym used to refer to the zone, as well as the general purposes of each zone, are also set out in the Table.

TABLE 21-2-102 ZONES		
Zone	Acronym	Purpose
Agricultural	A	This zone is intended for areas that are primarily in an unimproved, natural state, as well as areas which are utilized for keeping and pasturing livestock and growing crops and plant materials, and where routine farm production activities are practiced.
Estate Residential	RE	This zone is intended for large-lot (at least 12,000 square feet), single-family detached residential uses.
Low-Density Residential	RL	This zone is intended for low-density, suburban-scale residential development.
Medium-Density Residential	RM	This zone is intended to allow for mixed residential alternatives, such as small-lot single-family detached and as well as low-scale multiple-unit, attached configurations such as multiplexes, duplexes, and townhouses.
High-Density Residential	RH	This zone is intended to allow for a variety of housing types such as single-family detached, small-number attached single-family dwellings, as well as multi-unit residential uses at apartment densities (maximum of twenty-five (25) dwelling units per gross acre).
Mixed-Use	MU	This zone is intended to implement the mixed-use opportunity area designation of the Comprehensive Plan. It allows for an integrated vertical or horizontal mix of residential, commercial, office, civic, and recreational uses.

**TABLE 21-2-102
ZONES**

Zone	Acronym	Purpose
Commercial Business	CB	This zone is intended to be used for a full range of retail sales and commercial services, serving both residents and visitors. This zone also allows vertically mixed commercial-residential development, such as residential apartments or condominiums located above retail shops.
Industrial	I	This zone is intended to be used for clean manufacturing, research and development, processing, and warehousing activities, and for other industrial uses provided that their impacts are appropriately mitigated. Offices and limited retail that is accessory to a permitted industrial or office use are also allowed in this district.
Central Business District	CBD	This zone encompasses the City's historic commercial core, framed by 4 th and 6 th Streets on the north and south, and Denver and Edison Avenues on the east and west; and is intended to support a walkable, pedestrian-scale center for shopping, entertainment, dining, arts, culture, and community events.
Campus	CA	This zone is intended to promote the development of education, health care, recreation, or research campuses pursuant to a campus master plan.
Established Neighborhoods	EN	This zone is intended to promote re-investment in established neighborhoods, while maintaining the existing physical character of the neighborhood

Sec. 21-2-103. - Official Zoning Map

- (a) **Generally.** The locations of the various zones are depicted on the map entitled "Official Zoning Map of the City of Alamosa" (referred to hereinafter as "ZONING MAP"). The Zoning Map is incorporated into and made part of this UDC.
- (b) **Maintenance of Zoning Map.** The Zoning Map is maintained by the Administrator. The Administrator shall promptly update the Zoning Map after a rezoning ordinance is adopted.
- (c) **Status of Zoning Map.** The Zoning Map that is on file with the Administrator shall control in the event of a conflict between said map and any other reproduction of the Zoning Map, including but not limited to, maps that are made available electronically.

Sec. 21-2-104. - Interpretation of Zoning Map

- (a) **Generally.** The precise location of any zone boundary line shown on the Zoning Map shall be identified using the rules set out in this Section. It is the intent of the City Council that all land within the City of Alamosa be located within a zone. In the event that land within the City exists for which no zone can be identified (even after the application of the standards in this Section), no permits for development or use of said land shall be issued until the City Council adopts an initial zoning ordinance for the land. Such action shall be taken at the City Council's first available regular meeting after the City discovers that the land is not zoned.
- (b) **Conflicts Between Zoning Map and Adopted Rezoning Ordinance, After Effective Date of UDC.** Conflicts between the zone boundaries on the Zoning Map and the zoning for land that is set out in an adopted rezoning ordinance dated after the effective date of this UDC could result from administrative or scrivener's errors. In the event of such conflict:
 - (1) It is presumed that the adopted rezoning ordinance controls, and the Zoning Map shall be promptly corrected when the conflict is identified. In such a case, the Administrator shall provide written notice of the correction to the owners of property that is the subject of a zoning map correction.

- (2) The presumption may be rebutted if it is obvious that the error is within the text of the rezoning ordinance, in that:
 - a. The rezoning affects property that was not the subject of the application for rezoning; or
 - b. The rezoning affects only a portion of the property that was the subject of the application, the application requested rezoning for the entire property, and the application was granted without conditions that restricted the extent of the rezoning; or
 - c. The legal description of the land in the rezoning ordinance does not close, but the description of the land that was intended to be the subject of the rezoning ordinance is otherwise obvious.
- (c) **Conflict Between Zoning Map and Adopted Rezoning Ordinance, Before Effective Date of UDC.** Any conflict between the boundaries on the Zoning Map and a rezoning ordinance that was adopted before the effective date of this UDC shall be resolved as follows:
 - (1) If the Zoning Map conflicts with a rezoning ordinance adopted before the effective date, the Zoning Map boundaries control. However, if the rezoning ordinance was tied to a site specific development plan, then the Zoning Map designation shall not interfere with any vested rights created by the site specific development plan.
 - (2) If the Zoning Map conflicts with an active planned unit development ("PUD") ordinance that was adopted before the effective date, the PUD ordinance controls, unless there is record evidence to show that the Zoning Map was intended to adjust the boundaries of the PUD.
 - (3) If the Zoning Map conflicts with an inactive PUD ordinance, or with the boundary of a completed PUD, then the Zoning Map controls.
 - (4) If the Zoning Map conflicts with a development or annexation agreement, then the conflict shall be resolved according to the terms of the agreement.
- (d) **Identifiable Features.** In the absence of a rezoning ordinance that specifies parcel boundaries, where zoning district boundary lines appear to follow identifiable features, their location shall be determined by applying the rules of this subsection in order from (1) to (5):
 - (1) *Rights-of-Way.* Boundary lines shown as following, or approximately following, streets, alleys, railroad tracks, or utility lines shall be construed as following the centerline of the right-of-way. Where the location of the actual streets or alleys differs from the location of corresponding streets or alleys on the Zoning Map, the location of the actual streets or alleys controls.
 - (2) *Property Lines.* Boundary lines shown as following, or approximately following, lot lines or other property lines shown on the Zoning Map shall be construed as following such lines.

- (3) *Toe or Top of Slope.* Boundary lines shown as following, or approximately following, the toe or the top of a steep slope, shall be construed as following the contour line of the toe or top of slope.
- (4) *Watercourses.* Boundaries shown as following, or approximately following, the centerline of streams or other watercourses shall be construed as following the channel centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline. However, such movement shall not render existing development nonconforming.
- (5) *Parallel to Features.* Boundaries shown as separated from and parallel, or approximately parallel, to any of the features listed in subsections (d)(1) through (d)(4), above, shall be construed to be parallel to such features and at such distances as are shown by the scale on the zoning map.
- (e) **Un-subdivided Land or No Identifiable Feature.** In the absence of a rezoning ordinance that specifies parcel boundaries, on un-subdivided land, or where a district boundary follows no identifiable feature, the location of district boundaries shall be determined by applying the following rules in sequential order, until the boundaries are known:
 - (1) *Text Dimensions.* The boundary shall be located by reference to dimensions shown in text on the zoning map, if any.
 - (2) *Map Scale.* The boundary shall be located using the map scale appearing on the zoning map.

Sec. 21-2-105. - Zoning of Annexed Land

- (a) **Generally.** Zoning of annexed land or land in the process of annexation is an “initial zoning.”
- (b) **Timing of Adoption of Zoning Ordinance.** An ordinance annexing a subject property into the City may provide for the zoning of the subject property. If the zoning ordinance is considered separately, it shall not be finally adopted by the City Council before final adoption of the annexation ordinance. The zoning ordinance may be processed concurrently and heard at the same hearing as the annexation ordinance for the subject property.

Sec. 21-2-106. - Standards for Rezoning

- (a) **Generally.**
 - (1) The City Council may approve an application for rezoning if it finds that:
 - a. The policy set out in Subsection B., below, is implemented;
 - b. The standards set out in Subsection C., below, are met; and
 - c. One or more of the alternatives set out in Subsection D., below are met.
 - (2) If the proposed rezoning is to a CA Zone, the subject property shall be at least 20 acres in area and under single ownership or control.
- (b) **Historic Resource Protection and Hazard Mitigation**

- (1) It is the policy of the City not to rezone land in a manner that would tend to create or facilitate the creation of development rights or entitlements that would either:
 - a. Reduce the level of protection for significant historical resources that exist on the Subject Property; or
 - b. Expose additional people or personal property to unmitigated natural or man-made hazards that are present on the Subject Property.
 - (2) This policy may be waived upon a finding by the City Council that:
 - a. Alternative means have been implemented (or will be implemented as a condition of development approval) to achieve a comparable or better level of historic resource protection or hazard mitigation; or
 - b. The policy is outweighed by a substantial community interest that is served by approval of the rezoning.
- (c) **Compatibility and Public Benefits.** All applications for rezoning shall meet all of the following standards:
- (1) The proposed zone is in conformance with the Comprehensive Plan's future land use map;
 - (2) The proposed zone will provide a benefit (or degree of benefit) to the community or immediate area that cannot be provided in the existing zone, and which is sufficient to offset potential adverse impacts of the proposed zone, if any;
 - (3) Public facilities are addressed in at least one of the following ways:
 - a. Adequate public facilities are available to serve development in the proposed zone; or
 - b. The proposed zone would limit demands upon public facilities more than the existing zone; or
 - c. Reasonable assurances are provided that adequate facilities will be made available to serve new development by the time the new development places demands on the facilities.
- (d) **Alternative Standards.** All applications for rezoning shall meet at least one of the following four alternative standards:
- (1) *Alternative #1.* The proposed zone is more appropriate than the existing zone to implement the most recent adopted City plan that:
 - a. Was developed with public input (*e.g.*, the Comprehensive Plan or a special area, corridor, redevelopment, or strategic plan); and
 - b. Includes the Subject Property.
 - (2) *Alternative #2.* The proposed zone is more appropriate than the existing zone because:

- a. There has been a change in character or capacity of public infrastructure in the area (*e.g.*, installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.); and
 - b. The proposed zone allows for the reasonable development or redevelopment of the subject property in a manner that will be compatible with its existing or planned context.
- (3) *Alternative #3.* The proposed zone is more appropriate than the existing zone because:
 - a. There is greater need in the City for land in the proposed zone than the existing zone; and
 - b. The proposed zone will promote a balance of land uses in the City that will improve economic opportunity for City residents.
- (4) *Alternative #4.* The proposed zone is more appropriate than the existing zone because:
 - a. The existing zoning for the property was erroneously assigned; or
 - b. Development has not proceeded in reliance on the erroneous zone.

Division 2-2. - Land Use

Sec. 21-2-201. - Interpretation of Land Use Tables

- (a) **Generally.** The tables set out in this Division ("LAND USE TABLES") describe which land uses are allowed administratively ("PERMITTED USES"), allowed administratively if certain conditions are met ("LIMITED USES"), allowed after public hearing if certain conditions are met ("CONDITIONAL USES"), and not allowed ("PROHIBITED USES") in each zone.
- (b) **Legend.** The following symbols are used in the Land Use Tables:
 - (1) "P" means "Permitted Use." Permitted uses are subject to administrative review for compliance with the general requirements of this UDC.
 - (2) "L" means "Limited Use." Limited uses are subject to administrative review for compliance with specific standards that pertain to the use, and for compliance with general standards for all limited uses, and the general requirements of this UDC.
 - (3) "C" means "Conditional Use." Conditional uses are subject to public hearing review for compliance with specific standards that pertain to the use, general standards for all conditional uses, and the general requirements of this UDC.
 - (4) "-" means "Prohibited Use." Prohibited uses are not allowed in the specified zone.
- (c) **Multiple Uses.** Proposed uses that combine more than one listed use, except those that qualify as "mixed-use," shall meet the substantive and procedural requirements for each applicable listed use.

Sec. 21-2-202. - Residential and Special Residential Land Use Table

- (a) **Generally.** The Residential and Special Residential Land Uses are set out in Table 21-2-202A, *Residential and Special Residential Land Uses*.

TABLE 21-2-202A RESIDENTIAL AND SPECIAL RESIDENTIAL LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Residential Uses												
Single-family detached	(by lot type – see below)											
Farmstead (street access)	-	-	-	-	-	-	-	-	-	-	P	
Estate (street access)	P	P	P	-	-	-	-	-	-	L	P	(b)(1)
Suburban (street access)	P	-	P	P	P	P	-	-	-	L	-	(b)(1)
Town (street access)	L	-	-	P	P	P	-	-	-	L	-	(b)(1)
Town (alley access)	P	-	-	P	P	P	-	-	-	L	-	(b)(1)
Duplex or twin house	P	-	-	P	P	P	-	-	-	-	-	-
Townhouse or rowhouse	-	-	-	P	P	P	-	-	-	-	-	-
Multiplex or Multifamily	L	-	-	L	P	P	L	-	L	L	-	(b)(2)
Manufactured home	L	-	-	L	L	-	-	-	-	-	-	(b)(3)
Cottage clusters or co-housing clusters	L	L	L	L	L	L	-	-	-	L	P	(b)(4)
Live-work	L	-	-	L	L	P	P	-	P	-	P	(b)(5)
Special Residential Uses												
Assisted living or congregate care	-	-	-	P	P	P	P	-	-	L	-	(b)(6)
Boarding or rooming house	-	-	-	-	P	P	-	-	-	L	-	(b)(7)
Convalescent center, Alzheimer’s care, memory care, nursing home	-	-	-	L	P	P	P	-	-	L	-	(b)(8)
Group home	L	L	L	L	L	L	-	-	-	L	L	(b)(9)
Sheltered care facility	-	-	-	-	C	C	-	-	-	C	C	(b)(10)

(b) Residential and Special Residential Use-Specific Standards.**(1) Single-Family Detached.**

- a. Single-family detached dwelling units are allowed in the CA Zone if:
 - i. They provide lodging principally for employees of the other uses on the campus; or
 - ii. They exist on the effective date of this UDC.
- b. Street accessed town lots are allowed in the EN Zone if alley access is not available or otherwise not reasonable as determined by the Administrator.

(2) Multiplex or Multifamily. Multifamily dwelling units are allowed if:

- a. In the EN Zone:

- i. No individual building contains more than eight dwelling units and the applicable standards of Section 21-4-205, *Multiplex and Multifamily Lot and Building Standards*, are met; or
 - ii. The multiplex or multifamily use exists on the effective date of this UDC.
 - b. In the RM Zone, no individual multiplex or multifamily building contains more than four dwelling units on the ground floor.
 - c. In the CB Zone, the units are located in vertically mixed-use buildings.
 - d. In the CBD Zone:
 - i. The dwelling units are located above the ground floor; or
 - ii. The dwelling units do not have frontage on Main Street.
 - e. In the CA Zone, the units provide housing principally for students, employees, or contractors of the other uses on the campus.
- (3) *Manufactured Homes*. Manufactured homes are allowed if:
 - a. In the EN Zone, the manufactured home was already installed upon the subject property on the effective date of this UDC.
 - b. In the RM Zone or RH Zone, the manufactured home is installed within a manufactured home park or manufactured home subdivision.
- (4) *Cottage Clusters or Co-Housing Clusters*. Cottage clusters or co-housing clusters are allowed if:
 - a. In the EN Zone, cottage clusters or co-housing clusters contain not more than eight dwelling units and are separated from each other within the same zone by not less than 200 feet, measured from property boundary line to property boundary line.
 - b. In the RE, RL, RM, RH, or MU Zones, cottage clusters or co-housing clusters contain no more than 12 dwelling units and are separated from each other within the same zone by not less than 500 feet, measured from property boundary line to property boundary line.
 - c. In the CA Zone, cottage clusters or co-housing clusters provide housing principally for students, employees, or contractors of the other uses on the campus, and include not more than 20 dwelling units per cluster.
- (5) *Live-Work*. Live-work units are allowed if:
 - a. In the EN Zone, the subject property is located across the street from the CBD Zone.
 - b. In the RM Zone, the subject property fronts on Stockton Street.
 - c. In the RH Zone, the subject property:
 - i. Is located across the street from a CB or I zone;

- ii. Takes direct access from the street that defines the district boundary; and
 - iii. Is not located within a manufactured home park or manufactured home subdivision.
- (6) *Assisted Living or Congregate Care.* Assisted living or congregate care is allowed in the CA Zone if it is related to the purpose of the campus (e.g., assisted living or congregate care is allowed on a healthcare or hospital campus as part of the healthcare mission, or on a college or university campus if it is related to an educational program of the college or university).
- (7) *Boarding or Rooming House.* Boarding and rooming houses are allowed in the CA Zone if they principally provide lodging for students, employees, contractors, or guests of the other uses on the campus.
- (8) *Convalescent Center, Alzheimer's Care, Memory Care, or Nursing Home.* Convalescent center, Alzheimer's care, memory care, or nursing home uses are allowed if:
 - a. In the RM Zone, the subject property is located at a zone boundary with an RH Zone or nonresidential Zone, or fronts on and takes access from an arterial or collector street.
 - b. In the CA Zone, the use is related to the purpose of the campus.
- (9) *Group Home.* Group homes are allowed if:
 - a. In the EN, RE, RL, RM, RH, MU, and A Zones, they are spaced from other group homes on the same street (for corner lots, both intersecting streets) by not less than 150 feet.
 - b. In the CA Zone:
 - i. The use is related to the purpose of the campus; and
 - ii. They are spaced from other group homes on the same street (for corner lots, both intersecting streets) by not less than 150 feet.
- (10) *Sheltered Care Facility.* Sheltered care facilities may be allowed if:
 - a. In the RH Zone, the subject property:
 - i. Is located at a zone boundary with a nonresidential Zone;
 - ii. Takes access from the street that forms the boundary; and
 - iii. Is separated from other sheltered care facilities by not less than 600 feet.
 - b. In the MU Zone, the subject property is separated from other sheltered care facilities by not less than 600 feet.
 - c. In the CA Zone, the use is related to the purpose of the campus.
 - d. In the A Zone:
 - i. The subject property is at least 10 acres in area; and

- ii. Agriculture or outdoor recreation is a material part of the treatment program.

Sec. 21-2-203. - Civic, Education, and Health Care Land Use Table

- (a) **Generally.** The Civic, Education, and Health Care Land Uses are set out in Table 21-2-203A, *Civic, Education, and Health Care Land Uses*.

TABLE 21-2-203A CIVIC, EDUCATION, AND HEALTH CARE LAND USES													
Land Use	Zones												Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A		
Civic													
Cemetery or Mausoleum	-	-	-	-	-	-	-	-	-	P	P	-	
City Facilities	P	P	P	P	P	P	P	P	P	P	P	-	
Funeral Home or Crematorium	-	-	-	-	-	P	P	-	-	P	-	-	
Place of Assembly	L	-	L	P	P	P	P	P	L	P	-	(b)(1)	
Protective Care	-	-	-	-	-	-	-	C	-	-	C	(b)(2)	
Day Care													
Adult Day Care	-	-	-	-	-	P	P	-	-	P	-	-	
Child Care Center, Small	L	L	L	L	L	P	P	L	-	P	-	(b)(3)	
Child Care Center, Large	L	-	-	L	L	P	P	L	-	P	-	(b)(4)	
Family Child Care Home	P	P	P	P	P	P	-	-	-	P	P	-	
Education													
School	L	L	L	L	L	P	P	C	-	P	-	(b)(5)	
College or University	-	-	-	-	-	P	P	L	-	P	-	(b)(6)	
Vocational School / Job Training Center	-	-	-	-	-	L	L	L	-	P	-	(b)(7)	
Health Care													
Hospital or Emergency Room	-	-	-	-	-	C	P	-	-	P	-	(b)(8)	
Medical Office or Clinic	-	-	-	-	-	P	P	-	-	P	-	-	

(b) **Civic, Education, and Health Care Use-Specific Standards.**

- (1) *Place of Assembly.* Places of assembly are allowed if:
- In the EN and RL Zones:
 - A place of assembly exists on the effective date of this UDC; or
 - The subject property is at least one-half acre in area and located on a street corner.
 - In the CBD Zone, the use is located above the ground floor.
- (2) *Protective Care.* Protective care is allowed:
- In the I Zone if:

- i. The use is not a correctional facility or a juvenile detention facility (but may be a short-term detention facility for arrestees who are awaiting trial);
 - ii. The building coverage ratio of the subject property does not exceed 10 percent;
 - iii. The subject property is not less than five acres in area;
 - iv. Principal buildings are set back from property lines not less than 50 feet;
 - v. The subject property is at least 1,000 feet from public parks or schools; and
 - vi. Unless the use is surrounded by a security fence, the use is surrounded by a Class D bufferyard.
 - b. In the A Zone if:
 - i. The building coverage ratio of the subject property does not exceed 10 percent;
 - ii. The subject property is not less than 20 acres in area;
 - iii. Principal buildings are set back from property lines not less than 125 feet;
 - iv. The subject property is at least 1,000 feet from public parks or schools; and
 - v. Unless the use is surrounded by a security fence, the use is surrounded by a Class D bufferyard.
- (3) *Child Care Center, Small.* Small child care centers are allowed if:
- a. In the EN, RE, RL, RM, or RH Zones,
 - i. The use is provided at an existing school or place of public assembly; or
 - ii. The subject property is located on a corner lot and no other child care centers are located on the same street segments or within 250 feet, whichever distances are shorter.
 - b. In the I Zone:
 - i. The use is provided at an existing school or place of public assembly; or
 - ii. The use is provided for employees of an industrial use that is located on the same property or on adjoining property.
- (4) *Child Care Center, Large.* Large child care centers are allowed if:
- a. In the EN, RM, or RH Zones:

- i. The use is provided at an existing school or place of public assembly; or
 - ii. The subject property is not less than one acre in area, and no other child care centers are located on the same street segment or within 250 feet on either side of the use along the street that it fronts, whichever distance is shorter.
 - b. In the I Zone:
 - i. The use is provided at an existing place of public assembly; or
 - ii. The use is provided for employees of an industrial use that is located on the same property or on adjoining property.
- (5) *School*. Schools are allowed if:
 - a. In the EN, RE, RL, RM, or RH Zones, the area of the subject property is at least:
 - i. Elementary Schools: The greater of 5 acres or 1,200 sf. per student at design capacity.
 - ii. Middle Schools: The greater of 10 acres or 1,900 sf. per student at design capacity.
 - iii. High Schools: The greater of 20 acres or 2,000 sf. per student at design capacity.
 - b. In the I Zone, a material component of the school's curriculum is industrial in nature, and the use is appropriately buffered from heavy industrial uses.
- (6) *College or University*. Colleges or universities are allowed in the I Zone if the instruction provided or research performed within the zone is principally industrial in nature.
- (7) *Vocational School / Job Training Center*. Vocational schools or job training centers are allowed in the MU, CB, and I Zones if:
 - a. The curriculum is limited to traditional classroom instruction; or
 - b. The vocational training is of a type that is permitted in the underlying zone, or that is allowed as a limited use and the limited use standards are met (e.g., vocational training in auto body repair is allowed where heavy motor vehicle repair and services uses are allowed).
- (8) *Hospital or Emergency Room*. Hospitals or emergency rooms are allowed in the MU Zone if they take access from a collector or arterial street, or from a local street that does not also provide direct access to a single-family detached or duplex use between the hospital or emergency room and a major arterial.

Sec. 21-2-204. - General Commercial and Motor Vehicle Land Use Table

- (a) **Generally.** The General Commercial and Motor Vehicle Land Uses are set out in Table 21-2-204A, *General Commercial and Motor Vehicle Land Uses*.

TABLE 21-2-204A
GENERAL COMMERCIAL AND MOTOR VEHICLE LAND USES

Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
General Commercial												
Heavy Retail	-	-	-	-	-	L	P	P	-	-	-	(b)(1)
Liquor Stores	-	-	-	-	-	P	P	-	P	L	-	-
Personal Services	-	-	-	-	-	P	P	-	P	P	-	-
Retail Sales and Services Type 1	-	-	-	-	-	P	P	L	P	L	-	(b)(2)
Retail Sales and Services Type 2	-	-	-	-	-	L	L	-	-	L	-	(b)(3)
Professional or Business Offices	-	-	-	-	-	P	P	P	L	P	-	(b)(4)
Recording or Television Studio	-	-	-	-	-	L	L	P	L	P	-	(b)(5)
Veterinary and Animal Facilities	-	-	-	-	-	L	L	P	L	L	P	(b)(6)
Motor Vehicle Land Uses												
Fueling/Charging Stations or Light Motor Vehicle Repairs and Services	-	-	-	-	-	L	P	P	-	-	-	(b)(7)
Heavy Motor Vehicle Repairs and Services	-	-	-	-	-	-	L	P	-	-	-	(b)(8)
Motor Vehicle Wash	-	-	-	-	-	-	P	P	-	-	-	-
Motor Vehicle Parking	-	-	-	-	-	P	P	P	P	P	-	-
Motor Vehicle Sales and Rental	-	-	-	-	-	L	P	P	L	-	-	(b)(9)

(b) **General Commercial and Motor Vehicle Use-Specific Standards.**

(1) *Heavy Retail.* Heavy retail is allowed in the MU Zone if:

- a. Not more than 33 percent of the area put to the heavy retail use is located outdoors; and
- b. The outdoor area used for the display of merchandise is adjacent to a wall of a principal structure, is configured as a walled or decoratively fenced area, and is set back from property lines as required for principal buildings.

(2) *Retail Sales and Services Type 1.* Retail sales and services type 1 are allowed if:

- a. In the I Zone:
 - i. The retail sales or services are related to an industrial use on the subject property (*e.g.*, the sale of merchandise that is manufactured or assembled on-site);
 - ii. The retail sales or services are incidental to a permitted use (*e.g.*, the sales of boxes or locks at a self-storage facility); or
 - iii. The retail sales or services support other industrial uses (*e.g.*, contractor supply shops).
- b. In the CA Zone:

- i. The use is targeted towards the students, employees, or contractors of, or visitors to, the other uses on the campus; and
 - ii. The use is incidental to the overall purpose of the campus.
- (3) *Retail Sales and Services Type 2.* Retail sales and services type 2 are allowed if:
 - a. In the MU Zone or CB Zone, the use is separated from other retail sales and services type 2 uses by at least 600 feet, measured in both directions along the street upon which the use fronts.
 - b. In the CA Zone, the use is targeted towards the students, employees, or contractors of the other uses on the campus, and are incidental to the overall function of the campus.
- (4) *Professional or Business Offices.* Professional or business offices are allowed in the CBD Zone, but if the use fronts on Main Street, it must be located above the ground floor.
- (5) *Recording or Television Studio.* Recording or television studios are allowed if:
 - a. In the MU Zone or CB Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM.
 - b. In the CBD Zone:
 - i. The subject property does not front on Main Street; and
 - ii. Noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM.
- (6) *Veterinary and Animal Facilities.* Veterinary and animal facilities are allowed if:
 - a. In the MU Zone or CB Zone:
 - i. Treatment is limited to small domestic animals (*e.g.*, dogs, cats, birds, and exotic pets); and
 - ii. Outdoor dog runs, if provided, are not less than 250 feet away from any residential property line.
 - b. In the CBD Zone:
 - i. The subject property does not front on Main Street;
 - ii. Treatment is limited to small domestic animals; and
 - iii. There are no outdoor dog runs.
 - c. In the CA Zone, the use is related to the purpose of the campus.
- (7) *Fueling/Charging Stations or Light Motor Vehicle Repairs and Services.* Fueling/charging stations or light motor vehicle repairs and services are allowed in the MU Zone if they are limited to electric vehicle charging.

- (8) *Heavy Motor Vehicle Repairs and Services.* Heavy motor vehicle repairs and services are allowed in the CB Zone if the area in which the use is conducted is not less than 250 feet away from any residential property line.
- (9) *Motor Vehicle Sales and Rental.* Motor vehicle sales and rental is allowed in the MU Zone and CBD Zone if the use is located entirely indoors.

Sec. 21-2-205. - Hospitality, Recreation, and Entertainment Land Use Table

- (a) **Generally.** The Hospitality, Recreation, and Entertainment Land Uses are set out in Table 21-2-205A, *Hospitality, Recreation, and Entertainment Land Uses*.

TABLE 21-2-205A HOSPITALITY, RECREATION, AND ENTERTAINMENT LAND USES													
Land Use	Zones												Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A		
Hospitality													
Bar, Tavern, or Nightclub	-	-	-	-	-	L	P	-	P	L	-	(b)(1)	
Bed and Breakfast	L	L	L	L	P	P	P	-	L	P	P	(b)(2)	
Campground or RV Park	-	-	-	-	-	-	<u>L</u>	-	-	L	P	(b)(3)	
Hotel or Motel	-	-	-	-	-	P	P	-	P	P	-	-	
Restaurant, Drive-In or Drive-Through	-	-	-	-	-	-	P	-	-	-	-	-	
Restaurant, Indoor	-	-	-	L	L	P	P	L	P	P	-	(b)(4)	
Restaurant, Outdoor	-	-	-	L	L	L	P	-	P	L	-	(b)(5)	
Recreation and Entertainment													
Commercial Equestrian Facility	-	-	-	-	-	-	-	-	-	-	P	-	
Indoor Amusement, Recreation, and Entertainment	-	-	-	-	-	L	P	L	P	L	-	(b)(6)	
Indoor Gun Ranges	-	-	-	-	-	-	L	L	-	-	-	(b)(7)	
Outdoor Commercial Amusement	-	-	-	-	-	-	P	-	-	-	-	-	
Park	P	P	P	P	P	P	P	P	L	P	P	(b)(8)	
Sexually-Oriented Business	-	-	-	-	-	-	L	L	-	-	-	(b)(9)	
Stadium or Amphitheater	-	-	-	-	-	L	-	-	-	L	-	(b)(10)	
Zoo	-	-	-	-	-	-	-	-	-	C	C	(b)(11)	

(b) Hospitality, Recreation, and Entertainment Use-Specific Standards.

- (1) *Bar, Tavern, or Nightclub.* Bar, tavern, or nightclub is allowed if:
- In the MU Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance.
 - In the CA Zone, the use is targeted towards the students, employees, or contractors of the other uses on the campus, and is incidental to the overall function of the campus.

- (2) *Bed and Breakfast.* Bed and breakfast is allowed if:
- In the EN Zone, the lot area of the subject property is at least 7,000 square feet.
 - In the RE Zone, the lot area of the subject property is at least 12,000 square feet.
 - RL, or RM Zones:
 - The lot area of the subject property is at least 7,000 square feet; and
 - The subject property is a corner lot.
 - In the CBD Zone, the subject property does not front on Main Street.
- (3) *Campground or RV Park.* Campgrounds or RV Parks are allowed in the CA Zone if:
- The use complies with CDPHE standards (6 CCR 1010-9) for modern campgrounds;
 - The use is surrounded by a Type B Bufferyard; and
 - The use is targeted towards visitors to the other uses on the campus, and is incidental to the overall function of the campus.
- (4) *Restaurant, Indoor.* Indoor restaurants are allowed if:
- In the RM or RH Zones, the restaurant existed on the effective date.
 - In the I Zone, the scale and hours of operation of the restaurant are limited such that it primarily provides service to employees and visitors to the surrounding industrial uses.
- (5) *Restaurant, Outdoor.* Outdoor restaurants are allowed if:
- In the RM or RH Zones, the restaurant existed on the effective date.
 - In the MU Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance.
 - In the CA Zone, the use is targeted towards the students, employees, or contractors of, or visitors to, the other uses on the campus, and is incidental to the overall function of the campus.
- (6) *Indoor Amusement, Recreation, and Entertainment.* Indoor amusement, recreation, and entertainment are allowed if:
- In the MU Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance.

- b. In the I Zone, the use is located in an area in which light industrial uses are established, and is spaced not less than 250 feet from heavy industrial or heavy logistics uses.
 - c. In the CA Zone, the use is targeted towards the students, employees, or contractors of, or visitors to, the other uses on the campus, and is incidental to the overall function of the campus.
- (7) *Indoor Gun Ranges.* Indoor gun ranges are allowed if:
- a. In the CB Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance.
 - b. In the I Zone:
 - i. Noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance; and
 - ii. The use is located in an area in which light industrial uses are established, and is spaced not less than 250 feet from heavy industrial or heavy logistics uses.
- (8) *Park.* Parks are allowed in the CBD Zone if they are limited to passive recreation activities (e.g., plazas, fountains, outdoor seating).
- (9) *Sexually-Oriented Business.* Sexually-oriented businesses are allowed in the CB Zone or I Zone if:
- a. The building that contains the use is located not less than 100 feet from the right-of-way lines of Highway 285 and Highway 160;
 - b. All activities related to the business are conducted indoors;
 - c. The use is spaced not less than 1,000 feet, measured as the shortest distance from the property line of the use to the nearest property line of the use or zone from which spacing is required, from:
 - i. Other sexually-oriented businesses;
 - ii. Lots that are developed with dwelling units;
 - iii. Residential zone boundaries;
 - iv. Schools, public parks, and child care centers that are located within the City limits; and
 - v. Places of assembly;
- Except that the spacing requirement may be reduced to 500 feet from those listed uses that do not operate between 7:00 PM and 9:00 AM;

- d. Access to the use is configured to allow for verification of age of customers before entry into rooms where sexually-oriented merchandise is displayed or sexually-oriented entertainment activities occur; and
- e. The interior of the use is configured so that sexually-oriented activity, sexually-oriented merchandise, and depictions of said activity or merchandise, are not visible from outside of the building through windows or doors.

(10) *Zoo.* Zoos are allowed if:

- a. In the CA Zone, the zoo is related to the purpose of an educational campus in that the animals are research subjects for faculty and students on the campus;
- b. In the A Zone:
 - i. Noise generated by the use will not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance;
 - ii. The subject property is at least 10 acres in area;
 - iii. The use is enclosed with a Type B Bufferyard; and
 - iv. The zoo operator maintains a Colorado wildlife exhibitor's park license.

Sec. 21-2-206. - Industry, Transportation, Storage, and Disposal Land Use Table

- (a) **Generally.** The Industry, Transportation, Storage, and Disposal Land Uses are set out in Table 21-2-206A, *Industry, Transportation, Storage, and Disposal Land Uses*.

TABLE 21-2-206A INDUSTRY, TRANSPORTATION, STORAGE, AND DISPOSAL LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Industry												
Heavy Industry	-	-	-	-	-	-	-	L	-	L	-	(b)(1)
Light Industry	-	-	-	-	-	L	L	P	-	L	-	(b)(2)
Marijuana Testing Facility	-	-	-	-	-	-	-	C	-	C	-	(b)(3)
Resource Extraction, Minerals	-	-	-	-	-	-	-	L	-	-	P	(b)(4)
Resource Extraction, Oil and Gas	-	-	-	-	-	-	-	-	-	-	P	-
Transportation												
Airport	-	-	-	-	-	-	-	C	-	-	L	(b)(5)
Heavy Logistics	-	-	-	-	-	-	-	L	-	-	-	(b)(6)
Helistop	-	-	-	-	-	-	-	C	-	L	L	(b)(7)
Storage												
Outdoor Storage Yard	-	-	-	-	-	-	-	L	-	L	-	(b)(8)
Self-Storage	-	-	-	-	-	L	P	P	-	L	-	(b)(9)

TABLE 21-2-206A INDUSTRY, TRANSPORTATION, STORAGE, AND DISPOSAL LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Disposal												
Salvage or Junk Yard	-	-	-	-	-	-	-	C	-	-	-	(b)(10)
Transfer Station	-	-	-	-	-	-	-	C	-	L	C	(b)(11)

(b) **Industry, Transportation, Storage, and Disposal Use-Specific Standards.**

(1) *Heavy Industry.* Heavy industry is allowed if:

- a. In the I Zone:
 - i. A truck routing plan is provided that shows how trucks will avoid streets that provide access to single-family detached and duplex uses;
 - ii. Noise generated by the use will not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM; and
 - iii. Outdoor storage and processing areas shall be screened from view from residential zones and public rights-of-way with a Class C Bufferyard.
- b. In the CA Zone:
 - i. The use is related to the purpose of the campus;
 - ii. Heavy truck traffic is limited to two trips per week;
 - iii. Noise generated by the will not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM; and
 - iv. Outdoor storage and processing areas shall be screened from view from residential zones and public rights-of-way with a Class C Bufferyard.

(2) *Light Industry.* Light industry is allowed if:

- a. In the MU and CB Zones, the use is allowed in conjunction with on-site retail or educational uses in which the products of the use are used or sold.
- b. In the CA Zone, the use is related to the purpose of the campus.

(3) *Marijuana Testing Facility.* Marijuana testing facilities may be allowed if:

- a. In the I Zone, the facility is located not less than 1,000 feet from any other marijuana testing facility.
- b. In the CA Zone:
 - i. The facility is located not less than 1,000 feet from any other marijuana testing facility; and
 - ii. The use is related to the purpose of the campus.

- (4) *Resource Extraction, Minerals.* Mineral resource extraction is allowed if:
- a. All extraction activities shall be in accordance with an adopted Master Plan for Extraction. *See Sec. 21-6-402, Master Plan for Extraction.*
 - b. The use shall be screened from view from adjacent property and public rights-of-way with a Class C Bufferyard that includes an eight-foot tall privacy fence or masonry wall or earthen berm.
 - c. A truck routing plan is required. *See Sec. 21-6-403, Heavy Truck Routing Plan.*
 - d. Noise generated by the use shall not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM.
 - e. Existing tree stands shall be preserved to the extent practicable as a method of screening the operation from adjacent public streets.
 - f. Access points and interior vehicular use areas shall be designed and maintained to limit airborne dust and erosion, and to prevent tracking of debris onto public rights-of-way.
- (5) *Airport.* Airports are allowed in the I Zone or A Zone if:
- a. A master plan for the airport and a forecast of aviation activity is provided that demonstrates that the proposal is designed to minimize the impact on existing and approved residential uses by:
 - i. Minimizing the number of residences that are brought within the 55 DNL noise zone;
 - ii. Ensuring that residential uses do not come within the 65 DNL noise zone unless they are subject to an appropriate aviation easement; and
 - iii. The airport's safety zones are situated so that the airport will not materially interfere with the anticipated development of the City; and
 - b. The airport will not interfere with safety or operations at existing airports, heliports, or helistops; and
 - c. The airport complies with all applicable federal regulations.
- (6) *Heavy Logistics.* Heavy logistics uses are allowed in the I Zone if:
- a. A truck routing plan is provided that shows how trucks will avoid streets that provide access to single-family detached and duplex uses;
 - b. Noise generated by the use will not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM; and
 - c. Outdoor truck or trailer storage areas are paved and screened from view from residential zones and public rights-of-way with a Class B Bufferyard.
- (7) *Helistop.* Helistop is allowed in the I, CA, or A Zones if:

- a. The helistop is intended to serve a nonresidential land use on the subject property (*e.g.*, a hospital)
 - b. A forecast of aviation activity and noise impacts is provided that demonstrates that the proposal is designed to minimize the impact on existing and approved residential uses by:
 - i. Minimizing the number of residences that are brought within the 55 DNL noise zone;
 - ii. Ensuring that residential uses do not come within the 65 DNL noise zone unless they are subject to an appropriate aviation easement; and
 - iii. Safety zones are situated so that the helistop will not materially interfere with the anticipated development of the City; and
 - c. The helistop will not interfere with safety or operations at existing airports, heliports, or helistops; and
 - d. The helistop complies with all applicable federal regulations.
- (8) *Outdoor Storage Yard.* Outdoor storage yards are allowed:
- a. In the I Zone if the outdoor storage yard complies with the standards set out in Section 21-4-506, *Outdoor Storage*.
 - b. In the CA Zone if:
 - i. The outdoor storage yard is related to the purpose or maintenance of the campus; and
 - ii. The outdoor storage yard complies with the standards set out in Section 21-4-506, *Outdoor Storage*.
- (9) *Self-Storage.* Self-storage is allowed:
- a. In the MU Zone if the use is screened from view from public streets by intervening buildings and a Class B bufferyard is installed along side and rear lot lines, or:
 - i. The use is located within a multi-story building;
 - ii. The building includes windows on street-facing elevations, such that not less than 15 percent of the elevations are transparent;
 - iii. The principal public entrance to the building is architecturally prominent; and
 - iv. Overhead doors are not present on street-facing elevations unless they are screened from view by a Class B bufferyard.
 - b. In the CA Zone if:
 - i. The self-storage facility is related to the purpose or maintenance of the campus, or is for the use of residents, employees, or students of the campus;

- ii. Overhead doors do not face public streets; and
 - iii. The use is screened from view from public streets and adjacent residential zones (if any) by a Class B bufferyard or intervening buildings.
- (10) *Salvage or Junk Yard.* Salvage or junk yards are allowed in the I Zone if:
- a. Noise generated by the use does not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM, and must otherwise comply with the City's noise ordinance; and
 - b. The outdoor areas of the salvage or junk yard comply with the standards set out in Section 21-4-506, *Outdoor Storage*.
- (11) *Transfer Station.* Transfer stations are allowed in the I, CA, or A Zones if
- a. The use shall be enclosed within a Class D Bufferyard that includes security fencing and access controls.
 - b. A heavy truck routing plan is required. *See* Sec. 21-6-403, *Heavy Truck Routing Plan*.
 - c. Noise generated by the use shall not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM.
 - d. All waste shall be stored in an enclosed building, except that clean, palletized recyclable materials may be stacked outdoors provided that they are secured against being blown away.
 - e. The use shall be located not less than 1,000 feet from the boundary of any residential zone (on-site buffers may be counted towards the 1,000 foot separation).

Sec. 21-2-207. - Utility and Communications Land Use Table

- (a) **Generally.** The Utility and Communications Land Uses are set out in Table 21-2-207A, *Utility and Communications Land Uses*.

TABLE 21-2-207A UTILITY AND COMMUNICATIONS LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Utilities												
Major Utility Facilities (110+ kV Power Lines)	C	-	-	-	-	C	C	L	-	C	C	(b)(1)
Communications												
Wireless Telecommunications Facilities	L	L	L	L	L	L	L	L	L	L	P	(b)(2)
Telecommunications Towers	-	-	-	-	-	C	C	L	-	C	P	(b)(3)

- (b) **Utility and Communications Use-Specific Standards.**

(1) *Major Utility Facilities.*

- a. No new transmission lines shall be installed without a certificate of need from the Colorado Public Utilities Commission, or an exemption certification. To the extent practicable, new transmission lines shall be located within existing transmission easements or routed outside of the City limits.
- b. New transmission lines that are not located within existing transmission easements shall be routed to minimize their impact on the natural resource, and scenic values of the City, according to the following priorities, in descending order:
 - i. Minimize impacts of structures, construction, and maintenance on residential neighborhoods;
 - ii. Minimize impacts of structures, construction, and maintenance on views of the natural environment;
 - iii. Minimize impacts of structures, construction, and maintenance on historic resources; and
 - iv. Minimize visual impacts using existing topographic features and existing stands of trees as screens between the route and areas of existing development within the City.

(2) *Wireless Telecommunications Facilities and Telecommunications Towers.* Wireless telecommunications facilities and telecommunications towers, including co-located facilities, shall comply with the standards of Division 4-6, *Wireless Telecommunications Facilities*.**Sec. 21-2-208. - Agricultural Land Use Table**

- (a)
- Generally.**
- The Agricultural Land Uses are set out in Table 21-2-208A,
- Agricultural Land Uses*
- .

TABLE 21-2-208A AGRICULTURAL LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Agricultural or Commercial Crop Production	-	-	-	-	-	-	-	-	-	L	P	(b)(1)
Community Garden	P	P	P	P	P	P	P	P	P	P	P	-
Keeping and Pasturing of Livestock	-	-	-	-	-	-	-	-	-	-	P	-
Wholesale Nursery or Greenhouse	-	-	-	-	-	L	L	P	-	-	P	(b)(2)

(b) **Agricultural Use-Specific Standards.**

- (1)
- Agriculture or Commercial Crop Production.*
- Agriculture or commercial crop production is allowed in the CA Zone if it is related to the purpose of the campus in that the agricultural products are principally researched, processed, or consumed on the campus.

- (2) *Wholesale Nursery or Greenhouse.* Wholesale nurseries or greenhouses are allowed in MU Zone or CB Zone if:
- Greenhouses and nursery storage buildings are set back according to the requirements that apply to principal buildings.
 - Active areas of open air nurseries are spaced not less than 200 feet from residential zones and uses, measured as the shortest distance from the nearest edge of the part of the nursery that is used to grow plants for sale to the property line of the residential zone or use.
 - A truck routing plan is provided that shows how trucks will avoid streets that provide access to single-family detached and duplex uses.

Sec. 21-2-209. - Uses That Are Prohibited in All Zones

The following uses are prohibited in all zones within the City of Alamosa:

- (1) Disposal of radioactive wastes;
- (2) Fossil fuel power generation (except back-up generators for individual uses);
- (3) Intensive agriculture;
- (4) Marijuana uses (except medical or recreational testing laboratories);
- (5) Nuclear power generation; and
- (6) Slaughterhouse; and
- ~~(7) Waste incinerator.~~

Sec. 21-2-210. - Uses That Are Not Listed

- (a) **Generally.** If a proposed use is not listed in the land use tables of Sections 21-2-201 to 21-2-208, inclusive, or in Section 21-2-209, then the proposal shall be evaluated pursuant to this Section. The evaluation will determine whether the proposal is a permitted, limited, conditional, or prohibited use, or whether it is something other than a principal use as such is defined by this UDC.
- (b) **Findings and Intent**
- (1) The City Council recognizes that there is a middle-ground between the position that “all uses that are not specifically permitted by the UDC are prohibited” and the position that “all uses that are not specifically prohibited by the UDC are allowed.” The City Council finds:
 - a. The former places too much burden on the right to use property, and is therefore not consistent with the values of the residents of the City; and
 - b. The latter would frustrate the purposes and administration of this UDC by inviting arguments regarding whether a particular use is included in the list of uses regulated by this UDC and creating uncertainty that undermines the

stability upon which many residents and real estate investors depend for their lifestyles and livelihoods.

- (2) This Section is intended to provide a “middle ground.” It is the intent of this Section to create sufficient flexibility to allow for property owners to establish new uses that are not specifically identified in this UDC, without placing upon the property owner the burden of waiting for the City to initiate and process an ordinance amending this UDC.
- (3) This Section should be interpreted to favor the establishment of the new use. Accordingly, if a new use meets the threshold determination under subsection (d), below, and is comparable to two or more listed uses, then the listed use which is allowed with the least process shall be selected as the comparable use.
- (4) It is the intent of the City Council to provide flexibility, but not to allow this Section to be used to avoid the application of this UDC. Likewise, it also is the intent of the City Council that this Section not be used to create rules and regulations that are not part of this UDC.

(c) **Application**

- (1) The first step of this process (the “THRESHOLD DETERMINATION” in subsection (d), below) is to determine whether a proposed use is a principal use under this UDC, and not something else (like a temporary use or a structure) that should be allowed without City approval or with a more limited administrative review (e.g., a staff review, a building permit, etc.).
- (2) If a proposed unlisted use is a principal use, then it is the intent of City Council that it be approved in the same manner and under the same conditions as the single listed use to which the proposed use is most closely functionally comparable (see subsection (e), below).
- (3) If a proposed unlisted use is not a principal use, then it is the intent of the City Council to ensure that it is classified appropriately as a temporary land use, an accessory use, a part of an existing principal use, an accessory building or structure, or a sign. That classification shall be used to determine if any requirements of this UDC apply.

(d) **Threshold Determination**

- (1) The Administrator shall review the description of the proposed use and decide whether the proposed use is:
 - a. A principal land use;
 - b. A seasonal land use;
 - c. A temporary land use;
 - d. An accessory use;
 - e. An accessory building or structure;

- f. A sign;
 - g. Mechanical, water, wastewater, electrical equipment, or communications equipment which provides services to a building or use on the applicant's property and not to other properties;
 - h. Essential services; or
 - i. An area or activity that is a customary part of the existing or approved principal use of the applicant's property.
 - (2) Proposed principal land uses shall be evaluated according to the standards of subsection (e), below. Other classifications (listed subsections (d)(1)b. to (d)(1)i., above) do not require further analysis under this Section, but may be subject to other requirements of this UDC according to its terms, or to the Building Codes, or to other parts of the City of Alamosa Municipal Code.
- (e) **Functionally Comparable Principal Uses.** New or changed principal uses are permitted, limited, conditional, or prohibited in the same manner as uses to which they are most closely functionally comparable. An unlisted use is functionally comparable to a listed use if, with regard to each of the decision criteria below, the unlisted use is categorically similar (*e.g.*, a residential use is not "functionally comparable" to an industrial use, even if it could otherwise meet the standards of this subsection) and has no greater negative impacts than listed use to which it is being compared:
- (1) Average daily and peak hour trip generation (personal vehicles and heavy trucks);
 - (2) Impervious surface;
 - (3) Regulated air or water emissions;
 - (4) Noise;
 - (5) Ground vibration;
 - (6) Exterior lighting;
 - (7) Dust;
 - (8) Odors (including but not limited to odors from storage of solid wastes prior to pickup);
 - (9) Potentially hazardous conditions (such as risk of fire or explosion, projectiles leaving the site, etc.);
 - (10) Use and storage of hazardous materials;
 - (11) Secondary impacts on the community (*e.g.*, increased crime or threats to public health, or degradation of historic resources); or
 - (12) Implementation of the Comprehensive Plan.
- (f) **Effect of Determination.**

- (1) If the Administrator finds that an unlisted use is most closely functionally comparable to a permitted, limited, or conditional use, then an application for approval of the unlisted use at a particular location shall be processed with the same restrictions as the listed use that is functionally comparable.
- (2) If the Administrator determines that an unlisted use is most closely functionally comparable to a prohibited use, or is not functionally comparable to any listed use, then the unlisted use is a prohibited use.
- (g) **Record-Keeping; Proposed Amendment.** The Administrator shall keep a record of all determinations of functionally comparable uses. The Administrator may propose an amendment to this UDC to incorporate such uses into existing use definitions, or to add new land uses and revise the land use tables accordingly.

Sec. 21-2-211. - Essential Governmental or Public Utilities Services

Essential governmental or public utilities services are allowed in all zones.

Division 2-3. - Limited and Conditional Use Standards

Sec. 21-2-301. - Purpose and Application of Division

- (a) **Purpose.** The purpose of this Division is to promote compatibility among land uses in the City by establishing standards for specific uses that are designated as Limited ("L") or Conditional ("C") in the tables of Division 2-2, *Land Use*.
- (b) **Application.**
 - (1) In zones where a land use is designated as a Limited Use ("L") in the tables of Division 2-2, *Land Use*, the limited use shall be approved if:
 - a. The standards of this Division that relate to the use in the zone in which the subject property is located are met; and
 - b. All other requirements of this UDC are met.
 - (2) In zones where a land use is designated as a Conditional Use ("C") in the tables of Division 2-2, *Land Use*, the conditional use shall be approved if:
 - a. The standards of this Division that relate to the use in the zone in which the subject property is located are met;
 - b. The general standards for all conditional uses that are set out in Section 21-2-302, *General Standards for All Conditional Uses*, are met; and
 - c. All other requirements of this UDC are met.

Sec. 21-2-302. - General Standards for All Conditional Uses

- (a) **Generally.** All conditional uses shall meet the standards of this Section related to plan implementation, compatibility, and community need.

- (b) **Plan Implementation.** The proposed conditional use in its proposed location will not conflict with the implementation of current adopted plans of the City, including, but not limited to, the Comprehensive Plan;
- (c) **Compatibility.** The conditional use:
 - (1) Will be compatible with surrounding land uses;
 - (2) Is proposed for a location that is appropriate in terms of mitigating the impacts or risks of the use to the natural environment, or the environmental impacts or risks are mitigated through the design or the operation of the use; and
 - (3) Will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment trajectory (for example, by creating a critical mass of similar conditional uses that is likely to discourage permitted uses by making the vicinity less desirable for them).
- (d) **Community Need.** The conditional use, in the proposed location, will:
 - (1) Address a material need for the use in the community; or
 - (2) Create jobs that are likely to pay more than the median wages for the region, or support a critical mass of related and mutually supportive land uses that promote economic development and opportunity.

Division 2-4. - Temporary Uses

Sec. 21-2-401. - Temporary Use Permit Required; Conditions of Approval

- (a) **Generally.** A temporary use permit is required for the temporary special events identified in Section 21-2-402, *Temporary Special Events*, the temporary retail uses identified in Section 21-2-403, *Temporary Retail Uses*, and the temporary buildings and temporary construction uses identified in Section 21-2-404, *Temporary Buildings and Temporary Construction Uses*. Temporary use permits are issued by the Administrator.
- (b) **Exceptions.** This Division does not apply to:
 - (1) The use of public parks and rights-of-way;
 - (2) Pre-approved temporary uses (which are subject to the standards set out in the applicable site plan or other approval and not the standards of this Division); and
 - (3) Special events (*e.g.*, sporting events or festivals) at elementary schools, middle schools, high schools, colleges, or universities.
- (c) **Conditions of Approval.**
 - (1) Conditions of approval may be imposed by the Administrator if deemed necessary to minimize the potential adverse impacts of a temporary use on neighboring properties, public streets, or the City, or to reduce hazards to the public, historic resources, or event participants.

- (2) Such conditions shall not relate to the content of or viewpoint expressed in constitutionally protected speech, except where a statute so authorizes (*e.g.*, statutes that protect minors from speech that is harmful to minors) or a court of competent jurisdiction has upheld such conditions.
- (3) Generally, conditions of approval may include, but are not limited to, the following:
 - a. Modification of, or restrictions on, the hours of operation or duration of the event.
 - b. Arrangements for the provision of services or equipment, such as traffic control or security personnel, fire protection, emergency response personnel, or specialized equipment that is reasonably needed to ensure safe operation of the use or event.
 - c. Additional insurance, based on the scale and risks involved with the use or event.
- (d) **Denial of Temporary Use Permit.** The City may refuse to issue a temporary use permit if the application does not demonstrate compliance with the applicable standards of this Division, or if proposed use or event is too large to be safely conducted at the proposed site.

Sec. 21-2-402. - Temporary Special Events

- (a) **Generally.** The standards of this Section apply to temporary special events that are likely to attract more than ~~750-250~~ people at any one time. Such events may include outdoor entertainment, cultural, religious, or charitable events, as well as flea markets, farmers' markets, craft shows, and comparable events.
- (b) **Standards for Approval of Temporary Use Permits for Special Events.**
 - (1) *Frequency and Duration.* No site shall host a temporary special event more than 75 days per year, and no individual event shall be longer than 12 days.
 - (2) *General Site Requirements.* The event shall be held on a site that is suitable for safely accommodating the expected level of attendance.
 - (3) *Buildings and Structures.*
 - a. Temporary structures that are taller than the height limitations of the applicable zone shall be set back from all property lines a distance of 1 foot for every 2 feet in height.
 - b. If existing buildings are used, they must be in a condition that is safe and appropriate for the intended level of use and occupancy.
 - (4) *Access and Circulation.*
 - a. The street from which access is taken must have adequate capacity to serve the temporary special event. A traffic management plan may be required to ensure safe access and safe operation of adjacent streets.

- b. Safe on-site vehicular and pedestrian circulation routes shall be identified and unobstructed emergency access shall be provided.
- (5) *Parking.*
- a. The number of parking spaces available for the temporary special event shall be sufficient to meet the peak demands of the event, assuming 4 attendees per vehicle.
 - b. Fewer parking spaces may be allowed if the applicant demonstrates that the reduced number is justified based on the nature of the event, the provision of alternative transportation (*e.g.*, buses), or the close association of the event with a permanent use that provides parking for attendees.
 - c. Parking may be provided in remote locations, provided that if parking is provided more than 800 feet from the boundaries of the temporary special event, an appropriate level of shuttle service is provided between the event and the parking area.
 - d. Truck parking and loading areas shall be provided as necessary to service the event and provide for storage of trucks and trailers that will remain on-site. Trucks shall be routed away from local residential streets.
- (6) *Noise.* Noise controls may be required for temporary special events that are expected to generate high levels of noise or to operate after 9:00 PM.
- (7) *Security.* Adequate security shall be provided for the proposed temporary special event.
- (8) *Sanitation.* Adequate restrooms shall be provided to serve the event. Trash containers and recycling bins shall be placed in convenient areas, including principal places of assembly, near food and beverage vendors, near restrooms, and at pedestrian entry and exit points.
- (9) *Insurance.*
- a. A Certificate of Insurance shall be provided to the City demonstrating that the applicant has a commercial general liability insurance policy, written on an occurrence basis for bodily injury, personal injury, property damage, and product liability, with a minimum limit of liability of \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
 - ~~b. The insurance policy must list the City as an additional insured, and must be primary and non-contributory.~~
 - ~~c.b.~~ Additional endorsements may be required for events with amusement rides or alcoholic beverages.
- (10) *Restoration and Cleanup.* The site of the temporary event and the abutting right-of-way shall be cleared of all litter and debris from the event, including temporary signage, not more than two days after the last day of the event. The City may require a refundable deposit for site clean-up.

Sec. 21-2-403. - Temporary Retail Uses

- (a) **Generally.** Temporary retail uses involve the outdoor sales of retail products on a temporary basis. Illustrative temporary commercial sales uses include seasonal holiday sales (*e.g.*, pumpkins and Christmas trees), outdoor sales by a single itinerant vendor (*e.g.*, poster or framed art sale, carpet sales). Temporary retail sales uses do not include garage sales or sales at temporary special events.
- (b) **Standards for Approval of Temporary Use Permits for Temporary Retail Uses.**
- (1) *Frequency and Duration.* No site shall host a temporary retail use more than 100 days per year, and no individual event shall be longer than 14 days.
 - (2) *General Site Requirements.* The event shall be held on a site that is suitable for safely accommodating the scale of the temporary retail use. Temporary retail uses may be conducted from vacant property or property that is not used for residential purposes.
 - (3) *Setbacks.* Retail displays and temporary structures shall be set back not less than 10 feet from all property lines.
 - (4) *Structure Height.* Temporary structures shall not exceed 15 feet in height.
 - (5) *Access and Circulation.*
 - a. The street from which access is taken must have adequate capacity to serve the temporary retail use. A traffic management plan may be required to ensure safe access and safe operation of adjacent streets.
 - b. Safe on-site vehicular and pedestrian circulation routes shall be identified and unobstructed emergency access shall be provided. If the temporary retail use is located on a site that includes operating permanent uses, the temporary retail use shall not interfere with access to the permanent uses.
 - (6) *Parking.*
 - a. Four parking spaces shall be provided for each 1,000 square feet of land area occupied by temporary retail displays. Such parking spaces shall not be spaces that are required for operating permitted uses on the site.
 - b. Fewer parking spaces may be allowed if the applicant demonstrates that the reduced number is justified based on the nature of the event, the provision of alternative transportation (*e.g.*, buses), or the close association of the event with a permanent use that provides parking for customers who are likely to visit the permanent use and the temporary retail use in the same trip.
 - c. Parking may be provided in remote locations, provided that if parking is provided more than 800 feet from the boundaries of the temporary retail use, an appropriate level of shuttle service is provided between the event and the parking area.

- d. Truck parking and loading areas shall be provided as necessary to service the temporary retail use and provide for storage of trucks and trailers that will remain on-site. Trucks shall be routed away from local residential streets.
- (7) *Site Restoration and Cleanup.* The site of the temporary retail use and the abutting right-of-way shall be cleared of all litter and debris from the temporary use, including temporary signage, not more than two days after the last day of the sales event.

Sec. 21-2-404. - Temporary Buildings and Temporary Construction Uses

- (a) **Temporary Buildings and Temporary Construction Uses.** Temporary buildings and temporary construction uses are those uses that relate to construction activities or the temporary expansion of an existing permanent use into a portable building. There are two classes of temporary buildings and temporary construction uses:
 - (1) *Class A Temporary Building / Construction Uses.* "Class A Temporary Building / Construction Uses" are temporary heavy construction uses, such as batch plants for lime, concrete, asphalt, or other materials, or areas for the bulk outdoor storage or staging of construction materials or equipment.
 - (2) *Class B Temporary Building / Construction Uses.* "Class B Temporary Building / Construction Uses" are temporary buildings that are used on construction sites as contractor offices, sales offices, security buildings, sanitary facilities, or storage buildings, as well as storage containers that are larger than 8 feet x 8 feet x 20 feet, or dumpsters with a total capacity of more than 30 cubic yards. Class B temporary building and construction uses also include manufactured buildings that are used to temporarily expand the capacity of an existing use, including portable classrooms on school campuses, either in advance of and during permanent construction or to accommodate a temporary increase in capacity.
- (b) **Temporary Storage Containers and Dumpsters.**
 - (1) Temporary storage containers and dumpsters are used for temporary outdoor storage of household or business property in shipping containers during remodeling, landscaping, cleaning, or moving; or the temporary placement of a roll-off dumpster or comparable solid waste container (*e.g.*, disposable containers that require collection service other than standard household garbage collection) for household waste, construction waste, or landscaping debris. To qualify as a "temporary storage container" or "temporary dumpster," and not a "Class B Temporary Building / Construction Use":
 - a. Storage containers may not be larger than 8 feet x 8 feet x 20 feet in dimension; and
 - b. Dumpsters may not have a capacity that is larger than 30 cubic yards.

- (2) Temporary storage containers or dumpsters shall not be placed on the public right-of-way without prior approval by the Public Works Director.

- (c) **Standards for Approval of Temporary Use Permits for ~~Commercial Sales Temporary Buildings and Temporary Construction Uses~~.** The standards that apply to approvals of Temporary Use Permits for temporary buildings and temporary construction uses are set out in Table 21-2-404C, *Standards for Approval of Temporary Buildings and Temporary Construction Uses*.

Formatted: No underline, Font color: Auto, Not Highlight

TABLE 21-2-404C STANDARDS FOR APPROVAL OF TEMPORARY BUILDINGS AND TEMPORARY CONSTRUCTION USES			
Temporary Use	Location of Use	Operational Requirements	Duration of Use
Class A Temporary Building / Construction Uses			
Concrete, mortar and asphalt batching operations	Must be located at least 600 feet from property lines of lots that are used for residential purposes (measured as the shortest linear distance from the edge of the operation and the boundary or property line). Must be set back at least 40 feet from the right-of-way line and 25 feet from all other property lines.	Restroom facilities shall be provided on-site for employees / contractors. Plans shall provide for stormwater management and erosion and sediment control, and upon termination of use, final grading, site stabilization, and re-vegetation. Surety shall be provided in the amount of 125 percent of the estimated site restoration cost plus estimated road repair cost along principal truck routes. All necessary traffic control shall be provided at the applicant's expense. Appropriate dust control measures shall be implemented. Hours of operation shall be limited to 8:00 AM to 8:00 PM if any residential use is located within 1,000 feet; 6:00 AM to 10:00 PM in all other locations.	Established by approval, but will coincide with the use of the facility for a specified construction project.
Temporary construction yard	Must be set back at least 40 feet from the right-of-way line and 25 feet from all other property lines.	Plans shall provide for stormwater management and erosion and sediment control, and upon termination of use, final grading, site stabilization, and re-vegetation. Surety shall be provided in the amount of 125 percent of the estimated site restoration cost plus estimated road repair cost along principal truck routes. Appropriate dust control measures shall be implemented. Truck and heavy equipment activity limited to 8:00 AM to 8:00 PM if any residential use is located within 1,000 feet; 6:00 AM to 10:00 PM in all other locations.	Established by approval, but will coincide with the use of the facility for a specified construction project.
Class B Temporary Building / Construction Uses			
Temporary manufactured buildings	The building shall be set back as required for principal buildings, if possible. Alternative locations may be approved as part of a construction staging plan if there is no reasonable alternative location that complies with the required setbacks.	May be used by construction superintendent, construction workers, contractors, and other personnel on a construction team; a security office; or as temporary office or classroom space. Restroom facilities shall be provided on properties that use temporary buildings unless the buildings are only used for storage. May not be used as a residence.	No limit for public schools; construction-related facilities shall be removed prior to certificate of occupancy for last building; other buildings shall be removed within two years from date of permit.
Model homes and on-site real estate offices	On lot or parcel proposed for development	Sales limited to units located on the lot or parcel proposed for development; sales offices within model homes shall meet applicable building code criteria. Restroom facilities shall be provided in or within 100 feet of model homes or on-site real estate offices.	Temporary buildings shall be removed upon completion of the model home(s) or suitable permanent floor area on-site.

TABLE 21-2-404C STANDARDS FOR APPROVAL OF TEMPORARY BUILDINGS AND TEMPORARY CONSTRUCTION USES			
Temporary Use	Location of Use	Operational Requirements	Duration of Use
Temporary Storage Containers and Dumpsters			
Temporary storage containers	On a subject property that is served by the temporary storage container. No encroachment onto lawn areas or sidewalks is permitted. On nonresidential parcels, containers must be set back 20 feet from all property lines unless the Administrator determines a lesser setback is appropriate due to the configuration of the site.	N/A	In general, 5 days If an active construction project is occurring with a valid permit, 6 months If located behind the principal building and screened from view from public rights-of-way, 1 year.
Temporary dumpsters	Must be located on a hard surface on the lot using the dumpster, set back at least one ft. from the property line. Dumpsters shall be located behind nonresidential and multifamily buildings and shall not obstruct required parking areas.	All refuse shall be contained within the dumpster, and shall be secured if necessary to prevent it from being removed from the dumpster by wind or wildlife.	If used for construction or renovation, may remain in place for 1 week after the permit is closed. If used for other purposes, up to 10 days.

- (d) **Extension of Approvals.** Approvals pursuant to this Section may be extended upon demonstration of good cause, appropriate maintenance, extension of any required surety, and diligent pursuit of the purposes for which the uses were established. All applications for renewal of a temporary use permit issued pursuant to this Section shall be submitted to the Administrator at least seven days before the permit expires.

Sec. 21-2-405. - Short-Term Rental of Dwelling Units

- (a) **Generally.** The standards of this Section apply to short-term rental of residential dwelling units, which includes rental of all or part of a dwelling unit for a term of less than 30 days.
- (b) **Business License Required.** No dwelling unit shall be offered for short-term rental unless the owner or lessee (with the written authorization of the owner) has first secured a business license for such use from the City.
- ~~(c) **Dwelling Unit Must Be Used as Primary Residence.** Dwelling units that are offered for short term rental shall be used as a primary residence by the owner or a lessee. Proof of primary residency shall include two of the following:~~
- ~~(1) Current driver license or state issued identification card;~~
 - ~~(2) Current motor vehicle registration;~~
 - ~~(3) Pre-printed pay stub, issued within 30 days of application; or~~

~~(4) — Bank or credit card statement, issued within 30 days of application.~~

~~(d)~~(c) **Parking.** Short-term rental contracts shall limit the number of guest vehicles to the number of parking spaces that are available to accommodate them.

Division 2-5. - Accessory Uses

Sec. 21-2-501. - Storage and Overnight Parking of Commercial Vehicles or Recreational Vehicles

- (a) **Generally.** Commercial vehicles and mobile homes shall not be parked or stored on any lot that is developed with a dwelling, or on any lot in any residential district (such lots, individually and collectively, "RESIDENTIAL LOTS"), except in accordance with this Section.
- (b) **Commercial Vehicles.** No more than one commercial vehicle, not to exceed one and one-half (1½) tons rated capacity for each family living on the premises, shall be parked overnight on a residential lot. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be parked overnight on a residential lot.
- (c) **Recreational Vehicles.** Recreational vehicles, except pickups with camper shells, shall not be parked or stored overnight on a residential lot unless such parking or storage is behind the front building line. A recreational vehicle shall not be occupied for a period of more than 48 hours while it is parked or stored on private property within the City (except in a manufactured home park or campground).

Sec. 21-2-502. - Home Occupations and Cottage Industries

- (a) **Generally.** The accessory use of a dwelling unit for business purposes is allowed pursuant to the standards of this Section. These regulations do not apply to the use of work spaces in live-work units or to a residential building that has been legally converted to a commercial use.
- (b) **Requirements and Limitations.** These standards are intended to protect the residential function and physical character of the neighborhood in which the accessory business use is located, including, but not limited to, the quiet enjoyment of nearby residential property by its occupants.
 - (1) *Minimum Lot and Building Requirements.*
 - a. There are no minimum lot and building requirements for a home occupation.
 - b. The minimum lot area for a cottage industry is 20,000 sf.
 - (2) *Physical Features and Building Character.* The following are not allowed:
 - a. Modifications to the principal building that alter its residential character;

- b. Construction of accessory buildings or structures that alter the residential character of the lot;
- c. New, separate entrances to the building that provide access only to the area used for the business; and
- d. Outdoor displays.

(3) *Limitations on Business Operations.* The following are not allowed:

- a. Solicitation, advertising, or promotion of the business in a manner that generates commercial traffic, either vehicular or pedestrian, that is inconsistent with the residential character of the neighborhood.
- b. Parking demands that are inconsistent with the residential use of the neighborhood.
- c. Use of areas outside of the principal or accessory buildings for business purposes, except parking.
- d. Business use of a garage in a manner that reduces available parking on the lot to less than that required by this UDC.
- e. Pick-up or delivery of products or machinery by commercial vehicles or heavy trucks other than parcel pick-up and delivery services.
- f. Production of noise, vibration, light, dust, odor, fumes, smoke, or other comparable effects which are detectable outside the dwelling unit.
- g. Storage of hazardous, combustible, or volatile materials in amounts which are greater than typically stored for home use.
- h. Storage of motor fuels in amounts that are greater than typically stored for home use. Storage of more than ~~ten five~~ gallons of gasoline or diesel fuel on site, ~~or storage of more than 15 gallons of biodiesel on site,~~ shall be presumed to be in violation of this requirement if related to a home-based business.
- i. No commercial vehicles associated with the business shall be stored at the home location or stored parked on residential streets.
- j. Professional services, instruction, or counseling to more than one person at one time unless it meets the standards of subsection (b)(5), *Small Groups*.

(4) *Employees.*

- a. A Home Occupation may employ any resident of the dwelling unit, plus one additional employee who does not reside in the dwelling unit. A Cottage Industry may employ any resident of the dwelling unit, plus three additional employees who do not reside in the dwelling unit.
- b. Employees who work off-site shall not regularly gather at the dwelling unit for transportation to off-site locations.

(5) *Small Groups.*

- a. Professional services, instruction, or counseling to small groups of up to six persons are allowed as a Cottage Industry.
- b. Professional services, instruction, or counseling to small groups of up to four persons may be allowed as a Home Occupation if the following are met:
 - i. The total number of small group gatherings shall not exceed two times per week.
 - ii. The small groups shall not be scheduled on the same day of the week.

(6) *Building and Fire Code Compliance.* If the business use of the home involves employees who are not residents of the home, the building shall comply with all applicable building and fire codes, as amended from time to time.

(c) **Business License Required.** The use of a dwelling unit for business purposes requires a business license from the City.

(d) **Continuation of Established Business Use of the Home.** Any lawful business use of the home that is operating on the effective date, which has a current, valid business license, shall be permitted to continue notwithstanding the provisions of this Section; provided, however, that such use is not expanded or modified in a manner that creates a greater impact on the neighborhood. Future expansions or modification of the principal building or use, or change in the business license shall thereafter comply with all applicable provisions of this UDC.

Formatted: Keep with next

Article III. - Density, Intensity, Open Space, Landscape Surface, and Scale

Division 3-1. - Purpose and Application of Article

Sec. 21-3-101. - Purpose of Article

The purpose of this Article is to set out density, intensity, open space, landscape surface, and scale requirements to ensure that new development in each zone is compatible with the existing or planned character and scale of the zone.

Sec. 21-3-102. - Application of Article

- (a) Division 3-2, *Residential Development Yield*, establishes a residential density limitation and a minimum open space ratio for each zone. The maximum density is used to calculate the maximum number of dwelling units that are allowed on a subject property. The minimum open space ratio is used to determine how much of the subject property may be developed with buildings and paved areas. The buildable area of the subject property may be laid out with a variety of lot types, based on the housing types that are allowed in the zone (*see* Section 21-2-202, *Residential and Special Residential Land Use*), and the lot and building standards for those housing types (*see* Division 4-2, *Housing Palette*).
- (b) Division 3-3, *Nonresidential and Mixed-Use Development Yield*, sets out standards for the minimum amount of landscape area that is required in nonresidential or mixed-use development, and standards for the scale of nonresidential buildings that are located within residential zones.

Division 3-2. - Residential Development Yield

Sec. 21-3-201. - Residential Density and Open Space

- (a) **Generally.**
 - (1) The number of dwelling units that may be constructed on a subject property is based on the area of the subject property and the zone in which it is located.
 - (2) After the maximum number of dwelling units is calculated according to the standards of this Section, the specifications for individual lots or building types shall comply with the requirements of Division 4-2, *Housing Palette*, for the type(s) of housing that will be developed.
- (b) **Density and Open Space by Zone.** The maximum residential density and minimum open space ratio ("OSR") for each zone are set out in Table 21-3-201B, *Maximum Density and Minimum Open Space Ratio*.

TABLE 21-3-201B
MAXIMUM DENSITY AND MINIMUM OPEN SPACE RATIO

Standard	Zones										
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A
Maximum Density (u/a)	12	3	5	12	18	18	12	N/A	not limited	18	0.2
Minimum Open Space Ratio ("OSR") (%)	N/A	N/A	10%	10%	12.5%	15%	N/A	N/A	-	10%	-

Sec. 21-3-202. - Alternative Compliance with Open Space Ratio Requirements

- (a) **Generally.** The minimum open space ratio may be met (in whole or in part) by preserving an equivalent amount of open space on private property as provided in this Section.
- (b) **Standards for Alternative Compliance.** Private property may be counted towards open space requirements if all of the following conditions exist:
- (1) The proposed development has fewer than 10 dwelling units; and
 - (2) The plat includes building envelopes and, as appropriate, designated landscape areas, that will ensure that:
 - a. Applicable yard requirements of the housing palette (*see* Division 4-2, *Housing Palette*) will be applied; and
 - b. Buildings and structures (except fences) are not allowed in areas that are used to meet the open space requirement; and
 - (3) The drainage plan shows how drainage will be conveyed to appropriate stormwater facilities; and
 - (4) Bufferyards, if required, are identified on the plat as landscape easements; and
 - (5) Covenants, conditions, and restrictions:
 - a. Provide for the ongoing maintenance of landscape easements (where such easements exist);
 - b. Ensure that the maintenance requirement is enforceable by the City; and
 - c. Require the written consent of the Administrator prior to amendment of the maintenance obligation.

Division 3-3. - Nonresidential and Mixed-Use Development Yield

Sec. 21-3-301. - Required Landscape Surface Ratio

- (a) **Generally.** The standards of this Section apply to nonresidential and mixed-use development.

- (b) **Required Landscape Surface Ratio (“LSR”).** Required LSRs for nonresidential uses in each zone are set out in Table 21-3-301B, *Minimum LSR by Zone*. The LSR is the minimum portion of the subject property that must be allocated to natural features, permeable surfaces, or landscaping.

TABLE 21-3-301B MINIMUM LSR BY ZONE											
Standard	Zones										
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A
Minimum LSR	15%	25%	25%	15%	15%	10%	10%	-	-	15%	80%

Sec. 21-3-302. - Development Intensity

- (a) **Generally.** In nonresidential and mixed-use zones, the intensity of development (*e.g.*, floor area ratio), is not directly regulated. Instead, it is limited by required parking, landscape surface ratio, setbacks, building height, and buffering requirements. The intensity of specific uses may be limited by use-specific or district-specific building coverage, floor area, or height standards, or by conditions of approval of a conditional use.
- (b) **Nonresidential Scale in Residential Zones.**
- (1) In residential zones (EN, RE, RL, RM, and RH), the gross floor area of nonresidential buildings (except schools and places of public assembly) shall be limited based on the type of street from which primary access is taken, as provided in Table 21-3-302B, *Nonresidential Building Scale in Residential Zones*.

TABLE 21-3-302B NONRESIDENTIAL BUILDING SCALE IN RESIDENTIAL ZONES			
Classification of Street from which Access is Taken	Maximum Building Coverage		Nonresidential Gross Floor Area Limit
	RE, RL	EN, RM, RH	
State Highway or Arterial	25%	35%	No Specific Limit
Collector	20%	30%	15,000 sf.
Local Street	15%	25%	8,000 sf.

- (2) The maximum nonresidential floor area for a subject property that is bounded by streets of different classifications may be based on a higher-order bounding street from which the property does not take access, provided that:
- The street that provides access intersects with the larger bounding street; and
 - No residential front yards are located across the street in the area between the access to the nonresidential parcel and the larger bounding street.

Article IV. - Lot, Building, and Structure Standards

Division 4-1. - Established Neighborhood Zone

Sec. 21-4-101. - Purpose and Application of Division

- (a) **Purpose.** The purpose of this Division is to provide standards that allow for neighborhood diversity and stability in the EN Zone. The EN Zone is generally characterized by medium and higher density single-family development, with duplexes and small multifamily buildings interspersed.
- (b) **Application of Division.** The standards of this Division apply within the EN Zone.

Sec. 21-4-102. - Status of Existing Lots and Buildings in EN Zone.

- (a) **Protection of Existing Lots, Buildings, and Density.**
 - (1) Lots within the EN Zone that were lawfully created and existing as of the date the zoning of the lot changed to the EN Zone are “conforming” for the purposes of this UDC regardless of their dimensions.
 - (2) Buildings within an EN Zone that were lawfully constructed as of the date the zoning of the lot changed to the EN Zone are “conforming” to these regulations regardless of their height, building coverage, floor area ratio, or setbacks.
 - (3) Duplex and multifamily residential dwelling units within the EN Zone that were lawfully constructed as of the date the zoning of the lot changed to the EN Zone are “conforming” to these regulations with regard to density.
 - (4) It is the policy of the City to allow for the continuation of existing residential uses, and for the construction of new single-family detached buildings on existing vacant lots in the EN Zone. As such, the development yield of each existing vacant lot in the EN Zone shall be a minimum of one single-family detached dwelling unit.
- (b) **Restriction on Subdivision of Combined Lots.** If two or more existing lots of record are combined for the purposes of development as of the effective date (*i.e.*, an existing building footprint spans two or more lots), they shall not be subsequently split for the purposes of separate development, unless all of the resulting lots meet the applicable minimum requirements for lot width, lot frontage, and lot area.

Sec. 21-4-103. - EN Zone Flexible Setback Standards

- (a) **Generally.** In general, the standards of Division 4-2, *Housing Palette*, apply within the EN Zone. However, with regard to residential building setbacks:

- (1) Setback standards apply to new residential building construction on vacant lots, redevelopment of developed residential lots for residential use, and to nonresidential buildings. Front setbacks may be reduced for single-family detached and duplex uses as provided in subsection (b), below.
- (2) Setback standards apply to expansions of existing residential buildings, except that such standards may be modified according to subsections (b) and (c), below.

(b) **Contextual Front or Rear Setback Reduction.**

- (1) The required front setback may be reduced if it is demonstrated that:
 - a. 50 percent or more of the lots on the same side of the street segment (not counting the applicant's lot) are developed with buildings that are set back at distances that are ~~more or~~ less than the required front yard setback;
 - b. The average front setback of all of the developed lots on the same side of the street segment (with fractions dropped) is less than the required front setback; and
 - c. The reduced front setback is not less than the average front setback of all of the developed lots on the same side of the street segment.
- (2) The required rear setback may be reduced for an addition to an existing building if it is demonstrated that the proposed rear building setback is equal to not more than 10 percent less than the average actual rear setback of the other homes on the same side of the same block.

(c) **Individual Lot Setback Reductions.** The following setback reductions are allowed for additions to existing buildings.

- (1) *All Setbacks.* Setback reductions on individual lots shall be applied only if it is demonstrated that the setback-specific standards below are met, and:
 - a. The proposed construction does not interfere with planned expansion of right-of-way (if right-of-way expansion is planned, the encroachment shall be evaluated as if the right-of-way has been expanded);
 - b. The proposed construction does not result in interference with a utility easement, drainage easement, emergency access, or required sight triangle; and
 - c. The proposed addition does not create new or increased nonconformity with respect to the building code or fire code (*e.g.* fire separation distance) on either the subject property or adjoining property.
- (2) *Front Setbacks.*
 - a. **OPTION #1.** The reduction is 10 percent or less of the required front setback, and the encroachment will not reduce the depth of a driveway to:
 - i. Less than 20 feet in length to the edge of the sidewalk; or

- ii. Less than 25 feet in length to the edge of pavement if no sidewalk is either provided or planned.
 - b. OPTION #2. The reduction is more than 10 percent of the required front setback, but less than 25 percent of the required front setback, and:
 - i. No garage doors or carport openings that face the street are located in the reduced setback area;
 - ii. The improvement is not more than 18 feet in height;
 - iii. The proposed construction does not involve the destruction of a healthy, mature tree; and
 - iv. If the encroachment is more than 10 feet wide (measured parallel to the front building line), then a canopy tree or evergreen tree is located between the encroachment and the street.
 - c. OPTION #3. The existing building encroaches upon the setback as of the effective date, and:
 - i. The proposed construction does not involve the destruction of a healthy, mature tree;
 - ii. The proposed construction will not reduce the depth of a driveway to less than 20 feet in length to the edge of the sidewalk or less than 25 feet in length to the edge of pavement if no sidewalk is either provided or planned; and
 - iii. The proposed construction will be set back not less than 90 percent of the setback of the existing building.
- (3) *Interior Side Setbacks.* Interior side setbacks may be reduced by up to 40 percent if it is demonstrated that the proposed construction meets the following standards:
 - a. LIMIT OF ENCROACHMENT TOWARDS RESIDENTIAL PROPERTY. If the lot that adjoins the proposed building expansion is used for residential purposes, then:
 - i. The building expansion is screened from view from the street by at least one evergreen tree per story of the building expansion, unless it encroaches into the required side setback less than one foot closer to the lot line than the existing building;
 - ii. Building expansions that are 12 feet in height (measured from the average grade across the side of the proposed construction facing the abutting lot) or less are set back at least 42 inches from the side lot line; and
 - iii. Building expansions that are more than 12 feet in height (measured from the average grade across the side of the proposed construction facing the abutting lot) are set back at least five feet from the side lot line.

- b. LIMIT OF ENCROACHMENT TOWARDS NONRESIDENTIAL PROPERTY OR OPEN SPACE. If the lot that abuts the proposed building expansion is used for nonresidential purposes or permanent open space that is at least 20 feet in width, then the building expansion is set back at least 42 inches from the side lot line.
 - c. HORIZONTAL DIMENSION. The building expansion, combined with the existing building, will not create a horizontal building dimension of more than 50 feet that does not include an offset in the building wall of at least two feet for a horizontal distance of at least six feet.
 - d. WINDOWS. The building expansion does not include a window that is located directly across from another window on a residential building that is closer than 15 feet away, unless:
 - i. The window is on the first floor and a privacy fence is installed between the two buildings to a height of six feet; or
 - ii. The window is not operational and is made of glass block or frosted glass.
- (4) *Street Side Setbacks.*
- a. On corner lots of double-loaded blocks, street side setbacks may be reduced up to 50 percent if it is demonstrated that:
 - i. The portion of the building expansion that encroaches on the street side setback contains not more than 15 percent of the floor area of the building; and
 - ii. No horizontal dimension of the part of the building expansion that encroaches upon the street side setback runs for more than 30 feet unless there is an offset of at least two feet for a distance of at least six feet to break up the apparent mass of the building wall.
 - b. On corner lots that are not on double-loaded blocks, street side setbacks may be reduced as if the street side setback were a front setback.
- (5) *Rear Setbacks.* Rear setbacks may be reduced up to 20 percent if it is demonstrated that:
- a. No driveway on an alley-loaded lot with a rear-facing garage door will be affected such that its resulting length will be between three and 20 feet.
 - b. There will be at least 500 square feet of useable, permeable landscaped area in the back yard.
 - c. The encroachment affects not more than 40 percent of the rear elevation of the building.

Division 4-2. - Housing Palette

Sec. 21-4-201. - Purpose and Application of Division

- (a) **Purpose.** The purpose of Division 4-2, *Housing Palette*, is to set out types of housing that may be developed in the City, and to establish minimum lot and building standards (and in some cases, other applicable standards) for each housing type. The housing palette provides a range of choices for lot sizes and housing types so that applicants may design projects that promote affordability and diversity, address multiple market demands, and (where appropriate) protect open space and natural resources.
- (b) **Application.**
- (1) *Measure the Available Land.* Step 1 is to multiply the open space ratio by the land area of the subject property to determine how much land must be open, and how much land is available for development. The open space that is required in each zone is set out in Article III, *Density, Intensity, and Open Space*.
 - (2) *Calculate the Maximum Unit Count.* Step 2 is to calculate the maximum unit count by multiplying the allowed density by the land area of the subject property (in acres, including open space). The densities that are allowed in each zone are set out in Article III, *Density, Intensity, and Open Space*.
 - (3) *Check the Use Table.* Step 3 is to determine which housing types are allowable in the zone by checking the use table. The use table is set out in Section 21-2-202, *Residential and Special Residential Land Use Table*.
 - (4) *Check the Site Design Standards and Apply the Housing Palette.* Step 4 is to review the applicable design standards in this Article and Article V, *Site Design Standards*, and then lay out a development that incorporates the allowable housing types of the applicant's choice. The standards for each housing type are set out in this Division.

Sec. 21-4-202. - Single-Family Detached Lot and Building Standards

- (a) **Generally.** The single-family detached housing type consists of a single-family dwelling unit located on a privately-owned lot with private yards on each side of the dwelling unit. An illustrative single-family detached building is shown in Figure 21-4-202A, *Illustrative Single-Family Detached Building*.

FIGURE 21-4-202A
ILLUSTRATIVE SINGLE-FAMILY DETACHED BUILDING



- (b) **Lot and Building Standards.** Table 21-4-202B, *Single-Family Detached Lot and Building Standards*, below, establishes lot and building standards for four types of single-family dwelling units.

TABLE 21-4-202B SINGLE-FAMILY DETACHED LOT AND BUILDING STANDARDS								
Single-Family Lot Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ¹
Estate Lot (Street Access)								
Principal Building	12,000 sf.	100 ft.	30 ft.	10 ft.	30 ft.	25 ft.	2.5	20%
Accessory Buildings			49 ft.	10 ft.	30 ft.	10 ft.	2	
Suburban Lot (Street Access)								
Principal Building	7,000 sf.	60 ft.	25 ft.	10 ft.	25 ft.	25 ft.	2	30%
Accessory Buildings			35 ft.	3 ft. ²	25 ft.	5 ft.	1	
Town Lot (Street Access)								
Principal Building	4,500 sf.	45 ft.	25 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Buildings			35 ft.	3 ft. ²	8 ft.	5 ft.	1	
Town Lot (Alley Access)								
Principal Building	4,500 sf.	40 ft.	15 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Buildings			Behind front building line	3 ft. ²	8 ft.	5 ft. ³	1.5	
TABLE NOTES:								
¹ BCR = Building Coverage Ratio								
² Increased setback may be required if required by fire code.								
³ No garage with an overhead door that faces an alley shall be set back to create a driveway that is more than 3 ft. but less than 20 feet long.								

Sec. 21-4-203. - Duplex Lot and Building Standards

- (a) **Generally.** The duplex housing type consists of two single-family dwelling units located in a single building (either side-by-side or over-and-under). An illustrative duplex building is shown in Figure 21-4-203A1, *Illustrative Side-by-Side Duplex Building*, and Figure 21-4-203A2, *Illustrative Over-Under Duplex Building*.

FIGURE 21-4-203A1
ILLUSTRATIVE SIDE-BY-SIDE DUPLEX BUILDING



FIGURE 21-4-203A2
ILLUSTRATIVE OVER-UNDER DUPLEX BUILDING



- (b) **Lot and Building Standards.** Table 21-4-203B, *Duplex Lot and Building Standards*, below, establishes lot and building standards for duplex buildings.

TABLE 21-4-203B
DUPLEX LOT AND BUILDING STANDARDS

Duplex Type	Minimum						Maximum	
	Lot Area ¹	Lot Width ¹	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ²
Side-by-Side (Street Access)								
Principal Building	8,000 sf.	80 ft.	25 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Building			Behind principal building	5 ft.	8 ft.	5 ft.	1	
Side-by-Side (Alley Access)								
Principal Building	8,000 sf.	80 ft.	15 ft.	5 ft.	8 ft.	25 ft.	2	40%
Garage (attached or detached)			Behind principal building	5 ft.	8 ft.	3 ft. ³	1 ⁴	

TABLE 21-4-203B
DUPLEX LOT AND BUILDING STANDARDS

	Minimum						Maximum	
Duplex Type	Lot Area ¹	Lot Width ¹	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ²
Accessory Building			Behind principal building	5 ft.	8 ft.	3 ft.	1	
Over-Under (Alley Access)								
Principal Building	7,000 sf.	70 ft.	15 ft.	5 ft.	8 ft.	25 ft.	2	45%
Garage (attached or detached)			Behind principal building	5 ft.	8 ft.	3 ft. ³	1 ⁴	
Accessory Building			Behind principal building	5 ft.	8 ft.	3 ft.	1	
TABLE NOTES: ¹ Measured per building. No dwelling unit shall be allocated less than 40 percent of the lot area or lot width. ² BCR = Building Coverage Ratio ³ No garage with an overhead door that faces an alley shall be set back to create a driveway that is more than 3 ft. but less than 20 feet long. ⁴ Attached garages within the setbacks for the principal building are treated as part of the principal building.								

Sec. 21-4-204. - Townhouse Lot and Building Standards

- (a) **Generally.** The townhouse housing type consists of three or more dwelling units located in a single building, in which the individual dwelling units are separated by vertical firewalls. An illustrative townhouse building is shown in Figure 21-4-204A, *Illustrative Townhouse Building*.

FIGURE 21-4-204A
ILLUSTRATIVE TOWNHOUSE BUILDING



- (b) **Lot and Building Standards.** Table 21-4-204B, *Townhouse Lot and Building Standards*, below, establishes lot and building standards for townhouse buildings.

TABLE 21-4-204B
TOWNHOUSE LOT AND BUILDING STANDARDS

Townhouse Lot Type	Minimum						Maximum	
	Lot Area (per unit)	Lot Width (per unit)	Front Setback	Building Separation	Street Side Setback	Rear Setback	Stories	Units per Bldg.
Street Access	2,500 sf.	25 ft.	10 ft. / 20 ft. ¹	10 ft.	10 ft.	15 ft.	2	6
Alley or Parking Court Access	2,200 sf.	22 ft.	8 ft.	10 ft.	10 ft.	0 ft. ²	3	8

TABLE 21-4-204B
TOWNHOUSE LOT AND BUILDING STANDARDS

Townhouse Lot Type	Minimum						Maximum	
	Lot Area (per unit)	Lot Width (per unit)	Front Setback	Building Separation	Street Side Setback	Rear Setback	Stories	Units per Bldg.

TABLE NOTES:¹ Setback to garage door.² May be increased as the City determines is necessary to provide safe access along the alley or within the parking court. Garage doors that face alleys or parking courts shall not be located in the area between 4 feet and 20 feet from the nearest edge of the alley or parking court.**Sec. 21-4-205. - Multiplex or Multifamily Lot and Building Standards**

- (a) **Generally.** Multiplex and multifamily are both multiple-family building types. Multiplex buildings are constructed to look like large single-family homes **with alley access**. See Figure 21-4-205A1, *Illustrative Multiplex Building*. The multifamily housing type is typically in the form of apartments or condominiums of two to three stories in height. See Figure 21-4-205A2, *Illustrative Multifamily Building*. Multifamily dwelling units may also be located in the upper floors of vertically mixed-use buildings; however, those buildings are subject to the standards for nonresidential and mixed-use buildings set out in Division 4-3, *Nonresidential and Mixed-Use Lot and Building Standards*, and not the standards of this Section.

FIGURE 21-4-205A1
ILLUSTRATIVE MULTIPLEX BUILDING



FIGURE 21-4-205A2
ILLUSTRATIVE MULTIFAMILY BUILDING



- (b) **Lot and Building Standards.** Table 21-4-205B, *Multiplex and Multifamily Lot and Building Standards*, below, establishes lot and building standards for multiplex and multifamily buildings.

TABLE 21-4-205B
MULTIPLEX AND MULTIFAMILY LOT AND BUILDING STANDARDS

Development Standards	Housing Type	
	Multiplex	Multifamily
Dimensions of Subject Property		
Minimum Area of Subject Property	3-unit building: 8,000 sf. 4-unit building: 10,000 sf. 5-unit building: 12,000 sf.	11,000 sf.
Minimum Width of Subject Property	3-unit building: 80 ft. 4-unit building: 100 ft. 5-unit building: 120 ft.	70 ft.
Minimum Setbacks and Building Separation		
Front Setback	15 ft.	15 ft.
Interior Side Setback	10 ft.	10 ft.
Building Separation	15 ft.	15 ft.
Street Side Setback	15 ft.	15 ft.
Rear Setback	20 ft.	20 ft.
Parking Setback	3 ft. ¹	3 ft. ¹
Height and Building Coverage		
Maximum Stories	2.5	3
Maximum Building Coverage Ratio	45%	45%

TABLE NOTES:

¹ No garage with an overhead door that faces an alley shall be set back to create a driveway that is more than 3 ft. but less than 20 feet long.

Sec. 21-4-206. - Manufactured Home Lot and Building Standards

- (a) **Generally.** Manufactured homes are a special type of single-family detached home, in that they are constructed in factories according to federal standards (instead of local building codes), and are designed to be moved. There are three types of manufactured homes: single-wide (transported in one section), double-wide (transported in two sections), and triple-wide (transported in three or more sections). An illustrative example of a single-wide is provided in Figure 21-4-206A, *Illustrative Manufactured Home*.

FIGURE 21-4-206A
ILLUSTRATIVE MANUFACTURED HOME



(b) **Lot and Building Standards.**

- (1) The lot and building standards for manufactured homes are set out in Table 21-4-206B, *Manufactured Home Lot and Building Standards*. The standards of this Subsection apply to manufactured homes that are located in new manufactured home parks or manufactured home subdivisions, or expanded areas of existing manufactured home parks or manufactured home subdivisions.
- (2) In existing manufactured home parks and manufactured home subdivisions, manufactured homes may be placed on existing lots or spaces that do not comply with this section, provided that they are spaced a minimum of 10 feet apart and 10 feet from the boundary lines of the manufactured home park or manufactured home subdivision.
- (3) Where manufactured homes are allowed as an individual residential use in other areas, they are subject to the standards applied to single-family detached homes.

TABLE 21-4-206B
MANUFACTURED HOME LOT AND BUILDING STANDARDS

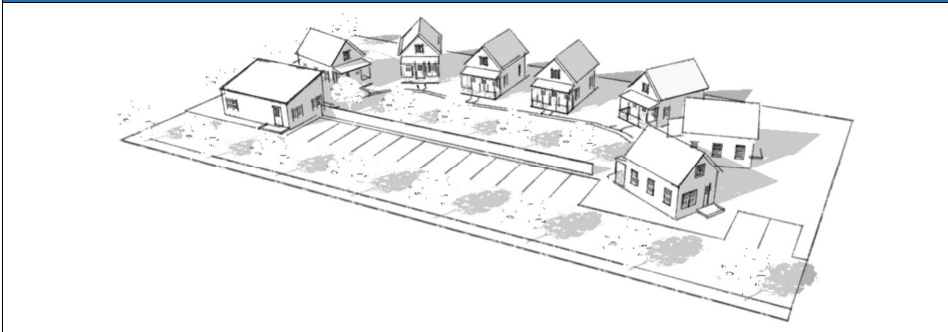
Lot Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ¹
Single-Wide	4,000 sf.	40 ft.	15 ft. ²	5 ft.	8 ft.	10 ft.	1	50%
Double-Wide	5,000 sf.	50 ft.	15 ft. ²	5 ft.	8 ft.	10 ft.	1	50%
Triple-Wide	6,000 sf.	60 ft.	15 ft. ²	5 ft.	8 ft.	10 ft.	1	50%

TABLE NOTES:¹ BCR = Building Coverage Ratio² Where parking is provided in front of the building, the setback shall be increased to 20 ft.

Sec. 21-4-207. - Tiny Home, Cottage, Small Duplex, and Co-housing Cluster Lot and Building Standards

- (a) **Generally.** The tiny home and cottage housing types consists of small single-family detached residences that have a floor area that is less than 750 square feet. The small duplex housing type is a duplex with a total floor area of less than 1500 square feet. These housing types are typically arranged in a cluster of three to 12 residential buildings around a green space, and may include a common building as an amenity (e.g., a common kitchen or meeting area). Vehicular access is provided by a shared parking lot. *See Figure 21-4-207A, Illustrative Housing Cluster.*

FIGURE 21-4-207A
ILLUSTRATIVE HOUSING CLUSTER



- (b) **Lot and Building Standards.** Table 21-4-207B, *Tiny Home, Cottage, Small Duplex, and Co-Housing Cluster Lot and Building Standards*, below, establishes lot and building standards for clusters of tiny homes, cottages, and small duplex buildings, and for common buildings within the clusters.

TABLE 21-4-207B
TINY HOME, COTTAGE, SMALL DUPLEX, AND CO-HOUSING CLUSTER LOT AND BUILDING STANDARDS

Housing Type	Minimum							Maximum	
	Lot Area ¹	Lot Width ²	Front Setback ³	Side Setback ³	Street Side Setback ³	Rear Setback ³	Building Spacing ⁴	Stories	OSR ⁵
Tiny Home ⁶	7,500 sf.	75 ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft. front to front; 10 ft. all other	1	35%
Cottages ⁷	12,500 sf.	125 ft.					1.5		
Small Duplex ⁷	12,500 sf.	125 ft.					1.5		
Common Building	12,500 sf.	125 ft.					1.5		

TABLE NOTES:¹ Minimum area of subject property in which cluster is developed.² Minimum width of subject property in which cluster is developed. For clusters that include more than one housing type, the largest minimum width applies.³ Applies to cluster as a whole in relation to adjoining property.⁴ Minimum spacing among buildings within the cluster.⁵ OSR = Open Space Ratio.⁶ Building footprint of 400 sf. or less.⁷ Building footprint of 800 sf. or less.**Sec. 21-4-208. - Live-Work Lot and Building Standards**

- (a) **Generally.** The live-work housing type consists of a dwelling unit with an integrated ground-floor workspace. Live-work buildings may take many forms, including single-family detached, townhouse, and multifamily. An illustrative single-family detached live-work building is shown in Figure 21-4-208A, *Illustrative Live-Work Building*.

FIGURE 21-4-208A
ILLUSTRATIVE LIVE-WORK BUILDING



- (b) **Lot and Building Standards.** Table 21-4-208B, *Live-Work Lot and Building Standards*, below, establishes lot and building standards for live-work buildings.

TABLE 21-4-208B
LIVE-WORK LOT AND BUILDING STANDARDS

Lot Type	Lot and Building Standards
Single-Family Detached	See Sec. 21-4-202, <i>Single-Family Detached Lot and Building Standards</i>
Townhome	See Sec. 21-4-204, <i>Townhouse Lot and Building Standards</i>
Multifamily	See Sec. 21-4-205, <i>Multiplex or Multifamily Lot and Building Standards</i> (multifamily only)

Division 4-3. - Nonresidential and Mixed-Use Lot and Building Standards

Sec. 21-4-301. - Nonresidential and Mixed-Use Lot and Building Standards

Table 21-4-301, *Nonresidential and Mixed-Use Lot and Building Standards*, sets out the lot and building standards for nonresidential and mixed-use development.

TABLE 21-4-301 NONRESIDENTIAL AND MIXED-USE LOT AND BUILDING STANDARDS											
Standard	Zones										
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A
Minimum Lot Standards											
Lot Area	8,000 sf.	0.5 ac.	0.5 ac.	8,000 sf.	8,000 sf.	0.5 ac. ¹	0.5 ac.	0.5 ac.	N/A	N/A	5 ac.
Lot Width (ft.)	80 ft.	100 ft.	100 ft.	80 ft.	80 ft.	100 ¹	100	100	25	N/A	165
Minimum Setback Standards (ft.)											
Front	25	30	30	25	25	0	30	30	0	25	30
Street Side	10	30	30	25	10	0	30	30	0	25	30
Interior Side											
Principal Buildings	7	10	10	7	7	0 ²	7	7	0	7	20
Accessory Buildings	3	10	3	3	3	0 ²	3	3	0	3	15
Rear											
Principal Buildings	25	25	25	25	25	0 ²	25	25	0	20	25
Accessory Buildings	5	10	5	5	5	0 ²	5	5	0	5	10
Maximum Building Height Standards (ft.)											
Principal Buildings	35	35	35	35	50	50	50	50	50	90	45
Accessory Buildings	20	20	20	20	20	20	20	25	20	45	45
TABLE NOTES: ¹ Lot area and lot width may be reduced if parking is provided in centralized facilities outside of the subject property and sufficient landscape surface is provided in the development as required by Section 21-3-301, <i>Required Landscape Surface Ratio</i> . ² If the lot line from which the setback is measured is shared with a lot that is put to residential use, the setback is 20 feet.											

Division 4-4. - Exceptions to Lot and Building Standards

Sec. 21-4-401. - Purpose and Application of Division

The purpose of this Division is to set out the exceptions to the lot and building standards that are set out in Division 4-2, *Housing Palette*, and Division 4-3, *Nonresidential and Mixed-Use Lot and Building Standards*.

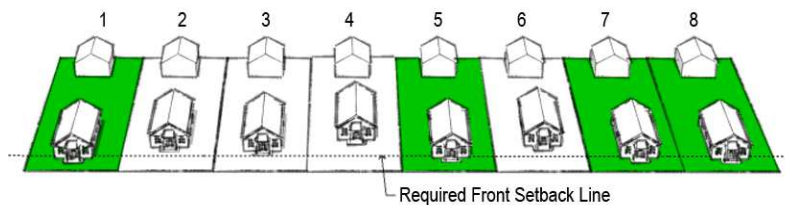
Sec. 21-4-402. - Setback Flexibility

- Generally.** Setbacks may be administratively modified as provided in this Section.
- Effect on Building Coverage.** The objective of this Section is not to allow an increase the permissible building coverage, but instead, to provide for a range of relationships between buildings and the street.

(c) **Front Setbacks.**

- (1) *EN Zone.* In the EN Zone, the front yard requirement for single-family detached and duplex dwellings that front on local streets (not collector or arterial streets) may be reduced if:
- 30 percent or more of the lots on the same side of the street segment (not counting the subject property) within the same Zone are developed with principal buildings that are set back at distances that are less than the required front setback;
 - The reduced front setback is not less than the average front setback of the developed lots on the same side of the street segment that are set back less than the required front setback. (See Figure 21-4-402C1, *Illustrative EN Zone Front Setback Reduction*).

FIGURE 21-4-402C1
ILLUSTRATIVE EN ZONE FRONT SETBACK REDUCTION



The owner of lot 4 seeks to redevelop the lot. The required front setback line is 15 feet. However, lots 1 and 8 were constructed to a 12-foot setback, and lots 5 and 7 were constructed to a 13-foot setback. Since more than 30 percent of the lots have less than the required front setback, the owner of lot 4 may build to the average setback of lots 1, 5, 7, and 8, which is 12½ feet.

- (2) *CA Zone.* In the CA Zone, front setbacks may be reduced to five feet if:
- A build-to line is established by the campus master plan or by existing conditions along the same side of the block;
 - For single-family detached, duplex, and townhome buildings:
 - Access is taken from an alley;
 - Garage doors that face alleys are not located in the area between ~~4-3~~ feet and 20 feet from the nearest edge of the alley; and
 - Buildings have a porch or stoop frontage (see Figure 21-4-402C2, *Illustrative Frontage Types*).
 - For nonresidential, mixed-use, and multifamily buildings:
 - Parking is not located between the building and the street;
 - Nonresidential and mixed-use buildings have shopfront, gallery, arcade, or forecourt frontages; and

- iii. Multifamily buildings have a porch, stoop, gallery, arcade, or forecourt frontage (see Figure 21-4-402C2, *Illustrative Frontage Types*).

FIGURE 21-4-402C2
ILLUSTRATIVE FRONTAGE TYPES



(d) **Interior Side Setbacks.**

- (1) Interior side setbacks for single-family detached lots may be reduced by the Administrator up to 30 percent (or up to 100 percent if the applicant owns or controls both affected lots), provided that:

- a. The reduction is necessary due to the existing development of the lot, or specific physical or access constraints justify the reduction;
- a.b. There is no reduction of an interior side setback along a lot line that is also a boundary line of the ~~subject property~~ subdivision;
- b.c. Buildings on both sides of the reduced setback are constructed to applicable building and fire codes based on their proximity to each other;
- c.d. There is sufficient space between the buildings for building maintenance and emergency access, or a sufficient easement is provided on the adjacent lot for such access; and
- d.e. Windows that face the reduced setback are not located across from each other within a six-foot offset distance along the building wall unless they are frosted and inoperable, or located at least six feet above the room floor of the story in which they are located.

- (2) Interior side setbacks for lots that are not used for single-family detached purposes may be reduced by the Administrator by up to 20 percent, provided that:
- The reduction is necessary due to the existing development of the lot, or specific physical or access constraints justify the reduction;
 - The reduction affects only one side lot line;
 - The affected side lot line is not shared with a lot that is put to single-family detached or duplex use; and
 - Buildings on both sides of the reduced setback are constructed to applicable building and fire codes based on their proximity to each other.
- (e) **Street Side Setbacks.** Street side setbacks may be reduced by the Administrator by up to 20 percent, provided that:
- ~~(1)~~ (1) ~~The reduction is necessary due to the existing development of the lot, or specific physical or access constraints justify the reduction;~~
- ~~(1)(2)~~ (2) There will be no material impact on public safety as a result of potential obstruction of the street for sight distances, or movement of emergency vehicles;
- ~~(2)(3)~~ (3) Sight triangles are not obstructed;
- ~~(3)(4)~~ (4) Building walls are located at least five feet from the inside edge of the public sidewalk and do not encroach upon the public right-of-way or drainage or utility easements; and
- ~~(4)(5)~~ (5) All street-facing overhead doors are set back 20 feet.
- (f) **Rear Setbacks.** Rear setbacks may be reduced by the Administrator by up to 20 percent for lots with street access, and up to 100 percent for lots with alley access, provided that:
- ~~(1)~~ (1) ~~The reduction is necessary due to the existing development of the lot, or specific physical or access constraints justify the reduction;~~
- ~~(1)(2)~~ (2) If the lot is accessed from an alley:
- There is sufficient area for parking, and maneuvering, and safe passage along the alley;
 - Sight triangles are not obstructed;
 - There will be no material impact on public safety as a result of potential obstruction of a street or alley for sight distances or movement of emergency vehicles; and
 - All alley-facing overhead doors are set back less than ~~three~~ 3 feet or more than 20 feet.
 - The building will not encroach upon a drainage or utility easement.

(2)(3) If the lot is accessed from a street, windows within the reduced setback area do not face the back yards of adjoining single-family detached or duplex residential uses unless they are frosted and inoperable, or located at least six feet above the room floor of the story in which they are located

Sec. 21-4-403. - Projections into Required Setbacks

- (a) **Generally.** Specified structures and architectural features may encroach into required setback areas as provided in Table 21-4-403A, *Setback Reductions for Building Elements, Equipment, and Structures*. The encroachments authorized by this Section are subject to all applicable building code requirements.

TABLE 21-4-403A SETBACK REDUCTIONS FOR BUILDING ELEMENTS, EQUIPMENT, AND STRUCTURES						
Architectural Element	Yard In Which Setback Reduction is Allowed				Amount of Setback Reduction Allowed (use whichever column allows the least setback reduction)	
	Front	Interior Side	Street Side	Rear	Measured From Setback Line Towards Property Line	Measured From Property Line Towards Interior of the Property
Air conditioning units	No	Yes	Yes	Yes	3 ft.	3 ft.
Awnings, canopies, or sunshades without supports that extend to ground	Yes	Yes	Yes	Yes	4 ft.	2 ft.
Balconies	Yes	No	Yes	Yes	2 ft.	4 ft.
Chimneys	Yes	Yes	Yes	Yes	2 ft.	3 ft.
Decks, porches, or patios that are not covered, if the surface of the deck is less than 3 feet above average adjacent grade	Yes	No	Yes	Yes	Any distance	3 ft.
Decks, porches, or patios that are not covered, if the surface of the deck is 3 feet or more above average adjacent grade	No	No	No	Yes	2 ft.	5 ft.
One-story bay windows	Yes	No	Yes	Yes	2 ft.	4 ft.
Overhanging eaves and gutters	Yes	Yes	Yes	Yes	4 ft.	2 ft.
Parking shelters, detached from the principal building and open on all sides ¹	No	Yes	No	Yes	50% of the required setback	3 ft.
Stairways that are necessary for access to a permitted building or for access to property; fire escapes.	No	No	Yes	Yes	As necessary	3 ft.
Cornices, canopies, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features	Yes	Yes	Yes	Yes	2 ft.	2 ft.
TABLE NOTES: ¹ This exception does not apply in zones that are developed with single-family detached dwelling units of any type.						

- (b) **Limitations.** No building, building element, or structure shall cross a lot line:
- (1) Into separately owned property, unless a recorded document provides for access to and maintenance of the projection;
 - (2) Into public property or rights-of-way, unless a revocable encroachment permit is issued by the Administrator;
 - (3) Into access easements; or
 - (4) Into utility easements, unless the design of the improvement and a recorded agreement allows access to the utility and allows the utility or the City to efficiently remove the encroachment at the property owner's expense.

Sec. 21-4-404. - Exception to Building Height Regulations

The height of chimneys, radio and television towers, wind chargers, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, grain elevators, and necessary mechanical appurtenances may exceed the building height regulations subject to approval as a conditional use, except that the standards for approval that are set out in Section 21-2-302, *General Standards for All Conditional Uses*, are replaced with the following:

- (1) The additional height does not materially affect the adequacy of light and air on adjacent properties or public rights-of-way;
- (2) The additional height does not materially affect views from neighboring properties to landmarks or scenic vistas;
- (3) The additional height does not affect public safety in case of structural collapse; and
- (4) Adequate firefighting capabilities are available to address the additional height in the event of a fire emergency.

Division 4-5. - Supplemental Standards

Sec. 21-4-501. - Purpose of Division

The purpose of this Division is to set out standards for certain accessory buildings, structures, and accessory uses.

Sec. 21-4-502. - Accessory Buildings

- (a) **Generally.** Accessory buildings (e.g., detached garages, storage buildings, or accessory dwelling units) shall comply with all requirements for principal buildings except where specifically modified by this Chapter.
- (b) **Spacing.** No part of any accessory building shall be located closer than 10 feet to any other building, whether on the same lot or on an adjacent lot.

- (c) **Construction.** All accessory buildings (except greenhouses) that are larger than 200 square feet in floor area:
- (1) Shall be installed on a permanent foundation; and
 - (2) Shall be designed and constructed with cladding and roofing materials and colors that are comparable or complimentary to the principal building.

Sec. 21-4-503. - Accessory Dwelling Units

- (a) **Generally.** Accessory dwelling units are allowed on lots that contain single-family detached dwelling units according to the standards of this Section.
- (b) **Accessory Dwelling Units in Accessory Buildings.** If the accessory dwelling unit is in an accessory building:
- (1) The floor area of the accessory dwelling unit may not be more than 500 square feet; and
 - (2) The lot area of the subject property must be at least 8,000 square feet or the lot depth of the subject property must be at least 125 feet.
- (c) **Integrated Units.** If the accessory dwelling unit is integrated into the principal building, the floor area of the accessory dwelling unit may not be more than 30 percent of the floor area of the principal building, except that an integrated accessory dwelling unit may occupy an entire basement or garden level, regardless of floor area.

Sec. 21-4-504. - Fences, Garden Walls, Retaining Walls, and Hedges

- (a) **Generally.** A fence, hedge, garden wall, retaining wall, column, pier, post, dog run, or any similar type structure, or any combination of such structures, are subject to the standards of this Section.
- (b) **Building Code.** All fences, garden walls, or retaining walls that are more than six feet in height are subject to Building Code requirements.
- (c) **Identification of Property Lines.** It shall be the responsibility of the property owner to locate all property lines. No fence or wall may extend beyond or across a property line except by agreement with the adjoining property owner. No fence, hedge, or wall shall extend into street or alley rights-of-way.
- (d) **Sidewalk Setback.** No fence, hedge, or wall shall be placed nearer than 18 inches to any public sidewalk, unless by written permission of the Administrator.
- (e) **Security Fencing.** No barbed wire, razor edge, or electrically charged fence shall be permitted, except as follows:
- (1) In the I zone, barbed wire or razor edge fences may be used if there is a demonstrated need for heightened security due to the nature of the use.

- (2) In the A zone, barbed wire or an electrically charged fence may be ~~used, permitted as an internal fence (i.e., not on the periphery of the property) if used to contain livestock.~~

(f) **Dog Runs.** Dog runs are allowed only in back yards.

(g) **Maximum Height; Exceptions.**

- (1) No fence, garden wall, retaining wall, or hedge shall exceed six feet in height in a side yard, rear yard, or street side yard behind the front building line, and four feet in height in a front yard or street side yard in front of the front building line, except that:
- a. If the State of Colorado requires a particular use to have a higher fence than this UDC otherwise allows, and the use meets all other requirements of this UDC, then the maximum height shall be increased to allow the state-mandated fence height.
 - b. Wall height may be increased by up to two inches to allow for drainage under the wall.
 - ~~c.~~ The height of a dog run may be increased to up to ten feet, provided that the dog run is set back from property lines not less than two feet for each foot in height (or portion thereof) that the dog run ~~fence~~ extends above six feet.
 - ~~c.d.~~ The height of a deer fence may be increased to up to ten feet, provided that the deer fence is set back from property lines not less than two feet for each foot in height (or portion thereof) that the deer fence extends above six feet.
 - ~~d.e.~~ Posts and pillars may exceed the maximum fence height by up to eight inches.
 - ~~e.f.~~ Open arches, gates, and pergolas may be constructed up to nine feet in height, provided such elements are spaced at least 30 feet apart.
 - ~~f.g.~~ Fences that are used for athletic fields (e.g., baseball diamonds), play courts (e.g., tennis), or driving ranges are not subject to the height restriction.
 - ~~g.h.~~ Walls that are used in Class D Bufferyards, and buffers between industrial uses and other uses, may be up to 10 feet in height.
- (2) The Administrator may approve deviations from the standards of this subsection as required to create appropriate buffering or screening, accommodate recreational uses, or provide for specific security requirements.

(h) **Materials.**

- (1) All privacy fences shall be constructed to orient any exposed structural framework to the interior of the subject property;
- (2) All fences, garden walls, or retaining walls that are visible from public rights-of-way must be made from traditional fence or wall materials such as:
- a. Fence materials:

- i. Wood, vinyl, or composite wood (in picket, shadowbox, or post-and-rail formats);
 - ii. Metal (chain-link fencing or aluminum or wrought iron decorative fencing);
- b. Wall materials:
 - i. Stacked stone;
 - ii. Tinted split-face concrete masonry units;
 - iii. Brick;
 - iv. Stucco-finished block; or
- c. For fences or walls, materials that are approved by the Administrator that are comparable to the materials listed in this subsection (h)(2).

Sec. 21-4-505. - Swimming Pools

- (a) **Generally.** A swimming pool may be permitted in any zone as an accessory use, subject to the standards of this Section.
- (b) **Location.** No public or private swimming pool may be located in any required front or side setback that abuts a street. No swimming pool basin shall be located closer than five feet to a property line.
- (c) **Enclosure.**
 - (1) Every swimming pool must be completely surrounded by a fence or garden wall not less than six feet in height with no openings that are large enough to facilitate climbing or permit children to pass through, other than gates or doors that can be fastened to protect against entry. A building may be used as part of such required enclosure.
 - (2) All gates or doors that open through such fenced or walled enclosures must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

Sec. 21-4-506. - Outdoor Storage

- (a) **Generally.** Outdoor storage areas, whether as a primary use (e.g. salvage or junk yard or outdoor storage yard) or accessory use (e.g., to heavy industry or heavy retail), shall meet the standards of this Section.
- (b) **Location.**
 - (1) The area used for outdoor storage shall be located in a back yard or side yard, except that if the principal use is heavy industry, outdoor storage yard, or salvage or junk yard, outdoor storage areas may be located anywhere on the subject property.

- (2) Notwithstanding subsection (b)(1), outdoor storage area shall not be located in areas that are used for parking, bufferyards, or stormwater conveyance or detention areas, or that are environmentally sensitive areas (e.g., a wetland).
- (c) **Surfacing.** Outdoor storage areas shall be surfaced and maintained in a manner that prevents windblown particulates.
- (d) **Screening and Enclosure.** The area used for outdoor storage shall be enclosed by a Class B Bufferyard [\(see Section 21-5-306\)](#) that includes fence or screen wall that is not less than six feet in height, except that:
 - (1) If the principal use is heavy retail, then the area used for outdoor storage shall be enclosed by a wall that is integrated into the principal building in terms of aesthetics, quality, and durability.
 - (2) If the principal use is salvage or junk yard, the area used for outdoor storage shall be enclosed by a Class C Bufferyard [\(see Section 21-5-306\)](#) that includes a fence, screen wall, berm, or combination thereof that is at least eight feet in height.
 - (3) If the principal use is single-family or duplex residential, the area used for outdoor storage shall be enclosed by a privacy fence that is at least five feet in height.
- (e) **Operation and Maintenance.**
 - (1) The area used for outdoor storage shall be kept orderly, pest-free, and odor-free.
 - (2) The following materials shall not be stored outdoors: gasoline, other motor fuels, and comparable or greater fire or explosion hazards; or items that have a high potential for generating obnoxious odors or windblown particulates or debris.
 - (3) Unless the principal use is salvage or junk yard, the outdoor storage area shall not be used to dispose of inoperable vehicles, inoperable machines, garbage, or other waste.
 - (4) If the principal use is single-family or duplex residential, outdoor storage areas shall not be used for storage of materials, products, and equipment used for a home occupation or cottage industry.
- (f) **Common Residential Outdoor Storage.** Residential development, including manufactured home parks and manufactured home subdivisions, may provide for common outdoor storage, as follows:
 - (1) Common outdoor storage areas in residential developments shall be enclosed by a Class B Bufferyard [\(see Section 21-5-306\)](#).
 - (2) Access to the common outdoor storage area shall be provided from a street within the development.
 - (3) Common outdoor storage areas shall not be located such that they adjoin neighboring residential development.

Sec. 21-4-507. - Loading and Service Areas

- (a) **Generally.** Loading and service areas for nonresidential uses shall conform to the standards of this Section. Where alley access is not available for loading in the CBD zone, over-the-curb loading is allowed.
- (b) **Required Setback.** No areas for loading or building service shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian way.
- (c) **Design Integration.** Loading docks, semi-truck or trailer parking, utility meters, HVAC equipment, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are mitigated and, to the maximum extent feasible, out of view from adjacent properties and public streets.
- (d) **Materials.** Screening materials shall be comparable to the principal materials of the building and landscape in terms of aesthetics, quality, and durability.

Sec. 21-4-508. - Trash Collection

- (a) **Generally.** Trash collection for multifamily and nonresidential uses shall conform to the requirements of this Section.
- (b) **Centralized Collection Facilities.** Multifamily uses shall provide centralized collection facilities. Manufactured home parks, manufactured home subdivisions, and nonresidential uses may provide centralized collection facilities. Such facilities shall be designed and configured as follows:
 - (1) *Distance to Dwelling Units or Nonresidential Uses.* Centralized solid waste collection facilities shall be located so that they are available within 200 linear feet of the principal entrance of each residential unit or nonresidential service entrance on the subject property.
 - (2) *Location on Site.*
 - a. Centralized solid waste collection facilities shall be set back at least:
 - i. 10 feet from interior property lines; and
 - ii. 20 feet from any public street, public sidewalk, or internal pedestrian way.
 - b. In the alternative, if it is not possible to service the centralized facilities in a location which is at least 10 feet from all property lines, then the facilities may be located closer to the property lines, provided that:
 - i. They are designed and constructed to be consistent and compatible with the building or buildings on the subject property in terms of materials and architecture;
 - ii. The setback reduction is applied to the front setback as a "last resort," and only if it is demonstrated that no other setback reduction will solve the service problem; and

iii. They are located as far from the property line as is practicable.

(c) **Enclosure Requirements.**

- (1) The areas where refuse and recycling containers are stored shall be fully enclosed to the height of the tallest dumpster with screen walls, privacy fencing, or a landscaped berm.
- (2) The materials, colors, and design of screening walls or fences and any cover shall be comparable to those used as principal materials and colors on the principal building in terms of quality, durability, and aesthetic appearance.
- (3) The enclosures shall be sized to include the types of solid waste containers that will be necessary to serve the use or uses of the subject property.

(d) **Access Configuration.**

- (1) Service gates shall be provided and shall remain closed at all times except when the containers are being serviced.
- (2) The enclosure shall also provide separate, accessible pedestrian access gates.

(e) **Container Specification.** Containers shall be fly-tight, watertight, and rodent-proof.

Sec. 21-4-509. - Drive-In or Drive-Through Facilities

- (a) **Generally.** Drive-in or drive-through facilities, where allowed, are subject to the standards of this Section.
- (b) **Minimization of Circulation Conflicts.** Traffic circulation shall be arranged so that internal pedestrian and vehicular movements are compatible and traffic hazards are minimized.
- (c) **Minimization of Off-Site Hazards.** Traffic circulation, ingress and egress shall be arranged so as to avoid hazardous or adverse effects on adjacent sites and streets.

Sec. 21-4-510. - Satellite Dishes and Antennae

- (a) **Generally.** The standards of this Section apply to satellite dishes and antennae that are typically associated with residential uses. They are not applicable to facilities that are used for commercial purposes or the provision of personal wireless telecommunication services to people who do not reside on the lot on which the dish or antenna is located.
- (b) **TV Antennae, DTV Antennae, Wireless Cable Antennae, and Satellite Dishes.**
 - (1) The following are allowed if they are attached to a building or mounted on a mast that extends not more than 12 feet above the highest peak of the roof:
 - a. TV antennae;
 - b. DTV antennae;
 - c. Wireless cable antennae; or
 - d. Satellite dishes that are one meter or less in diameter; or

- e. Antennae for MMDS, ITFS, or Wireless Internet, that are one meter or less in diameter or diagonal measurement.
- (2) All cabling must be run internally (when feasible), securely attached, and as inconspicuous as practicable.
- (3) Masts that are greater than 12 feet above the peak of the roof are allowed if it is demonstrated that:
 - a. An adequate signal cannot be obtained at a lower height; and
 - b. The mast and antenna are lower than overhead utility lines, or set back from overhead utility lines such that a collapse of the mast will not result in contact with the lines.
- (4) Satellite dishes that are more than one meter in diameter are allowed if:
 - a. They are located on the ground in the rear yard and are not visible from ground-level views from public rights-of-way or abutting properties; or
 - b. If the dish cannot be located in the rear yard, it is located on the ground within the permitted building envelope on the side of the building, and the dish or antenna is fully screened from view from public rights-of-way with:
 - i. A masonry wall; or
 - ii. An evergreen hedge or evergreen shrubs and understory trees.
- (c) **Amateur Radio Antennae.** Amateur radio antennae are permitted if the following standards are met:
 - (1) Height, setbacks, and screening for the antenna structure shall be as provided in Table 21-4-510C, *Amateur Radio Antennae*.
 - (2) Support structures that are not attached to the antenna structure are accessory structures for the purposes of this UDC.

TABLE 21-4-510C AMATEUR RADIO ANTENNAE				
Lot Area	Max. Height	Min. Front Setback	Min. Street Side Setback	Min. Side and Rear Setback
more than 2 ac.	120 ft.	100 ft.; or, alternatively, 20 ft. behind back wall of principal building	Height of antenna	Greater of required building setback or 70 ft.
more than 8,000 sf., up to 2 ac.	72 ft.	72 ft.; or alternatively, 15 ft. behind back wall of principal building	Height of antenna	Greater of required building setback or 25 ft.
8,000 sf. or less	40 ft.	Same as required for principal building		

Sec. 21-4-511. - Renewable Energy

- (a) **Generally.** Renewable energy systems include solar collectors (photovoltaic arrays ~~(solar electric panels or water heaters)~~), geothermal heating and cooling systems, and small wind energy conversion systems. They do not include the manufacture of renewable combustible fuels (e.g., ethanol or biodiesel).
- (b) **Photovoltaic Arrays.** Photovoltaic arrays convert sunlight into electricity. The following standards apply to photovoltaic arrays:
- (1) *Roof-Mounts.* Photovoltaic arrays may be roof-mounted on principal and accessory buildings and structures (e.g., covered walkways or covered parking spaces) in all residential districts.
 - (2) *Ground-Mounts or Structure-Mounts.* Ground or structure-mounted photovoltaic arrays (not mounted on buildings or roofed structures) shall be set back as if they were detached accessory buildings if the highest point on the panels is more than eight feet above grade.
- (c) **Geothermal Heating and Cooling Systems.** Geothermal heating and cooling systems use buried pipes to exchange heat with the ground, cooling buildings in the summer and warming them in the winter. Closed loop systems (horizontal and vertical loop systems) are permitted, provided that the loops are set back two feet from property lines and do not encroach into utility easements.

~~(c)-(d)~~ **Small Wind Energy Conversion Systems.**

Sec. 21-4-512. - Unattended Collection Boxes

- (a) **Generally.** Unattended collection boxes may be located in parking and loading areas of nonresidential uses, according to the standards of this Section.
- (b) **Location.**
- (1) Unattended collection boxes shall be set back at least five feet from front property lines.
 - (2) Unattended collection boxes shall not obstruct parking or vehicular circulation.
- (c) **Construction.** Unattended collection boxes shall be constructed of waterproof and rustproof materials, and shall be secured against animals and scavenging.
- (d) **Maintenance.** Materials that are deposited in unattended collection boxes shall be collected on a regular schedule that is sufficient to prevent the boxes from overflowing.

Division 4-6. - Wireless Telecommunications Facilities

Sec. 21-4-601. - Purpose and Applicability of Division

- (a) **Purpose.** The unique and diverse landscapes of the City are among its most valuable assets. Protecting these assets requires that wireless telecommunications facilities and related equipment be designed and sited in a manner that is sensitive to, and in scale and harmony with, the character of the community. As such, the purpose of this Division is to provide design standards specific to wireless telecommunications facilities in order to ensure their compatibility with the surrounding environment and existing and anticipated development patterns.
- (b) **Intent.**
- (1) These regulations are intended to provide predictable, consistent, and balanced standards for the siting and screening of wireless telecommunications facilities and related equipment on private property within the City, in order to:
 - a. Preserve the character and aesthetics of areas that are in close proximity to wireless telecommunications facilities and related equipment by minimizing the visual, aesthetic, and safety impacts of such facilities and equipment through careful design, siting, screening, and placement;
 - b. Protect the health, safety, and welfare of persons living, recreating, or working in the area surrounding wireless telecommunications facilities and related equipment, as they relate to the placement, construction, or modification of such facilities;
 - c. Provide development that is compatible in appearance with allowed uses of the underlying zone;
 - d. Ensure that the City does not unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services;
 - e. Encourage co-location and clustering of antenna sites and structures, when practical, to help reduce the number of such facilities that may be required in the future to service the needs of customers, and thus avert unnecessary proliferation of facilities and related equipment; and
 - f. Ensure the timely processing of applications for insubstantial changes to existing wireless telecommunications facilities ([See Section 21-8-521 for approval procedures](#)).
 - (2) It is not the intent of these regulations to regulate the placement, construction, or modification of wireless telecommunications facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's regulations concerning such emissions.
- (c) **Applicability.**

- (1) This Division applies to wireless telecommunications facilities and related equipment related to cellular telephone, paging, enhanced specialized mobile radio ("ESMR"), personal communication services ("PCS"), commercial mobile radio service ("CMRS"), and other commercial wireless telecommunication devices, including facilities and equipment that are affixed to the ground or buildings, and all associated structures and equipment such as transmitters, antennas, monopole antennas, towers, masts, microwave dishes, cabinets, and equipment rooms.
- (2) This Division does not apply to facilities that are regulated by Section 21-4-510, *Satellite Dishes and Antennae*.
- (d) **Conditions and Limitations.** Approval by the City of a wireless telecommunications facility or related equipment application is an approval of the land use only, and shall not be construed to waive any other applicable zoning or building regulations.

Sec. 21-4-602. - Site Selection Standards

- (a) Wireless telecommunications facilities shall, in accordance with the requirements of this UDC, be located in the following order of preference:
 - (1) First, the facilities shall be co-located with existing or approved wireless telecommunications facilities ("co-location priority"); or installed on existing approved structures that are (or will be) principally used for other purposes (*e.g.*, buildings, flagpoles, church steeples, cupolas, ball field lights, water towers, etc.) ("multiple-use facility priority");
 - (2) Second, in locations where existing topography, vegetation, buildings or other structures provide the greatest amount of screening; and
 - (3) Last, on vacant ground or highly visible sites without significant visual mitigation and where screening or buffering is difficult.
- (b) The co-location priority and multiple-use facility priority locations (collectively, "first priority locations") may be waived by the ~~decision-making authority~~ Administrator or other decision making authority upon a showing that:
 - (1) Federal or state regulations prohibit the installation of the wireless telecommunications facility in the first priority locations;
 - (2) The proposed wireless telecommunications facility would interfere with the current uses of the first priority locations;
 - (3) The proposed wireless telecommunications facility, if installed in the first priority locations, would materially interfere with surrounding property or uses;
 - (4) The owners of the first priority locations will not agree to reasonable terms;
 - (5) No available first priority location is appropriate for the proposed wireless telecommunications facility due to its physical characteristics or capacity to provide the desired service from the first priority locations; or

- (6) Installation of the proposed wireless telecommunications facility in the first priority locations is not in the best interest of the public health, safety or welfare.

Sec. 21-4-603. - Telecommunications Towers

(a) **Location and Form.**

- (1) *Prohibited Locations.* Towers are not allowed in the following locations:
- a. Residential zones, and any location within 100 feet of a residential zone boundary.
 - b. The CBD zone.
 - c. The area within 200 feet of the centerline of Highway 160.
 - d. The area within 200 feet of the centerline of Highway 285 South.
 - e. The area bounded by the railroad tracks, Highway 285 South, and Highway 160.
 - e.f. The area within 200 feet of the centerline of Highway 17.

- (2) *Prohibited Forms.* Guyed mast towers are prohibited.

- (b) **Maximum Height.** The maximum tower height by zone is set out in Table 21-4-603B, *Maximum Tower Height by Zone*.

TABLE 21-4-603B MAXIMUM TOWER HEIGHT BY ZONE							
Standard	Zone						
	Residential Zones	MU	CB	I	CBD	CA	A
Maximum Height	Not Allowed	100 ft.	100 ft.	100 ft.	Not Allowed	100 ft.	150 ft.

- (c) **Design for Concealment.** New telecommunications towers shall be designed insofar as practicable to conceal their presence or intended use. Design plans shall call out all design or location elements that tend to conceal the presence or intended use of the tower (e.g., limitation of height to tree line, color or material specifications, “stealth” features such as artificial tree limbs, or other contextual or physical features).
- (d) **Design for Co-location.** New telecommunications towers shall be designed to provide for co-location of other wireless telecommunications facilities or equipment by structurally “overbuilding” in order to handle the loading demands of additional antennas.
- (e) **Co-location of Additional Facilities.** Facilities that are proposed for co-location on an existing tower shall not reduce the effectiveness of any concealment techniques that applied to the existing tower when it was constructed.

Sec. 21-4-604. - Multiple-Use Facilities

- (a) **Generally.** All wireless telecommunications facilities (including co-located facilities) that are mounted on multiple-use facilities, and related equipment (whether installed on the roof or on the ground), shall be concealed from view from adjacent and nearby public rights-of-way and property (whether public or private) by paint color selection and either:

- (1) Camouflage (*e.g.*, the facility appears to be an integrated part of the architecture of the building or the function of the structure, such that its presence is not obvious); or
- (2) Physical barriers such as:
 - a. Parapet walls, screen walls, or architectural or structural elements (*e.g.*, steeples, cupolas, belfries, chimneys, towers, turrets,) that are compatible with the building or structure's design in terms of color, materials, or texture; or
 - b. Fencing, landscaping or berming that is compatible with the site's overall design.

(b) **Height.**

- (1) The maximum height of building-mounted wireless telecommunications facilities that are located on a rooftop is:
 - a. Antennae: 5 ft. above the highest portion of the roof; or
 - b. Whip antennae: 10 ft. above the highest portion of the roof.
- (2) The maximum height of building-mounted wireless telecommunications facilities that are located on a building wall, or of structure-mounted (*e.g.*, flagpoles, light poles, water towers, and comparable structures) wireless telecommunications facilities, is:
 - a. The top of the parapet for a building with a flat-roofed system; or
 - b. The eave line above the equipment for a building with a sloped-roof system; or
 - c. The top of the structure.

(c) **Setbacks and Step-backs.**

- (1) Building-mounted antennae and related equipment shall be set back the same distances that are required for principal buildings.
- (2) Roof-mounted antennae shall be stepped back from the parapet wall one foot for each foot in height between the roof surface and the top of the antenna.

Sec. 21-4-605. - Lighting and Signage

- (a) **Generally.** In addition to other applicable sections of the City code regulating signage or outdoor lighting, the standards of this Section apply to wireless telecommunications facilities and related equipment.
- (b) **Lighting.** Telecommunications towers and tower-mounted wireless telecommunications facilities and related equipment shall not be illuminated, unless such illumination is required by state or federal regulations. Wireless telecommunications facilities (except towers and tower-mounted facilities), including accessory buildings and equipment, may be illuminated as provided in Division 5-4, *Lighting*.

- (c) **Signage.** The display of any sign other than as required by law as to public safety warnings, licenses, certifications, or other required seals on any wireless communications facility or related equipment is prohibited. Emergency contact telephone numbers shall be posted:
 - (1) On each wireless telecommunications facility; or
 - (2) In the case of tower-mounted facilities, at the base of the tower or on each gate if the tower is enclosed by a security fence.
- (d) **Access.**
 - (1) Access to and from wireless telecommunications facilities and related equipment shall comply with all applicable building code requirements.
 - (2) No wireless telecommunications facility shall be located in a required parking, maneuvering, or vehicle or pedestrian circulation area such that it interferes with or in any way impairs the intent or functionality of the area for such parking or circulation.
 - (3) Wireless telecommunications facilities shall be secured from access by the general public, but access for emergency services must be provided. Access roads shall be capable of supporting all potential emergency response vehicles and equipment.
 - (4) Any easements required for ingress and egress and for electrical and telephone shall be recorded at the county clerk and recorder's office prior to the issuance of building permits.

Sec. 21-4-606. - Maintenance, Abandonment, and Removal

- (a) **Maintenance.** All towers, antennas, related facilities and equipment, and the subject property shall be maintained in a safe and clean condition in accordance with project approvals and building codes. The operator or property owner shall be responsible for maintaining the subject property and its improvements free from graffiti, debris, and litter. All towers, antennas and related facilities shall be subject to periodic inspection by the City to ensure continuing compliance with all conditions of approval and requirements of this section.
- (b) **Abandonment and Removal.** All required approvals shall be in effect only so long as the antennas and other structures are operated on the subject property. Facilities that are not in use for 180 consecutive days for personal wireless services purposes shall be considered abandoned and shall be removed by the facility owner within 45 days of the 180th consecutive day of non-use. Following removal, the subject property shall be restored to the condition it was in prior to the installation or construction of the facility. Such removal shall be carried out in accordance with applicable health and safety requirements.

Division 4-7. - Signs

Sec. 21-4-701. - Applicability, Exemptions, and Permit Exceptions

(a) **Generally.**

- (1) The provisions of this Division apply to the display, construction, installation, erection, alteration, use, location, maintenance, and removal of all signs within the City that are not specifically exempt from such application.
- (2) No sign shall be displayed, constructed, installed, erected, or altered within the City until the City has issued a sign permit, unless the sign is exempt from this Division, partially exempt from this Division, or the sign (or modification) qualifies for an exception to the permit requirement.

(b) **Exemptions.** This Division does not apply to:

- (1) ~~S~~Signs of any type that are installed or posted (or required to be installed or posted) by the Federal government, the State of Colorado, Alamosa County, the City, or the School District (collectively, "GOVERNMENTAL ENTITIES"), on property owned or controlled by the Governmental Entity. Such signs include but are not limited to street signs and permanent traffic control devices, temporary signs that are used in conjunction with traffic control, and other signs that said entities display, require, or license to be displayed upon property that they own or control.

~~(b)(2)~~ Decorations that are clearly incidental, customary, and commonly associated with a holiday.

(c) **Partial Exemptions.** The following signs are subject only to Section 21-4-703, *Design Characteristics*, and shall not require a sign permit:

- (1) Signs that are required by applicable building codes (*e.g.*, address numbers) or health and safety regulations (*e.g.*, the Occupational Safety and Health Act ("OSHA")); or to comply with other laws or regulations (collectively, "REQUIRED SIGNS").
- (2) Signs that are not visible from any of the following areas due to the configuration of the building(s) or structure(s) or the topography of the site upon which the signs are located:
 - a. Residential lots;
 - b. Abutting property not under common ownership; or
 - c. Public rights of way.
- (3) Signs that are not legible from abutting property or rights-of-way due to the configuration of the building(s) or structure(s) or the topography of the subject property or the orientation or setback or typeface of the sign, provided that the sign area is not more than 32 square feet.
- (4) Signs that are applied to or painted on a utility cabinet or pedestal, provided that:

Formatted: Body Outline (1)

- a. The cabinet or pedestal is in use for its principal purpose as a utility cabinet or pedestal and the sign does not interfere with such use;
- b. The cabinet or pedestal is not larger than four feet in horizontal dimension and five feet in vertical dimension; and
- c. The owner of the utility cabinet or pedestal consents to the installation of the sign.

(5) Historic signs ~~that have been recognized as part of an historic designation by the National, State, or Local Register of Historic Places.~~

(6) Flags that are hung from not more than three rigid, straight, building-mounted or ground-mounted flagpoles per 100 feet of property frontage or fraction thereof, provided that:

- a. No more than three flags are flown from any one flagpole;
- b. No flag obstructs pedestrian, bicycle, or vehicular traffic, or a required sight triangle; and
- c. No flag exceeds 32 square feet in area.

(7) Small Signs.

- a. Signs that are affixed to a building or structure, that do not exceed one square foot in sign area, provided that only one such sign is present on each elevation that is visible from public rights-of-way or neighboring property; and
- b. Signs that are less than one square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets.

~~(8) Decorations that are clearly incidental, customary, and commonly associated with a holiday.~~

~~(8)~~ (9) Temporary signs.

(d) **Exceptions to Permit Requirement.**

- (1) *Maintenance of or Incidental Changes to Existing Signs.* No permit is required for routine sign maintenance, painting, replacing a panel in a cabinet sign (except that the installation of a new manual changeable copy message center or electronic message center does require a permit), or replacing light sources with lighting of comparable brightness.
- (2) *Signs that Do Not Require Permits.* Section 21-4-702, *Types of Signs Permitted*, lists some signs that may be displayed without a sign permit. However, such signs are subject to all applicable provisions of this Division:

(e) **Relationship to Other Regulations.**

- (1) In addition to the regulations set out in this Division, signs may also be subject to applicable State laws and regulations (e.g., State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, as may be amended from time to time), Federal laws and regulations, and applicable adopted building and electrical codes. Exceptions to the sign permit requirement do not constitute exemptions to other applicable codes or permit requirements.
- (2) Where any provision of this Division covers the same subject matter as other regulations of the City, the more specific regulation shall control the more general one, unless the City determines that the more restrictive regulation is facially content-based or otherwise clearly unenforceable as a matter of law.
- (3) Where any provision of this Division covers the same subject matter as other regulations of the State of Colorado or the United States, the applicant is advised that nothing in this Chapter shall be construed as a defense to a violation of applicable state or federal law except as may be provided in the state or federal law.

Sec. 21-4-702. - Types of Signs Permitted

- (a) **Generally.** The types of signs that are allowed in the various zones of the City are specified in Table 21-4-702A, *Permitted Signs by Type, Characteristics, and Zoning District*.

TABLE 21-4-702A PERMITTED SIGNS BY TYPE, CHARACTERISTICS, AND ZONING DISTRICT							
Key: P = Allowed without sign permit; S = Allowed with sign permit; N = Not allowed							
Sign Type Sign Area Placement	Zones						
	Residential	Mixed-Use or Nonresidential					
	EN, RE, RL, RM, RH	MU	CB	I	CBD	CA	A
Attached to Buildings							
Canopy	N-N ¹	N-S ¹	S	S	S	S	N
Max. Sign Area	-	50% of vertical surface area of awning or 50% of fascia of canopy					-
Placement Standards	-	- Allowed on valence of awning or on fascia of canopy; - Awning or canopy must shelter door, window, outdoor activity area, or outdoor seating area; 8 ft. min. vertical clearance is required					-
Marquee	N-N	N-S	S	N	S	S	N
Max. Sign Area	-	70 sf.		-	70 sf.		-
Placement Standards	-	1 per building, above principal entrance 8 ft. min. vertical clearance - Not allowed if projecting sign or v sign is on same elevation	-	1 per building, above principal entrance 8 ft. min. vertical clearance - Not allowed if projecting sign or v sign is on same elevation			
Projecting	N-N	N-S	S	S	S	S	N
Max. Sign Area	-	40 sf.					-

TABLE 21-4-702A PERMITTED SIGNS BY TYPE, CHARACTERISTICS, AND ZONING DISTRICT							
Key: P = Allowed without sign permit; S = Allowed with sign permit; N = Not allowed							
Sign Type Sign Area Placement	Zones						
	Residential	Mixed-Use or Nonresidential					
	EN, RE, RL, RM, RH	MU	CB	I	CBD	CA	A
Placement Standards	-	1 per street-facing building elevation 8 ft. min. vertical clearance is required - Not allowed if marquee sign or v sign is on same elevation					-
Roof	N-N	N-S	S	N	S	S	N
Max. Sign Area	-	50 sf.		-	50 sf.		-
Placement Standards	-	1 per building - Not to exceed lesser of 8 ft. above roof or maximum building height - Not allowed if integral roof sign is present		-	1 per building - Not to exceed lesser of 8 ft. above roof or maximum building height - Not allowed if integral roof sign is present		-
Roof, Integral	N-N	N-S	S	N	S	S	N
Max. Sign Area	-	25% of vertical surface of roof structure		-	25% of vertical surface of roof structure		-
Placement Standards	-	Not allowed if roof sign is present		-	Not allowed if roof sign is present		-
Suspended	N-N	N-S	S	S	S	S	N
Max. Sign Area (per sign)	-	3 sf.					-
Placement Standards	-	1 per building entrance 8 ft. min. vertical clearance required					-
Temporary	P-P	P ² -P	P	P	P	P	P
Max. Sign Area per Building (per sign/total)	4 sf. / 4 sf.	32 sf. / 96 sf.	48 sf. / 96 sf.	32 sf. / 96 sf.	16 sf. / 16 sf.	32 sf. / 96 sf.	32 sf.
Placement Standards	-	- Notwithstanding previous row, temporary signage attached to building shall not exceed 10% of wall area upon which such signs are attached - Temporary wall signs shall be securely fastened to avoid wrinkles and movement in the wind; fasteners shall be concealed					
V-sign	N-S	N-S	S	S	S	S	N
Max. Sign Area		40 sf.					-
Placement Standards	1 per street-facing building elevation 8 ft. min. vertical clearance is required - Not allowed if marquee sign or projecting sign is on same elevation						-
Wall (painted or applied)	N-S	N-S	S	S	S	S	S
Max. Total Sign Area (% wall)	5% of front walls; 100% of all other walls	10% of front walls; 100% of all other walls					5% of front walls; 100% of all other walls
Placement Standards	# of signs not limited						
Wall (cabinet or channel letter)	N-S	N-S	S	S	S	S	N
Max. Total Sign Area (sf.)	1 sf. / lf. of elevation	1.5 sf. / lf. of elevation					-

TABLE 21-4-702A PERMITTED SIGNS BY TYPE, CHARACTERISTICS, AND ZONING DISTRICT							
Key: P = Allowed without sign permit; S = Allowed with sign permit; N = Not allowed							
Sign Type Sign Area Placement	Zones						
	Residential	Mixed-Use or Nonresidential					
	EN, RE, RL, RM, RH	MU	CB	I	CBD	CA	A
Placement Standards	# of signs not limited						
Window	P-N	P ² -P	P	P	P	P	P
Max. Sign Area (% of window)	10%	40%	50%	40%	40%	40%	10%
Placement Standards	# of signs not limited						
Freestanding							
Permanent	P-S	N-S	S	S	S	S	S
Max. Sign Height	5 ft. 8 ft. ³	8 ft.	1 ft. / 10 ft. of frontage, not to exceed 30 ft.		8 ft.	1 ft. / 10 ft. of frontage, not to exceed 30 ft.	8 ft.
Max. Sign Area	6 sf. 20 sf. ³	40 sf.	5 x height, not to exceed 80 sf.		40 sf.	5 x height, not to exceed 80 sf.	12 sf.
Min. Setbacks	5 ft. from property lines; 15 ft. from building walls						
Max. Number	1 per frontage	1 per 200 lf. of frontage, plus 1 sign per ingress and egress not to exceed 4 ft. in height and 8 sf. in area					1 per lot
Temporary	P-P	P ² -P	P	P	P	P	P
Max. Sign Height	5 ft.	4 ft.	8 ft.	8 ft.	4 ft.	8 ft.	8 ft.
Max. Sign Area (per sign)	6 sf.	8 sf.	32 sf.	32 sf.	8 sf.	32 sf.	16 sf.
Min. Setbacks	2 ft. from property lines	3 ft. from property lines; all temporary signs except sidewalk signs shall be set back 10 feet from building walls					
Max. Number	1 per 5 lf. frontage	1 per building	1 per 200 lf. of frontage		1 per lot	1 per 200 lf. of frontage	
Other Standards	Temporary signs shall not block sidewalks or other areas that are intended for pedestrian or vehicular use; sidewalk signs shall leave not less than 4 feet of clear sidewalk for pedestrian circulation						
Table Note: ¹ In this column, the first letter regarding whether and how a sign is allowed applies to single-family detached, manufactured home, duplex, and townhome uses, and the second letter applies to multifamily and nonresidential uses. The standards that appear in the rows below are not applicable to lots where the sign type is not allowed. ² Single-family detached, manufactured home, duplex, and townhome uses are subject to the standards for such uses that are set out in the "Residential" zone column ³ The first number applies to single-family detached, manufactured home, duplex, townhome, and vacant land uses. The second number applies to multifamily and nonresidential uses.							

(b) **Vacant Land.**

- (1) Permanent signs shall not be installed on vacant lots or parcels unless ~~they the lots~~ or parcels are part of an approved subdivision plat.
- (2) Temporary freestanding signs may be installed on vacant lots or parcels as follows:
 - a. A zone standards apply if the subject property is greater than 2 acres in area

- b. CBD zone standards apply if the subject property is 2 acres or less in area.

Sec. 21-4-703. - Design Characteristics

- (a) **Prohibited Elements.** The following elements and materials shall not be incorporated as an element of any sign or sign structure, whether temporary or permanent:
 - (1) Animated or moving parts, including any moving, swinging, rotating, or spinning parts or flashing, blinking, scintillating, fluctuating, or otherwise animated light, except electronic message centers, standard flags, feather flags, banners, temporary holiday displays, and clocks.
 - (2) Cardboard, card stock, or paper, except when laminated or used as a window sign.
 - (3) Motor vehicles, unless:
 - a. The vehicles are operational, and either:
 - i. Automobile dealer inventory; or
 - ii. Regularly used as motor vehicles, with current registration and tags;
 - b. The display of signage on the motor vehicle would not interfere with the immediate operation of the motor vehicle (e.g., signs that are held in place by an open hood or trunk are not allowed; signs that cover windows are not allowed; and signs that would fall off of the vehicle if the vehicle were in motion are not allowed); and
 - c. The motor vehicle is legally parked in a designated parking space.
 - (4) Semi trailers, shipping containers, or portable storage units, unless:
 - a. The trailers, containers, or portable storage units are:
 - i. Structurally sound and capable of being transported;
 - ii. Used for their primary purpose (e.g., storage, pick-up, or delivery); and
 - iii. If subject to registration, have current registration and tags; and
 - b. The display of signage is incidental to the primary purpose; and
 - c. The semi trailer, shipping container, or portable storage unit is parked or placed in a designated loading area or on a construction site in an area that is designated on an approved construction staging plan.
 - (5) Stacked products (e.g., tires, soft drink cases, bagged soil or mulch).
 - (6) Unshielded bare light bulbs that are larger than C9 format or brighter than 50 lumens per bulb, except that neon tubing shall not be considered a "bare light bulb" for the purposes of this standard.

- (7) Materials with a high degree of specular reflectivity, such as polished metal, installed in a manner that creates substantial glare from headlights, street lights, or sunlight. This prohibition does not include retroreflective materials that comply with the standards set forth in the Manual on Uniform Traffic Control Devices ("MUTCD"), published by the U.S. Department of Transportation, Federal Highway Administration.
- (b) **Prohibited Obstructions.** In no event shall a sign, whether temporary or permanent, obstruct the use of:
- (1) Building ingress or egress, including doors, egress windows, and fire escapes.
 - (2) Operable windows (with regard to movement only; obstruction of transparency is allowed as provided herein).
 - (3) Equipment, structures, or architectural elements that are related to public safety, building operations, or utility service (e.g., standpipes, downspouts, fire hydrants, electrical outlets, lighting, vents, valves, and meters).
 - (4) Any required vision clearance area.
- (c) **Prohibited Mounts.** No sign, whether temporary or permanent, shall be posted, installed, mounted on, fastened, or affixed to any of the following:
- (1) Any tree or shrub.
 - (2) Any utility pole or light pole, unless:
 - a. The sign is a banner or flag that is not more than 10 square feet in area;
 - b. The owner of the utility pole or light pole consents to its use for the display of the banner or flag;
 - c. The banner or flag is mounted on brackets or a pole that extend not more than 30 inches from the utility pole or light pole; and
 - d. The banner or flag is either situated above an area that is not used by pedestrians or vehicles, or the bottom of the banner or flag has a sign clearance of at least eight feet.
 - (3) Utility cabinets or pedestals (except signs that are applied by or with the consent of the owner of the utility cabinet or pedestal).
 - (4) An exposed, unfinished metal pole that is more than six feet in height, except that this standard does not apply to flags that are flown from flagpoles.
- (d) **Prohibited Locations.** In addition to applicable setback requirements and other restrictions set out in this Division, no sign shall be located in any of the following locations:
- (1) In or over public rights-of-way (which, in addition to streets, may include other sidewalks, parkways, trails, multi-use pathways, retaining walls, utility poles, traffic calming devices, medians, and center islands that are within public rights-of-way), except:

- a. Signs painted on or affixed to transit shelters and bus benches as authorized by the provider of the shelter or bench, but not extending beyond the physical structure of the shelter or bench; or
- b. Signs that are the subject of a revocable license agreement with the City, installed and maintained in accordance with the terms of that agreement.
- c. Temporary yard signs, so long as they are erected and maintained in accordance with the following limitations:
 - i. Signs may only be placed on rights of way in residential zoning districts.
 - ii. Signs may only be placed on the right of way immediately adjacent to a residential lot if the owner or tenant of such lot has given permission for such placement.
 - iii. Signs may only be in place during the period of time between September 1 and November 15 in any given year.
 - iv. The top of the sign must be less than three feet from ground level.
 - v. Signs must be a minimum of 18 inches behind the back of the curb, and 12 inches from the edge of any sidewalk.
 - vi. Signs may not be larger than 10 square feet.

Formatted: Body Outline i.

Formatted: Body Outline i.

Formatted: Body Outline i.

Formatted: No bullets or numbering

b.

- (2) Within 12 inches from building corners, cornice or eave lines, or ground planes, or within six inches of doors, windows, downspouts, or dimensional architectural details, except that a sign located within a sign band that is 18 inches or less in height may extend to within two inches of the border of the sign band.

- (e) **Illumination.** Internal and external illumination of permanent signs is allowed in all nonresidential and mixed-use zones, and for multifamily and nonresidential uses in residential zones, as follows:

- (1) All illumination shall comply with the standards set out in Division 5-4, *Lighting*.
- (2) External lights, electrical equipment, and wiring shall be concealed from view.
- (3) Flashing, blinking, or chasing lights are not allowed.
- (4) Lighted signs in residential zones shall be turned off by 10:00 p.m.

- (f) **Electronic Message Centers.** Electronic message centers are allowed on freestanding permanent signs in the CB and CBD zones, as follows:

- (1) Electronic message centers are subject to the requirements of Division 5-4, *Lighting*.
- (2) Electronic message centers shall appear to be integrated into a permanent freestanding sign, and shall not comprise more than 35 percent of the sign area of sign to which they are attached.
- (3) Not more than one electronic message center is allowed per subject property.

- (4) Electronic message centers are not allowed if a changeable copy panel is present on the subject property.
- (5) Electronic message centers that are both visible from, and located within 100 feet from, a residential zone shall be turned off by 10:00 p.m.
- (g) **Changeable Copy.** Changeable copy panels are allowed as a component of freestanding permanent signs in the CB zone and on lots that contain nonresidential uses in residential zones, as follows:
 - (1) Changeable copy panels shall not exceed 35 percent of the sign area of the freestanding permanent sign, and shall be located beneath the permanent sign elements.
 - (2) Changeable copy panels shall be secured and protected against weather.

Sec. 21-4-704. - Content

- (a) **Generally.** Except as provided in this Section, no sign shall be approved or disapproved based on the message it displays.
- (b) **Prohibition on Certain Types of Unprotected Speech.** The following content is prohibited without reference to the viewpoint of the individual speaker:
 - (1) Text or graphics of an indecent or immoral nature that is harmful to minors under state or federal law;
 - (2) Text or graphics that advertise unlawful transactions, except as provided in Subsection (c) of this Section;
 - (3) Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats; or
 - (4) Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).

- (c) **Commercial Speech Related to Marijuana.** Federal law prohibits the advertising and sale of marijuana. Colorado law specifically allows the advertising and sale of marijuana, subject to comprehensive state regulation. As of the effective date of this UDC, the U.S. Department of Justice has indicated that it will use prosecutorial discretion to (in general) not enforce federal marijuana laws in states that have legalized marijuana under state law and enacted comprehensive regulations for the marijuana industry. Accordingly, if the City permits marijuana uses, the City will allow a limited exception to Subsection (b)(2) of this Section for the signs of marijuana businesses, provided that the businesses are licensed and operated in compliance with applicable state statutes and regulations. The exception created by this Subsection does not create a defense to the enforcement of federal law, nor shall the City be liable for any damages of any type caused by the enforcement of federal law. If the federal policy regarding prosecutorial discretion officially changes such that federal marijuana prohibitions are enforced in Colorado, then the limited exception created by this Section shall automatically terminate, and signs advertising marijuana shall be considered prohibited signs.
- (d) **Severability.** The narrow classifications of content that are prohibited by this Section are either not protected by the United States or Colorado Constitutions, or are offered limited protection that is outweighed by the substantial and compelling governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each Subsection of this Section (e.g., Subsections (b)(1), (b)(2), (b)(3), (b)(4) or Subsection (c)) be individually severable in the event that a court holds one or more of them to be inconsistent with the United States or Colorado Constitutions.

Division 4-8. - Design Standards

Sec. 21-4-801. - Purpose and Application of Division

- (a) **Generally.** The design standards set out in this Division are intended to be applied to certain types of development or within certain areas of the City. Each section of this Division includes an applicability statement that describes the type of development or the geographic area (or both) to which the standards of the section apply. With the exception of the alternative design standards that may be created by Section 21-4-802, *Alternative Design Standards*, the standards of this Division are applied administratively.
- (b) **Alternative Design Standards.** The City Council may allow the use of alternative design standards instead of otherwise applicable design standards from this Division, as set out in Sec. 21-4-802, *Alternative Design Standards*.

Sec. 21-4-802. - Alternative Design Standards

The design standards set out in this Division are not necessarily the only techniques by which the objective of quality design and development may be achieved. They are intended as minimum standards which, if met, will create the character and quality that the City expects from new large-scale retail sales and services uses. Alternative methods for achieving the objectives of this Division

may be approved if, due to innovative design, the use of natural features or screening, intensive landscaping, or other techniques, it is demonstrated that the design objectives are achieved and that the level of design as expressed in these standards is either met or exceeded.

Sec. 21-4-803. - Large-Scale Retail (“Big Box”) Design Standards

- (a) **Applicability.** The standards of this Section apply to all new development or redevelopment that has all of the following characteristics:
 - (1) The development is located in the CB or MU zone;
 - (2) The development is principally intended for retail sales and services (type 1 or type 2), heavy retail, business services, personal services, liquor stores, or restaurant uses; and
 - (3) The development includes more than 25,000 square feet of floor area within a single building, even if the building is divided into multiple tenant spaces.
- (b) **Architectural Standards.**
 - (1) *Building Articulation and Detailing.*
 - a. Street-facing and parking lot-facing building elevations that are more than 100 feet wide shall be articulated in order to mitigate the appearance of building mass and to provide visual interest, as follows:
 - i. Wall plane projections or recesses that are offset at least three feet for a distance of at least five feet shall be included on the building elevation.
 - ii. The cumulative total width of the required offsets shall not be less than 20 percent of the width of the building elevation.
 - b. Street-facing and parking lot-facing building elevations shall have no rectangular area of “blank wall” that is taller than 15 feet or wider than 40 feet.
 - c. Building elevations that include principal public entrances shall include arcades, display windows, entry areas, awnings, or other comparable features in the area within 10 feet above ground level along not less than:
 - i. 40 percent of their horizontal width in the CB zone; or
 - ii. 60 percent of their horizontal width in the MU zone.
 - d. The features that are required by subsection (b)(1)c., above, must be integral parts of the building’s architecture, and not appear as superficially applied trim, graphics, or paint.
 - (2) *Vertical Articulation and Roof Structures.*
 - a. Variations in apparent building height shall be used to break up building scale (*e.g.*, tower elements, varying roof heights, or varying parapet height).
 - b. Where sloped roof systems are used:

- i. Roof pitch shall be not less than four feet of vertical rise for every twelve feet of horizontal run (4:12 pitch) and not more than 12 feet of vertical rise for every 12 feet of horizontal run (12:12 pitch).
 - ii. The roof system shall have a compound form.
 - c. Where flat roof systems are used:
 - i. Parapets shall conceal the roof system and any rooftop equipment (such as HVAC units) from street-level public view.
 - ii. Parapet height, on average, shall not exceed 15 percent of the height of the supporting wall, and shall not at any point exceed one-third of the height of the supporting wall.
 - iii. Parapets shall include three-dimensional cornice treatment.
- (3) *Cladding Materials.*
 - a. The following shall not be used as primary cladding materials:
 - i. Smooth-faced concrete block;
 - ii. Tilt-up concrete panels;
 - iii. Vinyl siding;
 - iv. Corrugated, "R-panel," "U-panel," or standing-seam metal panels; or
 - v. Exterior insulation finishing systems ("EIFS").
 - b. The following are permitted as primary cladding materials:
 - i. Brick or thin brick;
 - ii. Sandstone or other native stone;
 - iii. Tinted textured or split face concrete masonry units;
 - iv. Pre-finished structural or architectural insulated metal panel systems; or
 - v. Stucco.
 - c. The Administrator may allow additional materials that are not prohibited by subsection (b)(3)a. to be used as primary cladding materials if it is demonstrated that they are of comparable quality, durability, and appearance to the materials that are listed in subsection (b)(3)b.
- (4) *Colors.*
 - a. Principal building colors shall be low reflectance, subtle, neutral, or earth tones. High-intensity colors, primary colors, metallic colors, black, or fluorescent colors are not allowed.
 - b. Building trim and accent areas may be painted or finished with brighter colors (including primary colors).
- (5) *Accent Lighting.* Neon tubing (or comparable lighting systems), whether shielded or not, shall not be used to highlight building trim or accent areas.

(c) **Building Access.**

(1) *CB Zone.* In the CB zone:

- a. Primary public entrances shall be located on the elevation of the building that is closest in distance to the majority of off-street parking spaces. If that elevation is more than 100 feet wide, it shall include at least two public entrances.
- b. If there is only one primary public entrance to the building, it shall be located near the center of the building, or in a location that tends to optimize the accessibility of the entrance from the parking lot.
- c. If there are multiple public entrances, they shall be distributed in a manner that tends to optimize accessibility to the building from the parking lot.
- d. Parking areas shall be designed to provide routes for safe pedestrian access from sidewalks on adjoining rights-of-way to the primary public entrances.

(2) *MU Zone.* In the MU zone:

- a. Primary public entrances shall be located on a street-facing elevation. Access shall also be provided from elevations that face parking lots that serve the use, if those elevations are not street-facing.
- b. Parking areas shall be designed to provide routes for safe pedestrian access to the primary public entrances.

(d) **Additional Setbacks.**

- (1) *CB Zone.* In the CB zone, buildings shall be set back not less than 35 feet from all property lines.
- (2) *MU Zone.* In the MU zone, buildings shall be set back not less than 35 feet from zone boundaries, unless the zone boundary is a street, in which case standard front or street side setbacks apply.

(e) **Sidewalks.** Sidewalks of at least six feet in width shall be provided along all adjoining public streets, and shall be connected to routes that provide safe access to the building.

Sec. 21-4-804. - Downtown Design Standards.

(a) **Purpose and Intent.** The purpose of the downtown design standards is to promote the long-term economic prosperity of Downtown Alamosa as a vital, pedestrian-friendly urban center for government, culture, office, finance, tourism, specialty shopping, dining, and entertainment. These standards are intended to promote:

- (1) Safe and convenient pedestrian circulation,
- (2) Complementary new development and redevelopment that respects the existing character and historic qualities of Downtown Alamosa;
- (3) Adaptive re-use of existing historic buildings; and

- (4) Coordinated design to sustain and further encourage a cohesive downtown core.
- (b) **Applicability.** This Section applies to all development (hereafter referred to as “renovations/development”) within the CBD zone that affects the exterior of properties that are visible from public ways, including alterations, renovations or additions to and replacement of existing buildings, new construction, the erection of a sign, or that involves site disturbance.
- (c) **Building Setbacks and Frontage.** Buildings shall reinforce the traditional building alignment found on the same block. Such alignments vary within the downtown, as follows:
 - (1) Buildings that are located on the following street segments shall be built to the front property line along 100 percent of the street frontage (except at recessed building entries or upper-story step-backs):
 - a. 400 through 700 blocks of Main Street; and
 - b. 300 through 500 blocks of State Avenue.
 - (2) Where buildings are built to the front property line as required by subsection (c)(1), above, recessed building entrances shall be provided for principal public entrances to ground floor uses. Such recessed building entrances are allowed elsewhere in the CBD zone if historically used in the immediate area.
 - (3) In areas of the CBD zone not specifically described in subsection (c)(1), above, buildings shall be constructed to the established building line.
- (d) **Building Mass, Form, and Orientation.** New development, redevelopment, and additions to existing buildings shall be consistent with the traditional mass, scale, orientation, fenestration, and architectural character of the existing buildings in the CBD zone within the immediate area (except buildings with single-family form), as follows:
 - (1) Building forms shall be comparable to those seen traditionally on the same block. Simple rectangular solids are typically appropriate.
 - (2) Building widths shall appear to be similar to those found historically on the same or adjacent blocks. Buildings that are wider than the traditional pattern shall be designed to appear as a series of individual buildings that fit into the traditional pattern (for buildings that are located on corners, this standard applies only to the primary street frontage).
 - (3) Facade proportions shall reinforce those present on historic buildings that are visible from the subject property and the street in front of the subject property, as follows:
 - a. The ratio of the width to height of the building shall appear to be maintained with respect to renovations to existing buildings, such that:
 - i. Expansions of building that extend the building elevation more than 10 feet in horizontal width shall be designed so that addition to the building appears to be a separate building.

- ii. Expansions of the building that add a floor to the building shall be designed so that the vertical addition is stepped back from all vertical building planes along street frontages not less than one foot for each additional foot in height that the addition adds to the building.
 - b. All renovation and development construction shall maintain the original proportions of the facades and storefront openings, including the spacing of storefront bays to one another, in a manner that is consistent with the historic buildings within the downtown.
 - c. The facades of buildings shall include architectural treatments and details that are commonly used on traditional or historic storefronts in Alamosa. Such treatments and details include parapets or cornices, sign bands, upper-story windows, awnings, display windows, and kickplates below display windows. New buildings may utilize contemporary interpretations of traditional or historic treatments and details.
- (4) No area of blank wall shall be larger than 20 feet wide or 12 feet high.
- (5) Roof forms shall be consistent with those of existing and traditional buildings that are visible from the subject property and the street in front of the subject property.
- (6) The standards of this Subsection (d) shall not apply to modifications of single-family detached residential building forms, unless the applicant proposes to change the essential form of the building to a commercial building form. If a single-family detached building form is maintained, the building and roof forms and proportions shall be comparable to the existing building or comparably-aged residential buildings within a one-quarter mile radius. For example, large expanses of glass, such as oversized display windows, or false building fronts are inappropriate on single-family detached residential building forms that are used for commercial purposes.
- (e) **Building Materials.**
- (1) On existing buildings, historical cladding materials shall be maintained, repaired, or replaced in-kind wherever feasible. For example, a brick facade shall generally be maintained, repaired, or replaced with brick, and not stucco or other material.
 - (2) New construction shall use exterior cladding materials that are consistent with traditional or historic downtown buildings in terms of texture, color, scale, durability, and quality. Such materials may include brick, stone, historically appropriate ornamental pressed metal, wood, and stucco.
 - (3) Exterior renovations to existing buildings shall utilize cladding materials that are consistent with the historic materials original to the structure.
 - (4) The following shall not be used as primary cladding materials:
 - a. Smooth-faced concrete block;

- b. Tilt-up concrete panels;
- c. Vinyl siding;
- d. Corrugated, "R-panel," "U-panel," or standing-seam metal panels; or
- e. Exterior insulation finishing systems ("EIFS").

(f) **Building Access.** If a subject property is located on a corner lot within the CBD zone, it shall provide access at the corner or along both the primary street and the side (or "secondary") street. Display windows or outdoor seating areas may be provided along the side or secondary street in lieu of (or in addition to) building access in that location.

(g) **Off-Street Parking.**

- (1) Where parking is provided on-site and in conjunction with a building, all parking shall be located at the rear or to one side of the building. To the maximum extent feasible, ingress and egress to parking lots shall be from an alley.
- (2) Parking that is located to the side of the building shall be buffered from the public sidewalk (except at points of vehicular ingress and egress) with a three-foot high masonry wall that includes a "seat wall" component that is between 18 and 20 inches high (including the cap) and at least 12 inches in depth (at the cap). If the parking lot is accessed from the street, the wall shall be set back three feet from the public sidewalk.
- (3) Parking structures shall be integrated with the architectural character of surrounding buildings.
 - a. To the maximum extent practicable, where parking structures front on streets, retail and other uses along ground floor frontage should be provided to minimize interruptions in pedestrian interest and variety.
 - b. Where such uses are not practicable, parking structures shall be designed so that the use of the building for parking is not obvious (except at points of vehicular ingress and egress) from the building's architecture and finishes.

(h) **Pedestrian Amenities and Streetscape.**

- (1) Street-facing yards, if larger than 10 feet in depth and 500 square feet in area and not used for parking, shall be landscaped with:
 - a. One tree per 1,000 square feet (dropping fractions); and
 - b. Shrubs, perennials, bulbs, a seeded or sodded lawn, hardscaped (e.g., brick pavers) plazas, fountains, sculptures, or xeriscaping.
- (2) Sidewalks shall be provided in all areas of Downtown Alamosa. Sidewalks shall be constructed in such a way as to maintain continuity and historical character of the street.

- (3) Pedestrian-scaled streetscape elements that create visual interest at the sidewalk edge, such as awnings, canopies, planters, seating, and displays may be allowed to encroach upon the portion of the right-of-way used for a sidewalk, subject to a revocable license executed by the City and the owner of the subject property.

Sec. 21-4-805. - Manufactured Home Park and Manufactured Home Subdivision Design Standards

- (a) **Generally.** Manufactured homes may only be placed in manufactured home parks or manufactured home subdivisions. Mobile homes are not permitted anywhere within the City of Alamosa. Manufactured home parks and manufactured home subdivisions shall be designed according to the minimum standards of this Section.
- (b) **Manufactured Home Installation.**
 - (1) All manufactured homes shall meet the following installation specifications:
 - a. The average elevation of a manufactured home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four feet from the top of the foundation pad.
 - b. The wheels, axles, tongue, towing apparatus, and transporting lights shall be removed prior to final installation of the manufactured home.
 - (2) Within manufactured home subdivisions, the space between the finished grade of the property on which a manufactured home is located and the exterior edges of the finished floor of the unit must be skirted with rock, brick, or concrete masonry construction installed on a concrete footing so there is not a visible gap between the finished floor and the ground. All skirting materials shall be compatible in appearance with the home and shall allow for adequate ventilation and drainage. The skirting must be a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the manufactured home and totally screens the crawlspace under the manufactured home.
- (c) **Vehicular Circulation and Configuration of Internal Streets.**
 - (1) Manufactured home parks and manufactured home subdivisions that are designed to accommodate more than 20 manufactured homes shall be designed with a minimum of two points of vehicular ingress and egress.
 - (2) Generally, internal streets must be interconnected or looped. However, where site constraints required a dead-end, a cul-de-sac turnaround shall be provided with a minimum radius that will provide an appropriate turnaround for service and emergency vehicles.
 - (3) Access to all manufactured home lots (or spaces) shall be from interior streets.
- (d) **Perimeter Setbacks.** There shall be a minimum setback of 20 feet from any portion of a manufactured home or accessory structure to any exterior boundary of the manufactured home park or manufactured home subdivision.

- (e) **Pedestrian Circulation.** An internal circulation system of sidewalks, trails, or multi-use pathways shall be installed within the manufactured home park or manufactured home subdivision to provide for safe and convenient pedestrian access and circulation.
- (f) **Lighting.** All interior streets and sidewalks shall be lighted for safe movement of vehicles and pedestrians at night. Such lights shall be shielded to prevent glare on adjacent properties and external streets, and to avoid sky glow.
- (g) **Individual Storage Buildings.** One detached storage building is permitted on each manufactured home lot or space, for use by the resident of that lot or space. All such storage buildings shall be located in the rear one-half of the lot or space.
- (h) **Community Storage Areas.** A manufactured home park or manufactured home subdivision may also include outdoor storage areas for use by all residents for large items such as recreational vehicles, boats, trailers, or commercial vehicles. Such storage areas must be set back not less than 50 feet from the boundaries of the manufactured home park or manufactured home subdivision, and must be completely screened from off-site views. Such storage areas shall not be used for the storage or disposal of junk.
- (i) **Fences and Accessory Structures.** Fences and dog runs are allowed upon lots or spaces that are used for individual manufactured homes, provided that fences are located behind the front building line of the manufactured home and dog runs are located in the back yard.
- (j) **Accommodation of Tiny Homes or Occupied Recreational Vehicles.** A manufactured home park may include areas for tiny homes or recreational vehicles ("RVs"), as follows:
 - (1) Such areas shall not exceed 15 percent of the total area of the manufactured home park.
 - (2) The period of occupancy of RVs shall not exceed 30 consecutive days. The period of occupancy of building code-compliant tiny homes is not limited.
 - (3) In areas designated for RVs, the following additional minimum design standards shall be met:
 - a. The minimum area designated for each RV space shall be not less than 3,500 square feet, with a minimum width and frontage of 35 feet.
 - b. The minimum depth of each RV space shall be 100 feet.
 - c. All RVs parked in a manufactured home park shall be in good repair. Motorized camper vehicles shall have a valid motor vehicle inspection sticker.
- (k) **Buffers.** Manufactured home parks and manufactured home subdivisions shall be screened from adjacent streets with a Class B bufferyard, and screened from adjacent properties with not less than a Class C bufferyard.

Article V. - Site Design Standards

Division 5-1. - Site Design, Circulation, and Connectivity

Sec. 21-5-101. - Purpose and Application

- (a) **Generally.** Review pursuant to this Division is intended to ensure quality design, but, in general, not to require a density or intensity reduction. It is the policy of the City that the principles of this Division be applied to the maximum extent possible without imposing restrictions that reduce the density or intensity of development that is permitted on the subject property by this UDC.
- (b) **Modifications to Plans.** The City may require modifications to proposed site plans or subdivision plats that otherwise conform to the standards of the UDC in order to enhance the quality of the design in accordance with the qualitative principles of this Division. The standards of this Division shall be applied and interpreted in the context of the other applicable standards that are set out in other parts of this UDC.

Sec. 21-5-102. - General Site Design Principles

- (a) **Generally.** Sites should be planned and developed to provide functional and desirable settings for the buildings that are to be constructed, to mitigate impacts on adjacent properties, and to enhance connectivity to other areas of the City for motor vehicles, pedestrians, and bicyclists, as provided in this Section.
- (b) **Compatibility.** The proposed site plan or subdivision plat shall be designed in a way that:
 - (1) Provides appropriate space for buffers and transitions between incompatible land uses or obvious changes in density or intensity along side or rear boundaries of the subject property;
 - (2) In areas where such uses are located or planned in close proximity to each other, provides appropriate linkages between residential uses and retail, restaurant, personal service, entertainment, and office uses, providing access while protecting neighborhood integrity;
 - (3) Protects downstream property and public infrastructure from flooding, erosion, or sedimentation from stormwater runoff;
 - (4) Appropriately addresses natural hazards, if present;
 - (5) Anticipates and provides for future connections to neighboring properties that are likely to be developed, redeveloped, or expanded with similar or supportive land uses within ten years;
 - (6) Minimizes interference with existing access to adjacent and nearby properties, unless new and improved access is provided by the proposed development;
 - (7) Protects significant natural features or views where possible; and

- (8) Does not materially reduce the level of service of public services or utilities that are provided to surrounding development.
- (c) **Future Adjacent Development.** The proposed development shall be designed in a way that shows how future development of adjacent parcels under common ownership (if any) will relate to the subject property in terms of transportation linkages, utilities, and drainage.
- (d) **Flood Damage Prevention.** Development within a special flood hazard area is restricted as provided in Chapter 8, *Flood Damage Prevention*, City of Alamosa Municipal Code.

Sec. 21-5-103. - Circulation and Connectivity

- (a) **Internal Circulation.**
 - (1) Internal circulation systems shall be interconnected.
 - (2) Pedestrian routes shall be located along (or visible from) all streets, except that, where street connections are not feasible or the Administrator determines that they are undesirable, off-street trails and paths may be used instead to provide pedestrian connections among buildings and land uses, and between abutting properties.
 - (3) If proposed development includes more than one street or more than 100 parking spaces, then the internal circulation system (*e.g.*, new streets, sidewalks, or trails) shall be designed such that alternative travel routes are provided through the development.
- (b) **Access.** For multifamily, nonresidential, and vertically mixed-use development, the following access standards apply:
 - (1) Access to off-street parking lots or parking structures shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic ingress and egress, and maximum safety for pedestrians and vehicular traffic on the site.
 - (2) The number of access points shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated.
 - (3) Access points shall not be more than 24 feet in width unless the City Engineer determines that a wider access is necessary (*e.g.*, for tractor-trailers or additional access lanes) and shall be clearly and permanently marked and defined.
 - (4) If there are multiple access points on the same frontage of a subject property, such access points shall be separated not less than 64 feet, measured centerline to centerline. For every foot that the lot frontage exceeds 100 feet, the minimum required separation shall be increased by one foot. The minimum spacing requirement shall not be greater than 200 feet (except where required by CDOT on a State Highway), although spacing wider than 200 feet is allowed if proposed.
 - (5) In the case of a corner lot, access points shall be located not closer than 30 feet to the intersecting street flowlines.

- (6) Access points shall not be located closer than 15 feet to an interior side lot line, except that a common access to two adjoining properties may be provided at the shared lot line.
- (c) **Cross Access / External Connections.**
 - (1) Cross-access shall be provided among nonresidential and mixed-use parcels where practicable, in order to manage curb cuts and balance the need for mobility with the need for access to lots and buildings.
 - (2) Proposed development shall connect to existing and planned streets where necessary to complete planned street networks.
 - (3) Paths, sidewalks, and trails shall not be routed through parking lots (except to make connections to buildings) if other practical alternatives exist. Where paths, sidewalks, or trails must be routed through parking lots, they shall be located between parking modules and protected by curbs.

Sec. 21-5-104. - On-Site Snow Storage

- (a) **Generally.** Adequate areas for snow storage shall be provided for all development that includes streets or on-site parking.
- (b) **Location and Configuration.** Snow storage areas shall be located and configured to safely and efficiently melt snow, and to minimize and manage the impacts of pollutants from the resulting runoff, as follows:
 - (1) Snow storage areas shall be located to drain away from pedestrian and vehicular use areas, and into vegetated buffer strips or other appropriate best management practices (“**BMPs**”), such that water quality is improved and off-site drainage impacts are mitigated.
 - (2) Snow storage areas shall be configured so that stored snow does not obstruct any of the following:
 - a. Sight triangles at driveways and intersections;
 - b. Emergency access routes;
 - c. Required parking spaces;
 - d. Pedestrian routes; and
 - e. Drain inlets.
 - (3) To the greatest extent feasible, snow storage areas shall be located in areas with solar exposure, away from streets, sidewalks, and trails.

Sec. 21-5-105. - Street, Alley, and Pedestrian Way Design

- (a) **Generally.** Streets shall be designed in accordance with the standards of this Section.

- (b) **Street Plans.** Streets shall be located and configured to implement adopted plans of the City that show the general location and classification of new streets, and new arterial and collector streets shall align with existing streets of the same classification. The exact location and classification of new streets will be determined during the development review process.
- (c) **Right-of-Way Dimensions.**
- (1) Street, alley, and pedestrian way right-of-way widths and curves shall meet the standards of Table 21-5-105C, *Right-of-Way Specifications*, unless otherwise approved by the Planning Commission upon a demonstration that an alternative right-of-way width will:
 - a. Provide for appropriate levels of multimodal use that meets City level of service standards and provides for safe travel during all seasons;
 - b. Reduce costs to the City for routine and periodic maintenance;
 - c. Include appropriate connections to existing streets; and
 - d. Improve the character of the area served by the street.

TABLE 21-5-105C RIGHT-OF-WAY SPECIFICATIONS		
Classification	Right-of-way width (ft.)	Minimum centerline curve radius (ft.)
Local	60	100
Collector	60	300
Minor arterial	80	300
Marginal access	40	100
Alley	20	100
Pedestrian way	10	N/A

- (2) Principal arterial streets shall conform to state highway standards.
- (3) Minimum grade shall be determined by the City Engineer.
- (4) Maximum grade through intersections shall be four percent. The maximum grade shall extend a minimum of 50 feet each direction from the centerline of the intersecting streets.
- (5) Pedestrian ways, not less than 10 feet wide, may be required to provide access to schools, playgrounds, shopping centers, open space areas, or other community facilities.
- (6) Sidewalks that are at least four feet in width shall be provided along all sides of a lot that abut a public street or way. Sidewalks shall be constructed within the street right-of-way, parallel to the street, unless:
 - a. A different configuration of the pedestrian circulation system is desirable in order to preserve topographical or natural features, or to provide visual interest;

- b. It is demonstrated that the alternative pedestrian circulation system will provide safe and convenient circulation; and
 - c. The applicant provides for the perpetual maintenance of the alternative pedestrian circulation system through a homeowners' association, special district, or appropriate easements that allocate maintenance responsibilities.
- (d) **Alleys.** Paved alleys that are open at both ends shall be provided in commercial and industrial areas, unless the Administrator determines that other appropriate provisions (other than an alley) are made for service access.
- (e) **Fire Lanes.** Fire lanes shall be required where necessary to protect the subject property and adjoining properties during the period of development and when developed, and an easement to such effect shall be dedicated to the City. The easement shall be 16 feet in width, remain free of obstructions, and provide access at all times.
- (f) **Integration.**
 - (1) Except where interruptions of the street network are necessary due to significant features such as ditches, railroads, parks, or limited access roadways, new streets shall integrate into the existing street pattern so as to:
 - a. Address the new development's access and circulation needs;
 - b. Provide a pattern of streets that facilitates mobility and provides a choice of routes and travel modes, in that existing and planned streets (including streets that are shown on pending applications for development approval on adjacent property) are continued in a similar alignment on the subject property and at a comparable right-of-way and pavement width, except where:
 - i. There is a demonstrated need to change the street cross-section in order to improve the safety of the traveling public, or to provide on-street parking in areas where it is appropriate;
 - ii. The right-of-way or pavement section of the existing street is substandard; or
 - iii. The continuation would create incompatibility or materially concentrate through-traffic in residential neighborhoods.
 - (2) When a tract is subdivided into larger than normal building lot(s) or parcel(s), such lot(s) or parcel(s) shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

- (3) Where the subject property is adjacent to land that is likely to be developed or redeveloped in the future, streets, bicycle paths, sidewalks, trails, and access ways in the development's proposed transportation system shall continue through to the boundary lines of the subject property to provide for the orderly subdivision and development of the adjoining land, or the transportation and access needs of the City.
- (g) **Intersections.** Streets shall intersect as nearly at right angles as possible.
- (h) **Cul-de-sacs.** Cul-de-sacs are allowed where necessary due to site constraints such as topography, site dimensions, or the presence of ditches or railroads; however, no cul-de-sac shall be longer than 600 feet from the point of connection to the street to the middle of the cul-de-sac end, and the turnaround right-of-way diameter ~~shall be~~ at least 100 feet. Surface drainage of the cul-de-sac shall be toward the intersecting street, or if such drainage is not possible, a drainage easement must be provided through the cul-de-sac.
- (i) **Offsets.** Street jogs are not allowed on arterial streets, and may be allowed on collector streets only if it is demonstrated that the physical conditions of the subject property require the offset, and the design will not compromise public safety. Streets with centerline offsets of less than 150 feet will not be accepted.
- (j) **Interim Turnarounds.** Where a street will eventually be extended beyond the boundaries of the subject property, but is temporarily dead-ended, an interim turnaround (e.g., a hammerhead or cul-de-sac with a 90-foot diameter) may be required.
- ~~(k) **Half-Streets.** Half streets are not allowed, unless City Council agrees to the construction of the half street and either of the following are satisfied:~~
- ~~(1) The applicant guarantees the construction of the full street as follows:~~
- ~~a. The applicant obtains for the City a dedication from the adjoining landowner of the other half of the street;~~
- ~~b. The applicant obtains from the adjoining landowner an agreement in a form approved by the City attorney that guarantees the cost of the improvements and construction of the half street within a time acceptable to the Planning Commission; and~~
- ~~c. The applicant guarantees the construction of the half street that will be dedicated from the subject property; or~~
- ~~(2)(k) The applicant and the City Council agree to a comparable arrangement in an improvements agreement.~~
- (l) **Reserve Strips.** Reserve strips in private ownership that purport to control access to streets are prohibited. Reserve strips that are dedicated to the City are allowed.
- (m) **Natural Resources.** New streets shall be located with appropriate regard for topography, vegetation, waterways, ditches, open spaces, and comparable resources that are environmentally sensitive, legally protected, or potential amenities.

Formatted: Body Outline (a)

- (n) **Engineering Specifications.** New streets shall have such dimensions, curbs, gutters, sidewalks, and pavements as may be required by City engineering specifications promulgated by the Public Works Director, and rights-of-way shall be sufficient to accommodate underground utility lines.

Sec. 21-5-106. - Blocks

- (a) **Generally.** Block lengths and widths shall be suitable for the uses or lot sizes that are contemplated, and shall be adequate for requirements pertaining to minimum lot areas, dimensions, and setbacks.
- (b) **Block Length.** Blocks shall be at least 400 feet and not more than 1,320 feet in length unless adjacent to a railroad right-of-way, park, arterial street, natural area, ditch, or similar feature that makes street intersections impractical.

Sec. 21-5-107. - Lots

- (a) **Size and Shape.** Lots shall meet all applicable zoning requirements.
- (b) **Floodplains.** New lots shall not be created that include portions of the floodplain unless a reasonable building envelope exists on a portion of the lot that is outside of the floodplain.
- (c) **Access.** All lots shall take access from a public street. Single-family detached, duplex, townhome, and multiplex lots shall take access only from local streets, or from alleys or parking courts that are connected to local streets.

~~(d) — Aspect Ratio.~~

~~(1) — The maximum depth of a new residential lot shall not exceed two and one-half times its width (the "ASPECT RATIO"), except that the Administrator may approve an aspect ratio of up to four-to-one if the Administrator determines that a larger aspect ratio:~~

~~a. — Will not impact the delivery of public services; and~~

~~b. — Is reasonably necessary due to:~~

~~i. — The dimensions of the subject property from which the lot is proposed to be subdivided; and~~

~~ii. — The location and dimensions of the access to the subject property.~~

~~(2) — For all other new lots, lot depth shall not exceed three times the lot width.~~

~~(e)~~(d) **Lot Frontage.** The minimum lot frontage shall be the least of:

- (1) The minimum lot width required by this UDC for the particular lot type;
- (2) 50 feet for lots that do not front on a cul-de-sac; or
- (3) 35 for lots that front on a cul-de-sac.

~~(f)~~(e) **Double-Frontage Lots.** Double-frontage lots shall be prohibited except:

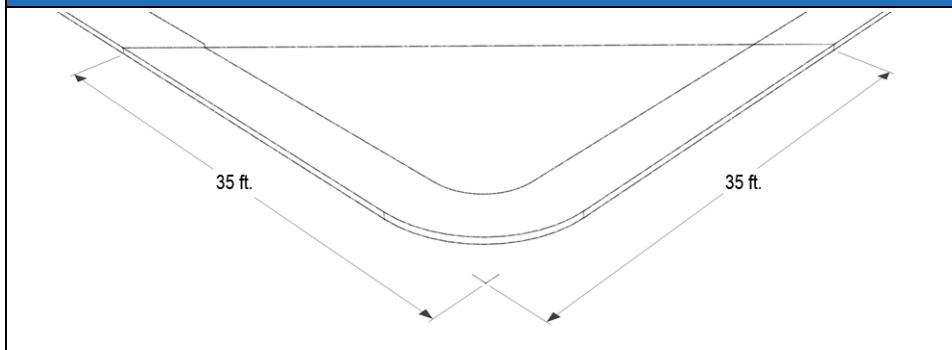
- (1) Where essential to provide separation from arterial streets or state highways; or

- (2) Where lots that span an existing block are assembled for nonresidential or mixed-use development.

Sec. 21-5-108. - Sight Triangles

No building, fence, wall, sign, hedge, shrub, planting, tree, or other sight obstruction between two and one-half feet and eight feet above the elevation of the crown of the street shall be located within the triangular area formed by the edge of the surface of the street or curb line and a line connecting them at points 35 feet from their point of intersection. See Figure 21-5-108, *Sight Triangle*.

FIGURE 21-5-108
SIGHT TRIANGLE



Division 5-2. - Parking and Loading

Sec. 21-5-201. - Purpose and Application of Division

- (a) **Purpose.** The purpose of this Division is to ensure that:
- (1) Adequate off-street motor vehicle parking is provided for uses that are approved pursuant to this UDC, in order to:
 - a. Promote economic development; and
 - b. Protect the character and quality of life in residential neighborhoods that may be impacted by overflow parking;
 - (2) The utilization of parking resources may be optimized based on shared parking programs that allow for the utilization of a parking lot or structure by different uses that have different peak demands for parking, and based on the "internal trip capture" of areas of the City such as the MU, CBD, and CA Zones;
 - (3) Appropriate parking areas and accessible routes will be provided for persons with disabilities when parking lots or structures are developed, expanded, or reconfigured;

- (4) Adequate loading areas and (where appropriate) stacking areas are provided that do not interfere with the function of adjoining streets or 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 Division, such that investments in upgrades to real property are promoted.

(b) **Application.**

(1) *Number of Required Parking and Loading Spaces.*

- a. Section 21-5-202, *Calculation of Required Parking Spaces*, establishes the methodology for calculating the number of required parking spaces, including measurement of independent variables and application of available credits and reductions.
- b. Section 21-5-203, *Parking Tables*, sets out the number of required parking spaces for each land use set out in the use tables, based on the parking district in which the use is located.
- c. Section 21-5-204, *Required Accessible Parking Spaces*, sets out the number of parking spaces that must be designed, located, and configured as accessible parking spaces to meet the requirements of the Americans with Disabilities Act.
- d. Section 21-5-205, *Special Studies*, sets out the requirements for special parking studies, which are generally used to determine parking requirements for certain land uses.
- e. Section 21-5-206, *Credit for On-Street Parking*, allows an allocation of on-street parking spaces within a development to the individual land uses in the development.
- f. Section 21-5-207, *Shared Parking*, sets out the methodology for calculating the number of required parking spaces in locations where different types of uses create different peak parking demands on a particular parking area.
- g. Section 21-5-208, *Remote Parking*, sets out standards for the provision of parking on a property that is off-site from the subject property.

(2) *Parking, Loading, and Stacking Design.*

- a. Section 21-5-209, *Parking Lot Design Standards*, sets out requirements for parking lot design, including the minimum dimensions for parking spaces and drive aisles.
- b. Section 21-5-210, *Parking Space Markings, Traffic Control Devices, and Parking Stops*, sets out the standards for how parking spaces must be delineated, and cross-references standards for traffic control devices.
- c. Section 21-5-211, *Required Truck Loading Areas*, sets out standards for the design of truck loading areas.

- d. Section 21-5-212, *Vehicle Stacking Requirements*, sets out standards for stacking lanes for drive-through uses.
- (3) *Construction, Operation, and Maintenance*. Section 21-5-213, *Construction, Operation, and Maintenance*, sets out standards for the construction, operation, and maintenance of parking lots.
- (c) **Relationship to Certificate of Occupancy.**
 - (1) Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the building inspector.
 - (2) The building inspector may grant an extension of time for completion of parking if:
 - a. The parking space is not required for immediate use;
 - b. The applicant executes an improvements agreement for the parking spaces and provides appropriate security in the form of a letter of credit or cash deposit equaling 125 percent of the cost to complete the improvements as estimated by a professional engineer and approved by the building inspector; and
 - c. The improvements agreement provides that in event the parking spaces are not constructed within one year after the date of extension, the City may apply the security to complete the parking spaces.

Sec. 21-5-202. - Calculation of Required Parking Spaces

- (a) **Generally.** Section 21-5-203, *Parking Tables*, sets out the number of parking spaces that are required for each land use that is listed in Division 2-2, *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) *Floor Area.* Where the independent variable is square feet ("sf."), the number of parking spaces is based on the number of square feet occupied by the use (or occupied by a component of the use that is specified in the table).
 - (2) *Dwelling Unit.* Where the independent variable is a dwelling unit ("U"), the number of parking spaces is calculated based on the number of dwelling units. In some cases, the parking requirements are based on the number of bedrooms (per "# BRU) in each dwelling unit.
 - (3) *Bed.* Where the independent variable is "bed," the number of parking spaces is based on the number of beds in the facility instead of the number of bedrooms or some other measure. Per-bed calculations are typically applied to uses that offer residential care or overnight accommodations with shared rooms.

- (4) *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.
- (5) *Seat / Seat Design Capacity.* If the independent variable is “seat,” the number of parking spaces is based on the number of seats that are provided to guests (patrons, members, etc.). If the independent variable is “seat design capacity,” the number of parking spaces is based on the maximum seating capacity of the use as established by applicable fire code.
- (6) *Maximum Capacity.* If the independent variable is “maximum capacity,” the number of parking spaces is based on the lesser of:
- The maximum number of people who may occupy the use pursuant to applicable fire code; or
 - The maximum number of people who may occupy the use pursuant to other applicable regulatory or operational standards.
- (7) *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 to the nearest whole number using standard rounding techniques.
- (d) **Parking Reductions.** Generally, the total number of required parking spaces is equal to the sum of the required parking for each use of a subject property. However, parking requirements may be reduced according to the methodology of Section 21-5-207, *Shared Parking*.

Sec. 21-5-203. - Parking Tables

- (a) **Generally.** Parking requirements for individual land uses shall be as set out in this Section.
- (b) **Residential and Special Residential Parking Standards.** The Residential and Special Residential Land Use parking standards are set out in Table 21-5-203B, *Residential and Special Residential Parking Standards*.

TABLE 21-5-203B RESIDENTIAL AND SPECIAL RESIDENTIAL PARKING STANDARDS	
Land Use	Parking Standard
Residential Uses	
Single-family detached (all types)	2 sp. / U
Duplex or twin house	2 sp. / U
Townhouse or rowhouse	2 sp. / U
Multiplex or multifamily	1.5 sp. / studio or 1 BRU; 2 sp. / 2 BRU; 3 sp. / 3+ BRU
Manufactured home	2 sp. / U + 1 sp. / 10 U visitor parking in manufactured home park or manufactured home subdivision

**TABLE 21-5-203B
RESIDENTIAL AND SPECIAL RESIDENTIAL PARKING STANDARDS**

Land Use	Parking Standard
Cottage clusters or co-housing clusters	1 sp. / tiny home; 2 sp. / cottage
Live-work	3 sp. / U
Special Residential Uses	
Assisted living or congregate care	2 sp. / 3 U
Boarding or rooming house	2 sp. + 1 sp. / guest room
Convalescent center, Alzheimer's care, memory care, nursing home	1 sp. / 4 beds
Group home	1 sp. / 3 occupants at maximum capacity
Sheltered care facility	1 sp. / 2 beds

- (c) **Civic, Education, and Health Care Parking Standards.** The civic, education, and health care parking standards are set out in Table 21-5-203C, *Civic, Education, and Health Care Parking Standards*.

**TABLE 21-5-203C
CIVIC, EDUCATION, AND HEALTH CARE PARKING STANDARDS**

Land Use	Parking Standard
Civic	
Cemetery or Mausoleum	1 sp. / acre; but If cemetery includes internal roads and grave sites are set back 8 ft. from roads, formal parking is not required.
City Facilities	As determined by City based on facility type
Funeral Home or Crematorium	Greater of: (i) 1 sp. / 3 seats in principal assembly area; or (ii) 1 sp. / 21 sf. of principal assembly area (if no fixed seats) + 2 sp. for crematorium
Place of Assembly	greater of: 1 sp. / 3 seats in principal assembly area; or 1 sp. / 21 sf. of principal assembly area (if no fixed seats)
Protective Care	1 sp. / 2 beds
Day Care	
Adult Day Care	3 sp. / 1,000 sf.
Child Care Center, Small	1 sp. / employee
Child Care Center, Large	5 sp. / 4 employees
Family Child Care Home	Same as dwelling unit; additional parking not required for family child care home unless dwelling unit is nonconforming
Education	
School	middle, elementary or pre-school: 1 sp. / 10 students at maximum capacity; high school: 1 sp. / 2 students at maximum capacity
College or University	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Vocational School / Job Training Center	3 sp. / 2 students during peak use
Health Care	
Hospital or Emergency Room	Greater of: (i) 3 sp. / 2 beds; or (ii) 2 sp. / exam or treatment room
Medical Office or Clinic	1 sp. / 150 sf.

- (d) **General Commercial and Motor Vehicle Parking Standards.** The general commercial and motor vehicle parking standards are set out in Table 21-5-203D, *General Commercial and Motor Vehicle Parking Standards*.

TABLE 21-5-203D GENERAL COMMERCIAL AND MOTOR VEHICLE PARKING STANDARDS	
Land Use	Parking Standard
General Commercial	
Heavy Retail	1 sp. / 600 sf.
Liquor Stores	1 sp. / 250 sf.
Personal Services	1 sp. / 250 sf.
Retail Sales and Services Type 1	1 sp. / 250 sf.
Retail Sales and Services Type 2	1 sp. / 250 sf.
Professional or Business Offices	3 sp. / 1,000 sf.
Recording or Television Studio	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Veterinary and Animal Facilities	3 sp. / 1,000 sf.
Motor Vehicle Land Uses	
Fueling/Charging Stations or Light Motor Vehicle Repairs and Services	1.5 sp. / fueling station (including station itself); 2 sp. / service bay (not including space inside bay)
Heavy Motor Vehicle Repairs and Services	3 sp. / service bay (not including space inside bay)
Motor Vehicle Wash	1 sp. / bay for self-serve wash systems; 4 sp. / conveyor for conveyor-based wash systems; areas used for hand finishing or detailing shall not be counted towards parking requirement
Motor Vehicle Parking	N/A
Motor Vehicle Sales and Rental	3 sp. / 1,000 sf. used for showroom and sales offices + 3 sp. / service bay (not including space inside bay); spaces that are used for inventory shall not be counted towards parking requirement

- (e) **Hospitality, Recreation, and Entertainment Parking Standards.** The hospitality, recreation, and entertainment parking standards are set out in Table 21-5-203E, *Hospitality, Recreation, and Entertainment Parking Standards*.

TABLE 21-5-203E HOSPITALITY, RECREATION, AND ENTERTAINMENT PARKING STANDARDS	
Land Use	Parking Standard
Hospitality	
Bar, Tavern, or Nightclub	Greater of: (i) 1 sp. / 3 seats; or (ii) 11 sp. / 1,000 sf.
Bed and Breakfast	1 sp. + 1 sp. / guest room
Campground or RV Park	1 sp. / campsite, RV space, or cabin
Hotel or Motel	1.1 sp. / guest room + 50% of required parking for accessory restaurant, retail, bar, tavern, or nightclub
Restaurant, Drive-In or Drive-Through	11 sp. / 1,000 sf.
Restaurant, Indoor	11 sp. / 1,000 sf.
Restaurant, Outdoor	11 sp. / 1,000 sf. (including outdoor areas used for dining)
Recreation and Entertainment	
Commercial Equestrian Facility	1 sp. / 4 stables
Indoor Amusement, Recreation, and Entertainment	Seated entertainment: 1 sp. / 2 fixed seats; or 1 sp. / 21 sf. of seating area (if no fixed seats); Bowling alley: 4 sp. / lane + 1 sp. / 75 sf. of dining, billiards, or arcade; All others: 1 sp. / 75 sf.
Indoor Gun Ranges	2 sp. / 3 stations

TABLE 21-5-203E HOSPITALITY, RECREATION, AND ENTERTAINMENT PARKING STANDARDS	
Land Use	Parking Standard
Outdoor Commercial Amusement	Batting cages: 2 sp. + 1.25 sp. / station; Go-cart racing, bumper boats, or bumper cars: 1.25 sp. per car or boat; All other: by special study (see Sec. 21-5-205, <i>Special Studies</i>)
Park	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Sexually-Oriented Business	Retail: 1 sp. / 250 sf. Entertainment: 1 sp. / 21 sf. of area accessible to patrons
Stadium or Amphitheater	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Zoo	By special study (see Sec. 21-5-205, <i>Special Studies</i>)

- (f) **Industry, Transportation, Storage, and Disposal Parking Standards.** The industry, transportation, storage, and disposal parking standards are set out in Table 21-5-203F, *Industry, Transportation, Storage, and Disposal Parking Standards*.

TABLE 21-5-203F INDUSTRY, TRANSPORTATION, STORAGE, AND DISPOSAL PARKING STANDARDS	
Land Use	
Industry	
Heavy Industry	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Light Industry	2 sp. / 1,000 sf.
Marijuana Testing Facility	3 sp. / 1,000 sf.
Resource Extraction, Minerals	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Resource Extraction, Oil and Gas	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Transportation	
Airport	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Heavy Logistics	1 sp. / 5,000 sf.
Helistop	4 sp. / helistop pad
Storage	
Outdoor Storage Yard	4 sp. / acre, but not less than 2 sp.
Self-Storage	2 sp. + 1 sp. / 10,000 sf.
Disposal	
Salvage or Junk Yard	4 sp. / acre, but not less than 6 sp.
Transfer Station	By special study (see Sec. 21-5-205, <i>Special Studies</i>)

- (g) **Utility and Communications Parking Standards.** The utility and communications parking standards are set out in Table 21-5-203G, *Utility and Communications Parking Standards*.

TABLE 21-5-203G UTILITY AND COMMUNICATIONS PARKING STANDARDS	
Land Use	
Utilities	
Major Utility Facilities (110+ kV Power Lines)	N/A

TABLE 21-5-203G
UTILITY AND COMMUNICATIONS PARKING STANDARDS

Land Use	
Communications	
Wireless Telecommunications Facilities	N/A
Telecommunications Towers	1 sp. (formal marking and paving are not required)

- (h) **Agricultural Parking Standards.** The agricultural parking standards are set out in Table 21-5-203H, Agricultural Parking Standards.

TABLE 21-5-203H
AGRICULTURAL PARKING STANDARDS

Land Use	
Agricultural or Commercial Crop Production	N/A
Community Garden	1 sp. / 1 st 20 plots + 1 sp. / 10 plots thereafter
Keeping and Pasturing of Livestock	N/A
Wholesale Nursery or Greenhouse	1 sp. / acre of nursery + 1 sp. / 10,000 sf. of greenhouse

Sec. 21-5-204. - Required Accessible Parking Spaces

- (a) **Generally.** Parking spaces that are accessible to persons with disabilities (“ACCESSIBLE PARKING SPACES”) shall be provided as set out in this Section. Such spaces shall be counted toward the total number of spaces that are provided for the purposes of compliance Section 21-5-203, *Parking Tables*, after applicable reductions.
- (b) **Number of Required Spaces.** Accessible parking spaces shall be provided as set out in Table 21-5-204B, *Number of Accessible Parking Spaces*, or as required by the most current revision of the ADA Standards for Accessible Design, Section 208 (as may be amended or re-titled from time to time), whichever requires more parking spaces for disabled persons.

TABLE 21-5-204B
NUMBER OF ACCESSIBLE PARKING SPACES

Number of Parking Spaces Required by this Division	Number of Accessible Spaces	Number of Spaces that Must be Van Accessible
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2 percent of total number of parking spaces	1 out of 8 accessible parking spaces, rounded up
1,001 and over	20, plus 1 for each 100 parking spaces in excess of 1,000 parking spaces	1 out of 8 accessible parking spaces, rounded up

Sec. 21-5-205. - Special Studies**(a) Generally.**

- (1) Some of the uses that are listed in the tables set out in Section 21-5-203, *Parking Tables*, have nonlinear or widely varying parking demand characteristics. Accordingly, their parking requirements are listed in the tables as "special study." Required parking for these uses shall be established according to the standards of this Section.
- (2) Special studies may also be submitted to support a request to reduce the number of required parking spaces to less than that set out in Section 21-5-203, *Parking Tables*, due to the nature of the operations or specific location of a proposed use. Such special studies shall include and support all requested reductions in parking.

(b) Special Study Requirements.

- (1) A special study shall be conducted by a qualified transportation planner or traffic engineer at the Applicant's expense. The Administrator shall ~~develop and maintain a list of qualifications or certifications that be responsible for determining whether the qualifications of any proposed transportation planner or traffic engineer~~ are acceptable to the City for this purpose.
- (2) The special study shall provide:
 - a. A peak parking analysis of at least three functionally comparable uses.
 - b. 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.

(c) Approval of Special Study.

- (1) The City 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.
- (2) As a condition of approval of a special study, the City may require that land be reserved or land-banked for additional parking if there is a demonstrably high probability that:
 - a. The variability of the parking study may result in a materially higher parking demand than anticipated;
 - b. The use of the improvements on the subject property could change, resulting in a materially higher demand for parking.

Sec. 21-5-206. - Credit for On-Street Parking

In mixed-use developments that provide new on-street parking along internal streets, the on-street parking may be credited to particular uses. The number of parking spaces to be credited equals ($S_a \times P$), where:

S_a = the buildable area of the subject property divided by the developed and buildable area of the mixed-use development in which it is located; and

P = the total parking that is available on-street in the mixed-use development.

Sec. 21-5-207. - Shared Parking

- (a) **Generally.** In locations where a mix of uses allows for synergy with respect to the utilization of parking spaces due to differences in the timing of peak parking demand, the City may reduce the minimum required number of parking spaces according to the provisions of this Section.
- (b) **Shared Parking Table.** Shared parking allows a reduction in the total number of required parking spaces when a subject property is occupied by two or more uses that generally do not have peak parking demands at the same time. When any land or building is used for two or more categories of uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:
- (1) Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals, by the appropriate percentage listed in Table 21-5-207B1, *Shared Parking Table*, for each of the designated time periods.
 - (2) Calculate a sum for all uses for each of the five time periods (each of the columns). The minimum parking requirement is the highest of these sums, plus any reserved spaces that were excluded from the calculation in the first step. Figure 21-5-207B2, *Illustrative Shared Parking Credit Calculation*, provides an example of how to use Table 21-5-207B1, *Shared Parking Table*, to calculate required parking.

TABLE 21-5-207B1 SHARED PARKING TABLE					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail / Commercial	5%	70%	90%	100%	70%
Commercial Lodging	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%

**TABLE 21-5-207B1
SHARED PARKING TABLE**

Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
All Others	100%	100%	100%	100%	100%

**FIGURE 21-5-207B2
ILLUSTRATIVE SHARED PARKING CREDIT CALCULATION**

EXAMPLE: A mixed-use building has 4 two-bedroom apartments, 5,000 square feet of office space, and 5,000 square feet of retail space. Individually, these uses would separately require 43 parking spaces ((4 du. x 2 sp. / unit) + (5,000 sf. x (3 sp. / 1,000 sf.)) + (5,000 sf. x (1 sp. / 250 sf.)) = 43). However, combined, they could share 34 parking spaces, as shown in the calculation below.

Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential (8 spaces)	100% x 8 = 8	60% x 8 = 4.8 ¹	90% x 8 = 7.2	80% x 8 = 6.4	90% x 8 = 7.2
Office (15 spaces)	5% x 15 = 1	100% x 15 = 15	10% x 15 = 1.5	10% x 15 = 1.5	5% x 15 = 0.8
Retail / Commercial (20 spaces)	5% x 20 = 1	70% x 20 = 14	90% x 20 = 18	100% x 20 = 20	70% x 20 = 14
Commercial Lodging	80% x 0 = 0	80% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Restaurant	10% x 0 = 0	50% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Gaming and Entertainment	10% x 0 = 0	40% x 0 = 0	100% x 0 = 0	80% x 0 = 0	100% x 0 = 0
All Others	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0
COLUMN TOTALS	10	34^{1,2}	27	30	22

TABLE NOTES:

¹Round to the nearest 1/10th space for each individual calculation, then apply standard rounding to the column total (in this case, round 33.8 to 34).

²The largest number, 34, is the number of parking spaces that are required. In this example, the number of required parking spaces is reduced by 21 percent due to the optimization of the peak use periods in the parking lot.

(c) **Special Shared Parking Study.**

- (1) In the alternative to the methodology in Table 21-5-207B1, *Shared Parking Table*, an Applicant may submit a shared parking study to demonstrate that the parking that is required to serve a certain mix of uses is less than the sum of the parking requirements for each individual use.
- (2) The special study shall be conducted by a qualified transportation planner or traffic engineer at the Applicant's expense (the Administrator shall be responsible for determining whether the qualifications of any proposed transportation planner or traffic engineer shall develop and maintain a list of qualifications and / or certifications that are acceptable to the City for this purpose), and shall:
 - a. Review peak parking demand periods for the proposed uses during a 24-hour weekday and each weekend day, and shall propose a required number of parking spaces based on the combined peak hour demand for parking.
 - b. Provide data on the following:

- i. The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.
 - ii. Similar mixes of uses in other areas of the region or comparable cities in other regions.
 - iii. Degree of variability of parking for individual uses (average, range, and standard deviation).
- (3) The City may require a reserved open area if it finds that the risk of parking needs changing over time so warrants. Once the project is occupied and well-established, if there is a surplus of parking, the Applicant may petition for additional development capacity and parking using the reserved area.
- (d) **Shared Parking Among Lots Under Different Ownership.** A shared parking reduction may be applied to uses on several properties that are under different ownership, provided that long-term maintenance of the arrangement is assured by:
 - (1) An approved parking plan that provides for interconnected parking lots and a pedestrian circulation system that connects the various uses and parking areas, such that it is convenient to move among the various uses; and
 - (2) Recorded access and parking easements, approved as to form by the City Attorney, that provide, at a minimum, for:
 - a. Cross-access among the parking areas and connections that allow for parking by any of the different uses anywhere among the parking areas;
 - b. Allocation of maintenance responsibilities;
 - c. A right of enforcement by the City; and
 - d. A requirement for City consent in order to terminate the easements.

Sec. 21-5-208. - Remote Parking

- (a) **Generally.** In the CA, MU, and CBD zones, remote parking may be provided in lieu of on-site off street parking, pursuant to the standards of this Section. Remote parking is not allowed for residential uses unless they are located within a CA Zone and the purpose of the campus is academic.
- (b) **Location of Remote Parking.**
 - (1) The remote parking must be in a zone that allows surface parking as a principal use.
 - (2) The distance from the **nearest** wall of the building to be served by remote parking and the **nearest** boundary of the remote parking lot shall not exceed 300 ft.
 - (3) No street that is higher order than a collector shall separate the subject property from the remote parking.
- (c) **Parking Plan Required.**

- (1) All applicants that propose remote parking shall provide a parking plan that addresses the following:
 - a. The location of the parking area and the distance between it and the subject property;
 - b. The path of safe pedestrian travel (*e.g.*, sidewalk, across certain streets, parking lot(s), trails) between the buildings or land uses and the remote parking facility;
 - c. The total number of parking spaces that are required for the subject property;
 - d. The number of proposed remote parking spaces; and
 - e. Information on total parking demand served by the remote parking facility, including:
 - i. The location and names of all buildings, structures, or land uses for which the parking spaces are provided;
 - ii. Days and hours of operation of the uses that utilize the facility;
 - iii. Peak days and hours of operation of such uses;
 - iv. Parking calculations for each use that utilizes the facility, including the measurement of the independent variable use to calculate required parking;
 - v. Shared parking calculations, if used; and
 - vi. A loading and unloading plan for the Subject Property and the remote parking facility; and
 - f. If required by the Administrator, a study by a parking or traffic consultant to demonstrate that there is no substantial conflict (*e.g.*, materially increased risk of vehicular-pedestrian conflict or unreasonable traffic congestion) inherent in the proposed remote parking arrangement.
- (d) **Required Legal Documentation.** An executed legal agreement, in a form acceptable to the City Attorney, by and among the owners of the properties for which remote parking arrangements are proposed, shall include at a minimum the following:
 - (1) The parking plan;
 - (2) A legal description of the properties to be bound;
 - (3) Allocation of responsibilities for permanent improvement and maintenance of off-site parking areas;
 - (4) Termination only if the City consents, upon demonstration by the applicant to the City that the affected uses fully comply with minimum parking requirements in the absence of the remote parking area(s) provided for in the agreement; and

- (5) Recognition of the authority of the City to base decisions regarding development approvals for the properties that are subject to the agreement upon the remote parking provided for in the agreement, and to seek enforcement against any or all parties if the parking is not provided according to the terms of the agreement.
- (e) **Recording.** A copy of the approved parking plan and fully-executed legal agreement shall be recorded at the office of County Clerk, and shall thereafter be binding upon the applicants, their heirs, successors, and assigns. Such recordation shall thereafter limit and control the issuance of permits and certificates and the operation of all properties that are subject to the parking plan.

Sec. 21-5-209. - Parking Lot Design Standards

- (a) **Parking Lot Design.**
 - (1) All surface parking spaces for multifamily and nonresidential uses shall be set back 10 feet from the front lot line and five feet from all other lot lines, except that parking lots on adjoining lots may be connected.
 - (2) Parking spaces for live-work, multiplex, multifamily, and nonresidential uses shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- (b) **Relationship to Buildings.**
 - (1) In the MU Zone, parking lots shall be located to the rear or sides of nonresidential, multifamily, and mixed-use buildings.
 - (2) The location of parking lots in relation to buildings in other zones or for certain development types may be subject to requirements set out in Division 4-8, *Design Standards*.
- (c) **Standard Parking Space Dimensions.** Standard parking spaces shall have the following dimensions:
 - (1) Parallel parking spaces: 8 ft. stall width x 25 ft. stall length.
 - (2) Surface angled parking spaces (30 to 90 degrees from centerline in the direction of travel): 9 ft. stall width x 20 ft. stall length.
 - (3) Structured or enclosed angled parking spaces (30 to 90 degrees from the centerline in the direction of travel): 9 ft. stall width x 18 ft. stall length.
- (d) **Compact Parking Spaces.** Up to five percent of required parking spaces may be "compact parking spaces." Compact parking spaces may only be provided in angled configurations. The dimensions of a compact parking space are 8 ft. stall width x 15 ft. stall length.
- (e) **Accessible Parking Space Dimensions, Design, and Location.**

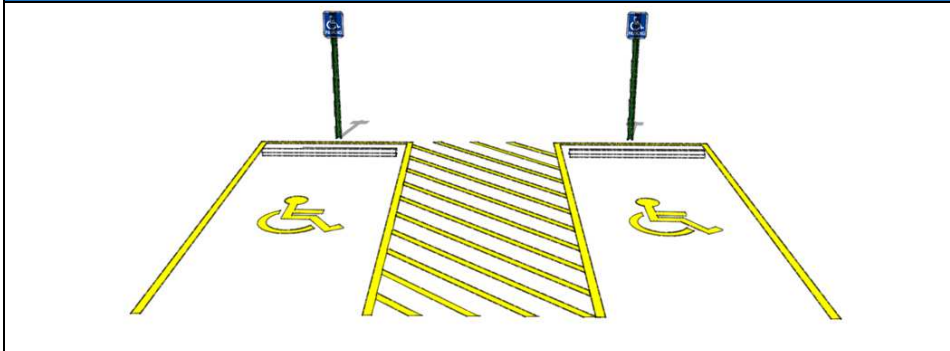
- (1) The design and location of disabled parking spaces shall be as required by the 2010 ADA Standards for Accessible Design, Section 502 (as may be amended or subsequently titled or numbered from time to time, "ADA 502"), at the time the parking space is striped;
 - (2) Accessible routes to and from accessible parking spaces shall be provided as required by ADA 502, at the time the parking spaces are striped; and
 - (3) Accessible routes shall be graded according to the standards of ADA 502, at the time the parking lot is developed or any time it is re-graded.
- (f) **Vertical Clearance.** A vertical clearance of not less than eight feet shall be provided over all parking spaces. 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. All parking structure entrances shall include an overhead bar to alert oversized vehicles regarding vertical clearance.
- (g) **Parking Aisle Widths.** Parking aisles shall be dimensioned as shown in Table 21-5-209G, *Minimum Parking Aisle Width*.

TABLE 21-5-209G MINIMUM PARKING AISLE WIDTH					
Measurement	Parking Space Angle (from Centerline in the Direction of Travel)				
	0° / Parallel Parking	45°	60°	75°	90°
Min. One-Way Drive Aisle Width	13 ft.	14 ft.	16 ft.	18 ft.	24 ft.
Min. Two-Way Drive Aisle Width	19 ft.	Not allowed	Not allowed	Not allowed	24 ft.

Sec. 21-5-210. - Parking Space Markings, Traffic Control Devices, and Parking Stops

- (a) **Generally.** All parking spaces shall be marked and maintained on the pavement and any directional markings or signs shall be installed and maintained as required by the approved parking plan.
- (b) **Accessible Parking Spaces.** Each accessible parking space shall be marked with a free-standing or wall mounted sign using the standard symbol that signifies the space as designed to be accessible to persons with disabilities, along with the phrase "ACCESSIBLE PARKING." In addition, the standard symbol shall be painted on the pavement within the parking space. (See Figure 21-5-210B, *Illustrative Accessible Parking Spaces*.) This requirement shall automatically change to conform to any amendments to the 2010 ADA Standards for Accessible Design (as may be amended, re-titled or renumbered from time to time) that are in effect at the time the parking space is striped.

FIGURE 21-5-210B
ILLUSTRATIVE ACCESSIBLE PARKING SPACES



- (c) **Traffic Control Devices.** All traffic control devices (signs, markings, and signals) shall conform to the *Manual on Uniform Traffic Control Devices (MUTCD)*, latest edition.
- (d) **Parking Stops.**
 - (1) Parking stops, curbs, or bumper rails shall be installed in all parking spaces (except parallel parking spaces) at the perimeter of the parking lot and in all ADA-accessible parking spaces (except parallel parking spaces).
 - (2) Parking stops or curbs shall be at least four inches high and set back a minimum of four feet from the sidewalk line. Bumper rails, if used, shall be set back a minimum of one foot from the sidewalk line.
 - (3) The City may require the installation of parking stops, curbs, or bumper rails in other locations if they are needed to prevent traffic from cutting across the parking lot outside of the drive aisles.

Sec. 21-5-211. - Required Truck Loading Areas

- (a) **Generally.**
 - (1) Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.
 - (2) If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
 - (3) Off-street parking areas used to fulfill the requirements of this Section shall not be used for loading and unloading operations except during off-peak parking periods.

- (b) **CBD and MU Exception.** In the CBD Zone and MU Zone, over-the-curb loading from local streets or alleys is allowed in lieu of the off-street loading requirements of this Section, provided that the loading occurs during off-peak hours and the areas that are used for loading are approved by the Public Works Director.
- (c) **Loading Space 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.
- (d) **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.
- (e) **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 loading area.
- (f) **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 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. The uses that share loading areas meet all of the following criteria:
 - i. The uses are adjacent;
 - ii. Convenient, complimentary hours are established for loading and unloading, and such hours are posted;
 - iii. The loading spaces are easily accessible and well-lit; and
 - iv. The loading areas are not located on through traffic streets, and whenever possible, are located behind one of the buildings served by the loading areas.
- (g) **Relationship to Building.**
- (1) Except in the I Zone, loading areas shall be located behind the principal building or may be located on the side of the principal building if the loading areas are screened from front and side views by wing walls or a shed structure.

- (2) In the I Zone, the location of loading areas in relation to buildings is not restricted.
- (h) **Design.** Off-street loading facilities shall be designed so that they do not interfere with fire exits or emergency access routes.

Sec. 21-5-212. - Vehicle Stacking Requirements

- (a) **Generally.** 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. Stacking spaces measure eight feet wide by 20 feet long and provide direct access to a service window. The position in front of a drive-through station (*e.g.*, a service window, ATM, or station at a drive-through bank) is counted as a stacking space.
- (b) **Requirements.** 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):
 - i. Four stacking spaces to each menu board (including the position at the menu board);
 - ii. Four stacking spaces between the menu board and the first window (including the position at the first window); and
 - iii. Two spaces between the first window and the second window (including the position at the second window).
 - b. If one service window is provided (for both payments and pick up):
 - i. Six stacking spaces to the menu board; and
 - ii. 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 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.

(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 a parking bufferyard separates the stacking area from the street.

(3) Stacking lanes shall be designed with an adjoining eight-foot wide bypass lane.

Sec. 21-5-213. - Construction, Operation, and Maintenance

(a) **Driving and Parking Surface.** Areas used for parking, standing, and maneuvering of vehicles shall ~~be surfaced with asphalt or concrete or other material of comparable quality approved by the Administrator, and must be have durable and dustless surfaces that are~~ maintained adequately for all-weather use.

(b) **Operation of Parking Lots.** Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

(c) **Operation of Loading Areas.** The long-term storage of trucks and trailers in loading spaces is prohibited. Such spaces shall be available for routine use by delivery vehicles.

Division 5-3. - Landscaping and Open Space

Sec. 21-5-301. - Purpose and Application of Division

(a) **Generally.** This Division includes standards for three categories of landscaping:

(1) *General Landscaping.* General landscaping is the landscaping that is required regardless of the location of the subject property with respect to other uses.

(2) *Parking Lot Landscaping.* Parking lot landscaping is the landscaping within and on the ~~boundaries~~^{corners} of surface parking lots.

(3) *Bufferyard Landscaping.* Bufferyard landscaping is contextual. That is, bufferyards are required (or not) based on the zoning, development type, or right-of-way type that adjoins the subject property.

(b) **Relationship to Open Space Ratio or Landscape Surface Ratio.** The landscaping areas that are defined in this Division are counted towards the open space ratio and landscape surface ratio of the subject property.

(c) **Applicability of Standards; General Exceptions.**

- (1) Except as provided in Subsection (b)(2), the standards of this Division apply to all new development, redevelopment, or substantial improvements to existing sites or buildings.
- (2) The standards of this Division do not apply to:
 - a. Individual lots that are used for existing single-family detached or duplex dwellings.
 - b. Modifications to nonresidential buildings where the redevelopment does not expand the floor area of the use by more than 10 percent.
- (d) **Landscape Calculations.** No area of a subject property shall be counted more than once for the purposes of applying landscaping requirements.

Sec. 21-5-302. - Landscape Design Principles

- (a) **Generally.** Landscapes for nonresidential and multifamily development that involve more than 1,000 square feet of landscaped area shall be designed by a qualified landscape architect or design professional. The Administrator shall develop and maintain a list of qualifications or certifications that are acceptable to the City for this purpose.
- (b) **Plant Spacing.** Plant spacing shall allow for adequate growth of plants at maturity and for intersection visibility.
- (c) **Family, Genus, and Species Selection.**
 - (1) Within each category of required planting (*i.e.*, canopy trees, understory trees, evergreens, and shrubs):
 - a. Not more than 30 percent shall be of any one family;
 - a.b. Not more than 40-20 percent shall be of any one genus; and
 - b.c. Not more than 20-10 percent shall be of any one species.
 - (2) Native and low-water demanding plants and turf shall be used where practicable.
 - (3) Native species and natural drainage ways shall be protected if practicable.
 - (4) Plants shall be compatible with project soils.
 - (5) Russian Olive (*Elaeagnus angustifolia*), Salt Cedar (*Tamarix ramosissima*), and plants that are identified as noxious, invasive, or prohibited by the United States or the State of Colorado shall not be planted in the City.
- (d) **Irrigation and Soil Moisture Control.**
 - (1) Plants with similar water requirements shall be grouped together on the same irrigation hydrozone;
 - (2) High-irrigation turf and plantings shall be limited to appropriate high-use areas with high visibility and functional needs;
 - (3) Soil improvements shall be incorporated where necessary for healthy plant growth; and

- (4) In permeable areas that are not covered by groundcover vegetation, mulch or rock shall be applied to help retain water in the soil and to help prevent erosion.

Sec. 21-5-303. - Size and Quality of Landscape Plants; Tree Preservation Credits

- (a) **Size and Quality of Landscape Plants.** In general, plant materials that are installed according to the requirements of this Division shall meet the standards that are set out in this Section. However, larger sizes may be required to ensure survival or to implement a condition of approval of a limited or conditional use.
- (b) **Minimum Size of Landscape Materials.** The minimum sizes of landscape materials used to satisfy the requirements of this Division are set out in Table 21-5-303B, *Minimum Size of Landscape Materials*.

TABLE 21-5-303B MINIMUM SIZE OF LANDSCAPE MATERIALS	
Type of Plant Material	Minimum Caliper, Height, or Container Size
Evergreen Trees	6 ft. Height
Deciduous Shade Trees	2 in. Caliper
Deciduous Ornamental Trees	2 in. Caliper
Shrub	5 gallon minimum; if used in bufferyards, estimated growth to 3 ft. in height within 3 years

- (c) **Specification of Landscape Materials.** ~~All plant material shall be true to type, form, species, quality and free of injury, broken root balls, pests and diseases as well as conform to the minimum requirements described in "American Standards for Nursery Stock" (ANSI Z60.1), published by AmericanHort, as may be amended from time to time, and follow the Green Industries of Colorado ("GreenCo") Tree Planting Recommendations, as may be amended from time to time. Plant materials shall have normal, well-developed branches and vigorous root systems. All plant material shall meet specifications of the American Nursery and Landscape Association for Number 1 grade. Plant materials shall have normal, well-developed branches and vigorous root systems. They shall be healthy and free from defects, decay, sunscald injuries, abrasions of the bark, insect pests, and all forms of infestations or objectionable disfigurements.~~
- (d) **Tree Preservation Credits.**
- (1) Existing trees that are preserved on a subject property count towards the planting requirements of this Division, provided that:
- They are established for at least five years and not prohibited by Section 21-5-302, *Landscape Design Principles*, subsection (c)(5); and
 - They are not:
 - Overmature;
 - Diseased;
 - Poor in form;

- iv. Leaning heavily over buildings;
- v. Too close to building foundations;
- vi. Damaging sidewalks and driveways; or
- vii. Impacting utilities.

- (2) Preserved trees may count as more than one tree for the purposes of the landscaping requirements, as set out in Table 21-5-303D2, *Tree Preservation Credits*.

TABLE 21-5-303D2 TREE PRESERVATION CREDITS			
DBH of Tree to be Preserved		Tree Credit	Landscape Area Where Credit May Be Applied
Min. Diameter	Up to, But Not Including		
none	10 inches	1	Location of preserved tree.
10 inches	15 inches	2	Location of preserved tree.
15 inches	20 inches	3	Location of preserved tree, or any other location except a bufferyard.
20 inches	no limit	5	Location of preserved tree, or any other location except a Class C or Class D Bufferyard.

Sec. 21-5-304. - General Landscaping

- (a) **Generally.** General landscaping is required as set out in this Section.
- (b) **Applicability.** The standards of this Section apply in all zones except CBD, and except as provided in Section 21-5-301, *Purpose and Application of Division*, subsection (c)(2).
- (c) **General Landscape Area.**
- (1) The general landscape area is the permeable area of the subject property, except for the following areas:
- a. Parking lot landscape areas (see Sec. 21-5-305, *Parking Lot Landscaping*);
 - b. Bufferyards (see Sec. 21-5-306, *Bufferyard Landscaping*);
 - c. Areas within and extending up to 15 feet from plazas, play fields, or other outdoor gathering spaces or recreation areas, the use of which would be diminished by the presence of trees;
 - d. Areas within designated outdoor storage areas or work areas;
 - e. Areas within irrigation ditch easements, or within 30 feet of the ditch bank if the easement does not have delineated boundaries;
 - f. Areas used for gardens;
 - g. Wetlands and waterbodies;
 - h. Stormwater detention facilities;
 - i. Utility and drainage easements;
 - j. Wooded areas;

- k. Areas where ground-mounted solar panels (of any type) are installed, and any areas around them that must be kept clear of vegetation to avoid shading of the panels in order to optimize their use;
 - l. Permeable areas that are less than 80 square feet that are enclosed by any combination of buildings, structures, impermeable surfaces such as asphalt or concrete, or any of the areas described in Subsection (c)(1), above; and
 - m. Areas in which the soils or topography are not suitable for the establishment and growth of healthy trees.
- (d) **Waiver or Reduction of Tree Planting Requirements.** The Administrator may waive or decrease planting requirements if the total number of trees that are required exceeds the number that can be reasonably planted on the subject property without materially increasing fire risk, compromising the health of the trees, or diminishing the use of the property.
- (e) **Tree Planting Requirements.** Trees shall be planted in all general landscaping areas at a rate of not less than one tree per 2,000 square feet of general landscaping area, with fractions dropped.
- (f) **Landscape Design.** The tree planting requirements are not spacing requirements. Trees may be planted in formal or informal arrangements. Trees that reach a mature height of more than 25 feet shall not be planted within 20 feet of an overhead utility line.
- (g) **Groundcovers.** Groundcovers shall be planted as necessary to stabilize soil and prevent erosion.

Sec. 21-5-305. - Parking Lot Landscaping

- (a) **Generally.** Parking lot landscaping is required as set out in this Section.
- (b) **Applicability.** The standards of this Section apply to surface parking lots associated with all nonresidential and multifamily uses, except parking lots that contain fewer than 16 parking spaces, and except in the CBD Zone.
- (c) **Parking Lot Landscape Areas.** Landscaping is required in all of the following areas:
- (1) At the ends of parking aisles, planted in endcap islands that are not less than nine feet wide and 36 feet long (18 feet where the parking module does not adjoin another parking module), with 10 foot curb radii on the side that faces outward from the parking aisle;
 - (2) Between the endcaps of parking rows, either:
 - a. Planted in interior islands that are not less than nine feet wide and 36 feet long (18 feet where the parking module does not adjoin another parking module), with 5 foot curb radii at both ends; or
 - b. Planted in interior landscape strips that are at least five feet wide that are located between parking modules, or at the edges of parking modules where parking modules do not adjoin each other.

- (3) At the corners of parking lots, planted in corner islands, which are the area defined by the extension of the outer edges of intersecting parking modules.
- (d) **Spacing of Parking Lot Landscape Areas.** Parking lot landscape areas shall be spaced so that no parking lot landscape area is more than 100 feet from any other parking lot landscape area, measured from curb to curb.
- (e) **Planting Requirements.**
- (1) Each endcap island, interior island, and corner shall be planted with a minimum of one canopy tree or two understory trees.
 - (2) Each landscape strip shall be planted with not less than one canopy tree or two understory trees per 100 linear feet. Formal arrangement of the trees in the landscape strip is not required.
 - (3) The Administrator may waive the planting requirements of this subsection, or allow the landscaping to be planted in an alternative location on the subject property (if reasonably available), for any particular landscape area or portion thereof if:
 - a. The tree or trees will interfere with sight triangles that are necessary for safe ingress to or egress from the parking lot; or
 - b. The landscape area is not conducive to the healthy growth of trees (*e.g.*, due to topography, solar orientation, or soil types); or
 - c. The landscape area is part of a stormwater conveyance system, and is not suitable for tree planting.

Sec. 21-5-306. - Bufferyard Landscaping

- (a) **Generally.** Bufferyard landscaping is required as set out in this Section, and as set out in this UDC for specific uses or situations.
- (b) **Applicability.** The standards of this Section apply to all required bufferyards.
- (c) **Bufferyard Classifications.** For the purposes of this UDC, there are five classifications of bufferyards, as set out in Table 21-5-306C, *Bufferyard Classifications*.

TABLE 21-5-306C BUFFERYARD CLASSIFICATIONS						
Bufferyard Classification	Width	Required Plantings per 100 Linear Feet				Berm, Opaque Fence, or Wall ¹
		Canopy Trees	Understory Trees	Evergreen Trees	Shrubs	
Class A	5 ft.	1	1	1	10	Not required
Class B	10 ft.	2	1	1	20	Not required
Class C	25 ft.	2	2	4	30	6 ft. high
Class D	30 ft.	3	3	4	30	8 ft. high
Parking Bufferyard	5 ft.	0	0	0	40	3 ft. high allowed as alternative to shrubs ²

TABLE 21-5-306C BUFFERYARD CLASSIFICATIONS						
Bufferyard Classification	Width	Required Plantings per 100 Linear Feet				Berm, Opaque Fence, or Wall ¹
		Canopy Trees	Understory Trees	Evergreen Trees	Shrubs	
TABLE NOTE: ¹ If a fence or wall is used, all understory trees and shrubs, and not less than 50 percent of the canopy trees and evergreen trees shall be planted on the outside of the wall. If a berm is used, all shrubs shall be planted on the outside (or outside slope) of the berm. ² For nonresidential uses that are located within or adjacent to a residential zone, an opaque fence or wall that is not less than five nor more than six feet in height is required on all boundaries of the subject property that are shared with properties that are in a residential zone.						

- (d) **Parking Bufferyards.** Surface parking lots for multifamily and nonresidential land uses shall be buffered from adjoining streets and adjoining residential property. Unless another type of bufferyard is required along the same boundary of the subject property, the minimum bufferyard for this purpose shall be a Parking Bufferyard.

Sec. 21-5-307. - Maintenance Standards

- (a) **Generally.** All landscaping elements and irrigation equipment shall be maintained in good condition. Ongoing maintenance, including the replacement of dead or unhealthy plantings, is required for areas that are landscaped pursuant to an approved landscape plan.
- (b) **Restrictions within Dripline or Critical Root Zone of Trees Used for Credit.** The following restrictions apply within the larger of the dripline or the critical root zone of trees that are used for credit pursuant to Section 21-5-303, *Size and Quality of Landscape Plants; Tree Preservation Credits*:
- (1) *Prohibited Activities.* The following are not allowed:
 - a. Cutting or filling;
 - b. Storage of building materials or debris;
 - c. Disposal of wastes;
 - d. Installation of impervious paving.
 - (2) *Barricades Required.* The dripline or critical root zone shall be barricaded during construction to prevent damage to the trees and their roots by construction equipment.

(c) **Prohibited Tree Pruning Techniques.**

(e)(1) The following pruning techniques are prohibited on trees that are preserved or planted pursuant to an approved landscape plan:

- (1)a. Topping (cutting large vertical branches of the tree to reduce its height).
- (2)b. Tipping (cutting branches between nodes).
- (3)c. Bark ripping (cutting branches so that the bark rips when the branch falls).
- (4)d. Flush cuts (cutting the branch too close to the collar, the area where the branch connects to the tree).

Formatted: Body Outline (1)

e. _____ Stub cuts (cutting branches too far away from the collar, the area where the branch connects to the tree).

~~(5)(2)~~ All pruning of trees within the public right-of-way or on public property shall be performed in accordance with ANSI A300, Part 1 (Pruning), as amended from time to time, and ~~TREE PRUNING BEST MANAGEMENT PRACTICES or BEST MANAGEMNT PRACTICES - UTILITY PRUNING OF TREES, as applicable (published by the International Society of Arboriculture), as either may be amended from time to time.~~

Formatted: No underline, Font color: Auto, Small caps

Formatted: No underline, Font color: Auto, Small caps

Formatted: No underline, Font color: Auto, Small caps

Sec. 21-5-308. - Open Space

(a) **Generally.** The area of land or water that is designated as open space for the purposes of satisfying the minimum open space ratio shall be physically suited for one or more of the following uses:

- (1) Any landscape area that is required by this Division;
- (2) Conservation of open land in its natural state (*e.g.*, woodlands, stream corridors, grasslands, floodplains, and the like);
- (3) Active or passive recreation (*see* Section 21-6-202, *Parks*); or
- (4) Agriculture, horticulture, forestry, or fishery uses (including barns, stables, and other structures accessory or incidental to such uses, provided that such structure cover less than 10 percent of the site), where permitted under the appropriate zoning classification.

(b) **Location and Form.**

- (1) Open space shall, to the maximum extent feasible, be compact and contiguous and connected to existing or anticipated protected open space on adjacent properties.
- (2) The exact location and configuration of the land to be dedicated shall be determined by the City in consultation with the applicant, and shall take into consideration the suitability of the proposed open space sites for their stated purposes, and their proximity to other open space, parks, trails, or recreational lands.
- (3) The following areas shall be given priority in dedicating or setting aside open space:
 - a. Sensitive environmental areas such as stream corridors and wetlands.
 - b. Wildlife habitat.
 - c. Woodlands.
 - d. _____ Parks.
 - e. _____ Recreational paths and trails.

Division 5-4. - Lighting

Sec. 21-5-401. - Single-Family Detached, Duplex, and Townhome Lighting Standards

Exterior lighting on single-family detached, duplex, and townhome lots shall either be provided with fixtures that emit 1,500 lumens or less, or be configured so that lights do not cause glare that is visible outside of the property lines of the subject property. All exterior lighting on single-family, duplex, or townhome lots is subject to Sec. 21-5-404, *Public Safety and Public Nuisance*.

Sec. 21-5-402. - Multifamily, Nonresidential, and Mixed-Use Lighting Standards

- (a) **Generally.** Exterior lighting on multifamily, nonresidential, and mixed-use sites shall conform to the requirements of this Section. Exterior lighting that does not produce glare or sky glow and is not visible from outside of the subject property is exempt from the provisions of this section.
- (b) **Fixture Types.**
 - (1) Generally, light fixtures (wherever mounted) shall be “cut-off” fixtures that are oriented to limit illumination that is visible or measurable at the property line.
 - (2) “No cut-off” fixtures may be used only for decorative purposes, provided:
 - a. Their luminaires that produce no more than 1,500 lumens (approximately equal to a traditional 100W incandescent bulb); and
 - b. They are not installed above a height of eight feet.
- (c) **Maximum Freestanding Fixture Height.** No freestanding light fixture shall be greater than 25 feet in height, except that greater heights may be approved by the Administrator if it is demonstrated that the greater height improves site lighting compared to fixtures that are 25 feet in height or less.
- (d) **Maximum Illumination Levels.**
 - (1) Outdoor lighting shall be deflected, shaded and focused away from adjacent properties, and shall not be a nuisance to such adjacent properties.
 - (2) Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed three-tenths of a foot-candle, measured vertically, and three-tenths of a foot-candle, measured horizontally, on adjacent properties.
- (e) **Canopy Lighting.** Canopy lighting for uses that have sheltered outside work or service areas or porte-cochères, shall meet the standards of this Section. All lighting fixtures shall be recessed into the canopy so that they cannot be viewed from off-site from an eye height of four feet.

Sec. 21-5-403. - Exterior Lighting for Outdoor Recreation

- (a) **Generally.** Ball diamonds, playing fields, driving ranges, tennis courts, and similar amusement or recreation uses have unique requirements for nighttime visibility and, generally, have limited hours of operation. The standards of this Section, and not Section 21-5-402, *Multifamily, Nonresidential, and Mixed-Use Lighting Standards*, apply to outdoor recreation uses.
- (b) **Fixture Type.** Light fixtures for illumination of playing courts and athletic fields shall be “cut-off” fixtures that are oriented to limit sky glow and direct lighting that is visible or measurable at the property line.
- (c) **Maximum Freestanding Fixture Height.** No freestanding light fixture shall be greater than 40 feet in height, except that greater heights may be approved by the Administrator if it is demonstrated that the greater height improves site lighting compared to fixtures that are 40 feet in height or less.
- (d) **Maximum Illumination.**
 - (1) Field and court lighting shall be deflected, shaded and focused away from adjacent properties and shall not be a nuisance to adjacent properties.
 - (2) Field and court lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half foot-candle, measured vertically, and one-half foot-candle, measured horizontally, at the property line.
 - (3) Buffering may be used to reduce impacts of outdoor recreation lighting in order to achieve compliance with the requirements of this Subsection (d).

Sec. 21-5-404. - Public Safety and Public Nuisance

- (a) **Generally.** The City may require the modification or removal or limited operation of existing or new lighting fixtures if they are found to be a public hazard or public nuisance according to the criteria of this Section.
- (b) **Hazards.** Criteria for finding illumination to be a public hazard are as follows:
 - (1) Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle.
 - (2) Light trespass or glare that impairs a person’s visual performance or ability to avoid obstacles in their path.
- (c) **Nuisance.** Criteria for finding illumination to be a public nuisance are as follows:
 - (1) Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of their property.

- (2) A high frequency or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of property other than the subject property.
- (3) Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives the average person from the usual and reasonable enjoyment of the public streets and properties of the City.

Division 5-5. - Grading, Erosion, and Sediment Control

Sec. 21-5-501. - Intent and Liability

- (a) **Legislative Intent.** The intent of this Division is to enhance the quality of water in the City's drainage ways and subsequent receiving waters in order to promote the safety, public health, convenience, and general welfare of the City by:
 - (1) Establishing requirements for stormwater quantity and quality control as part of new development and redevelopment to prevent impacts on the storm sewer system and receiving waters from runoff leaving new development and redevelopment within the City.
 - (2) Establishing requirements for grading permits for construction activities and development to prevent soil erosion, sedimentation, and other pollutants from leaving construction sites.
- (b) **Liability.** Any person who undertakes or causes to be undertaken any activity which involves disturbance of the land's surface shall ensure that soil erosion, sedimentation, increased pollutant loads, and changed water flow characteristics resulting from the activity are controlled so as to minimize pollution of receiving waters. The requirements of this Division are the minimum standards, and a person's compliance with the same shall not relieve such person from the duty of enacting all measures necessary to minimize pollution of receiving waters.

Sec. 21-5-502. - General Standards for Grading

- (a) **Generally.** Stormwater discharges from construction activities shall not cause, nor have the reasonable potential to cause pollution, contamination, or degradation of waters of the state. Grading activities (except agriculture) that affect more than one acre of land, or that affect land within 150 feet of the Rio Grande, shall be conducted in accordance with an approved stormwater management plan ("SWMP") that details the best management practices ("BMPs") to be used during construction and upon completion of construction.
- (b) **Best Management Practices (BMPs) During Construction.**
 - (1) *Construction BMPs.* Construction site operators shall protect water quality and control runoff and erosion through the implementation of appropriate construction BMPs.

- (2) *Timing of Installation.* All temporary or permanent erosion control BMPs that are intended to function during earth disturbance operations shall be installed before any construction activities take place.
 - (3) *Selection of BMPs.* The selection, design, and installation of appropriate structural and nonstructural BMPs must be done in accordance to the latest revision of the *Urban Drainage and Flood Control District's ("UDFCD") Urban Storm Drainage Criteria Manuals ("USDCM")*. BMPs must be adequately designed and scaled to provide control for all potential pollutant sources associated with construction activity to prevent pollution or degradation of surface waters.
 - (4) *Types of Construction BMPs.* Construction BMPs shall include appropriate Erosion Control BMPs, Sediment Control BMPs, Material Management BMPs, and Site Management BMPs.
 - a. Erosion Control BMPs (*e.g.*, mulching, erosion blankets, check dams etc.) limit the amount and rate of erosion occurring on disturbed areas.
 - b. Sediment Control BMPs (*e.g.*, silt fence, inlet/outlet protection, sediment traps/basins etc.) attempt to capture the soil that has been eroded before it leaves the construction site.
 - c. Material Management BMPs (*e.g.*, stockpile management, good housekeeping practices etc.) limit contact of runoff with pollutants commonly found at construction sites, such as construction materials and equipment-related fluids.
 - d. Site Management BMPs (*e.g.*, construction phasing or sequencing, protection of existing vegetation, street sweeping etc.) minimize erosion and sediment transport by considering construction phasing, scheduling, and sequencing of land disturbing activities. These BMPs minimize the duration of exposure or quantity of exposed soils that are susceptible to erosion. Site management also ensures BMPs implemented at the site are properly selected, installed, inspected, maintained, and repaired to reduce erosion and sediment transport.
 - (5) *Management of Flows.* Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the earth disturbance area shall be designed to limit the water flow to a non-erosive velocity.
- (c) **Grading Operations.**
- (1) Any earth disturbance shall be conducted in a manner that effectively reduces accelerated soil erosion and resulting sedimentation, and does not exceed the erosion expected to occur for the subject property in its totally undeveloped state.
 - (2) All earth disturbances shall be completed diligently so that the exposed area of any disturbed land shall be limited to the shortest possible period of time.

- (3) Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the disturbed area.
- (4) Construction site operators shall control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
- (5) Concrete washout water shall not be discharged to the storm sewer system, public right-of-way, or waters of the state. On-site permanent disposal of concrete washout waste is not allowed.
- (6) Off-site vehicle tracking of sediments shall be controlled and minimized.
- (7) Bulk storage structures for petroleum products and other chemicals shall have secondary containment or equivalent adequate protection so as to contain all spills and prevent any spilled material from entering surface waters.
- (8) Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters or runoff shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering surface waters.
- (9) No building material wastes or unused building materials shall be buried, dumped, or discharged at the site.
- (10) The City may require sampling and testing on a case-by-case basis in the event that there is reason to suspect that compliance with the SWMP is a problem, or to measure the effectiveness of the BMPs.

(d) **Stabilization and Planting.**

- (1) Exposed areas of cut and fill shall be planted with at least two genera of native plants that are selected for their ability to stabilize the soil and prevent erosion.
- (2) Generally, planting shall be timed within 90 days of the completion of final grading unless other construction activities are planned within 90 days of that date. If final grading is completed between October 1 and March 15, planting is required by no later than June 15.
- (3) The Administrator may require financial guarantees in the form of cash deposits or letters of credit to guarantee completion of the work.

Sec. 21-5-503. - Permanent Best Management Practices (BMPs)

(a) **Generally.**

- (1) The latest revision of the *Urban Drainage and Flood Control District's* ("UDFCD") *Urban Storm Drainage Criteria Manuals* ("USDCM") shall be used to establish criteria for new development and redevelopment planning, water quality protection, and the selection and design of appropriate permanent BMPs.

- (2) Appropriate BMPs for the proposed project shall be designed and implemented according to the UDFCD-USDCM specifications and following good engineering, hydrologic, and pollution control practices.
- (3) BMPs that are not included within the latest revision to the UDFCD-USDCM may be used only with the approval of the City Engineer.
- (b) **Types of Permanent BMPs.** Permanent (post-construction) stormwater BMPs are generally divided into two categories: Treatment BMPs and Source Control BMPs.
 - (1) *Treatment BMPs.* Treatment BMPs include a variety of alternatives generally categorized as conveyance practices and storage practices (*e.g.* a grass swale, retention pond, or sand filter) that provide treatment of the stormwater runoff quantity and quality.
 - (2) *Source Control BMPs.* Source Control BMPs stop or redirect pollutants before they enter the storm sewer system. A Source Control BMP can be a structural component of a planned site (*e.g.* a covered area for material storage) or a procedural BMP. Procedural BMPs involve public education, training, and development of standard operating procedures.
- (c) **Location of Structural BMPs.**
 - (1) Treatment or source control BMPs that involve structures shall be located on private property when possible.
 - a. When so located, the BMP shall be owned and operated by the owner of the property on which the BMP is located.
 - b. As a condition of approval of the BMP, the owner shall agree to operate and maintain the BMP to its design capacity unless and until the City relieves the property owner of that responsibility in writing.
 - c. The obligation to maintain the BMP shall be memorialized on a subdivision plat, annexation plat, or in another form acceptable to the City Attorney, and shall be recorded in the office of the Alamosa County Clerk and Recorder.
 - (2) When the BMP must be located within the public right-of-way or within property owned by the City, the City shall own, operate, and maintain the facility.

Sec. 21-5-504. - Design of Permanent Drainage Systems

- (a) **Generally.** Open drainage systems and underground drainage systems shall be designed according to the standards of this Section.
- (b) **Design Objectives for Open Drainage Systems.** Site drainage using open systems shall be planned such that it:
 - (1) Minimizes negative impacts on natural site features (*e.g.*, through grading or erosion) and minimizes obstructions or alterations of natural drainageways;
 - (2) Creates an amenity that is incorporated into the overall landscape plan, as follows:

- a. Detention and drainage areas with a volume of less than 1,000 cubic feet should be designed as natural landscape amenities;
 - b. If feasible, detention and drainage areas with a volume of 1,000 cubic feet or more should be designed as recreational amenities; and
- (3) Appears natural in character, even if stabilized for erosion control. For example:
 - a. Natural drainage ways should be incorporated into the drainage plan and the site design should feature them as amenities.
 - b. Storm drains may be developed as an open landscaped feature that is lined with native grasses and indigenous plants, while also meeting technical engineering standards.
 - c. The use of riprap and other devices that do not appear natural in character should be avoided in favor of treatments that appear more natural in the context of the City and the region, such as local stone, ~~evergreens~~native trees and shrubs, and drought tolerant grasses.
- (c) **Underground Systems.** When a drainage system cannot be designed as a site amenity, or the drainage system is located in the CB, CBD, or I Zone, an underground drainage system may be used instead of a surface drainage system.

Article VI. - Mitigation of Development Impacts

Division 6-1. - Impact Analysis

Sec. 21-6-101. - Fiscal and Infrastructure Impact Analysis

- (a) **Generally.** A fiscal and infrastructure impact analysis is required for all proposed development that includes more than 16 dwelling units or more than 25,000 square feet of gross floor area of nonresidential uses.
- (b) **Timing of Submittal.** The fiscal and infrastructure impact analysis shall be submitted with the preliminary plat or site plan (if no plat is required).
- (c) **Contents.**
 - (1) The fiscal and infrastructure impact analysis shall evaluate the impact of the proposed subdivision or development on the capacity or quality of the City's existing infrastructure, including the City's water and sewage treatment systems and the school system, and provide analysis and recommendations as follows:
 - a. The projected service demands for city utilities, services, and infrastructure, including water, sewer, and schools, that are directly generated by the proposed subdivision or development;
 - b. An analysis of the capacity of existing and planned municipal facilities and infrastructure to meet future demands directly generated by the proposed subdivision or development, and a determination of any resulting capacity shortfalls or degradation in service or quality;
 - c. An estimate of the costs associated with the provision of municipal utilities and services to the proposed subdivision; and
 - d. A list of recommendations for infrastructure improvements, if any, that are needed to ensure that the proposed subdivision or development will not have a significant, adverse impact on the City's infrastructure capacity or quality.
 - (2) The City Engineer may waive some of or add to the requirements on a case-by-case basis as circumstances warrant based on the nature of the proposed development.
- (d) **Mitigation of Adverse Impacts Required.** In no instance shall the City approve a preliminary plat or site plan if the fiscal and infrastructure impact analysis shows there will be a significant, adverse impact on the City's infrastructure capacity or quality, unless the applicant provides on-site or off-site measures acceptable to the City that will substantially or completely mitigate the adverse impacts created by the proposed subdivision or development, or the City Council determines that the benefits of the project, including potential tax revenues, jobs, or public services to be provided, outweigh the anticipated adverse impacts.

Sec. 21-6-102. - Traffic Impact Analysis

- (a) **Generally.** A traffic impact analysis is required for all proposed development that includes more than 16 dwelling units or more than 25,000 square feet of gross floor area of nonresidential uses.
- (b) **Timing of Submittal.** The traffic impact analysis shall be submitted with the preliminary plat or site plan (if no plat is required).
- (c) **Contents.**
 - (1) The traffic impact analysis shall evaluate the impact of the traffic projected to be generated by proposed subdivision or development on the capacity of the existing streets in the City, and provide analysis and recommendations as follows:
 - a. An inventory of existing conditions within one mile of the proposed subdivision or development, including:
 - i. Roadway network and traffic control;
 - ii. Existing traffic volumes in terms of peak hours and average daily traffic ("ADT");
 - iii. Planned roadway improvements by others; and
 - iv. Intersection levels of service.
 - b. Projected site-generated traffic volumes in terms of:
 - i. Peak hours and ADT;
 - ii. Approach/departure distribution (including method of determination);
 - iii. Site traffic volumes on roadways; and
 - iv. Comparison of existing conditions to proposed site generation.
 - c. An analysis of future traffic conditions including:
 - i. Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic); and
 - ii. Intersection levels of service.
 - d. A description and schematic plan of recommended access and on-site circulation.
 - e. A description of proposed on-site and/or off-site mitigation measures necessary to meet the level of service ("LOS") standard set forth in subsection (d), below.
 - (2) The City Engineer may waive some, or add to the requirements on a case-by-case basis as circumstances warrant based on the nature of the proposed development.
- (d) **Mitigation of Adverse Impacts Required.** The street system within the proposed subdivision or development shall:

- (1) Provide LOS C on all proposed streets and at all proposed intersections; and
- (2) Maintain LOS C, or current level of service (if lower), on all adjoining streets and intersections, unless the City Council determines that the benefits of the project, including potential tax revenues, jobs, or public services to be provided, outweigh the anticipated adverse impacts.

Division 6-2. - Required Dedications and Fees-in-Lieu

Sec. 21-6-201. - Form of Dedication

Dedications of right-of-way for public streets, drainage easements, utility easements, parks, schools, or other public purposes shall be required and shall be made by the applicant on the plat, or, in the case of a site plan, by separate instrument approved as to form by the City Attorney.

Sec. 21-6-202. - Parks

- (a) **Generally.** Land for parks shall be dedicated, or a fee-in-lieu paid, for residential and special residential development as provided herein. Dedicated parks are counted towards the required open space ratio of the development.
- (b) **Exceptions.**
 - (1) The requirements of this Section do not apply to cases in which dedication arrangements were approved at the time of annexation or previous subdivision of the same property.
 - (2) In the case of redevelopment, the requirements of this Section apply only to the net new dwelling units that are created by the redevelopment.
- (c) **Park Dedication Requirements.**
 - (1) Land for parks shall be dedicated at the rate of six acres per 1,000 residents in a proposed residential development. Dedication requirements for individual housing types are set out in Table 21-6-202B, *Park Dedication Requirements by Housing Type*.

TABLE 21-6-202B PARK DEDICATION REQUIREMENTS BY HOUSING TYPE			
Housing Type	Estimated Persons Per Unit	Acres Per Unit	Square Feet Per Unit
Single-family detached	3.07	0.018	802
Duplex or twin house	3.07	0.018	802
Townhouse or rowhouse	2.37	0.014	619
Multiplex or multifamily	2.16	0.013	565
Manufactured home	2.37	0.014	619
Cottages	2.37	0.014	619
Tiny homes	1.00	0.006	261
Live-work	2.16	0.013	565

- (2) Special residential housing types with ambulatory populations who are not restricted to the premises shall provide 0.006 acres (261 square feet) per bed.
- (3) Park land shall meet the following minimum requirements:
 - a. The area shall be located so as to serve all of the residents of the subdivision or development;
 - b. The land shall be suitable for the types of recreational facilities that are proposed;
 - c. The area shall be accessible from a public street or shall adjoin and become part of or connect with an already existing public park, trail, or open space area that is accessible from a public street;
 - d. Detention or retention areas or other storm water control facilities may be included if it is demonstrated that the land is accessible and usable for recreational purposes; and
 - e. The land shall be free of all liens or other financial encumbrances, and of all non-financial encumbrances that may limit its use as a public park.
- (d) **Fee-in-Lieu of Park Dedication.** The applicant shall pay to the City, in lieu of the dedication, an amount of cash equal to the fair market value of the required dedication as an improved park if:
 - (1) The total land dedication required by subsection (b), above, is less than one acre; or
 - (2) The development is located in the CBD Zone; or
 - (3) The Planning Commission determines that a fee-in-lieu is appropriate, after considering:
 - a. The size of the development and its adequacy for accommodating a suitable public use site;
 - b. The community facility aspects of the comprehensive development plan and the school district's master plan;
 - c. Existing parks and other public uses in the area;
 - d. The topography, geology, and location of land in the subdivision that is available for dedication;
 - e. The needs of the people in the area; and
 - f. The availability of resources for operating and maintaining the park.
- (e) **Public Use Reservations.** Portions of a subject property that is being subdivided may be reserved for later acquisition for public use. Such reservation shall be delineated on the final plat and related provisions shall be clearly noted.

Division 6-3. - Public Improvements, Site Improvements, and Easements

Sec. 21-6-301. - Public Improvements and Site Improvements

(a) **Generally.**

- (1) *Public Improvements.* Depending upon the nature of the application for development approval, public improvements that must be constructed, installed, or otherwise provided by the applicant may include, but are not limited to:

- a. Permanent survey monuments, range points and lot pins;
- b. Streets, alleys, acceleration or deceleration lanes, sidewalks, and curb and gutter, in accordance with the City standards;
- c. Street name signs and traffic-control signs or other street control devices;
- d. Bridges, culverts, or open drainage channels;
- e. Street lights;
- f. Water lines and fire hydrants;
- g. Sanitary sewer lines; and
- h. Storm drainage improvements and storm sewers.

The public improvements contemplated by this Section are intended to provide services to the subject property or to offset the impacts of the development of the subject property.

- (2) *Landscaping.* Depending upon the nature of the application for development approval, the City may require collateral and warranties for landscaping.

- (b) **Engineering Specifications.** Engineering specifications for public improvements are promulgated by the ~~Director of~~ Public Works Director.
- (c) **Improvements Agreement.** All applicants whose development applications require construction, installation, or provision of public improvements or fees-in-lieu thereof, or the installation of required landscaping, shall be required to execute an improvements agreement. The City has a standard form of improvements agreement, a copy of which is available from the Administrator.
- (d) **Standards for Public Improvements.** All public improvements and required landscaping shall be constructed to comply with all applicable City standards, regulations, and specifications. No subdivision or other development for which public improvements or required landscaping are proposed shall be finally approved or recorded without the execution of the improvements agreement, along with the required financial security, in a form approved by the City.
- (e) **Cost of Processing.** Applicants are required to pay the costs of processing the development application and improvements agreement, including all consultant costs, legal fees, and other fees incurred by the City.

(f) **Collateral for Improvements.**

- (1) Prior to the recordation of any final plat or issuance of any permits for development of a subdivision or other development for which public improvements or required landscaping are proposed, the applicant shall provide to the City collateral in the amount of 125% of the total estimated cost of construction of the improvements, in the form of either:
 - a. A cash deposit; or
 - b. A letter of credit issued by a financial institution authorized to do business in the State of Colorado.
- (2) The applicant shall ensure that the collateral remains unencumbered and free from claims of others so that any requests of the City for payment or enforcement may be immediately and unequivocally honored without cost to the City.
- (3) The applicant shall provide an independent, third-party report of the status of the improvements every six months during construction.
- (4) Such collateral shall be maintained, in the amount required by the agreement, through the warranty period as set forth herein.
- (5) If, at any time prior to final acceptance and expiration of the warranty period, the City determines that the collateral is not sufficient to cover all costs of construction of the improvements and provides the applicant with a written basis for the requested increase to collateral, the applicant shall be required to post additional or supplemental collateral in an amount deemed reasonably sufficient and approved by City to pay for all costs of construction, including any administrative costs and contingency amount.
- (6) After preliminary acceptance, the City may reduce the amount of required collateral during the warranty period to an amount reasonably determined by the Administrator, based on the potential cost of repair or restoration of the improvements.

(g) **Completion and Acceptance of Improvements.**

- (1) The applicant shall complete construction of the improvements within a specified period of time from the date of the improvements agreement.
- (2) The City will perform periodic inspections of the public improvements and landscaping, and the applicant shall promptly modify, alter, or repair, at its own cost and expense, any improvements or landscaping that are not constructed or installed in accordance with the approved plans, such that the improvements conform to the approved plans.
- (3) Upon completion of construction of the improvements and landscaping according to the approved plans, the applicant shall make a written request for preliminary acceptance of such improvements and landscaping ("PRELIMINARY ACCEPTANCE"). With said request, the applicant shall:

- a. File with the City an original and digital copy (in a form approved by the Administrator) of the as-built construction plans of public improvement(s), stamped and certified by the Engineer of Record who shall also be a state-registered professional engineer; and
 - b. Submit to the City a sworn affidavit and documentary evidence that there exists no lien or encumbrance upon or against the public improvements resulting from unpaid amounts owing to contractors, subcontractors, material persons or other persons involved or engaged in the construction or installation of the public improvements.
- (4) Upon request for preliminary acceptance, the City shall determine whether the improvements and landscaping are installed according to approved plans. If so, the City shall issue to the applicant a certificate of preliminary acceptance, granting preliminary acceptance of the public improvements and approval of the landscaping, and setting the terms of the warranty period. The warranty period ("WARRANTY PERIOD") shall terminate two years from the date of preliminary acceptance.
- (5) Upon expiration of the Warranty Period:
 - a. The City shall re-inspect the improvements and landscaping and require correction of all defects and failures of the improvements prior to the issuance of final acceptance of the improvements and the release of any remaining collateral.
 - b. Upon completion of any required warranty repairs, reconstruction, or replacement, public improvements shall become the property of the City (and thereby the City's maintenance responsibility) by final acceptance of the public improvements by the City.
- (h) **Timing of Certificates of Occupancy.** No certificates of occupancy shall be issued for any building permits until such time as the City has issued (at a minimum) preliminary acceptance of the public improvements and landscaping that are identified in the improvements agreement. A conditional certificate of occupancy may be issued if installation of landscaping is delayed due to season or adverse weather conditions, and the amount and duration of the security identified in the improvements agreement is sufficient to cover the cost of installation.
- (i) **Reimbursement for Off-Site or Oversized Improvements.** In the event oversized utilities or off-site improvements are required, arrangements for reimbursement may be made whereby the applicant may be allowed to recover the cost of the utilities or off-site improvements that have been provided by the applicant to the extent they are scaled beyond the requirements of the proposed development. The method and time of payment under the reimbursement shall be established in accordance with the current policies of the City related to the placement of such oversized utilities or off-site improvements.

Sec. 21-6-302. - Utilities**(a) Utility Easement Widths.**

- (1) Utility easements shall be provided along lot lines in new subdivisions as follows:
 - a. Boundary lot lines (any lot line that is also a boundary of the subject property): at least 10 ft.
 - b. Rear lot lines: 8 ft.
 - c. Side lot lines (where necessary): 5 ft.
- (2) If the location of utility easements along lot lines is unsuitable for the use of the utility companies due to drainage, irrigation ditches, timbered area, or other obstructions, easements of appropriate width shall be provided adjacent to the areas of obstruction.

(b) Underground Installation Required; Exceptions.

- (1) The applicant shall underground all electric, gas, and communications lines (collectively, "UTILITIES") within the boundaries of the subject property or subdivision plat, and ~~that which~~ are required to be relocated pursuant to this UDC or as a condition of approval of the development.
- (2) Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, street lighting, or other facilities necessarily appurtenant to such underground utilities may be installed or placed above ground.
- (3) High-voltage electric transmission and distribution feeder lines and necessary appurtenances thereto may be installed or placed above ground.
- (4) The Administrator may waive the underground requirement with regard to power and communications lines if:
 - a. The subject property has existing service via overhead lines on the date of application;
 - b. No new utility poles will be installed as a result of the proposed development; and
 - c. The subject property has less than 200 feet of frontage, or the scale of the proposed development does not justify the cost of undergrounding the existing lines.

- (c) All utilities that serve proposed development shall be located within dedicated and platted public utility easements or public street rights-of-way, which shall be approved and thereafter subject to acceptance by the City with respect to those utilities that are municipally operated. The applicant shall be responsible for arranging connections from the subject property to existing utility systems.

Sec. 21-6-303. - Stormwater Maintenance Easements

- (a) **Generally.** No later than the date of preliminary acceptance of public improvements, the applicant shall deliver to the City an executed stormwater maintenance easement agreement in a form approved by the City Attorney that authorizes the City to access and inspect stormwater improvements, and to maintain, repair, or replace the stormwater improvements at the property owners' expense if the property owner fails to do so within 14 days after notice from the City that such maintenance, repair, or replacement is required for the proper operation of the improvements.
- (b) **Natural Drainageways.** Where a subject property is traversed by a watercourse, drainageway, channel, or stream (but not including an irrigation ditch), there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the boundaries of such watercourse, and such further width as may be required for necessary flood control measures. The requirements for such easements are set out in Chapter 8, City of Alamosa Municipal Code.

Division 6-4. - Operations Plans – Mineral Extraction and Heavy Truck Routing**Sec. 21-6-401. - Purpose and Application of Division**

- (a) **Purpose.** The purpose of this Division is to set out requirements for operations plans that ensure that the operational impacts of certain uses are anticipated and mitigated.
- (b) **Application.** This Division applies when the requirements for approval of a land use include one or both of the plans set out in Section 21-6-402 or Section 21-6-403, or where the City determines that such plans are necessary to mitigate the projected impacts of a land use that involves unusual amounts of heavy truck traffic.

Sec. 21-6-402. - Master Plan for Extraction

- (a) **Generally.** Minerals shall not be extracted except according to a Master Plan for Extraction prepared by the applicant and approved by the Planning Commission.
- (b) **Contents of Master Plan for Extraction.** The Master Plan for Extraction shall address:
 - (1) Any system adopted by the Colorado geological survey grading commercial mineral deposits according to such factors as magnitude of the deposit and time of availability for and feasibility of extraction of a deposit;
 - (2) The potential for effective multiple sequential use which would result in the optimum benefit to the landowner, neighboring residents, and the community as a whole;
 - (3) The development or preservation of land to enhance development of physically attractive surroundings compatible with the surrounding area;

- (4) The quality of life of the residents in and around areas which contain commercial mineral deposits;
- (5) The Comprehensive Plan and specific area or topical plans;
- (6) Maximization of extraction of commercial mineral deposits;
- (7) The ability to reclaim the area pursuant to the provisions of Section 32-101, *et seq.*, 34 C.R.S., *Colorado Mined Land Reclamation Act*; and
- (8) The ability to reclaim an area owned by the City or other governmental authority, pursuant to an adopted plan, to be used for public purposes by the City or governmental authority consistent with such proposed use.

Sec. 21-6-403. - Heavy Truck Routing Plan

- (a) **Generally.** A heavy truck routing plan is required for uses as specifically identified in this UDC and for uses that the Administrator determines will involve the use of semi-trailers, dump trucks, trash hauling trucks, or comparable heavy vehicles at a frequency of more than 10 heavy vehicle trips per week.
- (b) **When Required.** For the uses that require heavy truck routing plans, such plans shall be submitted with site plans.
- (c) **Updates.** Heavy truck routing plans shall be updated when:
 - (1) New routes are proposed by the applicant.
 - (2) The applicant proposes to increase heavy truck traffic by more than 20 percent compared to that set out in the approved heavy truck routing plan.
 - (3) Routes are changed by the City or other relevant transportation authority in a manner that affects the approved heavy truck routing plan.
- (d) **Contents.** The heavy truck routing plan shall include, at a minimum:
 - (1) The type or class of heavy trucks that will be used by the applicant's proposed land use;
 - (2) The anticipated frequency of delivery and departures of heavy trucks;
 - (3) The hours of heavy truck traffic;
 - (4) A map illustrating the route(s) to and from a state highway (or to and from anticipated destinations in the City), of all heavy trucks used by the proposed land use; and
 - (5) A map illustrating the routing and flow of heavy trucks within the subject property.

Article VII. - Nonconformities

Division 7-1. - Purpose and Application of Article

Sec. 21-7-101. - Purpose

- (a) **Generally.** The application of new regulations to existing development may create circumstances in which existing lot dimensions, density, intensity, land uses, buildings, structures, landscaping and buffering, lighting, parking areas, or signs do not strictly conform to the requirements of the new regulations. For existing lots or development (including uses, buildings, structures, and signs) that are “legally nonconforming,” this Article sets out equitable rules for whether, when, and how the regulations of this UDC apply.
- (b) **Conversion of Nonconformities.** Generally, nonconforming uses, buildings, structures, and signs are not allowed to be enlarged, expanded, increased, nor be used as grounds for adding other structures or uses that are now prohibited in the same zone. This Article provides standards by which minor nonconforming uses can be made “conforming” through a public hearing process.
- (c) **Reduction of Nonconformities.** It is the policy of the City to encourage reinvestments in property that increase its value and utility and reduce its external impacts. Since bringing a developed parcel into full compliance with this UDC may involve substantial costs that may discourage reinvestment, Division 7-4, *Other Physical Nonconformities*, provides a set of thresholds for determining when new construction or modifications to development trigger a requirement for increasing conformity with the various requirements of this UDC.

Sec. 21-7-102. - Application

- (a) **Generally.** This Article applies to uses, buildings, structures, landscaping, buffering, signs, lighting, parking, density, and lots that were:
 - (1) Lawfully established, constructed, installed, planted, or created prior to the effective date but do not conform to the requirements of this UDC; or
 - (2) Lawfully established, constructed, installed, planted, or created in one zone, but no longer conform to the requirements of this UDC after the subject property is rezoned.
- (b) **Effect of Article.** Nothing in this Article shall be interpreted to require a change in plans, construction, or designated use of any building in which a building permit was lawfully obtained from the City prior to the effective date of this UDC or subsequent amendment, provided that construction:
 - (1) Was commenced before the expiration of the building permit; and
 - (2) Work is proceeding diligently toward completion.

- (c) **Changes of Ownership.** Nothing in this Article shall be construed to affect or restrict changes in ownership, nor shall changes in ownership affect the application of any of the requirements of this Article.
- (d) **Evidence of Status.** Evidence that a nonconforming situation is a legal nonconformity and not a violation of this UDC shall be submitted by the owner of the property or use upon request of the Administrator.
- (e) **Exceptions to Article.**
 - (1) ~~NC-EN~~ *Zone.* Lots of record within the NC Zone, regardless of their size, and existing buildings on said lots of record, are “conforming lots” and “conforming buildings,” respectively.
 - (2) *Vested Rights.* This Article does not apply to site-specific development plans for which rights are vested, during the period of vested rights.
 - (3) *Unlawful Uses, Buildings, or Structures.* This Article does not allow for the perpetuation of unlawful development. Such development is not “legally nonconforming,” but instead, “unlawful,” and is subject to all of the provisions of this UDC (including enforcement provisions) and any other applicable law.
 - (4) *Natural Shifts of Zone Boundaries.* If a zone boundary changes as a result of a change in location of a river, stream, or ditch channel centerline, other natural boundary-defining feature, or street, such change of zone boundary does not render existing development nonconforming.
 - (5) *Taking for Public Use.* Any nonconforming building, structure, parking, or lot that is expressly created or caused by a conveyance of privately-owned land to a Federal, State, or local government to serve a public purpose is conforming for the purposes of this UDC, and is not subject to limitations in this Article. This exemption applies in cases where private land is obtained by a governmental entity for a public purpose, through condemnation, threat of condemnation, or otherwise, when that transaction creates a nonconformity in the remainder parcel in terms of setback, lot area, or other standards of this UDC. However, this exemption does not apply to right-of-way dedication or other public conveyances of land required by the City in the course of subdivision, site plan, or other development approvals.

Division 7-2. - Nonconforming Uses

Sec. 21-7-201. - Continuation of Nonconforming Use

- (a) **Generally.** Subject to the provisions of this Article, a nonconforming use may be continued and maintained in reasonable repair, but shall not be altered or extended. The extension of a nonconforming use to a portion of a structure that was arranged or designed for the nonconforming use at the time of adoption of this UDC is not an extension of a nonconforming use.

- (b) **Casualty Loss.** If the building or structure in which a nonconforming use is damaged to the extent that the cost of repair exceeds 50 percent of the appraised value of the property (including the building) for tax purposes, then the nonconforming use of the property shall not be resumed.

Sec. 21-7-202. - Change of Nonconforming Use

If a nonconforming use is changed to a different use, the new use shall be a use that conforms to the regulations of the zone in which the use is located. After such change, all future use of the subject property shall comply with applicable provisions of this UDC.

Sec. 21-7-203. - Discontinuance of a Nonconforming Use

- (a) **Nonconforming Uses that Involve Structures.** If a nonconforming use involving a structure is discontinued from use for a period of six months, further use of the subject property shall conform to the requirements of this UDC.
- (b) **Nonconforming Uses that Do Not Involve Structures.** If a nonconforming use not involving a structure is discontinued for a period of three months, further use of the subject property shall conform to the requirements of this UDC.

Sec. 21-7-204. - Conversion of a Nonconforming Use to a Conforming Use

- (a) **Generally.** In many instances, nonconforming uses may be integral parts of the City's fabric, that is, its character and function, so their continuing existence promotes the City's policy of retaining existing businesses or protecting its character and neighborhoods. In these instances, the classification "nonconforming use" and resulting restriction on investment may not be what the community desires. As such, a nonconforming use may be made "conforming" pursuant to this Section in order to remove the potential stigma associated with the "nonconforming" designation.
- (b) **Limitation.** Unlawful uses may not be made conforming under this Section.
- (c) **Conversion by Conditional Use Approval; Standards.** A conditional use approval may be granted to make a nonconforming use "conforming," if:
 - (1) The criteria for approval of a conditional use set forth in Section 21-2-302, *General Standards for All Conditional Uses*, are met; and
 - (2) The use has minimal nonconformities and has been integrated into the function of its surrounding neighborhood or zone, as evidenced by the following:
 - a. Nearby City residents regularly patronize the use or are employed by the use (for nonresidential uses in or abutting residential neighborhoods).
 - b. Management practices eliminate nuisances such as:
 - i. Spillover of noise or light;
 - ii. Odors and appearance of waste materials and litter;
 - iii. Unreasonably congested on-street parking; or

- iv. Comparable conflicts with abutting and nearby properties.
 - c. There is no material history of complaints about the use (a history of complaints is justification for denying the conditional use permit, unless the conditions of the permit will eliminate the sources of the complaints).
 - d. If the use is nonresidential, it is licensed in accordance with the applicable ordinances of the City.
 - e. The use has been maintained in good condition and its classification as a nonconforming use would be a disincentive for such maintenance.
- (d) **Conditions.** Conditions may be imposed relative to bufferyards, landscaping, or other site design provisions, or other limitations (including limitations on future expansion or operational characteristics) necessary to ensure that, as a conforming use, the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures, lighting, landscaping, parking, drainage, or operations of the use.
- (e) **Effect of Approval.** Uses that comply with the terms of a conditional use approval that is issued in accordance with this Section are converted from “legally nonconforming uses” to “conforming uses” by virtue of the issuance of the conditional use permit, and subject to its terms. Conditional use approvals shall be provided to the Applicant in writing and may be recorded by the Applicant at the Applicant’s expense.
- (f) **Effect of Denial.** If an application for conversion of a nonconforming use is denied, the use may thereafter continue as a nonconforming use.

Division 7-3. - Nonconforming Buildings or Structures

Sec. 21-7-301. - Modifications to a Nonconforming Building or Structure

A building or structure that contains a conforming use, but is nonconforming as to height, setback, or coverage, may be altered or extended, provided that the alteration or extension does not result in a further violation of this UDC or applicable Building Code.

Sec. 21-7-302. - Completion of Building or Structure

Nothing contained in this Division shall require any change in the plans, construction, alteration, or designated use of a building for which a building permit has been issued and construction work has commenced prior to the effective date of this UDC, except that if the designated use will be nonconforming it shall, for the purpose of Section 21-7-203, *Discontinuance of a Nonconforming Use*, be a discontinued use if not in operation within 18 months after the date of issuance of the building permit.

Sec. 21-7-303. - Damage to a Nonconforming Building or Structure

- (a) **Cost of Repair is 50 Percent or More of Appraised Value.** If a nonconforming building or structure is damaged to the extent that the cost of repair is 50 percent or more of the appraised value of the property (including the building) for tax purposes, then future construction on the subject property shall conform to the requirements of this UDC.
- (b) **Cost of Repair is Less than 50 Percent of Appraised Value.** If cost of repair is less than 50 percent of the appraised value of the property (including the building) for tax purposes, then restoration is allowed, provided that it is commenced within six months of the damage and completed within 18 months after commencement.

Division 7-4. - Other Physical Nonconformities**Sec. 21-7-401. - Conforming Uses with Physical Nonconformities**

- (a) **Generally.** A use that is permitted by Division 2-2, *Land Use*, or that meets all applicable limited use standards (in the case of a limited use) or conditional use standards (in the case of a conditional use), may be established, continued, maintained, modified, enlarged, or extended, even if other nonconformities are present on the subject property, such as:
 - (1) The use is located on a nonconforming lot;
 - (2) The use occupies a nonconforming building;
 - (3) The use occupies or otherwise utilizes a nonconforming structure;
 - (4) The use is located on a lot with nonconforming landscaping or buffering;
 - (5) The use utilizes a nonconforming sign;
 - (6) The use is illuminated by nonconforming lighting; or
 - (7) The use has nonconforming parking.
- (b) **No Implied Waivers.** The authorization in subsection (a), above, shall not be construed as a waiver of the requirements of Division 7-3, *Nonconforming Buildings or Structures*, or this Division with respect to the nonconformities that are present on the subject property. Modifications to buildings, structures, landscaping and buffering, signage, lighting, or parking may require correction or partial correction of nonconforming situations, as provided in this Article.

Sec. 21-7-402. - Nonconforming Landscaping or Buffering

- (a) **Building Expansions, Parking Lot Improvements, and Expansions of Existing Uses.** If an existing building, parking lot, or use is expanded or improved, additional landscaping and buffering is required only with respect to the new area of the building or use, or the new or modified area of the parking lot.

- (b) **Change of Use.** Modifications to nonconforming landscaping or buffering are not required if the use of a building changes from one use to another without further changes to the subject property or the exterior of the building, unless:
- (1) A change of use requires additional parking, in which case the parking that is provided to meet that requirement must also comply with the standards in Division 5-3, *Landscaping*.
 - (2) A change of use requires limited or conditional use approval, in which case the conditions for approval may include requirements for additional landscaping or buffering upgrades.
- (c) **Redevelopment.** If an existing property is redeveloped, landscaping and buffering shall be provided as required by Division 5-3, *Landscaping and Open Space*, and any applicable limited or conditional use standards.

Sec. 21-7-403. - Nonconforming Signs

- (a) **Continuance.** A nonconforming sign may be continued and maintained in reasonable repair, but shall not be altered.
- (b) **Historic Signs.** Historic signs shall not be considered nonconforming signs, and may be rehabilitated or altered in accordance with the preservation brief published by the U.S. Department of the Interior, "The Preservation of Historic Signs," copies of which are available through the Department of Public Works.
- (c) **Discontinuance.** The right to maintain a nonconforming sign shall terminate immediately if:
- (1) The sign is abandoned;
 - (2) The owner of the subject property commits any violation of this article, with respect to such nonconforming sign;
 - (3) The sign is damaged, from any cause whatsoever, and the cost of repairing such damage exceeds 50 percent of the replacement cost of such sign on the date of such damage or destruction; or
 - (4) The sign is obsolete.

Sec. 21-7-404. - Nonconforming Lighting

- (a) **Building Expansions, Parking Lot Improvements, and Expansions of Existing Uses.**
- (1) If an existing building, parking lot, or use is expanded or improved, all new or relocated lighting shall be required to meet the provisions of Division 5-4, *Lighting*.
 - (2) Existing lighting shall be brought into compliance with this UDC when:
 - a. ~~a~~ building is expanded such that its floor area grows by 25 percent or more; or

Formatted: Body Outline a.

- b. The land area occupied by an outdoor land use increases by more than 35 percent;
- c. The value of proposed new, expanded, or upgraded buildings or improvements (collectively "new construction") on the subject property exceeds two times the value of the buildings and improvements on the subject property before the new construction; or
- ~~(2)d. With respect to parking lot lighting, the land area occupied by a parking lot increases by more than 10 percent. expansion constitutes a major expansion.~~

- (b) **Change of Use.** Modifications to nonconforming lighting are not required if the use of a building changes from one use to another without further changes to the site or the exterior of the building, unless:
 - (1) A change of use requires additional parking, in which case the parking that is provided to meet that requirement must also comply with the standards in Division 5-4, *Lighting*.
 - (2) A change of use requires limited or conditional use approval, in which case the conditions for approval may include requirements for additional lighting upgrades.
- (c) **Redevelopment.** If the subject property is redeveloped, lighting shall be provided as required by Division 5-4, *Lighting*.

Sec. 21-7-405. - Nonconforming Parking

- (a) **Building Expansions and Expansions of Existing Uses.** If an existing building or use is expanded, additional parking is required only in proportion to the new area of the building or use.
- (b) **Change of Use.** If the use of a building changes, resulting in a net additional demand for parking, then the number of new parking spaces that are required shall be calculated as the lesser of:
 - (1) The required parking for the new use according to Division 5-2, *Parking and Loading*; or
 - (2) (Number of existing parking spaces) + ((number of parking spaces required for the new use) - (number of parking spaces required for the existing use))
- (c) **Redevelopment.** If an existing building is redeveloped, parking shall be brought into conformity with this UDC.

Sec. 21-7-406. - Nonconforming Density

If a subject property contains more dwelling units than are allowed by the zone in which the subject property is located, the building or buildings may be expanded or extended as may be allowed by this UDC, but the physical aspects of such expansions or extensions shall be in compliance with this UDC, and no new dwelling units shall be created.

Sec. 21-7-407. - Nonconforming Lots of Record

- (a) **Generally.** In any zone in which single-family dwellings are permitted, a single-family residence and customary accessory buildings may be erected on any single lot of record that exists on the effective date of this UDC. Such a lot must have been in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though such lot fails to meet the requirements of the zone in which it is located for area, or width, or both, provided that the requirement of the zone for minimum yard dimensions shall be met unless a variance to the requirements has been granted by the Zoning Board of Adjustment.
- (b) **Combination Required.** If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on the effective date, and part, or all of the lots do not meet the requirements of the zone in which they are located as to minimum area or frontage or both, the lands shall be considered for the purpose of this chapter to be an undivided parcel, and no portion of the parcel shall be sold or used in a manner that diminishes compliance with lot width and area requirements established by this UDC.

Article VIII. - Administration and Enforcement

Division 8-1. - Administrative Bodies

Sec. 21-8-101. - Administrator

- (a) **Generally.** The Administrator is the Public Works Director or his or her designee, or such other employee of or contractor to the City as may be designated by the City Manager from time to time.
- (b) **Authority and Responsibilities.**
 - (1) The Administrator is designated to administer and enforce this UDC.
 - (2) The Administrator shall have the power to make inspections of buildings and premises to carry out the duties of the enforcement of this UDC.
- (c) **Recommendations.** The Administrator shall make recommendations to the Planning Commission, Zoning Board of Adjustment, and City Council as to recommendations or decisions that said bodies are assigned under this UDC.
- (d) **Decisions.** The Administrator shall decide the following types of applications:
 - (1) Temporary use permits
 - (2) Use permits or change in use permits
 - (3) Limited use permits
 - (4) Final plats
 - (5) Site plans
 - (6) Standard-form development agreements
 - (7) Minor modifications

Sec. 21-8-102. - City Engineer

- (a) **Generally.** The City Engineer is the official who is responsible for the approval, inspection, and acceptance of public improvements. The City Engineer shall be the Public Works Director or his or her designee.
- (b) **Authority and Responsibilities.** The City Engineer has the following authority and responsibilities:
 - (1) The City Engineer shall review plans for public improvements and verify that the proposed collateral for same is sufficient under this LDC.
 - (2) The City Engineer shall inspect public improvements and grant preliminary and final acceptance of same.

- (3) The City Engineer shall conduct such other activities as directed by the City Manager from time to time.

(c) **Decisions.** The City Engineer shall decide the following types of applications:

- (1) Stormwater management plans; and
- (2) Construction plans for public improvements.

Sec. 21-8-103. - Planning Commission

(a) **Generally.** The Planning Commission is established pursuant to Article XIV, Section 1, ~~of the Charter of the City of Alamosa ("Charter")~~ City of Alamosa Home Rule Charter.

(b) **Powers and Duties.** The Planning Commission shall have the powers and duties set forth in Article XIV, Section 2, ~~City of Alamosa Home Rule of the~~ Charter, and shall perform the following additional functions described in this UDC.

(c) **Decisions.** The Planning Commission shall hear and decide or make recommendation upon, as the case may be, the following types of applications:

- (1) Conditional use (subject to ratification by the City Council as set forth in Section 21-8-105(c)(1), below).
- (2) Preliminary plat (subject to ratification by the City Council as set forth in Section 21-8-105(c)(2), below).
- (3) Final development plans (subject to ratification by the City Council as set forth in Section 21-8-105(c)(3), below).
- (4) Comprehensive Plan amendments
- (5) Variances that are applied to subdivision plats

(d) **Recommendations.** The Planning Commission shall make recommendations with respect to the following types of applications:

- (1) Rezoning
- (2) Certificate of Designation
- (3) Preliminary Development Plan (and major amendments to PDP)
- (4) Vacation of plats
- (5) Abandonment of easements or rights-of-way
- (6) Text amendments to this UDC

(e) **Membership and Qualifications.** Membership and qualifications shall be as set out in Article XIV, Section 1, ~~City of Alamosa Home Rule of the~~ Charter.

(f) **Appointment; Term.** The method and term of appointments shall be as set out in Article XIV, Section 1, ~~City of Alamosa Home Rule of the~~ Charter.

- (g) **Alternate Members.** City council may establish, modify, or abolish by resolution one (1) or two (2) additional Planning Commission positions to serve in the following capacities:
- (1) The first position (the "PRIMARY ALTERNATE") may serve as an alternate in proceedings where the Planning Commission would otherwise be without a quorum of members eligible to vote on an issue, or who are able to participate in proceedings on a given matter. The Primary Alternate may also be used to establish a fully constituted Planning Commission during those times when a vacancy exists for a particular ward or for an at-large position when a qualified, willing person has not been appointed, despite the City's reasonable efforts to fill such position.
 - (2) The second position (the "SECONDARY ALTERNATE") is identical to the Primary Alternate, and shall operate identically, except that it shall serve when need arises only after the Primary Alternate is either already serving or cannot serve or vote.
- (h) **Vacancies.** If a vacancy occurs during the term of a Planning Commission member, the vacancy shall be filled as provided in Article XIV, Section 1, of the City of Alamosa Home Rule Charter.
- (i) **Meetings.**
- (1) Meetings shall be held at the call of the Chair or Administrator and at such other times that the majority of the members of the Commission shall determine.
 - (2) All meetings shall be open to the public, except that the Commission may go into executive session in accordance with the Open Meetings Law.
 - (3) Open meetings shall be recorded.
 - (4) A quorum of the Commission shall consist of three voting members, and a majority vote of the members present shall constitute action by the Commission.
 - (5) The Chair shall decide all points of order or procedure unless otherwise directed by a motion approved by a majority of the Commission members present at the time.
 - (6) The Commission shall keep minutes of its proceedings, showing the vote of each member on every matter or, if absent or failing to vote, indicating such fact, and it shall also keep records of such proceedings, and such records shall be filed with the City Clerk.
- (j) **Rules.** The Planning Commission ~~may~~shall adopt procedural rules for the conduct of its business, which shall not be inconsistent with the requirements of this UDC.
- (k) **Officers.** The Planning Commission shall, at its first regular meeting of each calendar year, choose one of its members to act as Chair and one member to serve as Vice-Chair. The Chair shall preside at all meetings of the Commission, except that, in his or her absence, the Vice-Chair shall preside. The City Manager or designee shall act as secretary to the Planning Commission.
- (l) **Consultants.** The Planning Commission may retain consultants and technical advisors as provided in Article XIV, Section 1, of the City of Alamosa Home Rule Charter.

- (m) **Compensation; Reimbursement.** Planning Commission members serve without pay. Members may be reimbursed for expenses incurred upon approval of the City Council.

Sec. 21-8-104. - Zoning Board of Adjustment

- (a) **Generally.** Pursuant to Article XIV, Section 5, ~~City of Alamosa Home Rule Charter of the Charter of the City of Alamosa ("Charter")~~, the Alamosa Planning Commission, established under Article XIV, Section 1, ~~City of Alamosa Home Rule of the~~ Charter, shall serve and act as needed, from time to time, as the Zoning Board of Adjustment. The Planning Commission is appointed to this role pursuant to the power invested in the city council under Section 2(e) of said Article XIV of the ~~City~~ Charter.
- (b) **Powers and Duties.** The Zoning Board of Adjustment has the following powers and duties:
- (1) To hear and decide all questions on appeal from final decisions of the Administrator.
 - (2) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or determination made by an administrative official based on or made in the enforcement of this UDC.
 - (3) To hear and decide (grant or deny) applications for variances, except variances applied to subdivision plats.
 - (4) To hear and decide such other matters as the City Council may prescribe by ordinance.
- (c) **Decisions.**
- (1) The Zoning Board of Adjustment shall decide applications for variances from this UDC.
 - (2) The Zoning Board of Adjustment shall decide administrative appeals from final decisions of the Administrator.
- (d) **Membership and Qualifications.** The Planning Commission shall serve as the Zoning Board of Adjustment.
- (e) **Meetings.** The meetings shall be held at the call of the Chair and at such other times as the Zoning Board of Adjustment may determine. The Chair or, in his or her absence, the Vice-Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- (f) **Rules.**
- (1) The concurring vote of four members of the Board of Adjustment shall be required to overturn decisions made by the Administrator presented to the Zoning Board of Adjustment.
 - (2) Any other matters shall require a majority vote of members present of the Zoning Board of Adjustment.

- (3) The Zoning Board of Adjustment ~~may~~ shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this UDC.
- (g) **Officers.** The Zoning Board of Adjustment shall ~~annually elect from among its members by a majority vote a Chair and a Vice-Chair to serve for a term of one year be the same as the officers of the Planning Commission.~~
- (h) **Records.** The Zoning Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each decision; or, if absent or failing to vote, indicating that. It shall keep records of its examinations and other official actions, all of which shall be a public record and filed immediately in the office of the Board of Adjustment.

Sec. 21-8-105. - City Council

- (a) **Generally.** The City Council is formed as provided in the Article III, ~~City of Alamosa Home Rule Charter of the Charter of the City of Alamosa.~~ The City Council delegates certain responsibilities for the administration of the UDC as provided herein.
- (b) **Decisions.** The City Council retains the authority to decide the following types of applications:
- (1) Rezoning
 - (2) Certificates of designation
 - (3) Development agreements (except standard-form development agreements)
 - (4) Text amendments to this UDC
 - (5) Preliminary Development Plans (and major changes to PDPs)
 - (6) Appeals from decisions of the Planning Commission
 - (7) Vacations of plats
 - (8) Abandonment of easements or rights-of-way

(c) Ratifications.

~~(e)~~ (1) The City Council ratifies the following decisions of the Planning Commission:

~~(1)~~ a. Conditional use

~~(2)~~ b. Preliminary plat

c. Final development plans

~~(3)~~ (2) City Council ratification is by consent agenda, but in extraordinary circumstances, a Planning Commission decision may be removed from the consent agenda and heard by the Council as provided in Section 21-8-512.

Formatted: Body Outline (1)

Division 8-2. - Permits and Approvals

Sec. 21-8-201. - Approvals or Permits Required

Approvals or permits are required for development in the City unless specifically exempted by this UDC. Most of the required approvals and permits are described in this Division. Planned unit development approvals are detailed in Division 8-3, *Planned Unit Development and Campus Master Plans*. Annexations are detailed in Division 8-4, *Annexation and Disconnection*.

Sec. 21-8-202. - Administrative Approvals and Permits

- (a) **Generally.** Administrative approvals and permits are issued by the Administrator or City Engineer upon a finding of compliance with the requirements of this UDC. No public hearing is required.
- (b) **Administrative Approvals and Permits Established.** The administrative approvals and permits that are required by this UDC are set out in Table 21-8-202B, *Administrative Approvals and Permits*. These approvals and permits are in addition to other reviews, approvals, and permits that may be required for compliance with other laws, statutes, or regulations, such as:
- (1) State or Federal law, including, but not limited to, the Clean Water Act, the Clean Air Act, or the Endangered Species Act;
 - (2) Adopted building and safety codes;
 - (3) Ordinances that require permits for activities on public land or within public rights-of-way; or
 - (4) Business licensing ordinances.

TABLE 21-8-202B ADMINISTRATIVE APPROVALS AND PERMITS					
Approval or Permit	Required For	Timing	Exceptions	Decision-Maker	Reference ¹
Land Use Approvals and Permits					
Temporary Use Permit	Operation of temporary use	Prior to establishment of temporary use	None	Administrator	Div. 2-4
Use Permit or Change in Use Permit	Check for zoning compliance as condition of issuance of building permit	Simultaneously with issuance of building permit	Building permits that are not related to the establishment of or change to a land use	Administrator	Div. 2-2
Limited Use Permit	Establishment of Limited Use	Prior to establishment of Limited Use	None	Administrator	Div. 2-2 and 2-3
Site or Design Related Permits and Approvals					
Infrastructure Construction Plans	Construction of public improvements such as streets, utilities, and stormwater management systems	Processed with final plat or site plan; approved prior to commencement of construction of specified improvements	N/A	Administrator	Engineering Standards Manual

**TABLE 21-8-202B
ADMINISTRATIVE APPROVALS AND PERMITS**

Approval or Permit	Required For	Timing	Exceptions	Decision-Maker	Reference ¹
UDC Compliance Approval	Check for UDC compliance as condition of issuance of building permit	Simultaneously with issuance of building permit	Plumbing, electrical, or other permits that do not implicate UDC standards	Administrator	<i>passim</i>
Grading, Erosion and Sediment Control	Authorization for site grading	Prior to site grading, generally simultaneously with building permit or approval of infrastructure construction plans	Traditional agricultural practices; routine landscape maintenance; ditch maintenance	City Engineer	Engineering Standards Manual
Final Plat (major or minor subdivision)	Conveying lots by reference to plat; obtaining building permits within a subdivision	If infrastructure is provided, approval of infrastructure construction plans is prerequisite to approval of final plat; final plat required prior to sale of or construction upon individual lots	N/A	Administrator	<i>passim</i>
Site Plan	All development	Prior to issuance of building permit and grading, erosion, and sediment control permit	Single-family detached or duplex buildings on individual lots; changes in the use of a building that do not involve exterior modifications or site work	Administrator	<i>passim</i>
Development Agreement; Improvements Agreement; Public Improvements Agreement (however titled)	Providing timing and security for implementation of infrastructure construction plans or landscape plans	Prior to issuance of infrastructure construction permits, or as set out in the development agreement	Development agreements that establish vested rights or materially depart from City-approved form	City Manager	Sec. 21-6-301
Modifications and Other Relief					
Administrative (Minor) Modification	Minor modifications to standards within this UDC or to approved final development plans	Prior to the issuance of permits or approvals to which the modifications apply	N/A	Administrator	Sec. 21-8-701

TABLE NOTE:¹ References are provided for convenience only and are not intended to limit the application of this UDC**Sec. 21-8-203. - Discretionary Approvals**

- (a) **Generally.** Discretionary approvals and permits are issued by the City after compliance with all applicable requirements of this UDC is demonstrated to the respective decision-maker(s) at a hearing.

- (b) **Discretionary Permits Established.** The discretionary approvals and permits that are required by this UDC are set out in Table 21-8-203B, *Discretionary Approvals and Permits*. These approvals and permits are in addition to other reviews, approvals, and permits that may be required for compliance with other laws, statutes, or regulations, such as:
- (1) State or Federal law, including, but not limited to, the Clean Water Act, Clean Air Act, and the Endangered Species Act;
 - (2) Further administrative permits (*e.g.*, site plans or final plats);
 - (3) Adopted building codes;
 - (4) Ordinances that require permits for activities in public the rights-of-way; or
 - (5) Business licensing ordinances.

TABLE 21-8-203B DISCRETIONARY APPROVALS AND PERMITS						
Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued By	Reference ¹
Land Use / Zoning						
Conditional Use Permit	Establishment of a conditional use	Prior to the establishment of a conditional use	N/A	Administrator	PC, ratified by City Council	Div. 2-2 and 2-3
Rezoning	Changing the zone that applies to a subject property	Prior to the application of standards from the requested zone	N/A	PC	City Council	Sec. 21-2-106
Certificate of Designation	Development of solid waste disposal sites and facilities	Prior to issuance of any permits for solid waste disposal sites and facilities	N/A	PC	City Council	C.R.S. § 25-15-201 or Title 30, Article 20, C.R.S., as applicable
Site Development / Subdivision / Planned Unit Development						
Preliminary Plat	Approval of a proposed major subdivision (not required for minor subdivisions)	Prior to final plat or issuance of permits that authorize construction or site work	N/A	Administrator	PC, ratified by City Council	<i>passim</i>
Preliminary Development Plan ("PDP")	First step of Planned Unit Development process; if applicable, filed with preliminary plat	Prior to approval of Final Development Plan	N/A	PC	City Council	Div. 8-3
Final Development Plan ("FDP")	Second step of Planned Unit Development process; may be filed with final plats or site plans	Prior to approval of final plat or site plan	N/A	Administrator	PC, ratified by City Council	Div. 8-3, Art. VI

TABLE 21-8-203B
DISCRETIONARY APPROVALS AND PERMITS

Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued By	Reference ¹
Campus Master Plan	Approval of the general layout of development and arrangement of uses within a campus in the CA Zone	Prior to final plat, or if no final plat is required, prior to approval of site plans or building permits that authorize site work or building construction	N/A	PC	City Council	Div. 8-3, Art. II, Art. III, Art. V, Art. VI
Development Agreement; Improvements Agreement; Public Improvements Agreement (however titled)	Providing timing and security for implementation of infrastructure construction plans or landscape plans; vesting development rights	Prior to issuance of construction permits, or as set out in the development agreement	Agreements that may be approved administratively	Administrator	City Council	Div. 6-3 and authority under City Charter
Vacation / Abandonment						
Planned Unit Development Amendment, Major	Major changes to approved Preliminary Development Plan	Prior to implementation of major changes	N/A	PC	City Council	Div. 8-7
Vacation of Plat or Abandonment of Easement or Right-of-Way	Vacation of plats or abandonment of easements or rights-of-way	N/A	N/A	PC	City Council	Sec. 21-8-520
Amendments						
LDC Text Amendment	Amending the text of this LDC	N/A	N/A	PC	City Council	N/A
Comprehensive Plan Amendment	Amending the text or maps of the Comprehensive Plan	N/A	N/A	Administrator	PC	N/A
Relief						
Variance	Authorizing development which does not strictly comply with the requirements of this UDC	Prior to issuance of permits that authorize the construction or site work	Variances shall not authorize uses which are otherwise prohibited in the zone, nor authorize development that does not comply with the Floodplain Management Regulations	N/A	ZBOA	Sec. 21-8-702
Administrative Appeals	See Sec. 21-8-703, <i>Administrative Appeals</i>					
TABLE NOTE:						
¹ References are provided for convenience only and are not intended to limit the application of this UDC						

Division 8-3. - Planned Unit Development and Campus Master Plans

Sec. 21-8-301. - Purpose and Application of Division

- (a) **Purpose.** The purpose of this Division is to:
- (1) Establish standards and procedures to allow for creative, innovative, and beneficial development patterns, facilities, or mixes of land uses that were not contemplated by this UDC and therefore may not otherwise be allowed by this UDC.
 - (2) Establish standards for the approval and implementation of campus master plans to facilitate the development of campuses within the CA Zone.
- (b) **Application.**
- (1) Planned unit development is approved in a two-step process. The first step is a preliminary development plan ("PDP"), which sets out the general parameters for the development. The second step is the final development plan ("FDP") which sets out specific development standards for some or all of the property within the boundaries of the PDP. Planned unit development is used to modify development standards as provided in this Division. If individual lots are to be created, PDP applications are processed concurrently with preliminary plats, and FDP applications are processed concurrently with final plats.
 - (2) Campus master plans are approved in a one-step process. The campus master plan details the proposed general locations and intensities of land uses, buildings, parking areas, and open spaces, conceptual traffic and pedestrian circulation systems, and the classes of buffers or techniques for transition between the CA Zone and adjoining property in other zones. The campus master plan may also include thresholds for development after which off-site improvements will be required to mitigate the impacts of the campus. Upon approval of a campus master plan, further approvals of the uses, buildings, and infrastructure set out in the campus master plan are administrative. Campus master plans are intended to be long-term documents that are implemented in conjunction with long-term capital improvements plans, and may be vested pursuant to the requirements of this UDC for periods in excess of 10 years.

Sec. 21-8-302. - Scope

- (a) **Planned Unit Development.**
- (1) *Zones Where Allowed.* Application for a planned unit development may be made for land located in any zoning district except A, agricultural district.
 - (2) *Modification of Standards.* Development standards for a planned unit development are controlled by the criteria and standards established in Section 21-8-304, *Standards that May be Modified in a Planned Unit Development.*
- (b) **Campus Master Plan.** Campus master plans are allowed in the CA Zone.

Sec. 21-8-303. - Types of Planned Unit Development**(a) Generally.**

- (1) The following types of planned unit developments may be established by overlaying a PUD development plan over the applicable existing zoning district or districts. The overlays are as follows:
 - a. PUD-R (a planned residential development within an RE, RL, RM, or RH Zone);
 - b. PUD-C (a planned commercial development within a CB Zone); and
 - c. PUD-I (a planned industrial development within an I Zone).
- (2) A zoning change is not required; however, the area included in each approved planned unit development shall be indicated on the zoning map.

(b) Planned Residential Development (PUD-R).

- (1) *Generally.* Property within the RE, RL, RM, and RH Zones may be developed as PUD-R, planned residential development.
- (2) *Land Use.* Within the PUD-R district the following uses may be permitted by the City Council:
 - a. Uses permitted by right, by limited use approval, or by conditional use approval in the underlying zone or zones;
 - b. Commercial uses, if the planned unit development contains 600 or more dwelling units. Such commercial uses shall be subject to the following requirements:
 - i. Parking related to the commercial uses must be included as an integral part of the PUD and shall not occupy more than 1.5 percent of the total area of the PUD.
 - ii. Commercial uses in any phase shall not be open to use prior to the completion of, and issuance of certificate of occupancy for, at least 50 percent of the dwelling units in that phase.
 - iii. Unless modified by the City Council, all requirements applicable to the MU Zone are applicable to the commercial center in the PUD-R district.
 - iv. Commercial uses shall be limited to categories reasonably necessary to efficiently serve residents of the development in which the uses are located.
- (3) *Income-Restricted Housing.* Provision for low- and moderate-income housing may be required in a residential planned development. If required, the number of low and moderate income units shall be determined by the City Council in accordance with current city policies.

- (4) *Density*. Density shall be limited according to the maximum density of the underlying zone.
- (c) **Planned Commercial Development (PUD-CB)**. The PUD-CB district is created to provide for the development of planned business and shopping centers. It is intended to promote the grouping of professional and commercial uses and to provide areas large enough to establish harmonious relationships between structures, people and the automobile through the use of well-planned parking, access, pedestrian walkways, courtyards, malls and open spaces. Any commercial zoned area may be developed as a PUD-C district. Uses that are permitted by right, by limited use approval, or by conditional use approval in the underlying zone may be permitted in the PUD-C district.
- (d) **Planned Industrial Development (PUD-I)**. The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well-planned parking and access, landscaped open areas, and harmonious relationships among buildings and structures. Any industrial zoned area may be developed as a PUD-I development. Uses that are permitted by right, by limited use approval, or by conditional use approval in the underlying zone may be permitted in the PUD-I district.

Sec. 21-8-304. - Standards that May be Modified in a Planned Unit Development

- (a) **Generally**. The standards that are set out in this Section may be modified in a planned unit development.
- (b) **Open Space**.
 - (1) Open space, in addition to required landscape areas and park and school dedications may be required by the City Council upon recommendation by the Planning Commission. The requirement for additional open space will be based on the following factors:
 - a. The City's adopted comprehensive plan;
 - b. Drainage, vegetation, natural features, and other physical conditions of the subject property;
 - c. The types, densities, and intensities of development, employment, and residential use;
 - d. The overall projected demand for open space and recreational facilities by residents or employees of the development.
 - (2) Such open space shall be owned and maintained as common open space by the developer or an organization established for the ownership and maintenance of common open space, unless the City Council accepts dedication of the open space.

- (c) **Residential Lot and Building Standards.** The minimum lot area per dwelling unit requirements as set out in Division 4-2, *Housing Palette*, apply to the planned unit development, except that the City Council may modify such requirements to allow for new housing types or configurations that meet market demands within the City and that provide comparable private or public outdoor use areas.
- (d) **Other Lot and Building Standards.** Other lot and building standards, including building height, may be modified by the City Council.

Sec. 21-8-305. - Approval Criteria for Modification of Standards in a Planned Unit Development

- (a) **Generally.** The standards identified in Section 21-8-304, *Standards that May be Modified in a Planned Unit Development*, may be modified if the development plan demonstrates compliance with the criteria set out in this Section.
- (b) **Approval Criteria.** A final development plan that proposes modification of the standards in this UDC shall meet each of the following criteria (or demonstrate that the criteria are not applicable):
 - (1) There is an appropriate relationship to the surrounding area;
 - (2) Circulation in terms of internal street circulation system is designed for the type of traffic generated, safety, separation from living areas, convenience, access, and noise and exhaust control, and there is proper circulation in parking areas in terms of safety, convenience, separation and screening;
 - (3) If residential uses are proposed, there is consideration of, and provision for, low and moderate income housing;
 - (4) Functional open space is provided in terms of optimum preservation of natural features including trees and drainage areas, recreation, views, density relief, and convenience of function;
 - (5) The development provides a variety of housing types, densities, facilities and open space;
 - (6) The development provides for privacy in terms of the needs of individuals, families, and adjoining property;
 - (7) Pedestrian and bicycle traffic is facilitated in terms of safety, separation from vehicular traffic, convenience, access points of destination and attractiveness;
 - (8) Building types are appropriate in terms of density, site relationship, bulk, and massing;
 - (9) Building design creates a "sense of place" in terms of architectural design, orientation, relationship to open space, spacing among buildings, quality of materials, harmonious color palette, complimentary textures, screened storage areas, and appropriate lighting;

- (10) Signs are complimentary to the scale, architecture, and cladding materials used on the principal buildings; and
- (11) Landscaping of subject property is high quality and serves functional purposes in terms of screening, defining outdoor spaces, providing shelter for pedestrians, and softening building masses.

Sec. 21-8-306. - Construction Procedures and Building Permits

- (a) **Building Permits.** The appropriate official shall issue building permits for buildings and structures in the area covered by an approved final development plan or campus master plan, provided that:
 - (1) The time limit established by the planned unit development's tentative development schedule or the duration of the campus master plan, as applicable, has not expired;
 - (2) The final development plan or campus master plan has been recorded in the public records of Alamosa County;
 - (3) If the subject property was also subdivided, the final plat has been recorded in the public records of Alamosa County;
 - (4) All infrastructure required by an improvements agreement or campus master plan is in place and preliminary acceptance has been granted; and
 - (5) The buildings or structures are in conformity with the approved final development plan or campus master plan and with all other applicable ordinances and regulations.
- (b) **Certificate of Occupancy.** The appropriate official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan or campus master plan if the completed building or structure conforms to the requirements of the approved final development plan or campus master plan, applicable building codes, and all other applicable ordinances and regulations.
- (c) **Expiration of PUD Approval.** If the time limit established by the development schedule has passed or if the campus master plan has expired, no building permits shall be issued until after the Planning Commission has reviewed the development plan or campus master plan for conformance to this UDC (the Planning Commission may require such modification as may be necessary to ensure such conformance) and approved a new development schedule.

Sec. 21-8-307. - Amendments to the Final Development Plan or Campus Master Plan

- (a) **Generally.** No changes may be made in the approved final development plan or campus master plan during the construction of the planned unit development, except upon application to the appropriate administrative body under the procedures provided below.
- (b) **Minor Changes.** Minor changes may be approved by the Administrator pursuant to Section 21-8-701, *Administrative Modifications*.
- (c) **Major Changes.**

- (1) All changes in use or increases in the density of the final development plan or campus master plan must be approved by the City Council, under the procedures authorized by this UDC for the amendment of the zoning map.
- (2) All other changes that do not qualify for administrative approval pursuant to Section 21-8-701, *Administrative Modifications*, must be approved by the City Council under the procedures authorized for final development plan or campus master plan approval.
- (d) **Recordation of Amendments.** Any changes that are approved for the final development plan or campus master plan must be recorded as amendments to the recorded copy of the final development plan or campus master plan.

Sec. 21-8-308. - Enforcement of Development Schedule

- (a) **Generally.** From time to time the Planning Commission shall compare the actual development accomplished in the various planned unit developments or campuses with the approved tentative development schedules.
- (b) **Revocation or Extension of Approval.** If the owner or owners of property in the planned unit developments or campuses have failed to meet the approved development schedule, the commission may initiate proceedings to revoke the approved final development plan or campus master plan. Upon recommendation of the Planning Commission and for good cause shown by the property owner, the City Council may extend the limits of the development schedule.
- (c) **Assurances for Common Open Space.** The City Council may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan will be provided and developed.

Sec. 21-8-309. - Control of Development Following Completion

- (a) **Enforceability.** Unless the subject property is owned by the State of Colorado, the provisions of a final development plan or campus master plan relating to the use of land and the location of common open space shall run in favor of the City and shall be enforceable at law or in equity by the City without limitation on any power or regulation otherwise granted by law.
- (b) **Certificate of Completion for Planned Unit Development.**
 - (1) *Timing.* The Administrator shall issue a certificate certifying the completion of the planned unit development, and the City Clerk shall note the issuance of the certificate on the approved final development plan.

- (2) *Effect.* After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development will be principally controlled by the approved final development plan. Where the final development plan is silent as to a particular matter addressed by this UDC, this UDC shall apply unless the Administrator finds that such application would collaterally prevent the exercise of rights granted by the final development plan.
- (3) *Subsequent Amendment.* After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency as follows:
 - a. The Administrator may approve changes to single-family detached and duplex buildings as provided in Article IV, *Lot, Building, and Structure Standards*.
 - b. The Planning Commission may approve the minor extension, alteration, or modification of existing buildings or structures if the extension, alteration, or modification is consistent with the purposes and intent of the final development plan and does not increase any dimension of a building or structure by more than ten 10 percent.
 - c. The City Council may approve uses that are not authorized by the approved final development plan, but otherwise may be allowed in the planned unit development as a use by right, by limited use approval, or by conditional use approval in the underlying zone in which the planned development is located.
- (c) **Restoration of Damaged Buildings or Structures.** A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or campus master plan unless an amendment to the final development plan or campus master plan is approved in accordance with this article.
- (d) **Changes of Use or Dimensions of Open Space; Other Changes.** Changes in the use or dimensions of common space, and all other changes not listed in this Section, may be authorized only by an amendment to the final development plan or campus master plan approved by the City Council, which shall be processed in the same manner as a new final development plan.
- (e) **No Effect on Covenants.** No changes in the final development plan or campus master plan that are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the planned unit development.

Division 8-4. - Annexation and Disconnection

Sec. 21-8-401. - Annexation and Disconnection Procedure

All annexation of unincorporated territory to the City shall comply with the requirements and procedures set out in the Municipal Annexation Act, C.R.S. § 31-12-101, *et seq.*, as amended from time to time. Any disconnection of incorporated territory from the City shall be done in accordance with C.R.S. §§ 31-12-501 to 503 thereof, as amended from time to time.

Sec. 21-8-402. - Required Annexation Agreement

- (a) **Generally.** Except as to an annexation of an enclave without the consent of the property owner or owners, or as to an annexation upon election, the requirements of this Division and any additional conditions determined in the discretion of the City Council shall be contained in a written Annexation Agreement to be executed by the land owner and developer (if applicable) prior to final City Council action on the annexation.
- (b) **Conditions.** In addition to any conditions imposed in the discretion of the City Council, the following ~~conditions items~~ shall be ~~included-addressed~~ in annexation agreement unless specifically waived in the annexation agreement:
- (1) *Floodplain.* ~~Upon The City may require that upon~~ annexation, any ~~portion of the area of land to be annexed~~ that is situated within an area of special flood hazard, shall be dedicated to the City or protected from development by an appropriate conservation easement.
- (2) *Water Rights.* ~~If the subject property will be connected to the City's water system, the annexation agreement shall contain a description of the water rights that are appurtenant to the property to be annexed, a warranty of merchantable title, and an agreement to convey such water rights as the City chooses to have conveyed. Upon the approval of both parties, the annexation agreement may provide for the lease-back of such water for a stated annual rental until the property is developed. In the absence of water rights associated with the property to be annexed in an amount or type sufficient to offset the estimated increased water usage of the property at the time of development the City may require the Applicant to provide water rights or payment of an amount to offset such estimated usage as determined by the City. If the subject property will be connected to the City's water system, the annexation agreement shall contain a description of the water rights that are appurtenant to the property to be annexed, a warranty of merchantable title, and an agreement to convey such water rights to the City immediately upon annexation for a stated price, which price shall represent the agreed present market value of such water. Upon the approval of both parties, the annexation agreement may provide for the lease-back of such water for a stated annual rental until the property is developed.~~
- (3) *Extensions of Utility Services and Public Improvements.* ~~The City may require the applicant to:~~

Formatted: Font: Not Bold, Not Italic

a. Pay all costs for design and construction of all public improvements and utility services necessary to serve the subject property, including but not limited to, roads, curbs, gutters, sanitary and drainage sewers, water, street lights, electricity, telephone, gas, and cable television service all in accordance with applicable City, public utility company, or service provider, standards and specifications;

b. Dedicate to the City, public utility company, or service provider (as applicable) without charge, free and clear of all liens and encumbrances that may be inconsistent with the easement, those easements or rights-of-way that are necessary for installation and maintenance of said utility and service lines and other public improvements (including public streets and trails), and in addition shall convey the public improvements to the appropriate entity upon completion and acceptance of the improvements.

(4) Public Dedications. In addition to those dedications required in subsection (3)b. of this Section, the City may require the applicant to dedicate, without charge and free and clear of any liens and encumbrances, such real property as is required to provide for public uses that will be needed in the annexed area (e.g., parks, public schools, utility facilities, etc.).

(5) Title Insurance. For real estate that will be dedicated to the City, the applicant shall:

a. Provide evidence of the status of title in the form of a title insurance commitment by a title insurance company acceptable to the City; and

b. Upon acceptance of the status of title by the City, shall insure title in the City on a policy form acceptable to City, in an amount designated by the Administrator, which amount shall be reasonably calculated to cover the actual value to City of the affected real estate after the improvements are completed.

(c) **Annexation Handbook.** The City Council may approve an Annexation Handbook by resolution. The Annexation Handbook may include additional requirements for annexation, and may include standard forms for petitions, resolutions, ordinances, and agreements related to annexation.

Formatted: Font: Not Bold, Not Italic

Formatted: Body Outline a.

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Italic

Formatted: Body Outline (1)

Formatted: Font: Bold

Formatted: Body Outline (a)

Sec. 21-8-403. - Approval Criteria

All annexations shall be reviewed for compliance with the following criteria. However, annexation is a discretionary legislative act. The City shall never be compelled to annex, unless otherwise required by state law, even if all these approval criteria have been satisfied.

- (1) The proposed annexation is in compliance with the Municipal Annexation Act of 1965 (CRS § 31-12-101, *et seq.*, as amended from time to time).
- (2) The annexation implements or does not frustrate the Comprehensive Plan, and the best interests of the City would be served by annexation of the subject property.

- (3) The property is capable of being integrated into the City and developed in compliance with all applicable provisions of this UDC.
- (4) At the time any development of the property proposed to be annexed is completed, there will be capacity to adequately serve residents of such area with all necessary utilities and facilities.
- (4)(5) 4-7, 9 of Annexation Handbook (p.19)

Sec. 21-8-404. - Zoning of Annexed Property

- (a) **Generally.** Zoning of land in the process of annexation may be done in accordance with the procedure and notice requirements of this Division. The proposed zoning amendment shall not be passed on final reading prior to the date when the annexation ordinance is passed on final reading, but the ordinance annexing the property may also zone the property. If the zoning process is commenced prior to the effective date of the annexation ordinance, the legal protest area for rezoning shall be determined solely on geographic location, irrespective of whether the land in such legal protest area is within or without or partly within and partly without the boundaries of the City.
- (b) **Application of UDC.** Any area annexed shall be brought under the provisions of this chapter and the map thereunder within 90 days from the effective date of the annexation ordinance, irrespective of any legal review which may be instituted challenging the annexation. During such 90-day period, or such portion thereof as is required to zone the territory, the city shall refuse to issue any building permit for any portion of all of the newly annexed area.

Sec. 21-8-405. - Execution of Annexation Agreement; Recordation of Approval

- (a) **Annexation Agreement.** Following approval of an annexation or conditional approval of an annexation with all conditions being agreed to, the annexation agreement, which shall have all conditions of approval expressly noted therein, shall be signed by the Mayor, and shall be attested by the City Clerk.
- (b) **Recording of Ordinance and Map.**
 - (1) The City shall file:
 - a. One copy of the annexation map with the original annexation ordinance with the City Clerk;
 - b. Three certified copies of the annexation ordinance and map with the Alamosa County Clerk and Recorder, which shall record one copy and distribute the other copies as provided in C.R.S. § 31-12-113(2).
 - (2) The applicant shall pay all required recording fees, and it shall be the applicant's responsibility to ensure that such recording was successfully completed.

Division 8-5. - Standardized Procedures

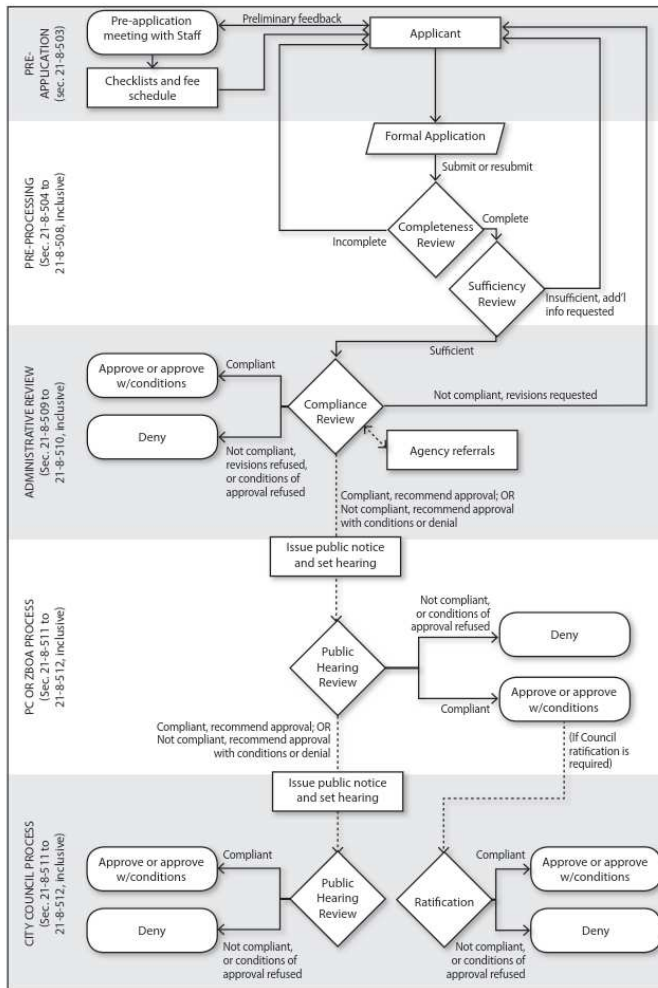
Sec. 21-8-501. - Standardized Review Process

- (a) **Generally.** The standard development approval procedures of this Division apply to all applications for approvals or permits that are set out in Division 8-2, *Permits and Approvals*.
- (b) **Process.** The approval procedures set out in Section 21-8-503 to Section 21-8-512, inclusive, are undertaken in sequence until an application is considered and decided by the designated decision-maker for the type of application at issue. Table 21-8-501B1, *Standardized Procedures*, lists the approval steps that are required, based on the decision-maker. Figure 21-8-501B2, *Standardized Procedures*, illustrates the flow of application processing.

TABLE 21-8-501B1 STANDARDIZED PROCEDURES			
Process Step ¹	Decision-Maker		
	Administrator	Planning Commission or Zoning Board of Adjustment	City Council
21-8-503	Required Unless Waived by Administrator	Required	Required
21-8-504	Required	Required	Required
21-8-505	Required	Required	Required
21-8-506	Required	Required	Required
21-8-507	Required	Required	Required
21-8-508	Required	Required	Required
21-8-509	Required	Required	Required
21-8-510	Referrals may be required by Administrator if nature or location of application justifies referral	Required	Required
21-8-511	Not Required	Required	Required for decisions
21-8-512	Not Required	Required	Required for decisions and ratifications
TABLE NOTE: ¹ The references in this column are to the Sections of this Division that describe the process step.			

- (c) **Special Review Types.** The communications uses that are listed in Table 21-2-207, *Utility and Communications Land Use Table*, are subject to the standardized review procedures, as modified by Section 21-8-521, *Special Procedures for Wireless Telecommunications Facilities*.

FIGURE 21-8-501B2
STANDARDIZED PROCEDURES



Sec. 21-8-502. - Ex Parte Communications

- (a) **Generally.** It is the policy and practice of the City to decide applications only on the merits presented in the application, on-record public comments, and at public hearings (if public hearings are required). Therefore, *ex parte* communications are not allowed.
- (b) **Timing.** The prohibition on *ex parte* communications begins on the date of application and ends when the appeal period for an issued development order has expired.
- (c) **Inadvertent Communications.**
 - (1) It is not always possible to prevent *ex parte* communications. Elected and appointed officials who hear applications required by this UDC shall not privately discuss the merits of a pending application or appeal.
 - (2) If a communication is received outside of the record (*e.g.*, it is not in the application, agency comments, or public comments, nor was it presented at a noticed public hearing), then the official shall disclose the communication, including the speaker and the substance of the communication, on the record of the public hearing before the application is heard.
 - (3) The decision-maker or recommending body must base its decision only on the evidence presented on the record. The contents of the *ex parte* communication shall not be considered part of the record for decision-making unless the information in the communication is also presented at the hearing (other than through the required disclosure).

Sec. 21-8-503. - Pre-Application Meeting

- (a) **Generally.** A pre-application meeting is an opportunity for the potential applicant to meet with City staff before filing an application, in order to:
 - (1) Identify the applicable review procedures and likely timelines;
 - (2) Review preliminary materials and identify potential issues and related information requirements; and
 - (3) Identify what fees will be due, including whether an escrow payment will be required for professional consultant review.
- (b) **When Required.** A pre-application meeting is required for all application types, except permits for signs, home occupations, and cottage industries. Informal meetings may be scheduled prior to a pre-application meeting, at the discretion of the Administrator.
- (c) **Meeting Logistics.**
 - (1) The Administrator is authorized, but not required, to establish a regular schedule for pre-application meetings.
 - (2) Pre-application meetings may be conducted in person, by telephone, or by internet-based communication tools, as may be agreed between the potential applicant and the Administrator.

- (d) **Meeting Materials.** The potential applicant shall bring to (or submit prior to) the pre-application meeting sufficient supporting materials to explain, as applicable to the type of application to be submitted:
- (1) For all applications:
 - a. The location of the project;
 - b. The proposed uses (in general terms);
 - c. The relationship of the proposal to existing development; and
 - d. Any other conditions or items that the potential applicant believes are relevant to the processing of the application.
 - (2) For applications that involve new construction:
 - a. The proposed arrangement of buildings, parking, access points, open spaces, and drainage facilities (including water quality and stormwater detention facilities);
 - b. The general locations and extent of natural or man-made hazards, irrigation ditches, open water, floodplains, and floodways on and adjacent to the subject property; and
 - c. For subdivisions, the proposed general lot layout.
 - (3) For applications that involve renovation, rehabilitation, or re-use of existing buildings:
 - a. A brief history of the building; and
 - b. The number of square feet of floor area affected by the application.
 - (4) The Administrator may request that the Applicant bring completed application forms (in draft form) for the types of permits being sought.
- (e) **Summary.** Upon request by the potential applicant, within 21 calendar days of the pre-application meeting, The Administrator shall deliver to the applicant:
- (1) A checklist of submittal materials that will be necessary for the type(s) of application(s) sought; and
 - (2) A copy of the City's application fee schedule.
- (f) **Courtesy Presentations.** At the pre-application meeting, a potential applicant may request an opportunity to make a courtesy presentation of a proposed development concept or conceptual subdivision map in a design charrette process. Attendees may include appropriate staff, referral agencies, design professionals, and other persons identified by the Administrator or the potential applicant.

Sec. 21-8-504. - Application

- (a) **Generally.** Every application for development approval required by this UDC shall be submitted on a form approved by the Administrator, along with the corresponding application fee (fees are established by resolution of the City Council). Unless waived by the Administrator, all applications shall include electronic versions of all attachments in a format approved by the Administrator.
- (b) **Forms.**
 - (1) The Administrator shall promulgate and periodically revise, as necessary, forms for each type of application required by this UDC. Minimum application requirements and provisions for waiving application requirements may be provided in an appendix to this UDC.
 - (2) Application forms shall include the specific information that is required to process each type of application. The specific information requirements shall be established and periodically revised by the Administrator, and have the purpose of facilitating:
 - a. The evaluation of applications for compliance with the standards of this UDC; and
 - b. The administration of this UDC.
 - (3) The Administrator is authorized to establish a standardized format for each type of required submittal, and to allow deviations from the format in instances where the Administrator finds that an alternative format would provide for more efficient review.
- (c) **Schedule.** The Administrator is authorized, but not required, to establish regular intake days or times for any or all classifications of applications for development approval, except sign permits and administrative appeals.

Sec. 21-8-505. - Application Fees and Escrows

- (a) **Generally.** Fees shall be charged to offset the cost of application processing (including any application for amendments of existing approvals), reviews, public notices, hearings, and recordkeeping. Application fees to be charged by the City shall be established, from time to time, by resolution adopted by the City Council.
- (b) **Recording Fees.** Recording fees of the Alamosa County Clerk and Recorder's Office shall be paid to the County by the Applicant at the time of any required recording.
- (c) **Referral Agency Fees.** The Applicant may be required to pay any fees assessed by referral agencies in advance of their review and comment. Failure to obtain comments from referral agencies due to failure to pay review fees may result in delay or denial of an application.
- (d) **Escrow for Consultant Review.**
 - (1) *Consultant Review Authorized.*

- a. The Administrator is authorized to retain professional consultants at the Applicant's expense to assist in the review of proposed development.
 - b. The Administrator may make an initial determination as to the use of consultants at the time of the pre-application meeting, and may revise the determination at the time of application if new or changed information in the application materials justifies the revision.
- (2) *Initial Escrow Payment.*
 - a. If the Administrator determines that an application will require review by professional consultants, then the Applicant shall execute an escrow agreement in a form approved by the City Attorney, and make an initial escrow payment in an amount sufficient to cover the estimated review costs.
 - b. The Administrator shall provide the Applicant with a preliminary estimate of professional consultant review fees at a time established during the pre-application meeting by agreement with the Applicant. Alternatively, the Administrator may advise the Applicant regarding the amount of a fixed-fee that has been established in advance for the type of application presented.
- (3) *Use of Escrow Payment.* The City may draw upon the escrow to pay the fees and expenses of professional consultants retained by the City to review the application.
- (4) *Additional Escrow Funds.* The Administrator may require additional escrow funds to be paid for additional services related to the application, should they become necessary. If a balance is due at the time an application is approved, it shall be paid by the Applicant as a condition of approval.
- (5) *Return of Escrow Funds.* Escrow funds shall be returned to the Applicant as follows:
 - a. If the Administrator decides not to use consultants, then escrow funds shall be returned to the Applicant within 30 days of the decision.
 - b. If the Applicant withdraws the application, then the Administrator shall notify the consultants to stop work within 24 hours of the withdrawal. The Administrator shall then return the escrow to the Applicant, less the amount required to pay the consultant for work actually performed.
 - c. When the application is decided, any positive escrow balance shall be returned to the Applicant within 60 days.
- (6) *Account Reports.* Applicants shall be provided with a monthly accounting of the use of escrow funds.
- (7) *Fixed-Fee Consultant Review.* The Administrator is authorized to establish:
 - a. A roster of consultants that are pre-qualified to conduct reviews of various types; and
 - b. For routine application types with predictable review fees, a schedule of fixed-fees for consultant review.

Sec. 21-8-506. - Completeness Review

- (a) **Generally.** The Administrator shall review all submitted applications for completeness. A complete application includes all of the materials required on the application forms, materials requested at the pre-application conference, any required professional certifications, and all fees and escrows that are required for application processing.
- (b) **Schedule.** Generally, all applications shall be reviewed for completeness within seven calendar days after an application is submitted.
- (c) **Incomplete Applications.**
 - (1) Incomplete applications shall be returned to the Applicant, along with any fee included with the application, with a written explanation that describes in general terms the materials that must be submitted in order to complete the application.
 - (2) An application that does not include the applicable processing fee shall not be considered complete.
 - (3) Incomplete applications are not considered filed.
- (d) **Complete Applications.** Complete applications shall be processed according to the applicable procedures of this Article.
- (e) **Waiver of Application Information Requirements.** The Administrator may waive any of the information requirements of a particular application type if it is obvious to the Administrator that they do not relate to the processing of the application for which the waiver is requested. The Administrator may not waive application fees.

Sec. 21-8-507. - Sufficiency Review

- (a) **Generally.** All applications shall be technically sufficient for review, ~~meaning in~~ that:
 - (1) The application materials are internally consistent and are presented as required by this UDC and the applicable application forms.
 - (2) Materials are prepared by qualified professionals (where such qualifications are required), and signatures and certifications are present, if required.
 - (3) The application materials are technically sufficient (*e.g.*, legal descriptions and calls and distances on surveys describe closed polygons within acceptable tolerances, calculations that are provided are performed according to the methodologies set out in this UDC, etc.) to demonstrate compliance with applicable standards of this UDC.
- (b) **Insufficient Applications.**
 - (1) An application is insufficient if it does not meet the standards of Subsection (a), above.

- (2) If an application is determined to be insufficient, the Administrator shall notify the Applicant and provide a written explanation regarding the materials that must be submitted, or revisions that must be made, in order to continue processing the application.
 - (3) The Applicant shall provide the materials or revisions that are required to make the application sufficient within 145 days of the date of the notice.
 - (4) If an Applicant fails to submit the required materials within the time period specified in Subsection (b)(3), above, or if the Applicant fails to submit a sufficient application after three rounds of review, then the application fee shall be retained and the application shall be returned to the Applicant as insufficient.
- (c) **Sufficient Applications.** Technically sufficient applications shall be processed according to the applicable standards and procedures of this UDC.

Sec. 21-8-508. - Stale Applications

- (a) **Generally.** This Section is intended to extinguish applications that become stale due to inaction by the Applicant.
- (b) **Expiration of Stale Applications.** When an action by the Applicant is required for further processing of an application (for example, if revisions are requested after agency referrals), the application shall become void:
- (1) Six months after the date that the action is requested if the Applicant either fails to take action or fails to request an extension of time pursuant to Subsection (c) below; or
 - (2) Upon failure to timely provide requested information to make an application technically sufficient pursuant to Section 21-8-507, *Sufficiency Review*.
- (c) **Extension of Time.** The time for expiration of an application may be extended by up to six additional months upon written request of the Applicant before the end of the period set out in Subsection (b), above.

Sec. 21-8-509. - Administrative Review

- (a) **Generally.** Upon determination that an application is complete and sufficient, the Administrator shall cause the application to be reviewed for technical compliance with all applicable requirements of this UDC, as follows:
- (1) Appropriate City staff or consultants shall review the application; and
 - (2) The application shall be promptly referred to applicable referral agencies and individuals for review and comment pursuant to Section 21-8-510, *Referrals*.
- (b) **Recommended Revisions.**

- (1) The Administrator shall provide comments from City staff or consultants (collectively, "STAFF COMMENTS"). The staff comments shall provide Staff or consultant input and address or include comments by referral agencies and interested individuals. The Applicant shall revise and resubmit the application with appropriate changes based on staff comments, and with responses to staff comments that did not result in changes to the application.
 - (2) Upon receipt of the re-submittal, the Administrator may refer the application to referral agencies again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments (or lack thereof), or require the agency's technical expertise for appropriate review.
 - (3) The re-submittal shall not require an application fee unless both of the following conditions are met:
 - a. The revisions are inappropriate or incomplete; and
 - b. Repeated failure to address comments requires more than three rounds of revisions.
- (c) **Administrative Recommendation, Decision, or Referral.** Promptly after determination that a complete application addresses the comments and recommendations provided pursuant to Subsection (b), above (or, after finding that no revisions will be required):
- (1) If the application is for an administrative approval or permit, then the Administrator shall:
 - a. Approve, approve with conditions, or deny the application, as appropriate; or
 - b. Upon a determination that the development, as proposed, may have material impacts on neighboring properties or City resources that are unusual in kind or degree, or that there is material potential for disagreement regarding whether the application complies with the standards of this UDC, the Administrator may refer the application to the Planning Commission for review and recommendation and City Council for decision, according to the applicable standards of this UDC.
 - (2) If the application is for a public hearing approval or permit, then the Administrator shall make a recommendation regarding the application and forward the recommendation and the application materials and referral comments to the next body that will consider it for further recommendation or approval.
- (d) **Meeting Logistics.**
- (1) If the application is for a public hearing approval or permit, then the Administrator shall set the application on the agenda of the next body that will consider the application.
 - (2) Generally, the application shall be heard during the next regular meeting of the body which meets the following two conditions:

- a. There is sufficient time to meet applicable public notice requirements; and
 - b. There is available room on the agenda.
- (3) The Administrator shall coordinate with recommending and decision-making bodies to fix reasonable times for hearings. Said bodies are authorized to convene special meetings to hear applications as they determine appropriate.
- (4) The Administrator, or a designee, shall notify the Applicant regarding the time and place of the public hearings.

Sec. 21-8-510. - Referrals

- (a) **Generally.** Applications may be referred for additional review by agencies or consultants according to the procedures set out in this Section.
- (b) **Inter-Jurisdictional Referrals.**
- (1) As part of the review process, the City may seek review and comment by referral agencies that have expertise in the subject matter impacted by the application, that have jurisdiction over one or more aspects of the proposed development, or whose operations will likely be affected by the proposed development. Referral agency comments are advisory to the City.
 - (2) The Administrator may refer an application to any agency, jurisdiction, ditch company, land management entity, utility, or department that the Administrator determines is likely to be materially affected by the application. The Administrator's determination regarding referrals is not appealable.
 - (3) The agency referral period is 21 calendar days, which can be extended by up to 30 additional days by mutual consent of the Applicant and the Administrator.
 - (4) Failure of an agency to respond within the prescribed time period (or extended period) is interpreted as consent by that agency to the contents of the application. However:
 - a. Such consent does not waive the authority of agencies which have concurrent jurisdiction with the City; and
 - b. Such consent is not implied if the applicant fails to pay the agency's required review fees.
- (c) **Consultant Review.** Upon notice to the Applicant, the Administrator may refer the application to consultants selected by the City, in order to obtain technical review and recommendations. The cost of such referrals shall be borne by the Applicant.

Sec. 21-8-511. - Public Notice

- (a) **Generally.** For applications that require public notice, public notice shall be provided according to the standards of this Section.
- (b) **Contents of Public Notice.** Public notice shall include the following elements:

- (1) The phrase "PUBLIC NOTICE" at the top of the notice.
 - (2) A brief description of the type of application (*e.g.*, rezoning from zone X to zone Y).
 - (3) The date, time, and place of the hearing.
 - (4) A brief summary of what the Applicant is requesting (*e.g.*, approval of a 10,000 sf commercial retail development).
 - (5) The physical address of the subject property, or if an address is not available, a location map of the property or a statement that the legal description is on file with the Administrator.
 - (6) A notice that interested persons may obtain more information from the Administrator.
 - (7) Contact information for the Administrator.
- (c) **Types of Public Notice.** Table 21-8-511C, *Types of Public Notice*, sets out standardized requirements for publication, posting, and mail notice that are used for different application types and different phases of the application process. The types of notice that are set out in the table are used to establish notice requirements for each type of application in Table 21-8-511D, *Required Public Notice by Application Type*.

TABLE 21-8-511C TYPES OF PUBLIC NOTICE			
Type of Notice	When Required	Frequency or Duration	Other Requirements
Publication (PUB)			
PUB.1	At least 14 ~~5~~ days before public hearing	1 publication	NA
PUB.2	At least 7 days before public hearing	1 publication	NA
Posting (PO)			
PO.1	At least 7 days before public hearing	Post until public hearing commences	NA
Mail (ML)			
ML.1 (radius or area)	At least 7 days before public hearing	1 mailing	Mail notice must be sent to all property owners within 300 feet of the boundaries of the subject property.

- (d) **Type of Public Notice Required by Application Type.** Table 21-8-511D, *Required Public Notice by Application Type*, sets out the notices that are required at each state of processing for each type of application for which notice is required.

TABLE 21-8-511D REQUIRED PUBLIC NOTICE BY APPLICATION TYPE		
Application Type	Form of Required Public Notice for ...	
	Board or Commission Review	Council Review
Use-Oriented Permits and Approvals		
Conditional Use Permit	PO.1; (PUB.1 if vested rights are requested)	N/A

TABLE 21-8-511D REQUIRED PUBLIC NOTICE BY APPLICATION TYPE		
Application Type	Form of Required Public Notice for ...	
	Board or Commission Review	Council Review
Rezoning	PUB.1; PO.1; ML.1	PUB.2; PO.1
Comprehensive Plan Future Land Use Map Amendment	PUB.1; PO.1	N/A
Site Development (Layout)		
Preliminary Development Plan	PUB.1; PO.1; ML.1 (all owners within proposed zone, and all owners within 300 ft. of proposed boundaries)	PUB.1; PO.1; ML.1 (all owners within proposed zone, and all owners within 300 ft. of proposed boundaries)
Final Development Plan	PUB.1; PO.1; ML.1 (all owners within proposed zone, and all owners within 300 ft. of proposed boundaries)	N/A
Relief		
Variance	PO.1; ML.1	N/A
Administrative Appeal	PUB.2; PO.1	N/A
Administration		
Development Agreement	By type of approval associated with development agreement; PUB.1 if vested rights are requested	
Vested Rights	As provided in Division 8-6, <i>Vested Property Rights</i>	

(e) **Standards for Required Notices.**

- (1) *Publication.* Published notice shall be printed in a newspaper of general circulation in the City of Alamosa.
- (2) *Posting.* Posted notice shall be on a sign in a form approved by the City.
- (3) *Mail.* Mailed notice shall be delivered via first class U.S. Mail.

(f) **Optional Notices.**

- (1) *Electronic Mail.* Electronic mail notice may be delivered to an opt-in distribution list that is created for the purpose of notifying people about applications for approvals and permits in the City. Electronic mail notice shall include the subject line "PUBLIC NOTICE OF PROPOSED DEVELOPMENT," and the statement in the body of the e-mail that "Electronic mail notice is provided as a courtesy to opt-in subscribers. Failure of an e-mail communication to reach a subscriber does not constitute failure of public notice."
- (2) *Internet.* Internet notice may be posted on the official web site of the City, on a page or pages that are designated for such notices. However, internet notice is also provided as a courtesy and is not official notice. Therefore, failure of internet notice shall not constitute a failure of public notice.

Sec. 21-8-512. - Public Meetings and Public Hearings

- (a) **Generally.** Public meetings and public hearings shall be carried out in accordance with the procedural rules of the body conducting the meeting or hearing.
- (b) **City Council Ratification.**
 - (1) Approvals that require City Council ratification shall be placed on the next available consent agenda of the City Council after the Planning Commission meeting at which the approval was granted.
 - (2) Prior to the Council meeting, the Administrator shall forward the materials that were considered by the Planning Commission and a summary of the decision by the Planning Commission to the City Council.
 - (3) Approvals Notwithstanding any code or policy provision to the contrary, approvals may be removed from the consent agenda only by majority vote of the quorum. If an item is removed from the consent agenda, the City Council may ask questions of the Administrator, and may thereafter ratify the decision or to place it on the next available City Council agenda for public hearing.
 - (4) The Administrator shall promptly notify the applicant regarding the City Council's decision.
 - (5) Council review of an approval at public hearing shall be *de novo*.

Sec. 21-8-513. - Continuances and Withdrawal

- (a) **Continuances.** Requests for continuance by the Applicant of any proceeding called for in this UDC may be granted at the discretion of the body holding the public meeting or public hearing. If granted, the Applicant shall pay all additional costs associated with the rescheduling of the proceeding.
- (b) **Withdrawal.** Any application may be withdrawn, either in writing or on the record, prior to or during the meeting or hearing at which the application is considered, provided that it is withdrawn before official action is taken on the application.

Sec. 21-8-514. - Successive Applications

- (a) **Generally.** It is the policy of the City not to hear successive applications for the same approval or permit after a substantially similar application is denied. The limitations of this Section prevent the consideration of successive applications.
- (b) **Time Required Between Substantially Similar Applications.** If an application for a permit or approval is denied, a substantially similar application will not be accepted for:
 - (1) Six months from the date of denial in the case of administrative permits; and
 - (2) 12 months from the date of denial for all other permits or approvals.

(2)(c)

Formatted: Body Outline (a)

~~(c)~~ **Exceptions to Successive Application Restrictions.** The Administrator may allow exceptions to this Section if ~~one of the following is found:~~

~~(1)~~ ~~The application is not substantially similar; or~~

~~(2)~~ ~~There has been a material change of circumstances that justifies consideration of a substantially similar application. By way of example and not limitation:~~

~~a. (1)~~ If a spacing requirement was the reason for the denial, and the use from which spacing is required moved away; or

~~b. (2)~~ If a subsequent amendment to this UDC now allows for approval of the application.

Formatted: No bullets or numbering

Formatted: Body Outline (a)

Formatted: Body Outline (a), Indent: Left: 36 pt

Formatted: Body Outline (1)

Sec. 21-8-515. - Recording of Approvals

(a) **Generally.** The following permits and approvals shall be recorded in the public records of Alamosa County at the applicant's expense:

- (1) Annexation agreements, maps, and ordinances
- (2) Final Plats
- (3) Preliminary Development Plans
- (4) Final Development Plans
- (5) Conditional Use Approvals
- (6) Development Agreements, Public Improvements Agreements, and Reimbursement Agreements

(b) **Timing.**

- (1) Upon approval of a final plat, preliminary development plan, or final development plan, the applicant shall provide final mylar drawings to the City Clerk within 90 days for execution by the City and recording.
- (2) The final mylar drawings shall include:
 - a. All required signatures except those to be provided by the City; and
 - b. All modifications that were required as conditions of approval.
- (3) Failure of an applicant to timely submit a conforming plan to the City Clerk shall, upon the enactment of a resolution by the City Council finding that the submittal was untimely, void the approval.

Sec. 21-8-516. - Effect of Approvals

(a) **Generally.** It is the intent of the City that development approved pursuant to this UDC be carried out in a timely manner pursuant to the specifications, terms, and conditions of approval; and that the steps within each approval process be carried out with diligence.

(b) **Effect of Approval or Permit.**

- (1) Approval of an application means that the City consents to the particular use, plan, or other specific activity for which the approval was granted. Physical development of land may require a sequence of related (and increasingly detailed) approvals.
- (2) Supplemental materials that are provided in support of an approval become part of the approval (*e.g.*, elevations, lists of building materials, etc.) unless otherwise noted in the approval itself.
- (3) Approvals and permits may be transferred to a subsequent ~~owner~~ ~~buyer~~ of the property for which the approval or permit was issued, unless the approval or permit is specifically designated as non-transferable by condition of approval. Transferred permits shall continue to be valid for their full original terms, and the transferee may apply for an amendment to the approval or permit in the same manner as the original Applicant.

Sec. 21-8-517. - Duration of Approvals

- (a) **Administrative Approvals.** The administrative approvals described in Table 21-8-202B, *Administrative Approvals and Permits*, except a final plat or development agreement, shall be valid for one year from the date of approval.
- (b) **Discretionary Approvals.** Discretionary approvals will lapse and be of no further force ~~or~~ ~~and~~ effect if a complete applications for the next stage of approval is not filed before the deadline set out in this subsection:
 - (1) The discretionary approvals described in Table 21-8-203B, *Discretionary Approvals and Permits*, shall lapse as follows:
 - a. One year from date of approval:
 - i. Conditional use permit
 - ii. Variance
 - b. Two years from date of approval:
 - i. Certificate of designation
 - ii. Preliminary plat
 - iii. Preliminary development plan
 - c. Three years from date of approval:
 - i. Final development plan
- (c) **Development Agreements.** A development agreement is valid for the term set out in the development agreement.
- (d) **Approvals That Do Not Lapse.** Rezoning, vacations or abandonments of easements or rights-of-way, UDC text amendments, Comprehensive Plan amendments, recorded final plats, and administrative appeals do not lapse.

Sec. 21-8-518. - Extensions of Approvals

- (a) **Generally.** The term of permits and approvals may be extended by written request according to the standards and procedures of this Section.
- (b) **Timing of Application for Extension.** Expired permits and approvals cannot be extended. Written requests for extensions shall be received not later than 30 days prior to the expiration of the permit or approval. Untimely requests for extensions will not be granted unless it is demonstrated that extraordinary circumstances (*e.g.*, an unusual severe weather event) justify the request.
- (c) **Extensions for Extraordinary Circumstances.** The City Council may, by resolution, extend the term of all permits and approvals City-wide or in designated areas of the City in response to extraordinary circumstances, such as flood, wildfire, tornado, or other natural or man-made disaster which makes it temporarily infeasible to commence or continue with construction. The period of such extensions shall be determined by the City Council.
- (d) **Administrative Extensions.** Unless otherwise provided in the permit or approval, the Administrator may grant one extension of any permit or approval for a period not to exceed the original term or 18 months, whichever is shorter. Such extensions may be granted upon timely written request with good cause shown.
- (e) **Extensions after Hearing.**
 - (1) Unless otherwise provided in the permit or approval, a hearing is required for:
 - a. Extensions for terms that are longer than those which can be granted by the Administrator pursuant to Subsection (d), above; and
 - b. Second (and subsequent) extensions.
 - (2) Extensions of discretionary permits and approvals pursuant to this subsection shall be heard by the body that granted the original approval. Extensions of administrative permits and approvals pursuant to this subsection shall be heard by the Board of Adjustment.
 - (3) Extensions may be granted after hearing if it is demonstrated that:
 - a. There is good and reasonable cause for the request; and
 - b. The Applicant has provided reasonable assurances that it will perform (or cause to be performed) the work authorized by the permit or approval within the extended term.
- (f) **Extensions Pursuant to Permit or Approval Terms.** If a method of extension is provided within a permit, or approval, or related development agreement between the Applicant and the City, then such method of extension shall supersede this Section with respect to said permit or approval.
- (g) **Effect of Appeals, Litigation, or Mediation.**

- (1) If there is an appeal, litigation, or mediation during the time period that limits the Applicant's ability to use or develop land pursuant to a permit or approval granted by the City, then the term of the permit or approval shall be tolled for the duration of the appeal, litigation, or mediation, and the date shall be recalculated upon conclusion of the appeal, litigation, or mediation.
- (2) The new expiration date shall be established by adding the number of days that the approval would have remained valid before the appeal, litigation, or mediation commenced to the date the appeal, litigation, or mediation was concluded by:
 - a. The expiration of the subsequent appeal period after final judgment or order in the initial appeal or litigation, or, if no appeal is available, after issuance of the final judgment or order; or
 - b. The termination of mediation by resolution of the conflict or impasse.
- (3) This subsection does not apply to litigation which is related to enforcement of a violation of this UDC.

Sec. 21-8-519. - Correction of Approvals

- (a) **Generally.** Permits and approvals may be corrected pursuant to this Section.
- (b) **Correction of Recorded Final Plats.** If it is discovered that there is a minor survey or drafting error in a recorded final plat, a request, in writing, to record a corrected plat shall be submitted to the Administrator. The request shall be accompanied with an affidavit witnessed by a professional land surveyor ~~and approved by the County Surveyor.~~ The surveyor witnessing this corrected plat shall be an impartial observer having no personal interest in the platted land. The Administrator shall thereupon record the corrected plat at the applicant's expense.
- (c) **Correction of Scrivener's Errors.** Development approvals other than final plats may be corrected by the Administrator or upon application to the Administrator as follows:
 - (1) *Generally.* The Administrator may approve an application to reform a scrivener's error in a development approval, including an error in an application or notice, which error causes the permit or approval to inaccurately reflect the decision-maker's intent, and where it is demonstrated that:
 - a. The correction does not include a change of judgment, policy, or prior intent of the decision-maker;
 - b. The reformation of the permit or approval is essential to ensure that the documentation reflects the intent and decision of the decision-maker;
 - c. The record, including, but not limited to, the Staff recommendation, minutes, and motion, evidences the clear intent of the decision-maker;
 - d. The substance of the decision was clearly evident at the time of the decision, and there was no intent to deceive the public or the decision-maker on the part of the current Applicant at any time;

- e. Failure to approve the reformation would lead to an unjust result;
 - f. The error in the development approval did not mislead anyone in a way that would cause them to be prejudiced by the reformation; and
 - g. Any errors related to public notice did not affect the legal sufficiency of the required notice.
- (2) *Correction Within 30 Days.* In the alternative, the Administrator, within 30 days of the decision on an application for development approval, may correct a clerical or scrivener's error in the development approval if:
- a. The error is not related to public notice;
 - b. The error causes the approval, as written, to inaccurately reflect the clear decision of the decision-maker; and
 - c. The Administrator promptly notifies the applicant and the decision-maker regarding the corrections.
- (d) **Effect on Approval.** A permit or approval that is modified pursuant to this Section shall relate back to the date of the corrected approval, such that the effective date of the corrected language shall be deemed to be the same as the effective date of the original approval.

Sec. 21-8-520. - Vacation of Easements, Rights-of-Way, or Plats

- (a) **Generally.** Easements or rights-of-way that are granted to the City by deed, agreement, or final plat may be vacated as provided in this Section.
- (b) **Administrative Vacation.** The Administrator may vacate the City's interest in an easement or right-of-way if:
- (1) The easement or right-of-way is not for roadway purposes;
 - (2) The City does not have a fee-simple interest in the right-of-way;
 - (3) The easement or right-of-way has not been put to use for its intended purpose;
 - (4) The easement or right-of-way is not necessary to provide services or non-vehicular access to property other than the Subject Property, or there are reasonable alternative ways to provide such services or public access; and
 - (5) The easement or right-of-way is intended to serve or provide non-vehicular access to development for which related approvals have lapsed or been abandoned.
- (c) **City Council Vacation.** The City Council may by ordinance vacate the City's interest in an easement or right-of-way, or vacate a plat, if it finds:
- (1) The statutory requirements of C.R.S. § 43-2-301, *et seq.* are met if the easement or right-of-way is for roadway purposes, or if platted roadways are affected;
 - (2) The vacation does not conflict with adopted plans;

- (3) The vacation does not landlock any parcel of land or restrict the access such that it is unreasonable or economically prohibitive;
- (4) The vacation will not result in adverse impacts on the health, safety, or welfare of City residents and business owners, or reduce the quality of public facilities or public services (including emergency response services) provided to any parcel of land.

Sec. 21-8-521. - Special Procedures for Wireless Telecommunications Facilities

- (a) **Generally.** The procedures of this Section apply to communications uses that are listed in Table 21-2-207, *Utility and Communications Land Use Table*.
- (b) **"Shot Clock".** The Federal Communications Commission has established mandatory time frames for review of different types of applications for the communications uses that are listed in Table 21-2-207, *Utility and Communications Land Use Table*.
 - (1) The "shot clock" commences at the time the application is filed, whether the application is complete or not. With respect to communications uses, Section 21-8-506(b) and (c), are modified as follows:
 - a. The City shall respond to the applicant with regard to whether the application is complete within 30 days after it is filed. The notice from the City shall specifically delineate all missing information, and specify the code provision, ordinance, application instruction, or other publicly-stated procedure that requirements the information. Such determination of incompleteness tolls the "shot clock."
 - b. Applications that are incomplete shall be retained by the City.
 - c. The City shall evaluate a resubmittal for completeness and respond to the applicant within 10 days.
 - i. If the City requests information that had previously been identified in the notice issued pursuant to subsection (c)(1)a., above, the "shot clock" shall be tolled again.
 - ii. If the City requests additional information that was not identified in the notice, the shot clock shall continue to run.
 - (2) The "shot clock" concludes:
 - a. 150 days after commencement for new installations that are regulated by 47 U.S.C. § 332(c)(7).
 - b. 90 days after commencement for substantial changes to existing installations (e.g., co-locations that are not subject to 47 U.S.C. § 1455).
 - c. 60 days after commencement for "eligible facilities" as defined in 47 U.S.C. § 1455.
 - (3) In addition to the tolling that occurs under subsection (c)(1), the "shot clock" may be tolled by agreement with the applicant.

- (c) **Approval of Application.** Approvals shall be in writing and shall specify all design elements that are intended to conceal the wireless telecommunications facility.
- (d) **Denial of Application.** Denials shall be in writing and shall specify the reasons for denial, including reference to substantial evidence in the record that supports the denial.

Division 8-6. - Vested Property Rights

Sec. 21-8-601. - Applications

- (a) **Generally.** Except as otherwise provided in subsection (b) below, an application for approval of a site-specific development plan, as well as the approval, conditional approval or denial of approval of the plan, shall be governed only by the land use regulations in effect at the time an application is submitted to the City. For the purposes of this Section, land use regulations include this UDC, as well as any zoning or development regulations that have previously been adopted that apply to the subject property and that remain in effect at the time of the application for approval of the plan.
- (b) **Exceptions.** Notwithstanding the limitations contained in subsection (a) above, the City Council may adopt a new or amended regulation when necessary for the immediate preservation of public health and safety and may enforce such regulation in relation to applications pending at the time such regulation is adopted.

Sec. 21-8-602. - Vested Property Rights; Establishment

- (a) **Site Specific Development Plans.** The following types of site-specific development plan approvals will establish vested property rights in accordance with Article 68, Title 24, C.R.S.:
 - (1) Final planned unit development ("PUD") plan.
 - (2) Final subdivision plat.
 - (3) Conditional use permit.
 - (4) Development agreement.
- (b) **Other Approvals; Additional Vested Development Rights.** A development agreement may provide for vesting of additional development rights, or for a longer vesting period than provided for in Article 68, Title 24, C.R.S. Such a development agreement may be part of a final PUD, final subdivision, or conditional use permit approval, or a development agreement may provide for vesting rights in additional types of site-specific development plans than those specified above, including but not limited to annexation agreements.
- (c) **Establishment of Vested Rights.** A vested property right shall be deemed established with respect to any property upon the approval or conditional approval by resolution or ordinance of a site-specific development plan establishing vested right, following notice and public hearing.

- (d) **Effect of Vested Rights.** A vested property right shall attach to and run with the subject property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan or development agreement, including any amendments thereto.

Sec. 21-8-603. - Notice of Hearing and Decision; Form of Approval

- (a) **Generally.** No site-specific development plan which establishes a vested property right shall be approved unless and until notice thereof has been given and a public hearing thereon has been conducted.
- (b) **Timing of Notice of Public Hearing.** At least 145 days' notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City. Notice of said public hearing shall include language stating that the approval or conditional approval of the site-specific development plan will create a vested property right.
- (c) **Form of Approval.** Final approval from the City Council shall be by ordinance or resolution. A site-specific development plan shall be deemed approved on the effective date of the approving ordinance or resolution.

Sec. 21-8-604. - Notice of Final Approval

- (a) **Generally.** Approval of vested rights shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such right to referendum or judicial review shall not begin to run until the date of publication, in a newspaper of general circulation within the City, of the notice specified in this Section advising the general public of the site-specific development plan approval and creation of a vested property right pursuant to Title 24, Article 68, C.R.S.
- (b) **Notice of Final Approval.** As soon as practicable following the date a site-specific development plan is approved, and not later than 14 days following such approval date, the City Clerk shall cause a notice to be published advising the general public of the site-specific development plan approval and creation of a vested property right pursuant to Article 68, Title 24, C.R.S. Such notice shall be substantially in the following form:

Notice is hereby given to the general public of the approval of a site-specific development plan, and the creation of a vested property right pursuant to Title 24, Article 68, C.R.S., pertaining to the following described property:

[The property shall be described in the notice, and appended to said notice shall be the ordinance or resolution granting such approval.]

Sec. 21-8-605. - Requirements of Ordinance or Resolution

Any ordinance or resolution approving a site-specific development plan shall, but not by way of limitation, include the following provisions, unless expressly exempted by the City Council:

- (1) The rights granted by the site-specific development plan shall remain vested for a period of three years (or such longer period as may be established in a development agreement) from the effective date of the approval. However, any failure to abide by any of the terms and conditions attendant to the approval shall result in the forfeiture of said vested property rights. Failure to properly record all plats and agreements required of the developers to be recorded by City ordinance shall also result in the forfeiture of said vested property rights.
- (2) The approval granted hereby shall be subject to all rights of referendum and judicial review, except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication provided for in UDC § 21-8-604.
- (3) Zoning that is not part of the site-specific development plan approved hereby shall not result in the creation of a vested property right.
- (4) Nothing in this approval shall exempt the site-specific development plan from subsequent reviews and approvals required by this approval or the general rules, regulations and ordinances of the City, provided that such reviews and approvals are not inconsistent with this approval.
- (5) The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulations by the City, including but not limited to building, fire, plumbing, electrical, and mechanical codes. In this regard, as a condition of this site-specific development approval, the applicant shall abide by any and all such applicable building, fire, plumbing, electrical, and mechanical codes, unless an exemption therefrom is granted in writing.

Sec. 21-8-606. - No Rights Created

Nothing in this Division is intended to create any vested property right other than those that are available to applicants pursuant to the provisions of the Vested Rights Statute (Article 68, Title 24, C.R.S.) In the event of the repeal or invalidation of the Vested Rights Statute, this Division shall be deemed to be repealed and the provisions hereof no longer effective.

Sec. 21-8-607. - Exceptions

A vested property right, once established by this approval, shall preclude any zoning or land use action by the City or pursuant to an initiated measure which would alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the site-specific development plan, except:

- (1) With the consent of the applicant;
- (2) Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the property, which hazards could not reasonably have been discovered at the time of this approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety and welfare; or
- (3) To the extent that compensation is paid as provided in Article 68, Title 24, C.R.S.

Division 8-7. - Administrative Modifications, Variances, and Administrative Appeals

Sec. 21-8-701. - Administrative Modifications

- (a) **Purpose.** The purpose of an administrative modification is to provide an efficient process for minor change to permits or approvals, including those related to site plans, preliminary plans, and planned unit developments, provided that the changes do not substantially alter the approved development parameters.
- (b) **Range of Administrative Flexibility.** The items listed in this subsection qualify for an administrative amendment within the ranges specified. If an item does not qualify as an administrative amendment, it is considered a major change and must be processed in the same manner as a new application. The Administrator may approve:
 - (1) *Floor Area.* Up to a 10 percent increase in nonresidential floor area for any institutional, commercial or industrial development (including planned unit development). The increase is limited to hallways, stairways, restrooms, and storage, or a proven necessity for the operational safety of the project. An amended floor plan shall accompany the final application and be included as a part of the approved documents.
 - (2) *Building Height.* An increase in building height up to 20 percent, provided that adequate fire protection is available, and the height increase will not unreasonably affect single-family detached or duplex lots within 150 feet.
 - (3) *Building Spacing.* A reduction up to 10 percent for the minimum distance between buildings within the development. However, the reduction shall not authorize a violation of applicable building or fire codes.
 - (4) *Building Setbacks.* A reduction in building setbacks as provided in Section 21-4-402, *Setback Flexibility*.
 - (5) *Building Footprints.*
 - a. A 10 percent increase in the area of building footprints. However, this shall not reduce required open space or landscape surface to less than the minimum applicable requirements of this UDC (or approved planned unit

development), nor reduce parking or setbacks, nor increase the maximum height or density from those approved.

- b. A reduction in building footprints.
- c. Relocation of building envelopes or footprints, provided that the relocation does not change any of development restrictions that are set out in the permit or approval, and an analysis of impacts to the originally approved drainage study demonstrate that there will be no material negative impact on drainage.

(6) *Open Space or Landscape Surface.* An increase in open space or landscape surface.

(7) *Public Improvements.* Changes to the specifications of public improvements, provided that the changes are consistent with current City requirements.

(8) *Lighting, Landscaping, Trash Disposal.* Changes to lighting, landscaping, or trash disposal areas, provided that the changes are consistent with the requirements of this UDC.

(c) **Specific Exclusions.** The following are not eligible for approval as an administrative modification under any circumstances:

- (1) Addition of new land uses to the list of approved uses in a planned unit development;
- (2) An increase in residential density;
- (3) An application that requires additional right-of-way dedications, vacations of public improvements, or modification of an existing development agreement or improvements agreement;
- (4) A transfer of density from one development phase to another, or from one site to another (where density by area or phase is specified on an approved development plan);
- (5) Increases of building height of more than 20 percent; and
- (6) Subdivision related changes (such as lot lines, easements, rights-of-way, internal roadways, vacations and / or drainage systems) that require a replat or plat correction.

(d) **Decision.**

- (1) The Applicant shall submit required application materials, along with a letter of intent that details how the proposed modification meets the applicable amendment criteria set out in subsection (e), below.
- (2) The Administrator will make a determination as to the proposal's eligibility to be processed administratively.

- (3) The Administrator may refer any request for an administrative amendment to the Planning Commission for consideration at a regular meeting. The Administrator will notify the Applicant if it is determined that Planning Commission review will be required.
- (e) **Approval Criteria.** Administrative modifications shall meet the following criteria:
 - (1) The modification implements or does not reduce the potential for implementation of the Comprehensive Plan;
 - (2) The modification is consistent with the efficient development and preservation of the development approval or permit;
 - (3) The modification will not adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest;
 - (4) The modification is in keeping with the spirit and intent of this UDC and will not weaken the purposes of the regulations; and
 - (5) The modification will not adversely affect the public health, safety, and welfare.
- (f) **Conditions.** The Administrator may impose conditions of approval that will secure substantially the objectives of the standard that is modified, and that will substantially mitigate potential adverse impacts on the environment or on adjacent properties, including but not limited to additional landscaping or buffering.
- (g) **Major Modifications and Amendments.** Modifications and amendments that are not authorized by this Section shall be processed in the same manner as a new application for permit or approval.

Sec. 21-8-702. - Variances

- (a) **Subdivision and Planned Unit Development Plan Variances.** The Planning Commission may authorize variances from provisions of this UDC that apply to a proposed subdivision or planned unit development plan in cases where, due to exceptional topographical conditions or other conditions peculiar to the subject property, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this UDC. The variance shall be in keeping with the intent of the Comprehensive Plan.
- (b) **Other Variances.** The Board of Adjustment may grant or deny variances from the provisions of this UDC when:
 - (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
 - (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;

- (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
 - (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
 - (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
 - (6) That such unnecessary hardship has not been created by the applicant;
 - (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
 - (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.
- (c) **Referral to Planning Commission.** The Zoning Board of Adjustment may request a recommendation from the Planning Commission to assist it in determining if the above requirements have been satisfied. Further, the Zoning Board of Adjustment may require that a special variance application form be completed by the appellant to ensure that the appellant fully understands the criteria on which the board must base its findings.
- (d) **Prohibitions.** The Zoning Board of Adjustment may not grant variances from the provisions of this UDC covering the use or density or land or buildings, or the provisions governing planned unit developments. In granting any variance, the Zoning Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this UDC.

Sec. 21-8-703. - Administrative Appeals

- (a) **Hearings, Appeals and Notices.**
- (1) Appeals to the Board of Adjustment may be taken by any person aggrieved by any administrative decision based upon or made in the course of the administration or enforcement of the provisions of this UDC.
 - (2) Any~~The time within which~~ such an appeal must be made, within 21 days from the date the administrative decision was communicated to the applicant, which shall be the date of emailing or hand delivery, or, if the decision was communicated by mail only, three days from the date of mailing, and~~The form or any other procedure relating thereto, shall be as specified in any~~the rules of procedure adopted by the Board of Adjustment, but shall in any event comply with the provisions concerning the Notice of Appeal set forth below.

(2) :

Formatted: No bullets or numbering

- (b) **Notice of Appeal.** The appellant shall file with the Board of Adjustment a notice of appeal specifying the grounds thereof, with a copy to the Administrator. The Administrator shall promptly forward and all papers constituting the record of action upon which the appeal was taken ~~will be promptly forwarded~~ to the Board of Adjustment.
- (c) **Notice of Hearing.** Upon receipt of the notice of appeal and record, the Board of Adjustment shall fix a time for hearing of the appeal, which shall be not less than seven nor more than 35 days from the filing of the Notice of Appeal. A notice of the hearing shall be provided as set out in Section 21-8-511, *Public Notice*, and written notice shall also be sent by first class mail to the party appealing and the owner of the property that is the subject of the appeal.
- (d) **Hearing Procedure.** At the hearing, any party may appear in person or by agent or attorney. The Board of Adjustment may affirm, reverse (wholly or partly), or modify the order, requirement, decision or determination appealed and may make such order, requirement, decision or determination as in their opinion ought to be made in the premises, and to that end shall have all powers of the officer from whom the appeal is taken.
- (e) **Decision.** The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of an administrative official or agency.

Article IX. - Enforcement

Division 9-1. - Purpose and Application of Article

Sec. 21-9-101. – Purpose of Article

- (a) **Generally.** The City Council finds that the enforcement of this UDC is an important public service, and that code enforcement is vital to the protection of the public health, safety, welfare, and quality of life. The purpose of this Article is to encourage prompt compliance with the UDC.
- (b) **Procedures and Remedies are Not Exclusive.** Nothing in this Article is intended to limit the remedies that are available to the City to prevent, cure, or abate violations of this UDC. This Article shall not be construed to prevent the City from using any enforcement procedures that are lawful and appropriate, nor shall it be construed as an election of remedies.

Sec. 21-9-102. - Application of Article

- (a) **Generally.** This Article provides the general process for enforcing the UDC, and the general remedies that are available to the City. However, as provided in Section 29-9-101, *Purpose of Article*, the City may take any lawful action to remedy violations of this UDC, including seeking any remedy or imposing any penalty that is available under this UDC, Colorado law or administrative rules promulgated thereunder, or Federal law.
- (b) **Enforcement of LUDC, Generally.**
 - (1) Division 9-2, *Enforcement Procedures*, sets out:
 - a. A general procedure for code enforcement by City Staff; and
 - b. Additional actions that may be taken by the Administrator.
 - (2) In addition to the enforcement provisions of this Article, specific conditions of development approval or improvements agreements may provide additional or alternative enforcement procedures or remedies.
- (c) **Remedies.** Division 9-3, *Remedies*, provides a non-exclusive list of defenses and potential consequences of enforcement when a person is found to have violated this UDC.

Division 9-2. - Enforcement Procedures

Sec. 21-9-201. - Notice of Violation

- (a) **Generally.** In the event of the failure of the owner, an adult tenant, or an adult person in possession of any real property in the City to comply with the provisions of this Chapter, the Code Enforcement Officer shall serve a written notice of violation ("NOV"), in a form prescribed by the Department of Public Works, upon the property owner whose property is being kept contrary to the provisions of this Chapter.
- (b) **Contents of Notice of Violation.** The NOV shall include, at a minimum:
- (1) The address of the property where the violation is alleged.
 - (2) Specific reference to the Section(s) of this UDC or to conditions of a development approval that are alleged to have been violated.
 - (3) If necessary, a statement of the action that must be taken to bring the property or use into compliance with this UDC.
 - (4) A time frame, not to exceed 21-28 days, for bringing the property or use into compliance with this UDC. An extension may be granted by the Administrator as long as the property owner is diligently working towards a resolution.
 - (5) A statement that if the violation is not corrected within a specified period of time, the prosecution for the violation may be initiated subsequently by the issuance of a summons and compliant.
 - (6) Contact information for a person or department who can answer questions about the warning.
- (c) **Time for Correction.**
- (1) The length of time for correction shall be a reasonable period of time, depending on the facts and circumstances of the violation, in the judgment of the Code Enforcement Officer, but shall be not less than five-seven days nor more than 3028 days after service of the NOV.
 - (2) In determining the time period, the Code Enforcement Officer shall determine, taking into account the action that must be taken by the property owner to bring the property into compliance with this Chapter, as well as the detriment to the neighborhood and surrounding properties, if any, from continuing non-compliance.
- (d) **Service of Notice of Violation.**
- (1) Service shall be made by personally delivering a copy of said notice of violation to the owner, and to any ~~an~~ adult tenant, or an adult person in possession of the property, in which case service shall be deemed complete upon receipt; or

- (2) If personal service cannot be achieved after reasonably diligent efforts, service may be by mailing, by certified mail, a copy of the notice to the property owner at his/her last known address, as designated in the records of the county assessor, in which case service shall be deemed complete at noon the third business day after mailing.
- (3) Subject to the limitations of Subsection (f), below, and the discretion of the Code Enforcement Officer, warnings are the preferred method of assuring compliance with this UDC.
- (e) **Limitations.** The Code Enforcement Officer may recommend immediate prosecution by service of a summons and complaint without first issuing a Notice of Violation under this Section if:
 - (1) During the previous 24 months, the property owner has been warned of, cited for, or summoned to court for the same violation; or
 - (2) The Code Enforcement Officer determines that the violation is likely to create an imminent hazard to life or property.

Sec. 21-9-202. - Immediate Orders and Immediate Actions

- (a) **Generally.** As provided in this Section, the Code Enforcement Officer may issue immediate orders or take other immediate actions as necessary to halt violations of this UDC, to prevent activities from violating or exacerbating violations of this UDC, or to remedy violations of this UDC.
- (b) **Cease and Desist Orders.** The Code Enforcement Officer may issue a cease and desist order to close unlawful uses or to halt other violations of this UDC for which the Code Enforcement Officer determines that other available procedures and remedies under this Article are inadequate.
- (c) **Stop Work Orders.**
 - (1) The Code Enforcement Officer shall have the authority to stop any or all construction activities as deemed necessary to halt, correct, or prevent an imminent violation of this UDC by issuing a written stop work order to the owner, contractor, permittee, or operator.
 - (2) If the appropriate permittee or operator cannot be located, the stop work order shall be posted in a conspicuous place upon the area where the activity is occurring. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the City.
 - (3) Such permittee or operator shall immediately stop all activity until authorized, in writing, by the City to proceed. It is unlawful for any permittee or operator to fail to comply with a stop work order.
 - (4) Stop work orders may be issued for:
 - a. Construction work for which a required development approval or permit has not been issued;

- b. A violation of any condition of development approval, development agreement, stormwater quality permit, stormwater management plan, or other plan required by this UDC;
- c. Material departure from approved construction drawings or specifications;
- d. A violation of this UDC;
- e. A violation of any other ordinance of the City, State law, or Federal law pertaining to the development; or
- f. The existence of any condition or the occurrence of any act which endangers health, life, or safety, or creates a high potential for damage to property.

(d) **Permit Actions.**

- (1) *Permit Holds.* Upon recommendation of the Code Enforcement Officer, the Administrator may direct City departments that are responsible for the issuance of permits related to platting, construction, expansion, or operation of a use, building, structure, sign, or fence, to hold further permits until the Code Enforcement Officer certifies that violations are corrected, or until the City Council, Municipal Court, or other court of appropriate jurisdiction orders that the hold be lifted (for example, if an owner fails to plat property where a plat is required, the Code Enforcement Officer may order that building permits be withheld until the plat is approved and recorded).
- (2) *Temporary Suspension of Permits, Generally.*
 - a. The Code Enforcement Officer may suspend permits for a period of not more than 21 days in order to:
 - i. Address an imminent danger to public health, public safety, or public or private property;
 - ii. Prevent irreparable harm that is otherwise likely to occur if the activities that are the basis for the temporary revocation were to continue;
 - iii. Achieve compliance with conditions of approval, or with limited or conditional use standards, if applicable; or
 - iv. Ensure that construction proceeds according to approved plans and applicable laws.
 - b. If the Code Enforcement Officer temporarily suspends a permit, the Code Enforcement Officer shall immediately notify the City Attorney and the Administrator. The City Attorney may seek a court order in Municipal Court or other court of appropriate jurisdiction permanently revoking the permit if compliance is not achieved within 21 days. The City Attorney may request a temporary injunction to extend the temporary suspension of the permit in order to avoid irreparable harm.

- (e) **Removal of Temporary Signs.** The Code Enforcement Officer may immediately remove (or cause to be removed) temporary signs that are placed in violation Division 4-7, *Signs*.

Sec. 21-9-203. - Administrative Process

- (a) **Generally.** The Code Enforcement Officer may issue a citation for violation of this UDC. The recipient of a citation shall correct the violations that are alleged and pay any applicable fines or restitution to the City within 21 days of the date of the citation.
- (b) **Relationship to Other Enforcement Procedures.** Enforcement actions are intended to be cumulative in nature. The City may pursue any and all lawful remedies, separately or concurrently, to effect compliance with an issued citation, including issuance of immediate orders and prosecution of violations as criminal offenses. If a recipient of a citation does not take timely action required by the citation and does not timely request administrative review pursuant to this Section, then the City may proceed to enforce the citation in Municipal Court.
- (c) **Contents of Citation.** Citations shall include at least the following information:
 - (1) The address or location of the property where the violation is alleged.
 - (2) Specific reference to the Section(s) of this UDC or to conditions of a development approval that are alleged to have been violated.
 - (3) If necessary, a statement of the action that must be taken to bring the property or use into compliance with this UDC and a time frame, not to exceed 21 days, for achieving compliance with this LUDC.
 - (4) The amount of any fine that is assessed as a result of the violation.
 - (5) A statement that if the requirements of the citation are not met within the stated time frame, the party cited may be compelled to appear in Municipal Court.
 - (6) A statement that the cited party may challenge the citation within 14 days of the date of the citation by written request for a hearing in municipal court.
- (d) **Payment of Fines.** If the municipal court affirms the citation or modifies the citation, any fines that are imposed shall be payable to the City not later than 30 days after the date of the municipal court's decision.
- (e) **Collection of Fines.** A fine assessed by means of a citation may be collected by any means allowed by law.

Sec. 21-9-204. - Administrative Suspension of Licenses, Permits, and Approvals

- (a) **Generally.** In the case of violations of, or noncompliance with, this UDC or of violations of, or failure to meet, conditions of approval, the Administrator, City Manager, or City Attorney may schedule a ~~public~~ hearing prior to taking civil action in court in order to investigate and consider a suspension of a license, permit, or approval as provided in this Section.

- (b) **Referral of Notice of Violation.** The Administrator may refer a notice of violation of conditions of approval to the City Council for initiation of proceedings to revoke an approval in cases of:
- (1) Violations of this UDC;
 - (2) Violations of conditions of approval; or
 - (3) Failure to meet conditions of approval.
- (c) **Introduction.** To consider revocation of an approval, the City Council shall introduce the matter during a regular meeting. Upon affirmative vote of a majority of the quorum present, the matter shall be referred to the Planning Commission for a recommendation.
- (d) **Planning Commission Review and Recommendation.** Upon referral, the Administrator shall place the matter on the next available agenda of the Planning Commission, which shall hold a public-quasi-judicial hearing at which it shall hear evidence from the Administrator or the Administrator's designee, and from the recipient of the notice of violation. Upon conclusion of the ~~public~~ hearing, the Planning Commission shall make a recommendation to the City Council, which shall include recommended findings of fact.
- (e) **City Council Decision.** Upon recommendation of the Planning Commission, the Administrator shall place the matter on the next available agenda of the City Council, which shall hold a quasi-judicial~~public~~ hearing. Upon conclusion of the public hearing, the City Council shall consider the testimony adduced at the hearing and the recommendation of the Planning Commission, and shall decide whether to revoke the approval, attach additional conditions to ensure future compliance, or dismiss the charge of the violation. Decisions to revoke an approval or attach additional conditions shall include written findings of fact.
- (f) **Effect of Suspension.** An approval that is suspended is inoperative during the period of suspension, and all uses authorized by the approval shall cease operations. If the City Council does not put a time limit on the suspension and the violator does not appeal to a court or competent jurisdiction, then the suspension becomes a permanent revocation of the license, permit, or approval upon the lapse of the appeal period.

Sec. 21-9-205. - Judicial Process

The City may initiate action to enforce this UDC in the Alamosa Municipal Court, or in any other court of appropriate jurisdiction, according to the applicable rules of procedure. Judicial actions may include, but are not limited to, proceedings for temporary or permanent injunction, abatement, declaratory judgment, or other appropriate actions or proceedings to prevent, enjoin, abate, remove, or otherwise correct violations of this UDC or permits or approvals granted hereunder.

Division 9-3. - Remedies

Sec. 21-9-301. - Nature of Remedies; Preference for Civil Remedies

- (a) **Generally.** The remedies provided in this Article, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law.
- (b) **Each Day a Separate Offense.** Each day that a violation exists constitutes a separate offense.
- (c) **Preference for Civil Remedies.** It is the intent of the City to apply civil remedies described in this Division, and to use criminal enforcement only in egregious cases, including, but not limited to, multiple repeated offenses.

Sec. 21-9-302. - Revocation of Licenses, Permits, and Approvals

Development approvals or permits may be permanently revoked if the City Council (pursuant to Section 21-9-204, *Administrative Suspension of Licenses, Permits, and Approvals*) or a court of appropriate jurisdiction finds a failure to correct a violation that resulted in a temporary suspension of the permit; or if there was fraud or material misrepresentation in the application materials that supported the issuance of the permit.

Sec. 21-9-303. - Civil Remedies

- (a) **Fines.** Any person who violates or fails to comply with any provision of this UDC shall be subject to a civil penalty ~~of not less than \$10.00 nor more than \$2,6501,000.00 up to the~~ maximum amount allowed by law, for each offense. The City Council may establish a schedule of fines by resolution.
- (b) **Declaratory or Injunctive Relief.** The City may seek declaratory or injunctive relief in order to enforce this UDC or conditions of approval.
- (c) **Responsible Parties.** Every person ~~furthering concerned in~~ the violation of, or showing failure to comply with, the UDC, whether the person directly commits the act or aids or abets the same and whether present or absent, shall be proceeded against and held as a principal.
- (d) **Specific Performance.** The City may seek specific performance in order to enforce improvements agreements, annexation agreements, and other agreements, however titled, that are used to implement the requirements of this UDC.

Sec. 21-9-304. - Criminal Penalties

- (a) **Generally.** The owner or owners of any building or buildings or premises or part thereof where anything in violation of this Chapter exists or is placed or maintained; and any architect, builder, or contractor who assists in the commission of any such violation; and all persons or corporations who violate or maintain any violation of any of the provisions of this Chapter or who fail to comply therewith or with any requirements thereof or who build in violation of any statement of plans submitted and approved hereunder shall, for each and every violation or noncompliance, be guilty of ~~an ordinance violation a misdemeanor~~ and, upon conviction thereof, shall be punishable in accordance with the general penalty provision established in the City of Alamosa Municipal Code, Section 1-17.
- (b) **Responsible Parties.** Every person ~~furthering concerned in~~ the violation of, or showing failure to comply with, the ~~L~~UDC, whether the person directly commits the act or aids or abets the same and whether present or absent, shall be proceeded against and held as a principal.

Article X. - Findings, Objectives, and Intent

Division 10-1. - Findings, Objectives, and Intent Regarding Specific Uses

Sec. 21-10-101. - Findings, Objectives, and Legislative Intent Regarding Sexually-Oriented Business

- (a) **Findings.** The regulation of sexually-oriented businesses in this UDC are based on the following findings of the City Council:
- (1) Sexually-oriented businesses cause adverse secondary effects, which are recognized by the U.S. Supreme Court (in cases such as *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990)) and the 10th Circuit Court of Appeals (in cases such as *Doctor John's v. G. Blake Wahlen*, 542 F.3d 787 (10th Cir. 2008)) as impacting substantial governmental interests in health, safety and welfare.
 - (2) In *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000), the U.S. Supreme Court held that a "city need not 'conduct new studies or produce evidence independent of that already generated by other cities' to demonstrate the problem of secondary effects, 'so long as whatever evidence the city relies upon is reasonably believed to be relevant to the problem that the city addresses.'"
 - (3) Other cases, such as *City of Littleton v. Z.J. Gifts*, 541 U.S. 774 (2004), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *Essence, Inc. v. City of Federal Heights*, 285 F.3d 1272 (10th Cir. 2002), *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998), *O'Connor v. City and County of Denver*, 894 F. 2d 1210 (10th Cir. 1990), *City of Colorado Springs v. 2354 Inc.*, 896 P.2d 272 (Colo. 1995), *7250 Corp. v. Board of County Comm'rs for Adams County*, 799 P. 2d 917 (Colo. 1990), and *Marco Lounge, Inc. v. City of Federal Heights*, 625 P.2d 982 (Colo. 1981), have upheld reasonable regulations of sexually-oriented businesses.
 - (4) The negative secondary impacts of sexually-oriented businesses have been studied in other communities. These communities include, but are not limited, to Adams County, Colorado; Dallas, Texas; Denver, Colorado; Ellicottville, New York; Garden Grove, California; Houston, Texas; Indianapolis, Indiana; Islip, New York; Las Vegas, Nevada; Los Angeles, California; Louisville, Kentucky; New York, New York; Oklahoma City, Oklahoma; Phoenix, Arizona; Rome City, Georgia; St. Paul, Minnesota; Tucson, Arizona; and Whittier, California;.
 - (5) The American Center for Law and Justice also completed a study on the secondary effects of such uses, dated March 1996.
 - (6) Secondary effects of sexually-oriented businesses may include any or all of the following material effects on the health, safety, and welfare of City residents:

- a. Particularly when they are located in close proximity to each other, sexually-oriented businesses are an indicia of urban blight, or a factor that downgrades the quality of life in the adjacent area;
 - b. Sexually-oriented businesses have a deleterious effect on both neighboring businesses and surrounding residential areas, as they are regularly correlated to an increase in crime and a decrease in property values;
 - c. Sexually-oriented businesses commonly require special supervision from public safety agencies in order to protect public health, safety and welfare, including that of the patrons of such businesses;
 - d. Studies and experience show that in the absence of regulation of sexually-oriented businesses, significant criminal activity, including prostitution, narcotics and liquor law violations, have historically and regularly occurred within and within the immediate vicinity of such businesses;
 - e. Sexually-oriented businesses are frequently used for unlawful and unhealthful sexual activities, including prostitution and sexual liaisons of a casual nature, and the concern over sexually transmitted diseases, including HIV, is a legitimate health concern of the City;
 - f. Sexually-oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are often not controlled by the operators of the establishments; and
 - g. Children and minors may be harmed by exposure to the secondary effects of sexually-oriented businesses, including those encountered when children walk through or visit in the immediate neighborhood of such businesses.
- (b) **Objectives.** The City wishes to minimize and control the adverse secondary effects of sexually-oriented businesses and thereby protect the health, safety and welfare of the citizens; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; deter the spread of urban blight; and protect residents and property owners from increased crime.
- (c) **Intent.** It is not the intent of this Code to suppress any speech protected by the First Amendment, but to enact reasonable, content-neutral regulations that address the secondary effects of sexually-oriented businesses. To this end, the regulations in this Code that apply specifically to sexually-oriented businesses impose restrictions which are no greater than necessary to further the City's substantial interest in preventing adverse secondary effects attributable to such businesses.

Sec. 21-10-102. - Findings Regarding Regulation of Marijuana Uses and Marijuana Cultivation

- (a) **Generally.** The findings of this Section support the policy that is articulated in Section 21-1-104, *Statement of Policy Regarding Marijuana Uses and Marijuana Cultivation*.
- (b) **Findings.** The City Council finds that, as of the effective date of this UDC:

- (1) Marijuana is a controlled substance under federal law, and possession of marijuana is prohibited by federal law.
- (2) The voters of the State of Colorado have approved a constitutional amendment to the State Constitution to allow for persons with “debilitating medical conditions” to use medical marijuana. The will of the voters is reflected in Article XVIII, Section 14 of the Colorado Constitution. That Section of the Colorado Constitution is further implemented and further regulated by C.R.S. § 12-43.3-101, et seq.
- (3) The voters of the State of Colorado have approved a constitutional amendment to the State Constitution to legalize, under state law, the personal use of marijuana by persons over the age of 21. However, part of the amendment, reflected in Article XVIII, Section 16(5)(f) of the Colorado Constitution, provides, “A locality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance”
- (4) The United States Constitution, in Article VI, Debts, Supremacy, Oaths, provides in part, “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution”
- (5) Marijuana is a Schedule I controlled substance under 21 U.S.C. § 812. Possession and sale of marijuana is illegal under federal law. (See 21 U.S.C. § 841, et seq.) Violators of U.S. Code are subject to criminal and civil penalties under Federal law.
- (6) The United States Department of Justice (“U.S. DOJ”) issued a memorandum on October 19, 2009 regarding U.S. DOJ policy on enforcement of the Federal Controlled Substances Act in states that allow medical marijuana under state law. In that memorandum, Deputy Attorney General David Ogden writes, in pertinent part:
 - a. “Of course, no State can authorize violations of federal law Accordingly, in prosecutions under the Controlled Substances Act, federal prosecutors are not expected to charge, prove, or otherwise establish any state law violations.”
 - b. “This guidance regarding resource allocation does not ‘legalize’ marijuana or provide a legal defense to a violation of federal law, nor is it intended to create any privileges, benefits, or rights, substantive or procedural, enforceable by any individual, party, or witness in any administrative, civil, or criminal matter.”

- c. “Nor does clear and unambiguous compliance with state law . . . create a legal defense to a violation of the Controlled Substances Act.”
- (7) In response to the reallocation of investigative and prosecutorial resources of the U.S. DOJ, medical and recreational marijuana uses have proliferated in Colorado.
- (8) On February 23, 2017 a White House official signaled that there will be “greater enforcement” of federal laws against marijuana use, particularly in the area of recreational marijuana; however, as of the effective date, neither the White House nor the U.S. DOJ has articulated a substantive change in policy.

Division 10-2. - Findings Regarding Regulation of Certain Structures

Sec. 21-10-201. - Interests, Findings, and Legislative Intent Regarding Sign Regulation

- (a) **Statement of Interests.** The City has the following legitimate, important, substantial, or compelling interests in regulating signs:
 - (1) Preventing the proliferation of signs of generally increasing size, dimensions, and intrusiveness (also known as “sign clutter”) that tends to result from competition for the attention of passing motorists and pedestrians, because sign clutter:
 - a. Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
 - b. May involve physical obstruction of streets, sidewalks, or trails, creating public safety hazards;
 - c. Degrades the aesthetic quality of the City, making the City a less attractive place for residents, business owners, visitors, and private investment;
 - d. Increases the cost of doing business in the City by placing undue pressure on business owners to invest in ever-increasing amounts of signage; and
 - e. Dilutes or obscures messages on individual signs due to the increasing intensity of competition for attention.
 - (2) Maintaining and enhancing the historic character of downtown Alamosa.
 - (3) Protecting the health of the tree canopy in the City.
 - (4) Maintaining a high quality aesthetic environment to protect and enhance property values, leverage public investments in streets, sidewalks, trails, plazas, parks, and landscaping, and enhance community pride.
 - (5) Protecting minors from speech that is harmful to them as provided by state or federal law, by preventing such speech in places that are accessible to and used by minors.
- (b) **Findings.** The City finds that:

- (1) Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out above and the constitutionally-protected right to free expression.
 - (2) The sign regulations set out in this Code are unrelated to the suppression of constitutionally-protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
 - (3) The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this Code is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced herein.
 - (4) Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing sign clutter.
 - (5) Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the City's streets if they are not removed.
 - (6) Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.
- (c) **Intent.** The sign regulations in this Code represent the City's best effort to advance its legitimate, important, substantial, and compelling interests while ensuring consistency with an evolving legal framework.

Sec. 21-10-202. - Interests, Findings, and Legislative Intent Regarding Wireless Telecommunications Facilities Regulations

- (a) **Interests.** The unique and diverse landscapes of the city are among its most valuable assets. Protecting these assets will require that location and design of wireless telecommunication services and/or equipment be sensitive to and in scale and harmony with, the character of the community.
- (b) **Findings.** The City finds that providing predictable, consistent, and balanced standards for the siting and screening of wireless telecommunication services facilities and equipment is important in order to:
 - (1) Preserve the character and aesthetics of areas which are in close proximity to wireless telecommunication services facilities and equipment;
 - (2) Protect the health, safety, and welfare of persons living or working in the area surrounding wireless telecommunication services facilities and equipment related to the placement, construction or modification of such facilities; and

- (3) Allow development that is compatible in appearance with allowed uses of the underlying zoning district.
- (c) **Intent.** It is the intent of the City to further its interests in protecting its community character while also promoting access to wireless telecommunications services within the City. To that end, the City intends to:
 - (1) Enforce standards that mitigate the visual, aesthetic, and safety impacts of wireless telecommunications facilities through careful design, siting and screening, and placement for their construction or modification;
 - (2) Allow for fair and meaningful competition and, to the greatest extent possible, extend to all people in all areas of the City high quality wireless telecommunication services at reasonable costs; and
 - (3) Encourage co-location and clustering of antenna sites and structures, when practical, to help reduce the number of such facilities that may be required in the future to service the needs of customers, and thus avert unnecessary proliferation of facilities on private and public property.

Article XI. - Measurements, Calculations, Rules of Construction, Acronyms, and Definitions

Division 11-1. - Measurements and Calculations

Sec. 21-11-101. - Measurements.

(a) **Height.**

(1) *Buildings.*

- a. Building height is measured from a horizontal reference plane at the elevation of the average existing grade across the front building line, measured at major building corners, to the highest point among the following:
 - i. The midpoint of a sloped (gable, hip or gambrel) roof;
 - ii. The top of the parapet of a flat roof system; or
 - iii. The deck line of a mansard roof.
- b. The following building elements and appurtenances are excepted from the building height measurement, but only to the minimum degree necessary to achieve compliance with applicable building codes (or if not regulated by building codes, to provide for appropriate function):
 - i. Chimneys,
 - ii. Vents (*e.g.*, attic fans, cupola vents, radon mitigation, plumbing vents, etc.), and
 - iii. Light collection domes for daylighting systems.
- c. In addition to the elements and appurtenances described in subsection (a)(1)b., above, with regard to multifamily and nonresidential buildings, the following are also excepted from the building height measurement:
 - i. Non-habitable towers, spires, belfries, and domes;
 - ii. Screened mechanical equipment;
 - iii. "Green roof" vegetation;
 - iv. Roof access, elevator, and stair towers; and
 - v. Clock towers.

(2) *Fences, Walls, and Retaining Walls.*

- a. The height of fences, walls, or retaining walls is measured as the vertical distance from a point of measurement at the average finished grade for each interval on the outside of the enclosed area (or the side closest to the property line if the fence or wall does not enclose anything) to the highest

point at the top of the fence or wall for that interval, excluding posts and pilasters.

a-b.

~~e.~~ In general, fence or wall height is measured in 40 foot horizontal intervals, or the distance between posts or pilasters, whichever is shorter.

Formatted: Indent: Left: 72 pt, No bullets or numbering

(3) *Monopoles and towers.* The height of a monopole or tower is measured from the lowest point of the anchored base of the tower, at its grade, to the highest point of the structure. For antenna towers, height shall be measured inclusive of any antennas placed on the tower. For wind turbines, height shall be measured to the top of the rotor at its highest point during rotation.

(4) *Roofed structures other than buildings.* The height of roofed structures other than buildings (e.g., gazebos) is measured as the distance from the grade plane at the base of the structure to the top of the highest point on the structure, including attachments thereto.

(b) **Building coverage.** Building coverage is measured as the area of a lot or parcel that is occupied by principal and accessory buildings at ground level. For the purpose of this UDC, building coverage is measured as the footprint of the principal and any accessory buildings at grade, including any carport (whether enclosed or not). Eaves, overhangs, and decks that project less than two feet from the building walls are not included in the measurement of building coverage. Overhangs, covered porches, cantilevers, and decks that project more than two feet from building walls are included in the measurement of building coverage.

(c) **Floor area.** Floor area is measured as the horizontal floor area included within the outside walls of a building or portion thereof, including habitable tenant houses and attic space, but not including vent shafts, courts, or uninhabitable areas below ground level or in attics.

(d) **Lot area.** Lot area is the total planar horizontal area within a lot that is enclosed by its lot lines.

(e) **Lot depth.** Lot depth is the average horizontal distance between front and rear lot lines.

(f) **Lot width.** Lot width is the horizontal distance between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

(g) **Setbacks.** Setbacks are measured horizontally at right angles to the affected lot line to the nearest point of the building or structure for which the setback is being measured.

Sec. 21-11-102. - Calculations

(a) **Building Coverage Ratio.** Building coverage ratio is calculated as building coverage divided by lot area.

~~(b)~~ **Density.** Density is calculated as the number of dwelling units per acre of land of a lot or subject property, as applicable to the circumstances of the calculation.

~~(b)~~(c) **Open Space Ratio.** Open space ratio is calculated as the total area of open space on a subject property divided by the total area of the subject property.

Division 11-2. - Rules of Construction, Acronyms, and Definitions

Sec. 21-11-201. - Rules of Construction

The words and terms used, defined, interpreted, or further described in this chapter may be construed as follows:

- (1) The particular controls the general.
- (2) The word “shall” is mandatory.
- (3) The word “may” is permissive.
- (4) Words used in the present tense include the future unless the context clearly indicates the contrary.
- (5) Words used in the singular include the plural, and words used in the plural include the singular, unless the context clearly indicates the contrary.

Sec. 21-11-202. - Table of Acronyms

Table 21-11-202 sets out the abbreviations and acronyms that are used in this UDC.

TABLE 21-11-202 ABBREVIATIONS AND ACRONYMS	
Acronym	Meaning
ac.	Acre
ADA	Americans with Disabilities Act, 42 U.S.C. § 12101, et seq., as amended from time to time
ADA 502	2010 ADA Standards for Accessible Design § 502, as amended from time to time, and however subsequently titled or numbered
ADT	Average Daily Traffic
Art.	Article
BMP	Best Management Practice
BRU	Preceded by a number, “Bedroom Unit” (e.g., 2 Bedroom Unit)
CAFO	Concentrated Animal Feeding Operation
CCR	Colorado Code of Regulations
CDPHE	Colorado Department of Public Health and Environment
CMRS	Commercial Mobile Radio Service
C.O.	Certificate of Occupancy
C.R.S.	Colorado Revised Statutes
dBA	A-weighted Decibels
DBH	Diameter at Breast Height
Div.	Division
DNL	Day-Night Average Sound Level
e.g.	<i>exempli gratia</i> (translation: “for example”), which is followed by illustrative, non-exclusive examples
EIFS	Exterior Insulation Finishing Systems
EOPC	Engineer’s Opinion of Probable Cost
EPA	United States Environmental Protection Agency
ESMR	Enhanced Specialized Mobile Radio
FDP	Final Development Plan
ft.	Feet
i.e.	<i>id est</i> (translation: “that is”), which is followed by an elaboration of the topic
IGA	Intergovernmental Agreement
lf.	Linear Feet

Formatted Table

TABLE 21-11-202
ABBREVIATIONS AND ACRONYMS

Acronym	Meaning
LAN	Local Area Network
LOS	Level of Service
LSR	Landscape Surface Ratio
Max.	Maximum
Min.	Minimum
MUTCD	Manual on Uniform Traffic Control Devices
N/A	Not Applicable
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System, <i>created by the Clean Water Act, 33 U.S.C. § 1251, et seq.</i>
OSHA	Occupational Safety and Health Act, <i>29 U.S.C. § 651, et seq.</i>
OSR	Open Space Ratio
PC	City of Alamosa Planning Commission
PCS	Personal Communications Services
PDP	Preliminary Development Plan
PUD	Planned Unit Development
RV	Recreational Vehicle
Sec.	Section
sf.	Square Feet
sp.	Parking Space (or Parking Spaces)
SWMP	Stormwater Management Plan
U	Dwelling Unit
U/A	Dwelling Units per Acre
UDC	City of Alamosa Unified Development Code
UDFCD	Urban Drainage and Flood Control District
U.S.	When preceded and followed by numbers, United States Reports (a Supreme Court Reporter); otherwise United States
U.S.C.	United States Code
U.S. DOJ	United States Department of Justice
USDCM	Urban Storm Drainage Criteria Manual (all volumes), published by UDFCD, as amended or revised from time to times
WCF	Wireless Communications Facilities
ZBOA	City of Alamosa Zoning Board of Adjustment

Formatted Table

Formatted: Font: Italic

Formatted: Font: Italic

Formatted Table

Formatted Table

Sec. 21-11-203. - Definitions

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACCESSORY STRUCTURE means a structure that is accessory to a principal building or structure, such as a shed or detached garage.

ACCESSORY USE means a use of property that is incidental or subordinate to the principal use, such as a home occupation.

ADMINISTRATOR means the ~~Director of~~ Public Works Director or ~~assignee~~ his or her designee.

ADULT DAY CARE means a facility that is certified by the State of Colorado to provide health and social services on a less than 24-hour basis to elderly, blind, or disabled adults.

AIRPORT means an area of land that is used for the landing and takeoff of aircraft (fixed-wing or helicopter). An airport may be private or public, and may include related buildings and facilities,

such as fixed-base operators, hangars, terminals, fueling and de-icing facilities, maintenance facilities, and car rental agencies, gift shops, and restaurants.

ALCOHOLIC BEVERAGE SALES means the retail sale of beer, wine, spirits, or other alcoholic beverages for off-premises consumption. The phrase “alcoholic beverage sales” applies to those uses which must obtain a Colorado retail liquor store license.

ALLEY means a minor right-of-way or easement for motor vehicles that gives a secondary means of access to the back or side of lots or parcels that otherwise abut a street. Alleys are often used for service access and utility installations.

ALTERNATIVE TOWER STRUCTURE means artificial trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that are visually compatible with their context (e.g., a natural setting or surrounding buildings or structures), which camouflage or conceal the presence of antennas or towers. The phrase “alternative tower structure” also includes any antenna or antenna array attached to the alternative tower structure.

AMATEUR RADIO ANTENNA means an antenna used by an amateur radio (a.k.a. “HAM Radio”) operator pursuant to 47 C.F.R. 97, Subpart A.

ANIMAL EQUIVALENT UNIT means a unit of measurement to compare various animal types based upon equivalent forage needs or waste generation. Animal equivalent units are set out in the table below.

ANIMAL EQUIVALENT UNITS	
Animal	Animal Equivalent Units
Adult Cow with Unweaned Calf	1.00
Mature Dairy Cattle	1.40
Slaughter or Feeder Cow	1.00
Sheep	0.20
Goat	0.20
Llama	0.60
Horse	1.25
Mule	1.25
Donkey	1.25
Burro	1.25
Swine (>55 pounds)	0.40
Swine (<55 pounds)	0.07
Laying Hens	0.03
Broiler Chickens	0.01
Turkeys	0.02
Other Animals	Average Animal Weight (in pounds) / 1,000 pounds

ANTENNA means any structure, including but not limited to a monopole antenna, tower, parabolic, or disk-shaped device in single or multiple combinations of either solid or mesh construction, intended for the purpose of receiving or transmitting communication to or from another antenna, orbiting satellite, cell phone, television, radio, or other telecommunications device, as well as supporting equipment necessary to install or mount the antenna on an antenna tower or building.

Formatted: Font: (Default) Cambria, 11 pt

Formatted: Font: (Default) Cambria, 11 pt

Formatted: Table Heading Description, Left

Formatted Table

Formatted: Table Subheading, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

Formatted: Table Row

Formatted: Table Row, Left

ANTENNA TOWER means any structure that is designed and constructed primarily for the purpose of supporting one or more antennae. This includes guyed mast, lattice towers, monopoles, alternative tower structures, and towers that are taller than ten feet that are installed or mounted on top of a building, along with any separate building or structure on the same lot used to house any supporting electronic equipment.

ARCADE FRONTAGE means that the street-facing elevation of the principal building includes an integrated colonnade that is covered by upper stories of the building, and that shelters the sidewalk or walkway in front of the building elevation.

ASSISTED LIVING OR CONGREGATE CARE means a residential facility that provides meals or assistance with daily activities, such as dressing, grooming, and bathing, for the elderly or adults who are unable to manage these activities themselves.

BAR, TAVERN, OR NIGHTCLUB means a use engaged in the sale of alcoholic beverages for on-premises consumption, where such sales account for more than 50 percent of gross revenues. The use does not include temporary sales of alcohol for on-premise consumption.

BED AND BREAKFAST INN means an adaptive re-use of a single-family detached building as a place of overnight accommodation, in which: (i) ~~five-eight~~ or fewer guest rooms are rented for daily or weekly terms; (ii) breakfast is provided to guests; and (iii) the operator resides on the premises.

BERM means a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.

BOARD OF ADJUSTMENT means the City of Alamosa Zoning Board of Adjustment.

BOARDING OR ROOMING HOUSE means a residential building in which three or more bedrooms are available to be rented to guests on a short-term or long-term basis. Some services (e.g., meals or laundry) may be provided, and common areas, such as kitchens, living areas, or bathrooms, may be shared.

BUFFERYARD means open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block buildings, structures, storage areas, noise, lights, or other nuisances. Bufferyards are classified into five classifications, with specific uses, locations, or purposes calling for specific bufferyard classifications. See Table 21-5-306C for classifications.

Formatted: Font: Italic

BUILDING means an enclosed structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind, excluding fences.

BUSINESS SERVICES means commercial services, such as printing and copy centers, 3D print shops, direct mail services, repair services and shops (except automobile, truck, and heavy equipment repair), parcel service drop-off locations and mailbox services, and data recovery shops.

CALIPER means the diameter of a tree trunk, measured six inches above the soil. Caliper measurements are used to measure single-trunk trees that are grown in nurseries. Trees that are already established on a subject property are measured using a diameter at breast height ("DBH") technique. See Diameter at breast height ("DBH").

Formatted: Font: Italic

CAMPGROUND OR RV PARK means an area of land developed and intended for use to provide the traveling public with short-term accommodations for recreational vehicles, motor homes, travel trailers, truck campers, park models, and tents.

CAMPUS means a master-planned collection of buildings and grounds that typically include a variety of uses and activities for an academic institution (e.g., a college campus), non-academic institution (e.g., a hospital campus), or a business or group of related businesses (e.g., a research park campus), which are normally designed to provide common areas and amenities that provide focal points within the master plan.

CEMETERY / MAUSOLEUM means any place in which there is provided space either below or above the surface of the ground for the interment of the remains of human bodies.

CENTRAL BUSINESS DISTRICT means the area bounded by Fourth Street on the north, Denver Avenue on the east, Sixth Street on the south and Edison Avenue on the west.

CHANGEABLE COPY PANEL means a portion a sign with characters, letters, or illustrations that can be manually (not electronically) changed or rearranged without structurally altering the surface of the sign.

CHILD CARE CENTER means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five or more children under the age of 16 years and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes: (i) facilities commonly known as "day care centers," "day nurseries," "nursery schools," "kindergartens," "preschools," "play groups," "day camps," "summer camps," "centers for mentally retarded children," and (ii) facilities that provide 24-hour care for dependent and neglected children, and (iii) facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school, except that the term does not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades. Child care centers are classified as either "small" (five to 12 children) or "large" (13 or more children).

CITY FACILITIES means a building, structure, storage yard, or major utility installation that is owned, operated, and used by the City, that the City determines is necessary for its operations or the advancement of the health, safety and welfare of City residents.

CODE ENFORCEMENT OFFICER means an employee or contractor of the City who is designated by the City Manager to make inspections and issue notices and orders to correct violations of this UDC.

CO-HOUSING COMMUNITY means a community of cottage dwellings, including tiny homes or small duplex dwellings that are clustered around commonly-owned open space, and that share a common house.

CO-LOCATION means locating one or more antennae for more than one provider on a single antenna tower.

COMMERCIAL AGRICULTURE means the science and art of production of plants and animals useful to man, including, to a variable extent, the preparation of these products for man's use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products and farm production for

commercial purposes. Commercial agriculture does not include: (i) commercial equestrian facilities; or (ii) concentrated animal feeding operations.

COMMERCIAL EQUESTRIAN FACILITIES means an establishment that boards horses or teaches, tests, or advances the skills of horses or horse riders.

COMMERCIAL MOBILE RADIO SERVICE ("CMRS") means a Federal Communications Commission designation for any carrier or licensee whose wireless network is connected to the public switched telephone network and/or is operated for profit. CMRS is more specifically defined in 47 CFR § 20.9, as amended from time to time, which shall control this definition in the event of a conflict.

COMMERCIAL VEHICLE means:

- (1) Any motor vehicle, trailer, or semi-trailer that:
 - a. Is designed or used to carry freight, other vehicles, equipment, passengers for a fee, or merchandise in the furtherance of any business enterprise; and
 - b. Has a gross weight of more than 10,000 pounds;
- (2) Any step van or truck that is designed for commercial moving or parcel delivery services;
- (3) Any truck that is used for mobile retail sales (*e.g.*, ice cream, lunches);
- (4) Any vehicle with more than four wheels that is used for business purposes;
- (5) Any trailer that is used to haul machinery, supplies, or equipment for business purposes (horse trailers, boat trailers, motorcycle trailers, RV trailers, and car trailers put to personal use are not included in the definition);
- (6) Any trailer that is used for commercial hauling (*e.g.*, waste, junk, or lawn clippings), or commercial moving services;
- (7) Any vehicle which has permanently mounted outside brackets or holders for ladders, tools, pipes, or other similar equipment, unless such vehicle is used for on-call emergency services contracted by the City or other governmental entity.

ILLUSTRATIVE COMMERCIAL VEHICLES



COMMON HOUSE is a building that is commonly owned by residents of a co-housing community, which may include a kitchen and dining area, laundry, recreational space, shared amenities, and up to three guest rooms.

COMMON OPEN SPACE means a parcel of land or an area of water or a combination of both land and water within a subdivision or a planned unit development. Common open space does not include streets, alleys, parks, off-street parking and loading areas, public open space, or other facilities

dedicated by the developer for public use or for motor vehicle use. Common open space is substantially free of structures, but may contain such improvements that are approved as part of the planned unit development and are appropriate for recreation purposes.

COMMON PROPERTY means a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites in a planned unit development or subdivision.

COMMUNITY GARDEN means land where plants are grown and maintained by a group of individuals in the community. Community gardens may produce food for individual consumption or food for sale, may be designed for beautification of the community, or may be used for educational purposes.

COMPATIBLE or **COMPATIBILITY** means that the characteristics of different uses or activities, or their design (including site layout, architecture, landscaping, lighting, and noise mitigation), allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, massing and bulk of structures, noise, lights, odors, traffic patterns, and environmental and safety risks. Compatibility does not mean "the same as." Rather, compatibility refers to whether proposed development maintains the character of existing development, or establishes a desired pattern or type of development as envisioned in the Comprehensive Plan or applicable design standards.

COMPREHENSIVE PLAN means the comprehensive plan for the City which has been officially approved to provide long-range development policies for the City and which includes, among other things, the plan for future land use, multimodal circulation, and public facilities.

CONCENTRATED ANIMAL FEEDING OPERATION ("CAFO") ~~is means~~ a facility where large numbers of animals are raised in confinement, as more specifically defined by 40 CFR § 122.23, as may be amended from time to time.

Formatted: Font: Bold, Font color: Custom Color(30,115,189), Small caps

CORNER LOT means a lot that abuts two streets at their intersection, or upon two parts of the same street, and where, in either case, the interior angle formed by the intersection of street centerlines does not exceed 135 degrees.

COTTAGE DWELLING. ~~See Dwelling, cottage.~~

Formatted: Font: Bold, Font color: Custom Color(30,115,189), Small caps

Formatted: Font: Italic

COTTAGE INDUSTRY means a business that is operated out of a dwelling unit or accessory building on a residential or agricultural lot, which involves: (i) employment of up to four unrelated people who do not live in the dwelling unit; (ii) commercial deliveries from semi-trailer trucks; (iii) a light industrial use that does not involve pick-ups or deliveries by semi-trailer trucks; or (iv) on-site parking of commercial vehicles.

DAY-NIGHT AVERAGE SOUND LEVEL ("DNL") ~~means the average noise level over a 24-hour period. The noise between the hours of 10pm and 7am is artificially increased by 10 dB. This noise is weighted to take into account the decrease in community background noise of 10dB during this period.~~

Formatted: Font: Not Bold, Font color: Auto, Not Small caps

DIAMETER AT BREAST HEIGHT ("DBH") ~~means the diameter of a single-trunk tree, measured at four and one-half feet above the ground. Diameter at breast height is used to measure existing, established trees on a subject property. Nursery stock is measured using the caliper technique. See Caliper.~~

Formatted: Font: Italic

DISTRICT means an area or areas within the limits of the City, within which the regulations and requirements governing use, lot, and bulk of building and premises are uniform.▲

Formatted: Font: Not Bold, Font color: Auto, Not Small caps

DNL ZONE means an area within corresponding noise contours on the noise exposure map of an airport, identified in accordance with the requirements of 14 CFR Part 150.

Formatted: Font: Not Bold, Font color: Auto, Not Small caps

DOUBLE-LOADED BLOCK means a block that includes two columns of lots, whether or not separated by an alley.

DRIVE-IN FACILITY means a facility that is designed to provide, wholly or in part, service to customers while they remain in their automobiles parked upon the premises. Drive-in facilities are commonly (but not necessarily) associated with restaurants, banks, dry-cleaners, convenience stores, and coffee shops.

DUPLEX OR TWIN HOUSE DWELLING. *See Dwelling, duplex or twin house.*

Formatted: Font: Not Bold, Italic, Not Small caps

DWELLING UNIT (OR “**DWELLING**”) means any building or part thereof, constituting a separate independent housekeeping establishment (with areas for cooking, bathing, and sleeping) that is designed to be occupied, in whole or in part, for residential purposes. The word “dwelling” includes the residential component of a live-work unit, but does not include hotels, motels, resorts, boarding or rooming houses, assisted living units, congregate care units, nursing home rooms, convalescent care rooms, memory care rooms, tents, recreational vehicles, or other structures designed or used primarily for temporary or transient occupancy.

Formatted: Font: Not Bold, Not Small caps

DWELLING, COTTAGE means a single-family dwelling unit that contains less than 1,000 square feet of floor area.

DWELLING, DUPLEX OR TWIN HOUSE means a dwelling unit that is located in a building that contains two dwelling units that are separated by either a common wall or a floor.

DWELLING, MULTIFAMILY means a dwelling unit that is located in a building that includes three or more dwelling units, or that is located within a mixed-use building that is not classified as “live-work” (*i.e.*, dwelling units above a downtown storefront are classified as multifamily dwelling units, regardless of how many dwelling units are in the building). The phrase “multifamily dwelling” does not include townhouse or rowhouse.

DWELLING, SINGLE-FAMILY DETACHED means a dwelling unit that is located within a building that is free-standing and surrounded on all sides by open areas or yards, that is designed for use and occupancy by one family.

DWELLING, TOWNHOUSE OR ROWHOUSE means a dwelling unit that is located in a building that includes three or more dwelling units that are accessed from the outside and separated by common walls.

EASEMENT means authorization by a property owner for the use of any designated part of the owner’s property by the public or another person or entity (e.g., neighboring property owner, ditch company, or utility company) for specific purposes.

EMPLOYEES, for the purposes of evaluating compliance with parking standards that are related to the number of employees, means all persons, including proprietors, working on a premises during the largest shift at peak season.

ESSENTIAL GOVERNMENTAL OR PUBLIC UTILITIES SERVICES means gas, electrical, steam, or water transmission distribution systems, collection, communication, and supplier-disposal systems. Such services may include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, cabinets, pedestals, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety or general welfare.

FAMILY means a single individual, cooking and living upon a premises as a separate, independent housekeeping unit; or a group of persons doing their own cooking and living together upon the premises, sharing household responsibilities as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or adoption; or a group of not more than four unrelated persons doing their own cooking and living together upon a premises as a single housekeeping unit.

FAMILY CHILD CARE HOME means a private residence used for the daytime care of up to six children who are not related to the operator of the family child care home.

FENCE OR GARDEN WALL means a free-standing structure of metal, masonry, composition, wood, or any combination thereof resting on, or partially buried in the ground and rising above ground level, which is used for confinement, screening or decorative purposes. The phrase "fence or garden wall" does not include retaining walls.

FLOODPLAIN is defined in Section 8-5, *Alamosa Municipal Code*.

FORECOURT FRONTAGE means that the street-facing elevation of the building includes a functional courtyard between the sidewalk and the building.

FRATERNITY, SORORITY, DORMITORY OR GROUP STUDENT HOUSE means a building occupied by and maintained exclusively for students affiliated with an academic or vocational institution.

FRONTAGE means that portion of a lot, parcel, tract or block that abuts a street.

FUNERAL HOME means a building that is used principally for: (i) human funeral services; (ii) embalming and the performance of other services used in the preparation of the dead for burial; or (iii) the performance of autopsies and other tests or surgical procedures on human remains. In addition to these functions, funeral homes may also store caskets, urns, hearses, and other vehicles used in funeral processions.

GALLERY FRONTAGE means that the street-facing elevation of the principal building includes an integrated colonnade that shelters the sidewalk or walkway in front of the building.

GARAGE, PRIVATE means an accessory building or an enclosed portion of a principal building that is designed for the shelter or storage of motor vehicles owned or operated by occupants of the main building only.

GASOLINE SERVICE STATION OR LIGHT MOTOR VEHICLE REPAIRS AND SERVICES means a building or premise on, or in which, the principal use is one or more of the following: (i) retail sale of gasoline, oil, or other fuel for motor vehicles; (ii) routine service to passenger vehicles which generally takes less than 90 minutes to complete (e.g., tire rotation and balance, brake service, oil changes, glass repair and replacement, fluid changes, etc.); or (iii) repairs and service to motorcycles, scooters, snowmobiles, ATVs, riding lawnmowers, and other vehicles with engines of less than 1500 cc

displacement. The phrase “gasoline service station or light motor vehicle repairs and services” does not include liquefied petroleum gas distribution facilities, heavy automotive repairs and services, or automotive sales and rental.

GRADE means the elevation of ground level.

GRADE PLANE means the average elevation of the finished ground level at the center of all walls of a building or at the center of a structure.

GROUP HOME means a dwelling unit, in which care or assistance with daily tasks is provided for not more than eight unrelated individuals. There are four types of group homes:

Group home for developmentally disabled persons means a state-licensed group home exclusively for the care of persons with developmental disabilities, as defined and regulated by the Colorado Department of Human Services, Division for Developmental Services, and the Colorado Department of Public Health and Environment.

Group home for elderly persons means a group home of persons 60 years of age or older who do not require medical attention associated with a residential health care facility. Group homes for elderly persons are licensed by the Colorado Department of Public Health and Environment as either an assisted living residence or an alternative care facility.

Group home for mentally ill persons means a state-licensed group home exclusively for the care of persons with mental illness, as defined and regulated by the Colorado Department of Public Health and Environment.

Group home for children awaiting disposition means a state-licensed group home for children up to 18 years of age who are not related to the head of the household, and who are awaiting disposition to foster homes or other accommodations.

GUEST HOUSE means an accessory building that is physically detached from a single-family dwelling unit, does not contain cooking facilities, is serviced through the same utility meters or connections as the single-family dwelling unit, and is intended for occupancy only by guests of the family that resides in the single-family dwelling unit.

GUEST ROOM means a room in a hotel, motel, bed and breakfast inn, or rooming or boarding house that is offered to the public for compensation, in which room no provision is made for in-room cooking, and which room is used only for transient occupancy.

GUYED MAST TOWER means a tall, thin, vertical structure that receives support from guy lines.

HEAVY INDUSTRY means industrial uses (that are not specifically defined elsewhere in this Code) that can be described in one of the following four ways:

- 1) Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Code or this definition, which involve: (i) a material risk of significant environmental contamination, explosion, or fire; (ii) perceptible ground vibration at the property line; (iii) excessive noise or dust emissions at the property line and downwind; (iv) large-scale outdoor storage of inputs or products; (v) significant outdoor installations of processing equipment; (vi) outside emission of objectionable odors; (vii) more than five trips by semi trailer trucks per day; or

Formatted: Outline numbered + Level: 1 + Numbering
Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at:
0 pt + Indent at: 18 pt

- 2) Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, logs, pulpwood, or fossil fuels; or
- 3) Activities that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to the Colorado Stationary Sources Program or Title V of the Federal Clean Air Act; or
- 4) Activities that are required to obtain a Certificate of Designation under C.R.S. § 25-15-201 (hazardous waste disposal sites), Title 30, Article 20, Colorado Revised Statutes (various other types of disposal sites).

For illustrative purposes, uses classified as heavy industry may include (if they meet the thresholds of this definition), but are not limited to: (i) coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline stations); and bulk fuel dealers; (ii) facilities used in the primary or secondary production of metals (e.g., primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops); (iii) portland cement plants; (iv) sawmills and pulp mills; (v) incinerators with the capacity to charge more than 250 tons of refuse per day; (vi) lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants; (vii) fossil fuel combustion (except for electricity generation) totaling more than 250 million BTUs per hour of heat input; (viii) fabrication of motor vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components; (ix) drycleaner processing plants that use large quantities of PERC or comparable petrochemical solvents; (x) manufacture of plastic products (except assembly of parts that are manufactured elsewhere); (xi) hot mix asphalt plants; (xii) composting facilities; and (xiii) meat processing involving butchering of large animal carcasses.

HEAVY LOGISTICS CENTER means a wholesaling, warehousing, and/or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. “product warehouses”), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. “truck terminals” or “logistics centers”), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least 10 heavy truck trips per day. Warehousing and distribution uses that involve fewer than 10 heavy truck trips per day are classified as light industry.

HEAVY MOTOR VEHICLE REPAIRS AND SERVICES means repairs to passenger vehicles that are not included in the definition of the gasoline service station or light automotive repairs and services use, such as body repair, paint, upholstery, engine replacement or reconditioning, air conditioning replacement, tire recapping, and custom body work (but not including installation of audio, video, and navigation systems); and any type of repairs to commercial vehicles or construction vehicles.

HEAVY RETAIL means retail or service activities in which more than 25 percent of the area put to the use is located outside or in partially enclosed structures. Illustrative heavy retail uses include manufactured home sales, boat sales, heavy equipment sales or rental, retail greenhouses and

garden supply stores, and outdoor lumberyards. Heavy retail does not include uses that are specifically defined elsewhere in this Code, such as motor vehicle sales and rental.

HEDGE means a dense row of shrubs or low trees planted in a regular pattern such that they function as a garden wall.

HELISTOP means an area of land or portion of a building or structure that is used for the landing and takeoff of helicopters, for private use or public safety purposes.

HISTORIC SIGN means a sign that has been recognized as part of an historic designation that is on the National, State, or Local Register of Historic Places; or a sign that is attached to a building or structure that is part of such historic designation, if the sign was installed during the period of significance of the designation.

HOME BUSINESS means a business that is operated out of a dwelling unit, which involves employment of up to two unrelated individuals who do not live in the dwelling unit. These uses are limited to office or service businesses. The phrase "home business" does not include: (i) wholesale or retail sales, except for sales distributors who fill orders for catalog type products and then make deliveries to the customer's house (as opposed to customers coming to the place of business), or who fill orders by "drop shipping" from the manufacturer or a distribution center; (ii) activities that require commercial deliveries from semi-trailer trucks (as opposed to parcel services); (iii) on-site parking of commercial vehicles, or on-street parking of commercial vehicles next to the dwelling unit.

HOME OCCUPATION means an occupation carried on in a dwelling unit (or accessory building on a residential lot) by members of the family occupying the dwelling unit, with no servant, employee, or other person being so engaged, such that the residential character of the building and lot is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful use and occupancy of their homes.

HOMEOWNERS ASSOCIATION means an incorporated organization operating under recorded land agreements through which: (i) each lot or homeowner in a subdivision, planned unit development, or other described land area is automatically a member; (ii) each lot is automatically subject to charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (iii) the charge, if unpaid, becomes a lien against the property.

HOSPITAL OR EMERGENCY ROOM means an institution that is licensed, certified, or approved as a "hospital" by the Colorado Department of Public Health and Environment ("CDPHE"), where sick or injured persons are given medical care and, in the course of same, may be housed overnight, fed, and provided nursing and related services. The phrase also includes a free-standing emergency department.

HOTEL OR MOTEL means an establishment that principally provides temporary lodging in guest rooms, and in which meals, conference rooms, exercise rooms, swimming pools, retail sales, entertainment, and personal services may also be available to guests or the general public.

INDOOR AMUSEMENT, RECREATION, AND ENTERTAINMENT means uses that provide commercial amusement or recreation activities indoors (except sexually-oriented businesses or indoor firing / gun ranges), including, but not limited to bowling alleys; indoor playgrounds (may include

conventional playground equipment, inflatables, trampolines, rock climbing walls, zip lines, and comparable equipment); indoor skating rinks (ice or roller); laser tag; local area network ("LAN") gaming centers; pool or billiard rooms; game arcades (*e.g.*, video games, skee ball, and comparable amusement machines); dance halls; martial arts facilities; yoga studios; indoor athletic courts or fields; fitness centers; indoor pools; and recreation centers.

INDOOR FIRING/GUN RANGE means an indoor facility for shooting firearms at targets.

INTENSIVE AGRICULTURE means (1) concentrated animal feeding operations ("CAFOs") of any size, as defined by 40 C.F.R. § 122.23, Concentrated Animal Feeding Operations; (2) concentrated aquatic animal production facilities, as defined by 40 C.F.R. § 122.24, Concentrated Aquatic Animal Production Facilities; (3) any use where animals are tightly confined in buildings or outdoor pens or pastures with more than one animal equivalent unit per acre, including feedlots, hog farms, and poultry operations; or (4) any other agricultural use that is required to obtain a discharge permit under the Federal Clean Water Act due to animal wastes.

Formatted: Font: Bold, Font color: Custom
Color(RGB(30,115,189)), Small caps

JUNK (SALVAGE) means scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, scrap zinc, and all other scrap metals and their alloys, bones, rags, used cloth, used rubber, used rope, used foil, used bottles, old cotton; used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane parts, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; and all other products subject to being dismantled or recycled.

KENNEL means a lot or building in which four or more dogs or cats at least four months of age are kept commercially for board, propagation, or sale.

LATTICE ANTENNA TOWER means a self-supporting tower with multiple legs and cross bracing of structural steel or other material.

LEVEL OF SERVICE ("LOS") means, with respect to streets and intersections, a measure of the mobility characteristics of a street segment or intersection, as determined by the volume-capacity ratio or vehicle delay, as set out in the HIGHWAY CAPACITY MANUAL, as may be revised from time to time, published by the Transportation Research Board ("TRB").

Formatted: Small caps

LIGHT INDUSTRY means land uses that involve research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components or from organic materials, with limited outside storage and limited external impacts or risks (such that the use is not defined as Heavy Industry or Heavy Logistics). Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than 10 truck trips per day. Light industry does not include marijuana uses.

For illustrative purposes, light industry uses include: (i) assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components; (ii) offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include overhead door access to indoor storage of tools, parts, and materials, parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or limited outdoor storage areas; (iii) food production (*e.g.*, commercial kitchen or bakery) and packaging, but not meat processing involving butchering of large animal carcasses, marijuana uses, or restaurants of any type; (iv) beverage production (alcoholic and non-

alcoholic) and bottling; (v) furniture making or refinishing; (vi) manufacture, printing, or dyeing of textiles or apparel (except low volume production at a retail store); (vii) printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V permit for air emissions; (viii) research, development, and testing laboratories (*e.g.*, for development of products, equipment, or materials), if not classified as “office” or “heavy industry”; (ix) disassembly of consumer electronics and/or appliances into component parts, where all operations and storage are within an enclosed building; (x) manufacture of glass products (*e.g.*, window panes, bottles and jars), including hand-blown products; (xi) fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry); (x) manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products (except compounding pharmacies, which are retail sales and service uses, and except marijuana uses); (xi) packaging of products; (xii) storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or (xiii) wholesalers, except that wholesale membership clubs that offer memberships to the general public are not Light Industrial uses.

LIVE-WORK UNIT means a building or portion of a building that combines a dwelling unit with an integrated workspace that is principally used by one or more of the residents of the dwelling unit. The floor area of the workspace is subordinate or equal to the residential use.

LOT means a parcel of land that is described with reference to a recorded plat, which is intended for private ownership, development, and use.

LOT, DOUBLE FRONTAGE means a lot that runs through a block from street to street.

LOT, INTERIOR means a lot other than a corner lot.

LOT LINE, FRONT means the property line that divides a lot from the abutting street right-of-way. With respect to residential corner lots, the front lot line is typically the shortest street right-of-way line. With respect to nonresidential corner lots, the front lot line is typically the lot line that abuts the street with the larger capacity.

LOT LINE, REAR means, except on a double frontage lot, the property line opposite the front lot line.

LOT LINE, SIDE means any lot line other than a front or rear lot line.

LOT OF RECORD (or, where context suggests, “**Lot**”) means a parcel of land with boundaries that have been established by a legal instrument such as a recorded plat, recorded deed, or court order, which is used as a single development or building site, and which is recognized as a distinct property for purposes of transfer of title. A single lot of record may include multiple or fractional platted lots if said lots have been combined for the purposes of transfer of title or for the purposes of creating a building site.

MAJOR SUBDIVISION means a division of land into six or more new lots, or a division of land into any number of lots if it also includes dedications of public easements, rights-of-way, or other areas of land for public use. For the purpose of this definition, “public easements” do not include easements for utilities or drainage that serve only the lots in the subdivision.

MAJOR UTILITY FACILITIES means: (i) non-nuclear electrical generation facilities of any type; (ii) substations used for switching, regulating, transforming, or otherwise modifying the characteristics of electricity; (iii) transmission lines operated at 110 kilovolts or more; (iv) structures and

equipment associated with such substations or transmission lines; (v) centralized water treatment plants; or (vi) centralized wastewater treatment plants. Major utility facilities do not include facilities related to telecommunications.

MANUFACTURED HOME means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, and which has certification required by the United States Secretary of Housing and Urban Development and was constructed in compliance with the requirements of 42 U.S.C. § 5401, et seq., *Manufactured Home Construction and Safety Standards*, and the regulations of the Department of Housing and Urban Development that are promulgated thereunder. The phrase “manufactured home” does not include a recreational vehicle, nor does it include a mobile home.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel of land that is divided (or, in the case of the subdivision, platted) into two or more lots for long-term lease or sale, with infrastructure designed for the installation of manufactured homes.

MARIJUANA USE means: (i) a medical marijuana center; (ii) a medical marijuana-infused product manufacturer; (iii) an optional premises cultivation operation; (iv) a medical marijuana testing facility; (v) a retail marijuana store; (vi) a retail marijuana cultivation facility; (vii) a retail marijuana products manufacturing facility; or (viii) a retail marijuana testing facility, as the same are defined by the Colorado Statutes or rules of the Colorado Department of Revenue, Marijuana Enforcement Division, from time to time.

MARQUEE means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather and to provide a large vertical plane for the display of signage, often including changeable copy panels.

MAXIMUM EXTENT FEASIBLE shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with a regulation or minimize potential harm or adverse impacts have been undertaken.

MEDICAL OFFICE OR CLINIC means a facility that provides medical, psychiatric, or surgical service for sick or injured persons, or provides preventative care or monitoring, exclusively on an outpatient basis. Services may include diagnostic services, treatment, training, administration, and related services to outpatients, employees, or visitors, with or without appointment. The phrase also includes immediate care facilities, where urgent (non-emergency) care treatment is the dominant form of care provided at the facility, medical laboratories to the extent necessary to carry out diagnostic services for the medical clinic's patients, and physical therapy, licensed massage, chiropractic, acupuncture, hypnotherapy, nutrition counseling, homeopathy, Ayurveda, and other comparable services.

MINOR SUBDIVISION means a subdivision of land into two to five new lots, or that consolidate two or more lots, or that move existing lot lines between or among lots. Minor subdivisions do not include subdivisions that involve any new or changed dedications of public easements, rights-of-way, or public land. For the purpose of this definition, “public easements” do not include easements for utilities or drainage that serve only the lots in the subdivision.

MOBILE HOME means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, and which does not have certification required by the United States Secretary of Housing and Urban Development and was not constructed in compliance with the requirements of 42 U.S.C. § 5401, et seq., *Manufactured Home Construction and Safety Standards*, the regulations of the Department of Housing and Urban Development that are promulgated thereunder, or the residential building codes of the City of Alamosa, Colorado.

MONOPOLE TOWER means a slender un-guyed self-supporting tower (that does not include any lattice cross bracing structure) on which antennas can be placed.

MOTOR VEHICLE PARKING, as a principal land use, means a surface parking lot or parking structure that provides parking spaces for one or more uses that are located on a separate lot or parcel.

MOTOR VEHICLE SALES AND RENTAL means a business engaged in the sale or rental of motor vehicles, in which some or all of the motor vehicle inventory is stored on-site.

MULTIFAMILY DWELLING, *See Dwelling, multifamily.*

MULTIPLEX means a multifamily building that is architecturally designed to resemble a large single-family detached building (*i.e.*, the boundaries of the individual dwelling units are not easily discernible from outside the building, garage doors are screened from view, and entry doors are arranged so that there appears to be only one principal entrance to the building).

NONCONFORMING SIGN means a sign that was lawfully erected and in use prior to the effective date of this UDC, or any amendment thereto which does not conform to the regulations of this UDC.

NONCONFORMING STRUCTURE OR USE means a structure or use that was allowed before the effective date of this UDC, which does not meet the requirements of this UDC.

NURSING HOME, CONVALESCENT CENTER, OR MEMORY CARE means a facility that provides continuous day and night room and board, personal services, and medical care for compensation, for two or more elderly or infirm persons who are not related to the owner or operator facility.

OBSOLETE SIGN means a sign (except an historic sign) that identifies or advertises an activity, business, product, or service which is no longer conducted, produced, performed, or sold on the premises, or a sign that does not contain a message for a period of more than six months.

OFF-STREET LOADING SPACE means a space located outside of a public street or alley, intended for the discharge of passengers, or a space directly accessible to the building it serves for bulk pickups and deliveries by delivery vehicles.

OFF-STREET PARKING AREA means any parking area located wholly within the limits of one or more lots or parcels.

OPEN SPACE means land that is at least 95 percent open from surface to sky, which may be vegetated but which may not be paved for motor vehicle use. Open space may include buildings or structures that are directly related to the function of the open space, such as park shelters, grandstands, boathouses, or clubhouses.

OUTDOOR COMMERCIAL AMUSEMENT means an outdoor entertainment venue that includes such facilities as amusement rides (*e.g.*, roller coasters, zip lines, carnival rides), batting cages, mini-golf, bumper cars, bumper boats, go-cart racing, and / or water slides. Outdoor commercial amusement

Formatted: Font: Not Bold, Not Small caps

Formatted: Font: Not Bold, Italic, Not Small caps

Formatted: Font: Not Bold, Not Small caps

may also include indoor or outdoor areas with games, expositions, tent shows, rodeos, incidental food service, and incidental retail uses (*e.g.*, souvenir shops) that are subordinate to the principal outdoor entertainment uses.

OUTDOOR STORAGE YARD means an area of land that is used for the storage of materials, merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or chattels of any nature that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises. The phrase does not include: (i) storage or display of items that are offered for sale to the general public, such as new and used cars, recreational vehicles, boats, manufactured homes, landscape and building materials, where such items are permitted for sale in the zoning district in which they are located; (ii) the storage of wrecked or inoperable vehicles (*see* "salvage or junk yard"); or (iii) outdoor parking of motor vehicles that are regularly used in connection with the operation of a business or institution, or parked for less than 48 hours for maintenance service.

PARK means an outdoor place for passive or active recreation, which may include facilities such as playgrounds, racquetball courts, fitness courses, picnic areas, botanical gardens, jogging trails, cycling facilities, tot-lots, playing fields, outdoor swimming pools, tennis courts, golf courses, and wildlife sanctuaries.

PARKING MODULE means an access aisle with a row of parking on each side, or an access aisle with a row of parking on one side if parking is not provided on both sides.

PARKING SPACE means an improved area of land that is designated for parking a single vehicle.

PERMITTED USE means a use that is specifically allowed within a district.

PERSONAL COMMUNICATIONS SERVICES ("PCS") means wireless services that are similar to cellular telephone services (e.g., Time Division Multiple Access, Code Division Multiple Access, and Global System for Mobile communications technologies), but that operate within the 1,850 to 1,990 MHz frequency bands.

PERSONAL SERVICES means an establishment engaged in the provision of informational, instructional, personal improvement, personal care, and similar services, such as portrait shops, photography studios, art and music schools, driving schools, handicraft or hobby instruction, laundry and dry-cleaning retail outlets, beauty and barber shops, shoe repair, and tailor/alterations shops.

PLACE OF ASSEMBLY means a building in which people assemble for scheduled civic, educational, religious, or cultural purposes, such as civic clubs, lecture halls, places of worship, conference centers, and meeting halls.

PLANNED UNIT DEVELOPMENT means a project of a single owner or a group of owners acting jointly, involving a related group of residences, or businesses, or industries and associated uses, planned as a single entity and therefore subject to development and regulation as one land use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional, open space for the benefit of the entire development, and is designed to provide variety and diversity through creative design that may include the modification of zoning and subdivision standards, so that maximum long-range benefits can be gained and the unique features of the development or site are preserved or enhanced, while still being in harmony with the surrounding neighborhood.

PLANNING COMMISSION means the City of Alamosa Planning Commission.

PORCH FRONTAGE means that the street-facing elevation of the principal building includes a porch that shelters the principal building entrance, and does not include overhead doors.

PORTE-COCHÈRE means a porch-like or portico-like structure at a main or secondary entrance to a building, through which a motor vehicle can pass, in order for the occupants to access the building from the motor vehicle (or vice-versa) under cover, protected from the weather.

PREMISES means a general term that encompasses part or all of any lot parcel or tract or part or all of any building or structure or group of buildings or structures located thereon.

PRIVATE UTILITY means any utility other than a municipally owned and operated utility, including telephone, electric, gas, and other privately owned and operated utilities.

PROFESSIONAL OR BUSINESS OFFICES means offices from which professional, business, or financial services are provided. The phrase includes such services as accounting, auditing and bookkeeping; advertising and graphic design; architectural, engineering, and surveying services; attorneys and court reporters; "back-office" operations of banks, mortgage companies, insurance companies, and financial services ("front office" services are classified as "retail sales and services"); call centers; computer programming; corporate headquarters or administrative offices; counseling services (except medical counseling services); consulting services; data processing, data mining, and word processing services; detective agencies; interior design; retail catalog, internet, and telephone order processing (but not warehousing); and virtual office services.

PROPERTY LINE means the boundary of any lot, parcel or tract as the same is described in the conveyance to the owner, and shall not include the streets or alleys upon which the lot, parcel or tract may abut.

PROTECTIVE CARE means a facility that provides custodial care and treatment in a protective living environment for persons residing voluntarily or by court placement including, without limitation, correctional and post-correctional facilities, juvenile detention facilities, "halfway houses" (but not sober houses), and temporary custody facilities. Protective care also includes uses that would be classified as sheltered care facility or rehabilitation center, or a group home, if the use involves treatment of sexual offenders or people with a known tendency to commit acts of violence.

PUBLIC HEARING means a meeting of the Planning Commission, Board of Adjustment, or City Council, at which a recommendation or decision under this UDC is considered, and for which public notice is generally given and the opportunity for the applicant and the general public to be heard is provided.

RECORDING OR TELEVISION STUDIO means a facility for the recording and production of audio or video material, such as the recording of music, voice, video, for live broadcast or post-production.

RECREATIONAL VEHICLE ("RV") means a motor vehicle or a trailer that may be pulled by a passenger vehicle or light truck (e.g., a camper, motor home, or fifth-wheel trailer), that provides less than 400 sf. of living and sleeping area.

RESIDENTIAL ZONE means the following zones, individually and collectively: Established Neighborhoods (EN), Residential Estate (RE), Residential Light (RL), Residential Medium (RM), or Residential High (RH).

RESOURCE EXTRACTION, MINERAL means the extraction of coal or mineral resources (including sand and gravel, but not oil and gas) from the land (surface or subsurface).

RESOURCE EXTRACTION, OIL AND GAS means the exploration for or extraction of oil and gas resources.

RESTAURANT, DRIVE-IN OR DRIVE-THROUGH means an establishment engaged in the sale of pre-prepared or rapidly prepared food or beverages to customers in a ready-to-consume state, for consumption either within the restaurant building, outside but on the premises, or off the premises, and which includes a drive-in or drive-through facility. The design or principal method of operation involves two or more of the following characteristics: (i) the elimination, in whole or in part, of table service, thus requiring customers to place orders at the counter where the orders are filled; (ii) service of food in edible containers or in paper, plastic, foil or other disposable containers; or (iii) insufficient facilities for on premises consumption of the total volume of food sold by the establishment.

RESTAURANT, INDOOR means an establishment engaged in the sale of food and beverages in a ready-to-consume state, where all activities are conducted indoors. The use may also include the production and sale of fermented malt beverages, malt, special malt and vinous and spirituous liquors for consumption on the premises.

RESTAURANT, OUTDOOR means an establishment engaged in the sale of food and beverages in a ready-to-consume state, where some or all of the dining areas are outdoors. The use may also include the production and sale of fermented malt beverages, malt, special malt and vinous and spirituous liquors for consumption on the premises.

RETAIL means any sale of goods to the ultimate consumer for direct consumption or use (and not for resale).

RETAIL SALES AND SERVICES, TYPE 1 means a use involving the sale, lease, or rental of consumer, home, and business goods to consumers. Such uses include but are not limited to department stores, furniture stores, clothing stores, and establishments providing the following products or services: antiques, appliances, art, art supplies, beauty supplies, bicycles, books, magazines and newspapers, craft supplies, copies, costumes, dry goods, electronics, fabric, framing, garden supplies, gifts, groceries, hardware, home improvement goods, household products, jewelry, music, musical instruments, office supplies, party supplies, pet supplies, pharmaceuticals, phones, photography equipment, produce, signs, sporting goods, stationary, toys, and videos; and new automotive parts and accessories. The phrase also includes services such as banking, picture framing, installation of electronics (e.g., audio systems and navigation systems) into motor vehicles, real estate offices that are open for walk-in traffic; repairs of products sold by the establishment (e.g., a computer store may also repair computers), repairs of consumer electronics, and comparable services. The phrase "Retail Sales and Services, Type 1" does not include uses that are classified or defined more specifically in this Code, including but not limited to Retail Sales and Services, Type 2; Restaurants (all types); Sexually-Oriented Businesses; retail Marijuana Uses (whether medical or recreational); and Motor Vehicle Sales and Rentals.

Retail sales and services, type 1 uses are generally conducted indoors. However, the phrase also includes uses in which not more than 25 percent of the area used for storage and display of products is located outside or in partially enclosed structures.

RETAIL SALES AND SERVICES, TYPE 2 means the following types of establishments: attended charitable donation collection centers; coin laundries; off-track betting centers; second-hand stores; thrift shops; consignment stores; head shops or drug paraphernalia stores; tattoo parlors; check cashing stores; payday loan providers; pawn shops. Retail sales and services, type 2 uses are conducted indoors.

RIGHT-OF-WAY, PUBLIC means all streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel.

ROWHOUSE DWELLING. See Dwelling, townhouse or rowhouse.

SALVAGE OR JUNK YARD means any establishment that is maintained, used, or operated for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. This use is also referred to by the Colorado statutes as “automobile graveyard.” See C.R.S. § 43-1-502.

SCHOOL means a public or private licensed preschool; a public, private, or charter K-8, elementary (which may also include kindergarten), middle, junior high, or high school; or a vocational or language school.

SCREENING means decorative fencing, evergreen hedges or earth berms maintained for the purpose of concealing from view the area behind such screening.

SELF-STORAGE means the provision of individual storage compartments for household or commercial goods within a building. Storage spaces may be accessed from interior hallways or individual outside doors. This use may also include quarters for one or more persons employed by and residing at the self-storage facility for the purpose of on-site management and security.

SETBACK LINE means a line or lines designating the area outside of which buildings and certain other structures may not be erected.

SEXUALLY-ORIENTED BUSINESS means a “sexually-oriented theater/dancing establishment” or a “sexually-oriented retail establishment.”

Sexually-oriented theater/dancing establishment means any of the following uses:

Adult arcade, which means any commercial establishment or private club where, for any form of consideration, one or more video displays, still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons per machine at any one time, are used to regularly show digital images or video, films, motion pictures, video cassettes, slides, or other photographic reproductions or digitally, mechanically, electronically, or chemically reproduced visual materials characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas.

Adult cabaret, which means a nightclub, bar, restaurant, concert hall, auditorium, or other commercial establishment or private club that regularly features or presents live adult entertainment with an emphasis upon the display or exhibition of specified sexual activities or specified anatomical areas.

Formatted: Font: Not Bold, Not Small caps

Formatted: Font: Not Bold, Italic, Not Small caps

Formatted: Font: Not Bold, Not Small caps

Nude model studio, which means any place where a person who appears nude, semi-nude, or who otherwise displays specified anatomical areas, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. The phrase “nude model studio” does not include a proprietary school licensed by the State of Colorado or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or a business in a structure: (i) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and (ii) where in order to participate in a class a student must enroll at least three days in advance of the class; and (iii) where no more than one nude or semi-nude model is on the premises at any one time.

Adult motel, which means a hotel, motel or similar commercial establishment which: (i) offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital images or video, slides, or other photographic reproductions or digitally, mechanically, electronically, or chemically reproduced visual materials which are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction; or offers a sleeping room for rent for a period of time that is less than 10 hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult motion picture theater, which means a commercial establishment or private club, where for any form of consideration, digital images or video, films, motion pictures, video cassettes, slides, or similar photographic reproductions or digitally, mechanically, electronically, or chemically reproduced visual materials characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas are regularly shown. An establishment meeting the definition of an adult arcade is not an adult motion picture theater.

Adult theater, which means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear nude or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

Sexual encounter center, which means a business or commercial establishment or private club that offers, for the purpose of sexual arousal, pleasure, gratification, or abuse, for any form of consideration, a place where two or more persons may congregate, associate, or consort and observe, view, participate, or engage in specified sexual activities or expose specified anatomical areas.

Sexually-oriented retail establishment means a commercial establishment that:

(i) devotes a significant or substantial portion of its business to the rental or sale of any one or more of the following (“ADULT ITEMS”): (a) books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, digital video, video cassettes, slides, or other

photographic reproductions or digitally, mechanically, electronically, or chemically reproduced visual materials that are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas; or (b) instruments, devices, or paraphernalia which are designed for use or marketed primarily for engaging in specified sexual activities; or

(ii) is characterized by one or more of the following: (a) a significant or substantial portion of its stock in trade consists of Adult Items; or (b) a significant or substantial portion of its revenues is derived from the rental or sale of Adult Items; or (c) a significant or substantial portion of its floor space, shelf space or storage space is devoted to Adult Items; or (d) a significant or substantial portion of its advertising is devoted to Adult Items.

SHELTERED CARE FACILITY means: (i) facilities, other than group homes, in which residents live in an institutional environment and are, generally, under the care or control of staff; (ii) in-patient drug and alcoholism hospitals and rehabilitation centers, in which residents have institutional care, or are given medical treatments by staff in an institutional setting. The phrase sheltered care facility does not include assisted living, congregate care, convalescent center, Alzheimer's care, memory care, or nursing home uses. The phrase sheltered care facility does not include "sober houses," which are classified according to the type of residential use in which the use is located (*e.g.*, a rooming or boarding house or multifamily use).

SHOPFRONT FRONTAGE means that the street-facing elevation of the principal building abuts the sidewalk (except for a recessed entry, if provided), the principal entrance is at the same grade as the sidewalk, and display windows provide transparency into the building from street-level views.

SHOPPING CENTER means a composite arrangement of shops and stores which provide a variety of goods and services to the general public, when developed as an integral unit.

SIGHT TRIANGLE (also referred to as "**VISION CLEARANCE AREA**") means a triangular area ~~that~~ located at the intersection of two streets, a street and a driveway, or a street and a railroad, within which visual obstructions are restricted. Two sides of the sight triangle are line segments measured from the corner intersection of the extension of the right-of-way lines to a distance specified in this Code, and the third side is a line segment joining the ends of the other two sides.

SIGN means any object, device or part thereof situated outdoors, or indoors within three feet of a window, if oriented for viewing outside of the window, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, idea, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. Signs do not include merchandise or products that are displayed behind windows.

SIGN, ANIMATED means any sign or part of a sign which changes physical position by any movement or rotation, or which uses moving images or flashing lights of any sort.

SIGN, AWNING means a sign that is a part of or attached to an awning that shelters a door, building entrance, or window. Marquees and canopies are not awnings.

SIGN, CANOPY means any sign that is a part of or attached to a canopy or other plastic or structural shelter over a door, entrance, window, or outdoor service area. Awnings and marquees are not canopies.

SIGN, FLASHING means any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

SIGN, GROUND (a.k.a. **FREESTANDING SIGN**) means a sign supported by poles, uprights or braces extending from the ground, or an object on the ground but not attached to any part of any building.

SIGN, HISTORIC means any sign or marker recognized as part of a building's historic designation by the National, State, or Local Register of Historic Places.

SIGN, ILLUMINATED means a sign lighted by or exposed to artificial lighting either by lights on the sign or directed toward the sign.

SIGN, INTEGRAL ROOF means any sign that is erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof, and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, MARQUEE means any sign attached to integrated into a marquee.

SIGN, PROJECTING means a sign that is affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

SIGN, ROOF means any sign that is erected and constructed wholly on and over the roof of a building, that is supported by the roof structure, and that extends vertically above the highest portion of the roof.

SIGN, SUSPENDED means a sign that is suspended from the underside of a horizontal plane surface, and is supported by such surface.

SIGN, TEMPORARY means any sign that is designed for temporary use, which is not permanently mounted.

SIGN, V-SIGN means a sign consisting of two essentially equal faces, positioned at an angle subtending less than 179 degrees and more than 90 degrees. A sign positioned at an angle extending 90 degrees or less is considered a projecting sign.

SIGN, WALL means a sign attached to, painted on, or erected against or within six inches of a wall of a building, with a single display surface that is parallel to the face of the building to which the sign is attached, and wholly confined to an area within the boundaries of the surface of the wall.

SIGN, WINDOW means a sign which is applied or attached to or located within three feet of the interior of a window, which sign can be seen through the window from the exterior of the structure.

SINGLE-FAMILY DETACHED DWELLING. *See Dwelling, single-family detached.*

SMOKING LOUNGE means a retail tobacco businesses in which on-premises smoking is allowed, or a private club ~~or marijuana business~~ in which ~~tobacco marijuana~~ is smoked on the premises.

SOBER HOUSE means a residential use that is occupied by people who are recovering from substance abuse, which provides a structured environment that supports sobriety, and which serves as an interim environment between rehabilitation and mainstream society. Sober houses may provide on-site counseling, but do not provide on-site medical treatment. Comparable facilities that provide institutional care or on-site medical treatment are classified as "sheltered care."

Formatted: Font: Not Bold, Italic, Not Small caps

Formatted: Font: Not Bold, Not Small caps

SOLID WASTE DISPOSAL means facilities for the disposal of non-nuclear waste or fill. The phrase “solid waste disposal” includes solid waste disposal sites and facilities, as defined by C.R.S. § 30-20-101; and hazardous waste disposal sites, as defined by C.R.S. § 25-15-200.3.

SPECIAL FLOOD HAZARD AREA is defined in Section 8-5, *Definitions*, City of Alamosa Municipal Code.

SPECIFIED ANATOMICAL AREAS means and includes any of the following: (i) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES means and includes any of the following: (i) the fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; (ii) sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; (iii) flagellation, mutilation or torture for purposes of sexual arousal, gratification, pleasure, or abuse; (iv) human genitals in a state of sexual stimulation, arousal, or tumescence; or (v) excretory functions as part of or in connection with any of the activities specified above.

STOOP FRONTAGE means that the street-facing elevation of the principal building includes stairs that lead to an elevated “stoop” at the principal building entrance. The stoop may be covered or open.

STREET means the entire width between the boundary line of every way ~~that~~**which** provides for public use for the purpose of vehicular and pedestrian traffic and placement of utilities and including the term “road,” “highway,” “land,” “placing,” “avenue” or other similar designations, but not including the term “alley.”

STREET, COLLECTOR means any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

STREET FRONTAGE means that portion of a property boundary that is shared with the boundary of a public street.

STREET, MARGINAL ACCESS (FRONTAGE) means a local street lying parallel to and adjoining an arterial street or freeway right-of-way, ~~that~~**which** provides access to abutting properties and protection from through traffic.

STREET, MINOR ARTERIAL means any street serving major traffic movements ~~that~~**which** is designed primarily as a traffic carrier between various sections of the City, ~~that~~**which** forms part of a network of through streets, and ~~that~~**which** provides service and access to abutting properties only as a secondary function and serves a collector function for access to principal arterial streets.

STREET, PRINCIPAL ARTERIAL means a highway that is designed primarily as a traffic carrier between cities.

STRUCTURAL ALTERATION means any change to the supporting members of a building, including foundations, bearing walls, or partitions, columns, beams, or girders, or any structural change in the roof.

STRUCTURE means anything constructed or erected with a fixed location from the ground above grade, but not including ground-level paving, poles, lines, cables, or other transmission or other distribution facilities of public utilities.

STRUCTURE, NONCONFORMING. See Nonconforming structure or use.

Formatted: Font: Bold, Font color: Custom Color(RGB(30,115,189)), Small caps

Formatted: Font: Italic

SUBJECT PROPERTY means any legally described lot or parcel of land ~~that~~**which** is designated by the owner or developer as land to be used or developed as a single unit, or ~~that~~**which** has been developed as a unit as determined by the City. A subject property may be subdivided to create individual lots and tracts.

TEMPORARY SIGN means a sign that is designed or intended to be displayed for a short period of time.

TOWNHOUSE DWELLING. *See Dwelling, townhouse or rowhouse.*

TRANSFER STATION means the use of land or a facility, regardless of name or title, to unload waste of any kind or type from vehicles, and, with or without intermediate processing such as compaction, sorting, or shredding, subsequently re-load the waste onto other vehicles for delivery to another transfer site, storage site, or disposal site. The phrase includes a facility for drop-off of recyclable materials (e.g., waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard, and other discarded household materials), where the materials are sorted, temporarily stored, and then shipped in bulk to other locations for processing. The phrase does not include a wastewater treatment facility.

UNATTENDED COLLECTION BOX means a drop-off box, container, receptacle, or similar facility that accepts textiles, shoes, books, household goods, or other salvageable personal property items to be used by the operator for distribution, resale, or recycling. The phrase “unattended collection box” does not include dumpsters and recycling containers that are intended for solid waste processing.

UNIVERSITY OR COLLEGE means an educational institution that is authorized by the State of Colorado or other nationally recognized accrediting entity to award associates’ or higher degrees.

USE means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

USE, ACCESSORY. *See Accessory use, means a subordinate use which is customarily incidental to the principal building or to the principal use of the lot.*

USE, NONCONFORMING. *See Nonconforming structure or use, means a use which lawfully occupies a building or land at the time the ordinance from which this chapter was derived or an amendment hereto becomes effective and which does not now conform with the use regulations applicable in the zone district in which it is located.*

USE, PRINCIPAL means the main use of land or structures as distinguished from a subordinate or accessory use.

VEHICLE WASH means any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles on a commercial basis.

VETERINARY AND ANIMAL HOSPITAL FACILITIES means veterinary clinics and animal hospitals that provide care for small domestic animals, large animals, or livestock, which may include facilities that provide daytime or overnight boarding of small domestic animals.

WHIP ANTENNA means an antenna in the form of a long flexible wire or rod.

WHOLESALE NURSERY OR GREENHOUSE means land that is used to raise trees, shrubs, flowers, and other plants that are sold at wholesale to retailers or landscape professionals.

Formatted: Font: Bold, Font color: Custom Color(RGB(30,115,189)), Small caps

Formatted: Font: Not Bold, Font color: Auto, Not Small caps

Formatted: Font: Not Bold, Italic, Not Small caps

Formatted: Font: Not Bold, Not Small caps

Formatted: Font: Italic

Formatted: Font: Not Bold, Not Small caps

Formatted: Font: Not Bold, Italic, Not Small caps

Formatted: Font: Not Bold, Not Small caps

WHOLESALE TRADE BUSINESS means the wholesale of manufactured products, supplies, and equipment, which may include accessory offices and showrooms. Products may be picked up on-site or delivered to the customer. The use may also include related product repair, minor fabrication services, or repackaging of goods.

WIRELESS TELECOMMUNICATIONS FACILITIES (A.K.A. WIRELESS TELECOMMUNICATION SERVICES FACILITIES OR EQUIPMENT) means a facility used to provide personal wireless services as defined at 47 U.S.C. § 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. The phrase does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of this Code. The phrase “wireless telecommunications services facility or equipment” includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, base stations, support equipment, alternative tower structures, and towers. It does not include the support structure to which the facility, equipment, or components thereof are attached if the use of such structures for such facility, equipment, or components is not the primary use. The phrase does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include antennae that are incidental to residential uses, including residential satellite dish antenna under two feet in diameter, radio or television receivers, or amateur radio (HAM radio) antennae, or other facilities specifically excluded from this Code.

YARD means an open space on a lot ~~that~~^{which} is unobstructed from the ground upward except as otherwise provided in this Code.

YARD, FRONT means the yard extending between the side lot lines, from the front lot line to the principal structure.

YARD, REAR means the yard extending between the side lot lines, from the rear lot line to the principal structure.

YARD, SIDE means the yard extending between the principal structure and the side lot line, not including areas that are part of the front yard or the rear yard.

ZOO means a place where live animals are kept and exhibited to the public. The animals may also be studied, given medical treatment, and bred. The term “zoo” does not include agricultural uses or uses that sell live animals.

APPENDIX A. APPLICATION FORMS AND CHECKLISTS

PLANNED UNIT DEVELOPMENT

PRELIMINARY DEVELOPMENT PLAN CHECKLIST

Generally. The preliminary development plan must include both a preliminary development plan map and a written statement.

PDP Map. The preliminary development plan map must contain the following information:

- ☐ The existing topographic character of the land at a contour interval of two (2) feet (spot elevations may be required if the land is too flat for contours);
- ☐ Proposed land uses and their respective acreage;
- ☐ The type and character of proposed development and, if applicable, the proposed number of dwelling units per gross residential acre;
- ☐ The location of proposed streets;
- ☐ The location and size of proposed public and semipublic uses both dedicated and other;
- ☐ The one hundred year floodplain and floodway, if applicable; and
- ☐ The location of existing facilities and recorded easements.

PDP Statement. The written statement to accompany the preliminary development plan map must contain the following information:

- ☐ An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations;
- ☐ A statement of the present ownership and legal description of all the land included within the planned unit development;
- ☐ A general indication of the expected schedule of development.

Other Information. The applicant may submit any other information or exhibits that may be pertinent to the evaluation of the proposed planned unit development, and the Planning Commission may request additional information that it deems necessary for adequate review and evaluation.

Review Fee. An application review fee of twice the zoning amendment fee shall be submitted with the application.

FINAL DEVELOPMENT PLAN CHECKLIST

The final development plan shall be prepared at a scale of not less than one (1) inch equals two hundred (200) feet and shall be submitted in sufficient detail to evaluate the building design, and other features of the planned unit development. The final development plan must contain, insofar as applicable, the following minimum information in graphic or written form:

- ☐ The existing topographic character of the land at a contour interval of two (2) feet (spot elevations may be required if the land is too flat for contours);
- ☐ The proposed land uses and their respective acreage;
- ☐ The location and size of all proposed buildings, structures, utilities and other improvements;
- ☐ The maximum height of all buildings may be stipulated as a general note; however, where significant views may be obscured by building heights, the maximum height of individual structures shall be indicated;
- ☐ The density and type of dwellings, if applicable;
- ☐ The location, number of lanes, median width, curb cuts, access control and proposed turning movement restrictions of arterial streets;
- ☐ The location of all streets;
- ☐ The off-street parking and loading areas;
- ☐ The location, height and size of proposed signs, lighting and advertising devices;
- ☐ The areas to be dedicated to the city or reserved as common park areas;
- ☐ The one hundred-year floodplain and floodway, if applicable;
- ☐ A general landscape plan at time of submission to be followed by a detailed landscaping plan once the plan has been approved showing the spacing, sizes and specific types of landscaping material; and
- ☐ The tentative development schedule.

The applicant shall also provide copies of any special agreements, conveyances, restrictions, or covenants that, which will govern the use, maintenance and continued protection of the planned unit and any of its common park areas. ~~Such documents must accompany the final development plan.~~

The applicant may submit any other information or exhibits ~~the applicant~~ the deems pertinent in evaluating ~~the~~ his proposed planned unit development and the ~~P~~ planning ~~C~~ commission may request additional information it deems necessary for adequate review and evaluation.

ADMINISTRATIVE MODIFICATIONS

The following materials shall be submitted with an application for administrative modification:

- ☐ ~~A sketch showing the existing property conditions as well as the proposed changes. Dimensions shall be shown as needed to evaluate the effects of the proposed change, i.e., if the change is to the setback, existing and proposed setback dimensions must be shown;~~
- ☐ ~~A full description of the unreasonableness or hardship upon which the request is based, and any peculiar circumstance contributing thereto;~~
- ☐ ~~A full description of the alternative standard proposed to provide equal or better results;~~
- ☐ ~~The section or sections of the Ordinance that are requested to be modified, and the minimum modification necessary to relieve the unreasonableness or hardship described; and~~
- ☐ ~~A list of the owners of record for properties immediately adjacent to or directly across a street from the boundary of each parcel comprised by the subject property. The secretary of the zoning board of adjustments will mail a notice of the request to said property owners not later than seven (7) days after the date of submittal.~~

WIRELESS COMMUNICATIONS FACILITIES

The following materials shall be submitted with an application for approval of a wireless communication facility:

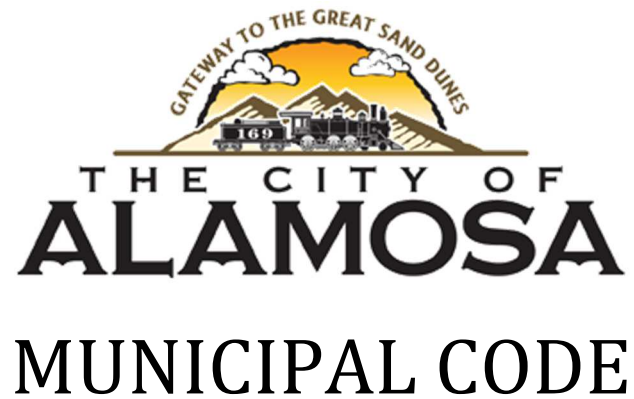
- ☐ A master or long-term plan for all proposed sites within one mile of the existing City limits that demonstrates the need for the proposed site, and how it fits into the applicant's existing and proposed coverage grids.
- ☐ Site plan or plans drawn to a scale of one (1) inch equals ten (10) feet or one (1) inch equals twenty (20) feet, including "before and after" photographs (simulations) specifying the location of antennas, support structures, transmission buildings and/or other accessory uses, access, parking, fences, signs, lighting, landscaped areas and all adjacent land uses within one hundred fifty (150) feet. Such plans and drawings should demonstrate compliance with the review standards of this section.
- ☐ Site improvement survey showing the current status, including all easements and vacated rights of way, of the parcel certified by a registered land surveyor, licensed in the state.
- ☐ Elevation drawings or "before and after" photographs/drawings simulating and specifying the location and height of antennas, support structures, transmission buildings and/or other accessory uses, fences and signs.
- ☐ Evidence that an effort was made to locate on an existing wireless telecommunication services facility site including coverage/ interference analysis, capacity analysis, and a brief statement as to the reasons that co-location on an existing facility is not a realistic expectation for this facility.
- ☐ Written documentation in the form of a signed affidavit demonstrating a good faith effort in locating facilities in accordance with site selection order of preference outlined in subsection (d)(2).

Use of Public Buildings, Structures, or Rights-of-Way. Leasing of public buildings, publicly owned structures or public rights-of-way for the purposes of locating wireless telecommunication services facilities or equipment is encouraged. In cases where a facility is proposed on City property, specific locations and compensation to the City shall be negotiated in license or lease agreements between the City and the provider on a case-by-case basis and shall be subject to all of the review criteria contained in the UDC. Such agreements shall not provide exclusive arrangements that could prevent access to the negotiated sites or limit competition and must allow for the possibility of "co-locating" (sharing of facilities) with other providers.

SITE PLANS

NOTE: additional details should be provided here.

Site plans and plats for uses with centralized solid waste collection shall show the location of the solid waste collection facilities (site plans must also include design)



Chapter 21 - ZONING

PUBLIC REVIEW DRAFT 1.1

8-22-2017

CONTENTS

Article I. - Title, Purpose, Authority, Applicability, Jurisdiction, Transition, Interpretation, and Severability	1
Division 1-1. - Title, Purposes, Authority, and Disclaimers.....	1
Sec. 21-1-101. - Title.....	1
Sec. 21-1-102. - Purposes	1
Sec. 21-1-103. - Authority	3
Sec. 21-1-104. - Statement of Policy Regarding Marijuana Uses and Marijuana Cultivation.....	4
Sec. 21-1-105. - Liability for damages	5
Division 1-2. - Applicability, Jurisdiction, Interpretation, and Transition	5
Sec. 21-1-201. - Applicability	5
Sec. 21-1-202. - Jurisdiction	6
Sec. 21-1-203. - Interpretation.....	6
Sec. 21-1-204. - Transition.....	6
Article II. - Zones and Land Use	8
Division 2-1. - Zones	8
Sec. 21-2-101. - Purpose of Zones.....	8
Sec. 21-2-102. - Establishment of Zones	8
Sec. 21-2-103. - Official Zoning Map	9
Sec. 21-2-104. - Interpretation of Zoning Map	9
Sec. 21-2-105. - Zoning of Annexed Land	11
Sec. 21-2-106. - Standards for Rezoning	11
Division 2-2. - Land Use.....	13
Sec. 21-2-201. - Interpretation of Land Use Tables	13
Sec. 21-2-202. - Residential and Special Residential Land Use Table.....	14
Sec. 21-2-203. - Civic, Education, and Health Care Land Use Table.....	17
Sec. 21-2-204. - General Commercial and Motor Vehicle Land Use Table	19
Sec. 21-2-205. - Hospitality, Recreation, and Entertainment Land Use Table.....	22

Sec. 21-2-206. - Industry, Transportation, Storage, and Disposal Land Use Table.....	25
Sec. 21-2-207. - Utility and Communications Land Use Table	29
Sec. 21-2-208. - Agricultural Land Use Table.....	30
Sec. 21-2-209. - Uses That Are Prohibited in All Zones.....	31
Sec. 21-2-210. - Uses That Are Not Listed	31
Sec. 21-2-211. - Essential Governmental or Public Utilities Services	34
Division 2-3. - Limited and Conditional Use Standards	34
Sec. 21-2-301. - Purpose and Application of Division.....	34
Sec. 21-2-302. - General Standards for All Conditional Uses.....	34
Division 2-4. - Temporary Uses.....	35
Sec. 21-2-401. - Temporary Use Permit Required; Conditions of Approval	35
Sec. 21-2-402. - Temporary Special Events	36
Sec. 21-2-403. - Temporary Retail Uses	37
Sec. 21-2-404. - Temporary Buildings and Temporary Construction Uses	39
Sec. 21-2-405. - Short-Term Rental of Dwelling Units	41
Division 2-5. - Accessory Uses	42
Sec. 21-2-501. - Storage and Overnight Parking of Commercial Vehicles or Recreational Vehicles	42
Sec. 21-2-502. - Home Occupations and Cottage Industries.....	42
Article III. - Density, Intensity, Open Space, Landscape Surface, and Scale.....	45
Division 3-1. - Purpose and Application of Article.....	45
Sec. 21-3-101. - Purpose of Article	45
Sec. 21-3-102. - Application of Article.....	45
Division 3-2. - Residential Development Yield	45
Sec. 21-3-201. - Residential Density and Open Space.....	45
Sec. 21-3-202. - Alternative Compliance with Open Space Ratio Requirements	46
Division 3-3. - Nonresidential and Mixed-Use Development Yield.....	46
Sec. 21-3-301. - Required Landscape Surface Ratio	46

Sec. 21-3-302. - Development Intensity	47
Article IV. - Lot, Building, and Structure Standards.....	48
Division 4-1. - Established Neighborhood Zone.....	48
Sec. 21-4-101. - Purpose and Application of Division.....	48
Sec. 21-4-102. - Status of Existing Lots and Buildings in EN Zone.	48
Sec. 21-4-103. - EN Zone Flexible Setback Standards.....	48
Division 4-2. - Housing Palette	52
Sec. 21-4-201. - Purpose and Application of Division.....	52
Sec. 21-4-202. - Single-Family Detached Lot and Building Standards.....	52
Sec. 21-4-203. - Duplex Lot and Building Standards.....	54
Sec. 21-4-204. - Townhouse Lot and Building Standards	55
Sec. 21-4-205. - Multiplex or Multifamily Lot and Building Standards	56
Sec. 21-4-206. - Manufactured Home Lot and Building Standards	58
Sec. 21-4-207. - Tiny Home, Cottage, Small Duplex, and Co-housing Cluster Lot and Building Standards	59
Sec. 21-4-208. - Live-Work Lot and Building Standards	60
Division 4-3. - Nonresidential and Mixed-Use Lot and Building Standards	61
Sec. 21-4-301. - Nonresidential and Mixed-Use Lot and Building Standards	61
Division 4-4. - Exceptions to Lot and Building Standards.....	61
Sec. 21-4-401. - Purpose and Application of Division.....	61
Sec. 21-4-402. - Setback Flexibility.....	61
Sec. 21-4-403. - Projections into Required Setbacks	64
Sec. 21-4-404. - Exception to Building Height Regulations.....	66
Division 4-5. - Supplemental Standards	66
Sec. 21-4-501. - Purpose of Division	66
Sec. 21-4-502. - Accessory Buildings	66
Sec. 21-4-503. - Accessory Dwelling Units	66
Sec. 21-4-504. - Fences, Garden Walls, Retaining Walls, and Hedges	67
Sec. 21-4-505. - Swimming Pools.....	68
Sec. 21-4-506. - Outdoor Storage	69

Sec. 21-4-507. - Loading and Service Areas	70
Sec. 21-4-508. - Trash Collection.....	70
Sec. 21-4-509. - Drive-In or Drive-Through Facilities	72
Sec. 21-4-510. - Satellite Dishes and Antennae	72
Sec. 21-4-511. - Renewable Energy.....	73
Sec. 21-4-512. - Unattended Collection Boxes	73
Division 4-6. - Wireless Telecommunications Facilities.....	74
Sec. 21-4-601. - Purpose and Applicability of Division	74
Sec. 21-4-602. - Site Selection Standards.....	75
Sec. 21-4-603. - Telecommunications Towers.....	76
Sec. 21-4-604. - Multiple-Use Facilities	77
Sec. 21-4-605. - Lighting and Signage.....	78
Sec. 21-4-606. - Maintenance, Abandonment, and Removal.....	78
Division 4-7. - Signs.....	79
Sec. 21-4-701. - Applicability, Exemptions, and Permit Exceptions	79
Sec. 21-4-702. - Types of Signs Permitted	81
Sec. 21-4-703. - Design Characteristics	84
Sec. 21-4-704. - Content.....	87
Division 4-8. - Design Standards.....	88
Sec. 21-4-801. - Purpose and Application of Division.....	88
Sec. 21-4-802. - Alternative Design Standards	88
Sec. 21-4-803. - Large-Scale Retail (“Big Box”) Design Standards	88
Sec. 21-4-804. - Downtown Design Standards.	91
Sec. 21-4-805. - Manufactured Home Park and Manufactured Home Subdivision Design Standards	94
Article V. - Site Design Standards.....	97
Division 5-1. - Site Design, Circulation, and Connectivity	97
Sec. 21-5-101. - Purpose and Application.....	97
Sec. 21-5-102. - General Site Design Principles.....	97
Sec. 21-5-103. - Circulation and Connectivity.....	98

Sec. 21-5-104. - On-Site Snow Storage.....	99
Sec. 21-5-105. - Street, Alley, and Pedestrian Way Design	99
Sec. 21-5-106. - Blocks.....	103
Sec. 21-5-107. - Lots	103
Sec. 21-5-108. - Sight Triangles	104
Division 5-2. - Parking and Loading.....	104
Sec. 21-5-201. - Purpose and Application of Division.....	104
Sec. 21-5-202. - Calculation of Required Parking Spaces.....	106
Sec. 21-5-203. - Parking Tables.....	107
Sec. 21-5-204. - Required Accessible Parking Spaces.....	111
Sec. 21-5-205. - Special Studies.....	112
Sec. 21-5-206. - Credit for On-Street Parking.....	113
Sec. 21-5-207. - Shared Parking.....	113
Sec. 21-5-208. - Remote Parking	115
Sec. 21-5-209. - Parking Lot Design Standards	117
Sec. 21-5-210. - Parking Space Markings, Traffic Control Devices, and Parking Stops	118
Sec. 21-5-211. - Required Truck Loading Areas.....	119
Sec. 21-5-212. - Vehicle Stacking Requirements.....	121
Sec. 21-5-213. - Construction, Operation, and Maintenance	122
Division 5-3. - Landscaping and Open Space.....	122
Sec. 21-5-301. - Purpose and Application of Division.....	122
Sec. 21-5-302. - Landscape Design Principles.....	123
Sec. 21-5-303. - Size and Quality of Landscape Plants; Tree Preservation Credits.....	124
Sec. 21-5-304. - General Landscaping	125
Sec. 21-5-305. - Parking Lot Landscaping	126
Sec. 21-5-306. - Bufferyard Landscaping.....	127
Sec. 21-5-307. - Maintenance Standards.....	128
Sec. 21-5-308. - Open Space	128

Division 5-4. - Lighting	129
Sec. 21-5-401. - Single-Family Detached, Duplex, and Townhome Lighting Standards.....	129
Sec. 21-5-402. - Multifamily, Nonresidential, and Mixed-Use Lighting Standards.....	129
Sec. 21-5-403. - Exterior Lighting for Outdoor Recreation	130
Sec. 21-5-404. - Public Safety and Public Nuisance	131
Division 5-5. - Grading, Erosion, and Sediment Control	131
Sec. 21-5-501. - Intent and Liability.....	131
Sec. 21-5-502. - General Standards for Grading.....	132
Sec. 21-5-503. - Permanent Best Management Practices.....	134
Sec. 21-5-504. - Design of Permanent Drainage Systems.....	135
Article VI. - Mitigation of Development Impacts	136
Division 6-1. - Impact Analysis.....	136
Sec. 21-6-101. - Fiscal and Infrastructure Impact Analysis.....	136
Sec. 21-6-102. - Traffic Impact Analysis.....	137
Division 6-2. - Required Dedications and Fees-in-Lieu.....	138
Sec. 21-6-201. - Form of Dedication.....	138
Sec. 21-6-202. - Parks.....	138
Division 6-3. - Public Improvements, Site Improvements, and Easements.....	139
Sec. 21-6-301. - Public Improvements and Site Improvements.....	139
Sec. 21-6-302. - Utilities.....	142
Sec. 21-6-303. - Stormwater Maintenance Easements.....	144
Division 6-4. - Operations Plans	144
Sec. 21-6-401. - Purpose and Application of Division.....	144
Sec. 21-6-402. - Master Plan for Extraction	144
Sec. 21-6-403. - Heavy Truck Routing Plan.....	145

Article VII. - Nonconformities.....	146
Division 7-1. - Purpose and Application of Article.....	146
Sec. 21-7-101. - Purpose	146
Sec. 21-7-102. - Application.....	146
Division 7-2. - Nonconforming Uses	147
Sec. 21-7-201. - Continuation of Nonconforming Use	147
Sec. 21-7-202. - Change of Nonconforming Use	148
Sec. 21-7-203. - Discontinuance of a Nonconforming Use.....	148
Sec. 21-7-204. - Conversion of a Nonconforming Use to a Conforming Use.....	148
Division 7-3. - Nonconforming Buildings or Structures	149
Sec. 21-7-301. - Modifications to a Nonconforming Building or Structure.....	149
Sec. 21-7-302. - Completion of Building or Structure.....	149
Sec. 21-7-303. - Damage to a Nonconforming Building or Structure.....	150
Division 7-4. - Other Physical Nonconformities.....	150
Sec. 21-7-401. - Conforming Uses with Physical Nonconformities.....	150
Sec. 21-7-402. - Nonconforming Landscaping or Buffering.....	150
Sec. 21-7-403. - Nonconforming Signs.....	151
Sec. 21-7-404. - Nonconforming Lighting.....	151
Sec. 21-7-405. - Nonconforming Parking.....	152
Sec. 21-7-406. - Nonconforming Density	152
Sec. 21-7-407. - Nonconforming Lots of Record.....	152
Article VIII. - Administration and Enforcement.....	154
Division 8-1. - Administrative Bodies.....	154
Sec. 21-8-101. - Administrator.....	154
Sec. 21-8-102. - City Engineer	154
Sec. 21-8-103. - Planning Commission.....	155
Sec. 21-8-104. - Zoning Board of Adjustment.....	157
Sec. 21-8-105. - City Council.....	158

Division 8-2. - Permits and Approvals	158
Sec. 21-8-201. - Approvals or Permits Required	158
Sec. 21-8-202. - Administrative Approvals and Permits	158
Sec. 21-8-203. - Discretionary Approvals.....	160
Division 8-3. - Planned Unit Development and Campus Master Plans	162
Sec. 21-8-301. - Purpose and Application of Division.....	162
Sec. 21-8-302. - Scope	163
Sec. 21-8-303. - Types of Planned Unit Development	163
Sec. 21-8-304. - Standards that May be Modified in a Planned Unit Development.....	165
Sec. 21-8-305. - Approval Criteria for Modification of Standards in a Planned Unit Development.....	165
Sec. 21-8-306. - Construction Procedures and Building Permits.....	166
Sec. 21-8-307. - Amendments to the Final Development Plan or Campus Master Plan.....	167
Sec. 21-8-308. - Enforcement of Development Schedule	168
Sec. 21-8-309. - Control of Development Following Completion.....	168
Division 8-4. - Annexation and Disconnection.....	169
Sec. 21-8-401. - Annexation and Disconnection Procedure.....	169
Sec. 21-8-402. - Required Annexation Agreement.....	169
Sec. 21-8-403. - Approval Criteria	170
Sec. 21-8-404. - Zoning of Annexed Property	170
Sec. 21-8-405. - Execution of Annexation Agreement; Recordation of Approval	171
Division 8-5. - Standardized Procedures.....	171
Sec. 21-8-501. - Standardized Review Process.....	171
Sec. 21-8-502. - <i>Ex Parte</i> Communications	174
Sec. 21-8-503. - Pre-Application Meeting.....	174
Sec. 21-8-504. - Application.....	176
Sec. 21-8-505. - Application Fees and Escrows.....	176
Sec. 21-8-506. - Completeness Review	178
Sec. 21-8-507. - Sufficiency Review.....	178

Sec. 21-8-508. - Stale Applications	179
Sec. 21-8-509. - Administrative Review	179
Sec. 21-8-510. - Referrals	181
Sec. 21-8-511. - Public Notice	181
Sec. 21-8-512. - Public Meetings and Public Hearings	184
Sec. 21-8-513. - Continuances and Withdrawal	184
Sec. 21-8-514. - Successive Applications	184
Sec. 21-8-515. - Recording of Approvals	185
Sec. 21-8-516. - Effect of Approvals	185
Sec. 21-8-517. - Duration of Approvals	186
Sec. 21-8-518. - Extensions of Approvals	186
Sec. 21-8-519. - Correction of Approvals	188
Sec. 21-8-520. - Vacation of Easements, Rights-of-Way, or Plats	189
Sec. 21-8-521. - Special Procedures for Wireless Telecommunications Facilities	190
Division 8-6. - Vested Property Rights	191
Sec. 21-8-601. - Applications	191
Sec. 21-8-602. - Vested Property Rights; Establishment	191
Sec. 21-8-603. - Notice of Hearing and Decision; Form of Approval	192
Sec. 21-8-604. - Notice of Final Approval	192
Sec. 21-8-605. - Requirements of Ordinance or Resolution	192
Sec. 21-8-606. - No Rights Created	193
Sec. 21-8-607. - Exceptions	193
Division 8-7. - Administrative Modifications, Variances, and Administrative Appeals	194
Sec. 21-8-701. - Administrative Modifications	194
Sec. 21-8-702. - Variances	196
Sec. 21-8-703. - Administrative Appeals	197
Article IX. - Enforcement	199
Division 9-1. - Purpose and Application of Article	199
Sec. 21-9-101. - Purpose of Article	199

Sec. 21-9-102. - Application of Article	199
Division 9-2. - Enforcement Procedures	200
Sec. 21-9-201. - Notice of Violation	200
Sec. 21-9-202. - Immediate Orders and Immediate Actions	201
Sec. 21-9-203. - Administrative Process	203
Sec. 21-9-204. - Administrative Suspension of Licenses, Permits, and Approvals	203
Sec. 21-9-205. - Judicial Process	204
Division 9-3. - Remedies	204
Sec. 21-9-301. - Nature of Remedies; Preference for Civil Remedies	204
Sec. 21-9-302. - Revocation of Licenses, Permits, and Approvals	205
Sec. 21-9-303. - Civil Remedies	205
Sec. 21-9-304. - Criminal Penalties.....	205
Article X. - Findings, Objectives, and Intent.....	206
Division 10-1. - Findings, Objectives, and Intent Regarding Specific Uses	206
Sec. 21-10-101. - Findings, Objectives, and Legislative Intent Regarding Sexually-Oriented Business	206
Sec. 21-10-102. - Findings Regarding Regulation of Marijuana Uses and Marijuana Cultivation.....	207
Division 10-2. - Findings Regarding Regulation of Certain Structures.....	209
Sec. 21-10-201. - Interests, Findings, and Legislative Intent Regarding Sign Regulation.....	209
Sec. 21-10-202. - Interests, Findings, and Legislative Intent Regarding Wireless Telecommunications Facilities Regulations	210
Article XI. - Measurements, Calculations, Rules of Construction, Acronyms, and Definitions	212
Division 11-1. - Measurements and Calculations	212
Sec. 21-11-101. - Measurements.....	212
Sec. 21-11-102. - Calculations	213

Division 11-2. - Rules of Construction, Acronyms, and Definitions	214
Sec. 21-11-201. - Rules of Construction	214
Sec. 21-11-202. - Table of Acronyms	214
Sec. 21-11-203. - Definitions	215
APPENDIX A. APPLICATION FORMS AND CHECKLISTS	A-1
PLANNED UNIT DEVELOPMENT	A-1
Preliminary Development Plan Checklist.....	A-1
Final Development Plan Checklist	A-2
ADMINISTRATIVE MODIFICATIONS	A-3
WIRELESS COMMUNICATIONS FACILITIES.....	A-4
SITE PLANS	A-5

Article I. - Title, Purpose, Authority, Applicability, Jurisdiction, Transition, Interpretation, and Severability

Division 1-1. - Title, Purposes, Authority, and Disclaimers

Sec. 21-1-101. - Title

This Chapter shall be known and may be cited as the “Alamosa Unified Development Code,” and may be referred to herein as “this Code” or “UDC.”

Sec. 21-1-102. - Purposes

- (a) **General Purposes.** The purpose and intent of this Code is to promote the health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City of Alamosa, Colorado, by using the City’s home rule, constitutional, and statutory powers to:
- (1) Implement the City’s adopted Comprehensive Plan and other adopted plans, which plans:
 - a. Reflect the shared values of the City’s inhabitants with respect to the character, form, and function of its future development; and
 - b. Promote planned, logical, fiscally and environmentally responsible, and orderly development and redevelopment within the City and other areas that may be subject to the City’s regulatory authority;
 - (2) Establish zoning districts and development standards that promote the use and development of property and balance the objectives of:
 - a. Reducing barriers to entry or expansion of businesses in targeted areas by reducing the cost of obtaining development approval and complying with applicable development and design regulations;
 - b. Supporting the stability and improvement of established residential, business, and industrial areas of the City by protecting or improving their physical and functional integrity and character;
 - c. Conserving and enhancing economic, social, cultural, recreational, and aesthetic property values; and
 - d. Ensuring adequate light and air and maintaining appropriate open spaces;
 - (3) Provide for a variety of housing opportunities for a diverse population;
 - (4) Diversify and improve transportation options by enhancing multimodal transportation choices, maintaining a balance of land uses, allowing for horizontally and vertically mixed uses in appropriate locations, and other appropriate measures;

- (5) Protect and enhance the City's tax base by enhancing opportunities for commerce, and by increasing property values through business creation and expansion, quality building improvements, infill development, and redevelopment;
 - (6) Provide for sufficient, efficient, fiscally sustainable, and cost-effective transportation, water, sanitary sewer, school, park, stormwater conveyance and treatment, and other public and private facilities and services;
 - (7) Promote public safety by securing safety from fire, flood, and other dangers through appropriate site design and adequate infrastructure and emergency services, in coordination with independent providers of public services (*e.g.*, schools and recreation);
 - (8) Promote appropriate stewardship of natural resources, including water resources;
 - (9) Provide for efficient and fair development approval procedures that respect private property rights and promote appropriate development; and
 - (10) Promote the efficient and responsible use of public and private resources towards the accomplishment of the purposes set out herein.
- (b) **Purposes of Regulation of Sexually-Oriented Businesses.**
- (1) The purpose of the regulations in this UDC that apply specifically to sexually-oriented businesses is to set reasonable and uniform regulations to prevent the deleterious location and siting of such businesses, and to ensure that site and building design techniques are used to minimize secondary effects, for example, by limiting views into areas of a building in which the business is operated.
 - (2) The regulations have neither the purpose nor the effect of imposing an unconstitutional limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent nor effect of the regulations to restrict or deny access by adults to those sexually-oriented materials that are protected by the First Amendment.
 - (3) This Code shall not be interpreted to condone or legitimize the distribution of obscene material or other comparable material that is not protected by the First Amendment.
- (c) **Purposes of Regulation of Signs.** The purpose of the provisions in this UDC related to signs is to set out reasonable regulations for the design, location, installation, operation, repair, maintenance, and removal of signs in a manner that advances the City's legitimate, important, substantial, and compelling interests, while simultaneously safeguarding the constitutionally protected right of free speech.
- (d) **Other Specific Purposes.** Other specific purposes of the various provisions of this Code may be expressed therein. Additional City Council findings are set out in Article IX.

Sec. 21-1-103. - Authority

- (a) **Generally.** The provisions of this Code are authorized as provided in this Section. The City may be authorized or required to act in additional areas from time to time. This Section is not intended, in any way, to limit the City's ability to accept such additional authorizations or requirements.
- (b) **City Charter.** Primary authority for all provisions herein that affect the area within the corporate boundaries of the City of Alamosa and are neither matters of statewide concern nor preempted by federal law is created by Article I, Section 2 (Powers, Rights and Liabilities), Article XIV, Section 4 (Zoning), and Article XV, Section 2 (Functions and Duties [of the Department of Public Works]) of the Home Rule Charter of the City of Alamosa, Colorado. This authority is granted by Article XX, Section 6 (Home Rule for Cities and Towns), Colorado Constitution.
- (c) **Colorado Revised Statutes.** Supplemental authority for the provisions of this Code is provided by the Colorado Revised Statutes, if they are not inconsistent with the provisions herein, or if they are preemptive of charter ordinances. The following provisions of the Colorado Revised Statutes may be used as authority for certain provisions of this Code:
 - (1) Regulate zoning, planning, subdivision, and development of land and building by C.R.S. Title 31, Article 23;
 - (2) Designate and administer areas and activities of state interest by C.R.S. §§ 24-65.1-101 to 108, 201 to 204, 301, 401 to 407, 501 to 502 and 34-1-301 et seq., as amended;
 - (3) Regulate planned unit development by C.R.S. § 24-67-101 et seq.;
 - (4) Regulate certain activities on, and uses of land by C.R.S. § 29-20-101 et seq., as amended;
 - (5) Regulate to avoid various types of pollution by virtue of C.R.S. § 25-7-112 (water pollution, radiation, noise);
 - (6) Regulate annexation of land by C.R.S. § 31-12-101 et seq., as amended;
 - (7) Regulate medical marijuana uses by C.R.S. Title 12, Article 43.3;
 - (8) Regulate recreation marijuana uses by C.R.S. Title 12, Article 43.4;
 - (9) Recognize the vesting of property rights for site-specific development orders according to C.R.S. § 24-68-101, et. seq.; and
 - (10) Regulate surveying practices according to C.R.S. § 38-51-101, et seq.
- (d) **United States Code.** Some of the regulations in this Code are authorized or required by federal law, which may include programs that are delegated to the State of Colorado for administration. Such regulations may include, but shall not be limited to:
 - (1) Flood damage prevention, pursuant to 42 U.S.C. § 4022; and

- (2) Local implementation of the National Pollutant Discharge Elimination System (“NPDES”), pursuant to 33 U.S.C. § 1342.
- (e) **Additional Authority; Limitations.** Should further authorizing legislation exist or be enacted, this Code is additionally deemed to be enacted or effective pursuant thereto, except:
 - (1) This Code shall supersede inconsistent legislation if the City’s home rule authority so allows; and
 - (2) This Code shall be superseded by such legislation only to the extent of any irreconcilable conflict if the City’s home rule authority does not subordinate such legislation.

Sec. 21-1-104. - Statement of Policy Regarding Marijuana Uses and Marijuana Cultivation

- (a) **Inherent Risks.** Marijuana, medical and otherwise, is a controlled substance under federal law. Therefore, applicants, investors, employees, and others associated with the marijuana uses know or should know that, among other things:
 - (1) If the U.S. DOJ chooses a different allocation of its investigative and prosecutorial resources (towards “greater enforcement”):
 - a. The federal government may be more likely to prosecute those individuals who are found in violation of the Controlled Substances Act and any other applicable federal criminal laws; and
 - b. Owners of marijuana uses and other persons who cultivate, store, or possess marijuana may be subject to penalties under federal law, including incarceration, fines, and forfeitures, including forfeiture of the building in which the use is located and the contents thereof.
 - (2) Insurance companies could deny coverage, including (among other things) coverage for casualty losses or personal injuries, based on violations of the Controlled Substances Act.
 - (3) Lenders could, at any time, determine that the use is unlawful and exercise any rights they may have under the terms of the loan, which in some cases may include a demand for immediate repayment of the entire loan balance.
- (b) **No Right to Continued Use; No Vested Rights; No Compensable Rights.**
 - (1) Based on the current U.S. DOJ policy and the state of Colorado law, this Code allows certain marijuana uses according to the regulatory program created by Colorado law. However, for so long as marijuana (medical and otherwise) remains a controlled substance under federal law, no approval pursuant to this Code shall be construed to create any enforceable or compensable property right to the establishment or continuation of a marijuana use under any circumstances.

- (2) No approval by the City shall be construed to introduce liability to the City for any consequential harms to the applicant or those associated with a proposed marijuana use, including but not limited to business owners, investors, employees, land owners, insurance companies, lenders, caregivers, patients, or customers.
- (c) **Certain Marijuana Land Uses Prohibited.** The City of Alamosa has exercised its right pursuant to Article XVIII, Section 16(5)(f) of the Colorado Constitution and prohibits the operation of certain marijuana uses as provided in Article X and Article XI of the Alamosa Code of Ordinances.

Sec. 21-1-105. - Liability for damages.

This Code shall not be construed to hold the City or its authorized representatives responsible for any damage to persons or property by reason of approvals, permitting, inspection, or re-inspection authorized herein.

Division 1-2. - Applicability, Jurisdiction, Interpretation, and Transition

Sec. 21-1-201. – Applicability

- (a) **Generally.** No land shall be developed except in accordance with the applicable provisions of this Code. All of the following are considered “development” that is subject to the applicable requirements of this Code (including provisions related to nonconformities):
 - (1) The use of any building, structure, or land (including new uses, changes in use, expansions of existing uses, and material changes to the operational characteristics of existing uses).
 - (2) Construction, material alteration, repair, relocation, or demolition of infrastructure, structures (including but not limited to fences, retaining walls, signs, and towers), or buildings.
 - (3) Land clearing in anticipation of the construction of infrastructure, structures, or buildings for non-agricultural purposes.
 - (4) Any other disturbance of land, soil, vegetation, or waterways, including excavation, fill, or other alteration of land for construction or other purposes, but not including routine landscape maintenance or ditch maintenance.
 - (5) Any division of a lot or parcel of land for land development, for sale, or for lease, whether by metes and bounds, subdivision, or other technique.
- (b) **Applicability to Publicly Owned Property.** The provisions of this Code are applicable not only to private persons, agencies, corporations and organizations, but also to all public agencies, and organizations to the full extent that they may be enforceable under the United States Constitution and the Constitution and Statutes of the State of Colorado.

- (c) **Relationship to Covenants, Conditions, and Restrictions.** This Code does not abrogate private restrictions that affect the use, development, or maintenance of property. The City has no duty to search for the existence of private restrictions on property, and the City will not interpret, enforce, or apply private restrictions unless it is a party to them.
- (d) **Relationship to Referral Agencies.** Certain applications may be referred to affected agencies or entities for review and comment. It is the applicant's responsibility to comply with all applicable rules and regulations. The City may withhold hearing or approval of an application until issues between the applicant and a referral agency or entity are resolved if the City determines that the issue affects public health or safety, or the referral agency's function or property rights.

Sec. 21-1-202. - Jurisdiction

This Code shall apply within the corporate boundaries of the City of Alamosa, Colorado, as may be amended from time to time, and, limited only to control with reference to a major street plan and not otherwise, shall also include all land lying within three (3) miles of the corporate boundaries of the City and not located within any other municipality, except that in the case of any of such non-municipal land lying within five (5) miles of the City and another municipality, the jurisdiction of the City shall terminate at a boundary line equidistant from the respective corporate limits of the city. This Code may also apply according to the terms of one or more applicable intergovernmental agreements.

Sec. 21-1-203. - Interpretation

The provisions of this Code may be regarded as the minimum requirements for the promotion of public health, safety, comfort, convenience, prosperity, and general welfare. This Code shall be interpreted to implement its stated purposes, and in such interpretations, the specific shall control the general.

Sec. 21-1-204. - Transition

- (a) **Pending Applications.**
 - (1) *Generally.* An application for approval of a site specific development plan, as well as the approval, conditional approval, or denial of approval of such plan, shall be governed only by the duly adopted laws and regulations in effect at the time the complete application is submitted. *See C.R.S. § 24-68-102.5, Applications - Approval by Local Government.*
 - (2) *Exception.* The City may adopt a new or amended ordinance or regulation, when necessary, for the immediate preservation of public health and safety, and may enforce such ordinance or regulation in relation to applications pending at the time such ordinance or regulation is adopted. *See C.R.S. § 24-68-102.5, Applications - Approval by Local Government.*

- (b) **Generally.** Development that was approved before the effective date may be carried out within the scope of the development approval or permit, provided that the approval is valid and has not lapsed. Where development approvals or other approvals authorize the issuance of a permit, the permit must be requested within the period that the approval is valid. Work that is authorized by permits must be commenced during the period in which the permit is valid, and then diligently pursued to completion.
- (c) **Term of Approvals and Permits that Pre-Date the Effective Date.**
 - (1) Development approvals and permits that are valid on the effective date are valid until the earlier of:
 - a. Their stated expiration date (or vested rights period), which may be on the face of the permit or development approval, or within related documents such as development agreements or regulations in force on the date of the approval; or
 - b. Two years from the Effective Date.
 - (2) The following approvals are not terminated by this subsection:
 - a. Rezoning, except rezoning to zones that are not set out in this UDC;
 - b. Vacations or abandonments of easements or rights-of-way;
 - c. Comprehensive Plan amendments; and
 - d. Recorded final plats.

Article II. - Zones and Land Use

Division 2-1. - Zones

Sec. 21-2-101. - Purpose of Zones

The zones that are established by this Article are intended to:

- (1) Encourage new development, reinvestment, and redevelopment that are consistent with the City's Comprehensive Plan;
- (2) Promote a range of economic opportunities that diversify the City's economy and provide opportunities for its residents;
- (3) Respect and reinforce the fabric of the City's neighborhoods;
- (4) Promote development that has character, scale, and quality that are compatible with the surrounding context;
- (5) Provide opportunities for commercial and mixed-use development to serve City and regional residents;
- (6) Provide opportunities for development of additional land uses that create primary employment; and
- (7) Respond to constraints that are inherent in the landscape.

Sec. 21-2-102. - Establishment of Zones

In order to implement the purposes and provisions of this Chapter, the City hereby establishes the zones that are set out in Table 21-2-102, Zones. The acronym used to refer to the zone, as well as the general purposes of each zone, are also set out in the Table.

TABLE 21-2-102 ZONES		
Zone	Acronym	Purpose
Agricultural	A	This zone is intended for areas that are primarily in an unimproved, natural state, as well as areas which are utilized for keeping and pasturing livestock and growing crops and plant materials, and where routine farm production activities are practiced.
Estate Residential	RE	This zone is intended for large-lot (at least 12,000 square feet), single-family detached residential uses.
Low-Density Residential	RL	This zone is intended for low-density, suburban-scale residential development.
Medium-Density Residential	RM	This zone is intended to allow for mixed residential alternatives, such as small-lot single-family detached and as well as low-scale multiple-unit, attached configurations such as multiplexes, duplexes, and townhouses.
High-Density Residential	RH	This zone is intended to allow for a variety of housing types such as single-family detached, small-number attached single-family dwellings, as well as multi-unit residential uses at apartment densities (maximum of twenty-five (25) dwelling units per gross acre).
Mixed-Use	MU	This zone is intended to implement the mixed-use opportunity area designation of the Comprehensive Plan. It allows for an integrated vertical or horizontal mix of residential, commercial, office, civic, and recreational uses.

**TABLE 21-2-102
ZONES**

Zone	Acronym	Purpose
Commercial Business	CB	This zone is intended to be used for a full range of retail sales and commercial services, serving both residents and visitors. This zone also allows vertically mixed commercial-residential development, such as residential apartments or condominiums located above retail shops.
Industrial	I	This zone is intended to be used for clean manufacturing, research and development, processing, and warehousing activities, and for other industrial uses provided that their impacts are appropriately mitigated. Offices and limited retail that is accessory to a permitted industrial or office use are also allowed in this district.
Central Business District	CBD	This zone encompasses the City's historic commercial core, framed by 4 th and 6 th Streets on the north and south, and Denver and Edison Avenues on the east and west; and is intended to support a walkable, pedestrian-scale center for shopping, entertainment, dining, arts, culture, and community events.
Campus	CA	This zone is intended to promote the development of education, health care, recreation, or research campuses pursuant to a campus master plan.
Established Neighborhoods	EN	This zone is intended to promote re-investment in established neighborhoods, while maintaining the existing physical character of the neighborhood

Sec. 21-2-103. - Official Zoning Map

- (a) **Generally.** The locations of the various zones are depicted on the map entitled "Official Zoning Map of the City of Alamosa" (referred to hereinafter as "ZONING MAP"). The Zoning Map is incorporated into and made part of this UDC.
- (b) **Maintenance of Zoning Map.** The Zoning Map is maintained by the Administrator. The Administrator shall promptly update the Zoning Map after a rezoning ordinance is adopted.
- (c) **Status of Zoning Map.** The Zoning Map that is on file with the Administrator shall control in the event of a conflict between said map and any other reproduction of the Zoning Map, including but not limited to, maps that are made available electronically.

Sec. 21-2-104. - Interpretation of Zoning Map

- (a) **Generally.** The precise location of any zone boundary line shown on the Zoning Map shall be identified using the rules set out in this Section. It is the intent of the City Council that all land within the City of Alamosa be located within a zone. In the event that land within the City exists for which no zone can be identified (even after the application of the standards in this Section), no permits for development or use of said land shall be issued until the City Council adopts an initial zoning ordinance for the land. Such action shall be taken at the City Council's first available regular meeting after the City discovers that the land is not zoned.
- (b) **Conflicts Between Zoning Map and Adopted Rezoning Ordinance, After Effective Date of UDC.** Conflicts between the zone boundaries on the Zoning Map and the zoning for land that is set out in an adopted rezoning ordinance dated after the effective date of this UDC could result from administrative or scrivener's errors. In the event of such conflict:
 - (1) It is presumed that the adopted rezoning ordinance controls, and the Zoning Map shall be promptly corrected when the conflict is identified. In such a case, the Administrator shall provide written notice of the correction to the owners of property that is the subject of a zoning map correction.

- (2) The presumption may be rebutted if it is obvious that the error is within the text of the rezoning ordinance, in that:
 - a. The rezoning affects property that was not the subject of the application for rezoning; or
 - b. The rezoning affects only a portion of the property that was the subject of the application, the application requested rezoning for the entire property, and the application was granted without conditions that restricted the extent of the rezoning; or
 - c. The legal description of the land in the rezoning ordinance does not close, but the description of the land that was intended to be the subject of the rezoning ordinance is otherwise obvious.
- (c) **Conflict Between Zoning Map and Adopted Rezoning Ordinance, Before Effective Date of UDC.** Any conflict between the boundaries on the Zoning Map and a rezoning ordinance that was adopted before the effective date of this UDC shall be resolved as follows:
 - (1) If the Zoning Map conflicts with a rezoning ordinance adopted before the effective date, the Zoning Map boundaries control. However, if the rezoning ordinance was tied to a site specific development plan, then the Zoning Map designation shall not interfere with any vested rights created by the site specific development plan.
 - (2) If the Zoning Map conflicts with an active planned unit development (“PUD”) ordinance that was adopted before the effective date, the PUD ordinance controls, unless there is record evidence to show that the Zoning Map was intended to adjust the boundaries of the PUD.
 - (3) If the Zoning Map conflicts with an inactive PUD ordinance, or with the boundary of a completed PUD, then the Zoning Map controls.
 - (4) If the Zoning Map conflicts with a development or annexation agreement, then the conflict shall be resolved according to the terms of the agreement.
- (d) **Identifiable Features.** In the absence of a rezoning ordinance that specifies parcel boundaries, where zoning district boundary lines appear to follow identifiable features, their location shall be determined by applying the rules of this subsection in order from (1) to (5):
 - (1) *Rights-of-Way.* Boundary lines shown as following, or approximately following, streets, alleys, railroad tracks, or utility lines shall be construed as following the centerline of the right-of-way. Where the location of the actual streets or alleys differs from the location of corresponding streets or alleys on the Zoning Map, the location of the actual streets or alleys controls.
 - (2) *Property Lines.* Boundary lines shown as following, or approximately following, lot lines or other property lines shown on the Zoning Map shall be construed as following such lines.

- (3) *Toe or Top of Slope.* Boundary lines shown as following, or approximately following, the toe or the top of a steep slope, shall be construed as following the contour line of the toe or top of slope.
- (4) *Watercourses.* Boundaries shown as following, or approximately following, the centerline of streams or other watercourses shall be construed as following the channel centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline. However, such movement shall not render existing development nonconforming.
- (5) *Parallel to Features.* Boundaries shown as separated from and parallel, or approximately parallel, to any of the features listed in subsections (d)(1) through (d)(4), above, shall be construed to be parallel to such features and at such distances as are shown by the scale on the zoning map.
- (e) **Un-subdivided Land or No Identifiable Feature.** In the absence of a rezoning ordinance that specifies parcel boundaries, on un-subdivided land, or where a district boundary follows no identifiable feature, the location of district boundaries shall be determined by applying the following rules in sequential order, until the boundaries are known:
 - (1) *Text Dimensions.* The boundary shall be located by reference to dimensions shown in text on the zoning map, if any.
 - (2) *Map Scale.* The boundary shall be located using the map scale appearing on the zoning map.

Sec. 21-2-105. - Zoning of Annexed Land

- (a) **Generally.** Zoning of annexed land or land in the process of annexation is an “initial zoning.”
- (b) **Timing of Adoption of Zoning Ordinance.** An ordinance annexing a subject property into the City may provide for the zoning of the subject property. If the zoning ordinance is considered separately, it shall not be finally adopted by the City Council before final adoption of the annexation ordinance. The zoning ordinance may be processed concurrently and heard at the same hearing as the annexation ordinance for the subject property.

Sec. 21-2-106. - Standards for Rezoning

- (a) **Generally.**
 - (1) The City Council may approve an application for rezoning if it finds that:
 - a. The policy set out in Subsection B., below, is implemented;
 - b. The standards set out in Subsection C., below, are met; and
 - c. One or more of the alternatives set out in Subsection D., below are met.
 - (2) If the proposed rezoning is to a CA Zone, the subject property shall be at least 20 acres in area and under single ownership or control.
- (b) **Historic Resource Protection and Hazard Mitigation**

- (1) It is the policy of the City not to rezone land in a manner that would tend to create or facilitate the creation of development rights or entitlements that would either:
 - a. Reduce the level of protection for significant historical resources that exist on the Subject Property; or
 - b. Expose additional people or personal property to unmitigated natural or man-made hazards that are present on the Subject Property.
 - (2) This policy may be waived upon a finding by the City Council that:
 - a. Alternative means have been implemented (or will be implemented as a condition of development approval) to achieve a comparable or better level of historic resource protection or hazard mitigation; or
 - b. The policy is outweighed by a substantial community interest that is served by approval of the rezoning.
- (c) **Compatibility and Public Benefits.** All applications for rezoning shall meet all of the following standards:
- (1) The proposed zone is in conformance with the Comprehensive Plan's future land use map;
 - (2) The proposed zone will provide a benefit (or degree of benefit) to the community or immediate area that cannot be provided in the existing zone, and which is sufficient to offset potential adverse impacts of the proposed zone, if any;
 - (3) Public facilities are addressed in at least one of the following ways:
 - a. Adequate public facilities are available to serve development in the proposed zone; or
 - b. The proposed zone would limit demands upon public facilities more than the existing zone; or
 - c. Reasonable assurances are provided that adequate facilities will be made available to serve new development by the time the new development places demands on the facilities.
- (d) **Alternative Standards.** All applications for rezoning shall meet at least one of the following four alternative standards:
- (1) *Alternative #1.* The proposed zone is more appropriate than the existing zone to implement the most recent adopted City plan that:
 - a. Was developed with public input (*e.g.*, the Comprehensive Plan or a special area, corridor, redevelopment, or strategic plan); and
 - b. Includes the Subject Property.
 - (2) *Alternative #2.* The proposed zone is more appropriate than the existing zone because:

- a. There has been a change in character or capacity of public infrastructure in the area (*e.g.*, installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.); and
 - b. The proposed zone allows for the reasonable development or redevelopment of the subject property in a manner that will be compatible with its existing or planned context.
- (3) *Alternative #3.* The proposed zone is more appropriate than the existing zone because:
 - a. There is greater need in the City for land in the proposed zone than the existing zone; and
 - b. The proposed zone will promote a balance of land uses in the City that will improve economic opportunity for City residents.
- (4) *Alternative #4.* The proposed zone is more appropriate than the existing zone because:
 - a. The existing zoning for the property was erroneously assigned; or
 - b. Development has not proceeded in reliance on the erroneous zone.

Division 2-2. - Land Use

Sec. 21-2-201. - Interpretation of Land Use Tables

- (a) **Generally.** The tables set out in this Division ("LAND USE TABLES") describe which land uses are allowed administratively ("PERMITTED USES"), allowed administratively if certain conditions are met ("LIMITED USES"), allowed after public hearing if certain conditions are met ("CONDITIONAL USES"), and not allowed ("PROHIBITED USES") in each zone.
- (b) **Legend.** The following symbols are used in the Land Use Tables:
 - (1) "P" means "Permitted Use." Permitted uses are subject to administrative review for compliance with the general requirements of this UDC.
 - (2) "L" means "Limited Use." Limited uses are subject to administrative review for compliance with specific standards that pertain to the use, and for compliance with general standards for all limited uses, and the general requirements of this UDC.
 - (3) "C" means "Conditional Use." Conditional uses are subject to public hearing review for compliance with specific standards that pertain to the use, general standards for all conditional uses, and the general requirements of this UDC.
 - (4) "-" means "Prohibited Use." Prohibited uses are not allowed in the specified zone.
- (c) **Multiple Uses.** Proposed uses that combine more than one listed use, except those that qualify as "mixed-use," shall meet the substantive and procedural requirements for each applicable listed use.

Sec. 21-2-202. - Residential and Special Residential Land Use Table

- (a) **Generally.** The Residential and Special Residential Land Uses are set out in Table 21-2-202A, *Residential and Special Residential Land Uses*.

TABLE 21-2-202A RESIDENTIAL AND SPECIAL RESIDENTIAL LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Residential Uses												
Single-family detached	(by lot type – see below)											
Farmstead (street access)	-	-	-	-	-	-	-	-	-	-	P	
Estate (street access)	P	P	P	-	-	-	-	-	-	L	P	(b)(1)
Suburban (street access)	P	-	P	P	P	P	-	-	-	L	-	(b)(1)
Town (street access)	L	-	-	P	P	P	-	-	-	L	-	(b)(1)
Town (alley access)	P	-	-	P	P	P	-	-	-	L	-	(b)(1)
Duplex or twin house	P	-	-	P	P	P	-	-	-	-	-	-
Townhouse or rowhouse	-	-	-	P	P	P	-	-	-	-	-	-
Multiplex or Multifamily	L	-	-	L	P	P	L	-	L	L	-	(b)(2)
Manufactured home	L	-	-	L	L	-	-	-	-	-	-	(b)(3)
Cottage clusters or co-housing clusters	L	L	L	L	L	L	-	-	-	L	P	(b)(4)
Live-work	L	-	-	L	L	P	P	-	P	-	P	(b)(5)
Special Residential Uses												
Assisted living or congregate care	-	-	-	P	P	P	P	-	-	L	-	(b)(6)
Boarding or rooming house	-	-	-	-	P	P	-	-	-	L	-	(b)(7)
Convalescent center, Alzheimer’s care, memory care, nursing home	-	-	-	L	P	P	P	-	-	L	-	(b)(8)
Group home	L	L	L	L	L	L	-	-	-	L	L	(b)(9)
Sheltered care facility	-	-	-	-	C	C	-	-	-	C	C	(b)(10)

(b) Residential and Special Residential Use-Specific Standards.

(1) *Single-Family Detached.*

- a. Single-family detached dwelling units are allowed in the CA Zone if:
 - i. They provide lodging principally for employees of the other uses on the campus; or
 - ii. They exist on the effective date of this UDC.
- b. Street accessed town lots are allowed in the EN Zone if alley access is not available or otherwise not reasonable as determined by the Administrator.

(2) *Multiplex or Multifamily.* Multifamily dwelling units are allowed if:

- a. In the EN Zone:

- i. No individual building contains more than eight dwelling units and the applicable standards of Section 21-4-205, *Multiplex and Multifamily Lot and Building Standards*, are met; or
 - ii. The multiplex or multifamily use exists on the effective date of this UDC.
 - b. In the RM Zone, no individual multiplex or multifamily building contains more than four dwelling units on the ground floor.
 - c. In the CB Zone, the units are located in vertically mixed-use buildings.
 - d. In the CBD Zone:
 - i. The dwelling units are located above the ground floor; or
 - ii. The dwelling units do not have frontage on Main Street.
 - e. In the CA Zone, the units provide housing principally for students, employees, or contractors of the other uses on the campus.
- (3) *Manufactured Homes*. Manufactured homes are allowed if:
 - a. In the EN Zone, the manufactured home was already installed upon the subject property on the effective date of this UDC.
 - b. In the RM Zone or RH Zone, the manufactured home is installed within a manufactured home park or manufactured home subdivision.
- (4) *Cottage Clusters or Co-Housing Clusters*. Cottage clusters or co-housing clusters are allowed if:
 - a. In the EN Zone, cottage clusters or co-housing clusters contain not more than eight dwelling units and are separated from each other within the same zone by not less than 200 feet, measured from property boundary line to property boundary line.
 - b. In the RE, RL, RM, RH, or MU Zones, cottage clusters or co-housing clusters contain no more than 12 dwelling units and are separated from each other within the same zone by not less than 500 feet, measured from property boundary line to property boundary line.
 - c. In the CA Zone, cottage clusters or co-housing clusters provide housing principally for students, employees, or contractors of the other uses on the campus, and include not more than 20 dwelling units per cluster.
- (5) *Live-Work*. Live-work units are allowed if:
 - a. In the EN Zone, the subject property is located across the street from the CBD Zone.
 - b. In the RM Zone, the subject property fronts on Stockton Street.
 - c. In the RH Zone, the subject property:
 - i. Is located across the street from a CB or I zone;

- ii. Takes direct access from the street that defines the district boundary; and
 - iii. Is not located within a manufactured home park or manufactured home subdivision.
- (6) *Assisted Living or Congregate Care.* Assisted living or congregate care is allowed in the CA Zone if it is related to the purpose of the campus (e.g., assisted living or congregate care is allowed on a healthcare or hospital campus as part of the healthcare mission, or on a college or university campus if it is related to an educational program of the college or university).
- (7) *Boarding or Rooming House.* Boarding and rooming houses are allowed in the CA Zone if they principally provide lodging for students, employees, contractors, or guests of the other uses on the campus.
- (8) *Convalescent Center, Alzheimer's Care, Memory Care, or Nursing Home.* Convalescent center, Alzheimer's care, memory care, or nursing home uses are allowed if:
 - a. In the RM Zone, the subject property is located at a zone boundary with an RH Zone or nonresidential Zone, or fronts on and takes access from an arterial or collector street.
 - b. In the CA Zone, the use is related to the purpose of the campus.
- (9) *Group Home.* Group homes are allowed if:
 - a. In the EN, RE, RL, RM, RH, MU, and A Zones, they are spaced from other group homes on the same street (for corner lots, both intersecting streets) by not less than 150 feet.
 - b. In the CA Zone:
 - i. The use is related to the purpose of the campus; and
 - ii. They are spaced from other group homes on the same street (for corner lots, both intersecting streets) by not less than 150 feet.
- (10) *Sheltered Care Facility.* Sheltered care facilities may be allowed if:
 - a. In the RH Zone, the subject property:
 - i. Is located at a zone boundary with a nonresidential Zone;
 - ii. Takes access from the street that forms the boundary; and
 - iii. Is separated from other sheltered care facilities by not less than 600 feet.
 - b. In the MU Zone, the subject property is separated from other sheltered care facilities by not less than 600 feet.
 - c. In the CA Zone, the use is related to the purpose of the campus.
 - d. In the A Zone:
 - i. The subject property is at least 10 acres in area; and

- ii. Agriculture or outdoor recreation is a material part of the treatment program.

Sec. 21-2-203. - Civic, Education, and Health Care Land Use Table

- (a) **Generally.** The Civic, Education, and Health Care Land Uses are set out in Table 21-2-203A, *Civic, Education, and Health Care Land Uses*.

TABLE 21-2-203A CIVIC, EDUCATION, AND HEALTH CARE LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Civic												
Cemetery or Mausoleum	-	-	-	-	-	-	-	-	-	P	P	-
City Facilities	P	P	P	P	P	P	P	P	P	P	P	-
Funeral Home or Crematorium	-	-	-	-	-	P	P	-	-	P	-	-
Place of Assembly	L	-	L	P	P	P	P	P	L	P	-	(b)(1)
Protective Care	-	-	-	-	-	-	-	C	-	-	C	(b)(2)
Day Care												
Adult Day Care	-	-	-	-	-	P	P	-	-	P	-	-
Child Care Center, Small	L	L	L	L	L	P	P	L	-	P	-	(b)(3)
Child Care Center, Large	L	-	-	L	L	P	P	L	-	P	-	(b)(4)
Family Child Care Home	P	P	P	P	P	P	-	-	-	P	P	-
Education												
School	L	L	L	L	L	P	P	C	-	P	-	(b)(5)
College or University	-	-	-	-	-	P	P	L	-	P	-	(b)(6)
Vocational School / Job Training Center	-	-	-	-	-	L	L	L	-	P	-	(b)(7)
Health Care												
Hospital or Emergency Room	-	-	-	-	-	C	P	-	-	P	-	(b)(8)
Medical Office or Clinic	-	-	-	-	-	P	P	-	-	P	-	-

(b) **Civic, Education, and Health Care Use-Specific Standards.**

- (1) *Place of Assembly.* Places of assembly are allowed if:
- In the EN and RL Zones:
 - A place of assembly exists on the effective date of this UDC; or
 - The subject property is at least one-half acre in area and located on a street corner.
 - In the CBD Zone, the use is located above the ground floor.
- (2) *Protective Care.* Protective care is allowed:
- In the I Zone if:

- i. The use is not a correctional facility or a juvenile detention facility (but may be a short-term detention facility for arrestees who are awaiting trial);
 - ii. The building coverage ratio of the subject property does not exceed 10 percent;
 - iii. The subject property is not less than five acres in area;
 - iv. Principal buildings are set back from property lines not less than 50 feet;
 - v. The subject property is at least 1,000 feet from public parks or schools; and
 - vi. Unless the use is surrounded by a security fence, the use is surrounded by a Class D bufferyard.
 - b. In the A Zone if:
 - i. The building coverage ratio of the subject property does not exceed 10 percent;
 - ii. The subject property is not less than 20 acres in area;
 - iii. Principal buildings are set back from property lines not less than 125 feet;
 - iv. The subject property is at least 1,000 feet from public parks or schools; and
 - v. Unless the use is surrounded by a security fence, the use is surrounded by a Class D bufferyard.
- (3) *Child Care Center, Small.* Small child care centers are allowed if:
- a. In the EN, RE, RL, RM, or RH Zones,
 - i. The use is provided at an existing school or place of public assembly; or
 - ii. The subject property is located on a corner lot and no other child care centers are located on the same street segments or within 250 feet, whichever distances are shorter.
 - b. In the I Zone:
 - i. The use is provided at an existing school or place of public assembly; or
 - ii. The use is provided for employees of an industrial use that is located on the same property or on adjoining property.
- (4) *Child Care Center, Large.* Large child care centers are allowed if:
- a. In the EN, RM, or RH Zones:

- i. The use is provided at an existing school or place of public assembly; or
 - ii. The subject property is not less than one acre in area, and no other child care centers are located on the same street segment or within 250 feet on either side of the use along the street that it fronts, whichever distance is shorter.
 - b. In the I Zone:
 - i. The use is provided at an existing place of public assembly; or
 - ii. The use is provided for employees of an industrial use that is located on the same property or on adjoining property.
- (5) *School.* Schools are allowed if:
- a. In the EN, RE, RL, RM, or RH Zones, the area of the subject property is at least:
 - i. Elementary Schools: The greater of 5 acres or 1,200 sf. per student at design capacity.
 - ii. Middle Schools: The greater of 10 acres or 1,900 sf. per student at design capacity.
 - iii. High Schools: The greater of 20 acres or 2,000 sf. per student at design capacity.
 - b. In the I Zone, a material component of the school's curriculum is industrial in nature, and the use is appropriately buffered from heavy industrial uses.
- (6) *College or University.* Colleges or universities are allowed in the I Zone if the instruction provided or research performed within the zone is principally industrial in nature.
- (7) *Vocational School / Job Training Center.* Vocational schools or job training centers are allowed in the MU, CB, and I Zones if:
- a. The curriculum is limited to traditional classroom instruction; or
 - b. The vocational training is of a type that is permitted in the underlying zone, or that is allowed as a limited use and the limited use standards are met (e.g., vocational training in auto body repair is allowed where heavy motor vehicle repair and services uses are allowed).
- (8) *Hospital or Emergency Room.* Hospitals or emergency rooms are allowed in the MU Zone if they take access from a collector or arterial street, or from a local street that does not also provide direct access to a single-family detached or duplex use between the hospital or emergency room and a major arterial.

Sec. 21-2-204. - General Commercial and Motor Vehicle Land Use Table

- (a) **Generally.** The General Commercial and Motor Vehicle Land Uses are set out in Table 21-2-204A, *General Commercial and Motor Vehicle Land Uses*.

TABLE 21-2-204A GENERAL COMMERCIAL AND MOTOR VEHICLE LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
General Commercial												
Heavy Retail	-	-	-	-	-	L	P	P	-	-	-	(b)(1)
Liquor Stores	-	-	-	-	-	P	P	-	P	L	-	-
Personal Services	-	-	-	-	-	P	P	-	P	P	-	-
Retail Sales and Services Type 1	-	-	-	-	-	P	P	L	P	L	-	(b)(2)
Retail Sales and Services Type 2	-	-	-	-	-	L	L	-	-	L	-	(b)(3)
Professional or Business Offices	-	-	-	-	-	P	P	P	L	P	-	(b)(4)
Recording or Television Studio	-	-	-	-	-	L	L	P	L	P	-	(b)(5)
Veterinary and Animal Facilities	-	-	-	-	-	L	L	P	L	L	P	(b)(6)
Motor Vehicle Land Uses												
Fueling/Charging Stations or Light Motor Vehicle Repairs and Services	-	-	-	-	-	L	P	P	-	-	-	(b)(7)
Heavy Motor Vehicle Repairs and Services	-	-	-	-	-	-	L	P	-	-	-	(b)(8)
Motor Vehicle Wash	-	-	-	-	-	-	P	P	-	-	-	-
Motor Vehicle Parking	-	-	-	-	-	P	P	P	P	P	-	-
Motor Vehicle Sales and Rental	-	-	-	-	-	L	P	P	L	-	-	(b)(9)

(b) General Commercial and Motor Vehicle Use-Specific Standards.

- (1) *Heavy Retail.* Heavy retail is allowed in the MU Zone if:
 - a. Not more than 33 percent of the area put to the heavy retail use is located outdoors; and
 - b. The outdoor area used for the display of merchandise is adjacent to a wall of a principal structure, is configured as a walled or decoratively fenced area, and is set back from property lines as required for principal buildings.
- (2) *Retail Sales and Services Type 1.* Retail sales and services type 1 are allowed if:
 - a. In the I Zone:
 - i. The retail sales or services are related to an industrial use on the subject property (*e.g.*, the sale of merchandise that is manufactured or assembled on-site);
 - ii. The retail sales or services are incidental to a permitted use (*e.g.*, the sales of boxes or locks at a self-storage facility); or
 - iii. The retail sales or services support other industrial uses (*e.g.*, contractor supply shops).
 - b. In the CA Zone:

- i. The use is targeted towards the students, employees, or contractors of, or visitors to, the other uses on the campus; and
 - ii. The use is incidental to the overall purpose of the campus.
- (3) *Retail Sales and Services Type 2.* Retail sales and services type 2 are allowed if:
 - a. In the MU Zone or CB Zone, the use is separated from other retail sales and services type 2 uses by at least 600 feet, measured in both directions along the street upon which the use fronts.
 - b. In the CA Zone, the use is targeted towards the students, employees, or contractors of the other uses on the campus, and are incidental to the overall function of the campus.
- (4) *Professional or Business Offices.* Professional or business offices are allowed in the CBD Zone, but if the use fronts on Main Street, it must be located above the ground floor.
- (5) *Recording or Television Studio.* Recording or television studios are allowed if:
 - a. In the MU Zone or CB Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM.
 - b. In the CBD Zone:
 - i. The subject property does not front on Main Street; and
 - ii. Noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM.
- (6) *Veterinary and Animal Facilities.* Veterinary and animal facilities are allowed if:
 - a. In the MU Zone or CB Zone:
 - i. Treatment is limited to small domestic animals (*e.g.*, dogs, cats, birds, and exotic pets); and
 - ii. Outdoor dog runs, if provided, are not less than 250 feet away from any residential property line.
 - b. In the CBD Zone:
 - i. The subject property does not front on Main Street;
 - ii. Treatment is limited to small domestic animals; and
 - iii. There are no outdoor dog runs.
 - c. In the CA Zone, the use is related to the purpose of the campus.
- (7) *Fueling/Charging Stations or Light Motor Vehicle Repairs and Services.* Fueling/charging stations or light motor vehicle repairs and services are allowed in the MU Zone if they are limited to electric vehicle charging.

- (8) *Heavy Motor Vehicle Repairs and Services.* Heavy motor vehicle repairs and services are allowed in the CB Zone if the area in which the use is conducted is not less than 250 feet away from any residential property line.
- (9) *Motor Vehicle Sales and Rental.* Motor vehicle sales and rental is allowed in the MU Zone and CBD Zone if the use is located entirely indoors.

Sec. 21-2-205. - Hospitality, Recreation, and Entertainment Land Use Table

- (a) **Generally.** The Hospitality, Recreation, and Entertainment Land Uses are set out in Table 21-2-205A, *Hospitality, Recreation, and Entertainment Land Uses*.

TABLE 21-2-205A HOSPITALITY, RECREATION, AND ENTERTAINMENT LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Hospitality												
Bar, Tavern, or Nightclub	-	-	-	-	-	L	P	-	P	L	-	(b)(1)
Bed and Breakfast	L	L	L	L	P	P	P	-	L	P	P	(b)(2)
Campground or RV Park	-	-	-	-	-	-	-	-	-	L	P	(b)(3)
Hotel or Motel	-	-	-	-	-	P	P	-	P	P	-	-
Restaurant, Drive-In or Drive-Through	-	-	-	-	-	-	P	-	-	-	-	-
Restaurant, Indoor	-	-	-	L	L	P	P	L	P	P	-	(b)(4)
Restaurant, Outdoor	-	-	-	L	L	L	P	-	P	L	-	(b)(5)
Recreation and Entertainment												
Commercial Equestrian Facility	-	-	-	-	-	-	-	-	-	-	P	-
Indoor Amusement, Recreation, and Entertainment	-	-	-	-	-	L	P	L	P	L	-	(b)(6)
Indoor Gun Ranges	-	-	-	-	-	-	L	L	-	-	-	(b)(7)
Outdoor Commercial Amusement	-	-	-	-	-	-	P	-	-	-	-	-
Park	P	P	P	P	P	P	P	P	L	P	P	(b)(8)
Sexually-Oriented Business	-	-	-	-	-	-	L	L	-	-	-	(b)(9)
Stadium or Amphitheater	-	-	-	-	-	L	-	-	-	L	-	(b)(10)
Zoo	-	-	-	-	-	-	-	-	-	C	C	(b)(11)

(b) Hospitality, Recreation, and Entertainment Use-Specific Standards.

- (1) *Bar, Tavern, or Nightclub.* Bar, tavern, or nightclub is allowed if:
- In the MU Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM.
 - In the CA Zone, the use is targeted towards the students, employees, or contractors of the other uses on the campus, and is incidental to the overall function of the campus.
- (2) *Bed and Breakfast.* Bed and breakfast is allowed if:

- a. In the EN Zone, the lot area of the subject property is at least 7,000 square feet.
 - b. In the RE Zone, the lot area of the subject property is at least 12,000 square feet.
 - c. RL, or RM Zones:
 - i. The lot area of the subject property is at least 7,000 square feet; and
 - ii. The subject property is a corner lot.
 - d. In the CBD Zone, the subject property does not front on Main Street.
- (3) *Campground or RV Park.* Campgrounds or RV Parks are allowed in the CA Zone if:
- a. The use complies with CDPHE standards (6 CCR 1010-9) for modern campgrounds;
 - b. The use is surrounded by a Type B Bufferyard; and
 - c. The use is targeted towards visitors to the other uses on the campus, and is incidental to the overall function of the campus.
- (4) *Restaurant, Indoor.* Indoor restaurants are allowed if:
- a. In the RM or RH Zones, the restaurant existed on the effective date.
 - b. In the I Zone, the scale and hours of operation of the restaurant are limited such that it primarily provides service to employees and visitors to the surrounding industrial uses.
- (5) *Restaurant, Outdoor.* Outdoor restaurants are allowed if:
- a. In the RM or RH Zones, the restaurant existed on the effective date.
 - b. In the MU Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM.
 - c. In the CA Zone, the use is targeted towards the students, employees, or contractors of, or visitors to, the other uses on the campus, and is incidental to the overall function of the campus.
- (6) *Indoor Amusement, Recreation, and Entertainment.* Indoor amusement, recreation, and entertainment are allowed if:
- a. In the MU Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM.
 - b. In the I Zone, the use is located in an area in which light industrial uses are established, and is spaced not less than 250 feet from heavy industrial or heavy logistics uses.

- c. In the CA Zone, the use is targeted towards the students, employees, or contractors of, or visitors to, the other uses on the campus, and is incidental to the overall function of the campus.
- (7) *Indoor Gun Ranges.* Indoor gun ranges are allowed if:
 - a. In the CB Zone, noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM.
 - b. In the I Zone:
 - i. Noise generated by the use will not exceed 45 dBA at any residential building wall (within or outside the zone) between the hours of 9:00 PM and 7:00 AM; and
 - ii. The use is located in an area in which light industrial uses are established, and is spaced not less than 250 feet from heavy industrial or heavy logistics uses.
- (8) *Park.* Parks are allowed in the CBD Zone if they are limited to passive recreation activities (*e.g.*, plazas, fountains, outdoor seating).
- (9) *Sexually-Oriented Business.* Sexually-oriented businesses are allowed in the CB Zone or I Zone if:
 - a. The building that contains the use is located not less than 100 feet from the right-of-way lines of Highway 285 and Highway 160;
 - b. All activities related to the business are conducted indoors;
 - c. The use is spaced not less than 1,000 feet, measured as the shortest distance from the property line of the use to the nearest property line of the use or zone from which spacing is required, from:
 - i. Other sexually-oriented businesses;
 - ii. Lots that are developed with dwelling units;
 - iii. Residential zone boundaries;
 - iv. Schools, public parks, and child care centers that are located within the City limits; and
 - v. Places of assembly;Except that the spacing requirement may be reduced to 500 feet from those listed uses that do not operate between 7:00 PM and 9:00 AM;
 - d. Access to the use is configured to allow for verification of age of customers before entry into rooms where sexually-oriented merchandise is displayed or sexually-oriented entertainment activities occur; and
 - e. The interior of the use is configured so that sexually-oriented activity, sexually-oriented merchandise, and depictions of said activity or

merchandise, are not visible from outside of the building through windows or doors.

(10) **Zoo.** Zoos are allowed if:

- a. In the CA Zone, the zoo is related to the purpose of an educational campus in that the animals are research subjects for faculty and students on the campus;
- b. In the A Zone:
 - i. Noise generated by the use will not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM;
 - ii. The subject property is at least 10 acres in area;
 - iii. The use is enclosed with a Type B Bufferyard; and
 - iv. The zoo operator maintains a Colorado wildlife exhibitor's park license.

Sec. 21-2-206. - Industry, Transportation, Storage, and Disposal Land Use Table

- (a) **Generally.** The Industry, Transportation, Storage, and Disposal Land Uses are set out in Table 21-2-206A, *Industry, Transportation, Storage, and Disposal Land Uses*.

TABLE 21-2-206A INDUSTRY, TRANSPORTATION, STORAGE, AND DISPOSAL LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Industry												
Heavy Industry	-	-	-	-	-	-	-	L	-	L	-	(b)(1)
Light Industry	-	-	-	-	-	L	L	P	-	L	-	(b)(2)
Marijuana Testing Facility	-	-	-	-	-	-	-	C	-	C	-	(b)(3)
Resource Extraction, Minerals	-	-	-	-	-	-	-	L	-	-	P	(b)(4)
Resource Extraction, Oil and Gas	-	-	-	-	-	-	-	-	-	-	P	-
Transportation												
Airport	-	-	-	-	-	-	-	C	-	-	L	(b)(5)
Heavy Logistics	-	-	-	-	-	-	-	L	-	-	-	(b)(6)
Helistop	-	-	-	-	-	-	-	C	-	L	L	(b)(7)
Storage												
Outdoor Storage Yard	-	-	-	-	-	-	-	L	-	L	-	(b)(8)
Self-Storage	-	-	-	-	-	L	P	P	-	L	-	(b)(9)
Disposal												
Salvage or Junk Yard	-	-	-	-	-	-	-	C	-	-	-	(b)(10)
Transfer Station	-	-	-	-	-	-	-	C	-	L	C	(b)(11)

(b) **Industry, Transportation, Storage, and Disposal Use-Specific Standards.**

- (1) **Heavy Industry.** Heavy industry is allowed if:

- a. In the I Zone:
 - i. A truck routing plan is provided that shows how trucks will avoid streets that provide access to single-family detached and duplex uses;
 - ii. Noise generated by the use will not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM; and
 - iii. Outdoor storage and processing areas shall be screened from view from residential zones and public rights-of-way with a Class C Bufferyard.
 - b. In the CA Zone:
 - i. The use is related to the purpose of the campus;
 - ii. Heavy truck traffic is limited to two trips per week;
 - iii. Noise generated by the will not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM; and
 - iv. Outdoor storage and processing areas shall be screened from view from residential zones and public rights-of-way with a Class C Bufferyard.
- (2) *Light Industry.* Light industry is allowed if:
- a. In the MU and CB Zones, the use is allowed in conjunction with on-site retail or educational uses in which the products of the use are used or sold.
 - b. In the CA Zone, the use is related to the purpose of the campus.
- (3) *Marijuana Testing Facility.* Marijuana testing facilities may be allowed if:
- a. In the I Zone, the facility is located not less than 1,000 feet from any other marijuana testing facility.
 - b. In the CA Zone:
 - i. The facility is located not less than 1,000 feet from any other marijuana testing facility; and
 - ii. The use is related to the purpose of the campus.
- (4) *Resource Extraction, Minerals.* Mineral resource extraction is allowed if:
- a. All extraction activities shall be in accordance with an adopted Master Plan for Extraction. *See Sec. 21-6-402, Master Plan for Extraction.*
 - b. The use shall be screened from view from adjacent property and public rights-of-way with a Class C Bufferyard that includes an eight-foot tall privacy fence or masonry wall or earthen berm.
 - c. A truck routing plan is required. *See Sec. 21-6-403, Heavy Truck Routing Plan.*

- d. Noise generated by the use shall not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM.
 - e. Existing tree stands shall be preserved to the extent practicable as a method of screening the operation from adjacent public streets.
 - f. Access points and interior vehicular use areas shall be designed and maintained to limit airborne dust and erosion, and to prevent tracking of debris onto public rights-of-way.
- (5) *Airport.* Airports are allowed in the I Zone or A Zone if:
- a. A master plan for the airport and a forecast of aviation activity is provided that demonstrates that the proposal is designed to minimize the impact on existing and approved residential uses by:
 - i. Minimizing the number of residences that are brought within the 55 DNL noise zone;
 - ii. Ensuring that residential uses do not come within the 65 DNL noise zone unless they are subject to an appropriate aviation easement; and
 - iii. The airport's safety zones are situated so that the airport will not materially interfere with the anticipated development of the City; and
 - b. The airport will not interfere with safety or operations at existing airports, heliports, or helistops; and
 - c. The airport complies with all applicable federal regulations.
- (6) *Heavy Logistics.* Heavy logistics uses are allowed in the I Zone if:
- a. A truck routing plan is provided that shows how trucks will avoid streets that provide access to single-family detached and duplex uses;
 - b. Noise generated by the use will not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM; and
 - c. Outdoor truck or trailer storage areas are paved and screened from view from residential zones and public rights-of-way with a Class B Bufferyard.
- (7) *Helistop.* Helistop is allowed in the I, CA, or A Zones if:
- a. The helistop is intended to serve a nonresidential land use on the subject property (*e.g.*, a hospital)
 - b. A forecast of aviation activity and noise impacts is provided that demonstrates that the proposal is designed to minimize the impact on existing and approved residential uses by:
 - i. Minimizing the number of residences that are brought within the 55 DNL noise zone;

- ii. Ensuring that residential uses do not come within the 65 DNL noise zone unless they are subject to an appropriate aviation easement; and
 - iii. Safety zones are situated so that the helistop will not materially interfere with the anticipated development of the City; and
 - c. The helistop will not interfere with safety or operations at existing airports, heliports, or helistops; and
 - d. The helistop complies with all applicable federal regulations.
- (8) *Outdoor Storage Yard.* Outdoor storage yards are allowed:
 - a. In the I Zone if the outdoor storage yard complies with the standards set out in Section 21-4-506, *Outdoor Storage*.
 - b. In the CA Zone if:
 - i. The outdoor storage yard is related to the purpose or maintenance of the campus; and
 - ii. The outdoor storage yard complies with the standards set out in Section 21-4-506, *Outdoor Storage*.
- (9) *Self-Storage.* Self-storage is allowed:
 - a. In the MU Zone if the use is screened from view from public streets by intervening buildings and a Class B bufferyard is installed along side and rear lot lines, or:
 - i. The use is located within a multi-story building;
 - ii. The building includes windows on street-facing elevations, such that not less than 15 percent of the elevations are transparent;
 - iii. The principal public entrance to the building is architecturally prominent; and
 - iv. Overhead doors are not present on street-facing elevations unless they are screened from view by a Class B bufferyard.
 - b. In the CA Zone if:
 - i. The self-storage facility is related to the purpose or maintenance of the campus, or is for the use of residents, employees, or students of the campus;
 - ii. Overhead doors do not face public streets; and
 - iii. The use is screened from view from public streets and adjacent residential zones (if any) by a Class B bufferyard or intervening buildings.
- (10) *Salvage or Junk Yard.* Salvage or junk yards are allowed in the I Zone if:
 - a. Noise generated by the use does not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM; and

- b. The outdoor areas of the salvage or junk yard comply with the standards set out in Section 21-4-506, *Outdoor Storage*.
- (11) *Transfer Station*. Transfer stations are allowed in the I, CA, or A Zones if
- a. The use shall be enclosed within a Class D Bufferyard that includes security fencing and access controls.
 - b. A heavy truck routing plan is required. *See* Sec. 21-6-403, *Heavy Truck Routing Plan*.
 - c. Noise generated by the use shall not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM.
 - d. All waste shall be stored in an enclosed building, except that clean, palletized recyclable materials may be stacked outdoors provided that they are secured against being blown away.
 - e. The use shall be located not less than 1,000 feet from the boundary of any residential zone (on-site buffers may be counted towards the 1,000 foot separation).

Sec. 21-2-207. - Utility and Communications Land Use Table

- (a) **Generally.** The Utility and Communications Land Uses are set out in Table 21-2-207A, *Utility and Communications Land Uses*.

TABLE 21-2-207A UTILITY AND COMMUNICATIONS LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Utilities												
Major Utility Facilities (110+ kV Power Lines)	C	-	-	-	-	C	C	L	-	C	C	(b)(1)
Communications												
Wireless Telecommunications Facilities	L	L	L	L	L	L	L	L	L	L	P	(b)(2)
Telecommunications Towers	-	-	-	-	-	C	C	L	-	C	P	(b)(3)

(b) Utility and Communications Use-Specific Standards.

- (1) *Major Utility Facilities*.
- a. No new transmission lines shall be installed without a certificate of need from the Colorado Public Utilities Commission, or an exemption certification. To the extent practicable, new transmission lines shall be located within existing transmission easements or routed outside of the City limits.
 - b. New transmission lines that are not located within existing transmission easements shall be routed to minimize their impact on the natural resource, and scenic values of the City, according to the following priorities, in descending order:

- i. Minimize impacts of structures, construction, and maintenance on residential neighborhoods;
 - ii. Minimize impacts of structures, construction, and maintenance on views of the natural environment;
 - iii. Minimize impacts of structures, construction, and maintenance on historic resources; and
 - iv. Minimize visual impacts using existing topographic features and existing stands of trees as screens between the route and areas of existing development within the City.
- (2) *Wireless Telecommunications Facilities and Telecommunications Towers.* Wireless telecommunications facilities and telecommunications towers, including co-located facilities, shall comply with the standards of Division 4-6, *Wireless Telecommunications Facilities*.

Sec. 21-2-208. - Agricultural Land Use Table

- (a) **Generally.** The Agricultural Land Uses are set out in Table 21-2-208A, *Agricultural Land Uses*.

TABLE 21-2-208A AGRICULTURAL LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Agricultural or Commercial Crop Production	-	-	-	-	-	-	-	-	-	L	P	(b)(1)
Community Garden	P	P	P	P	P	P	P	P	P	P	P	-
Keeping and Pasturing of Livestock	-	-	-	-	-	-	-	-	-	-	P	-
Wholesale Nursery or Greenhouse	-	-	-	-	-	L	L	P	-	-	P	(b)(2)

(b) Agricultural Use-Specific Standards.

- (1) *Agriculture or Commercial Crop Production.* Agriculture or commercial crop production is allowed in the CA Zone if it is related to the purpose of the campus in that the agricultural products are principally researched, processed, or consumed on the campus.
- (2) *Wholesale Nursery or Greenhouse.* Wholesale nurseries or greenhouses are allowed in MU Zone or CB Zone if:
- a. Greenhouses and nursery storage buildings are set back according to the requirements that apply to principal buildings.
 - b. Active areas of open air nurseries are spaced not less than 200 feet from residential zones and uses, measured as the shortest distance from the nearest edge of the part of the nursery that is used to grow plants for sale to the property line of the residential zone or use.

- c. A truck routing plan is provided that shows how trucks will avoid streets that provide access to single-family detached and duplex uses.

Sec. 21-2-209. - Uses That Are Prohibited in All Zones

The following uses are prohibited in all zones within the City of Alamosa:

- (1) Disposal of radioactive wastes;
- (2) Fossil fuel power generation (except back-up generators for individual uses);
- (3) Intensive agriculture;
- (4) Marijuana uses (except medical or recreational testing laboratories);
- (5) Nuclear power generation;
- (6) Slaughterhouse; and
- (7) Waste incinerator.

Sec. 21-2-210. - Uses That Are Not Listed

- (a) **Generally.** If a proposed use is not listed in the land use tables of Sections 21-2-201 to 21-2-208, inclusive, or in Section 21-2-209, then the proposal shall be evaluated pursuant to this Section. The evaluation will determine whether the proposal is a permitted, limited, conditional, or prohibited use, or whether it is something other than a principal use as such is defined by this UDC.
- (b) **Findings and Intent**
 - (1) The City Council recognizes that there is a middle-ground between the position that “all uses that are not specifically permitted by the UDC are prohibited” and the position that “all uses that are not specifically prohibited by the UDC are allowed.” The City Council finds:
 - a. The former places too much burden on the right to use property, and is therefore not consistent with the values of the residents of the City; and
 - b. The latter would frustrate the purposes and administration of this UDC by inviting arguments regarding whether a particular use is included in the list of uses regulated by this UDC and creating uncertainty that undermines the stability upon which many residents and real estate investors depend for their lifestyles and livelihoods.
 - (2) This Section is intended to provide a “middle ground.” It is the intent of this Section to create sufficient flexibility to allow for property owners to establish new uses that are not specifically identified in this UDC, without placing upon the property owner the burden of waiting for the City to initiate and process an ordinance amending this UDC.

- (3) This Section should be interpreted to favor the establishment of the new use. Accordingly, if a new use meets the threshold determination under subsection (d), below, and is comparable to two or more listed uses, then the listed use which is allowed with the least process shall be selected as the comparable use.
- (4) It is the intent of the City Council to provide flexibility, but not to allow this Section to be used to avoid the application of this UDC. Likewise, it also is the intent of the City Council that this Section not be used to create rules and regulations that are not part of this UDC.

(c) **Application**

- (1) The first step of this process (the “THRESHOLD DETERMINATION” in subsection (d), below) is to determine whether a proposed use is a principal use under this UDC, and not something else (like a temporary use or a structure) that should be allowed without City approval or with a more limited administrative review (e.g., a staff review, a building permit, etc.).
- (2) If a proposed unlisted use is a principal use, then it is the intent of City Council that it be approved in the same manner and under the same conditions as the single listed use to which the proposed use is most closely functionally comparable (see subsection (e), below).
- (3) If a proposed unlisted use is not a principal use, then it is the intent of the City Council to ensure that it is classified appropriately as a temporary land use, an accessory use, a part of an existing principal use, an accessory building or structure, or a sign. That classification shall be used to determine if any requirements of this UDC apply.

(d) **Threshold Determination**

- (1) The Administrator shall review the description of the proposed use and decide whether the proposed use is:
 - a. A principal land use;
 - b. A seasonal land use;
 - c. A temporary land use;
 - d. An accessory use;
 - e. An accessory building or structure;
 - f. A sign;
 - g. Mechanical, water, wastewater, electrical equipment, or communications equipment which provides services to a building or use on the applicant’s property and not to other properties;
 - h. Essential services; or
 - i. An area or activity that is a customary part of the existing or approved principal use of the applicant’s property.

- (2) Proposed principal land uses shall be evaluated according to the standards of subsection (e), below. Other classifications (listed subsections (d)(1)b. to (d)(1)i., above) do not require further analysis under this Section, but may be subject to other requirements of this UDC according to its terms, or to the Building Codes, or to other parts of the City of Alamosa Municipal Code.
- (e) **Functionally Comparable Principal Uses.** New or changed principal uses are permitted, limited, conditional, or prohibited in the same manner as uses to which they are most closely functionally comparable. An unlisted use is functionally comparable to a listed use if, with regard to each of the decision criteria below, the unlisted use is categorically similar (*e.g.*, a residential use is not “functionally comparable” to an industrial use, even if it could otherwise meet the standards of this subsection) and has no greater negative impacts than listed use to which it is being compared:
 - (1) Average daily and peak hour trip generation (personal vehicles and heavy trucks);
 - (2) Impervious surface;
 - (3) Regulated air or water emissions;
 - (4) Noise;
 - (5) Ground vibration;
 - (6) Exterior lighting;
 - (7) Dust;
 - (8) Odors (including but not limited to odors from storage of solid wastes prior to pickup);
 - (9) Potentially hazardous conditions (such as risk of fire or explosion, projectiles leaving the site, etc.);
 - (10) Use and storage of hazardous materials;
 - (11) Secondary impacts on the community (*e.g.*, increased crime or threats to public health, or degradation of historic resources); or
 - (12) Implementation of the Comprehensive Plan.
- (f) **Effect of Determination.**
 - (1) If the Administrator finds that an unlisted use is most closely functionally comparable to a permitted, limited, or conditional use, then an application for approval of the unlisted use at a particular location shall be processed with the same restrictions as the listed use that is functionally comparable.
 - (2) If the Administrator determines that an unlisted use is most closely functionally comparable to a prohibited use, or is not functionally comparable to any listed use, then the unlisted use is a prohibited use.

- (g) **Record-Keeping; Proposed Amendment.** The Administrator shall keep a record of all determinations of functionally comparable uses. The Administrator may propose an amendment to this UDC to incorporate such uses into existing use definitions, or to add new land uses and revise the land use tables accordingly.

Sec. 21-2-211. - Essential Governmental or Public Utilities Services

Essential governmental or public utilities services are allowed in all zones.

Division 2-3. - Limited and Conditional Use Standards

Sec. 21-2-301. - Purpose and Application of Division

- (a) **Purpose.** The purpose of this Division is to promote compatibility among land uses in the City by establishing standards for specific uses that are designated as Limited (“L”) or Conditional (“C”) in the tables of Division 2-2, *Land Use*.
- (b) **Application.**
- (1) In zones where a land use is designated as a Limited Use (“L”) in the tables of Division 2-2, *Land Use*, the limited use shall be approved if:
 - a. The standards of this Division that relate to the use in the zone in which the subject property is located are met; and
 - b. All other requirements of this UDC are met.
 - (2) In zones where a land use is designated as a Conditional Use (“C”) in the tables of Division 2-2, *Land Use*, the conditional use shall be approved if:
 - a. The standards of this Division that relate to the use in the zone in which the subject property is located are met;
 - b. The general standards for all conditional uses that are set out in Section 21-2-302, *General Standards for All Conditional Uses*, are met; and
 - c. All other requirements of this UDC are met.

Sec. 21-2-302. - General Standards for All Conditional Uses

- (a) **Generally.** All conditional uses shall meet the standards of this Section related to plan implementation, compatibility, and community need.
- (b) **Plan Implementation.** The proposed conditional use in its proposed location will not conflict with the implementation of current adopted plans of the City, including, but not limited to, the Comprehensive Plan;
- (c) **Compatibility.** The conditional use:
- (1) Will be compatible with surrounding land uses;

- (2) Is proposed for a location that is appropriate in terms of mitigating the impacts or risks of the use to the natural environment, or the environmental impacts or risks are mitigated through the design or the operation of the use; and
 - (3) Will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment trajectory (for example, by creating a critical mass of similar conditional uses that is likely to discourage permitted uses by making the vicinity less desirable for them).
- (d) **Community Need.** The conditional use, in the proposed location, will:
- (1) Address a material need for the use in the community; or
 - (2) Create jobs that are likely to pay more than the median wages for the region, or support a critical mass of related and mutually supportive land uses that promote economic development and opportunity.

Division 2-4. - Temporary Uses

Sec. 21-2-401. - Temporary Use Permit Required; Conditions of Approval

- (a) **Generally.** A temporary use permit is required for the temporary special events identified in Section 21-2-402, *Temporary Special Events*, the temporary retail uses identified in Section 21-2-403, *Temporary Retail Uses*, and the temporary buildings and temporary construction uses identified in Section 21-2-404, *Temporary Buildings and Temporary Construction Uses*. Temporary use permits are issued by the Administrator.
- (b) **Exceptions.** This Division does not apply to:
- (1) The use of public parks and rights-of-way;
 - (2) Pre-approved temporary uses (which are subject to the standards set out in the applicable site plan or other approval and not the standards of this Division); and
 - (3) Special events (*e.g.*, sporting events or festivals) at elementary schools, middle schools, high schools, colleges, or universities.
- (c) **Conditions of Approval.**
- (1) Conditions of approval may be imposed by the Administrator if deemed necessary to minimize the potential adverse impacts of a temporary use on neighboring properties, public streets, or the City, or to reduce hazards to the public, historic resources, or event participants.
 - (2) Such conditions shall not relate to the content of or viewpoint expressed in constitutionally protected speech, except where a statute so authorizes (*e.g.*, statutes that protect minors from speech that is harmful to minors) or a court of competent jurisdiction has upheld such conditions.
 - (3) Generally, conditions of approval may include, but are not limited to, the following:

- a. Modification of, or restrictions on, the hours of operation or duration of the event.
 - b. Arrangements for the provision of services or equipment, such as traffic control or security personnel, fire protection, emergency response personnel, or specialized equipment that is reasonably needed to ensure safe operation of the use or event.
 - c. Additional insurance, based on the scale and risks involved with the use or event.
- (d) **Denial of Temporary Use Permit.** The City may refuse to issue a temporary use permit if the application does not demonstrate compliance with the applicable standards of this Division, or if proposed use or event is too large to be safely conducted at the proposed site.

Sec. 21-2-402. - Temporary Special Events

- (a) **Generally.** The standards of this Section apply to temporary special events that are likely to attract more than 750 people. Such events may include outdoor entertainment, cultural, religious, or charitable events, as well as flea markets, farmers' markets, craft shows, and comparable events.
- (b) **Standards for Approval of Temporary Use Permits for Special Events.**
 - (1) *Frequency and Duration.* No site shall host a temporary special event more than 75 days per year, and no individual event shall be longer than 12 days.
 - (2) *General Site Requirements.* The event shall be held on a site that is suitable for safely accommodating the expected level of attendance.
 - (3) *Buildings and Structures.*
 - a. Temporary structures that are taller than the height limitations of the applicable zone shall be set back from all property lines a distance of 1 foot for every 2 feet in height.
 - b. If existing buildings are used, they must be in a condition that is safe and appropriate for the intended level of use and occupancy.
 - (4) *Access and Circulation.*
 - a. The street from which access is taken must have adequate capacity to serve the temporary special event. A traffic management plan may be required to ensure safe access and safe operation of adjacent streets.
 - b. Safe on-site vehicular and pedestrian circulation routes shall be identified and unobstructed emergency access shall be provided.
 - (5) *Parking.*
 - a. The number of parking spaces available for the temporary special event shall be sufficient to meet the peak demands of the event, assuming 4 attendees per vehicle.

- b. Fewer parking spaces may be allowed if the applicant demonstrates that the reduced number is justified based on the nature of the event, the provision of alternative transportation (*e.g.*, buses), or the close association of the event with a permanent use that provides parking for attendees.
 - c. Parking may be provided in remote locations, provided that if parking is provided more than 800 feet from the boundaries of the temporary special event, an appropriate level of shuttle service is provided between the event and the parking area.
 - d. Truck parking and loading areas shall be provided as necessary to service the event and provide for storage of trucks and trailers that will remain on-site. Trucks shall be routed away from local residential streets.
- (6) *Noise.* Noise controls may be required for temporary special events that are expected to generate high levels of noise or to operate after 9:00 PM.
- (7) *Security.* Adequate security shall be provided for the proposed temporary special event.
- (8) *Sanitation.* Adequate restrooms shall be provided to serve the event. Trash containers and recycling bins shall be placed in convenient areas, including principal places of assembly, near food and beverage vendors, near restrooms, and at pedestrian entry and exit points.
- (9) *Insurance.*
- a. A Certificate of Insurance shall be provided to the City demonstrating that the applicant has a commercial general liability insurance policy, written on an occurrence basis for bodily injury, personal injury, property damage, and product liability, with a minimum limit of liability of \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
 - b. The insurance policy must list the City as an additional insured, and must be primary and non-contributory.
 - c. Additional endorsements may be required for events with amusement rides or alcoholic beverages.
- (10) *Restoration and Cleanup.* The site of the temporary event and the abutting right-of-way shall be cleared of all litter and debris from the event, including temporary signage, not more than two days after the last day of the event. The City may require a refundable deposit for site clean-up.

Sec. 21-2-403. - Temporary Retail Uses

- (a) **Generally.** Temporary retail uses involve the outdoor sales of retail products on a temporary basis. Illustrative temporary commercial sales uses include seasonal holiday sales (*e.g.*, pumpkins and Christmas trees), outdoor sales by a single itinerant vendor (*e.g.*, poster or framed art sale, carpet sales). Temporary retail sales uses do not include garage sales or sales at temporary special events.

(b) **Standards for Approval of Temporary Use Permits for Temporary Retail Uses.**

- (1) *Frequency and Duration.* No site shall host a temporary retail use more than 100 days per year, and no individual event shall be longer than 14 days.
- (2) *General Site Requirements.* The event shall be held on a site that is suitable for safely accommodating the scale of the temporary retail use. Temporary retail uses may be conducted from vacant property or property that is not used for residential purposes.
- (3) *Setbacks.* Retail displays and temporary structures shall be set back not less than 10 feet from all property lines.
- (4) *Structure Height.* Temporary structures shall not exceed 15 feet in height.
- (5) *Access and Circulation.*
 - a. The street from which access is taken must have adequate capacity to serve the temporary retail use. A traffic management plan may be required to ensure safe access and safe operation of adjacent streets.
 - b. Safe on-site vehicular and pedestrian circulation routes shall be identified and unobstructed emergency access shall be provided. If the temporary retail use is located on a site that includes operating permanent uses, the temporary retail use shall not interfere with access to the permanent uses.
- (6) *Parking.*
 - a. Four parking spaces shall be provided for each 1,000 square feet of land area occupied by temporary retail displays. Such parking spaces shall not be spaces that are required for operating permitted uses on the site.
 - b. Fewer parking spaces may be allowed if the applicant demonstrates that the reduced number is justified based on the nature of the event, the provision of alternative transportation (*e.g.*, buses), or the close association of the event with a permanent use that provides parking for customers who are likely to visit the permanent use and the temporary retail use in the same trip.
 - c. Parking may be provided in remote locations, provided that if parking is provided more than 800 feet from the boundaries of the temporary retail use, an appropriate level of shuttle service is provided between the event and the parking area.
 - d. Truck parking and loading areas shall be provided as necessary to service the temporary retail use and provide for storage of trucks and trailers that will remain on-site. Trucks shall be routed away from local residential streets.

- (7) *Site Restoration and Cleanup.* The site of the temporary retail use and the abutting right-of-way shall be cleared of all litter and debris from the temporary use, including temporary signage, not more than two days after the last day of the sales event.

Sec. 21-2-404. - Temporary Buildings and Temporary Construction Uses

- (a) **Temporary Buildings and Temporary Construction Uses.** Temporary buildings and temporary construction uses are those uses that relate to construction activities or the temporary expansion of an existing permanent use into a portable building. There are two classes of temporary buildings and temporary construction uses:
 - (1) *Class A Temporary Building / Construction Uses.* “Class A Temporary Building / Construction Uses” are temporary heavy construction uses, such as batch plants for lime, concrete, asphalt, or other materials, or areas for the bulk outdoor storage or staging of construction materials or equipment.
 - (2) *Class B Temporary Building / Construction Uses.* “Class B Temporary Building / Construction Uses” are temporary buildings that are used on construction sites as contractor offices, sales offices, security buildings, sanitary facilities, or storage buildings, as well as storage containers that are larger than 8 feet x 8 feet x 20 feet, or dumpsters with a total capacity of more than 30 cubic yards. Class B temporary building and construction uses also include manufactured buildings that are used to temporarily expand the capacity of an existing use, including portable classrooms on school campuses, either in advance of and during permanent construction or to accommodate a temporary increase in capacity.
- (b) **Temporary Storage Containers and Dumpsters.**
 - (1) Temporary storage containers and dumpsters are used for temporary outdoor storage of household or business property in shipping containers during remodeling, landscaping, cleaning, or moving; or the temporary placement of a roll-off dumpster or comparable solid waste container (*e.g.*, disposable containers that require collection service other than standard household garbage collection) for household waste, construction waste, or landscaping debris. To qualify as a “temporary storage container” or “temporary dumpster,” and not a “Class B Temporary Building / Construction Use”:
 - a. Storage containers may not be larger than 8 feet x 8 feet x 20 feet in dimension; and
 - b. Dumpsters may not have a capacity that is larger than 30 cubic yards.
 - (2) Temporary storage containers or dumpsters shall not be placed on the public right-of-way without prior approval by the Public Works Director.

- (c) **Standards for Approval of Temporary Use Permits for Commercial Sales.** The standards that apply to approvals of Temporary Use Permits for temporary buildings and temporary construction uses are set out in Table 21-2-404C, *Standards for Approval of Temporary Buildings and Temporary Construction Uses*.

TABLE 21-2-404C STANDARDS FOR APPROVAL OF TEMPORARY BUILDINGS AND TEMPORARY CONSTRUCTION USES			
Temporary Use	Location of Use	Operational Requirements	Duration of Use
Class A Temporary Building / Construction Uses			
Concrete, mortar and asphalt batching operations	Must be located at least 600 feet from property lines of lots that are used for residential purposes (measured as the shortest linear distance from the edge of the operation and the boundary or property line). Must be set back at least 40 feet from the right-of-way line and 25 feet from all other property lines.	Restroom facilities shall be provided on-site for employees / contractors. Plans shall provide for stormwater management and erosion and sediment control, and upon termination of use, final grading, site stabilization, and re-vegetation. Surety shall be provided in the amount of 125 percent of the estimated site restoration cost plus estimated road repair cost along principal truck routes. All necessary traffic control shall be provided at the applicant's expense. Appropriate dust control measures shall be implemented. Hours of operation shall be limited to 8:00 AM to 8:00 PM if any residential use is located within 1,000 feet; 6:00 AM to 10:00 PM in all other locations.	Established by approval, but will coincide with the use of the facility for a specified construction project.
Temporary construction yard	Must be set back at least 40 feet from the right-of-way line and 25 feet from all other property lines.	Plans shall provide for stormwater management and erosion and sediment control, and upon termination of use, final grading, site stabilization, and re-vegetation. Surety shall be provided in the amount of 125 percent of the estimated site restoration cost plus estimated road repair cost along principal truck routes. Appropriate dust control measures shall be implemented. Truck and heavy equipment activity limited to 8:00 AM to 8:00 PM if any residential use is located within 1,000 feet; 6:00 AM to 10:00 PM in all other locations.	Established by approval, but will coincide with the use of the facility for a specified construction project.
Class B Temporary Building / Construction Uses			
Temporary manufactured buildings	The building shall be set back as required for principal buildings, if possible. Alternative locations may be approved as part of a construction staging plan if there is no reasonable alternative location that complies with the required setbacks.	May be used by construction superintendent, construction workers, contractors, and other personnel on a construction team; a security office; or as temporary office or classroom space. Restroom facilities shall be provided on properties that use temporary buildings unless the buildings are only used for storage. May not be used as a residence.	No limit for public schools; construction-related facilities shall be removed prior to certificate of occupancy for last building; other buildings shall be removed within two years from date of permit.
Model homes and on-site real estate offices	On lot or parcel proposed for development	Sales limited to units located on the lot or parcel proposed for development; sales offices within model homes shall meet applicable building code criteria. Restroom facilities shall be provided in or within 100 feet of model homes or on-site real estate offices.	Temporary buildings shall be removed upon completion of the model home(s) or suitable permanent floor area on-site.

TABLE 21-2-404C STANDARDS FOR APPROVAL OF TEMPORARY BUILDINGS AND TEMPORARY CONSTRUCTION USES			
Temporary Use	Location of Use	Operational Requirements	Duration of Use
Temporary Storage Containers and Dumpsters			
Temporary storage containers	On a subject property that is served by the temporary storage container. No encroachment onto lawn areas or sidewalks is permitted. On nonresidential parcels, containers must be set back 20 feet from all property lines unless the Administrator determines a lesser setback is appropriate due to the configuration of the site.	N/A	In general, 5 days If an active construction project is occurring with a valid permit, 6 months If located behind the principal building and screened from view from public rights-of-way, 1 year.
Temporary dumpsters	Must be located on a hard surface on the lot using the dumpster, set back at least one ft. from the property line. Dumpsters shall be located behind nonresidential and multifamily buildings and shall not obstruct required parking areas.	All refuse shall be contained within the dumpster, and shall be secured if necessary to prevent it from being removed from the dumpster by wind or wildlife.	If used for construction or renovation, may remain in place for 1 week after the permit is closed. If used for other purposes, up to 10 days.

- (d) **Extension of Approvals.** Approvals pursuant to this Section may be extended upon demonstration of good cause, appropriate maintenance, extension of any required surety, and diligent pursuit of the purposes for which the uses were established. All applications for renewal of a temporary use permit issued pursuant to this Section shall be submitted to the Administrator at least seven days before the permit expires.

Sec. 21-2-405. - Short-Term Rental of Dwelling Units

- (a) **Generally.** The standards of this Section apply to short-term rental of residential dwelling units, which includes rental of all or part of a dwelling unit for a term of less than 30 days.
- (b) **Business License Required.** No dwelling unit shall be offered for short-term rental unless the owner or lessee (with the written authorization of the owner) has first secured a business license for such use from the City.
- (c) **Dwelling Unit Must Be Used as Primary Residence.** Dwelling units that are offered for short term rental shall be used as a primary residence by the owner or a lessee. Proof of primary residency shall include two of the following:
- (1) Current driver license or state-issued identification card;
 - (2) Current motor vehicle registration;
 - (3) Pre-printed pay stub, issued within 30 days of application; or

- (4) Bank or credit card statement, issued within 30 days of application.
- (d) **Parking.** Short-term rental contracts shall limit the number of guest vehicles to the number of parking spaces that are available to accommodate them.

Division 2-5. - Accessory Uses

Sec. 21-2-501. - Storage and Overnight Parking of Commercial Vehicles or Recreational Vehicles

- (a) **Generally.** Commercial vehicles and mobile homes shall not be parked or stored on any lot that is developed with a dwelling, or on any lot in any residential district (such lots, individually and collectively, "RESIDENTIAL LOTS"), except in accordance with this Section.
- (b) **Commercial Vehicles.** No more than one commercial vehicle, not to exceed one and one-half (1½) tons rated capacity for each family living on the premises, shall be parked overnight on a residential lot. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be parked overnight on a residential lot.
- (c) **Recreational Vehicles.** Recreational vehicles, except pickups with camper shells, shall not be parked or stored overnight on a residential lot unless such parking or storage is behind the front building line. A recreational vehicle shall not be occupied for a period of more than 48 hours while it is parked or stored on private property within the City (except in a manufactured home park or campground).

Sec. 21-2-502. - Home Occupations and Cottage Industries

- (a) **Generally.** The accessory use of a dwelling unit for business purposes is allowed pursuant to the standards of this Section. These regulations do not apply to the use of work spaces in live-work units or to a residential building that has been legally converted to a commercial use.
- (b) **Requirements and Limitations.** These standards are intended to protect the residential function and physical character of the neighborhood in which the accessory business use is located, including, but not limited to, the quiet enjoyment of nearby residential property by its occupants.
 - (1) *Minimum Lot and Building Requirements.*
 - a. There are no minimum lot and building requirements for a home occupation.
 - b. The minimum lot area for a cottage industry is 20,000 sf.
 - (2) *Physical Features and Building Character.* The following are not allowed:
 - a. Modifications to the principal building that alter its residential character;

- b. Construction of accessory buildings or structures that alter the residential character of the lot;
- c. New, separate entrances to the building that provide access only to the area used for the business; and
- d. Outdoor displays.

(3) *Limitations on Business Operations.* The following are not allowed:

- a. Solicitation, advertising, or promotion of the business in a manner that generates commercial traffic, either vehicular or pedestrian, that is inconsistent with the residential character of the neighborhood.
- b. Parking demands that are inconsistent with the residential use of the neighborhood.
- c. Use of areas outside of the principal or accessory buildings for business purposes, except parking.
- d. Business use of a garage in a manner that reduces available parking on the lot to less than that required by this UDC.
- e. Pick-up or delivery of products or machinery by commercial vehicles or heavy trucks other than parcel pick-up and delivery services.
- f. Production of noise, vibration, light, dust, odor, fumes, smoke, or other comparable effects which are detectable outside the dwelling unit.
- g. Storage of hazardous, combustible, or volatile materials in amounts which are greater than typically stored for home use.
- h. Storage of motor fuels in amounts that are greater than typically stored for home use. Storage of more than five gallons of gasoline or diesel fuel on site, or storage of more than 15 gallons of biodiesel on site, shall be presumed to be in violation of this requirement if related to a home-based business.
- i. No commercial vehicles associated with the business shall be stored at the home location or stored parked on residential streets.
- j. Professional services, instruction, or counseling to more than one person at one time unless it meets the standards of subsection (b)(5), *Small Groups*.

(4) *Employees.*

- a. A Home Occupation may employ any resident of the dwelling unit, plus one additional employee who does not reside in the dwelling unit. A Cottage Industry may employ any resident of the dwelling unit, plus three additional employees who do not reside in the dwelling unit.
- b. Employees who work off-site shall not regularly gather at the dwelling unit for transportation to off-site locations.

(5) *Small Groups.*

- a. Professional services, instruction, or counseling to small groups of up to six persons are allowed as a Cottage Industry.
 - b. Professional services, instruction, or counseling to small groups of up to four persons may be allowed as a Home Occupation if the following are met:
 - i. The total number of small group gatherings shall not exceed two times per week.
 - ii. The small groups shall not be scheduled on the same day of the week.
- (6) *Building and Fire Code Compliance.* If the business use of the home involves employees who are not residents of the home, the building shall comply with all applicable building and fire codes, as amended from time to time.
- (c) **Business License Required.** The use of a dwelling unit for business purposes requires a business license from the City.
- (d) **Continuation of Established Business Use of the Home.** Any lawful business use of the home that is operating on the effective date, which has a current, valid business license, shall be permitted to continue notwithstanding the provisions of this Section; provided, however, that such use is not expanded or modified in a manner that creates a greater impact on the neighborhood. Future expansions or modification of the principal building or use, or change in the business license shall thereafter comply with all applicable provisions of this UDC.

Article III. - Density, Intensity, Open Space, Landscape Surface, and Scale

Division 3-1. - Purpose and Application of Article

Sec. 21-3-101. - Purpose of Article

The purpose of this Article is to set out density, intensity, open space, landscape surface, and scale requirements to ensure that new development in each zone is compatible with the existing or planned character and scale of the zone.

Sec. 21-3-102. - Application of Article

- (a) Division 3-2, *Residential Development Yield*, establishes a residential density limitation and a minimum open space ratio for each zone. The maximum density is used to calculate the maximum number of dwelling units that are allowed on a subject property. The minimum open space ratio is used to determine how much of the subject property may be developed with buildings and paved areas. The buildable area of the subject property may be laid out with a variety of lot types, based on the housing types that are allowed in the zone (*see* Section 21-2-202, *Residential and Special Residential Land Use*), and the lot and building standards for those housing types (*see* Division 4-2, *Housing Palette*).
- (b) Division 3-3, *Nonresidential and Mixed-Use Development Yield*, sets out standards for the minimum amount of landscape area that is required in nonresidential or mixed-use development, and standards for the scale of nonresidential buildings that are located within residential zones.

Division 3-2. - Residential Development Yield

Sec. 21-3-201. - Residential Density and Open Space

- (a) **Generally.**
 - (1) The number of dwelling units that may be constructed on a subject property is based on the area of the subject property and the zone in which it is located.
 - (2) After the maximum number of dwelling units is calculated according to the standards of this Section, the specifications for individual lots or building types shall comply with the requirements of Division 4-2, *Housing Palette*, for the type(s) of housing that will be developed.
- (b) **Density and Open Space by Zone.** The maximum residential density and minimum open space ratio ("OSR") for each zone are set out in Table 21-3-201B, *Maximum Density and Minimum Open Space Ratio*.

TABLE 21-3-201B MAXIMUM DENSITY AND MINIMUM OPEN SPACE RATIO											
Standard	Zones										
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A
Maximum Density (u/a)	12	3	5	12	18	18	12	N/A	not limited	18	0.2
Minimum Open Space Ratio ("OSR") (%)	N/A	N/A	10%	10%	12.5%	15%	N/A	N/A	-	10%	-

Sec. 21-3-202. - Alternative Compliance with Open Space Ratio Requirements

- (a) **Generally.** The minimum open space ratio may be met (in whole or in part) by preserving an equivalent amount of open space on private property as provided in this Section.
- (b) **Standards for Alternative Compliance.** Private property may be counted towards open space requirements if all of the following conditions exist:
 - (1) The proposed development has fewer than 10 dwelling units; and
 - (2) The plat includes building envelopes and, as appropriate, designated landscape areas, that will ensure that:
 - a. Applicable yard requirements of the housing palette (*see* Division 4-2, *Housing Palette*) will be applied; and
 - b. Buildings and structures (except fences) are not allowed in areas that are used to meet the open space requirement; and
 - (3) The drainage plan shows how drainage will be conveyed to appropriate stormwater facilities; and
 - (4) Bufferyards, if required, are identified on the plat as landscape easements; and
 - (5) Covenants, conditions, and restrictions:
 - a. Provide for the ongoing maintenance of landscape easements (where such easements exist);
 - b. Ensure that the maintenance requirement is enforceable by the City; and
 - c. Require the written consent of the Administrator prior to amendment of the maintenance obligation.

Division 3-3. - Nonresidential and Mixed-Use Development Yield

Sec. 21-3-301. - Required Landscape Surface Ratio

- (a) **Generally.** The standards of this Section apply to nonresidential and mixed-use development.

- (b) **Required Landscape Surface Ratio (“LSR”).** Required LSRs for nonresidential uses in each zone are set out in Table 21-3-301B, *Minimum LSR by Zone*. The LSR is the minimum portion of the subject property that must be allocated to natural features, permeable surfaces, or landscaping.

TABLE 21-3-301B MINIMUM LSR BY ZONE											
Standard	Zones										
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A
Minimum LSR	15%	25%	25%	15%	15%	10%	10%	-	-	15%	80%

Sec. 21-3-302. - Development Intensity

- (a) **Generally.** In nonresidential and mixed-use zones, the intensity of development (*e.g.*, floor area ratio), is not directly regulated. Instead, it is limited by required parking, landscape surface ratio, setbacks, building height, and buffering requirements. The intensity of specific uses may be limited by use-specific or district-specific building coverage, floor area, or height standards, or by conditions of approval of a conditional use.
- (b) **Nonresidential Scale in Residential Zones.**
- (1) In residential zones (EN, RE, RL, RM, and RH), the gross floor area of nonresidential buildings (except schools and places of public assembly) shall be limited based on the type of street from which primary access is taken, as provided in Table 21-3-302B, *Nonresidential Building Scale in Residential Zones*.

TABLE 21-3-302B NONRESIDENTIAL BUILDING SCALE IN RESIDENTIAL ZONES			
Classification of Street from which Access is Taken	Maximum Building Coverage		Nonresidential Gross Floor Area Limit
	RE, RL	EN, RM, RH	
State Highway or Arterial	25%	35%	No Specific Limit
Collector	20%	30%	15,000 sf.
Local Street	15%	25%	8,000 sf.

- (2) The maximum nonresidential floor area for a subject property that is bounded by streets of different classifications may be based on a higher-order bounding street from which the property does not take access, provided that:
- The street that provides access intersects with the larger bounding street; and
 - No residential front yards are located across the street in the area between the access to the nonresidential parcel and the larger bounding street.

Article IV. - Lot, Building, and Structure Standards

Division 4-1. - Established Neighborhood Zone

Sec. 21-4-101. - Purpose and Application of Division

- (a) **Purpose.** The purpose of this Division is to provide standards that allow for neighborhood diversity and stability in the EN Zone. The EN Zone is generally characterized by medium and higher density single-family development, with duplexes and small multifamily buildings interspersed.
- (b) **Application of Division.** The standards of this Division apply within the EN Zone.

Sec. 21-4-102. - Status of Existing Lots and Buildings in EN Zone.

- (a) **Protection of Existing Lots, Buildings, and Density.**
 - (1) Lots within the EN Zone that were lawfully created and existing as of the date the zoning of the lot changed to the EN Zone are “conforming” for the purposes of this UDC regardless of their dimensions.
 - (2) Buildings within an EN Zone that were lawfully constructed as of the date the zoning of the lot changed to the EN Zone are “conforming” to these regulations regardless of their height, building coverage, floor area ratio, or setbacks.
 - (3) Duplex and multifamily residential dwelling units within the EN Zone that were lawfully constructed as of the date the zoning of the lot changed to the EN Zone are “conforming” to these regulations with regard to density.
 - (4) It is the policy of the City to allow for the continuation of existing residential uses, and for the construction of new single-family detached buildings on existing vacant lots in the EN Zone. As such, the development yield of each existing vacant lot in the EN Zone shall be a minimum of one single-family detached dwelling unit.
- (b) **Restriction on Subdivision of Combined Lots.** If two or more existing lots of record are combined for the purposes of development as of the effective date (*i.e.*, an existing building footprint spans two or more lots), they shall not be subsequently split for the purposes of separate development, unless all of the resulting lots meet the applicable minimum requirements for lot width, lot frontage, and lot area.

Sec. 21-4-103. - EN Zone Flexible Setback Standards

- (a) **Generally.** In general, the standards of Division 4-2, *Housing Palette*, apply within the EN Zone. However, with regard to residential building setbacks:

- (1) Setback standards apply to new residential building construction on vacant lots, redevelopment of developed residential lots for residential use, and to nonresidential buildings. Front setbacks may be reduced for single-family detached and duplex uses as provided in subsection (b), below.
- (2) Setback standards apply to expansions of existing residential buildings, except that such standards may be modified according to subsections (b) and (c), below.

(b) Contextual Front or Rear Setback Reduction.

- (1) The required front setback may be reduced if it is demonstrated that:
 - a. 50 percent or more of the lots on the same side of the street segment (not counting the applicant's lot) are developed with buildings that are set back at distances that are more or less than the required front yard setback;
 - b. The average front setback of all of the developed lots on the same side of the street segment (with fractions dropped) is less than the required front setback; and
 - c. The reduced front setback is not less than the average front setback of all of the developed lots on the same side of the street segment.
- (2) The required rear setback may be reduced if it is demonstrated that the proposed rear building setback is equal to not more than 10 percent less than the average actual rear setback of the other homes on the same side of the same block.

(c) Individual Lot Setback Reductions.

- (1) *All Setbacks.* Setback reductions on individual lots shall be applied only if it is demonstrated that the setback-specific standards below are met, and:
 - a. The proposed construction does not interfere with planned expansion of right-of-way (if right-of-way expansion is planned, the encroachment shall be evaluated as if the right-of-way has been expanded);
 - b. The proposed construction does not result in interference with a utility easement, drainage easement, emergency access, or required sight triangle; and
 - c. The proposed addition does not create new or increased nonconformity with respect to the building code or fire code (*e.g.* fire separation distance) on either the subject property or adjoining property.
- (2) *Front Setbacks.*
 - a. **OPTION #1.** The reduction is 10 percent or less of the required front setback, and the encroachment will not reduce the depth of a driveway to:
 - i. Less than 20 feet in length to the edge of the sidewalk; or
 - ii. Less than 25 feet in length to the edge of pavement if no sidewalk is either provided or planned.

- b. OPTION #2. The reduction is more than 10 percent of the required front setback, but less than 25 percent of the required front setback, and:
 - i. No garage doors or carport openings that face the street are located in the reduced setback area;
 - ii. The improvement is not more than 18 feet in height;
 - iii. The proposed construction does not involve the destruction of a healthy, mature tree; and
 - iv. If the encroachment is more than 10 feet wide (measured parallel to the front building line), then a canopy tree or evergreen tree is located between the encroachment and the street.
 - c. OPTION #3. The existing building encroaches upon the setback as of the effective date, and:
 - i. The proposed construction does not involve the destruction of a healthy, mature tree;
 - ii. The proposed construction will not reduce the depth of a driveway to less than 20 feet in length to the edge of the sidewalk or less than 25 feet in length to the edge of pavement if no sidewalk is either provided or planned; and
 - iii. The proposed construction will be set back not less than 90 percent of the setback of the existing building.
- (3) *Interior Side Setbacks.* Interior side setbacks may be reduced by up to 40 percent if it is demonstrated that the proposed construction meets the following standards:
- a. LIMIT OF ENCROACHMENT TOWARDS RESIDENTIAL PROPERTY. If the lot that adjoins the proposed building expansion is used for residential purposes, then:
 - i. The building expansion is screened from view from the street by at least one evergreen tree per story of the building expansion, unless it encroaches into the required side setback less than one foot closer to the lot line than the existing building;
 - ii. Building expansions that are 12 feet in height (measured from the average grade across the side of the proposed construction facing the abutting lot) or less are set back at least 42 inches from the side lot line; and
 - iii. Building expansions that are more than 12 feet in height (measured from the average grade across the side of the proposed construction facing the abutting lot) are set back at least five feet from the side lot line.
 - b. LIMIT OF ENCROACHMENT TOWARDS NONRESIDENTIAL PROPERTY OR OPEN SPACE. If the lot that abuts the proposed building expansion is used for nonresidential

purposes or permanent open space that is at least 20 feet in width, then the building expansion is set back at least 42 inches from the side lot line.

- c. HORIZONTAL DIMENSION. The building expansion, combined with the existing building, will not create a horizontal building dimension of more than 50 feet that does not include an offset in the building wall of at least two feet for a horizontal distance of at least six feet.
- d. WINDOWS. The building expansion does not include a window that is located directly across from another window on a residential building that is closer than 15 feet away, unless:
 - i. The window is on the first floor and a privacy fence is installed between the two buildings to a height of six feet; or
 - ii. The window is not operational and is made of glass block or frosted glass.

(4) *Street Side Setbacks.*

- a. On corner lots of double-loaded blocks, street side setbacks may be reduced up to 50 percent if it is demonstrated that:
 - i. The portion of the building expansion that encroaches on the street side setback contains not more than 15 percent of the floor area of the building; and
 - ii. No horizontal dimension of the part of the building expansion that encroaches upon the street side setback runs for more than 30 feet unless there is an offset of at least two feet for a distance of at least six feet to break up the apparent mass of the building wall.
- b. On corner lots that are not on double-loaded blocks, street side setbacks may be reduced as if the street side setback were a front setback.

(5) *Rear Setbacks.* Rear setbacks may be reduced up to 20 percent if it is demonstrated that:

- a. No driveway on an alley-loaded lot with a rear-facing garage door will be affected such that its resulting length will be between three and 20 feet.
- b. There will be at least 500 square feet of useable, permeable landscaped area in the back yard.
- c. The encroachment affects not more than 40 percent of the rear elevation of the building.

Division 4-2. - Housing Palette

Sec. 21-4-201. - Purpose and Application of Division

- (a) **Purpose.** The purpose of Division 4-2, *Housing Palette*, is to set out types of housing that may be developed in the City, and to establish minimum lot and building standards (and in some cases, other applicable standards) for each housing type. The housing palette provides a range of choices for lot sizes and housing types so that applicants may design projects that promote affordability and diversity, address multiple market demands, and (where appropriate) protect open space and natural resources.
- (b) **Application.**
- (1) *Measure the Available Land.* Step 1 is to multiply the open space ratio by the land area of the subject property to determine how much land must be open, and how much land is available for development. The open space that is required in each zone is set out in Article III, *Density, Intensity, and Open Space*.
 - (2) *Calculate the Maximum Unit Count.* Step 2 is to calculate the maximum unit count by multiplying the allowed density by the land area of the subject property (in acres, including open space). The densities that are allowed in each zone are set out in Article III, *Density, Intensity, and Open Space*.
 - (3) *Check the Use Table.* Step 3 is to determine which housing types are allowable in the zone by checking the use table. The use table is set out in Section 21-2-202, *Residential and Special Residential Land Use Table*.
 - (4) *Check the Site Design Standards and Apply the Housing Palette.* Step 4 is to review the applicable design standards in this Article and Article V, *Site Design Standards*, and then lay out a development that incorporates the allowable housing types of the applicant's choice. The standards for each housing type are set out in this Division.

Sec. 21-4-202. - Single-Family Detached Lot and Building Standards

- (a) **Generally.** The single-family detached housing type consists of a single-family dwelling unit located on a privately-owned lot with private yards on each side of the dwelling unit. An illustrative single-family detached building is shown in Figure 21-4-202A, *Illustrative Single-Family Detached Building*.

FIGURE 21-4-202A
ILLUSTRATIVE SINGLE-FAMILY DETACHED BUILDING



- (b) **Lot and Building Standards.** Table 21-4-202B, *Single-Family Detached Lot and Building Standards*, below, establishes lot and building standards for four types of single-family dwelling units.

TABLE 21-4-202B SINGLE-FAMILY DETACHED LOT AND BUILDING STANDARDS								
Single-Family Lot Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ¹
Estate Lot (Street Access)								
Principal Building	12,000 sf.	100 ft.	30 ft.	10 ft.	30 ft.	25 ft.	2.5	20%
Accessory Buildings			49 ft.	10 ft.	30 ft.	10 ft.	2	
Suburban Lot (Street Access)								
Principal Building	7,000 sf.	60 ft.	25 ft.	10 ft.	25 ft.	25 ft.	2	30%
Accessory Buildings			35 ft.	3 ft. ²	25 ft.	5 ft.	1	
Town Lot (Street Access)								
Principal Building	4,500 sf.	45 ft.	25 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Buildings			35 ft.	3 ft. ²	8 ft.	5 ft.	1	
Town Lot (Alley Access)								
Principal Building	4,500 sf.	40 ft.	15 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Buildings			Behind front building line	3 ft. ²	8 ft.	5 ft. ³	1.5	
TABLE NOTES: ¹ BCR = Building Coverage Ratio ² Increased setback may be required if required by fire code. ³ No garage with an overhead door that faces an alley shall be set back to create a driveway that is more than 3 ft. but less than 20 feet long.								

Sec. 21-4-203. - Duplex Lot and Building Standards

- (a) **Generally.** The duplex housing type consists of two single-family dwelling units located in a single building (either side-by-side or over-and-under). An illustrative duplex building is shown in Figure 21-4-203A1, *Illustrative Side-by-Side Duplex Building*, and Figure 21-4-203A2, *Illustrative Over-Under Duplex Building*.

FIGURE 21-4-203A1
ILLUSTRATIVE SIDE-BY-SIDE DUPLEX BUILDING



FIGURE 21-4-203A2
ILLUSTRATIVE OVER-UNDER DUPLEX BUILDING



- (b) **Lot and Building Standards.** Table 21-4-203B, *Duplex Lot and Building Standards*, below, establishes lot and building standards for duplex buildings.

TABLE 21-4-203B DUPLEX LOT AND BUILDING STANDARDS								
Duplex Type	Minimum						Maximum	
	Lot Area ¹	Lot Width ¹	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ²
Side-by-Side (Street Access)								
Principal Building	8,000 sf.	80 ft.	25 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Building			Behind principal building	5 ft.	8 ft.	5 ft.	1	
Side-by-Side (Alley Access)								
Principal Building	8,000 sf.	80 ft.	15 ft.	5 ft.	8 ft.	25 ft.	2	40%
Garage (attached or detached)			Behind principal building	5 ft.	8 ft.	3 ft. ³	1 ⁴	

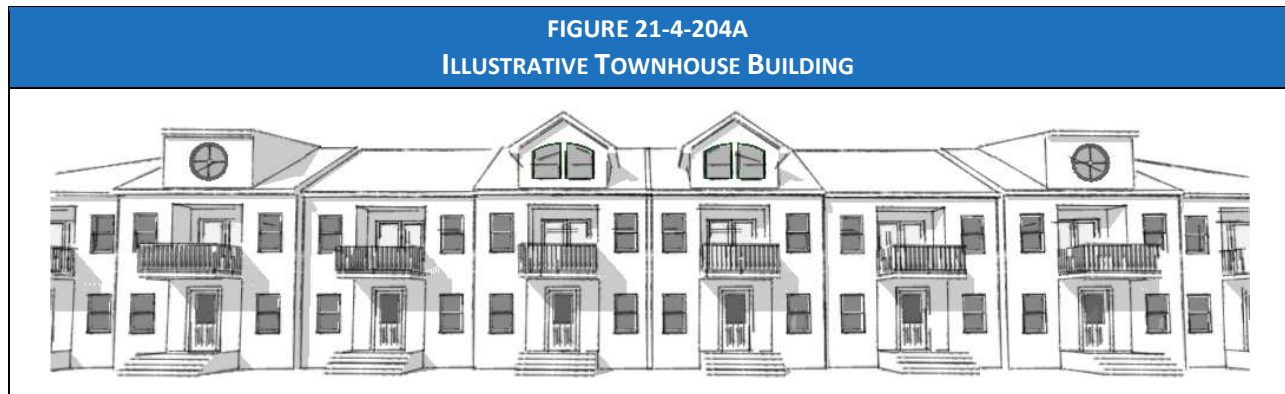
**TABLE 21-4-203B
DUPLEX LOT AND BUILDING STANDARDS**

Duplex Type	Minimum						Maximum	
	Lot Area ¹	Lot Width ¹	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ²
Accessory Building			Behind principal building	5 ft.	8 ft.	3 ft.	1	
Over-Under (Alley Access)								
Principal Building	7,000 sf.	70 ft.	15 ft.	5 ft.	8 ft.	25 ft.	2	45%
Garage (attached or detached)			Behind principal building	5 ft.	8 ft.	3 ft. ³	1 ⁴	
Accessory Building			Behind principal building	5 ft.	8 ft.	3 ft.	1	
TABLE NOTES: ¹ Measured per building. No dwelling unit shall be allocated less than 40 percent of the lot area or lot width. ² BCR = Building Coverage Ratio ³ No garage with an overhead door that faces an alley shall be set back to create a driveway that is more than 3 ft. but less than 20 feet long. ⁴ Attached garages within the setbacks for the principal building are treated as part of the principal building.								

Sec. 21-4-204. - Townhouse Lot and Building Standards

- (a) **Generally.** The townhouse housing type consists of three or more dwelling units located in a single building, in which the individual dwelling units are separated by vertical firewalls. An illustrative townhouse building is shown in Figure 21-4-204A, *Illustrative Townhouse Building*.

**FIGURE 21-4-204A
ILLUSTRATIVE TOWNHOUSE BUILDING**



- (b) **Lot and Building Standards.** Table 21-4-204B, *Townhouse Lot and Building Standards*, below, establishes lot and building standards for townhouse buildings.

**TABLE 21-4-204B
TOWNHOUSE LOT AND BUILDING STANDARDS**

Townhouse Lot Type	Minimum						Maximum	
	Lot Area (per unit)	Lot Width (per unit)	Front Setback	Building Separation	Street Side Setback	Rear Setback	Stories	Units per Bldg.
Street Access	2,500 sf.	25 ft.	10 ft. / 20 ft. ¹	10 ft.	10 ft.	15 ft.	2	6
Alley or Parking Court Access	2,200 sf.	22 ft.	8 ft.	10 ft.	10 ft.	0 ft. ²	3	8

TABLE 21-4-204B TOWNHOUSE LOT AND BUILDING STANDARDS								
Townhouse Lot Type	Minimum						Maximum	
	Lot Area (per unit)	Lot Width (per unit)	Front Setback	Building Separation	Street Side Setback	Rear Setback	Stories	Units per Bldg.
TABLE NOTES: ¹ Setback to garage door. ² May be increased as the City determines is necessary to provide safe access along the alley or within the parking court. Garage doors that face alleys or parking courts shall not be located in the area between 4 feet and 20 feet from the nearest edge of the alley or parking court.								

Sec. 21-4-205. - Multiplex or Multifamily Lot and Building Standards

- (a) **Generally.** Multiplex and multifamily are both multiple-family building types. Multiplex buildings are constructed to look like large single-family homes with alley access. *See Figure 21-4-205A1, Illustrative Multiplex Building.* The multifamily housing type is typically in the form of apartments or condominiums of two to three stories in height. *See Figure 21-4-205A2, Illustrative Multifamily Building.* Multifamily dwelling units may also be located in the upper floors of vertically mixed-use buildings; however, those buildings are subject to the standards for nonresidential and mixed-use buildings set out in Division 4-3, *Nonresidential and Mixed-Use Lot and Building Standards*, and not the standards of this Section.

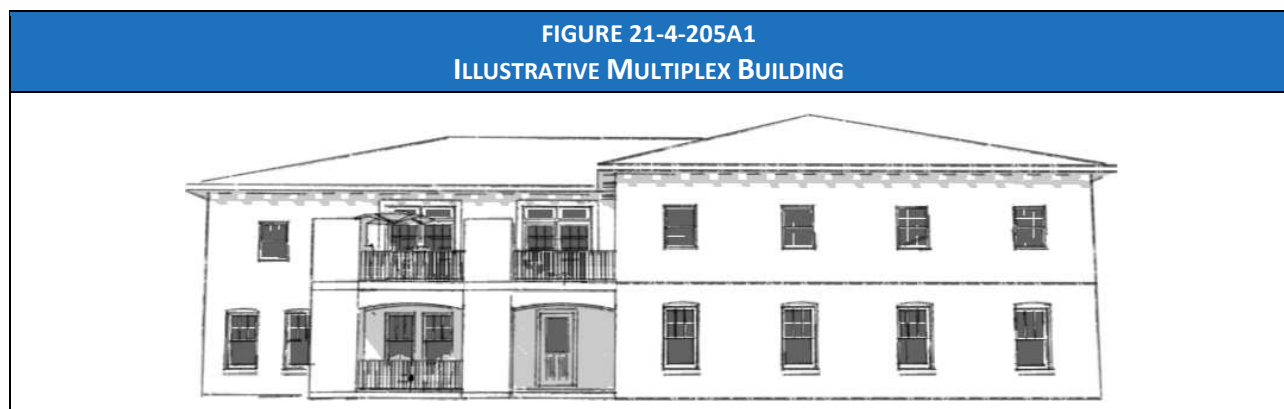


**FIGURE 21-4-205A2
ILLUSTRATIVE MULTIFAMILY BUILDING**

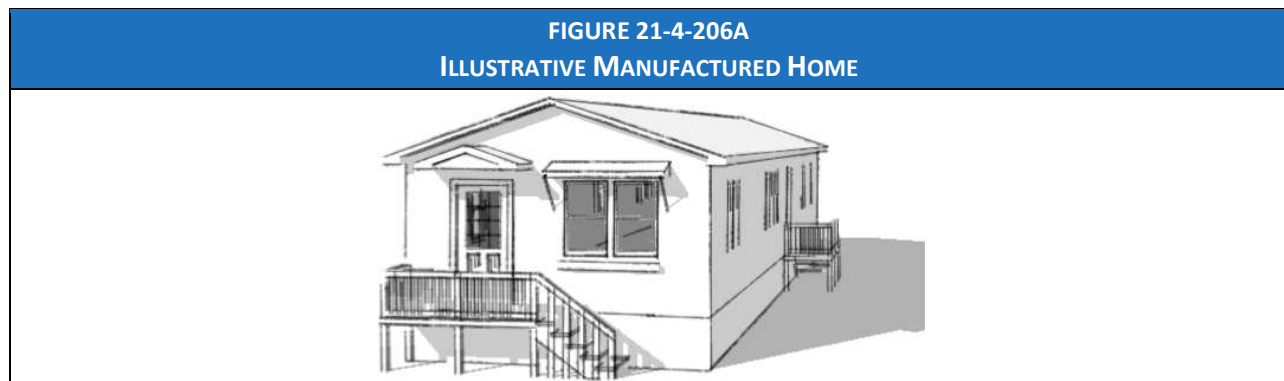


- (b) **Lot and Building Standards.** Table 21-4-205B, *Multiplex and Multifamily Lot and Building Standards*, below, establishes lot and building standards for multiplex and multifamily buildings.

TABLE 21-4-205B MULTIPLEX AND MULTIFAMILY LOT AND BUILDING STANDARDS		
Development Standards	Housing Type	
	Multiplex	Multifamily
Dimensions of Subject Property		
Minimum Area of Subject Property	3-unit building: 8,000 sf. 4-unit building: 10,000 sf. 5-unit building: 12,000 sf.	11,000 sf.
Minimum Width of Subject Property	3-unit building: 80 ft. 4-unit building: 100 ft. 5-unit building: 120 ft.	70 ft.
Minimum Setbacks and Building Separation		
Front Setback	15 ft.	15 ft.
Interior Side Setback	10 ft.	10 ft.
Building Separation	15 ft.	15 ft.
Street Side Setback	15 ft.	15 ft.
Rear Setback	20 ft.	20 ft.
Parking Setback	3 ft. ¹	3 ft. ¹
Height and Building Coverage		
Maximum Stories	2.5	3
Maximum Building Coverage Ratio	45%	45%
TABLE NOTES:		
¹ No garage with an overhead door that faces an alley shall be set back to create a driveway that is more than 3 ft. but less than 20 feet long.		

Sec. 21-4-206. - Manufactured Home Lot and Building Standards

- (a) **Generally.** Manufactured homes are a special type of single-family detached home, in that they are constructed in factories according to federal standards (instead of local building codes), and are designed to be moved. There are three types of manufactured homes: single-wide (transported in one section), double-wide (transported in two sections), and triple-wide (transported in three or more sections). An illustrative example of a single-wide is provided in Figure 21-4-206A, *Illustrative Manufactured Home*.



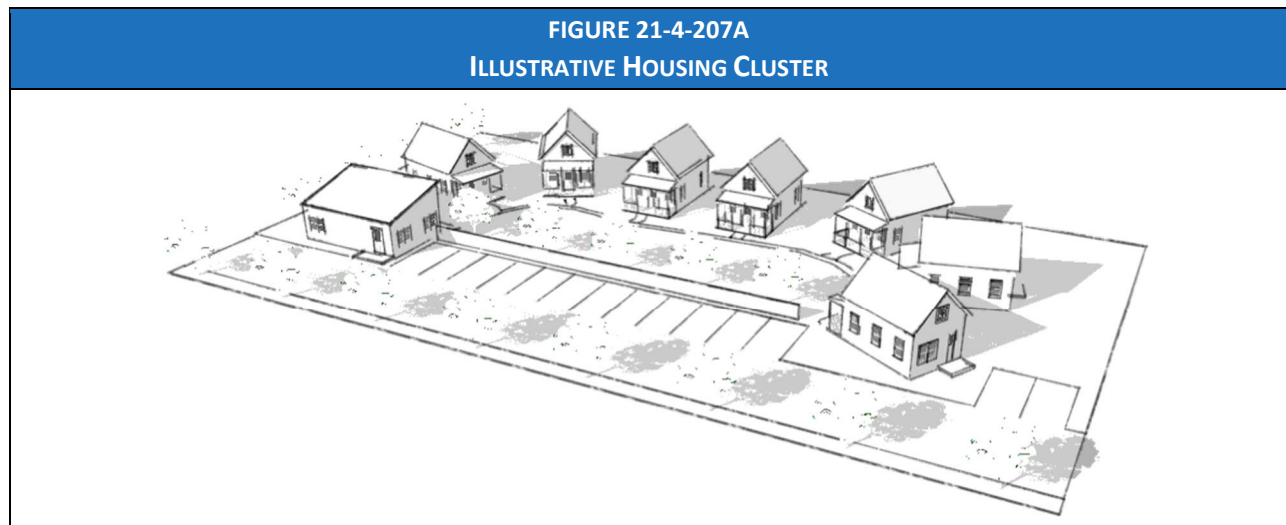
(b) **Lot and Building Standards.**

- (1) The lot and building standards for manufactured homes are set out in Table 21-4-206B, *Manufactured Home Lot and Building Standards*. The standards of this Subsection apply to manufactured homes that are located in new manufactured home parks or manufactured home subdivisions, or expanded areas of existing manufactured home parks or manufactured home subdivisions.
- (2) In existing manufactured home parks and manufactured home subdivisions, manufactured homes may be placed on existing lots or spaces that do not comply with this section, provided that they are spaced a minimum of 10 feet apart and 10 feet from the boundary lines of the manufactured home park or manufactured home subdivision.
- (3) Where manufactured homes are allowed as an individual residential use in other areas, they are subject to the standards applied to single-family detached homes.

TABLE 21-4-206B MANUFACTURED HOME LOT AND BUILDING STANDARDS								
Lot Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ¹
Single-Wide	4,000 sf.	40 ft.	15 ft. ²	5 ft.	8 ft.	10 ft.	1	50%
Double-Wide	5,000 sf.	50 ft.	15 ft. ²	5 ft.	8 ft.	10 ft.	1	50%
Triple-Wide	6,000 sf.	60 ft.	15 ft. ²	5 ft.	8 ft.	10 ft.	1	50%
TABLE NOTES:								
¹ BCR = Building Coverage Ratio								
² Where parking is provided in front of the building, the setback shall be increased to 20 ft.								

Sec. 21-4-207. - Tiny Home, Cottage, Small Duplex, and Co-housing Cluster Lot and Building Standards

- (a) **Generally.** The tiny home and cottage housing types consists of small single-family detached residences that have a floor area that is less than 750 square feet. The small duplex housing type is a duplex with a total floor area of less than 1500 square feet. These housing types are typically arranged in a cluster of three to 12 residential buildings around a green space, and may include a common building as an amenity (*e.g.*, a common kitchen or meeting area). Vehicular access is provided by a shared parking lot. *See Figure 21-4-207A, Illustrative Housing Cluster.*

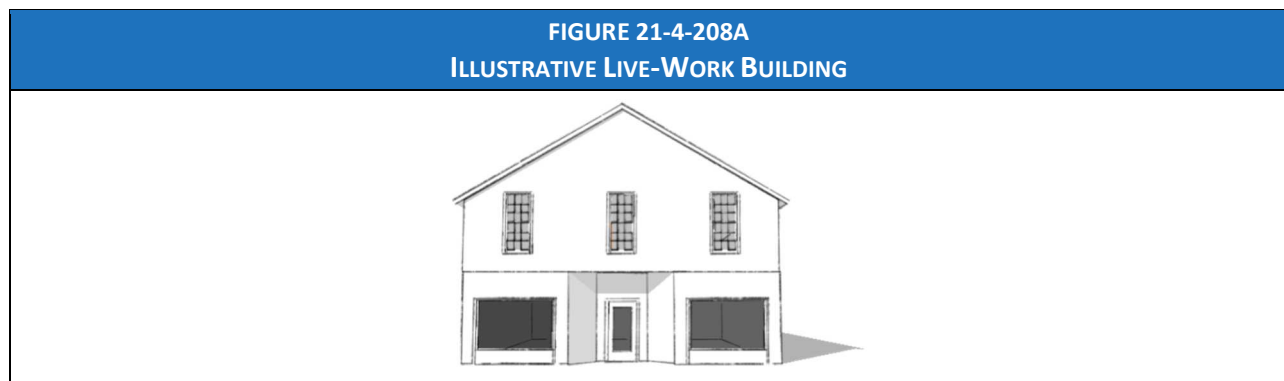


- (b) **Lot and Building Standards.** Table 21-4-207B, *Tiny Home, Cottage, Small Duplex, and Co-Housing Cluster Lot and Building Standards*, below, establishes lot and building standards for clusters of tiny homes, cottages, and small duplex buildings, and for common buildings within the clusters.

TABLE 21-4-207B TINY HOME, COTTAGE, SMALL DUPLEX, AND CO-HOUSING CLUSTER LOT AND BUILDING STANDARDS									
Housing Type	Minimum							Maximum	
	Lot Area ¹	Lot Width ²	Front Setback ³	Side Setback ³	Street Side Setback ³	Rear Setback ³	Building Spacing ⁴	Stories	OSR ⁵
Tiny Home ⁶	7,500 sf.	75 ft.	15 ft.	10 ft.	10 ft.	15 ft.	15 ft. front to front; 10 ft. all other	1	35%
Cottages ⁷	12,500 sf.	125 ft.						1.5	
Small Duplex ⁷	12,500 sf.	125 ft.						1.5	
Common Building	12,500 sf.	125 ft.						1.5	
TABLE NOTES: ¹ Minimum area of subject property in which cluster is developed. ² Minimum width of subject property in which cluster is developed. For clusters that include more than one housing type, the largest minimum width applies. ³ Applies to cluster as a whole in relation to adjoining property. ⁴ Minimum spacing among buildings within the cluster. ⁵ OSR = Open Space Ratio. ⁶ Building footprint of 400 sf. or less. ⁷ Building footprint of 800 sf. or less.									

Sec. 21-4-208. - Live-Work Lot and Building Standards

- (a) **Generally.** The live-work housing type consists of a dwelling unit with an integrated ground-floor workspace. Live-work buildings may take many forms, including single-family detached, townhouse, and multifamily. An illustrative single-family detached live-work building is shown in Figure 21-4-208A, *Illustrative Live-Work Building*.



- (b) **Lot and Building Standards.** Table 21-4-208B, *Live-Work Lot and Building Standards*, below, establishes lot and building standards for live-work buildings.

TABLE 21-4-208B LIVE-WORK LOT AND BUILDING STANDARDS	
Lot Type	Lot and Building Standards
Single-Family Detached	See Sec. 21-4-202, <i>Single-Family Detached Lot and Building Standards</i>
Townhome	See Sec. 21-4-204, <i>Townhouse Lot and Building Standards</i>
Multifamily	See Sec. 21-4-205, <i>Multiplex or Multifamily Lot and Building Standards</i> (multifamily only)

Division 4-3. - Nonresidential and Mixed-Use Lot and Building Standards

Sec. 21-4-301. - Nonresidential and Mixed-Use Lot and Building Standards

Table 21-4-301, *Nonresidential and Mixed-Use Lot and Building Standards*, sets out the lot and building standards for nonresidential and mixed-use development.

TABLE 21-4-301 NONRESIDENTIAL AND MIXED-USE LOT AND BUILDING STANDARDS											
Standard	Zones										
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A
Minimum Lot Standards											
Lot Area	8,000 sf.	0.5 ac.	0.5 ac.	8,000 sf.	8,000 sf.	0.5 ac. ¹	0.5 ac.	0.5 ac.	N/A	N/A	5 ac.
Lot Width (ft.)	80 ft.	100 ft.	100 ft.	80 ft.	80 ft.	100 ¹	100	100	25	N/A	165
Minimum Setback Standards (ft.)											
Front	25	30	30	25	25	0	30	30	0	25	30
Street Side	10	30	30	25	10	0	30	30	0	25	30
Interior Side											
Principal Buildings	7	10	10	7	7	0 ²	7	7	0	7	20
Accessory Buildings	3	10	3	3	3	0 ²	3	3	0	3	15
Rear											
Principal Buildings	25	25	25	25	25	0 ²	25	25	0	20	25
Accessory Buildings	5	10	5	5	5	0 ²	5	5	0	5	10
Maximum Building Height Standards (ft.)											
Principal Buildings	35	35	35	35	50	50	50	50	50	90	45
Accessory Buildings	20	20	20	20	20	20	20	25	20	45	45
TABLE NOTES: ¹ Lot area and lot width may be reduced if parking is provided in centralized facilities outside of the subject property and sufficient landscape surface is provided in the development as required by Section 21-3-301, <i>Required Landscape Surface Ratio</i> . ² If the lot line from which the setback is measured is shared with a lot that is put to residential use, the setback is 20 feet.											

Division 4-4. - Exceptions to Lot and Building Standards

Sec. 21-4-401. - Purpose and Application of Division

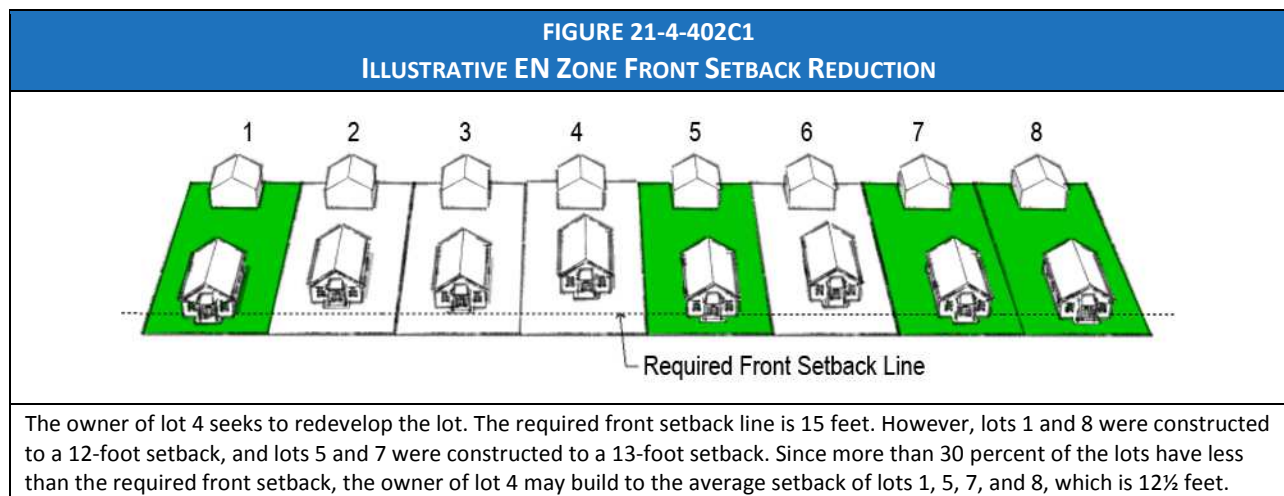
The purpose of this Division is to set out the exceptions to the lot and building standards that are set out in Division 4-2, *Housing Palette*, and Division 4-3, *Nonresidential and Mixed-Use Lot and Building Standards*.

Sec. 21-4-402. - Setback Flexibility

- (a) **Generally.** Setbacks may be administratively modified as provided in this Section.
- (b) **Effect on Building Coverage.** The objective of this Section is not to allow an increase the permissible building coverage, but instead, to provide for a range of relationships between buildings and the street.

(c) **Front Setbacks.**

- (1) *EN Zone.* In the EN Zone, the front yard requirement for single-family detached and duplex dwellings that front on local streets (not collector or arterial streets) may be reduced if:
- 30 percent or more of the lots on the same side of the street segment (not counting the subject property) within the same Zone are developed with principal buildings that are set back at distances that are less than the required front setback;
 - The reduced front setback is not less than the average front setback of the developed lots on the same side of the street segment that are set back less than the required front setback. (See Figure 21-4-402C1, *Illustrative EN Zone Front Setback Reduction*).



- (2) *CA Zone.* In the CA Zone, front setbacks may be reduced to five feet if:
- A build-to line is established along the same side of the block;
 - For single-family detached, duplex, and townhome buildings:
 - Access is taken from an alley;
 - Garage doors that face alleys are not located in the area between 4 feet and 20 feet from the nearest edge of the alley; and
 - Buildings have a porch or stoop frontage (see Figure 21-4-402C2, *Illustrative Frontage Types*).
 - For nonresidential, mixed-use, and multifamily buildings:
 - Parking is not located between the building and the street;
 - Nonresidential and mixed-use buildings have shopfront, gallery, arcade, or forecourt frontages; and
 - Multifamily buildings have a porch, stoop, gallery, arcade, or forecourt frontage (see Figure 21-4-402C2, *Illustrative Frontage Types*).

FIGURE 21-4-402C2
ILLUSTRATIVE FRONTAGE TYPES



(d) **Interior Side Setbacks.**

- (1) Interior side setbacks for single-family detached lots may be reduced by the Administrator up to 30 percent (or up to 100 percent if the applicant owns or controls both affected lots), provided that:
 - a. There is no reduction of an interior side setback along a lot line that is also a boundary line of the subject property;
 - b. Buildings on both sides of the reduced setback are constructed to applicable building and fire codes based on their proximity to each other;
 - c. There is sufficient space between the buildings for building maintenance and emergency access, or a sufficient easement is provided on the adjacent lot for such access; and
 - d. Windows that face the reduced setback are not located across from each other unless they are frosted and inoperable, or located at least six feet above the room floor of the story in which they are located.
- (2) Interior side setbacks for lots that are not used for single-family detached purposes may be reduced by the Administrator by up to 20 percent, provided that:
 - a. The reduction is necessary due to the existing development of the lot, or specific physical or access constraints justify the reduction;
 - b. The reduction affects only one side lot line;

- c. The affected side lot line is not shared with a lot that is put to single-family detached or duplex use; and
 - d. Buildings on both sides of the reduced setback are constructed to applicable building and fire codes based on their proximity to each other.
- (e) **Street Side Setbacks.** Street side setbacks may be reduced by the Administrator by up to 20 percent, provided that:
 - (1) There will be no material impact on public safety as a result of potential obstruction of the street for sight distances, or movement of emergency vehicles;
 - (2) Sight triangles are not obstructed;
 - (3) Building walls are located at least five feet from the inside edge of the public sidewalk and do not encroach upon the public right-of-way or drainage or utility easements; and
 - (4) All street-facing overhead doors are set back 20 feet.
- (f) **Rear Setbacks.** Rear setbacks may be reduced by the Administrator by up to 20 percent for lots with street access, and up to 100 percent for lots with alley access, provided that:
 - (1) If the lot is accessed from an alley:
 - a. There is sufficient area for parking, and maneuvering, and safe passage along the alley;
 - b. Sight triangles are not obstructed;
 - c. There will be no material impact on public safety as a result of potential obstruction of a street or alley for sight distances or movement of emergency vehicles; and
 - d. All alley-facing overhead doors are set back less than three or more than 20 feet.
 - e. The building will not encroach upon a drainage or utility easement.
 - (2) If the lot is accessed from a street, windows within the reduced setback area do not face the back yards of adjoining single-family detached or duplex residential uses unless they are frosted and inoperable, or located at least six feet above the room floor of the story in which they are located

Sec. 21-4-403. - Projections into Required Setbacks

- (a) **Generally.** Specified structures and architectural features may encroach into required setback areas as provided in Table 21-4-403A, *Setback Reductions for Building Elements, Equipment, and Structures*. The encroachments authorized by this Section are subject to all applicable building code requirements.

TABLE 21-4-403A SETBACK REDUCTIONS FOR BUILDING ELEMENTS, EQUIPMENT, AND STRUCTURES						
Architectural Element	Yard In Which Setback Reduction is Allowed				Amount of Setback Reduction Allowed (use whichever column allows the least setback reduction)	
	Front	Interior Side	Street Side	Rear	Measured From Setback Line Towards Property Line	Measured From Property Line Towards Interior of the Property
Air conditioning units	No	Yes	Yes	Yes	3 ft.	3 ft.
Awnings, canopies, or sunshades without supports that extend to ground	Yes	Yes	Yes	Yes	4 ft.	2 ft.
Balconies	Yes	No	Yes	Yes	2 ft.	4 ft.
Chimneys	Yes	Yes	Yes	Yes	2 ft.	3 ft.
Decks, porches, or patios that are not covered, if the surface of the deck is less than 3 feet above average adjacent grade	Yes	No	Yes	Yes	Any distance	3 ft.
Decks, porches, or patios that are not covered, if the surface of the deck is 3 feet or more above average adjacent grade	No	No	No	Yes	2 ft.	5 ft.
One-story bay windows	Yes	No	Yes	Yes	2 ft.	4 ft.
Overhanging eaves and gutters	Yes	Yes	Yes	Yes	4 ft.	2 ft.
Parking shelters, detached from the principal building and open on all sides ¹	No	Yes	No	Yes	50% of the required setback	3 ft.
Stairways that are necessary for access to a permitted building or for access to property; fire escapes.	No	No	Yes	Yes	As necessary	3 ft.
Cornices, canopies, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features	Yes	Yes	Yes	Yes	2 ft.	2 ft.
TABLE NOTES: ¹ This exception does not apply in zones that are developed with single-family detached dwelling units of any type.						

(b) **Limitations.** No building, building element, or structure shall cross a lot line:

- (1) Into separately owned property, unless a recorded document provides for access to and maintenance of the projection;
- (2) Into public property or rights-of-way, unless a revocable encroachment permit is issued by the Administrator;
- (3) Into access easements; or
- (4) Into utility easements, unless the design of the improvement and a recorded agreement allows access to the utility and allows the utility or the City to efficiently remove the encroachment at the property owner's expense.

Sec. 21-4-404. - Exception to Building Height Regulations

The height of chimneys, radio and television towers, wind chargers, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, grain elevators, and necessary mechanical appurtenances may exceed the building height regulations subject to approval as a conditional use, except that the standards for approval that are set out in Section 21-2-302, *General Standards for All Conditional Uses*, are replaced with the following:

- (1) The additional height does not materially affect the adequacy of light and air on adjacent properties or public rights-of-way;
- (2) The additional height does not materially affect views from neighboring properties to landmarks or scenic vistas;
- (3) The additional height does not affect public safety in case of structural collapse; and
- (4) Adequate firefighting capabilities are available to address the additional height in the event of a fire emergency.

Division 4-5. - Supplemental Standards**Sec. 21-4-501. - Purpose of Division**

The purpose of this Division is to set out standards for certain accessory buildings, structures, and accessory uses.

Sec. 21-4-502. - Accessory Buildings

- (a) **Generally.** Accessory buildings (e.g., detached garages, storage buildings, or accessory dwelling units) shall comply with all requirements for principal buildings except where specifically modified by this Chapter.
- (b) **Spacing.** No part of any accessory building shall be located closer than 10 feet to any other building, whether on the same lot or on an adjacent lot.
- (c) **Construction.** All accessory buildings (except greenhouses) that are larger than 200 square feet in floor area:
 - (1) Shall be installed on a permanent foundation; and
 - (2) Shall be designed and constructed with cladding and roofing materials and colors that are comparable or complimentary to the principal building.

Sec. 21-4-503. - Accessory Dwelling Units

- (a) **Generally.** Accessory dwelling units are allowed on lots that contain single-family detached dwelling units according to the standards of this Section.
- (b) **Accessory Dwelling Units in Accessory Buildings.** If the accessory dwelling unit is in an accessory building:

- (1) The floor area of the accessory dwelling unit may not be more than 500 square feet; and
 - (2) The lot area of the subject property must be at least 8,000 square feet or the lot depth of the subject property must be at least 125 feet.
- (c) **Integrated Units.** If the accessory dwelling unit is integrated into the principal building, the floor area of the accessory dwelling unit may not be more than 30 percent of the floor area of the principal building, except that an integrated accessory dwelling unit may occupy an entire basement or garden level, regardless of floor area.

Sec. 21-4-504. - Fences, Garden Walls, Retaining Walls, and Hedges

- (a) **Generally.** A fence, hedge, garden wall, retaining wall, column, pier, post, dog run, or any similar type structure, or any combination of such structures, are subject to the standards of this Section.
- (b) **Building Code.** All fences, garden walls, or retaining walls that are more than six feet in height are subject to Building Code requirements.
- (c) **Identification of Property Lines.** It shall be the responsibility of the property owner to locate all property lines. No fence or wall may extend beyond or across a property line except by agreement with the adjoining property owner. No fence, hedge, or wall shall extend into street or alley rights-of-way.
- (d) **Sidewalk Setback.** No fence, hedge, or wall shall be placed nearer than 18 inches to any public sidewalk, unless by written permission of the Administrator.
- (e) **Security Fencing.** No barbed wire, razor edge, or electrically charged fence shall be permitted, except as follows:
 - (1) In the I zone, barbed wire or razor edge fences may be used if there is a demonstrated need for heightened security due to the nature of the use.
 - (2) In the A zone, barbed wire or an electrically charged fence may be permitted as an internal fence (*i.e.*, not on the periphery of the property) if used to contain livestock.
- (f) **Dog Runs.** Dog runs are allowed only in back yards.
- (g) **Maximum Height; Exceptions.**
 - (1) No fence, garden wall, retaining wall, or hedge shall exceed six feet in height in a side yard, rear yard, or street side yard behind the front building line, and four feet in height in a front yard or street side yard in front of the front building line, except that:
 - a. If the State of Colorado requires a particular use to have a higher fence than this UDC otherwise allows, and the use meets all other requirements of this UDC, then the maximum height shall be increased to allow the state-mandated fence height.

- b. Wall height may be increased by up to two inches to allow for drainage under the wall.
 - c. The height of a dog run may be increased to up to ten feet, provided that the dog run is set back from property lines not less than two feet for each foot in height (or portion thereof) that the dog run extends above six feet.
 - d. Posts and pillars may exceed the maximum fence height by up to eight inches.
 - e. Open arches, gates, and pergolas may be constructed up to nine feet in height, provided such elements are spaced at least 30 feet apart.
 - f. Fences that are used for athletic fields (e.g., baseball diamonds), play courts (e.g., tennis), or driving ranges are not subject to the height restriction.
 - g. Walls that are used in Class D Bufferyards, and buffers between industrial uses and other uses, may be up to 10 feet in height.
- (2) The Administrator may approve deviations from the standards of this subsection as required to create appropriate buffering or screening, accommodate recreational uses, or provide for specific security requirements.

(h) **Materials.**

- (1) All privacy fences shall be constructed to orient any exposed structural framework to the interior of the subject property;
- (2) All fences, garden walls, or retaining walls that are visible from public rights-of-way must be made from traditional fence or wall materials such as:
 - a. Fence materials:
 - i. Wood, vinyl, or composite wood (in picket, shadowbox, or post-and-rail formats);
 - ii. Metal (chain-link fencing or aluminum or wrought iron decorative fencing);
 - b. Wall materials:
 - i. Stacked stone;
 - ii. Tinted split-face concrete masonry units;
 - iii. Brick;
 - iv. Stucco-finished block; or
 - c. For fences or walls, materials that are approved by the Administrator that are comparable to the materials listed in this subsection (h)(2).

Sec. 21-4-505. - Swimming Pools

- (a) **Generally.** A swimming pool may be permitted in any zone as an accessory use, subject to the standards of this Section.

- (b) **Location.** No public or private swimming pool may be located in any required front or side setback that abuts a street. No swimming pool basin shall be located closer than five feet to a property line.
- (c) **Enclosure.**
 - (1) Every swimming pool must be completely surrounded by a fence or garden wall not less than six feet in height with no openings that are large enough to facilitate climbing or permit children to pass through, other than gates or doors that can be fastened to protect against entry. A building may be used as part of such required enclosure.
 - (2) All gates or doors that open through such fenced or walled enclosures must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

Sec. 21-4-506. - Outdoor Storage

- (a) **Generally.** Outdoor storage areas, whether as a primary use (e.g. salvage or junk yard or outdoor storage yard) or accessory use (e.g., to heavy industry or heavy retail), shall meet the standards of this Section.
- (b) **Location.**
 - (1) The area used for outdoor storage shall be located in a back yard or side yard, except that if the principal use is heavy industry, outdoor storage yard, or salvage or junk yard, outdoor storage areas may be located anywhere on the subject property.
 - (2) Notwithstanding subsection (b)(1), outdoor storage area shall not be located in areas that are used for parking, bufferyards, or stormwater conveyance or detention areas, or that are environmentally sensitive areas (e.g., a wetland).
- (c) **Surfacing.** Outdoor storage areas shall be surfaced and maintained in a manner that prevents windblown particulates.
- (d) **Screening and Enclosure.** The area used for outdoor storage shall be enclosed by a Class B Bufferyard that includes fence or screen wall that is not less than six feet in height, except that:
 - (1) If the principal use is heavy retail, then the area used for outdoor storage shall be enclosed by a wall that is integrated into the principal building in terms of aesthetics, quality, and durability.
 - (2) If the principal use is salvage or junk yard, the area used for outdoor storage shall be enclosed by a Class C Bufferyard that includes a fence, screen wall, berm, or combination thereof that is at least eight feet in height.
 - (3) If the principal use is single-family or duplex residential, the area used for outdoor storage shall be enclosed by a privacy fence that is at least five feet in height.
- (e) **Operation and Maintenance.**

- (1) The area used for outdoor storage shall be kept orderly, pest-free, and odor-free.
 - (2) The following materials shall not be stored outdoors: gasoline, other motor fuels, and comparable or greater fire or explosion hazards; or items that have a high potential for generating obnoxious odors or windblown particulates or debris.
 - (3) Unless the principal use is salvage or junk yard, the outdoor storage area shall not be used to dispose of inoperable vehicles, inoperable machines, garbage, or other waste.
 - (4) If the principal use is single-family or duplex residential, outdoor storage areas shall not be used for storage of materials, products, and equipment used for a home occupation or cottage industry.
- (f) **Common Residential Outdoor Storage.** Residential development, including manufactured home parks and manufactured home subdivisions, may provide for common outdoor storage, as follows:
- (1) Common outdoor storage areas in residential developments shall be enclosed by a Class B Bufferyard.
 - (2) Access to the common outdoor storage area shall be provided from a street within the development.
 - (3) Common outdoor storage areas shall not be located such that they adjoin neighboring residential development.

Sec. 21-4-507. - Loading and Service Areas

- (a) **Generally.** Loading and service areas for nonresidential uses shall conform to the standards of this Section. Where alley access is not available for loading in the CBD zone, over-the-curb loading is allowed.
- (b) **Required Setback.** No areas for loading or building service shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian way.
- (c) **Design Integration.** Loading docks, semi-truck or trailer parking, utility meters, HVAC equipment, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are mitigated and, to the maximum extent feasible, out of view from adjacent properties and public streets.
- (d) **Materials.** Screening materials shall be comparable to the principal materials of the building and landscape in terms of aesthetics, quality, and durability.

Sec. 21-4-508. - Trash Collection

- (a) **Generally.** Trash collection for multifamily and nonresidential uses shall conform to the requirements of this Section.

- (b) **Centralized Collection Facilities.** Multifamily uses shall provide centralized collection facilities. Manufactured home parks, manufactured home subdivisions, and nonresidential uses may provide centralized collection facilities. Such facilities shall be designed and configured as follows:
- (1) *Distance to Dwelling Units or Nonresidential Uses.* Centralized solid waste collection facilities shall be located so that they are available within 200 linear feet of the principal entrance of each residential unit or nonresidential service entrance on the subject property.
 - (2) *Location on Site.*
 - a. Centralized solid waste collection facilities shall be set back at least:
 - i. 10 feet from interior property lines; and
 - ii. 20 feet from any public street, public sidewalk, or internal pedestrian way.
 - b. In the alternative, if it is not possible to service the centralized facilities in a location which is at least 10 feet from all property lines, then the facilities may be located closer to the property lines, provided that:
 - i. They are designed and constructed to be consistent and compatible with the building or buildings on the subject property in terms of materials and architecture;
 - ii. The setback reduction is applied to the front setback as a “last resort,” and only if it is demonstrated that no other setback reduction will solve the service problem; and
 - iii. They are located as far from the property line as is practicable.
- (c) **Enclosure Requirements.**
- (1) The areas where refuse and recycling containers are stored shall be fully enclosed to the height of the tallest dumpster with screen walls, privacy fencing, or a landscaped berm.
 - (2) The materials, colors, and design of screening walls or fences and any cover shall be comparable to those used as principal materials and colors on the principal building in terms of quality, durability, and aesthetic appearance.
 - (3) The enclosures shall be sized to include the types of solid waste containers that will be necessary to serve the use or uses of the subject property.
- (d) **Access Configuration.**
- (1) Service gates shall be provided and shall remain closed at all times except when the containers are being serviced.
 - (2) The enclosure shall also provide separate, accessible pedestrian access gates.
- (e) **Container Specification.** Containers shall be fly-tight, watertight, and rodent-proof.

Sec. 21-4-509. - Drive-In or Drive-Through Facilities

- (a) **Generally.** Drive-in or drive-through facilities, where allowed, are subject to the standards of this Section.
- (b) **Minimization of Circulation Conflicts.** Traffic circulation shall be arranged so that internal pedestrian and vehicular movements are compatible and traffic hazards are minimized.
- (c) **Minimization of Off-Site Hazards.** Traffic circulation, ingress and egress shall be arranged so as to avoid hazardous or adverse effects on adjacent sites and streets.

Sec. 21-4-510. - Satellite Dishes and Antennae

- (a) **Generally.** The standards of this Section apply to satellite dishes and antennae that are typically associated with residential uses. They are not applicable to facilities that are used for commercial purposes or the provision of personal wireless telecommunication services to people who do not reside on the lot on which the dish or antenna is located.
- (b) **TV Antennae, DTV Antennae, Wireless Cable Antennae, and Satellite Dishes.**
 - (1) The following are allowed if they are attached to a building or mounted on a mast that extends not more than 12 feet above the highest peak of the roof:
 - a. TV antennae;
 - b. DTV antennae;
 - c. Wireless cable antennae; or
 - d. Satellite dishes that are one meter or less in diameter; or
 - e. Antennae for MMDS, ITFS, or Wireless Internet, that are one meter or less in diameter or diagonal measurement.
 - (2) All cabling must be run internally (when feasible), securely attached, and as inconspicuous as practicable.
 - (3) Masts that are greater than 12 feet above the peak of the roof are allowed if it is demonstrated that:
 - a. An adequate signal cannot be obtained at a lower height; and
 - b. The mast and antenna are lower than overhead utility lines, or set back from overhead utility lines such that a collapse of the mast will not result in contact with the lines.
 - (4) Satellite dishes that are more than one meter in diameter are allowed if:
 - a. They are located on the ground in the rear yard and are not visible from ground-level views from public rights-of-way or abutting properties; or
 - b. If the dish cannot be located in the rear yard, it is located on the ground within the permitted building envelope on the side of the building, and the dish or antenna is fully screened from view from public rights-of-way with:
 - i. A masonry wall; or

- ii. An evergreen hedge or evergreen shrubs and understory trees.
- (c) **Amateur Radio Antennae.** Amateur radio antennae are permitted if the following standards are met:
 - (1) Height, setbacks, and screening for the antenna structure shall be as provided in Table 21-4-510C, *Amateur Radio Antennae*.
 - (2) Support structures that are not attached to the antenna structure are accessory structures for the purposes of this UDC.

TABLE 21-4-510C AMATEUR RADIO ANTENNAE				
Lot Area	Max. Height	Min. Front Setback	Min. Street Side Setback	Min. Side and Rear Setback
more than 2 ac.	120 ft.	100 ft.; or, alternatively, 20 ft. behind back wall of principal building	Height of antenna	Greater of required building setback or 70 ft.
more than 8,000 sf., up to 2 ac.	72 ft.	72 ft.; or alternatively, 15 ft. behind back wall of principal building	Height of antenna	Greater of required building setback or 25 ft.
8,000 sf. or less	40 ft.	Same as required for principal building		

Sec. 21-4-511. - Renewable Energy

- (a) **Generally.** Renewable energy systems include photovoltaic arrays (solar electric panels), geothermal heating and cooling systems. They do not include the manufacture of renewable combustible fuels (*e.g.*, ethanol or biodiesel).
- (b) **Photovoltaic Arrays.** Photovoltaic arrays convert sunlight into electricity. The following standards apply to photovoltaic arrays:
 - (1) *Roof-Mounts.* Photovoltaic arrays may be roof-mounted on principal and accessory buildings and structures (*e.g.*, covered walkways or covered parking spaces) in all residential districts.
 - (2) *Ground-Mounts or Structure-Mounts.* Ground or structure-mounted photovoltaic arrays (not mounted on buildings or roofed structures) shall be set back as if they were detached accessory buildings if the highest point on the panels is more than eight feet above grade.
- (c) **Geothermal Heating and Cooling Systems.** Geothermal heating and cooling systems use buried pipes to exchange heat with the ground, cooling buildings in the summer and warming them in the winter. Closed loop systems (horizontal and vertical loop systems) are permitted, provided that the loops are set back two feet from property lines and do not encroach into utility easements.

Sec. 21-4-512. - Unattended Collection Boxes

- (a) **Generally.** Unattended collection boxes may be located in parking and loading areas of nonresidential uses, according to the standards of this Section.

- (b) **Location.**
 - (1) Unattended collection boxes shall be set back at least five feet from front property lines.
 - (2) Unattended collection boxes shall not obstruct parking or vehicular circulation.
- (c) **Construction.** Unattended collection boxes shall be constructed of waterproof and rustproof materials, and shall be secured against animals and scavenging.
- (d) **Maintenance.** Materials that are deposited in unattended collection boxes shall be collected on a regular schedule that is sufficient to prevent the boxes from overflowing.

Division 4-6. - Wireless Telecommunications Facilities

Sec. 21-4-601. - Purpose and Applicability of Division

- (a) **Purpose.** The unique and diverse landscapes of the City are among its most valuable assets. Protecting these assets requires that wireless telecommunications facilities and related equipment be designed and sited in a manner that is sensitive to, and in scale and harmony with, the character of the community. As such, the purpose of this Division is to provide design standards specific to wireless telecommunications facilities in order to ensure their compatibility with the surrounding environment and existing and anticipated development patterns.
- (b) **Intent.**
 - (1) These regulations are intended to provide predictable, consistent, and balanced standards for the siting and screening of wireless telecommunications facilities and related equipment on private property within the City, in order to:
 - a. Preserve the character and aesthetics of areas that are in close proximity to wireless telecommunications facilities and related equipment by minimizing the visual, aesthetic, and safety impacts of such facilities and equipment through careful design, siting, screening, and placement;
 - b. Protect the health, safety, and welfare of persons living, recreating, or working in the area surrounding wireless telecommunications facilities and related equipment, as they relate to the placement, construction, or modification of such facilities;
 - c. Provide development that is compatible in appearance with allowed uses of the underlying zone;
 - d. Ensure that the City does not unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services;
 - e. Encourage co-location and clustering of antenna sites and structures, when practical, to help reduce the number of such facilities that may be required

in the future to service the needs of customers, and thus avert unnecessary proliferation of facilities and related equipment; and

- f. Ensure the timely processing of applications for insubstantial changes to existing wireless telecommunications facilities.

- (2) It is not the intent of these regulations to regulate the placement, construction, or modification of wireless telecommunications facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's regulations concerning such emissions.

(c) **Applicability.**

- (1) This Division applies to wireless telecommunications facilities and related equipment related to cellular telephone, paging, enhanced specialized mobile radio ("ESMR"), personal communication services ("PCS"), commercial mobile radio service ("CMRS"), and other commercial wireless telecommunication devices, including facilities and equipment that are affixed to the ground or buildings, and all associated structures and equipment such as transmitters, antennas, monopole antennas, towers, masts, microwave dishes, cabinets, and equipment rooms.
- (2) This Division does not apply to facilities that are regulated by Section 21-4-510, *Satellite Dishes and Antennae*.

- (d) **Conditions and Limitations.** Approval by the City of a wireless telecommunications facility or related equipment application is an approval of the land use only, and shall not be construed to waive any other applicable zoning or building regulations.

Sec. 21-4-602. - Site Selection Standards

- (a) Wireless telecommunications facilities shall, in accordance with the requirements of this UDC, be located in the following order of preference:
 - (1) First, the facilities shall be co-located with existing or approved wireless telecommunications facilities ("co-location priority"); or installed on existing approved structures that are (or will be) principally used for other purposes (*e.g.*, buildings, flagpoles, church steeples, cupolas, ball field lights, water towers, etc.) ("multiple-use facility priority");
 - (2) Second, in locations where existing topography, vegetation, buildings or other structures provide the greatest amount of screening; and
 - (3) Last, on vacant ground or highly visible sites without significant visual mitigation and where screening or buffering is difficult.
- (b) The co-location priority and multiple-use facility priority locations (collectively, "first priority locations") may be waived by the decision-making authority upon a showing that:
 - (1) Federal or state regulations prohibit the installation of the wireless telecommunications facility in the first priority locations;

- (2) The proposed wireless telecommunications facility would interfere with the current uses of the first priority locations;
- (3) The proposed wireless telecommunications facility, if installed in the first priority locations, would materially interfere with surrounding property or uses;
- (4) The owners of the first priority locations will not agree to reasonable terms;
- (5) No available first priority location is appropriate for the proposed wireless telecommunications facility due to its physical characteristics or capacity to provide the desired service from the first priority locations; or
- (6) Installation of the proposed wireless telecommunications facility in the first priority locations is not in the best interest of the public health, safety or welfare.

Sec. 21-4-603. - Telecommunications Towers

(a) **Location and Form.**

- (1) *Prohibited Locations.* Towers are not allowed in the following locations:
 - a. Residential zones, and any location within 100 feet of a residential zone boundary
 - b. The CBD zone
 - c. The area within 200 feet of the centerline of Highway 160
 - d. The area within 200 feet of the centerline of Highway 285 South
 - e. The area bounded by the railroad tracks, Highway 285 South, and Highway 160
- (2) *Prohibited Forms.* Guyed mast towers are prohibited.

- (b) **Maximum Height.** The maximum tower height by zone is set out in Table 21-4-603B, *Maximum Tower Height by Zone*.

TABLE 21-4-603B MAXIMUM TOWER HEIGHT BY ZONE							
Standard	Zone						
	Residential Zones	MU	CB	I	CBD	CA	A
Maximum Height	Not Allowed	100 ft.	100 ft.	100 ft.	Not Allowed	100 ft.	150 ft.

- (c) **Design for Concealment.** New telecommunications towers shall be designed insofar as practicable to conceal their presence or intended use. Design plans shall call out all design or location elements that tend to conceal the presence or intended use of the tower (e.g., limitation of height to tree line, color or material specifications, “stealth” features such as artificial tree limbs, or other contextual or physical features).
- (d) **Design for Co-location.** New telecommunications towers shall be designed to provide for co-location of other wireless telecommunications facilities or equipment by structurally “overbuilding” in order to handle the loading demands of additional antennas.

- (e) **Co-location of Additional Facilities.** Facilities that are proposed for co-location on an existing tower shall not reduce the effectiveness of any concealment techniques that applied to the existing tower when it was constructed.

Sec. 21-4-604. - Multiple-Use Facilities

- (a) **Generally.** All wireless telecommunications facilities (including co-located facilities) that are mounted on multiple-use facilities, and related equipment (whether installed on the roof or on the ground), shall be concealed from view from adjacent and nearby public rights-of-way and property (whether public or private) by paint color selection and either:
 - (1) Camouflage (*e.g.*, the facility appears to be an integrated part of the architecture of the building or the function of the structure, such that its presence is not obvious); or
 - (2) Physical barriers such as:
 - a. Parapet walls, screen walls, or architectural or structural elements (*e.g.*, steeples, cupolas, belfries, chimneys, towers, turrets,) that are compatible with the building or structure's design in terms of color, materials, or texture; or
 - b. Fencing, landscaping or berming that is compatible with the site's overall design.
- (b) **Height.**
 - (1) The maximum height of building-mounted wireless telecommunications facilities that are located on a rooftop is:
 - a. Antennae: 5 ft. above the highest portion of the roof; or
 - b. Whip antennae: 10 ft. above the highest portion of the roof.
 - (2) The maximum height of building-mounted wireless telecommunications facilities that are located on a building wall, or of structure-mounted (*e.g.*, flagpoles, light poles, water towers, and comparable structures) wireless telecommunications facilities, is:
 - a. The top of the parapet for a building with a flat-roofed system; or
 - b. The eave line above the equipment for a building with a sloped-roof system; or
 - c. The top of the structure.
- (c) **Setbacks and Step-backs.**
 - (1) Building-mounted antennae and related equipment shall be set back the same distances that are required for principal buildings.
 - (2) Roof-mounted antennae shall be stepped back from the parapet wall one foot for each foot in height between the roof surface and the top of the antenna.

Sec. 21-4-605. - Lighting and Signage

- (a) **Generally.** In addition to other applicable sections of the City code regulating signage or outdoor lighting, the standards of this Section apply to wireless telecommunications facilities and related equipment.
- (b) **Lighting.** Telecommunications towers and tower-mounted wireless telecommunications facilities and related equipment shall not be illuminated, unless such illumination is required by state or federal regulations. Wireless telecommunications facilities (except towers and tower-mounted facilities), including accessory buildings and equipment, may be illuminated as provided in Division 5-4, *Lighting*.
- (c) **Signage.** The display of any sign other than as required by law as to public safety warnings, licenses, certifications, or other required seals on any wireless communications facility or related equipment is prohibited. Emergency contact telephone numbers shall be posted:
 - (1) On each wireless telecommunications facility; or
 - (2) In the case of tower-mounted facilities, at the base of the tower or on each gate if the tower is enclosed by a security fence.
- (d) **Access.**
 - (1) Access to and from wireless telecommunications facilities and related equipment shall comply with all applicable building code requirements.
 - (2) No wireless telecommunications facility shall be located in a required parking, maneuvering, or vehicle or pedestrian circulation area such that it interferes with or in any way impairs the intent or functionality of the area for such parking or circulation.
 - (3) Wireless telecommunications facilities shall be secured from access by the general public, but access for emergency services must be provided. Access roads shall be capable of supporting all potential emergency response vehicles and equipment.
 - (4) Any easements required for ingress and egress and for electrical and telephone shall be recorded at the county clerk and recorder's office prior to the issuance of building permits.

Sec. 21-4-606. - Maintenance, Abandonment, and Removal

- (a) **Maintenance.** All towers, antennas, related facilities and equipment, and the subject property shall be maintained in a safe and clean condition in accordance with project approvals and building codes. The operator or property owner shall be responsible for maintaining the subject property and its improvements free from graffiti, debris, and litter. All towers, antennas and related facilities shall be subject to periodic inspection by the City to ensure continuing compliance with all conditions of approval and requirements of this section.

- (b) **Abandonment and Removal.** All required approvals shall be in effect only so long as the antennas and other structures are operated on the subject property. Facilities that are not in use for 180 consecutive days for personal wireless services purposes shall be considered abandoned and shall be removed by the facility owner within 45 days of the 180th consecutive day of non-use. Following removal, the subject property shall be restored to the condition it was in prior to the installation or construction of the facility. Such removal shall be carried out in accordance with applicable health and safety requirements.

Division 4-7. - Signs

Sec. 21-4-701. - Applicability, Exemptions, and Permit Exceptions

- (a) **Generally.**
- (1) The provisions of this Division apply to the display, construction, installation, erection, alteration, use, location, maintenance, and removal of all signs within the City that are not specifically exempt from such application.
 - (2) No sign shall be displayed, constructed, installed, erected, or altered within the City until the City has issued a sign permit, unless the sign is exempt from this Division, partially exempt from this Division, or the sign (or modification) qualifies for an exception to the permit requirement.
- (b) **Exemptions.** This Division does not apply to signs of any type that are installed or posted (or required to be installed or posted) by the Federal government, the State of Colorado, Alamosa County, the City, or the School District (collectively, "GOVERNMENTAL ENTITIES"), on property owned or controlled by the Governmental Entity. Such signs include but are not limited to street signs and permanent traffic control devices, temporary signs that are used in conjunction with traffic control, and other signs that said entities display, require, or license to be displayed upon property that they own or control.
- (c) **Partial Exemptions.** The following signs are subject only to Section 21-4-703, *Design Characteristics*, and shall not require a sign permit:
- (1) Signs that are required by applicable building codes (*e.g.*, address numbers) or health and safety regulations (*e.g.*, the Occupational Safety and Health Act ("OSHA")); or to comply with other laws or regulations (collectively, "REQUIRED SIGNS").
 - (2) Signs that are not visible from any of the following areas due to the configuration of the building(s) or structure(s) or the topography of the site upon which the signs are located:
 - a. Residential lots;
 - b. Abutting property not under common ownership; or
 - c. Public rights of way.

- (3) Signs that are not legible from abutting property or rights-of-way due to the configuration of the building(s) or structure(s) or the topography of the subject property or the orientation or setback or typeface of the sign, provided that the sign area is not more than 32 square feet.
 - (4) Signs that are applied to or painted on a utility cabinet or pedestal, provided that:
 - a. The cabinet or pedestal is in use for its principal purpose as a utility cabinet or pedestal and the sign does not interfere with such use;
 - b. The cabinet or pedestal is not larger than four feet in horizontal dimension and five feet in vertical dimension; and
 - c. The owner of the utility cabinet or pedestal consents to the installation of the sign.
 - (5) Historic signs that have been recognized as part of an historic designation by the National, State, or Local Register of Historic Places.
 - (6) Flags that are hung from not more than three rigid, straight, building-mounted or ground-mounted flagpoles per 100 feet of property frontage or fraction thereof, provided that:
 - a. No more than three flags are flown from any one flagpole;
 - b. No flag obstructs pedestrian, bicycle, or vehicular traffic, or a required sight triangle; and
 - c. No flag exceeds 32 square feet in area.
 - (7) Small Signs.
 - a. Signs that are affixed to a building or structure, that do not exceed one square foot in sign area, provided that only one such sign is present on each elevation that is visible from public rights-of-way or neighboring property; and
 - b. Signs that are less than one square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets.
 - (8) Decorations that are clearly incidental, customary, and commonly associated with a holiday.
- (d) **Exceptions to Permit Requirement.**
- (1) *Maintenance of or Incidental Changes to Existing Signs.* No permit is required for routine sign maintenance, painting, replacing a panel in a cabinet sign (except that the installation of a new manual changeable copy message center or electronic message center does require a permit), or replacing light sources with lighting of comparable brightness.

- (2) *Signs that Do Not Require Permits.* Section 21-4-702, *Types of Signs Permitted*, lists some signs that may be displayed without a sign permit. However, such signs are subject to all applicable provisions of this Division:

(e) **Relationship to Other Regulations.**

- (1) In addition to the regulations set out in this Division, signs may also be subject to applicable State laws and regulations (e.g., State of Colorado, Department of Highways, “Rules and Regulations Pertaining to Outdoor Advertising,” effective January 1, 1984, as may be amended from time to time), Federal laws and regulations, and applicable adopted building and electrical codes. Exceptions to the sign permit requirement do not constitute exemptions to other applicable codes or permit requirements.
- (2) Where any provision of this Division covers the same subject matter as other regulations of the City, the more specific regulation shall control the more general one, unless the City determines that the more restrictive regulation is facially content-based or otherwise clearly unenforceable as a matter of law.
- (3) Where any provision of this Division covers the same subject matter as other regulations of the State of Colorado or the United States, the applicant is advised that nothing in this Chapter shall be construed as a defense to a violation of applicable state or federal law except as may be provided in the state or federal law.

Sec. 21-4-702. - Types of Signs Permitted

- (a) **Generally.** The types of signs that are allowed in the various zones of the City are specified in Table 21-4-702A, *Permitted Signs by Type, Characteristics, and Zoning District*.

TABLE 21-4-702A PERMITTED SIGNS BY TYPE, CHARACTERISTICS, AND ZONING DISTRICT							
Key: P = Allowed without sign permit; S = Allowed with sign permit; N = Not allowed							
Sign Type Sign Area Placement	Zones						
	Residential	Mixed-Use or Nonresidential					
	EN, RE, RL, RM, RH	MU	CB	I	CBD	CA	A
Attached to Buildings							
Canopy	N-N ¹	N-S ¹	S	S	S	S	N
Max. Sign Area	-	50% of vertical surface area of awning or 50% of fascia of canopy					-
Placement Standards	-	- Allowed on valence of awning or on fascia of canopy; - Awning or canopy must shelter door, window, outdoor activity area, or outdoor seating area; 8 ft. min. vertical clearance is required					-
Marquee	N-N	N-S	S	N	S	S	N
Max. Sign Area	-	70 sf.	-	-	70 sf.	-	-

TABLE 21-4-702A PERMITTED SIGNS BY TYPE, CHARACTERISTICS, AND ZONING DISTRICT							
Key: P = Allowed without sign permit; S = Allowed with sign permit; N = Not allowed							
Sign Type Sign Area Placement	Zones						
	Residential	Mixed-Use or Nonresidential					
	EN, RE, RL, RM, RH	MU	CB	I	CBD	CA	A
Placement Standards	-	1 per building, above principal entrance 8 ft. min. vertical clearance - Not allowed if projecting sign or v sign is on same elevation		-	1 per building, above principal entrance 8 ft. min. vertical clearance - Not allowed if projecting sign or v sign is on same elevation		-
Projecting	N-N	N-S	S	S	S	S	N
Max. Sign Area	-	40 sf.					
Placement Standards	-	1 per street-facing building elevation 8 ft. min. vertical clearance is required - Not allowed if marquee sign or v sign is on same elevation					
Roof	N-N	N-S	S	N	S	S	N
Max. Sign Area	-	50 sf.		-	50 sf.		-
Placement Standards	-	1 per building - Not to exceed lesser of 8 ft. above roof or maximum building height - Not allowed if integral roof sign is present		-	1 per building - Not to exceed lesser of 8 ft. above roof or maximum building height - Not allowed if integral roof sign is present		-
Roof, Integral	N-N	N-S	S	N	S	S	N
Max. Sign Area	-	25% of vertical surface of roof structure		-	25% of vertical surface of roof structure		-
Placement Standards	-	Not allowed if roof sign is present		-	Not allowed if roof sign is present		-
Suspended	N-N	N-S	S	S	S	S	N
Max. Sign Area (per sign)	-	3 sf.					
Placement Standards	-	1 per building entrance 8 ft. min. vertical clearance required					
Temporary	P-P	P ² -P	P	P	P	P	P
Max. Sign Area per Building (per sign/total)	4 sf. / 4 sf.	32 sf. / 96 sf.	48 sf. / 96 sf.	32 sf. / 96 sf.	16 sf. / 16 sf.	32 sf. / 96 sf.	32 sf.
Placement Standards	-	- Notwithstanding previous row, temporary signage attached to building shall not exceed 10% of wall area upon which such signs are attached - Temporary wall signs shall be securely fastened to avoid wrinkles and movement in the wind; fasteners shall be concealed					
V-sign	N-S	N-S	S	S	S	S	N
Max. Sign Area		40 sf.					
Placement Standards	1 per street-facing building elevation 8 ft. min. vertical clearance is required - Not allowed if marquee sign or projecting sign is on same elevation						

TABLE 21-4-702A
PERMITTED SIGNS BY TYPE, CHARACTERISTICS, AND ZONING DISTRICT

Key: P = Allowed without sign permit; S = Allowed with sign permit; N = Not allowed

Sign Type Sign Area Placement	Zones						
	Residential	Mixed-Use or Nonresidential					
	EN, RE, RL, RM, RH	MU	CB	I	CBD	CA	A
Wall (painted or applied)	N-S	N-S	S	S	S	S	S
Max. Total Sign Area (% wall)	5%	10%					5%
Placement Standards	# of signs not limited						
Wall (cabinet or channel letter)	N-S	N-S	S	S	S	S	N
Max. Total Sign Area (sf.)	1 sf. / lf. of elevation	1.5 sf. / lf. of elevation					-
Placement Standards	# of signs not limited						
Window	P-N	P ² -P	P	P	P	P	P
Max. Sign Area (% of window)	10%	40%	50%	40%	40%	40%	10%
Placement Standards	# of signs not limited						
Freestanding							
Permanent	P-S	N-S	S	S	S	S	S
Max. Sign Height	5 ft. 8 ft. ³	8 ft.	1 ft. / 10 ft. of frontage, not to exceed 30 ft.		8 ft.	1 ft. / 10 ft. of frontage, not to exceed 30 ft.	8 ft.
Max. Sign Area	6 sf. 20 sf. ³	40 sf.	5 x height, not to exceed 80 sf.		40 sf.	5 x height, not to exceed 80 sf.	12 sf.
Min. Setbacks	5 ft. from property lines; 15 ft. from building walls						
Max. Number	1 per frontage	1 per 200 lf. of frontage, plus 1 sign per ingress and egress not to exceed 4 ft. in height and 8 sf. in area					1 per lot
Temporary	P-P	P ² -P	P	P	P	P	P
Max. Sign Height	5 ft.	4 ft.	8 ft.	8 ft.	4 ft.	8 ft.	8 ft.
Max. Sign Area (per sign)	6 sf.	8 sf.	32 sf.	32 sf.	8 sf.	32 sf.	16 sf.
Min. Setbacks	2 ft. from property lines	3 ft. from property lines; all temporary signs except sidewalk signs shall be set back 10 feet from building walls					
Max. Number	1 per 5 lf. frontage	1 per building	1 per 200 lf. of frontage		1 per lot	1 per 200 lf. of frontage	
Other Standards	Temporary signs shall not block sidewalks or other areas that are intended for pedestrian or vehicular use; sidewalk signs shall leave not less than 4 feet of clear sidewalk for pedestrian circulation						

Table Note:

¹ In this column, the first letter regarding whether and how a sign is allowed applies to single-family detached, manufactured home, duplex, and townhome uses, and the second letter applies to multifamily and nonresidential uses. The standards that appear in the rows below are not applicable to lots where the sign type is not allowed.

² Single-family detached, manufactured home, duplex, and townhome uses are subject to the standards for such uses that are set out in the "Residential" zone column

³ The first number applies to single-family detached, manufactured home, duplex, townhome, and vacant land uses. The second number applies to multifamily and nonresidential uses.

(b) **Vacant Land.**

- (1) Permanent signs shall not be installed on vacant lots or parcels unless they are part of an approved subdivision plat.
- (2) Temporary freestanding signs may be installed on vacant lots or parcels as follows:
 - a. A zone standards apply if the subject property is greater than 2 acres in area
 - b. CBD zone standards apply if the subject property is 2 acres or less in area.

Sec. 21-4-703. - Design Characteristics

(a) **Prohibited Elements.** The following elements and materials shall not be incorporated as an element of any sign or sign structure, whether temporary or permanent:

- (1) Animated or moving parts, including any moving, swinging, rotating, or spinning parts or flashing, blinking, scintillating, fluctuating, or otherwise animated light, except electronic message centers, standard flags, feather flags, banners, temporary holiday displays, and clocks.
- (2) Cardboard, card stock, or paper, except when laminated or used as a window sign.
- (3) Motor vehicles, unless:
 - a. The vehicles are operational, and either:
 - i. Automobile dealer inventory; or
 - ii. Regularly used as motor vehicles, with current registration and tags;
 - b. The display of signage on the motor vehicle would not interfere with the immediate operation of the motor vehicle (e.g., signs that are held in place by an open hood or trunk are not allowed; signs that cover windows are not allowed; and signs that would fall off of the vehicle if the vehicle were in motion are not allowed); and
 - c. The motor vehicle is legally parked in a designated parking space.
- (4) Semi trailers, shipping containers, or portable storage units, unless:
 - a. The trailers, containers, or portable storage units are:
 - i. Structurally sound and capable of being transported;
 - ii. Used for their primary purpose (e.g., storage, pick-up, or delivery); and
 - iii. If subject to registration, have current registration and tags; and
 - b. The display of signage is incidental to the primary purpose; and
 - c. The semi trailer, shipping container, or portable storage unit is parked or placed in a designated loading area or on a construction site in an area that is designated on an approved construction staging plan.
- (5) Stacked products (e.g., tires, soft drink cases, bagged soil or mulch).

- (6) Unshielded bare light bulbs that are larger than C9 format or brighter than 50 lumens per bulb, except that neon tubing shall not be considered a “bare light bulb” for the purposes of this standard.
 - (7) Materials with a high degree of specular reflectivity, such as polished metal, installed in a manner that creates substantial glare from headlights, street lights, or sunlight. This prohibition does not include retroreflective materials that comply with the standards set forth in the Manual on Uniform Traffic Control Devices (“MUTCD”).
- (b) **Prohibited Obstructions.** In no event shall a sign, whether temporary or permanent, obstruct the use of:
 - (1) Building ingress or egress, including doors, egress windows, and fire escapes.
 - (2) Operable windows (with regard to movement only; obstruction of transparency is allowed as provided herein).
 - (3) Equipment, structures, or architectural elements that are related to public safety, building operations, or utility service (e.g., standpipes, downspouts, fire hydrants, electrical outlets, lighting, vents, valves, and meters).
 - (4) Any required vision clearance area.
- (c) **Prohibited Mounts.** No sign, whether temporary or permanent, shall be posted, installed, mounted on, fastened, or affixed to any of the following:
 - (1) Any tree or shrub.
 - (2) Any utility pole or light pole, unless:
 - a. The sign is a banner or flag that is not more than 10 square feet in area;
 - b. The owner of the utility pole or light pole consents to its use for the display of the banner or flag;
 - c. The banner or flag is mounted on brackets or a pole that extend not more than 30 inches from the utility pole or light pole; and
 - d. The banner or flag is either situated above an area that is not used by pedestrians or vehicles, or the bottom of the banner or flag has a sign clearance of at least eight feet.
 - (3) Utility cabinets or pedestals (except signs that are applied by or with the consent of the owner of the utility cabinet or pedestal).
 - (4) An exposed, unfinished metal pole that is more than six feet in height, except that this standard does not apply to flags that are flown from flagpoles.
- (d) **Prohibited Locations.** In addition to applicable setback requirements and other restrictions set out in this Division, no sign shall be located in any of the following locations:

- (1) In or over public rights-of-way (which, in addition to streets, may include other sidewalks, parkways, trails, multi-use pathways, retaining walls, utility poles, traffic calming devices, medians, and center islands that are within public rights-of-way), except:
 - a. Signs painted on or affixed to transit shelters and bus benches as authorized by the provider of the shelter or bench, but not extending beyond the physical structure of the shelter or bench; or
 - b. Signs that are the subject of a revocable license agreement with the City, installed and maintained in accordance with the terms of that agreement.
 - (2) Within 12 inches from building corners, cornice or eave lines, or ground planes, or within six inches of doors, windows, downspouts, or dimensional architectural details, except that a sign located within a sign band that is 18 inches or less in height may extend to within two inches of the border of the sign band.
- (e) **Illumination.** Internal and external illumination of permanent signs is allowed in all nonresidential and mixed-use zones, and for multifamily and nonresidential uses in residential zones, as follows:
- (1) All illumination shall comply with the standards set out in Division 5-4, *Lighting*.
 - (2) External lights, electrical equipment, and wiring shall be concealed from view.
 - (3) Flashing, blinking, or chasing lights are not allowed.
 - (4) Lighted signs in residential zones shall be turned off by 10:00 p.m.
- (f) **Electronic Message Centers.** Electronic message centers are allowed on freestanding permanent signs in the CB and CBD zones, as follows:
- (1) Electronic message centers are subject to the requirements of Division 5-4, *Lighting*.
 - (2) Electronic message centers shall appear to be integrated into a permanent freestanding sign, and shall not comprise more than 35 percent of the sign area of sign to which they are attached.
 - (3) Not more than one electronic message center is allowed per subject property.
 - (4) Electronic message centers are not allowed if a changeable copy panel is present on the subject property.
 - (5) Electronic message centers that are both visible from, and located within 100 feet from, a residential zone shall be turned off by 10:00 p.m.
- (g) **Changeable Copy.** Changeable copy panels are allowed as a component of freestanding permanent signs in the CB zone and on lots that contain nonresidential uses in residential zones, as follows:
- (1) Changeable copy panels shall not exceed 35 percent of the sign area of the freestanding permanent sign, and shall be located beneath the permanent sign elements.

- (2) Changeable copy panels shall be secured and protected against weather.

Sec. 21-4-704. - Content

- (a) **Generally.** Except as provided in this Section, no sign shall be approved or disapproved based on the message it displays.
- (b) **Prohibition on Certain Types of Unprotected Speech.** The following content is prohibited without reference to the viewpoint of the individual speaker:
 - (1) Text or graphics of an indecent or immoral nature that is harmful to minors under state or federal law;
 - (2) Text or graphics that advertise unlawful transactions, except as provided in Subsection (c) of this Section;
 - (3) Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats; or
 - (4) Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
- (c) **Commercial Speech Related to Marijuana.** Federal law prohibits the advertising and sale of marijuana. Colorado law specifically allows the advertising and sale of marijuana, subject to comprehensive state regulation. As of the effective date of this UDC, the U.S. Department of Justice has indicated that it will use prosecutorial discretion to (in general) not enforce federal marijuana laws in states that have legalized marijuana under state law and enacted comprehensive regulations for the marijuana industry. Accordingly, if the City permits marijuana uses, the City will allow a limited exception to Subsection (b)(2) of this Section for the signs of marijuana businesses, provided that the businesses are licensed and operated in compliance with applicable state statutes and regulations. The exception created by this Subsection does not create a defense to the enforcement of federal law, nor shall the City be liable for any damages of any type caused by the enforcement of federal law. If the federal policy regarding prosecutorial discretion officially changes such that federal marijuana prohibitions are enforced in Colorado, then the limited exception created by this Section shall automatically terminate, and signs advertising marijuana shall be considered prohibited signs.
- (d) **Severability.** The narrow classifications of content that are prohibited by this Section are either not protected by the United States or Colorado Constitutions, or are offered limited protection that is outweighed by the substantial and compelling governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each Subsection of this Section (e.g., Subsections (b)(1), (b)(2), (b)(3), (b)(4) or Subsection (c)) be individually severable in the event that a court holds one or more of them to be inconsistent with the United States or Colorado Constitutions.

Division 4-8. - Design Standards

Sec. 21-4-801. - Purpose and Application of Division

- (a) **Generally.** The design standards set out in this Division are intended to be applied to certain types of development or within certain areas of the City. Each section of this Division includes an applicability statement that describes the type of development or the geographic area (or both) to which the standards of the section apply. With the exception of the alternative design standards that may be created by Section 21-4-802, *Alternative Design Standards*, the standards of this Division are applied administratively.
- (b) **Alternative Design Standards.** The City Council may allow the use of alternative design standards instead of otherwise applicable design standards from this Division, as set out in Sec. 21-4-802, *Alternative Design Standards*.

Sec. 21-4-802. - Alternative Design Standards

The design standards set out in this Division are not necessarily the only techniques by which the objective of quality design and development may be achieved. They are intended as minimum standards which, if met, will create the character and quality that the City expects from new large-scale retail sales and services uses. Alternative methods for achieving the objectives of this Division may be approved if, due to innovative design, the use of natural features or screening, intensive landscaping, or other techniques, it is demonstrated that the design objectives are achieved and that the level of design as expressed in these standards is either met or exceeded.

Sec. 21-4-803. - Large-Scale Retail (“Big Box”) Design Standards

- (a) **Applicability.** The standards of this Section apply to all new development or redevelopment that has all of the following characteristics:
 - (1) The development is located in the CB or MU zone;
 - (2) The development is principally intended for retail sales and services (type 1 or type 2), heavy retail, business services, personal services, liquor stores, or restaurant uses; and
 - (3) The development includes more than 25,000 square feet of floor area within a single building, even if the building is divided into multiple tenant spaces.
- (b) **Architectural Standards.**
 - (1) *Building Articulation and Detailing.*
 - a. Street-facing and parking lot-facing building elevations that are more than 100 feet wide shall be articulated in order to mitigate the appearance of building mass and to provide visual interest, as follows:
 - i. Wall plane projections or recesses that are offset at least three feet for a distance of at least five feet shall be included on the building elevation.

- ii. The cumulative total width of the required offsets shall not be less than 20 percent of the width of the building elevation.
- b. Street-facing and parking lot-facing building elevations shall have no rectangular area of “blank wall” that is taller than 15 feet or wider than 40 feet.
- c. Building elevations that include principal public entrances shall include arcades, display windows, entry areas, awnings, or other comparable features in the area within 10 feet above ground level along not less than:
 - i. 40 percent of their horizontal width in the CB zone; or
 - ii. 60 percent of their horizontal width in the MU zone.
- d. The features that are required by subsection (b)(1)c., above, must be integral parts of the building’s architecture, and not appear as superficially applied trim, graphics, or paint.

(2) *Vertical Articulation and Roof Structures.*

- a. Variations in apparent building height shall be used to break up building scale (*e.g.*, tower elements, varying roof heights, or varying parapet height).
- b. Where sloped roof systems are used:
 - i. Roof pitch shall be not less than four feet of vertical rise for every twelve feet of horizontal run (4:12 pitch) and not more than 12 feet of vertical rise for every 12 feet of horizontal run (12:12 pitch).
 - ii. The roof system shall have a compound form.
- c. Where flat roof systems are used:
 - i. Parapets shall conceal the roof system and any rooftop equipment (such as HVAC units) from street-level public view.
 - ii. Parapet height, on average, shall not exceed 15 percent of the height of the supporting wall, and shall not at any point exceed one-third of the height of the supporting wall.
 - iii. Parapets shall include three-dimensional cornice treatment.

(3) *Cladding Materials.*

- a. The following shall not be used as primary cladding materials:
 - i. Smooth-faced concrete block;
 - ii. Tilt-up concrete panels;
 - iii. Vinyl siding;
 - iv. Corrugated, “R-panel,” “U-panel,” or standing-seam metal panels; or
 - v. Exterior insulation finishing systems (“EIFS”).
- b. The following are permitted as primary cladding materials:
 - i. Brick or thin brick;

- ii. Sandstone or other native stone;
- iii. Tinted textured or split face concrete masonry units;
- iv. Pre-finished structural or architectural insulated metal panel systems; or
- v. Stucco.
- c. The Administrator may allow additional materials that are not prohibited by subsection (b)(3)a. to be used as primary cladding materials if it is demonstrated that they are of comparable quality, durability, and appearance to the materials that are listed in subsection (b)(3)b.

(4) *Colors.*

- a. Principal building colors shall be low reflectance, subtle, neutral, or earth tones. High-intensity colors, primary colors, metallic colors, black, or fluorescent colors are not allowed.
- b. Building trim and accent areas may be painted or finished with brighter colors (including primary colors).

- (5) *Accent Lighting.* Neon tubing (or comparable lighting systems), whether shielded or not, shall not be used to highlight building trim or accent areas.

(c) **Building Access.**

(1) *CB Zone.* In the CB zone:

- a. Primary public entrances shall be located on the elevation of the building that is closest in distance to the majority of off-street parking spaces. If that elevation is more than 100 feet wide, it shall include at least two public entrances.
- b. If there is only one primary public entrance to the building, it shall be located near the center of the building, or in a location that tends to optimize the accessibility of the entrance from the parking lot.
- c. If there are multiple public entrances, they shall be distributed in a manner that tends to optimize accessibility to the building from the parking lot.
- d. Parking areas shall be designed to provide routes for safe pedestrian access from sidewalks on adjoining rights-of-way to the primary public entrances.

(2) *MU Zone.* In the MU zone:

- a. Primary public entrances shall be located on a street-facing elevation. Access shall also be provided from elevations that face parking lots that serve the use, if those elevations are not street-facing.
- b. Parking areas shall be designed to provide routes for safe pedestrian access to the primary public entrances.

(d) **Additional Setbacks.**

- (1) *CB Zone.* In the CB zone, buildings shall be set back not less than 35 feet from all property lines.
- (2) *MU Zone.* In the MU zone, buildings shall be set back not less than 35 feet from zone boundaries, unless the zone boundary is a street, in which case standard front or street side setbacks apply.
- (e) **Sidewalks.** Sidewalks of at least six feet in width shall be provided along all adjoining public streets, and shall be connected to routes that provide safe access to the building.

Sec. 21-4-804. - Downtown Design Standards.

- (a) **Purpose and Intent.** The purpose of the downtown design standards is to promote the long-term economic prosperity of Downtown Alamosa as a vital, pedestrian-friendly urban center for government, culture, office, finance, tourism, specialty shopping, dining, and entertainment. These standards are intended to promote:
 - (1) Safe and convenient pedestrian circulation,
 - (2) Complementary new development and redevelopment that respects the existing character and historic qualities of Downtown Alamosa;
 - (3) Adaptive re-use of existing historic buildings; and
 - (4) Coordinated design to sustain and further encourage a cohesive downtown core.
- (b) **Applicability.** This Section applies to all development (hereafter referred to as “renovations/development”) within the CBD zone that affects the exterior of properties that are visible from public ways, including alterations, renovations or additions to and replacement of existing buildings, new construction, the erection of a sign, or that involves site disturbance.
- (c) **Building Setbacks and Frontage.** Buildings shall reinforce the traditional building alignment found on the same block. Such alignments vary within the downtown, as follows:
 - (1) Buildings that are located on the following street segments shall be built to the front property line along 100 percent of the street frontage (except at recessed building entries or upper-story step-backs):
 - a. 400 through 700 blocks of Main Street; and
 - b. 300 through 500 blocks of State Avenue.
 - (2) Where buildings are built to the front property line as required by subsection (c)(1), above, recessed building entrances shall be provided for principal public entrances to ground floor uses. Such recessed building entrances are allowed elsewhere in the CBD zone if historically used in the immediate area.
 - (3) In areas of the CBD zone not specifically described in subsection (c)(1), above, buildings shall be constructed to the established building line.

- (d) **Building Mass, Form, and Orientation.** New development, redevelopment, and additions to existing buildings shall be consistent with the traditional mass, scale, orientation, fenestration, and architectural character of the existing buildings in the CBD zone within the immediate area (except buildings with single-family form), as follows:
- (1) Building forms shall be comparable to those seen traditionally on the same block. Simple rectangular solids are typically appropriate.
 - (2) Building widths shall appear to be similar to those found historically on the same or adjacent blocks. Buildings that are wider than the traditional pattern shall be designed to appear as a series of individual buildings that fit into the traditional pattern (for buildings that are located on corners, this standard applies only to the primary street frontage).
 - (3) Facade proportions shall reinforce those present on historic buildings that are visible from the subject property and the street in front of the subject property, as follows:
 - a. The ratio of the width to height of the building shall appear to be maintained with respect to renovations to existing buildings, such that:
 - i. Expansions of building that extend the building elevation more than 10 feet in horizontal width shall be designed so that addition to the building appears to be a separate building.
 - ii. Expansions of the building that add a floor to the building shall be designed so that the vertical addition is stepped back from all vertical building planes along street frontages not less than one foot for each additional foot in height that the addition adds to the building.
 - b. All renovation and development construction shall maintain the original proportions of the facades and storefront openings, including the spacing of storefront bays to one another, in a manner that is consistent with the historic buildings within the downtown.
 - c. The facades of buildings shall include architectural treatments and details that are commonly used on traditional or historic storefronts in Alamosa. Such treatments and details include parapets or cornices, sign bands, upper-story windows, awnings, display windows, and kickplates below display windows. New buildings may utilize contemporary interpretations of traditional or historic treatments and details.
 - (4) No area of blank wall shall be larger than 20 feet wide or 12 feet high.
 - (5) Roof forms shall be consistent with those of existing and traditional buildings that are visible from the subject property and the street in front of the subject property.

- (6) The standards of this Subsection (d) shall not apply to modifications of single-family detached residential building forms, unless the applicant proposes to change the essential form of the building to a commercial building form. If a single-family detached building form is maintained, the building and roof forms and proportions shall be comparable to the existing building or comparably-aged residential buildings within a one-quarter mile radius. For example, large expanses of glass, such as oversized display windows, or false building fronts are inappropriate on single-family detached residential building forms that are used for commercial purposes.
- (e) **Building Materials.**
- (1) On existing buildings, historical cladding materials shall be maintained, repaired, or replaced in-kind wherever feasible. For example, a brick facade shall generally be maintained, repaired, or replaced with brick, and not stucco or other material.
- (2) New construction shall use exterior cladding materials that are consistent with traditional or historic downtown buildings in terms of texture, color, scale, durability, and quality. Such materials may include brick, stone, historically appropriate ornamental pressed metal, wood, and stucco.
- (3) Exterior renovations to existing buildings shall utilize cladding materials that are consistent with the historic materials original to the structure.
- (4) The following shall not be used as primary cladding materials:
- a. Smooth-faced concrete block;
 - b. Tilt-up concrete panels;
 - c. Vinyl siding;
 - d. Corrugated, "R-panel," "U-panel," or standing-seam metal panels; or
 - e. Exterior insulation finishing systems ("EIFS").
- (f) **Building Access.** If a subject property is located on a corner lot within the CBD zone, it shall provide access at the corner or along both the primary street and the side (or "secondary") street. Display windows or outdoor seating areas may be provided along the side or secondary street in lieu of (or in addition to) building access in that location.
- (g) **Off-Street Parking.**
- (1) Where parking is provided on-site and in conjunction with a building, all parking shall be located at the rear or to one side of the building. To the maximum extent feasible, ingress and egress to parking lots shall be from an alley.

- (2) Parking that is located to the side of the building shall be buffered from the public sidewalk (except at points of vehicular ingress and egress) with a three-foot high masonry wall that includes a “seat wall” component that is between 18 and 20 inches high (including the cap) and at least 12 inches in depth (at the cap). If the parking lot is accessed from the street, the wall shall be set back three feet from the public sidewalk.
 - (3) Parking structures shall be integrated with the architectural character of surrounding buildings.
 - a. To the maximum extent practicable, where parking structures front on streets, retail and other uses along ground floor frontage should be provided to minimize interruptions in pedestrian interest and variety.
 - b. Where such uses are not practicable, parking structures shall be designed so that the use of the building for parking is not obvious (except at points of vehicular ingress and egress) from the building’s architecture and finishes.
- (h) **Pedestrian Amenities and Streetscape.**
- (1) Street-facing yards, if larger than 10 feet in depth and 500 square feet in area and not used for parking, shall be landscaped with:
 - a. One tree per 1,000 square feet (dropping fractions); and
 - b. Shrubs, perennials, bulbs, a seeded or sodded lawn, hardscaped (e.g., brick pavers) plazas, fountains, sculptures, or xeriscaping.
 - (2) Sidewalks shall be provided in all areas of Downtown Alamosa. Sidewalks shall be constructed in such a way as to maintain continuity and historical character of the street.
 - (3) Pedestrian-scaled streetscape elements that create visual interest at the sidewalk edge, such as awnings, canopies, planters, seating, and displays may be allowed to encroach upon the portion of the right-of-way used for a sidewalk, subject to a revocable license executed by the City and the owner of the subject property.

Sec. 21-4-805. - Manufactured Home Park and Manufactured Home Subdivision Design Standards

- (a) **Generally.** Manufactured home parks and manufactured home subdivisions shall be designed according to the minimum standards of this Section.
- (b) **Manufactured Home Installation.**
 - (1) All manufactured homes shall meet the following installation specifications:
 - a. The average elevation of a manufactured home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four feet from the top of the foundation pad.
 - b. The wheels, axles, tongue, towing apparatus, and transporting lights shall be removed prior to final installation of the manufactured home.

- (2) Within manufactured home subdivisions, the space between the finished grade of the property on which a manufactured home is located and the exterior edges of the finished floor of the unit must be skirted with rock, brick, or concrete masonry construction installed on a concrete footing so there is not a visible gap between the finished floor and the ground. All skirting materials shall be compatible in appearance with the home and shall allow for adequate ventilation and drainage. The skirting must be a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the manufactured home and totally screens the crawlspace under the manufactured home.
- (c) **Vehicular Circulation and Configuration of Internal Streets.**
 - (1) Manufactured home parks and manufactured home subdivisions that are designed to accommodate more than 20 manufactured homes shall be designed with a minimum of two points of vehicular ingress and egress.
 - (2) Generally, internal streets must be interconnected or looped. However, where site constraints required a dead-end, a cul-de-sac turnaround shall be provided with a minimum radius that will provide an appropriate turnaround for service and emergency vehicles.
 - (3) Access to all manufactured home lots (or spaces) shall be from interior streets.
- (d) **Perimeter Setbacks.** There shall be a minimum setback of 20 feet from any portion of a manufactured home or accessory structure to any exterior boundary of the manufactured home park or manufactured home subdivision.
- (e) **Pedestrian Circulation.** An internal circulation system of sidewalks, trails, or multi-use pathways shall be installed within the manufactured home park or manufactured home subdivision to provide for safe and convenient pedestrian access and circulation.
- (f) **Lighting.** All interior streets and sidewalks shall be lighted for safe movement of vehicles and pedestrians at night. Such lights shall be shielded to prevent glare on adjacent properties and external streets, and to avoid sky glow.
- (g) **Individual Storage Buildings.** One detached storage building is permitted on each manufactured home lot or space, for use by the resident of that lot or space. All such storage buildings shall be located in the rear one-half of the lot or space.
- (h) **Community Storage Areas.** A manufactured home park or manufactured home subdivision may also include outdoor storage areas for use by all residents for large items such as recreational vehicles, boats, trailers, or commercial vehicles. Such storage areas must be set back not less than 50 feet from the boundaries of the manufactured home park or manufactured home subdivision, and must be completely screened from off-site views. Such storage areas shall not be used for the storage or disposal of junk.
- (i) **Fences and Accessory Structures.** Fences and dog runs are allowed upon lots or spaces that are used for individual manufactured homes, provided that fences are located behind the front building line of the manufactured home and dog runs are located in the back yard.

- (j) **Accommodation of Tiny Homes or Occupied Recreational Vehicles.** A manufactured home park may include areas for tiny homes or recreational vehicles ("RVs"), as follows:
- (1) Such areas shall not exceed 15 percent of the total area of the manufactured home park.
 - (2) The period of occupancy of RVs shall not exceed 30 consecutive days. The period of occupancy of building code-compliant tiny homes is not limited.
 - (3) In areas designated for RVs, the following additional minimum design standards shall be met:
 - a. The minimum area designated for each RV space shall be not less than 3,500 square feet, with a minimum width and frontage of 35 feet.
 - b. The minimum depth of each RV space shall be 100 feet.
 - c. All RVs parked in a manufactured home park shall be in good repair. Motorized camper vehicles shall have a valid motor vehicle inspection sticker.
- (k) **Buffers.** Manufactured home parks and manufactured home subdivisions shall be screened from adjacent streets with a Class B bufferyard, and screened from adjacent properties with not less than a Class C bufferyard.

Article V. - Site Design Standards

Division 5-1. - Site Design, Circulation, and Connectivity

Sec. 21-5-101. - Purpose and Application

- (a) **Generally.** Review pursuant to this Division is intended to ensure quality design, but, in general, not to require a density or intensity reduction. It is the policy of the City that the principles of this Division be applied to the maximum extent possible without imposing restrictions that reduce the density or intensity of development that is permitted on the subject property by this UDC.
- (b) **Modifications to Plans.** The City may require modifications to proposed site plans or subdivision plats that otherwise conform to the standards of the UDC in order to enhance the quality of the design in accordance with the qualitative principles of this Division. The standards of this Division shall be applied and interpreted in the context of the other applicable standards that are set out in other parts of this UDC.

Sec. 21-5-102. - General Site Design Principles

- (a) **Generally.** Sites should be planned and developed to provide functional and desirable settings for the buildings that are to be constructed, to mitigate impacts on adjacent properties, and to enhance connectivity to other areas of the City for motor vehicles, pedestrians, and bicyclists, as provided in this Section.
- (b) **Compatibility.** The proposed site plan or subdivision plat shall be designed in a way that:
 - (1) Provides appropriate space for buffers and transitions between incompatible land uses or obvious changes in density or intensity along side or rear boundaries of the subject property;
 - (2) In areas where such uses are located or planned in close proximity to each other, provides appropriate linkages between residential uses and retail, restaurant, personal service, entertainment, and office uses, providing access while protecting neighborhood integrity;
 - (3) Protects downstream property and public infrastructure from flooding, erosion, or sedimentation from stormwater runoff;
 - (4) Appropriately addresses natural hazards, if present;
 - (5) Anticipates and provides for future connections to neighboring properties that are likely to be developed, redeveloped, or expanded with similar or supportive land uses within ten years;
 - (6) Minimizes interference with existing access to adjacent and nearby properties, unless new and improved access is provided by the proposed development;
 - (7) Protects significant natural features or views where possible; and

- (8) Does not materially reduce the level of service of public services or utilities that are provided to surrounding development.
- (c) **Future Adjacent Development.** The proposed development shall be designed in a way that shows how future development of adjacent parcels under common ownership (if any) will relate to the subject property in terms of transportation linkages, utilities, and drainage.
- (d) **Flood Damage Prevention.** Development within a special flood hazard area is restricted as provided in Chapter 8, *Flood Damage Prevention*, City of Alamosa Municipal Code.

Sec. 21-5-103. - Circulation and Connectivity

- (a) **Internal Circulation.**
 - (1) Internal circulation systems shall be interconnected.
 - (2) Pedestrian routes shall be located along (or visible from) all streets, except that, where street connections are not feasible or the Administrator determines that they are undesirable, off-street trails and paths may be used instead to provide pedestrian connections among buildings and land uses, and between abutting properties.
 - (3) If proposed development includes more than one street or more than 100 parking spaces, then the internal circulation system (*e.g.*, new streets, sidewalks, or trails) shall be designed such that alternative travel routes are provided through the development.
- (b) **Access.** For multifamily, nonresidential, and vertically mixed-use development, the following access standards apply:
 - (1) Access to off-street parking lots or parking structures shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic ingress and egress, and maximum safety for pedestrians and vehicular traffic on the site.
 - (2) The number of access points shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated.
 - (3) Access points shall not be more than 24 feet in width unless the City Engineer determines that a wider access is necessary (*e.g.*, for tractor-trailers or additional access lanes) and shall be clearly and permanently marked and defined.
 - (4) If there are multiple access points on the same frontage of a subject property, such access points shall be separated not less than 64 feet, measured centerline to centerline. For every foot that the lot frontage exceeds 100 feet, the minimum required separation shall be increased by one foot. The minimum spacing requirement shall not be greater than 200 feet (except where required by CDOT on a State Highway), although spacing wider than 200 feet is allowed if proposed.
 - (5) In the case of a corner lot, access points shall be located not closer than 30 feet to the intersecting street flowlines.

- (6) Access points shall not be located closer than 15 feet to an interior side lot line, except that a common access to two adjoining properties may be provided at the shared lot line.
- (c) **Cross Access / External Connections.**
 - (1) Cross-access shall be provided among nonresidential and mixed-use parcels where practicable, in order to manage curb cuts and balance the need for mobility with the need for access to lots and buildings.
 - (2) Proposed development shall connect to existing and planned streets where necessary to complete planned street networks.
 - (3) Paths, sidewalks, and trails shall not be routed through parking lots (except to make connections to buildings) if other practical alternatives exist. Where paths, sidewalks, or trails must be routed through parking lots, they shall be located between parking modules and protected by curbs.

Sec. 21-5-104. - On-Site Snow Storage

- (a) **Generally.** Adequate areas for snow storage shall be provided for all development that includes streets or on-site parking.
- (b) **Location and Configuration.** Snow storage areas shall be located and configured to safely and efficiently melt snow, and to minimize and manage the impacts of pollutants from the resulting runoff, as follows:
 - (1) Snow storage areas shall be located to drain away from pedestrian and vehicular use areas, and into vegetated buffer strips or other appropriate best management practices ("BMPs"), such that water quality is improved and off-site drainage impacts are mitigated.
 - (2) Snow storage areas shall be configured so that stored snow does not obstruct any of the following:
 - a. Sight triangles at driveways and intersections;
 - b. Emergency access routes;
 - c. Required parking spaces;
 - d. Pedestrian routes; and
 - e. Drain inlets.
 - (3) To the greatest extent feasible, snow storage areas shall be located in areas with solar exposure, away from streets, sidewalks, and trails.

Sec. 21-5-105. - Street, Alley, and Pedestrian Way Design

- (a) **Generally.** Streets shall be designed in accordance with the standards of this Section.

(b) **Street Plans.** Streets shall be located and configured to implement adopted plans of the City that show the general location and classification of new streets, and new arterial and collector streets shall align with existing streets of the same classification. The exact location and classification of new streets will be determined during the development review process.

(c) **Right-of-Way Dimensions.**

(1) Street, alley, and pedestrian way right-of-way widths and curves shall meet the standards of Table 21-5-105C, *Right-of-Way Specifications*, unless otherwise approved by the Planning Commission upon a demonstration that an alternative right-of-way width will:

- a. Provide for appropriate levels of multimodal use that meets City level of service standards and provides for safe travel during all seasons;
- b. Reduce costs to the City for routine and periodic maintenance;
- c. Include appropriate connections to existing streets; and
- d. Improve the character of the area served by the street.

TABLE 21-5-105C RIGHT-OF-WAY SPECIFICATIONS		
Classification	Right-of-way width (ft.)	Minimum centerline curve radius (ft.)
Local	60	100
Collector	60	300
Minor arterial	80	300
Marginal access	40	100
Alley	20	100
Pedestrian way	10	N/A

- (2) Principal arterial streets shall conform to state highway standards.
- (3) Minimum grade shall be determined by the City Engineer.
- (4) Maximum grade through intersections shall be four percent. The maximum grade shall extend a minimum of 50 feet each direction from the centerline of the intersecting streets.
- (5) Pedestrian ways, not less than 10 feet wide, may be required to provide access to schools, playgrounds, shopping centers, open space areas, or other community facilities.
- (6) Sidewalks that are at least four feet in width shall be provided along all sides of a lot that abut a public street or way. Sidewalks shall be constructed within the street right-of-way, parallel to the street, unless:
 - a. A different configuration of the pedestrian circulation system is desirable in order to preserve topographical or natural features, or to provide visual interest;

- b. It is demonstrated that the alternative pedestrian circulation system will provide safe and convenient circulation; and
 - c. The applicant provides for the perpetual maintenance of the alternative pedestrian circulation system through a homeowners' association, special district, or appropriate easements that allocate maintenance responsibilities.
- (d) **Alleys.** Paved alleys that are open at both ends shall be provided in commercial and industrial areas, unless the Administrator determines that other appropriate provisions (other than an alley) are made for service access.
- (e) **Fire Lanes.** Fire lanes shall be required where necessary to protect the subject property and adjoining properties during the period of development and when developed, and an easement to such effect shall be dedicated to the City. The easement shall be 16 feet in width, remain free of obstructions, and provide access at all times.
- (f) **Integration.**
 - (1) Except where interruptions of the street network are necessary due to significant features such as ditches, railroads, parks, or limited access roadways, new streets shall integrate into the existing street pattern so as to:
 - a. Address the new development's access and circulation needs;
 - b. Provide a pattern of streets that facilitates mobility and provides a choice of routes and travel modes, in that existing and planned streets (including streets that are shown on pending applications for development approval on adjacent property) are continued in a similar alignment on the subject property and at a comparable right-of-way and pavement width, except where:
 - i. There is a demonstrated need to change the street cross-section in order to improve the safety of the traveling public, or to provide on-street parking in areas where it is appropriate;
 - ii. The right-of-way or pavement section of the existing street is substandard; or
 - iii. The continuation would create incompatibility or materially concentrate through-traffic in residential neighborhoods.
 - (2) When a tract is subdivided into larger than normal building lot(s) or parcel(s), such lot(s) or parcel(s) shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

- (3) Where the subject property is adjacent to land that is likely to be developed or redeveloped in the future, streets, bicycle paths, sidewalks, trails, and access ways in the development's proposed transportation system shall continue through to the boundary lines of the subject property to provide for the orderly subdivision and development of the adjoining land, or the transportation and access needs of the City.
- (g) **Intersections.** Streets shall intersect as nearly at right angles as possible.
- (h) **Cul-de-sacs.** Cul-de-sacs are allowed where necessary due to site constraints such as topography, site dimensions, or the presence of ditches or railroads; however, no cul-de-sac shall be longer than 600 feet from the point of connection to the street to the middle of the cul-de-sac end, and the turnaround right-of-way diameter is at least 100 feet. Surface drainage of the cul-de-sac shall be toward the intersecting street, or if such drainage is not possible, a drainage easement must be provided through the cul-de-sac.
- (i) **Offsets.** Street jogs are not allowed on arterial streets, and may be allowed on collector streets only if it is demonstrated that the physical conditions of the subject property require the offset, and the design will not compromise public safety. Streets with centerline offsets of less than 150 feet will not be accepted.
- (j) **Interim Turnarounds.** Where a street will eventually be extended beyond the boundaries of the subject property, but is temporarily dead-ended, an interim turnaround (e.g., a hammerhead or cul-de-sac with a 90-foot diameter) may be required.
- (k) **Half-Streets.** Half streets are not allowed unless either:
- (1) The applicant guarantees the construction of the full street as follows:
 - a. The applicant obtains for the City a dedication from the adjoining landowner of the other half of the street;
 - b. The applicant obtains from the adjoining landowner an agreement in a form approved by the City attorney that guarantees the cost of the improvements and construction of the half street within a time acceptable to the Planning Commission; and
 - c. The applicant guarantees the construction of the half street that will be dedicated from the subject property; or
 - (2) The applicant and the City Council agree to a comparable arrangement in an improvements agreement.
- (l) **Reserve Strips.** Reserve strips in private ownership that purport to control access to streets are prohibited. Reserve strips that are dedicated to the City are allowed.
- (m) **Natural Resources.** New streets shall be located with appropriate regard for topography, vegetation, waterways, ditches, open spaces, and comparable resources that are environmentally sensitive, legally protected, or potential amenities.

- (n) **Engineering Specifications.** New streets shall have such dimensions, curbs, gutters, sidewalks, and pavements as may be required by City engineering specifications promulgated by the Public Works Director, and rights-of-way shall be sufficient to accommodate underground utility lines.

Sec. 21-5-106. - Blocks

- (a) **Generally.** Block lengths and widths shall be suitable for the uses or lot sizes that are contemplated, and shall be adequate for requirements pertaining to minimum lot areas, dimensions, and setbacks.
- (b) **Block Length.** Blocks shall be at least 400 feet and not more than 1,320 feet in length unless adjacent to a railroad right-of-way, park, arterial street, natural area, ditch, or similar feature that makes street intersections impractical.

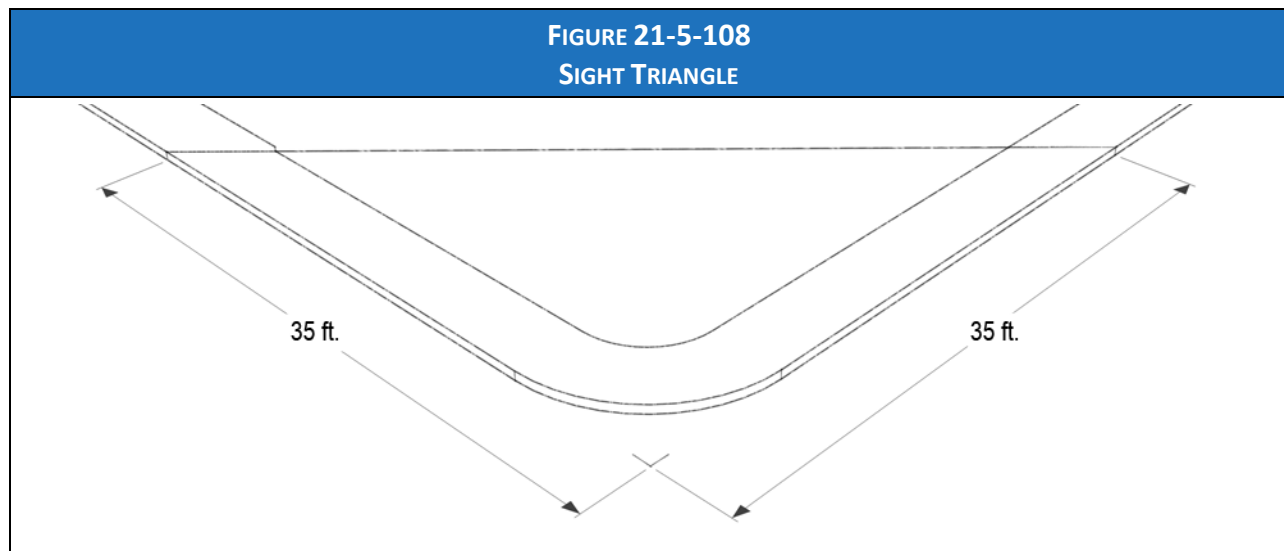
Sec. 21-5-107. - Lots

- (a) **Size and Shape.** Lots shall meet all applicable zoning requirements.
- (b) **Floodplains.** New lots shall not be created that include portions of the floodplain unless a reasonable building envelope exists on a portion of the lot that is outside of the floodplain.
- (c) **Access.** All lots shall take access from a public street. Single-family detached, duplex, townhome, and multiplex lots shall take access only from local streets, or from alleys or parking courts that are connected to local streets.
- (d) **Aspect Ratio.**
 - (1) The maximum depth of a new residential lot shall not exceed two and one-half times its width (the "ASPECT RATIO"), except that the Administrator may approve an aspect ratio of up to four-to-one if the Administrator determines that a larger aspect ratio:
 - a. Will not impact the delivery of public services; and
 - b. Is reasonably necessary due to:
 - i. The dimensions of the subject property from which the lot is proposed to be subdivided; and
 - ii. The location and dimensions of the access to the subject property.
 - (2) For all other new lots, lot depth shall not exceed three times the lot width.
- (e) **Lot Frontage.** The minimum lot frontage shall be the least of:
 - (1) The minimum lot width required by this UDC for the particular lot type;
 - (2) 50 feet for lots that do not front on a cul-de-sac; or
 - (3) 35 for lots that front on a cul-de-sac.
- (f) **Double-Frontage Lots.** Double-frontage lots shall be prohibited except:
 - (1) Where essential to provide separation from arterial streets or state highways; or

- (2) Where lots that span an existing block are assembled for nonresidential or mixed-use development.

Sec. 21-5-108. - Sight Triangles

No building, fence, wall, sign, hedge, shrub, planting, tree, or other sight obstruction between two and one-half feet and eight feet above the elevation of the crown of the street shall be located within the triangular area formed by the edge of the surface of the street or curb line and a line connecting them at points 35 feet from their point of intersection. See Figure 21-5-108, *Sight Triangle*.



Division 5-2. - Parking and Loading

Sec. 21-5-201. - Purpose and Application of Division

- (a) **Purpose.** The purpose of this Division is to ensure that:
- (1) Adequate off-street motor vehicle parking is provided for uses that are approved pursuant to this UDC, in order to:
 - a. Promote economic development; and
 - b. Protect the character and quality of life in residential neighborhoods that may be impacted by overflow parking;
 - (2) The utilization of parking resources may be optimized based on shared parking programs that allow for the utilization of a parking lot or structure by different uses that have different peak demands for parking, and based on the “internal trip capture” of areas of the City such as the MU, CBD, and CA Zones;
 - (3) Appropriate parking areas and accessible routes will be provided for persons with disabilities when parking lots or structures are developed, expanded, or reconfigured;

- (4) Adequate loading areas and (where appropriate) stacking areas are provided that do not interfere with the function of adjoining streets or 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 Division, such that investments in upgrades to real property are promoted.

(b) **Application.**

- (1) *Number of Required Parking and Loading Spaces.*
 - a. Section 21-5-202, *Calculation of Required Parking Spaces*, establishes the methodology for calculating the number of required parking spaces, including measurement of independent variables and application of available credits and reductions.
 - b. Section 21-5-203, *Parking Tables*, sets out the number of required parking spaces for each land use set out in the use tables, based on the parking district in which the use is located.
 - c. Section 21-5-204, *Required Accessible Parking Spaces*, sets out the number of parking spaces that must be designed, located, and configured as accessible parking spaces to meet the requirements of the Americans with Disabilities Act.
 - d. Section 21-5-205, *Special Studies*, sets out the requirements for special parking studies, which are generally used to determine parking requirements for certain land uses.
 - e. Section 21-5-206, *Credit for On-Street Parking*, allows an allocation of on-street parking spaces within a development to the individual land uses in the development.
 - f. Section 21-5-207, *Shared Parking*, sets out the methodology for calculating the number of required parking spaces in locations where different types of uses create different peak parking demands on a particular parking area.
 - g. Section 21-5-208, *Remote Parking*, sets out standards for the provision of parking on a property that is off-site from the subject property.
- (2) *Parking, Loading, and Stacking Design.*
 - a. Section 21-5-209, *Parking Lot Design Standards*, sets out requirements for parking lot design, including the minimum dimensions for parking spaces and drive aisles.
 - b. Section 21-5-210, *Parking Space Markings, Traffic Control Devices, and Parking Stops*, sets out the standards for how parking spaces must be delineated, and cross-references standards for traffic control devices.
 - c. Section 21-5-211, *Required Truck Loading Areas*, sets out standards for the design of truck loading areas.

- d. Section 21-5-212, *Vehicle Stacking Requirements*, sets out standards for stacking lanes for drive-through uses.
- (3) *Construction, Operation, and Maintenance*. Section 21-5-213, *Construction, Operation, and Maintenance*, sets out standards for the construction, operation, and maintenance of parking lots.
- (c) **Relationship to Certificate of Occupancy.**
 - (1) Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the building inspector.
 - (2) The building inspector may grant an extension of time for completion of parking if:
 - a. The parking space is not required for immediate use;
 - b. The applicant executes an improvements agreement for the parking spaces and provides appropriate security in the form of a letter of credit or cash deposit equaling 125 percent of the cost to complete the improvements as estimated by a professional engineer and approved by the building inspector; and
 - c. The improvements agreement provides that in event the parking spaces are not constructed within one year after the date of extension, the City may apply the security to complete the parking spaces.

Sec. 21-5-202. - Calculation of Required Parking Spaces

- (a) **Generally.** Section 21-5-203, *Parking Tables*, sets out the number of parking spaces that are required for each land use that is listed in Division 2-2, *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) *Floor Area.* Where the independent variable is square feet ("sf."), the number of parking spaces is based on the number of square feet occupied by the use (or occupied by a component of the use that is specified in the table).
 - (2) *Dwelling Unit.* Where the independent variable is a dwelling unit ("U"), the number of parking spaces is calculated based on the number of dwelling units. In some cases, the parking requirements are based on the number of bedrooms (per "# BRU) in each dwelling unit.
 - (3) *Bed.* Where the independent variable is "bed," the number of parking spaces is based on the number of beds in the facility instead of the number of bedrooms or some other measure. Per-bed calculations are typically applied to uses that offer residential care or overnight accommodations with shared rooms.

- (4) *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.
- (5) *Seat / Seat Design Capacity.* If the independent variable is “seat,” the number of parking spaces is based on the number of seats that are provided to guests (patrons, members, etc.). If the independent variable is “seat design capacity,” the number of parking spaces is based on the maximum seating capacity of the use as established by applicable fire code.
- (6) *Maximum Capacity.* If the independent variable is “maximum capacity,” the number of parking spaces is based on the lesser of:
 - a. The maximum number of people who may occupy the use pursuant to applicable fire code; or
 - b. The maximum number of people who may occupy the use pursuant to other applicable regulatory or operational standards.
- (7) *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 to the nearest whole number using standard rounding techniques.
- (d) **Parking Reductions.** Generally, the total number of required parking spaces is equal to the sum of the required parking for each use of a subject property. However, parking requirements may be reduced according to the methodology of Section 21-5-207, *Shared Parking*.

Sec. 21-5-203. - Parking Tables

- (a) **Generally.** Parking requirements for individual land uses shall be as set out in this Section.
- (b) **Residential and Special Residential Parking Standards.** The Residential and Special Residential Land Use parking standards are set out in Table 21-5-203B, *Residential and Special Residential Parking Standards*.

TABLE 21-5-203B RESIDENTIAL AND SPECIAL RESIDENTIAL PARKING STANDARDS	
Land Use	Parking Standard
Residential Uses	
Single-family detached (all types)	2 sp. / U
Duplex or twin house	2 sp. / U
Townhouse or rowhouse	2 sp. / U
Multiplex or multifamily	1.5 sp. / studio or 1 BRU; 2 sp. / 2 BRU; 3 sp. / 3+ BRU
Manufactured home	2 sp. / U + 1 sp. / 10 U visitor parking in manufactured home park or manufactured home subdivision

TABLE 21-5-203B RESIDENTIAL AND SPECIAL RESIDENTIAL PARKING STANDARDS	
Land Use	Parking Standard
Cottage clusters or co-housing clusters	1 sp. / tiny home; 2 sp. / cottage
Live-work	3 sp. / U
Special Residential Uses	
Assisted living or congregate care	2 sp. / 3 U
Boarding or rooming house	2 sp. + 1 sp. / guest room
Convalescent center, Alzheimer's care, memory care, nursing home	1 sp. / 4 beds
Group home	1 sp. / 3 occupants at maximum capacity
Sheltered care facility	1 sp. / 2 beds

- (c) **Civic, Education, and Health Care Parking Standards.** The civic, education, and health care parking standards are set out in Table 21-5-203C, *Civic, Education, and Health Care Parking Standards*.

TABLE 21-5-203C CIVIC, EDUCATION, AND HEALTH CARE PARKING STANDARDS	
Land Use	Parking Standard
Civic	
Cemetery or Mausoleum	1 sp. / acre; but If cemetery includes internal roads and grave sites are set back 8 ft. from roads, formal parking is not required.
City Facilities	As determined by City based on facility type
Funeral Home or Crematorium	Greater of: (i) 1 sp. / 3 seats in principal assembly area; or (ii) 1 sp. / 21 sf. of principal assembly area (if no fixed seats) + 2 sp. for crematorium
Place of Assembly	greater of: 1 sp. / 3 seats in principal assembly area; or 1 sp. / 21 sf. of principal assembly area (if no fixed seats)
Protective Care	1 sp. / 2 beds
Day Care	
Adult Day Care	3 sp. / 1,000 sf.
Child Care Center, Small	1 sp. / employee
Child Care Center, Large	5 sp. / 4 employees
Family Child Care Home	Same as dwelling unit; additional parking not required for family child care home unless dwelling unit is nonconforming
Education	
School	middle, elementary or pre-school: 1 sp. / 10 students at maximum capacity); high school: 1 sp. / 2 students at maximum capacity
College or University	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Vocational School / Job Training Center	3 sp. / 2 students during peak use
Health Care	
Hospital or Emergency Room	Greater of: (i) 3 sp. / 2 beds; or (ii) 2 sp. / exam or treatment room
Medical Office or Clinic	1 sp. / 150 sf.

- (d) **General Commercial and Motor Vehicle Parking Standards.** The general commercial and motor vehicle parking standards are set out in Table 21-5-203D, *General Commercial and Motor Vehicle Parking Standards*.

TABLE 21-5-203D GENERAL COMMERCIAL AND MOTOR VEHICLE PARKING STANDARDS	
Land Use	Parking Standard
General Commercial	
Heavy Retail	1 sp. / 600 sf.
Liquor Stores	1 sp. / 250 sf.
Personal Services	1 sp. / 250 sf.
Retail Sales and Services Type 1	1 sp. / 250 sf.
Retail Sales and Services Type 2	1 sp. / 250 sf.
Professional or Business Offices	3 sp. / 1,000 sf.
Recording or Television Studio	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Veterinary and Animal Facilities	3 sp. / 1,000 sf.
Motor Vehicle Land Uses	
Fueling/Charging Stations or Light Motor Vehicle Repairs and Services	1.5 sp. / fueling station (including station itself); 2 sp. / service bay (not including space inside bay)
Heavy Motor Vehicle Repairs and Services	3 sp. / service bay (not including space inside bay)
Motor Vehicle Wash	1 sp. / bay for self-serve wash systems; 4 sp. / conveyor for conveyor-based wash systems; areas used for hand finishing or detailing shall not be counted towards parking requirement
Motor Vehicle Parking	N/A
Motor Vehicle Sales and Rental	3 sp. / 1,000 sf. used for showroom and sales offices + 3 sp. / service bay (not including space inside bay); spaces that are used for inventory shall not be counted towards parking requirement

- (e) **Hospitality, Recreation, and Entertainment Parking Standards.** The hospitality, recreation, and entertainment parking standards are set out in Table 21-5-203E, *Hospitality, Recreation, and Entertainment Parking Standards*.

TABLE 21-5-203E HOSPITALITY, RECREATION, AND ENTERTAINMENT PARKING STANDARDS	
Land Use	Parking Standard
Hospitality	
Bar, Tavern, or Nightclub	Greater of: (i) 1 sp. / 3 seats; or (ii) 11 sp. / 1,000 sf.
Bed and Breakfast	1 sp. + 1 sp. / guest room
Campground or RV Park	1 sp. / campsite, RV space, or cabin
Hotel or Motel	1.1 sp. / guest room + 50% of required parking for accessory restaurant, retail, bar, tavern, or nightclub
Restaurant, Drive-In or Drive-Through	11 sp. / 1,000 sf.
Restaurant, Indoor	11 sp. / 1,000 sf.
Restaurant, Outdoor	11 sp. / 1,000 sf. (including outdoor areas used for dining)
Recreation and Entertainment	
Commercial Equestrian Facility	1 sp. / 4 stables
Indoor Amusement, Recreation, and Entertainment	Seated entertainment: 1 sp. / 2 fixed seats; or 1 sp. / 21 sf. of seating area (if no fixed seats); Bowling alley: 4 sp. / lane + 1 sp. / 75 sf. of dining, billiards, or arcade; All others: 1 sp. / 75 sf.
Indoor Gun Ranges	2 sp. / 3 stations

TABLE 21-5-203E HOSPITALITY, RECREATION, AND ENTERTAINMENT PARKING STANDARDS	
Land Use	Parking Standard
Outdoor Commercial Amusement	Batting cages: 2 sp. + 1.25 sp. / station; Go-cart racing, bumper boats, or bumper cars: 1.25 sp. per car or boat; All other: by special study (see Sec. 21-5-205, <i>Special Studies</i>)
Park	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Sexually-Oriented Business	Retail: 1 sp. / 250 sf. Entertainment: 1 sp. / 21 sf. of area accessible to patrons
Stadium or Amphitheater	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Zoo	By special study (see Sec. 21-5-205, <i>Special Studies</i>)

- (f) **Industry, Transportation, Storage, and Disposal Parking Standards.** The industry, transportation, storage, and disposal parking standards are set out in Table 21-5-203F, *Industry, Transportation, Storage, and Disposal Parking Standards*.

TABLE 21-5-203F INDUSTRY, TRANSPORTATION, STORAGE, AND DISPOSAL PARKING STANDARDS	
Land Use	
Industry	
Heavy Industry	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Light Industry	2 sp. / 1,000 sf.
Marijuana Testing Facility	3 sp. / 1,000 sf.
Resource Extraction, Minerals	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Resource Extraction, Oil and Gas	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Transportation	
Airport	By special study (see Sec. 21-5-205, <i>Special Studies</i>)
Heavy Logistics	1 sp. / 5,000 sf.
Helistop	4 sp. / helistop pad
Storage	
Outdoor Storage Yard	4 sp. / acre, but not less than 2 sp.
Self-Storage	2 sp. + 1 sp. / 10,000 sf.
Disposal	
Salvage or Junk Yard	4 sp. / acre, but not less than 6 sp.
Transfer Station	By special study (see Sec. 21-5-205, <i>Special Studies</i>)

- (g) **Utility and Communications Parking Standards.** The utility and communications parking standards are set out in Table 21-5-203G, *Utility and Communications Parking Standards*.

TABLE 21-5-203G UTILITY AND COMMUNICATIONS PARKING STANDARDS	
Land Use	
Utilities	
Major Utility Facilities (110+ kV Power Lines)	N/A

TABLE 21-5-203G UTILITY AND COMMUNICATIONS PARKING STANDARDS	
Land Use	
Communications	
Wireless Telecommunications Facilities	N/A
Telecommunications Towers	1 sp. (formal marking and paving are not required)

- (h) **Agricultural Parking Standards.** The agricultural parking standards are set out in Table 21-5-203H, Agricultural Parking Standards.

TABLE 21-5-203H AGRICULTURAL PARKING STANDARDS	
Land Use	
Agricultural or Commercial Crop Production	N/A
Community Garden	1 sp. / 1 st 20 plots + 1 sp. / 10 plots thereafter
Keeping and Pasturing of Livestock	N/A
Wholesale Nursery or Greenhouse	1 sp. / acre of nursery + 1 sp. / 10,000 sf. of greenhouse

Sec. 21-5-204. - Required Accessible Parking Spaces

- (a) **Generally.** Parking spaces that are accessible to persons with disabilities (“ACCESSIBLE PARKING SPACES”) shall be provided as set out in this Section. Such spaces shall be counted toward the total number of spaces that are provided for the purposes of compliance Section 21-5-203, *Parking Tables*, after applicable reductions.
- (b) **Number of Required Spaces.** Accessible parking spaces shall be provided as set out in Table 21-5-204B, *Number of Accessible Parking Spaces*, or as required by the most current revision of the ADA Standards for Accessible Design, Section 208 (as may be amended or re-titled from time to time), whichever requires more parking spaces for disabled persons.

TABLE 21-5-204B NUMBER OF ACCESSIBLE PARKING SPACES		
Number of Parking Spaces Required by this Division	Number of Accessible Spaces	Number of Spaces that Must be Van Accessible
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2 percent of total number of parking spaces	1 out of 8 accessible parking spaces, rounded up
1,001 and over	20, plus 1 for each 100 parking spaces in excess of 1,000 parking spaces	1 out of 8 accessible parking spaces, rounded up

Sec. 21-5-205. - Special Studies**(a) Generally.**

- (1) Some of the uses that are listed in the tables set out in Section 21-5-203, *Parking Tables*, have nonlinear or widely varying parking demand characteristics. Accordingly, their parking requirements are listed in the tables as “special study.” Required parking for these uses shall be established according to the standards of this Section.
- (2) Special studies may also be submitted to support a request to reduce the number of required parking spaces to less than that set out in Section 21-5-203, *Parking Tables*, due to the nature of the operations or specific location of a proposed use. Such special studies shall include and support all requested reductions in parking.

(b) Special Study Requirements.

- (1) A special study shall be conducted by a qualified transportation planner or traffic engineer at the Applicant’s expense. The Administrator shall develop and maintain a list of qualifications or certifications that are acceptable to the City for this purpose.
- (2) The special study shall provide:
 - a. A peak parking analysis of at least three functionally comparable uses.
 - b. 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.

(c) Approval of Special Study.

- (1) The City 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.
- (2) As a condition of approval of a special study, the City may require that land be reserved or land-banked for additional parking if there is a demonstrably high probability that:
 - a. The variability of the parking study may result in a materially higher parking demand than anticipated;
 - b. The use of the improvements on the subject property could change, resulting in a materially higher demand for parking.

Sec. 21-5-206. - Credit for On-Street Parking

In mixed-use developments that provide new on-street parking along internal streets, the on-street parking may be credited to particular uses. The number of parking spaces to be credited equals ($S_a \times P$), where:

S_a = the area of the subject property divided by the developed and buildable area of the mixed-use development in which it is located;
and

P = the total parking that is available on-street in the mixed-use development.

Sec. 21-5-207. - Shared Parking

- (a) **Generally.** In locations where a mix of uses allows for synergy with respect to the utilization of parking spaces due to differences in the timing of peak parking demand, the City may reduce the minimum required number of parking spaces according to the provisions of this Section.
- (b) **Shared Parking Table.** Shared parking allows a reduction in the total number of required parking spaces when a subject property is occupied by two or more uses that generally do not have peak parking demands at the same time. When any land or building is used for two or more categories of uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:
- (1) Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals, by the appropriate percentage listed in Table 21-5-207B1, *Shared Parking Table*, for each of the designated time periods.
 - (2) Calculate a sum for all uses for each of the five time periods (each of the columns). The minimum parking requirement is the highest of these sums, plus any reserved spaces that were excluded from the calculation in the first step. Figure 21-5-207B2, *Illustrative Shared Parking Credit Calculation*, provides an example of how to use Table 21-5-207B1, *Shared Parking Table*, to calculate required parking.

TABLE 21-5-207B1 SHARED PARKING TABLE					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail / Commercial	5%	70%	90%	100%	70%
Commercial Lodging	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%

TABLE 21-5-207B1 SHARED PARKING TABLE					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
All Others	100%	100%	100%	100%	100%

FIGURE 21-5-207B2 ILLUSTRATIVE SHARED PARKING CREDIT CALCULATION					
EXAMPLE: A mixed-use building has 4 two-bedroom apartments, 5,000 square feet of office space, and 5,000 square feet of retail space. Individually, these uses would separately require 43 parking spaces ((4 du. x 2 sp. / unit) + (5,000 sf. x (3 sp. / 1,000 sf.)) + (5,000 sf. x (1 sp. / 250 sf.)) = 43). However, combined, they could share 34 parking spaces, as shown in the calculation below.					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential (8 spaces)	100% x 8 = 8	60% x 8 = 4.8 ¹	90% x 8 = 7.2	80% x 8 = 6.4	90% x 8 = 7.2
Office (15 spaces)	5% x 15 = 1	100% x 15 = 15	10% x 15 = 1.5	10% x 15 = 1.5	5% x 15 = 0.8
Retail / Commercial (20 spaces)	5% x 20 = 1	70% x 20 = 14	90% x 20 = 18	100% x 20 = 20	70% x 20 = 14
Commercial Lodging	80% x 0 = 0	80% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Restaurant	10% x 0 = 0	50% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Gaming and Entertainment	10% x 0 = 0	40% x 0 = 0	100% x 0 = 0	80% x 0 = 0	100% x 0 = 0
All Others	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0
COLUMN TOTALS	10	34^{1,2}	27	30	22
TABLE NOTES: ¹ Round to the nearest 1/10 th space for each individual calculation, then apply standard rounding to the column total (in this case, round 33.8 to 34). ² The largest number, 34, is the number of parking spaces that are required. In this example, the number of required parking spaces is reduced by 21 percent due to the optimization of the peak use periods in the parking lot.					

(c) **Special Shared Parking Study.**

- (1) In the alternative to the methodology in Table 21-5-207B1, *Shared Parking Table*, an Applicant may submit a shared parking study to demonstrate that the parking that is required to serve a certain mix of uses is less than the sum of the parking requirements for each individual use.
- (2) The special study shall be conducted by a qualified transportation planner or traffic engineer at the Applicant's expense (the Administrator shall develop and maintain a list of qualifications and / or certifications that are acceptable to the City for this purpose), and shall:
 - a. Review peak parking demand periods for the proposed uses during a 24-hour weekday and each weekend day, and shall propose a required number of parking spaces based on the combined peak hour demand for parking.
 - b. Provide data on the following:

- i. The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.
 - ii. Similar mixes of uses in other areas of the region or comparable cities in other regions.
 - iii. Degree of variability of parking for individual uses (average, range, and standard deviation).
- (3) The City may require a reserved open area if it finds that the risk of parking needs changing over time so warrants. Once the project is occupied and well-established, if there is a surplus of parking, the Applicant may petition for additional development capacity and parking using the reserved area.
- (d) **Shared Parking Among Lots Under Different Ownership.** A shared parking reduction may be applied to uses on several properties that are under different ownership, provided that long-term maintenance of the arrangement is assured by:
 - (1) An approved parking plan that provides for interconnected parking lots and a pedestrian circulation system that connects the various uses and parking areas, such that it is convenient to move among the various uses; and
 - (2) Recorded access and parking easements, approved as to form by the City Attorney, that provide, at a minimum, for:
 - a. Cross-access among the parking areas and connections that allow for parking by any of the different uses anywhere among the parking areas;
 - b. Allocation of maintenance responsibilities;
 - c. A right of enforcement by the City; and
 - d. A requirement for City consent in order to terminate the easements.

Sec. 21-5-208. - Remote Parking

- (a) **Generally.** In the CA, MU, and CBD zones, remote parking may be provided in lieu of on-site off street parking, pursuant to the standards of this Section. Remote parking is not allowed for residential uses unless they are located within a CA Zone and the purpose of the campus is academic.
- (b) **Location of Remote Parking.**
 - (1) The remote parking must be in a zone that allows surface parking as a principal use.
 - (2) The distance from the wall of the building to be served by remote parking and the boundary of the remote parking lot shall not exceed 300 ft.
 - (3) No street that is higher order than a collector shall separate the subject property from the remote parking.
- (c) **Parking Plan Required.**

- (1) All applicants that propose remote parking shall provide a parking plan that addresses the following:
 - a. The location of the parking area and the distance between it and the subject property;
 - b. The path of safe pedestrian travel (*e.g.*, sidewalk, across certain streets, parking lot(s), trails) between the buildings or land uses and the remote parking facility;
 - c. The total number of parking spaces that are required for the subject property;
 - d. The number of proposed remote parking spaces; and
 - e. Information on total parking demand served by the remote parking facility, including:
 - i. The location and names of all buildings, structures, or land uses for which the parking spaces are provided;
 - ii. Days and hours of operation of the uses that utilize the facility;
 - iii. Peak days and hours of operation of such uses;
 - iv. Parking calculations for each use that utilizes the facility, including the measurement of the independent variable use to calculate required parking;
 - v. Shared parking calculations, if used; and
 - vi. A loading and unloading plan for the Subject Property and the remote parking facility; and
 - f. If required by the Administrator, a study by a parking or traffic consultant to demonstrate that there is no substantial conflict (*e.g.*, materially increased risk of vehicular-pedestrian conflict or unreasonable traffic congestion) inherent in the proposed remote parking arrangement.
- (d) **Required Legal Documentation.** An executed legal agreement, in a form acceptable to the City Attorney, by and among the owners of the properties for which remote parking arrangements are proposed, shall include at a minimum the following:
 - (1) The parking plan;
 - (2) A legal description of the properties to be bound;
 - (3) Allocation of responsibilities for permanent improvement and maintenance of off-site parking areas;
 - (4) Termination only if the City consents, upon demonstration by the applicant to the City that the affected uses fully comply with minimum parking requirements in the absence of the remote parking area(s) provided for in the agreement; and

- (5) Recognition of the authority of the City to base decisions regarding development approvals for the properties that are subject to the agreement upon the remote parking provided for in the agreement, and to seek enforcement against any or all parties if the parking is not provided according to the terms of the agreement.
- (e) **Recording.** A copy of the approved parking plan and fully-executed legal agreement shall be recorded at the office of County Clerk, and shall thereafter be binding upon the applicants, their heirs, successors, and assigns. Such recordation shall thereafter limit and control the issuance of permits and certificates and the operation of all properties that are subject to the parking plan.

Sec. 21-5-209. - Parking Lot Design Standards

- (a) **Parking Lot Design.**
 - (1) All surface parking spaces for multifamily and nonresidential uses shall be set back 10 feet from the front lot line and five feet from all other lot lines, except that parking lots on adjoining lots may be connected.
 - (2) Parking spaces for live-work, multiplex, multifamily, and nonresidential uses shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- (b) **Relationship to Buildings.**
 - (1) In the MU Zone, parking lots shall be located to the rear or sides of nonresidential, multifamily, and mixed-use buildings.
 - (2) The location of parking lots in relation to buildings in other zones or for certain development types may be subject to requirements set out in Division 4-8, *Design Standards*.
- (c) **Standard Parking Space Dimensions.** Standard parking spaces shall have the following dimensions:
 - (1) Parallel parking spaces: 8 ft. stall width x 25 ft. stall length.
 - (2) Surface angled parking spaces (30 to 90 degrees from centerline in the direction of travel): 9 ft. stall width x 20 ft. stall length.
 - (3) Structured or enclosed angled parking spaces (30 to 90 degrees from the centerline in the direction of travel): 9 ft. stall width x 18 ft. stall length.
- (d) **Compact Parking Spaces.** Up to five percent of required parking spaces may be “compact parking spaces.” Compact parking spaces may only be provided in angled configurations. The dimensions of a compact parking space are 8 ft. stall width x 15 ft. stall length.
- (e) **Accessible Parking Space Dimensions, Design, and Location.**

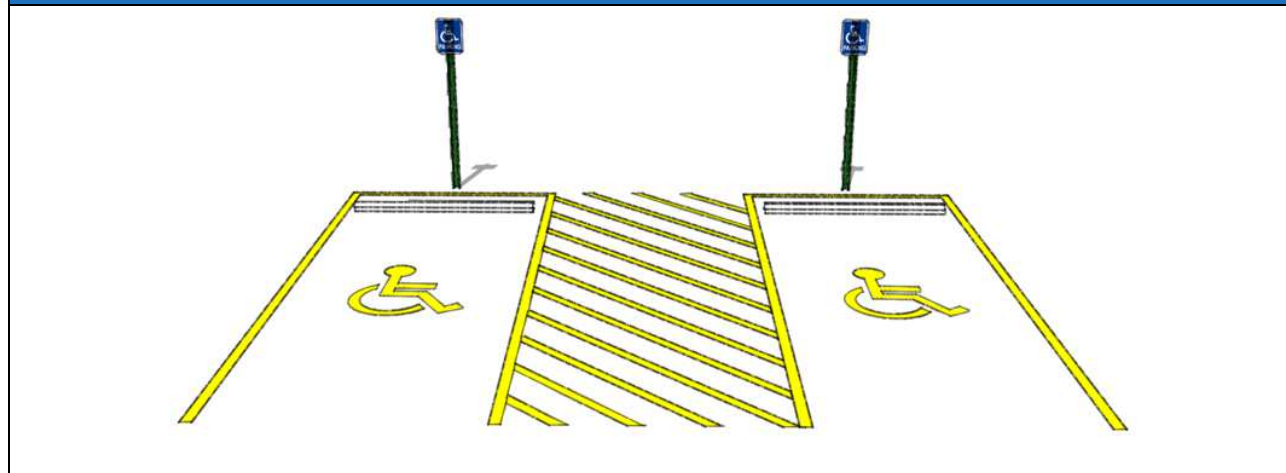
- (1) The design and location of disabled parking spaces shall be as required by the 2010 ADA Standards for Accessible Design, Section 502 (as may be amended or subsequently titled or numbered from time to time, "ADA 502"), at the time the parking space is striped;
 - (2) Accessible routes to and from accessible parking spaces shall be provided as required by ADA 502, at the time the parking spaces are striped; and
 - (3) Accessible routes shall be graded according to the standards of ADA 502, at the time the parking lot is developed or any time it is re-graded.
- (f) **Vertical Clearance.** A vertical clearance of not less than eight feet shall be provided over all parking spaces. 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. All parking structure entrances shall include an overhead bar to alert oversized vehicles regarding vertical clearance.
- (g) **Parking Aisle Widths.** Parking aisles shall be dimensioned as shown in Table 21-5-209G, *Minimum Parking Aisle Width*.

TABLE 21-5-209G MINIMUM PARKING AISLE WIDTH					
Measurement	Parking Space Angle (from Centerline in the Direction of Travel)				
	0° / Parallel Parking	45°	60°	75°	90°
Min. One-Way Drive Aisle Width	13 ft.	14 ft.	16 ft.	18 ft.	24 ft.
Min. Two-Way Drive Aisle Width	19 ft.	Not allowed	Not allowed	Not allowed	24 ft.

Sec. 21-5-210. - Parking Space Markings, Traffic Control Devices, and Parking Stops

- (a) **Generally.** All parking spaces shall be marked and maintained on the pavement and any directional markings or signs shall be installed and maintained as required by the approved parking plan.
- (b) **Accessible Parking Spaces.** Each accessible parking space shall be marked with a free-standing or wall mounted sign using the standard symbol that signifies the space as designed to be accessible to persons with disabilities, along with the phrase "ACCESSIBLE PARKING." In addition, the standard symbol shall be painted on the pavement within the parking space. (See Figure 21-5-210B, *Illustrative Accessible Parking Spaces*.) This requirement shall automatically change to conform to any amendments to the 2010 ADA Standards for Accessible Design (as may be amended, re-titled or renumbered from time to time) that are in effect at the time the parking space is striped.

FIGURE 21-5-210B
ILLUSTRATIVE ACCESSIBLE PARKING SPACES



- (c) **Traffic Control Devices.** All traffic control devices (signs, markings, and signals) shall conform to the *Manual on Uniform Traffic Control Devices (MUTCD)*, latest edition.
- (d) **Parking Stops.**
 - (1) Parking stops, curbs, or bumper rails shall be installed in all parking spaces (except parallel parking spaces) at the perimeter of the parking lot and in all ADA-accessible parking spaces (except parallel parking spaces).
 - (2) Parking stops or curbs shall be at least four inches high and set back a minimum of four feet from the sidewalk line. Bumper rails, if used, shall be set back a minimum of one foot from the sidewalk line.
 - (3) The City may require the installation of parking stops, curbs, or bumper rails in other locations if they are needed to prevent traffic from cutting across the parking lot outside of the drive aisles.

Sec. 21-5-211. - Required Truck Loading Areas

- (a) **Generally.**
 - (1) Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.
 - (2) If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
 - (3) Off-street parking areas used to fulfill the requirements of this Section shall not be used for loading and unloading operations except during off-peak parking periods.

- (b) **CBD and MU Exception.** In the CBD Zone and MU Zone, over-the-curb loading from local streets or alleys is allowed in lieu of the off-street loading requirements of this Section, provided that the loading occurs during off-peak hours and the areas that are used for loading are approved by the Public Works Director.
- (c) **Loading Space 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.
- (d) **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.
- (e) **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 loading area.
- (f) **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 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. The uses that share loading areas meet all of the following criteria:
 - i. The uses are adjacent;
 - ii. Convenient, complimentary hours are established for loading and unloading, and such hours are posted;
 - iii. The loading spaces are easily accessible and well-lit; and
 - iv. The loading areas are not located on through traffic streets, and whenever possible, are located behind one of the buildings served by the loading areas.
- (g) **Relationship to Building.**
 - (1) Except in the I Zone, loading areas shall be located behind the principal building or on the side of the principal building if the loading areas are screened from front and side views by wing walls or a shed structure.

- (2) In the I Zone, the location of loading areas in relation to buildings is not restricted.
- (h) **Design.** Off-street loading facilities shall be designed so that they do not interfere with fire exits or emergency access routes.

Sec. 21-5-212. - Vehicle Stacking Requirements

- (a) **Generally.** 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. Stacking spaces measure eight feet wide by 20 feet long and provide direct access to a service window. The position in front of a drive-through station (*e.g.*, a service window, ATM, or station at a drive-through bank) is counted as a stacking space.
- (b) **Requirements.** 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):
 - i. Four stacking spaces to each menu board (including the position at the menu board);
 - ii. Four stacking spaces between the menu board and the first window (including the position at the first window); and
 - iii. Two spaces between the first window and the second window (including the position at the second window).
 - b. If one service window is provided (for both payments and pick up):
 - i. Six stacking spaces to the menu board; and
 - ii. 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 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.
- (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 a parking bufferyard separates the stacking area from the street.
 - (3) Stacking lanes shall be designed with an adjoining eight-foot wide bypass lane.

Sec. 21-5-213. - Construction, Operation, and Maintenance

- (a) **Driving and Parking Surface.** Areas used for parking, standing, and maneuvering of vehicles shall have durable and dustless surfaces that are maintained adequately for all-weather use.
- (b) **Operation of Parking Lots.** Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- (c) **Operation of Loading Areas.** The long-term storage of trucks and trailers in loading spaces is prohibited. Such spaces shall be available for routine use by delivery vehicles.

Division 5-3. - Landscaping and Open Space

Sec. 21-5-301. - Purpose and Application of Division

- (a) **Generally.** This Division includes standards for three categories of landscaping:
 - (1) *General Landscaping.* General landscaping is the landscaping that is required regardless of the location of the subject property with respect to other uses.
 - (2) *Parking Lot Landscaping.* Parking lot landscaping is the landscaping within and on the corners of surface parking lots.
 - (3) *Bufferyard Landscaping.* Bufferyard landscaping is contextual. That is, bufferyards are required (or not) based on the zoning, development type, or right-of-way type that adjoins the subject property.
- (b) **Relationship to Open Space Ratio or Landscape Surface Ratio.** The landscaping areas that are defined in this Division are counted towards the open space ratio and landscape surface ratio of the subject property.
- (c) **Applicability of Standards; General Exceptions.**

- (1) Except as provided in Subsection (b)(2), the standards of this Division apply to all new development, redevelopment, or substantial improvements to existing sites or buildings.
- (2) The standards of this Division do not apply to:
 - a. Individual lots that are used for existing single-family detached or duplex dwellings.
 - b. Modifications to nonresidential buildings where the redevelopment does not expand the floor area of the use by more than 10 percent.
- (d) **Landscape Calculations.** No area of a subject property shall be counted more than once for the purposes of applying landscaping requirements.

Sec. 21-5-302. - Landscape Design Principles

- (a) **Generally.** Landscapes for nonresidential and multifamily development that involve more than 1,000 square feet of landscaped area shall be designed by a qualified landscape architect or design professional. The Administrator shall develop and maintain a list of qualifications or certifications that are acceptable to the City for this purpose.
- (b) **Plant Spacing.** Plant spacing shall allow for adequate growth of plants at maturity and for intersection visibility.
- (c) **Species Selection.**
 - (1) Within each category of required planting (*i.e.*, canopy trees, understory trees, evergreens, and shrubs):
 - a. Not more than 40 percent shall be of any one genus; and
 - b. Not more than 20 percent shall be of any one species.
 - (2) Native and low-water demanding plants and turf shall be used where practicable.
 - (3) Native species and natural drainage ways shall be protected if practicable.
 - (4) Plants shall be compatible with project soils.
 - (5) Russian Olive (*Elaeagnus angustifolia*), Salt Cedar (*Tamarix ramosissima*), and plants that are identified as noxious, invasive, or prohibited by the United States or the State of Colorado shall not be planted in the City.
- (d) **Irrigation and Soil Moisture Control.**
 - (1) Plants with similar water requirements shall be grouped together on the same irrigation hydrozone;
 - (2) High-irrigation turf and plantings shall be limited to appropriate high-use areas with high visibility and functional needs;
 - (3) Soil improvements shall be incorporated where necessary for healthy plant growth; and

- (4) In permeable areas that are not covered by groundcover vegetation, mulch or rock shall be applied to help retain water in the soil and to help prevent erosion.

Sec. 21-5-303. - Size and Quality of Landscape Plants; Tree Preservation Credits

- (a) **Size and Quality of Landscape Plants.** In general, plant materials that are installed according to the requirements of this Division shall meet the standards that are set out in this Section. However, larger sizes may be required to ensure survival or to implement a condition of approval of a limited or conditional use.
- (b) **Minimum Size of Landscape Materials.** The minimum sizes of landscape materials used to satisfy the requirements of this Division are set out in Table 21-5-303B, *Minimum Size of Landscape Materials*.

TABLE 21-5-303B MINIMUM SIZE OF LANDSCAPE MATERIALS	
Type of Plant Material	Minimum Caliper, Height, or Container Size
Evergreen Trees	6 ft. Height
Deciduous Shade Trees	2 in. Caliper
Deciduous Ornamental Trees	2 in. Caliper
Shrub	5 gallon minimum; If used in bufferyards, estimated growth to 3 ft. in height within 3 years

- (c) **Specification of Landscape Materials.** All plant material shall meet specifications of the American Nursery and Landscape Association for Number 1 grade. Plant materials shall have normal, well-developed branches and vigorous root systems. They shall be healthy and free from defects, decay, sunscald injuries, abrasions of the bark, insect pests, and all forms of infestations or objectionable disfigurements.
- (d) **Tree Preservation Credits.**
- (1) Existing trees that are preserved on a subject property count towards the planting requirements of this Division, provided that:
- They are established for at least five years and not prohibited by Section 21-5-302, *Landscape Design Principles*, subsection (c)(5); and
 - They are not:
 - Overmature;
 - Diseased;
 - Poor in form;
 - Leaning heavily over buildings;
 - Too close to building foundations;
 - Damaging sidewalks and driveways; or
 - Impacting utilities.

- (2) Preserved trees may count as more than one tree for the purposes of the landscaping requirements, as set out in Table 21-5-303D2, *Tree Preservation Credits*.

TABLE 21-5-303D2 TREE PRESERVATION CREDITS			
DBH of Tree to be Preserved		Tree Credit	Landscape Area Where Credit May Be Applied
Min. Diameter	Up to, But Not Including		
none	10 inches	1	Location of preserved tree.
10 inches	15 inches	2	Location of preserved tree.
15 inches	20 inches	3	Location of preserved tree, or any other location except a bufferyard.
20 inches	no limit	5	Location of preserved tree, or any other location except a Class C or Class D Bufferyard.

Sec. 21-5-304. - General Landscaping

- (a) **Generally.** General landscaping is required as set out in this Section.
- (b) **Applicability.** The standards of this Section apply in all zones except CBD, and except as provided in Section 21-5-301, *Purpose and Application of Division*, subsection (c)(2).
- (c) **General Landscape Area.**
- (1) The general landscape area is the permeable area of the subject property, except for the following areas:
- Parking lot landscape areas (see Sec. 21-5-305, *Parking Lot Landscaping*);
 - Bufferyards (see Sec. 21-5-306, *Bufferyard Landscaping*);
 - Areas within and extending up to 15 feet from plazas, play fields, or other outdoor gathering spaces or recreation areas, the use of which would be diminished by the presence of trees;
 - Areas within designated outdoor storage areas or work areas;
 - Areas within irrigation ditch easements, or within 30 feet of the ditch bank if the easement does not have delineated boundaries;
 - Areas used for gardens;
 - Wetlands and waterbodies;
 - Stormwater detention facilities;
 - Utility and drainage easements;
 - Wooded areas;
 - Areas where ground-mounted solar panels (of any type) are installed, and any areas around them that must be kept clear of vegetation to avoid shading of the panels in order to optimize their use;
 - Permeable areas that are less than 80 square feet that are enclosed by any combination of buildings, structures, impermeable surfaces such as asphalt or concrete, or any of the areas described in Subsection (c)(1), above; and

- m. Areas in which the soils or topography are not suitable for the establishment and growth of healthy trees.
- (d) **Waiver or Reduction of Tree Planting Requirements.** The Administrator may waive or decrease planting requirements if the total number of trees that are required exceeds the number that can be reasonably planted on the subject property without materially increasing fire risk, compromising the health of the trees, or diminishing the use of the property.
- (e) **Tree Planting Requirements.** Trees shall be planted in all general landscaping areas at a rate of not less than one tree per 2,000 square feet of general landscaping area, with fractions dropped.
- (f) **Landscape Design.** The tree planting requirements are not spacing requirements. Trees may be planted in formal or informal arrangements. Trees that reach a mature height of more than 25 feet shall not be planted within 20 feet of an overhead utility line.
- (g) **Groundcovers.** Groundcovers shall be planted as necessary to stabilize soil and prevent erosion.

Sec. 21-5-305. - Parking Lot Landscaping

- (a) **Generally.** Parking lot landscaping is required as set out in this Section.
- (b) **Applicability.** The standards of this Section apply to surface parking lots associated with all nonresidential and multifamily uses, except parking lots that contain fewer than 16 parking spaces, and except in the CBD Zone.
- (c) **Parking Lot Landscape Areas.** Landscaping is required in all of the following areas:
 - (1) At the ends of parking aisles, planted in endcap islands that are not less than nine feet wide and 36 feet long (18 feet where the parking module does not adjoin another parking module), with 10 foot curb radii on the side that faces outward from the parking aisle;
 - (2) Between the endcaps of parking rows, either:
 - a. Planted in interior islands that are not less than nine feet wide and 36 feet long (18 feet where the parking module does not adjoin another parking module), with 5 foot curb radii at both ends; or
 - b. Planted in interior landscape strips that are at least five feet wide that are located between parking modules, or at the edges of parking modules where parking modules do not adjoin each other.
 - (3) At the corners of parking lots, planted in corner islands, which are the area defined by the extension of the outer edges of intersecting parking modules.
- (d) **Spacing of Parking Lot Landscape Areas.** Parking lot landscape areas shall be spaced so that no parking lot landscape area is more than 100 feet from any other parking lot landscape area, measured from curb to curb.

(e) Planting Requirements.

- (1) Each endcap island, interior island, and corner shall be planted with a minimum of one canopy tree or two understory trees.
- (2) Each landscape strip shall be planted with not less than one canopy tree or two understory trees per 100 linear feet. Formal arrangement of the trees in the landscape strip is not required.
- (3) The Administrator may waive the planting requirements of this subsection, or allow the landscaping to be planted in an alternative location on the subject property (if reasonably available), for any particular landscape area or portion thereof if:
 - a. The tree or trees will interfere with sight triangles that are necessary for safe ingress to or egress from the parking lot; or
 - b. The landscape area is not conducive to the healthy growth of trees (*e.g.*, due to topography, solar orientation, or soil types); or
 - c. The landscape area is part of a stormwater conveyance system, and is not suitable for tree planting.

Sec. 21-5-306. - Bufferyard Landscaping

- (a) **Generally.** Bufferyard landscaping is required as set out in this Section, and as set out in this UDC for specific uses or situations.
- (b) **Applicability.** The standards of this Section apply to all required bufferyards.
- (c) **Bufferyard Classifications.** For the purposes of this UDC, there are five classifications of bufferyards, as set out in Table 21-5-306C, *Bufferyard Classifications*.

TABLE 21-5-306C BUFFERYARD CLASSIFICATIONS						
Bufferyard Classification	Width	Required Plantings per 100 Linear Feet				Berm, Opaque Fence, or Wall ¹
		Canopy Trees	Understory Trees	Evergreen Trees	Shrubs	
Class A	5 ft.	1	1	1	10	Not required
Class B	10 ft.	2	1	1	20	Not required
Class C	25 ft.	2	2	4	30	6 ft. high
Class D	30 ft.	3	3	4	30	8 ft. high
Parking Bufferyard	5 ft.	0	0	0	40	3 ft. high allowed as alternative to shrubs ²
TABLE NOTE: ¹ If a fence or wall is used, all understory trees and shrubs, and not less than 50 percent of the canopy trees and evergreen trees shall be planted on the outside of the wall. If a berm is used, all shrubs shall be planted on the outside (or outside slope) of the berm. ² For nonresidential uses that are located within or adjacent to a residential zone, an opaque fence or wall that is not less than five nor more than six feet in height is required on all boundaries of the subject property that are shared with properties that are in a residential zone.						

- (d) **Parking Bufferyards.** Surface parking lots for multifamily and nonresidential land uses shall be buffered from adjoining streets and adjoining residential property. Unless another type of bufferyard is required along the same boundary of the subject property, the minimum bufferyard for this purpose shall be a Parking Bufferyard.

Sec. 21-5-307. - Maintenance Standards

- (a) **Generally.** All landscaping elements and irrigation equipment shall be maintained in good condition. Ongoing maintenance, including the replacement of dead or unhealthy plantings, is required for areas that are landscaped pursuant to an approved landscape plan.
- (b) **Restrictions within Dripline or Critical Root Zone of Trees Used for Credit.** The following restrictions apply within the larger of the dripline or the critical root zone of trees that are used for credit pursuant to Section 21-5-303, *Size and Quality of Landscape Plants; Tree Preservation Credits*:
 - (1) *Prohibited Activities.* The following are not allowed:
 - a. Cutting or filling;
 - b. Storage of building materials or debris;
 - c. Disposal of wastes;
 - d. Installation of impervious paving.
 - (2) *Barricades Required.* The dripline or critical root zone shall be barricaded during construction to prevent damage to the trees and their roots by construction equipment.
- (c) **Prohibited Tree Pruning Techniques.** The following pruning techniques are prohibited on trees that are preserved or planted pursuant to an approved landscape plan:
 - (1) Topping (cutting large vertical branches of the tree to reduce its height).
 - (2) Tipping (cutting branches between nodes).
 - (3) Bark ripping (cutting branches so that the bark rips when the branch falls).
 - (4) Flush cuts (cutting the branch too close to the collar, the area where the branch connects to the tree).
 - (5) Stub cuts (cutting branches too far away from the collar, the area where the branch connects to the tree).

Sec. 21-5-308. - Open Space

- (a) **Generally.** The area of land or water that is designated as open space for the purposes of satisfying the minimum open space ratio shall be physically suited for one or more of the following uses:
 - (1) Any landscape area that is required by this Division;

- (2) Conservation of open land in its natural state (*e.g.*, woodlands, stream corridors, grasslands, floodplains, and the like);
 - (3) Active or passive recreation (*see* Section 21-6-202, *Parks*); or
 - (4) Agriculture, horticulture, forestry, or fishery uses (including barns, stables, and other structures accessory or incidental to such uses, provided that such structure cover less than 10 percent of the site), where permitted under the appropriate zoning classification.
- (b) **Location and Form.**
- (1) Open space shall, to the maximum extent feasible, be compact and contiguous and connected to existing or anticipated protected open space on adjacent properties.
 - (2) The exact location and configuration of the land to be dedicated shall be determined by the City in consultation with the applicant, and shall take into consideration the suitability of the proposed open space sites for their stated purposes, and their proximity to other open space, parks, trails, or recreational lands.
 - (3) The following areas shall be given priority in dedicating or setting aside open space:
 - a. Sensitive environmental areas such as stream corridors and wetlands.
 - b. Wildlife habitat.
 - c. Woodlands.
 - d. Parks.

Division 5-4. - Lighting

Sec. 21-5-401. - Single-Family Detached, Duplex, and Townhome Lighting Standards

Exterior lighting on single-family detached, duplex, and townhome lots shall either be provided with fixtures that emit 1,500 lumens or less, or be configured so that lights do not cause glare that is visible outside of the property lines of the subject property. All exterior lighting on single-family, duplex, or townhome lots is subject to Sec. 21-5-404, *Public Safety and Public Nuisance*.

Sec. 21-5-402. - Multifamily, Nonresidential, and Mixed-Use Lighting Standards

- (a) **Generally.** Exterior lighting on multifamily, nonresidential, and mixed-use sites shall conform to the requirements of this Section. Exterior lighting that does not produce glare or sky glow and is not visible from outside of the subject property is exempt from the provisions of this section.
- (b) **Fixture Types.**
- (1) Generally, light fixtures (wherever mounted) shall be “cut-off” fixtures that are oriented to limit illumination that is visible or measurable at the property line.
 - (2) “No cut-off” fixtures may be used only for decorative purposes, provided:

- a. Their luminaires that produce no more than 1,500 lumens (approximately equal to a traditional 100W incandescent bulb); and
 - b. They are not installed above a height of eight feet.
- (c) **Maximum Freestanding Fixture Height.** No freestanding light fixture shall be greater than 25 feet in height.
- (d) **Maximum Illumination Levels.**
 - (1) Outdoor lighting shall be deflected, shaded and focused away from adjacent properties, and shall not be a nuisance to such adjacent properties.
 - (2) Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed three-tenths of a foot-candle, measured vertically, and three-tenths of a foot-candle, measured horizontally, on adjacent properties.
- (e) **Canopy Lighting.** Canopy lighting for uses that have sheltered outside work or service areas or porte-cocheres, shall meet the standards of this Section. All lighting fixtures shall be recessed into the canopy so that they cannot be viewed from off-site from an eye height of four feet.

Sec. 21-5-403. - Exterior Lighting for Outdoor Recreation

- (a) **Generally.** Ball diamonds, playing fields, driving ranges, tennis courts, and similar amusement or recreation uses have unique requirements for nighttime visibility and, generally, have limited hours of operation. The standards of this Section, and not Section 21-5-402, *Multifamily, Nonresidential, and Mixed-Use Lighting Standards*, apply to outdoor recreation uses.
- (b) **Fixture Type.** Light fixtures for illumination of playing courts and athletic fields shall be “cut-off” fixtures that are oriented to limit sky glow and direct lighting that is visible or measurable at the property line.
- (c) **Maximum Freestanding Fixture Height.** No freestanding light fixture shall be greater than 40 feet in height.
- (d) **Maximum Illumination.**
 - (1) Field and court lighting shall be deflected, shaded and focused away from adjacent properties and shall not be a nuisance to adjacent properties.
 - (2) Field and court lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half foot-candle, measured vertically, and one-half foot-candle, measured horizontally, at the property line.
 - (3) Buffering may be used to reduce impacts of outdoor recreation lighting in order to achieve compliance with the requirements of this Subsection (d).

Sec. 21-5-404. - Public Safety and Public Nuisance

- (a) **Generally.** The City may require the modification or removal or limited operation of existing or new lighting fixtures if they are found to be a public hazard or public nuisance according to the criteria of this Section.
- (b) **Hazards.** Criteria for finding illumination to be a public hazard are as follows:
 - (1) Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle.
 - (2) Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in their path.
- (c) **Nuisance.** Criteria for finding illumination to be a public nuisance are as follows:
 - (1) Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of their property.
 - (2) A high frequency or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of property other than the subject property.
 - (3) Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives the average person from the usual and reasonable enjoyment of the public streets and properties of the City.

Division 5-5. - Grading, Erosion, and Sediment Control**Sec. 21-5-501. - Intent and Liability**

- (a) **Legislative Intent.** The intent of this Division is to enhance the quality of water in the City's drainage ways and subsequent receiving waters in order to promote the safety, public health, convenience, and general welfare of the City by:
 - (1) Establishing requirements for stormwater quantity and quality control as part of new development and redevelopment to prevent impacts on the storm sewer system and receiving waters from runoff leaving new development and redevelopment within the City.
 - (2) Establishing requirements for grading permits for construction activities and development to prevent soil erosion, sedimentation, and other pollutants from leaving construction sites.

- (b) **Liability.** Any person who undertakes or causes to be undertaken any activity which involves disturbance of the land's surface shall ensure that soil erosion, sedimentation, increased pollutant loads, and changed water flow characteristics resulting from the activity are controlled so as to minimize pollution of receiving waters. The requirements of this Division are the minimum standards, and a person's compliance with the same shall not relieve such person from the duty of enacting all measures necessary to minimize pollution of receiving waters.

Sec. 21-5-502. - General Standards for Grading

- (a) **Generally.** Stormwater discharges from construction activities shall not cause, have the reasonable potential to cause pollution, contamination, or degradation of waters of the state. Grading activities (except agriculture) that affect more than one acre of land, or that affect land within 150 feet of the Rio Grande, shall be conducted in accordance with an approved stormwater management plan that details the best management practices ("BMPs") to be used during construction and upon completion of construction.
- (b) **Best Management Practices During Construction.**
- (1) *Construction BMPs.* Construction site operators shall protect water quality and control runoff and erosion through the implementation of appropriate construction BMPs.
 - (2) *Timing of Installation.* All temporary or permanent erosion control BMPs that are intended to function during earth disturbance operations shall be installed before any construction activities take place.
 - (3) *Selection of BMPs.* The selection, design, and installation of appropriate structural and nonstructural BMPs must be done in accordance to the latest revision of the *Urban Drainage and Flood Control District's ("UDFCD") Urban Storm Drainage Criteria Manuals ("USDCM")*. BMPs must be adequately designed and scaled to provide control for all potential pollutant sources associated with construction activity to prevent pollution or degradation of surface waters.
 - (4) *Types of Construction BMPs.* Construction BMPs shall include appropriate Erosion Control BMPs, Sediment Control BMPs, Material Management BMPs, and Site Management BMPs.
 - a. Erosion Control BMPs (*e.g.*, mulching, erosion blankets, check dams etc.) limit the amount and rate of erosion occurring on disturbed areas.
 - b. Sediment Control BMPs (*e.g.*, silt fence, inlet/outlet protection, sediment traps/basins etc.) attempt to capture the soil that has been eroded before it leaves the construction site.
 - c. Material Management BMPs (*e.g.*, stockpile management, good housekeeping practices etc.) limit contact of runoff with pollutants commonly found at construction sites, such as construction materials and equipment-related fluids.

- d. Site Management BMPs (*e.g.*, construction phasing or sequencing, protection of existing vegetation, street sweeping etc.) minimize erosion and sediment transport by considering construction phasing, scheduling, and sequencing of land disturbing activities. These BMPs minimize the duration of exposure or quantity of exposed soils that are susceptible to erosion. Site management also ensures BMPs implemented at the site are properly selected, installed, inspected, maintained, and repaired to reduce erosion and sediment transport.
- (5) *Management of Flows.* Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the earth disturbance area shall be designed to limit the water flow to a non-erosive velocity.
- (c) **Grading Operations.**
- (1) Any earth disturbance shall be conducted in a manner that effectively reduces accelerated soil erosion and resulting sedimentation, and does not exceed the erosion expected to occur for the subject property in its totally undeveloped state.
 - (2) All earth disturbances shall be completed diligently so that the exposed area of any disturbed land shall be limited to the shortest possible period of time.
 - (3) Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the disturbed area.
 - (4) Construction site operators shall control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
 - (5) Concrete washout water shall not be discharged to the storm sewer system, public right-of-way, or waters of the state. On-site permanent disposal of concrete washout waste is not allowed.
 - (6) Off-site vehicle tracking of sediments shall be controlled and minimized.
 - (7) Bulk storage structures for petroleum products and other chemicals shall have secondary containment or equivalent adequate protection so as to contain all spills and prevent any spilled material from entering surface waters.
 - (8) Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters or runoff shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering surface waters.
 - (9) No building material wastes or unused building materials shall be buried, dumped, or discharged at the site.
 - (10) The City may require sampling and testing on a case-by-case basis in the event that there is reason to suspect that compliance with the SWMP is a problem, or to measure the effectiveness of the BMPs.
- (d) **Stabilization and Planting.**

- (1) Exposed areas of cut and fill shall be planted with at least two genera of native plants that are selected for their ability to stabilize the soil and prevent erosion.
- (2) Generally, planting shall be timed within 90 days of the completion of final grading unless other construction activities are planned within 90 days of that date. If final grading is completed between October 1 and March 15, planting is required by no later than June 15.
- (3) The Administrator may require financial guarantees in the form of cash deposits or letters of credit to guarantee completion of the work.

Sec. 21-5-503. - Permanent Best Management Practices

(a) Generally.

- (1) The latest revision of the *Urban Drainage and Flood Control District's ("UDFCD") Urban Storm Drainage Criteria Manuals ("USDCM")* shall be used to establish criteria for new development and redevelopment planning, water quality protection, and the selection and design of appropriate permanent BMPs.
- (2) Appropriate BMPs for the proposed project shall be designed and implemented according to the UDFCD-USDCM specifications and following good engineering, hydrologic, and pollution control practices.
- (3) BMPs that are not included within the latest revision to the UDFCD-USDCM may be used only with the approval of the City Engineer.

(b) Types of Permanent BMPs. Permanent (post-construction) stormwater BMPs are generally divided into two categories: Treatment BMPs and Source Control BMPs.

- (1) *Treatment BMPs.* Treatment BMPs include a variety of alternatives generally categorized as conveyance practices and storage practices (*e.g.* a grass swale, retention pond, or sand filter) that provide treatment of the stormwater runoff quantity and quality.
- (2) *Source Control BMPs.* Source Control BMPs stop or redirect pollutants before they enter the storm sewer system. A Source Control BMP can be a structural component of a planned site (*e.g.* a covered area for material storage) or a procedural BMP. Procedural BMPs involve public education, training, and development of standard operating procedures.

(c) Location of Structural BMPs.

- (1) Treatment or source control BMPs that involve structures shall be located on private property when possible.
 - a. When so located, the BMP shall be owned and operated by the owner of the property on which the BMP is located.
 - b. As a condition of approval of the BMP, the owner shall agree to operate and maintain the BMP to its design capacity unless and until the City relieves the property owner of that responsibility in writing.

- c. The obligation to maintain the BMP shall be memorialized on a subdivision plat, annexation plat, or in another form acceptable to the City Attorney, and shall be recorded in the office of the Alamosa County Clerk and Recorder.
- (2) When the BMP must be located within the public right-of-way or within property owned by the City, the City shall own, operate, and maintain the facility.

Sec. 21-5-504. - Design of Permanent Drainage Systems

- (a) **Generally.** Open drainage systems and underground drainage systems shall be designed according to the standards of this Section.
- (b) **Design Objectives for Open Drainage Systems.** Site drainage using open systems shall be planned such that it:
 - (1) Minimizes negative impacts on natural site features (*e.g.*, through grading or erosion) and minimizes obstructions or alterations of natural drainageways;
 - (2) Creates an amenity that is incorporated into the overall landscape plan, as follows:
 - a. Detention and drainage areas with a volume of less than 1,000 cubic feet should be designed as natural landscape amenities;
 - b. If feasible, detention and drainage areas with a volume of 1,000 cubic feet or more should be designed as recreational amenities; and
 - (3) Appears natural in character, even if stabilized for erosion control. For example:
 - a. Natural drainage ways should be incorporated into the drainage plan and the site design should feature them as amenities.
 - b. Storm drains may be developed as an open landscaped feature that is lined with native grasses and indigenous plants, while also meeting technical engineering standards.
 - c. The use of riprap and other devices that do not appear natural in character should be avoided in favor of treatments that appear more natural in the context of the City and the region, such as local stone, evergreens, and drought tolerant grasses.
- (c) **Underground Systems.** When a drainage system cannot be designed as a site amenity, or the drainage system is located in the CB, CBD, or I Zone, an underground drainage system may be used instead of a surface drainage system.

Article VI. - Mitigation of Development Impacts

Division 6-1. - Impact Analysis

Sec. 21-6-101. - Fiscal and Infrastructure Impact Analysis

- (a) **Generally.** A fiscal and infrastructure impact analysis is required for all proposed development that includes more than 16 dwelling units or more than 25,000 square feet of gross floor area of nonresidential uses.
- (b) **Timing of Submittal.** The fiscal and infrastructure impact analysis shall be submitted with the preliminary plat or site plan (if no plat is required).
- (c) **Contents.**
 - (1) The fiscal and infrastructure impact analysis shall evaluate the impact of the proposed subdivision or development on the capacity or quality of the City's existing infrastructure, including the City's water and sewage treatment systems and the school system, and provide analysis and recommendations as follows:
 - a. The projected service demands for city utilities, services, and infrastructure, including water, sewer, and schools, that are directly generated by the proposed subdivision or development;
 - b. An analysis of the capacity of existing and planned municipal facilities and infrastructure to meet future demands directly generated by the proposed subdivision or development, and a determination of any resulting capacity shortfalls or degradation in service or quality;
 - c. An estimate of the costs associated with the provision of municipal utilities and services to the proposed subdivision; and
 - d. A list of recommendations for infrastructure improvements, if any, that are needed to ensure that the proposed subdivision or development will not have a significant, adverse impact on the City's infrastructure capacity or quality.
 - (2) The City Engineer may waive some, or add to the requirements on a case-by-case basis as circumstances warrant based on the nature of the proposed development.
- (d) **Mitigation of Adverse Impacts Required.** In no instance shall the City approve a preliminary plat or site plan if the fiscal and infrastructure impact analysis shows there will be a significant, adverse impact on the City's infrastructure capacity or quality, unless the applicant provides on-site or off-site measures acceptable to the City that will substantially or completely mitigate the adverse impacts created by the proposed subdivision or development, or the City Council determines that the benefits of the project, including potential tax revenues, jobs, or public services to be provided, outweigh the anticipated adverse impacts.

Sec. 21-6-102. - Traffic Impact Analysis

- (a) **Generally.** A traffic impact analysis is required for all proposed development that includes more than 16 dwelling units or more than 25,000 square feet of gross floor area of nonresidential uses.
- (b) **Timing of Submittal.** The traffic impact analysis shall be submitted with the preliminary plat or site plan (if no plat is required).
- (c) **Contents.**
 - (1) The traffic impact analysis shall evaluate the impact of the traffic projected to be generated by proposed subdivision or development on the capacity of the existing streets in the City, and provide analysis and recommendations as follows:
 - a. An inventory of existing conditions within one mile of the proposed subdivision or development, including:
 - i. Roadway network and traffic control;
 - ii. Existing traffic volumes in terms of peak hours and average daily traffic ("ADT");
 - iii. Planned roadway improvements by others; and
 - iv. Intersection levels of service.
 - b. Projected site-generated traffic volumes in terms of:
 - i. Peak hours and ADT;
 - ii. Approach/departure distribution (including method of determination);
 - iii. Site traffic volumes on roadways; and
 - iv. Comparison of existing conditions to proposed site generation.
 - c. An analysis of future traffic conditions including:
 - i. Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic); and
 - ii. Intersection levels of service.
 - d. A description and schematic plan of recommended access and on-site circulation.
 - e. A description of proposed on-site and/or off-site mitigation measures necessary to meet the LOS standard set forth in subsection (d), below.
 - (2) The City Engineer may waive some, or add to the requirements on a case-by-case basis as circumstances warrant based on the nature of the proposed development.
- (d) **Mitigation of Adverse Impacts Required.** The street system within the proposed subdivision or development shall:
 - (1) Provide LOS C on all proposed streets and at all proposed intersections; and

- (2) Maintain LOS C, or current level of service (if lower), on all adjoining streets and intersections, unless the City Council determines that the benefits of the project, including potential tax revenues, jobs, or public services to be provided, outweigh the anticipated adverse impacts.

Division 6-2. - Required Dedications and Fees-in-Lieu

Sec. 21-6-201. - Form of Dedication

Dedications of right-of-way for public streets, drainage easements, utility easements, parks, schools, or other public purposes shall be required and shall be made by the applicant on the plat, or, in the case of a site plan, by separate instrument approved as to form by the City Attorney.

Sec. 21-6-202. - Parks

- (a) **Generally.** Land for parks shall be dedicated, or a fee-in-lieu paid, for residential and special residential development as provided herein. Dedicated parks are counted towards the required open space ratio of the development.
- (b) **Exceptions.**
- (1) The requirements of this Section do not apply to cases in which dedication arrangements were approved at the time of annexation or previous subdivision of the same property.
 - (2) In the case of redevelopment, the requirements of this Section apply only to the net new dwelling units that are created by the redevelopment.
- (c) **Park Dedication Requirements.**
- (1) Land for parks shall be dedicated at the rate of six acres per 1,000 residents in a proposed residential development. Dedication requirements for individual housing types are set out in Table 21-6-202B, *Park Dedication Requirements by Housing Type*.

TABLE 21-6-202B PARK DEDICATION REQUIREMENTS BY HOUSING TYPE			
Housing Type	Estimated Persons Per Unit	Acres Per Unit	Square Feet Per Unit
Single-family detached	3.07	0.018	802
Duplex or twin house	3.07	0.018	802
Townhouse or rowhouse	2.37	0.014	619
Multiplex or multifamily	2.16	0.013	565
Manufactured home	2.37	0.014	619
Cottages	2.37	0.014	619
Tiny homes	1.00	0.006	261
Live-work	2.16	0.013	565

- (2) Special residential housing types with ambulatory populations who are not restricted to the premises shall provide 0.006 acres (261 square feet) per bed.

- (3) Park land shall meet the following minimum requirements:
 - a. The area shall be located so as to serve all of the residents of the subdivision or development;
 - b. The land shall be suitable for the types of recreational facilities that are proposed;
 - c. The area shall be accessible from a public street or shall adjoin and become part of or connect with an already existing public park, trail, or open space area that is accessible from a public street;
 - d. Detention or retention areas or other storm water control facilities may be included if it is demonstrated that the land is accessible and usable for recreational purposes; and
 - e. The land shall be free of all liens or other financial encumbrances, and of all non-financial encumbrances that may limit its use as a public park.
- (d) **Fee-in-Lieu of Park Dedication.** The applicant shall pay to the City, in lieu of the dedication, an amount of cash equal to the fair market value of the required dedication as an improved park if:
 - (1) The total land dedication required by subsection (b), above, is less than one acre; or
 - (2) The development is located in the CBD Zone; or
 - (3) The Planning Commission determines that a fee-in-lieu is appropriate, after considering:
 - a. The size of the development and its adequacy for accommodating a suitable public use site;
 - b. The community facility aspects of the comprehensive development plan and the school district's master plan;
 - c. Existing parks and other public uses in the area;
 - d. The topography, geology, and location of land in the subdivision that is available for dedication;
 - e. The needs of the people in the area; and
 - f. The availability of resources for operating and maintaining the park.
- (e) **Public Use Reservations.** Portions of a subject property that is being subdivided may be reserved for later acquisition for public use. Such reservation shall be delineated on the final plat and related provisions shall be clearly noted.

Division 6-3. - Public Improvements, Site Improvements, and Easements

Sec. 21-6-301. - Public Improvements and Site Improvements

- (a) **Generally.**

(1) *Public Improvements.* Depending upon the nature of the application for development approval, public improvements that must be constructed, installed, or otherwise provided by the applicant may include, but are not limited to:

- a. Permanent survey monuments, range points and lot pins;
- b. Streets, alleys, acceleration or deceleration lanes, sidewalks, and curb and gutter, in accordance with the City standards;
- c. Street name signs and traffic-control signs or other street control devices;
- d. Bridges, culverts, or open drainage channels;
- e. Street lights;
- f. Water lines and fire hydrants;
- g. Sanitary sewer lines; and
- h. Storm drainage improvements and storm sewers.

The public improvements contemplated by this Section are intended to provide services to the subject property or to offset the impacts of the development of the subject property.

(2) *Landscaping.* Depending upon the nature of the application for development approval, the City may require collateral and warranties for landscaping.

- (b) **Engineering Specifications.** Engineering specifications for public improvements are promulgated by the Director of Public Works.
- (c) **Improvements Agreement.** All applicants whose development applications require construction, installation, or provision of public improvements or fees-in-lieu thereof, or the installation of required landscaping, shall be required to execute an improvements agreement. The City has a standard form of improvements agreement, a copy of which is available from the Administrator.
- (d) **Standards for Public Improvements.** All public improvements and required landscaping shall be constructed to comply with all applicable City standards, regulations, and specifications. No subdivision or other development for which public improvements or required landscaping are proposed shall be finally approved or recorded without the execution of the improvements agreement, along with the required financial security, in a form approved by the City.
- (e) **Cost of Processing.** Applicants are required to pay the costs of processing the development application and improvements agreement, including all consultant costs, legal fees, and other fees incurred by the City.
- (f) **Collateral for Improvements.**

- (1) Prior to the recordation of any final plat or issuance of any permits for development of a subdivision or other development for which public improvements or required landscaping are proposed, the applicant shall provide to the City collateral in the amount of 125% of the total estimated cost of construction of the improvements, in the form of either:
 - a. A cash deposit; or
 - b. A letter of credit issued by a financial institution authorized to do business in the State of Colorado.
 - (2) The applicant shall ensure that the collateral remains unencumbered and free from claims of others so that any requests of the City for payment or enforcement may be immediately and unequivocally honored without cost to the City.
 - (3) The applicant shall provide an independent, third-party report of the status of the improvements every six months during construction.
 - (4) Such collateral shall be maintained, in the amount required by the agreement, through the warranty period as set forth herein.
 - (5) If, at any time prior to final acceptance and expiration of the warranty period, the City determines that the collateral is not sufficient to cover all costs of construction of the improvements and provides the applicant with a written basis for the requested increase to collateral, the applicant shall be required to post additional or supplemental collateral in an amount deemed reasonably sufficient and approved by City to pay for all costs of construction, including any administrative costs and contingency amount.
 - (6) After preliminary acceptance, the City may reduce the amount of required collateral during the warranty period to an amount reasonably determined by the Administrator, based on the potential cost of repair or restoration of the improvements.
- (g) **Completion and Acceptance of Improvements.**
- (1) The applicant shall complete construction of the improvements within a specified period of time from the date of the improvements agreement.
 - (2) The City will perform periodic inspections of the public improvements and landscaping, and the applicant shall promptly modify, alter, or repair, at its own cost and expense, any improvements or landscaping that are not constructed or installed in accordance with the approved plans, such that the improvements conform to the approved plans.
 - (3) Upon completion of construction of the improvements and landscaping according to the approved plans, the applicant shall make a written request for preliminary acceptance of such improvements and landscaping ("PRELIMINARY ACCEPTANCE"). With said request, the applicant shall:

- a. File with the City an original and digital copy (in a form approved by the Administrator) of the as-built construction plans of public improvement(s), stamped and certified by the Engineer of Record who shall also be a state-registered professional engineer; and
 - b. Submit to the City a sworn affidavit and documentary evidence that there exists no lien or encumbrance upon or against the public improvements resulting from unpaid amounts owing to contractors, subcontractors, material persons or other persons involved or engaged in the construction or installation of the public improvements.
- (4) Upon request for preliminary acceptance, the City shall determine whether the improvements and landscaping are installed according to approved plans. If so, the City shall issue to the applicant a certificate of preliminary acceptance, granting preliminary acceptance of the public improvements and approval of the landscaping, and setting the terms of the warranty period. The warranty period ("WARRANTY PERIOD") shall terminate two years from the date of preliminary acceptance.
- (5) Upon expiration of the Warranty Period:
 - a. The City shall re-inspect the improvements and landscaping and require correction of all defects and failures of the improvements prior to the issuance of final acceptance of the improvements and the release of any remaining collateral.
 - b. Upon completion of any required warranty repairs, reconstruction, or replacement, public improvements shall become the property of the City (and thereby the City's maintenance responsibility) by final acceptance of the public improvements by the City.
- (h) **Timing of Certificates of Occupancy.** No certificates of occupancy shall be issued for any building permits until such time as the City has issued (at a minimum) preliminary acceptance of the public improvements and landscaping that are identified in the improvements agreement. A conditional certificate of occupancy may be issued if installation of landscaping is delayed due to season or adverse weather conditions.
- (i) **Reimbursement for Off-Site or Oversized Improvements.** In the event oversized utilities or off-site improvements are required, arrangements for reimbursement may be made whereby the applicant may be allowed to recover the cost of the utilities or off-site improvements that have been provided by the applicant to the extent they are scaled beyond the requirements of the proposed development. The method and time of payment under the reimbursement shall be established in accordance with the current policies of the City related to the placement of such oversized utilities or off-site improvements.

Sec. 21-6-302. - Utilities

- (a) **Utility Easement Widths.**

- (1) Utility easements shall be provided along lot lines in new subdivisions as follows:
 - a. Boundary lot lines (any lot line that is also a boundary of the subject property): at least 10 ft.
 - b. Rear lot lines: 8 ft.
 - c. Side lot lines (where necessary): 5 ft.
 - (2) If the location of utility easements along lot lines is unsuitable for the use of the utility companies due to drainage, irrigation ditches, timbered area, or other obstructions, easements of appropriate width shall be provided adjacent to the areas of obstruction.
- (b) **Underground Installation Required; Exceptions.**
- (1) The applicant shall underground all electric, gas, and communications lines (collectively, "UTILITIES") within the boundaries of the subject property or subdivision plat, and which are required to be relocated pursuant to this UDC or as a condition of approval of the development.
 - (2) Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, street lighting, or other facilities necessarily appurtenant to such underground utilities may be installed or placed above ground.
 - (3) High-voltage electric transmission and distribution feeder lines and necessary appurtenances thereto may be installed or placed above ground.
 - (4) The Administrator may waive the underground requirement with regard to power and communications lines if:
 - a. The subject property has existing service via overhead lines on the date of application;
 - b. No new utility poles will be installed as a result of the proposed development; and
 - c. The subject property has less than 200 feet of frontage, or the scale of the proposed development does not justify the cost of undergrounding the existing lines.
- (c) All utilities that serve proposed development shall be located within dedicated and platted public utility easements or public street rights-of-way, which shall be approved and thereafter subject to acceptance by the City with respect to those utilities that are municipally operated. The applicant shall be responsible for arranging connections from the subject property to existing utility systems.

Sec. 21-6-303. - Stormwater Maintenance Easements

- (a) **Generally.** No later than the date of preliminary acceptance of public improvements, the applicant shall deliver to the City an executed stormwater maintenance easement agreement in a form approved by the City Attorney that authorizes the City to access and inspect stormwater improvements, and to maintain, repair, or replace the stormwater improvements at the property owners' expense if the property owner fails to do so within 14 days after notice from the City that such maintenance, repair, or replacement is required for the proper operation of the improvements.
- (b) **Natural Drainageways.** Where a subject property is traversed by a watercourse, drainageway, channel, or stream (but not including an irrigation ditch), there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the boundaries of such watercourse, and such further width as may be required for necessary flood control measures. The requirements for such easements are set out in Chapter 8, City of Alamosa Municipal Code.

Division 6-4. - Operations Plans**Sec. 21-6-401. - Purpose and Application of Division**

- (a) **Purpose.** The purpose of this Division is to set out requirements for operations plans that ensure that the operational impacts of certain uses are anticipated and mitigated.
- (b) **Application.** This Division applies when the requirements for approval of a land use include one or both of the plans set out in Section 21-6-402 or Section 21-6-403, or where the City determines that such plans are necessary to mitigate the projected impacts of a land use that involves unusual amounts of heavy truck traffic.

Sec. 21-6-402. - Master Plan for Extraction

- (a) **Generally.** Minerals shall not be extracted except according to a Master Plan for Extraction prepared by the applicant and approved by the Planning Commission.
- (b) **Contents of Master Plan for Extraction.** The Master Plan for Extraction shall address:
 - (1) Any system adopted by the Colorado geological survey grading commercial mineral deposits according to such factors as magnitude of the deposit and time of availability for and feasibility of extraction of a deposit;
 - (2) The potential for effective multiple sequential use which would result in the optimum benefit to the landowner, neighboring residents, and the community as a whole;
 - (3) The development or preservation of land to enhance development of physically attractive surroundings compatible with the surrounding area;
 - (4) The quality of life of the residents in and around areas which contain commercial mineral deposits;

- (5) The Comprehensive Plan and specific area or topical plans;
- (6) Maximization of extraction of commercial mineral deposits;
- (7) The ability to reclaim the area pursuant to the provisions of Section 32-101, *et seq.*, 34 C.R.S., *Colorado Mined Land Reclamation Act*; and
- (8) The ability to reclaim an area owned by the City or other governmental authority, pursuant to an adopted plan, to be used for public purposes by the City or governmental authority consistent with such proposed use.

Sec. 21-6-403. - Heavy Truck Routing Plan

- (a) **Generally.** A heavy truck routing plan is required for uses as specifically identified in this UDC and for uses that the Administrator determines will involve the use of semi-trailers, dump trucks, trash hauling trucks, or comparable heavy vehicles at a frequency of more than 10 heavy vehicle trips per week.
- (b) **When Required.** For the uses that require heavy truck routing plans, such plans shall be submitted with site plans.
- (c) **Updates.** Heavy truck routing plans shall be updated when:
 - (1) New routes are proposed by the applicant.
 - (2) The applicant proposes to increase heavy truck traffic by more than 20 percent compared to that set out in the approved heavy truck routing plan.
 - (3) Routes are changed by the City or other relevant transportation authority in a manner that affects the approved heavy truck routing plan.
- (d) **Contents.** The heavy truck routing plan shall include, at a minimum:
 - (1) The type or class of heavy trucks that will be used by the applicant's proposed land use;
 - (2) The anticipated frequency of delivery and departures of heavy trucks;
 - (3) The hours of heavy truck traffic;
 - (4) A map illustrating the route(s) to and from a state highway (or to and from anticipated destinations in the City), of all heavy trucks used by the proposed land use; and
 - (5) A map illustrating the routing and flow of heavy trucks within the subject property.

Article VII. - Nonconformities

Division 7-1. - Purpose and Application of Article

Sec. 21-7-101. - Purpose

- (a) **Generally.** The application of new regulations to existing development may create circumstances in which existing lot dimensions, density, intensity, land uses, buildings, structures, landscaping and buffering, lighting, parking areas, or signs do not strictly conform to the requirements of the new regulations. For existing lots or development (including uses, buildings, structures, and signs) that are “legally nonconforming,” this Article sets out equitable rules for whether, when, and how the regulations of this UDC apply.
- (b) **Conversion of Nonconformities.** Generally, nonconforming uses, buildings, structures, and signs are not allowed to be enlarged, expanded, increased, nor be used as grounds for adding other structures or uses that are now prohibited in the same zone. This Article provides standards by which minor nonconforming uses can be made “conforming” through a public hearing process.
- (c) **Reduction of Nonconformities.** It is the policy of the City to encourage reinvestments in property that increase its value and utility and reduce its external impacts. Since bringing a developed parcel into full compliance with this UDC may involve substantial costs that may discourage reinvestment, Division 7-4, *Other Physical Nonconformities*, provides a set of thresholds for determining when new construction or modifications to development trigger a requirement for increasing conformity with the various requirements of this UDC.

Sec. 21-7-102. - Application

- (a) **Generally.** This Article applies to uses, buildings, structures, landscaping, buffering, signs, lighting, parking, density, and lots that were:
 - (1) Lawfully established, constructed, installed, planted, or created prior to the effective date but do not conform to the requirements of this UDC; or
 - (2) Lawfully established, constructed, installed, planted, or created in one zone, but no longer conform to the requirements of this UDC after the subject property is rezoned.
- (b) **Effect of Article.** Nothing in this Article shall be interpreted to require a change in plans, construction, or designated use of any building in which a building permit was lawfully obtained from the City prior to the effective date of this UDC or subsequent amendment, provided that construction:
 - (1) Was commenced before the expiration of the building permit; and
 - (2) Work is proceeding diligently toward completion.

- (c) **Changes of Ownership.** Nothing in this Article shall be construed to affect or restrict changes in ownership, nor shall changes in ownership affect the application of any of the requirements of this Article.
- (d) **Evidence of Status.** Evidence that a nonconforming situation is a legal nonconformity and not a violation of this UDC shall be submitted by the owner of the property or use upon request of the Administrator.
- (e) **Exceptions to Article.**
 - (1) *NC Zone.* Lots of record within the NC Zone, regardless of their size, and existing buildings on said lots of record, are “conforming lots” and “conforming buildings,” respectively.
 - (2) *Vested Rights.* This Article does not apply to site-specific development plans for which rights are vested, during the period of vested rights.
 - (3) *Unlawful Uses, Buildings, or Structures.* This Article does not allow for the perpetuation of unlawful development. Such development is not “legally nonconforming,” but instead, “unlawful,” and is subject to all of the provisions of this UDC (including enforcement provisions) and any other applicable law.
 - (4) *Natural Shifts of Zone Boundaries.* If a zone boundary changes as a result of a change in location of a river, stream, or ditch channel centerline, other natural boundary-defining feature, or street, such change of zone boundary does not render existing development nonconforming.
 - (5) *Taking for Public Use.* Any nonconforming building, structure, parking, or lot that is expressly created or caused by a conveyance of privately-owned land to a Federal, State, or local government to serve a public purpose is conforming for the purposes of this UDC, and is not subject to limitations in this Article. This exemption applies in cases where private land is obtained by a governmental entity for a public purpose, through condemnation, threat of condemnation, or otherwise, when that transaction creates a nonconformity in the remainder parcel in terms of setback, lot area, or other standards of this UDC. However, this exemption does not apply to right-of-way dedication or other public conveyances of land required by the City in the course of subdivision, site plan, or other development approvals.

Division 7-2. - Nonconforming Uses

Sec. 21-7-201. - Continuation of Nonconforming Use

- (a) **Generally.** Subject to the provisions of this Article, a nonconforming use may be continued and maintained in reasonable repair, but shall not be altered or extended. The extension of a nonconforming use to a portion of a structure that was arranged or designed for the nonconforming use at the time of adoption of this UDC is not an extension of a nonconforming use.

- (b) **Casualty Loss.** If the building or structure in which a nonconforming use is damaged to the extent that the cost of repair exceeds 50 percent of the appraised value of the property (including the building) for tax purposes, then the nonconforming use of the property shall not be resumed.

Sec. 21-7-202. - Change of Nonconforming Use

If a nonconforming use is changed to a different use, the new use shall be a use that conforms to the regulations of the zone in which the use is located. After such change, all future use of the subject property shall comply with applicable provisions of this UDC.

Sec. 21-7-203. - Discontinuance of a Nonconforming Use

- (a) **Nonconforming Uses that Involve Structures.** If a nonconforming use involving a structure is discontinued from use for a period of six months, further use of the subject property shall conform to the requirements of this UDC.
- (b) **Nonconforming Uses that Do Not Involve Structures.** If a nonconforming use not involving a structure is discontinued for a period of three months, further use of the subject property shall conform to the requirements of this UDC.

Sec. 21-7-204. - Conversion of a Nonconforming Use to a Conforming Use

- (a) **Generally.** In many instances, nonconforming uses may be integral parts of the City's fabric, that is, its character and function, so their continuing existence promotes the City's policy of retaining existing businesses or protecting its character and neighborhoods. In these instances, the classification "nonconforming use" and resulting restriction on investment may not be what the community desires. As such, a nonconforming use may be made "conforming" pursuant to this Section in order to remove the potential stigma associated with the "nonconforming" designation.
- (b) **Limitation.** Unlawful uses may not be made conforming under this Section.
- (c) **Conversion by Conditional Use Approval; Standards.** A conditional use approval may be granted to make a nonconforming use "conforming," if:
 - (1) The criteria for approval of a conditional use set forth in Section 21-2-302, *General Standards for All Conditional Uses*, are met; and
 - (2) The use has minimal nonconformities and has been integrated into the function of its surrounding neighborhood or zone, as evidenced by the following:
 - a. Nearby City residents regularly patronize the use or are employed by the use (for nonresidential uses in or abutting residential neighborhoods).
 - b. Management practices eliminate nuisances such as:
 - i. Spillover of noise or light;
 - ii. Odors and appearance of waste materials and litter;
 - iii. Unreasonably congested on-street parking; or

- iv. Comparable conflicts with abutting and nearby properties.
 - c. There is no material history of complaints about the use (a history of complaints is justification for denying the conditional use permit, unless the conditions of the permit will eliminate the sources of the complaints).
 - d. If the use is nonresidential, it is licensed in accordance with the applicable ordinances of the City.
 - e. The use has been maintained in good condition and its classification as a nonconforming use would be a disincentive for such maintenance.
- (d) **Conditions.** Conditions may be imposed relative to bufferyards, landscaping, or other site design provisions, or other limitations (including limitations on future expansion or operational characteristics) necessary to ensure that, as a conforming use, the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures, lighting, landscaping, parking, drainage, or operations of the use.
- (e) **Effect of Approval.** Uses that comply with the terms of a conditional use approval that is issued in accordance with this Section are converted from “legally nonconforming uses” to “conforming uses” by virtue of the issuance of the conditional use permit, and subject to its terms. Conditional use approvals shall be provided to the Applicant in writing and may be recorded by the Applicant at the Applicant’s expense.
- (f) **Effect of Denial.** If an application for conversion of a nonconforming use is denied, the use may thereafter continue as a nonconforming use.

Division 7-3. - Nonconforming Buildings or Structures

Sec. 21-7-301. - Modifications to a Nonconforming Building or Structure

A building or structure that contains a conforming use, but is nonconforming as to height, setback, or coverage, may be altered or extended, provided that the alteration or extension does not result in a further violation of this UDC or applicable Building Code.

Sec. 21-7-302. - Completion of Building or Structure

Nothing contained in this Division shall require any change in the plans, construction, alteration, or designated use of a building for which a building permit has been issued and construction work has commenced prior to the effective date of this UDC, except that if the designated use will be nonconforming it shall, for the purpose of Section 21-7-203, *Discontinuance of a Nonconforming Use*, be a discontinued use if not in operation within 18 months after the date of issuance of the building permit.

Sec. 21-7-303. - Damage to a Nonconforming Building or Structure

- (a) **Cost of Repair is 50 Percent or More of Appraised Value.** If a nonconforming building or structure is damaged to the extent that the cost of repair is 50 percent or more of the appraised value of the property (including the building) for tax purposes, then future construction on the subject property shall conform to the requirements of this UDC.
- (b) **Cost of Repair is Less than 50 Percent of Appraised Value.** If cost of repair is less than 50 percent of the appraised value of the property (including the building) for tax purposes, then restoration is allowed, provided that it is commenced within six months of the damage and completed within 18 months after commencement.

Division 7-4. - Other Physical Nonconformities**Sec. 21-7-401. - Conforming Uses with Physical Nonconformities**

- (a) **Generally.** A use that is permitted by Division 2-2, *Land Use*, or that meets all applicable limited use standards (in the case of a limited use) or conditional use standards (in the case of a conditional use), may be established, continued, maintained, modified, enlarged, or extended, even if other nonconformities are present on the subject property, such as:
 - (1) The use is located on a nonconforming lot;
 - (2) The use occupies a nonconforming building;
 - (3) The use occupies or otherwise utilizes a nonconforming structure;
 - (4) The use is located on a lot with nonconforming landscaping or buffering;
 - (5) The use utilizes a nonconforming sign;
 - (6) The use is illuminated by nonconforming lighting; or
 - (7) The use has nonconforming parking.
- (b) **No Implied Waivers.** The authorization in subsection (a), above, shall not be construed as a waiver of the requirements of Division 7-3, *Nonconforming Buildings or Structures*, or this Division with respect to the nonconformities that are present on the subject property. Modifications to buildings, structures, landscaping and buffering, signage, lighting, or parking may require correction or partial correction of nonconforming situations, as provided in this Article.

Sec. 21-7-402. - Nonconforming Landscaping or Buffering

- (a) **Building Expansions, Parking Lot Improvements, and Expansions of Existing Uses.** If an existing building, parking lot, or use is expanded or improved, additional landscaping and buffering is required only with respect to the new area of the building or use, or the new or modified area of the parking lot.

- (b) **Change of Use.** Modifications to nonconforming landscaping or buffering are not required if the use of a building changes from one use to another without further changes to the subject property or the exterior of the building, unless:
 - (1) A change of use requires additional parking, in which case the parking that is provided to meet that requirement must also comply with the standards in Division 5-3, *Landscaping*.
 - (2) A change of use requires limited or conditional use approval, in which case the conditions for approval may include requirements for additional landscaping or buffering upgrades.
- (c) **Redevelopment.** If an existing property is redeveloped, landscaping and buffering shall be provided as required by Division 5-3, *Landscaping and Open Space*, and any applicable limited or conditional use standards.

Sec. 21-7-403. - Nonconforming Signs

- (a) **Continuance.** A nonconforming sign may be continued and maintained in reasonable repair, but shall not be altered.
- (b) **Historic Signs.** Historic signs shall not be considered nonconforming signs, and may be rehabilitated or altered in accordance with the preservation brief published by the U.S. Department of the Interior, "The Preservation of Historic Signs," copies of which are available through the Department of Public Works.
- (c) **Discontinuance.** The right to maintain a nonconforming sign shall terminate immediately if:
 - (1) The sign is abandoned;
 - (2) The owner of the subject property commits any violation of this article, with respect to such nonconforming sign;
 - (3) The sign is damaged, from any cause whatsoever, and the cost of repairing such damage exceeds 50 percent of the replacement cost of such sign on the date of such damage or destruction; or
 - (4) The sign is obsolete.

Sec. 21-7-404. - Nonconforming Lighting

- (a) **Building Expansions, Parking Lot Improvements, and Expansions of Existing Uses.**
 - (1) If an existing building, parking lot, or use is expanded or improved, all new or relocated lighting shall be required to meet the provisions of Division 5-4, *Lighting*.
 - (2) Existing lighting shall be brought into compliance with this UDC when a building or use expansion constitutes a major expansion.

- (b) **Change of Use.** Modifications to nonconforming lighting are not required if the use of a building changes from one use to another without further changes to the site or the exterior of the building, unless:
 - (1) A change of use requires additional parking, in which case the parking that is provided to meet that requirement must also comply with the standards in Division 5-4, *Lighting*.
 - (2) A change of use requires limited or conditional use approval, in which case the conditions for approval may include requirements for additional lighting upgrades.
- (c) **Redevelopment.** If the subject property is redeveloped, lighting shall be provided as required by Division 5-4, *Lighting*.

Sec. 21-7-405. - Nonconforming Parking

- (a) **Building Expansions and Expansions of Existing Uses.** If an existing building or use is expanded, additional parking is required only in proportion to the new area of the building or use.
- (b) **Change of Use.** If the use of a building changes, resulting in a net additional demand for parking, then the number of new parking spaces that are required shall be calculated as the lesser of:
 - (1) The required parking for the new use according to Division 5-2, *Parking and Loading*; or
 - (2) $(\text{Number of existing parking spaces}) + ((\text{number of parking spaces required for the new use}) - (\text{number of parking spaces required for the existing use}))$
- (c) **Redevelopment.** If an existing building is redeveloped, parking shall be brought into conformity with this UDC.

Sec. 21-7-406. - Nonconforming Density

If a subject property contains more dwelling units than are allowed by the zone in which the subject property is located, the building or buildings may be expanded or extended as may be allowed by this UDC, but the physical aspects of such expansions or extensions shall be in compliance with this UDC, and no new dwelling units shall be created.

Sec. 21-7-407. - Nonconforming Lots of Record

- (a) **Generally.** In any zone in which single-family dwellings are permitted, a single-family residence and customary accessory buildings may be erected on any single lot of record that exists on the effective date of this UDC. Such a lot must have been in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though such lot fails to meet the requirements of the zone in which it is located for area, or width, or both, provided that the requirement of the zone for minimum yard dimensions shall be met unless a variance to the requirements has been granted by the Zoning Board of Adjustment.

- (b) **Combination Required.** If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on the effective date, and part, or all of the lots do not meet the requirements of the zone in which they are located as to minimum area or frontage or both, the lands shall be considered for the purpose of this chapter to be an undivided parcel, and no portion of the parcel shall be sold or used in a manner that diminishes compliance with lot width and area requirements established by this UDC.

Article VIII. - Administration and Enforcement

Division 8-1. - Administrative Bodies

Sec. 21-8-101. - Administrator

- (a) **Generally.** The Administrator is the Public Works Director or designee, or such other employee of or contractor to the City as may be designated by the City Manager from time to time.
- (b) **Authority and Responsibilities.**
 - (1) The Administrator is designated to administer and enforce this UDC.
 - (2) The Administrator shall have the power to make inspections of buildings and premises to carry out the duties of the enforcement of this UDC.
- (c) **Recommendations.** The Administrator shall make recommendations to the Planning Commission, Zoning Board of Adjustment, and City Council as to recommendations or decisions that said bodies are assigned under this UDC.
- (d) **Decisions.** The Administrator shall decide the following types of applications:
 - (1) Temporary use permits
 - (2) Use permits or change in use permits
 - (3) Limited use permits
 - (4) Final plats
 - (5) Site plans
 - (6) Standard-form development agreements
 - (7) Minor modifications

Sec. 21-8-102. - City Engineer

- (a) **Generally.** The City Engineer is the official who is responsible for the approval, inspection, and acceptance of public improvements.
- (b) **Authority and Responsibilities.** The City Engineer has the following authority and responsibilities:
 - (1) The City Engineer shall review plans for public improvements and verify that the proposed collateral for same is sufficient under this LDC.
 - (2) The City Engineer shall inspect public improvements and grant preliminary and final acceptance of same.
 - (3) The City Engineer shall conduct such other activities as directed by the City Manager from time to time.

- (c) **Decisions.** The City Engineer shall decide the following types of applications:
 - (1) Stormwater management plans; and
 - (2) Construction plans for public improvements.

Sec. 21-8-103. - Planning Commission

- (a) **Generally.** The Planning Commission is established pursuant to Article XIV, Section 1, City of Alamosa Home Rule Charter.
- (b) **Powers and Duties.** The Planning Commission shall have the powers and duties set forth in Article XIV, Section 2, City of Alamosa Home Rule Charter, and shall perform the following additional functions described in this UDC.
- (c) **Decisions.** The Planning Commission shall hear and decide the following types of applications:
 - (1) Conditional use
 - (2) Preliminary plat
 - (3) Final development plans
 - (4) Comprehensive Plan amendments
 - (5) Variances that are applied to subdivision plats
- (d) **Recommendations.** The Planning Commission shall make recommendations with respect to the following types of applications:
 - (1) Rezoning
 - (2) Certificate of Designation
 - (3) Preliminary Development Plan (and major amendments to PDP)
 - (4) Vacation of plats
 - (5) Abandonment of easements or rights-of-way
 - (6) Text amendments to this UDC
- (e) **Membership and Qualifications.** Membership and qualifications shall be as set out in Article XIV, Section 1, City of Alamosa Home Rule Charter.
- (f) **Appointment; Term.** The method and term of appointments shall be as set out in Article XIV, Section 1, City of Alamosa Home Rule Charter.
- (g) **Alternate Members.** City council may establish, modify, or abolish by resolution one (1) or two (2) additional Planning Commission positions to serve in the following capacities:

- (1) The first position (the "PRIMARY ALTERNATE") may serve as an alternate in proceedings where the Planning Commission would otherwise be without a quorum of members eligible to vote on an issue, or who are able to participate in proceedings on a given matter. The Primary Alternate may also be used to establish a fully constituted Planning Commission during those times when a vacancy exists for a particular ward or for an at-large position when a qualified, willing person has not been appointed, despite the City's reasonable efforts to fill such position.
 - (2) The second position (the "SECONDARY ALTERNATE") is identical to the Primary Alternate, and shall operate identically, except that it shall serve when need arises only after the Primary Alternate is either already serving or cannot serve or vote.
- (h) **Vacancies.** If a vacancy occurs during the term of a Planning Commission member, the vacancy shall be filled as provided in Article XIV, Section 1, City of Alamosa Home Rule Charter.
- (i) **Meetings.**
 - (1) Meetings shall be held at the call of the Chair or Administrator and at such other times that the majority of the members of the Commission shall determine.
 - (2) All meetings shall be open to the public, except that the Commission may go into executive session in accordance with the Open Meetings Law.
 - (3) Open meetings shall be recorded.
 - (4) A quorum of the Commission shall consist of three voting members, and a majority vote of the members present shall constitute action by the Commission.
 - (5) The Chair shall decide all points of order or procedure unless otherwise directed by a motion approved by a majority of the Commission members present at the time.
 - (6) The Commission shall keep minutes of its proceedings, showing the vote of each member on every matter or, if absent or failing to vote, indicating such fact, and it shall also keep records of such proceedings, and such records shall be filed with the City Clerk.
- (j) **Rules.** The Planning Commission shall adopt procedural rules for the conduct of its business, which shall not be inconsistent with the requirements of this UDC.
- (k) **Officers.** The Planning Commission shall, at its first regular meeting of each calendar year, choose one of its members to act as Chair and one member to serve as Vice-Chair. The Chair shall preside at all meetings of the Commission, except that, in his or her absence, the Vice-Chair shall preside. The City Manager or designee shall act as secretary to the Planning Commission.
- (l) **Consultants.** The Planning Commission may retain consultants and technical advisors as provided in Article XIV, Section 1, City of Alamosa Home Rule Charter.
- (m) **Compensation; Reimbursement.** Planning Commission members serve without pay. Members may be reimbursed for expenses incurred upon approval of the City Council.

Sec. 21-8-104. - Zoning Board of Adjustment

- (a) **Generally.** Pursuant to Article XIV, Section 5, City of Alamosa Home Rule Charter, the Alamosa Planning Commission, established under Article XIV, Section 1, City of Alamosa Home Rule Charter, shall serve and act as needed, from time to time, as the Zoning Board of Adjustment. The Planning Commission is appointed to this role pursuant to the power invested in the city council under Section 2(e) of said Article XIV of the City Charter.
- (b) **Powers and Duties.** The Zoning Board of Adjustment has the following powers and duties:
 - (1) To hear and decide all questions on appeal from final decisions of the Administrator.
 - (2) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or determination made by an administrative official based on or made in the enforcement of this UDC.
 - (3) To hear and decide (grant or deny) applications for variances, except variances applied to subdivision plats.
 - (4) To hear and decide such other matters as the City Council may prescribe by ordinance.
- (c) **Decisions.**
 - (1) The Zoning Board of Adjustment shall decide applications for variances from this UDC.
 - (2) The Zoning Board of Adjustment shall decide administrative appeals from final decisions of the Administrator.
- (d) **Membership and Qualifications.** The Planning Commission shall serve as the Zoning Board of Adjustment.
- (e) **Meetings.** The meetings shall be held at the call of the Chair and at such other times as the Zoning Board of Adjustment may determine. The Chair or, in his or her absence, the Vice-Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- (f) **Rules.**
 - (1) The concurring vote of four members of the Board of Adjustment shall be required to overturn decisions made by the Administrator presented to the Zoning Board of Adjustment.
 - (2) Any other matters shall require a majority vote of members present of the Zoning Board of Adjustment.
 - (3) The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this UDC.
- (g) **Officers.** The Zoning Board of Adjustment shall annually elect from among its members by a majority vote a Chair and a Vice-Chair to serve for a term of one year.

- (h) **Records.** The Zoning Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each decision; or, if absent or failing to vote, indicating that. It shall keep records of its examinations and other official actions, all of which shall be a public record and filed immediately in the office of the Board of Adjustment.

Sec. 21-8-105. - City Council

- (a) **Generally.** The City Council is formed as provided in the Article III, City of Alamosa Home Rule Charter. The City Council delegates certain responsibilities for the administration of the UDC as provided herein.
- (b) **Decisions.** The City Council retains the authority to decide the following types of applications:
 - (1) Rezoning
 - (2) Certificates of designation
 - (3) Development agreements (except standard-form development agreements)
 - (4) Text amendments to this UDC
 - (5) Preliminary Development Plans (and major changes to PDPs)
 - (6) Appeals from decisions of the Planning Commission
 - (7) Vacations of plats
 - (8) Abandonment of easements or rights-of-way
- (c) **Ratifications.** The City Council ratifies the following decisions of the Planning Commission:
 - (1) Conditional use
 - (2) Preliminary plat
 - (3) Final development plans

Division 8-2. - Permits and Approvals

Sec. 21-8-201. - Approvals or Permits Required

Approvals or permits are required for development in the City unless specifically exempted by this UDC. Most of the required approvals and permits are described in this Division. Planned unit development approvals are detailed in Division 8-3, *Planned Unit Development and Campus Master Plans*. Annexations are detailed in Division 8-4, *Annexation and Disconnection*.

Sec. 21-8-202. - Administrative Approvals and Permits

- (a) **Generally.** Administrative approvals and permits are issued by the Administrator or City Engineer upon a finding of compliance with the requirements of this UDC. No public hearing is required.

(b) **Administrative Approvals and Permits Established.** The administrative approvals and permits that are required by this UDC are set out in Table 21-8-202B, *Administrative Approvals and Permits*. These approvals and permits are in addition to other reviews, approvals, and permits that may be required for compliance with other laws, statutes, or regulations, such as:

- (1) State or Federal law, including, but not limited to, the Clean Water Act, the Clean Air Act, or the Endangered Species Act;
- (2) Adopted building and safety codes;
- (3) Ordinances that require permits for activities on public land or within public rights-of-way; or
- (4) Business licensing ordinances.

TABLE 21-8-202B ADMINISTRATIVE APPROVALS AND PERMITS					
Approval or Permit	Required For	Timing	Exceptions	Decision-Maker	Reference ¹
Land Use Approvals and Permits					
Temporary Use Permit	Operation of temporary use	Prior to establishment of temporary use	None	Administrator	Div. 2-4
Use Permit or Change in Use Permit	Check for zoning compliance as condition of issuance of building permit	Simultaneously with issuance of building permit	Building permits that are not related to the establishment of or change to a land use	Administrator	Div. 2-2
Limited Use Permit	Establishment of Limited Use	Prior to establishment of Limited Use	None	Administrator	Div. 2-2 and 2-3
Site or Design Related Permits and Approvals					
Infrastructure Construction Plans	Construction of public improvements such as streets, utilities, and stormwater management systems	Processed with final plat or site plan; approved prior to commencement of construction of specified improvements	N/A	Administrator	Engineering Standards Manual
UDC Compliance Approval	Check for UDC compliance as condition of issuance of building permit	Simultaneously with issuance of building permit	Plumbing, electrical, or other permits that do not implicate UDC standards	Administrator	<i>passim</i>
Grading, Erosion and Sediment Control	Authorization for site grading	Prior to site grading, generally simultaneously with building permit or approval of infrastructure construction plans	Traditional agricultural practices; routine landscape maintenance; ditch maintenance	City Engineer	Engineering Standards Manual
Final Plat (major or minor subdivision)	Conveying lots by reference to plat; obtaining building permits within a subdivision	If infrastructure is provided, approval of infrastructure construction plans is prerequisite to approval of final plat; final plat required prior to sale of or construction upon individual lots	N/A	Administrator	<i>passim</i>

TABLE 21-8-202B ADMINISTRATIVE APPROVALS AND PERMITS					
Approval or Permit	Required For	Timing	Exceptions	Decision-Maker	Reference ¹
Site Plan	All development	Prior to issuance of building permit and grading, erosion, and sediment control permit	Single-family detached or duplex buildings on individual lots; changes in the use of a building that do not involve exterior modifications or site work	Administrator	<i>passim</i>
Development Agreement; Improvements Agreement; Public Improvements Agreement (however titled)	Providing timing and security for implementation of infrastructure construction plans or landscape plans	Prior to issuance of infrastructure construction permits, or as set out in the development agreement	Development agreements that establish vested rights or materially depart from City-approved form	City Manager	Sec. 21-6-301
Modifications and Other Relief					
Administrative (Minor) Modification	Minor modifications to standards within this UDC or to approved final development plans	Prior to the issuance of permits or approvals to which the modifications apply	N/A	Administrator	Sec. 21-8-701
TABLE NOTE: ¹ References are provided for convenience only and are not intended to limit the application of this UDC					

Sec. 21-8-203. - Discretionary Approvals

- (a) **Generally.** Discretionary approvals and permits are issued by the City after compliance with all applicable requirements of this UDC is demonstrated to the respective decision-maker(s) at a hearing.
- (b) **Discretionary Permits Established.** The discretionary approvals and permits that are required by this UDC are set out in Table 21-8-203B, *Discretionary Approvals and Permits*. These approvals and permits are in addition to other reviews, approvals, and permits that may be required for compliance with other laws, statutes, or regulations, such as:
- (1) State or Federal law, including, but not limited to, the Clean Water Act, Clean Air Act, and the Endangered Species Act;
 - (2) Further administrative permits (*e.g.*, site plans or final plats);
 - (3) Adopted building codes;
 - (4) Ordinances that require permits for activities in public the rights-of-way; or
 - (5) Business licensing ordinances.

TABLE 21-8-203B DISCRETIONARY APPROVALS AND PERMITS						
Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued By	Reference ¹
Land Use / Zoning						
Conditional Use Permit	Establishment of a conditional use	Prior to the establishment of a conditional use	N/A	Administrator	PC, ratified by City Council	Div. 2-2 and 2-3
Rezoning	Changing the zone that applies to a subject property	Prior to the application of standards from the requested zone	N/A	PC	City Council	Sec. 21-2-106
Certificate of Designation	Development of solid waste disposal sites and facilities	Prior to issuance of any permits for solid waste disposal sites and facilities	N/A	PC	City Council	C.R.S. § 25-15-201 or Title 30, Article 20, C.R.S., as applicable
Site Development / Subdivision / Planned Unit Development						
Preliminary Plat	Approval of a proposed major subdivision (not required for minor subdivisions)	Prior to final plat or issuance of permits that authorize construction or site work	N/A	Administrator	PC, ratified by City Council	<i>passim</i>
Preliminary Development Plan ("PDP")	First step of Planned Unit Development process; if applicable, filed with preliminary plat	Prior to approval of Final Development Plan	N/A	PC	City Council	Div. 8-3
Final Development Plan ("FDP")	Second step of Planned Unit Development process; may be filed with final plats or site plans	Prior to approval of final plat or site plan	N/A	Administrator	PC, ratified by City Council	Div. 8-3, Art. VI
Campus Master Plan	Approval of the general layout of development and arrangement of uses within a campus in the CA Zone	Prior to final plat, or if no final plat is required, prior to approval of site plans or building permits that authorize site work or building construction	N/A	PC	City Council	Div. 8-3, Art. II, Art. III, Art. V, Art. VI
Development Agreement; Improvements Agreement; Public Improvements Agreement (however titled)	Providing timing and security for implementation of infrastructure construction plans or landscape plans; vesting development rights	Prior to issuance of construction permits, or as set out in the development agreement	Agreements that may be approved administratively	Administrator	City Council	Div. 6-3 and authority under City Charter

TABLE 21-8-203B DISCRETIONARY APPROVALS AND PERMITS						
Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued By	Reference ¹
Vacation / Abandonment						
Planned Unit Development Amendment, Major	Major changes to approved Preliminary Development Plan	Prior to implementation of major changes	N/A	PC	City Council	Div. 8-7
Vacation of Plat or Abandonment of Easement or Right-of-Way	Vacation of plats or abandonment of easements or rights-of-way	N/A	N/A	PC	City Council	Sec. 21-8-520
Amendments						
LDC Text Amendment	Amending the text of this LDC	N/A	N/A	PC	City Council	N/A
Comprehensive Plan Amendment	Amending the text or maps of the Comprehensive Plan	N/A	N/A	Administrator	PC	N/A
Relief						
Variance	Authorizing development which does not strictly comply with the requirements of this UDC	Prior to issuance of permits that authorize the construction or site work	Variances shall not authorize uses which are otherwise prohibited in the zone, nor authorize development that does not comply with the Floodplain Management Regulations	N/A	ZBOA	Sec. 21-8-702
Administrative Appeals	See Sec. 21-8-703, <i>Administrative Appeals</i>					
TABLE NOTE: ¹ References are provided for convenience only and are not intended to limit the application of this UDC						

Division 8-3. - Planned Unit Development and Campus Master Plans

Sec. 21-8-301. - Purpose and Application of Division

(a) **Purpose.** The purpose of this Division is to:

- (1) Establish standards and procedures to allow for creative, innovative, and beneficial development patterns, facilities, or mixes of land uses that were not contemplated by this UDC and therefore may not otherwise be allowed by this UDC.
- (2) Establish standards for the approval and implementation of campus master plans to facilitate the development of campuses within the CA Zone.

(b) **Application.**

- (1) Planned unit development is approved in a two-step process. The first step is a preliminary development plan (“PDP”), which sets out the general parameters for the development. The second step is the final development plan (“FDP”) which sets out specific development standards for some or all of the property within the boundaries of the PDP. Planned unit development is used to modify development standards as provided in this Division. If individual lots are to be created, PDP applications are processed concurrently with preliminary plats, and FDP applications are processed concurrently with final plats.
- (2) Campus master plans are approved in a one-step process. The campus master plan details the proposed general locations and intensities of land uses, buildings, parking areas, and open spaces, conceptual traffic and pedestrian circulation systems, and the classes of buffers or techniques for transition between the CA Zone and adjoining property in other zones. The campus master plan may also include thresholds for development after which off-site improvements will be required to mitigate the impacts of the campus. Upon approval of a campus master plan, further approvals of the uses, buildings, and infrastructure set out in the campus master plan are administrative. Campus master plans are intended to be long-term documents that are implemented in conjunction with long-term capital improvements plans, and may be vested pursuant to the requirements of this UDC for periods in excess of 10 years.

Sec. 21-8-302. - Scope

(a) **Planned Unit Development.**

- (1) *Zones Where Allowed.* Application for a planned unit development may be made for land located in any zoning district except A, agricultural district.
- (2) *Modification of Standards.* Development standards for a planned unit development are controlled by the criteria and standards established in Section 21-8-304, *Standards that May be Modified in a Planned Unit Development.*

(b) **Campus Master Plan.** Campus master plans are allowed in the CA Zone.

Sec. 21-8-303. - Types of Planned Unit Development

(a) **Generally.**

- (1) The following types of planned unit developments may be established by overlaying a PUD development plan over the applicable existing zoning district or districts. The overlays are as follows:
 - a. PUD-R (a planned residential development within an RE, RL, RM, or RH Zone);
 - b. PUD-C (a planned commercial development within a CB Zone); and
 - c. PUD-I (a planned industrial development within an I Zone).

- (2) A zoning change is not required; however, the area included in each approved planned unit development shall be indicated on the zoning map.

(b) **Planned Residential Development (PUD-R).**

- (1) *Generally.* Property within the RE, RL, RM, and RH Zones may be developed as PUD-R, planned residential development.
- (2) *Land Use.* Within the PUD-R district the following uses may be permitted by the City Council:
 - a. Uses permitted by right, by limited use approval, or by conditional use approval in the underlying zone or zones;
 - b. Commercial uses, if the planned unit development contains 600 or more dwelling units. Such commercial uses shall be subject to the following requirements:
 - i. Parking related to the commercial uses must be included as an integral part of the PUD and shall not occupy more than 1.5 percent of the total area of the PUD.
 - ii. Commercial uses in any phase shall not be open to use prior to the completion of, and issuance of certificate of occupancy for, at least 50 percent of the dwelling units in that phase.
 - iii. Unless modified by the City Council, all requirements applicable to the MU Zone are applicable to the commercial center in the PUD-R district.
 - iv. Commercial uses shall be limited to categories reasonably necessary to efficiently serve residents of the development in which the uses are located.
- (3) *Income-Restricted Housing.* Provision for low- and moderate-income housing may be required in a residential planned development. If required, the number of low and moderate income units shall be determined by the City Council in accordance with current city policies.
- (4) *Density.* Density shall be limited according to the maximum density of the underlying zone.

(c) **Planned Commercial Development (PUD-CB).** The PUD-CB district is created to provide for the development of planned business and shopping centers. It is intended to promote the grouping of professional and commercial uses and to provide areas large enough to establish harmonious relationships between structures, people and the automobile through the use of well-planned parking, access, pedestrian walkways, courtyards, malls and open spaces. Any commercial zoned area may be developed as a PUD-C district. Uses that are permitted by right, by limited use approval, or by conditional use approval in the underlying zone may be permitted in the PUD-C district.

- (d) **Planned Industrial Development (PUD-I).** The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well-planned parking and access, landscaped open areas, and harmonious relationships among buildings and structures. Any industrial zoned area may be developed as a PUD-I development. Uses that are permitted by right, by limited use approval, or by conditional use approval in the underlying zone may be permitted in the PUD-I district.

Sec. 21-8-304. - Standards that May be Modified in a Planned Unit Development

- (a) **Generally.** The standards that are set out in this Section may be modified in a planned unit development.
- (b) **Open Space.**
 - (1) Open space, in addition to required landscape areas and park and school dedications may be required by the City Council upon recommendation by the Planning Commission. The requirement for additional open space will be based on the following factors:
 - a. The City's adopted comprehensive plan;
 - b. Drainage, vegetation, natural features, and other physical conditions of the subject property;
 - c. The types, densities, and intensities of development, employment, and residential use;
 - d. The overall projected demand for open space and recreational facilities by residents or employees of the development.
 - (2) Such open space shall be owned and maintained as common open space by the developer or an organization established for the ownership and maintenance of common open space, unless the City Council accepts dedication of the open space.
- (c) **Residential Lot and Building Standards.** The minimum lot area per dwelling unit requirements as set out in Division 4-2, *Housing Palette*, apply to the planned unit development, except that the City Council may modify such requirements to allow for new housing types or configurations that meet market demands within the City and that provide comparable private or public outdoor use areas.
- (d) **Other Lot and Building Standards.** Other lot and building standards, including building height, may be modified by the City Council.

Sec. 21-8-305. - Approval Criteria for Modification of Standards in a Planned Unit Development

- (a) **Generally.** The standards identified in Section 21-8-304, *Standards that May be Modified in a Planned Unit Development*, may be modified if the development plan demonstrates compliance with the criteria set out in this Section.

- (b) **Approval Criteria.** A final development plan that proposes modification of the standards in this UDC shall meet each of the following criteria (or demonstrate that the criteria are not applicable):
- (1) There is an appropriate relationship to the surrounding area;
 - (2) Circulation in terms of internal street circulation system is designed for the type of traffic generated, safety, separation from living areas, convenience, access, and noise and exhaust control, and there is proper circulation in parking areas in terms of safety, convenience, separation and screening;
 - (3) If residential uses are proposed, there is consideration of, and provision for, low and moderate income housing;
 - (4) Functional open space is provided in terms of optimum preservation of natural features including trees and drainage areas, recreation, views, density relief, and convenience of function;
 - (5) The development provides a variety of housing types, densities, facilities and open space;
 - (6) The development provides for privacy in terms of the needs of individuals, families, and adjoining property;
 - (7) Pedestrian and bicycle traffic is facilitated in terms of safety, separation from vehicular traffic, convenience, access points of destination and attractiveness;
 - (8) Building types are appropriate in terms of density, site relationship, bulk, and massing;
 - (9) Building design creates a “sense of place” in terms of architectural design, orientation, relationship to open space, spacing among buildings, quality of materials, harmonious color palette, complimentary textures, screened storage areas, and appropriate lighting;
 - (10) Signs are complimentary to the scale, architecture, and cladding materials used on the principal buildings; and
 - (11) Landscaping of subject property is high quality and serves functional purposes in terms of screening, defining outdoor spaces, providing shelter for pedestrians, and softening building masses.

Sec. 21-8-306. - Construction Procedures and Building Permits

- (a) **Building Permits.** The appropriate official shall issue building permits for buildings and structures in the area covered by an approved final development plan or campus master plan, provided that:
- (1) The time limit established by the planned unit development’s tentative development schedule or the duration of the campus master plan, as applicable, has not expired;

- (2) The final development plan or campus master plan has been recorded in the public records of Alamosa County;
 - (3) If the subject property was also subdivided, the final plat has been recorded in the public records of Alamosa County;
 - (4) All infrastructure required by an improvements agreement or campus master plan is in place and preliminary acceptance has been granted; and
 - (5) The buildings or structures are in conformity with the approved final development plan or campus master plan and with all other applicable ordinances and regulations.
- (b) **Certificate of Occupancy.** The appropriate official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan or campus master plan if the completed building or structure conforms to the requirements of the approved final development plan or campus master plan, applicable building codes, and all other applicable ordinances and regulations.
- (c) **Expiration of PUD Approval.** If the time limit established by the development schedule has passed or if the campus master plan has expired, no building permits shall be issued until after the Planning Commission has reviewed the development plan or campus master plan for conformance to this UDC (the Planning Commission may require such modification as may be necessary to ensure such conformance) and approved a new development schedule.

Sec. 21-8-307. - Amendments to the Final Development Plan or Campus Master Plan

- (a) **Generally.** No changes may be made in the approved final development plan or campus master plan during the construction of the planned unit development, except upon application to the appropriate administrative body under the procedures provided below.
- (b) **Minor Changes.** Minor changes may be approved by the Administrator pursuant to Section 21-8-701, *Administrative Modifications*.
- (c) **Major Changes.**
- (1) All changes in use or increases in the density of the final development plan or campus master plan must be approved by the City Council, under the procedures authorized by this UDC for the amendment of the zoning map.
 - (2) All other changes that do not qualify for administrative approval pursuant to Section 21-8-701, *Administrative Modifications*, must be approved by the City Council under the procedures authorized for final development plan or campus master plan approval.
- (d) **Recordation of Amendments.** Any changes that are approved for the final development plan or campus master plan must be recorded as amendments to the recorded copy of the final development plan or campus master plan.

Sec. 21-8-308. - Enforcement of Development Schedule

- (a) **Generally.** From time to time the Planning Commission shall compare the actual development accomplished in the various planned unit developments or campuses with the approved tentative development schedules.
- (b) **Revocation or Extension of Approval.** If the owner or owners of property in the planned unit developments or campuses have failed to meet the approved development schedule, the commission may initiate proceedings to revoke the approved final development plan or campus master plan. Upon recommendation of the Planning Commission and for good cause shown by the property owner, the City Council may extend the limits of the development schedule.
- (c) **Assurances for Common Open Space.** The City Council may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan will be provided and developed.

Sec. 21-8-309. - Control of Development Following Completion

- (a) **Enforceability.** Unless the subject property is owned by the State of Colorado, the provisions of a final development plan or campus master plan relating to the use of land and the location of common open space shall run in favor of the City and shall be enforceable at law or in equity by the City without limitation on any power or regulation otherwise granted by law.
- (b) **Certificate of Completion for Planned Unit Development.**
 - (1) *Timing.* The Administrator shall issue a certificate certifying the completion of the planned unit development, and the City Clerk shall note the issuance of the certificate on the approved final development plan.
 - (2) *Effect.* After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development will be principally controlled by the approved final development plan. Where the final development plan is silent as to a particular matter addressed by this UDC, this UDC shall apply unless the Administrator finds that such application would collaterally prevent the exercise of rights granted by the final development plan.
 - (3) *Subsequent Amendment.* After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency as follows:
 - a. The Administrator may approve changes to single-family detached and duplex buildings as provided in Article IV, *Lot, Building, and Structure Standards*.
 - b. The Planning Commission may approve the minor extension, alteration, or modification of existing buildings or structures if the extension, alteration, or modification is consistent with the purposes and intent of the final

development plan and does not increase any dimension of a building or structure by more than ten 10 percent.

- c. The City Council may approve uses that are not authorized by the approved final development plan, but otherwise may be allowed in the planned unit development as a use by right, by limited use approval, or by conditional use approval in the underlying zone in which the planned development is located.
- (c) **Restoration of Damaged Buildings or Structures.** A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or campus master plan unless an amendment to the final development plan or campus master plan is approved in accordance with this article.
- (d) **Changes of Use or Dimensions of Open Space; Other Changes.** Changes in the use or dimensions of common space, and all other changes not listed in this Section, may be authorized only by an amendment to the final development plan or campus master plan approved by the City Council, which shall be processed in the same manner as a new final development plan.
- (e) **No Effect on Covenants.** No changes in the final development plan or campus master plan that are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the planned unit development.

Division 8-4. - Annexation and Disconnection

Sec. 21-8-401. - Annexation and Disconnection Procedure

All annexation of unincorporated territory to the City shall comply with the requirements and procedures set out in the Municipal Annexation Act, C.R.S. § 31-12-101, *et seq.*, as amended from time to time. Any disconnection of incorporated territory from the City shall be done in accordance with C.R.S. §§ 31-12-501 to 503 thereof, as amended from time to time.

Sec. 21-8-402. - Required Annexation Agreement

- (a) **Generally.** Except as to an annexation of an enclave without the consent of the property owner or owners, or as to an annexation upon election, the requirements of this Division and any additional conditions determined in the discretion of the City Council shall be contained in a written Annexation Agreement to be executed by the land owner and developer (if applicable) prior to final City Council action on the annexation.
- (b) **Conditions.** In addition to any conditions imposed in the discretion of the City Council, the following conditions shall be included in annexation agreement unless specifically waived in the annexation agreement:

- (1) *Floodplain.* Upon annexation, any portion of the area to be annexed that is situated within an area of special flood hazard, shall be dedicated to the City or protected from development by an appropriate conservation easement.
- (2) *Water Rights.* If the subject property will be connected to the City's water system, the annexation agreement shall contain a description of the water rights that are appurtenant to the property to be annexed, a warranty of merchantable title, and an agreement to convey such water rights to the City immediately upon annexation for a stated price, which price shall represent the agreed present market value of such water. Upon the approval of both parties, the annexation agreement may provide for the lease-back of such water for a stated annual rental until the property is developed.

Sec. 21-8-403. - Approval Criteria

All annexations shall be reviewed for compliance with the following criteria. However, annexation is a discretionary legislative act. The City shall never be compelled to annex, unless otherwise required by state law, even if all these approval criteria have been satisfied.

- (1) The proposed annexation is in compliance with the Municipal Annexation Act of 1965 (CRS § 31-12-101, *et seq.*, as amended from time to time).
- (2) The annexation implements or does not frustrate the Comprehensive Plan, and the best interests of the City would be served by annexation of the subject property.
- (3) The property is capable of being integrated into the City and developed in compliance with all applicable provisions of this UDC.
- (4) At the time any development of the property proposed to be annexed is completed, there will be capacity to adequately serve residents of such area with all necessary utilities and facilities.

Sec. 21-8-404. - Zoning of Annexed Property

- (a) **Generally.** Zoning of land in the process of annexation may be done in accordance with the procedure and notice requirements of this Division. The proposed zoning amendment shall not be passed on final reading prior to the date when the annexation ordinance is passed on final reading, but the ordinance annexing the property may also zone the property. If the zoning process is commenced prior to the effective date of the annexation ordinance, the legal protest area for rezoning shall be determined solely on geographic location, irrespective of whether the land in such legal protest area is within or without or partly within and partly without the boundaries of the City.
- (b) **Application of UDC.** Any area annexed shall be brought under the provisions of this chapter and the map thereunder within 90 days from the effective date of the annexation ordinance, irrespective of any legal review which may be instituted challenging the annexation. During such 90-day period, or such portion thereof as is required to zone the territory, the city shall refuse to issue any building permit for any portion of all of the newly annexed area.

Sec. 21-8-405. - Execution of Annexation Agreement; Recordation of Approval

- (a) **Annexation Agreement.** Following approval of an annexation or conditional approval of an annexation with all conditions being agreed to, the annexation agreement, which shall have all conditions of approval expressly noted therein, shall be signed by the Mayor, and shall be attested by the City Clerk.
- (b) **Recording of Ordinance and Map.**
- (1) The City shall file:
 - a. One copy of the annexation map with the original annexation ordinance with the City Clerk;
 - b. Three certified copies of the annexation ordinance and map with the Alamosa County Clerk and Recorder, which shall record one copy and distribute the other copies as provided in C.R.S. § 31-12-113(2).
 - (2) The applicant shall pay all required recording fees, and it shall be the applicant's responsibility to ensure that such recording was successfully completed.

Division 8-5. - Standardized Procedures

Sec. 21-8-501. - Standardized Review Process

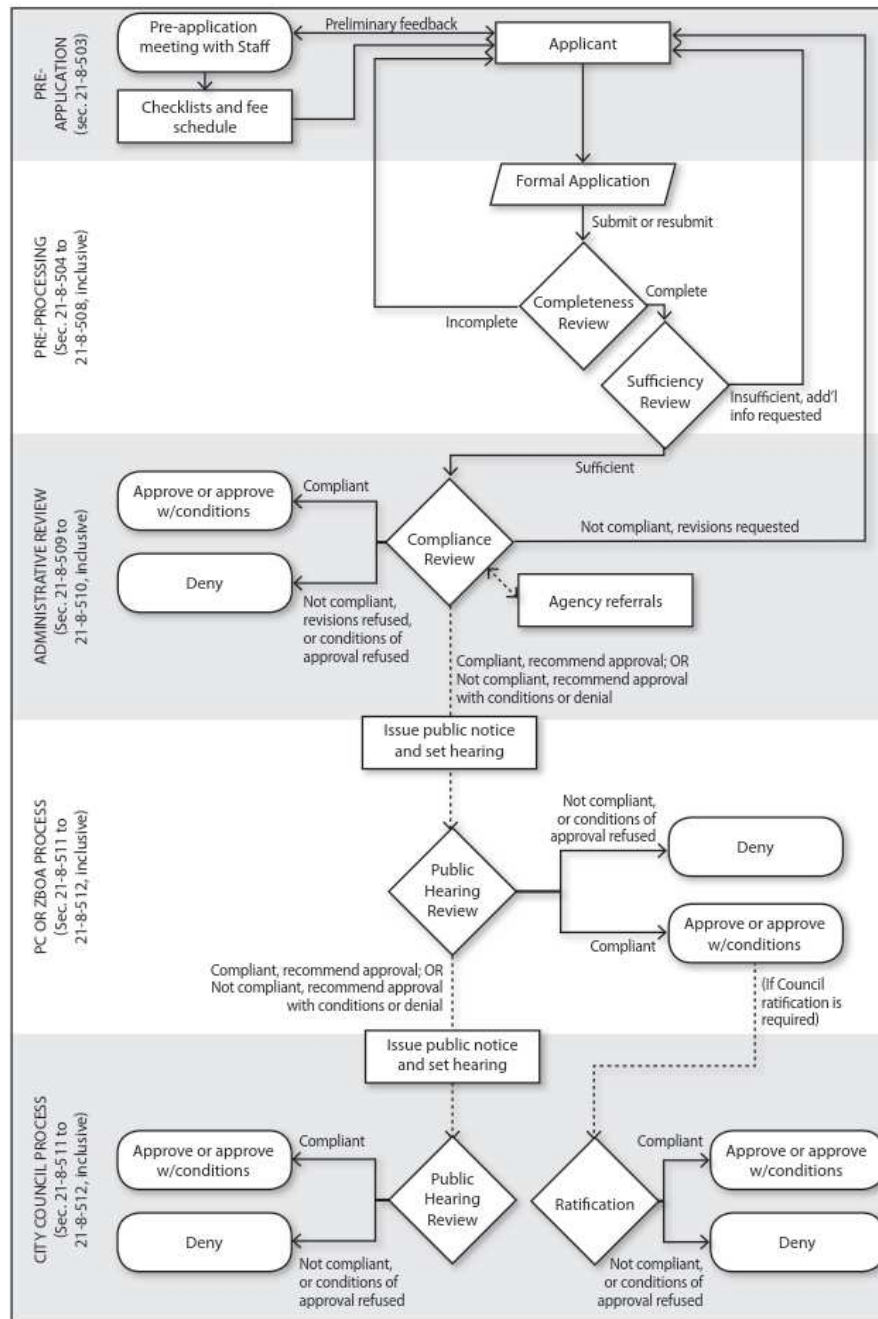
- (a) **Generally.** The standard development approval procedures of this Division apply to all applications for approvals or permits that are set out in Division 8-2, *Permits and Approvals*.
- (b) **Process.** The approval procedures set out in Section 21-8-503 to Section 21-8-512, inclusive, are undertaken in sequence until an application is considered and decided by the designated decision-maker for the type of application at issue. Table 21-8-501B1, *Standardized Procedures*, lists the approval steps that are required, based on the decision-maker. Figure 21-8-501B2, *Standardized Procedures*, illustrates the flow of application processing.

TABLE 21-8-601B1 STANDARDIZED PROCEDURES			
Process Step ¹	Decision-Maker		
	Administrator	Planning Commission or Zoning Board of Adjustment	City Council
21-8-503	Required Unless Waived by Administrator	Required	Required
21-8-504	Required	Required	Required
21-8-505	Required	Required	Required
21-8-506	Required	Required	Required
21-8-507	Required	Required	Required
21-8-508	Required	Required	Required
21-8-509	Required	Required	Required
21-8-510	Referrals may be required by Administrator if nature or location of application justifies referral	Required	Required

TABLE 21-8-601B1 STANDARDIZED PROCEDURES			
Process Step ¹	Decision-Maker		
	Administrator	Planning Commission or Zoning Board of Adjustment	City Council
21-8-511	Not Required	Required	Required for decisions
21-8-512	Not Required	Required	Required for decisions and ratifications
TABLE NOTE: ¹ The references in this column are to the Sections of this Division that describe the process step.			

- (c) **Special Review Types.** The communications uses that are listed in Table 21-2-207, *Utility and Communications Land Use Table*, are subject to the standardized review procedures, as modified by Section 21-8-521, *Special Procedures for Wireless Telecommunications Facilities*.

FIGURE 21-8-501B2
STANDARDIZED PROCEDURES



Sec. 21-8-502. - Ex Parte Communications

- (a) **Generally.** It is the policy and practice of the City to decide applications only on the merits presented in the application, on-record public comments, and at public hearings (if public hearings are required). Therefore, *ex parte* communications are not allowed.
- (b) **Timing.** The prohibition on *ex parte* communications begins on the date of application and ends when the appeal period for an issued development order has expired.
- (c) **Inadvertent Communications.**
 - (1) It is not always possible to prevent *ex parte* communications. Elected and appointed officials who hear applications required by this UDC shall not privately discuss the merits of a pending application or appeal.
 - (2) If a communication is received outside of the record (*e.g.*, it is not in the application, agency comments, or public comments, nor was it presented at a noticed public hearing), then the official shall disclose the communication, including the speaker and the substance of the communication, on the record of the public hearing before the application is heard.
 - (3) The decision-maker or recommending body must base its decision only on the evidence presented on the record. The contents of the *ex parte* communication shall not be considered part of the record for decision-making unless the information in the communication is also presented at the hearing (other than through the required disclosure).

Sec. 21-8-503. - Pre-Application Meeting

- (a) **Generally.** A pre-application meeting is an opportunity for the potential applicant to meet with City staff before filing an application, in order to:
 - (1) Identify the applicable review procedures and likely timelines;
 - (2) Review preliminary materials and identify potential issues and related information requirements; and
 - (3) Identify what fees will be due, including whether an escrow payment will be required for professional consultant review.
- (b) **When Required.** A pre-application meeting is required for all application types, except permits for signs, home occupations, and cottage industries. Informal meetings may be scheduled prior to a pre-application meeting, at the discretion of the Administrator.
- (c) **Meeting Logistics.**
 - (1) The Administrator is authorized, but not required, to establish a regular schedule for pre-application meetings.
 - (2) Pre-application meetings may be conducted in person, by telephone, or by internet-based communication tools, as may be agreed between the potential applicant and the Administrator.

- (d) **Meeting Materials.** The potential applicant shall bring to (or submit prior to) the pre-application meeting sufficient supporting materials to explain, as applicable to the type of application to be submitted:
- (1) For all applications:
 - a. The location of the project;
 - b. The proposed uses (in general terms);
 - c. The relationship of the proposal to existing development; and
 - d. Any other conditions or items that the potential applicant believes are relevant to the processing of the application.
 - (2) For applications that involve new construction:
 - a. The proposed arrangement of buildings, parking, access points, open spaces, and drainage facilities (including water quality and stormwater detention facilities);
 - b. The general locations and extent of natural or man-made hazards, irrigation ditches, open water, floodplains, and floodways on and adjacent to the subject property; and
 - c. For subdivisions, the proposed general lot layout.
 - (3) For applications that involve renovation, rehabilitation, or re-use of existing buildings:
 - a. A brief history of the building; and
 - b. The number of square feet of floor area affected by the application.
 - (4) The Administrator may request that the Applicant bring completed application forms (in draft form) for the types of permits being sought.
- (e) **Summary.** Upon request by the potential applicant, within 21 calendar days of the pre-application meeting, The Administrator shall deliver to the applicant:
- (1) A checklist of submittal materials that will be necessary for the type(s) of application(s) sought; and
 - (2) A copy of the City's application fee schedule.
- (f) **Courtesy Presentations.** At the pre-application meeting, a potential applicant may request an opportunity to make a courtesy presentation of a proposed development concept or conceptual subdivision map in a design charrette process. Attendees may include appropriate staff, referral agencies, design professionals, and other persons identified by the Administrator or the potential applicant.

Sec. 21-8-504. - Application

- (a) **Generally.** Every application for development approval required by this UDC shall be submitted on a form approved by the Administrator, along with the corresponding application fee (fees are established by resolution of the City Council). Unless waived by the Administrator, all applications shall include electronic versions of all attachments in a format approved by the Administrator.
- (b) **Forms.**
 - (1) The Administrator shall promulgate and periodically revise, as necessary, forms for each type of application required by this UDC. Minimum application requirements and provisions for waiving application requirements may be provided in an appendix to this UDC.
 - (2) Application forms shall include the specific information that is required to process each type of application. The specific information requirements shall be established and periodically revised by the Administrator, and have the purpose of facilitating:
 - a. The evaluation of applications for compliance with the standards of this UDC; and
 - b. The administration of this UDC.
 - (3) The Administrator is authorized to establish a standardized format for each type of required submittal, and to allow deviations from the format in instances where the Administrator finds that an alternative format would provide for more efficient review.
- (c) **Schedule.** The Administrator is authorized, but not required, to establish regular intake days or times or any or all classifications of applications for development approval, except sign permits and administrative appeals.

Sec. 21-8-505. - Application Fees and Escrows

- (a) **Generally.** Fees shall be charged to offset the cost of application processing (including any application for amendments of existing approvals), reviews, public notices, hearings, and recordkeeping. Application fees to be charged by the City shall be established, from time to time, by resolution adopted by the City Council.
- (b) **Recording Fees.** Recording fees of the Alamosa County Clerk and Recorder's Office shall be paid to the County by the Applicant at the time of any required recording.
- (c) **Referral Agency Fees.** The Applicant may be required to pay any fees assessed by referral agencies in advance of their review and comment. Failure to obtain comments from referral agencies due to failure to pay review fees may result in delay or denial of an application.
- (d) **Escrow for Consultant Review.**
 - (1) *Consultant Review Authorized.*

- a. The Administrator is authorized to retain professional consultants at the Applicant's expense to assist in the review of proposed development.
 - b. The Administrator may make an initial determination as to the use of consultants at the time of the pre-application meeting, and may revise the determination at the time of application if new or changed information in the application materials justifies the revision.
- (2) *Initial Escrow Payment.*
 - a. If the Administrator determines that an application will require review by professional consultants, then the Applicant shall execute an escrow agreement in a form approved by the City Attorney, and make an initial escrow payment in an amount sufficient to cover the estimated review costs.
 - b. The Administrator shall provide the Applicant with a preliminary estimate of professional consultant review fees at a time established during the pre-application meeting by agreement with the Applicant. Alternatively, the Administrator may advise the Applicant regarding the amount of a fixed-fee that has been established in advance for the type of application presented.
- (3) *Use of Escrow Payment.* The City may draw upon the escrow to pay the fees and expenses of professional consultants retained by the City to review the application.
- (4) *Additional Escrow Funds.* The Administrator may require additional escrow funds to be paid for additional services related to the application, should they become necessary. If a balance is due at the time an application is approved, it shall be paid by the Applicant as a condition of approval.
- (5) *Return of Escrow Funds.* Escrow funds shall be returned to the Applicant as follows:
 - a. If the Administrator decides not to use consultants, then escrow funds shall be returned to the Applicant within 30 days of the decision.
 - b. If the Applicant withdraws the application, then the Administrator shall notify the consultants to stop work within 24 hours of the withdrawal. The Administrator shall then return the escrow to the Applicant, less the amount required to pay the consultant for work actually performed.
 - c. When the application is decided, any positive escrow balance shall be returned to the Applicant within 60 days.
- (6) *Account Reports.* Applicants shall be provided with a monthly accounting of the use of escrow funds.
- (7) *Fixed-Fee Consultant Review.* The Administrator is authorized to establish:
 - a. A roster of consultants that are pre-qualified to conduct reviews of various types; and
 - b. For routine application types with predictable review fees, a schedule of fixed-fees for consultant review.

Sec. 21-8-506. - Completeness Review

- (a) **Generally.** The Administrator shall review all submitted applications for completeness. A complete application includes all of the materials required on the application forms, materials requested at the pre-application conference, any required professional certifications, and all fees and escrows that are required for application processing.
- (b) **Schedule.** Generally, all applications shall be reviewed for completeness within seven calendar days after an application is submitted.
- (c) **Incomplete Applications.**
 - (1) Incomplete applications shall be returned to the Applicant, along with any fee included with the application, with a written explanation that describes in general terms the materials that must be submitted in order to complete the application.
 - (2) An application that does not include the applicable processing fee shall not be considered complete.
 - (3) Incomplete applications are not considered filed.
- (d) **Complete Applications.** Complete applications shall be processed according to the applicable procedures of this Article.
- (e) **Waiver of Application Information Requirements.** The Administrator may waive any of the information requirements of a particular application type if it is obvious to the Administrator that they do not relate to the processing of the application for which the waiver is requested. The Administrator may not waive application fees.

Sec. 21-8-507. - Sufficiency Review

- (a) **Generally.** All applications shall be technically sufficient for review, in that:
 - (1) The application materials are internally consistent and are presented as required by this UDC and the applicable application forms.
 - (2) Materials are prepared by qualified professionals (where such qualifications are required), and signatures and certifications are present, if required.
 - (3) The application materials are technically sufficient (*e.g.*, legal descriptions and calls and distances on surveys describe closed polygons within acceptable tolerances, calculations that are provided are performed according to the methodologies set out in this UDC, etc.) to demonstrate compliance with applicable standards of this UDC.
- (b) **Insufficient Applications.**
 - (1) An application is insufficient if it does not meet the standards of Subsection (a), above.

- (2) If an application is determined to be insufficient, the Administrator shall notify the Applicant and provide a written explanation regarding the materials that must be submitted, or revisions that must be made, in order to continue processing the application.
 - (3) The Applicant shall provide the materials or revisions that are required to make the application sufficient within 15 days of the date of the notice.
 - (4) If an Applicant fails to submit the required materials within the time period specified in Subsection (b)(3), above, or if the Applicant fails to submit a sufficient application after three rounds of review, then the application fee shall be retained and the application shall be returned to the Applicant as insufficient.
- (c) **Sufficient Applications.** Technically sufficient applications shall be processed according to the applicable standards and procedures of this UDC.

Sec. 21-8-508. - Stale Applications

- (a) **Generally.** This Section is intended to extinguish applications that become stale due to inaction by the Applicant.
- (b) **Expiration of Stale Applications.** When an action by the Applicant is required for further processing of an application (for example, if revisions are requested after agency referrals), the application shall become void:
 - (1) Six months after the date that the action is requested if the Applicant either fails to take action or fails to request an extension of time pursuant to Subsection (c) below; or
 - (2) Upon failure to timely provide requested information to make an application technically sufficient pursuant to Section 21-8-507, *Sufficiency Review*.
- (c) **Extension of Time.** The time for expiration of an application may be extended by up to six additional months upon written request of the Applicant before the end of the period set out in Subsection (b), above.

Sec. 21-8-509. - Administrative Review

- (a) **Generally.** Upon determination that an application is complete and sufficient, the Administrator shall cause the application to be reviewed for technical compliance with all applicable requirements of this UDC, as follows:
 - (1) Appropriate City staff or consultants shall review the application; and
 - (2) The application shall be promptly referred to applicable referral agencies and individuals for review and comment pursuant to Section 21-8-510, *Referrals*.
- (b) **Recommended Revisions.**

- (1) The Administrator shall provide comments from City staff or consultants (collectively, "STAFF COMMENTS"). The staff comments shall provide Staff or consultant input and address or include comments by referral agencies and interested individuals. The Applicant shall revise and resubmit the application with appropriate changes based on staff comments, and with responses to staff comments that did not result in changes to the application.
 - (2) Upon receipt of the re-submittal, the Administrator may refer the application to referral agencies again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments (or lack thereof), or require the agency's technical expertise for appropriate review.
 - (3) The re-submittal shall not require an application fee unless both of the following conditions are met:
 - a. The revisions are inappropriate or incomplete; and
 - b. Repeated failure to address comments requires more than three rounds of revisions.
- (c) **Administrative Recommendation, Decision, or Referral.** Promptly after determination that a complete application addresses the comments and recommendations provided pursuant to Subsection (b), above (or, after finding that no revisions will be required):
- (1) If the application is for an administrative approval or permit, then the Administrator shall:
 - a. Approve, approve with conditions, or deny the application, as appropriate; or
 - b. Upon a determination that the development, as proposed, may have material impacts on neighboring properties or City resources that are unusual in kind or degree, or that there is material potential for disagreement regarding whether the application complies with the standards of this UDC, the Administrator may refer the application to the Planning Commission for review and recommendation and City Council for decision, according to the applicable standards of this UDC.
 - (2) If the application is for a public hearing approval or permit, then the Administrator shall make a recommendation regarding the application and forward the recommendation and the application materials and referral comments to the next body that will consider it for further recommendation or approval.
- (d) **Meeting Logistics.**
- (1) If the application is for a public hearing approval or permit, then the Administrator shall set the application on the agenda of the next body that will consider the application.
 - (2) Generally, the application shall be heard during the next regular meeting of the body which meets the following two conditions:

- a. There is sufficient time to meet applicable public notice requirements; and
 - b. There is available room on the agenda.
- (3) The Administrator shall coordinate with recommending and decision-making bodies to fix reasonable times for hearings. Said bodies are authorized to convene special meetings to hear applications as they determine appropriate.
- (4) The Administrator, or a designee, shall notify the Applicant regarding the time and place of the public hearings.

Sec. 21-8-510. - Referrals

- (a) **Generally.** Applications may be referred for additional review by agencies or consultants according to the procedures set out in this Section.
- (b) **Inter-Jurisdictional Referrals.**
 - (1) As part of the review process, the City may seek review and comment by referral agencies that have expertise in the subject matter impacted by the application, that have jurisdiction over one or more aspects of the proposed development, or whose operations will likely be affected by the proposed development. Referral agency comments are advisory to the City.
 - (2) The Administrator may refer an application to any agency, jurisdiction, ditch company, land management entity, utility, or department that the Administrator determines is likely to be materially affected by the application. The Administrator's determination regarding referrals is not appealable.
 - (3) The agency referral period is 21 calendar days, which can be extended by up to 30 additional days by mutual consent of the Applicant and the Administrator.
 - (4) Failure of an agency to respond within the prescribed time period (or extended period) is interpreted as consent by that agency to the contents of the application. However:
 - a. Such consent does not waive the authority of agencies which have concurrent jurisdiction with the City; and
 - b. Such consent is not implied if the applicant fails to pay the agency's required review fees.
- (c) **Consultant Review.** Upon notice to the Applicant, the Administrator may refer the application to consultants selected by the City, in order to obtain technical review and recommendations. The cost of such referrals shall be borne by the Applicant.

Sec. 21-8-511. - Public Notice

- (a) **Generally.** For applications that require public notice, public notice shall be provided according to the standards of this Section.
- (b) **Contents of Public Notice.** Public notice shall include the following elements:

- (1) The phrase "PUBLIC NOTICE" at the top of the notice.
 - (2) A brief description of the type of application (*e.g.*, rezoning from zone X to zone Y).
 - (3) The date, time, and place of the hearing.
 - (4) A brief summary of what the Applicant is requesting (*e.g.*, approval of a 10,000 sf. commercial retail development).
 - (5) The physical address of the subject property, or if an address is not available, a location map of the property or a statement that the legal description is on file with the Administrator.
 - (6) A notice that interested persons may obtain more information from the Administrator.
 - (7) Contact information for the Administrator.
- (c) **Types of Public Notice.** Table 21-8-511C, *Types of Public Notice*, sets out standardized requirements for publication, posting, and mail notice that are used for different application types and different phases of the application process. The types of notice that are set out in the table are used to establish notice requirements for each type of application in Table 21-8-511D, *Required Public Notice by Application Type*.

TABLE 21-8-511C TYPES OF PUBLIC NOTICE			
Type of Notice	When Required	Frequency or Duration	Other Requirements
Publication (PUB)			
PUB.1	At least 15 days before public hearing	1 publication	NA
PUB.2	At least 7 days before public hearing	1 publication	NA
Posting (PO)			
PO.1	At least 7 days before public hearing	Post until public hearing commences	NA
Mail (ML)			
ML.1 (radius or area)	At least 7 days before public hearing	1 mailing	Mail notice must be sent to all property owners within 300 feet of the boundaries of the subject property.

- (d) **Type of Public Notice Required by Application Type.** Table 21-8-511D, *Required Public Notice by Application Type*, sets out the notices that are required at each state of processing for each type of application for which notice is required.

TABLE 21-8-511D REQUIRED PUBLIC NOTICE BY APPLICATION TYPE		
Application Type	Form of Required Public Notice for ...	
	Board or Commission Review	Council Review
Use-Oriented Permits and Approvals		
Conditional Use Permit	PO.1; (PUB.1 if vested rights are requested)	N/A

TABLE 21-8-511D REQUIRED PUBLIC NOTICE BY APPLICATION TYPE		
Application Type	Form of Required Public Notice for ...	
	Board or Commission Review	Council Review
Rezoning	PUB.1; PO.1; ML.1	PUB.2; PO.1
Comprehensive Plan Future Land Use Map Amendment	PUB.1; PO.1	N/A
Site Development (Layout)		
Preliminary Development Plan	PUB.1; PO.1; ML.1 (all owners within proposed zone, and all owners within 300 ft. of proposed boundaries)	PUB.1; PO.1; ML.1 (all owners within proposed zone, and all owners within 300 ft. of proposed boundaries)
Final Development Plan	PUB.1; PO.1; ML.1 (all owners within proposed zone, and all owners within 300 ft. of proposed boundaries)	N/A
Relief		
Variance	PO.1; ML.1	N/A
Administrative Appeal	PUB.2; PO.1	N/A
Administration		
Development Agreement	By type of approval associated with development agreement; PUB.1 if vested rights are requested	
Vested Rights	As provided in Division 8-6, <i>Vested Property Rights</i>	

(e) **Standards for Required Notices.**

- (1) *Publication.* Published notice shall be printed in a newspaper of general circulation in the City of Alamosa.
- (2) *Posting.* Posted notice shall be on a sign in a form approved by the City.
- (3) *Mail.* Mailed notice shall be delivered via first class U.S. Mail.

(f) **Optional Notices.**

- (1) *Electronic Mail.* Electronic mail notice may be delivered to an opt-in distribution list that is created for the purpose of notifying people about applications for approvals and permits in the City. Electronic mail notice shall include the subject line "PUBLIC NOTICE OF PROPOSED DEVELOPMENT," and the statement in the body of the e-mail that "Electronic mail notice is provided as a courtesy to opt-in subscribers. Failure of an e-mail communication to reach a subscriber does not constitute failure of public notice."
- (2) *Internet.* Internet notice may be posted on the official web site of the City, on a page or pages that are designated for such notices. However, internet notice is also provided as a courtesy and is not official notice. Therefore, failure of internet notice shall not constitute a failure of public notice.

Sec. 21-8-512. - Public Meetings and Public Hearings

- (a) **Generally.** Public meetings and public hearings shall be carried out in accordance with the procedural rules of the body conducting the meeting or hearing.
- (b) **City Council Ratification.**
 - (1) Approvals that require City Council ratification shall be placed on the next available consent agenda of the City Council after the Planning Commission meeting at which the approval was granted.
 - (2) Prior to the Council meeting, the Administrator shall forward the materials that were considered by the Planning Commission and a summary of the decision by the Planning Commission to the City Council.
 - (3) Approvals may be removed from the consent agenda by majority vote of the quorum. If an item is removed from the consent agenda, the City Council may ask questions of the Administrator, and may thereafter ratify the decision or to place it on the next available City Council agenda for public hearing.
 - (4) The Administrator shall promptly notify the applicant regarding the City Council's decision.
 - (5) Council review of an approval at public hearing shall be *de novo*.

Sec. 21-8-513. - Continuances and Withdrawal

- (a) **Continuances.** Requests for continuance by the Applicant of any proceeding called for in this UDC may be granted at the discretion of the body holding the public meeting or public hearing. If granted, the Applicant shall pay all additional costs associated with the rescheduling of the proceeding.
- (b) **Withdrawal.** Any application may be withdrawn, either in writing or on the record, prior to or during the meeting or hearing at which the application is considered, provided that it is withdrawn before official action is taken on the application.

Sec. 21-8-514. - Successive Applications

- (a) **Generally.** It is the policy of the City not to hear successive applications for the same approval or permit after a substantially similar application is denied. The limitations of this Section prevent the consideration of successive applications.
- (b) **Time Required Between Substantially Similar Applications.** If an application for a permit or approval is denied, a substantially similar application will not be accepted for:
 - (1) Six months from the date of denial in the case of administrative permits; and
 - (2) 12 months from the date of denial for all other permits or approvals.
- (c) **Exceptions to Successive Application Restrictions.** The Administrator may allow exceptions to this Section if one of the following is found:
 - (1) The application is not substantially similar; or

- (2) There has been a material change of circumstances that justifies consideration of a substantially similar application. By way of example and not limitation:
 - a. If a spacing requirement was the reason for the denial, and the use from which spacing is required moved away; or
 - b. If a subsequent amendment to this UDC now allows for approval of the application.

Sec. 21-8-515. - Recording of Approvals

- (a) **Generally.** The following permits and approvals shall be recorded in the public records of Alamosa County at the applicant's expense:
 - (1) Annexation agreements, maps, and ordinances
 - (2) Final Plats
 - (3) Preliminary Development Plans
 - (4) Final Development Plans
 - (5) Conditional Use Approvals
 - (6) Development Agreements, Public Improvements Agreements, and Reimbursement Agreements
- (b) **Timing.**
 - (1) Upon approval of a final plat, preliminary development plan, or final development plan, the applicant shall provide final mylar drawings to the City Clerk within 90 days for execution by the City and recording.
 - (2) The final mylar drawings shall include:
 - a. All required signatures except those to be provided by the City; and
 - b. All modifications that were required as conditions of approval.
 - (3) Failure of an applicant to timely submit a conforming plan to the City Clerk shall, upon the enactment of a resolution by the City Council finding that the submittal was untimely, void the approval.

Sec. 21-8-516. - Effect of Approvals

- (a) **Generally.** It is the intent of the City that development approved pursuant to this UDC be carried out in a timely manner pursuant to the specifications, terms, and conditions of approval; and that the steps within each approval process be carried out with diligence.
- (b) **Effect of Approval or Permit.**
 - (1) Approval of an application means that the City consents to the particular use, plan, or other specific activity for which the approval was granted. Physical development of land may require a sequence of related (and increasingly detailed) approvals.

- (2) Supplemental materials that are provided in support of an approval become part of the approval (*e.g.*, elevations, lists of building materials, etc.) unless otherwise noted in the approval itself.
- (3) Approvals and permits may be transferred to a subsequent buyer of the property for which the approval or permit was issued, unless the approval or permit is specifically designated as non-transferable by condition of approval. Transferred permits shall continue to be valid for their full original terms, and the transferee may apply for an amendment to the approval or permit in the same manner as the original Applicant.

Sec. 21-8-517. - Duration of Approvals

- (a) **Administrative Approvals.** The administrative approvals described in Table 21-8-202B, *Administrative Approvals and Permits*, except a final plat or development agreement, shall be valid for one year from the date of approval.
- (b) **Discretionary Approvals.** Discretionary approvals will lapse and be of no further force and effect if a complete applications for the next stage of approval is not filed before the deadline set out in this subsection:
 - (1) The discretionary approvals described in Table 21-8-203B, *Discretionary Approvals and Permits*, shall lapse as follows:
 - a. One year from date of approval:
 - i. Conditional use permit
 - ii. Variance
 - b. Two years from date of approval:
 - i. Certificate of designation
 - ii. Preliminary plat
 - iii. Preliminary development plan
 - c. Three years from date of approval:
 - i. Final development plan
- (c) **Development Agreements.** A development agreement is valid for the term set out in the development agreement.
- (d) **Approvals That Do Not Lapse.** Rezoning, vacations or abandonments of easements or rights-of-way, UDC text amendments, Comprehensive Plan amendments, recorded final plats, and administrative appeals do not lapse.

Sec. 21-8-518. - Extensions of Approvals

- (a) **Generally.** The term of permits and approvals may be extended by written request according to the standards and procedures of this Section.

- (b) **Timing of Application for Extension.** Expired permits and approvals cannot be extended. Written requests for extensions shall be received not later than 30 days prior to the expiration of the permit or approval. Untimely requests for extensions will not be granted unless it is demonstrated that extraordinary circumstances (*e.g.*, an unusual severe weather event) justify the request.
- (c) **Extensions for Extraordinary Circumstances.** The City Council may, by resolution, extend the term of all permits and approvals City-wide or in designated areas of the City in response to extraordinary circumstances, such as flood, wildfire, tornado, or other natural or man-made disaster which makes it temporarily infeasible to commence or continue with construction. The period of such extensions shall be determined by the City Council.
- (d) **Administrative Extensions.** Unless otherwise provided in the permit or approval, the Administrator may grant one extension of any permit or approval for a period not to exceed the original term or 18 months, whichever is shorter. Such extensions may be granted upon timely written request with good cause shown.
- (e) **Extensions after Hearing.**
 - (1) Unless otherwise provided in the permit or approval, a hearing is required for:
 - a. Extensions for terms that are longer than those which can be granted by the Administrator pursuant to Subsection (d), above; and
 - b. Second (and subsequent) extensions.
 - (2) Extensions of discretionary permits and approvals pursuant to this subsection shall be heard by the body that granted the original approval. Extensions of administrative permits and approvals pursuant to this subsection shall be heard by the Board of Adjustment.
 - (3) Extensions may be granted after hearing if it is demonstrated that:
 - a. There is good and reasonable cause for the request; and
 - b. The Applicant has provided reasonable assurances that it will perform (or cause to be performed) the work authorized by the permit or approval within the extended term.
- (f) **Extensions Pursuant to Permit or Approval Terms.** If a method of extension is provided within a permit, or approval, or related development agreement between the Applicant and the City, then such method of extension shall supersede this Section with respect to said permit or approval.
- (g) **Effect of Appeals, Litigation, or Mediation.**
 - (1) If there is an appeal, litigation, or mediation during the time period that limits the Applicant's ability to use or develop land pursuant to a permit or approval granted by the City, then the term of the permit or approval shall be tolled for the duration of the appeal, litigation, or mediation, and the date shall be recalculated upon conclusion of the appeal, litigation, or mediation.

- (2) The new expiration date shall be established by adding the number of days that the approval would have remained valid before the appeal, litigation, or mediation commenced to the date the appeal, litigation, or mediation was concluded by:
 - a. The expiration of the subsequent appeal period after final judgment or order in the initial appeal or litigation, or, if no appeal is available, after issuance of the final judgment or order; or
 - b. The termination of mediation by resolution of the conflict or impasse.
- (3) This subsection does not apply to litigation which is related to enforcement of a violation of this UDC.

Sec. 21-8-519. - Correction of Approvals

- (a) **Generally.** Permits and approvals may be corrected pursuant to this Section.
- (b) **Correction of Recorded Final Plats.** If it is discovered that there is a minor survey or drafting error in a recorded final plat, a request, in writing, to record a corrected plat shall be submitted to the Administrator. The request shall be accompanied with an affidavit witnessed by a professional land surveyor and approved by the County Surveyor. The surveyor witnessing this corrected plat shall be an impartial observer having no personal interest in the platted land. The Administrator shall thereupon record the corrected plat at the applicant's expense.
- (c) **Correction of Scrivener's Errors.** Development approvals other than final plats may be corrected by the Administrator or upon application to the Administrator as follows:
 - (1) *Generally.* The Administrator may approve an application to reform a scrivener's error in a development approval, including an error in an application or notice, which error causes the permit or approval to inaccurately reflect the decision-maker's intent, and where it is demonstrated that:
 - a. The correction does not include a change of judgment, policy, or prior intent of the decision-maker;
 - b. The reformation of the permit or approval is essential to ensure that the documentation reflects the intent and decision of the decision-maker;
 - c. The record, including, but not limited to, the Staff recommendation, minutes, and motion, evidences the clear intent of the decision-maker;
 - d. The substance of the decision was clearly evident at the time of the decision, and there was no intent to deceive the public or the decision-maker on the part of the current Applicant at any time;
 - e. Failure to approve the reformation would lead to an unjust result;
 - f. The error in the development approval did not mislead anyone in a way that would cause them to be prejudiced by the reformation; and
 - g. Any errors related to public notice did not affect the legal sufficiency of the required notice.

- (2) *Correction Within 30 Days.* In the alternative, the Administrator, within 30 days of the decision on an application for development approval, may correct a clerical or scrivener's error in the development approval if:
 - a. The error is not related to public notice;
 - b. The error causes the approval, as written, to inaccurately reflect the clear decision of the decision-maker; and
 - c. The Administrator promptly notifies the applicant and the decision-maker regarding the corrections.
- (d) **Effect on Approval.** A permit or approval that is modified pursuant to this Section shall relate back to the date of the corrected approval, such that the effective date of the corrected language shall be deemed to be the same as the effective date of the original approval.

Sec. 21-8-520. - Vacation of Easements, Rights-of-Way, or Plats

- (a) **Generally.** Easements or rights-of-way that are granted to the City by deed, agreement, or final plat may be vacated as provided in this Section.
- (b) **Administrative Vacation.** The Administrator may vacate the City's interest in an easement or right-of-way if:
 - (1) The easement or right-of-way is not for roadway purposes;
 - (2) The City does not have a fee-simple interest in the right-of-way;
 - (3) The easement or right-of-way has not been put to use for its intended purpose;
 - (4) The easement or right-of-way is not necessary to provide services or non-vehicular access to property other than the Subject Property, or there are reasonable alternative ways to provide such services or public access; and
 - (5) The easement or right-of-way is intended to serve or provide non-vehicular access to development for which related approvals have lapsed or been abandoned.
- (c) **City Council Vacation.** The City Council may by ordinance vacate the City's interest in an easement or right-of-way, or vacate a plat, if it finds:
 - (1) The statutory requirements of C.R.S. § 43-2-301, *et seq.* are met if the easement or right-of-way is for roadway purposes, or if platted roadways are affected;
 - (2) The vacation does not conflict with adopted plans;
 - (3) The vacation does not landlock any parcel of land or restrict the access such that it is unreasonable or economically prohibitive;
 - (4) The vacation will not result in adverse impacts on the health, safety, or welfare of City residents and business owners, or reduce the quality of public facilities or public services (including emergency response services) provided to any parcel of land.

Sec. 21-8-521. - Special Procedures for Wireless Telecommunications Facilities

- (a) **Generally.** The procedures of this Section apply to communications uses that are listed in Table 21-2-207, *Utility and Communications Land Use Table*.
- (b) **“Shot Clock”.** The Federal Communications Commission has established mandatory time frames for review of different types of applications for the communications uses that are listed in Table 21-2-207, *Utility and Communications Land Use Table*.
 - (1) The “shot clock” commences at the time the application is filed, whether the application is complete or not. With respect to communications uses, Section 21-8-506(b) and (c), are modified as follows:
 - a. The City shall respond to the applicant with regard to whether the application is complete within 30 days after it is filed. The notice from the City shall specifically delineate all missing information, and specify the code provision, ordinance, application instruction, or other publicly-stated procedure that requirements the information. Such determination of incompleteness tolls the “shot clock.”
 - b. Applications that are incomplete shall be retained by the City.
 - c. The City shall evaluate a resubmittal for completeness and respond to the applicant within 10 days.
 - i. If the City requests information that had previously been identified in the notice issued pursuant to subsection (c)(1)a., above, the “shot clock” shall be tolled again.
 - ii. If the City requests additional information that was not identified in the notice, the shot clock shall continue to run.
 - (2) The “shot clock” concludes:
 - a. 150 days after commencement for new installations that are regulated by 47 U.S.C. § 332(c)(7).
 - b. 90 days after commencement for substantial changes to existing installations (e.g., co-locations that are not subject to 47 U.S.C. § 1455).
 - c. 60 days after commencement for “eligible facilities” as defined in 47 U.S.C. § 1455.
 - (3) In addition to the tolling that occurs under subsection (c)(1), the “shot clock” may be tolled by agreement with the applicant.
- (c) **Approval of Application.** Approvals shall be in writing and shall specify all design elements that are intended to conceal the wireless telecommunications facility.
- (d) **Denial of Application.** Denials shall be in writing and shall specify the reasons for denial, including reference to substantial evidence in the record that supports the denial.

Division 8-6. - Vested Property Rights

Sec. 21-8-601. - Applications

- (a) **Generally.** Except as otherwise provided in subsection (b) below, an application for approval of a site-specific development plan, as well as the approval, conditional approval or denial of approval of the plan, shall be governed only by the land use regulations in effect at the time an application is submitted to the City. For the purposes of this Section, land use regulations include this UDC, as well as any zoning or development regulations that have previously been adopted that apply to the subject property and that remain in effect at the time of the application for approval of the plan.
- (b) **Exceptions.** Notwithstanding the limitations contained in subsection (a) above, the City Council may adopt a new or amended regulation when necessary for the immediate preservation of public health and safety and may enforce such regulation in relation to applications pending at the time such regulation is adopted.

Sec. 21-8-602. - Vested Property Rights; Establishment

- (a) **Site Specific Development Plans.** The following types of site-specific development plan approvals will establish vested property rights in accordance with Article 68, Title 24, C.R.S.:
 - (1) Final planned unit development (“PUD”) plan.
 - (2) Final subdivision plat.
 - (3) Conditional use permit.
 - (4) Development agreement.
- (b) **Other Approvals; Additional Vested Development Rights.** A development agreement may provide for vesting of additional development rights, or for a longer vesting period than provided for in Article 68, Title 24, C.R.S. Such a development agreement may be part of a final PUD, final subdivision, or conditional use permit approval, or a development agreement may provide for vesting rights in additional types of site-specific development plans than those specified above, including but not limited to annexation agreements.
- (c) **Establishment of Vested Rights.** A vested property right shall be deemed established with respect to any property upon the approval or conditional approval by resolution or ordinance of a site-specific development plan establishing vested right, following notice and public hearing.
- (d) **Effect of Vested Rights.** A vested property right shall attach to and run with the subject property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan or development agreement, including any amendments thereto.

Sec. 21-8-603. - Notice of Hearing and Decision; Form of Approval

- (a) **Generally.** No site-specific development plan which establishes a vested property right shall be approved unless and until notice thereof has been given and a public hearing thereon has been conducted.
- (b) **Timing of Notice of Public Hearing.** At least 15 days' notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City. Notice of said public hearing shall include language stating that the approval or conditional approval of the site-specific development plan will create a vested property right.
- (c) **Form of Approval.** Final approval from the City Council shall be by ordinance or resolution. A site-specific development plan shall be deemed approved on the effective date of the approving ordinance or resolution.

Sec. 21-8-604. - Notice of Final Approval

- (a) **Generally.** Approval of vested rights shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such right to referendum or judicial review shall not begin to run until the date of publication, in a newspaper of general circulation within the City, of the notice specified in this Section advising the general public of the site-specific development plan approval and creation of a vested property right pursuant to Title 24, Article 68, C.R.S.
- (b) **Notice of Final Approval.** As soon as practicable following the date a site-specific development plan is approved, and not later than 14 days following such approval date, the City Clerk shall cause a notice to be published advising the general public of the site-specific development plan approval and creation of a vested property right pursuant to Article 68, Title 24, C.R.S. Such notice shall be substantially in the following form:

Notice is hereby given to the general public of the approval of a site-specific development plan, and the creation of a vested property right pursuant to Title 24, Article 68, C.R.S., pertaining to the following described property:

[The property shall be described in the notice, and appended to said notice shall be the ordinance or resolution granting such approval.]

Sec. 21-8-605. - Requirements of Ordinance or Resolution

Any ordinance or resolution approving a site-specific development plan shall, but not by way of limitation, include the following provisions, unless expressly exempted by the City Council:

- (1) The rights granted by the site-specific development plan shall remain vested for a period of three years (or such longer period as may be established in a development agreement) from the effective date of the approval. However, any failure to abide by any of the terms and conditions attendant to the approval shall result in the forfeiture of said vested property rights. Failure to properly record all plats and agreements required of the developers to be recorded by City ordinance shall also result in the forfeiture of said vested property rights.
- (2) The approval granted hereby shall be subject to all rights of referendum and judicial review, except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication provided for in UDC § 21-8-604.
- (3) Zoning that is not part of the site-specific development plan approved hereby shall not result in the creation of a vested property right.
- (4) Nothing in this approval shall exempt the site-specific development plan from subsequent reviews and approvals required by this approval or the general rules, regulations and ordinances of the City, provided that such reviews and approvals are not inconsistent with this approval.
- (5) The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulations by the City, including but not limited to building, fire, plumbing, electrical, and mechanical codes. In this regard, as a condition of this site-specific development approval, the applicant shall abide by any and all such applicable building, fire, plumbing, electrical, and mechanical codes, unless an exemption therefrom is granted in writing.

Sec. 21-8-606. - No Rights Created

Nothing in this Division is intended to create any vested property right other than those that are available to applicants pursuant to the provisions of the Vested Rights Statute (Article 68, Title 24, C.R.S.) In the event of the repeal or invalidation of the Vested Rights Statute, this Division shall be deemed to be repealed and the provisions hereof no longer effective.

Sec. 21-8-607. - Exceptions

A vested property right, once established by this approval, shall preclude any zoning or land use action by the City or pursuant to an initiated measure which would alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the site-specific development plan, except:

- (1) With the consent of the applicant;
- (2) Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the property, which hazards could not reasonably have been discovered at the time of this approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety and welfare; or

- (3) To the extent that compensation is paid as provided in Article 68, Title 24, C.R.S.

Division 8-7. - Administrative Modifications, Variances, and Administrative Appeals

Sec. 21-8-701. - Administrative Modifications

- (a) **Purpose.** The purpose of an administrative modification is to provide an efficient process for minor change to permits or approvals, including those related to site plans, preliminary plans, and planned unit developments, provided that the changes do not substantially alter the approved development parameters.
- (b) **Range of Administrative Flexibility.** The items listed in this subsection qualify for an administrative amendment within the ranges specified. If an item does not qualify as an administrative amendment, it is considered a major change and must be processed in the same manner as a new application. The Administrator may approve:
- (1) *Floor Area.* Up to a 10 percent increase in nonresidential floor area for any institutional, commercial or industrial development (including planned unit development). The increase is limited to hallways, stairways, restrooms, and storage, or a proven necessity for the operational safety of the project. An amended floor plan shall accompany the final application and be included as a part of the approved documents.
 - (2) *Building Height.* An increase in building height up to 20 percent, provided that adequate fire protection is available, and the height increase will not unreasonably affect single-family detached or duplex lots within 150 feet.
 - (3) *Building Spacing.* A reduction up to 10 percent for the minimum distance between buildings within the development. However, the reduction shall not authorize a violation of applicable building or fire codes.
 - (4) *Building Setbacks.* A reduction in building setbacks as provided in Section 21-4-402, *Setback Flexibility*.
 - (5) *Building Footprints.*
 - a. A 10 percent increase in the area of building footprints. However, this shall not reduce required open space or landscape surface to less than the minimum applicable requirements of this UDC (or approved planned unit development), nor reduce parking or setbacks, nor increase the maximum height or density from those approved.
 - b. A reduction in building footprints.
 - c. Relocation of building envelopes or footprints, provided that the relocation does not change any of development restrictions that are set out in the permit or approval, and an analysis of impacts to the originally approved

drainage study demonstrate that there will be no material negative impact on drainage.

- (6) *Open Space or Landscape Surface.* An increase in open space or landscape surface.
 - (7) *Public Improvements.* Changes to the specifications of public improvements, provided that the changes are consistent with current City requirements.
 - (8) *Lighting, Landscaping, Trash Disposal.* Changes to lighting, landscaping, or trash disposal areas, provided that the changes are consistent with the requirements of this UDC.
- (c) **Specific Exclusions.** The following are not eligible for approval as an administrative modification under any circumstances:
- (1) Addition of new land uses to the list of approved uses in a planned unit development;
 - (2) An increase in residential density;
 - (3) An application that requires additional right-of-way dedications, vacations of public improvements, or modification of an existing development agreement or improvements agreement;
 - (4) A transfer of density from one development phase to another, or from one site to another (where density by area or phase is specified on an approved development plan);
 - (5) Increases of building height of more than 20 percent; and
 - (6) Subdivision related changes (such as lot lines, easements, rights-of-way, internal roadways, vacations and / or drainage systems) that require a replat or plat correction.
- (d) **Decision.**
- (1) The Applicant shall submit required application materials, along with a letter of intent that details how the proposed modification meets the applicable amendment criteria set out in subsection (e), below.
 - (2) The Administrator will make a determination as to the proposal's eligibility to be processed administratively.
 - (3) The Administrator may refer any request for an administrative amendment to the Planning Commission for consideration at a regular meeting. The Administrator will notify the Applicant if it is determined that Planning Commission review will be required.
- (e) **Approval Criteria.** Administrative modifications shall meet the following criteria:
- (1) The modification implements or does not reduce the potential for implementation of the Comprehensive Plan;

- (2) The modification is consistent with the efficient development and preservation of the development approval or permit;
 - (3) The modification will not adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest;
 - (4) The modification is in keeping with the spirit and intent of this UDC and will not weaken the purposes of the regulations; and
 - (5) The modification will not adversely affect the public health, safety, and welfare.
- (f) **Conditions.** The Administrator may impose conditions of approval that will secure substantially the objectives of the standard that is modified, and that will substantially mitigate potential adverse impacts on the environment or on adjacent properties, including but not limited to additional landscaping or buffering.
- (g) **Major Modifications and Amendments.** Modifications and amendments that are not authorized by this Section shall be processed in the same manner as a new application for permit or approval.

Sec. 21-8-702. - Variances

- (a) **Subdivision and Planned Unit Development Plan Variances.** The Planning Commission may authorize variances from provisions of this UDC that apply to a proposed subdivision or planned unit development plan in cases where, due to exceptional topographical conditions or other conditions peculiar to the subject property, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this UDC. The variance shall be in keeping with the intent of the Comprehensive Plan.
- (b) **Other Variances.** The Board of Adjustment may grant or deny variances from the provisions of this UDC when:
- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
 - (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
 - (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
 - (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
 - (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;

- (6) That such unnecessary hardship has not been created by the applicant;
 - (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
 - (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.
- (c) **Referral to Planning Commission.** The Zoning Board of Adjustment may request a recommendation from the Planning Commission to assist it in determining if the above requirements have been satisfied. Further, the Zoning Board of Adjustment may require that a special variance application form be completed by the appellant to ensure that the appellant fully understands the criteria on which the board must base its findings.
- (d) **Prohibitions.** The Zoning Board of Adjustment may not grant variances from the provisions of this UDC covering the use or density or land or buildings, or the provisions governing planned unit developments. In granting any variance, the Zoning Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this UDC.

Sec. 21-8-703. - Administrative Appeals

- (a) **Hearings, Appeals and Notices.**
- (1) Appeals to the Board of Adjustment may be taken by any person aggrieved by any administrative decision based upon or made in the course of the administration or enforcement of the provisions of this UDC.
 - (2) The time within which such an appeal must be made, and the form or other procedure relating thereto, shall be as specified in the rules of procedure adopted by the Board of Adjustment.
- (b) **Notice of Appeal.** The appellant shall file with the Board of Adjustment a notice of appeal specifying the grounds thereof, and all papers constituting the record of action upon which the appeal was taken will be promptly forwarded to the Board of Adjustment.
- (c) **Notice of Hearing.** Upon receipt of the notice of appeal and record, the Board of Adjustment shall fix a time for hearing of the appeal. A notice of the hearing shall be provided as set out in Section 21-8-511, *Public Notice*, and written notice shall also be sent by first class mail to the party appealing and the owner of the property that is the subject of the appeal.
- (d) **Hearing Procedure.** At the hearing, any party may appear in person or by agent or attorney. The Board of Adjustment may affirm, reverse (wholly or partly), or modify the order, requirement, decision or determination appealed and may make such order, requirement, decision or determination as in their opinion ought to be made in the premises, and to that end shall have all powers of the officer from whom the appeal is taken.

- (e) **Decision.** The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of an administrative official or agency.

Article IX. - Enforcement

Division 9-1. - Purpose and Application of Article

Sec. 21-9-101. – Purpose of Article

- (a) **Generally.** The City Council finds that the enforcement of this UDC is an important public service, and that code enforcement is vital to the protection of the public health, safety, welfare, and quality of life. The purpose of this Article is to encourage prompt compliance with the UDC.
- (b) **Procedures and Remedies are Not Exclusive.** Nothing in this Article is intended to limit the remedies that are available to the City to prevent, cure, or abate violations of this UDC. This Article shall not be construed to prevent the City from using any enforcement procedures that are lawful and appropriate, nor shall it be construed as an election of remedies.

Sec. 21-9-102. - Application of Article

- (a) **Generally.** This Article provides the general process for enforcing the UDC, and the general remedies that are available to the City. However, as provided in Section 29-9-101, *Purpose of Article*, the City may take any lawful action to remedy violations of this UDC, including seeking any remedy or imposing any penalty that is available under this UDC, Colorado law or administrative rules promulgated thereunder, or Federal law.
- (b) **Enforcement of LUDC, Generally.**
 - (1) Division 9-2, *Enforcement Procedures*, sets out:
 - a. A general procedure for code enforcement by City Staff; and
 - b. Additional actions that may be taken by the Administrator.
 - (2) In addition to the enforcement provisions of this Article, specific conditions of development approval or improvements agreements may provide additional or alternative enforcement procedures or remedies.
- (c) **Remedies.** Division 9-3, *Remedies*, provides a non-exclusive list of defenses and potential consequences of enforcement when a person is found to have violated this UDC.

Division 9-2. - Enforcement Procedures

Sec. 21-9-201. - Notice of Violation

- (a) **Generally.** In the event of the failure of the owner, an adult tenant, or an adult person in possession of any real property in the City to comply with the provisions of this Chapter, the Code Enforcement Officer shall serve a written notice of violation ("NOV"), in a form prescribed by the Department of Public Works, upon the property owner whose property is being kept contrary to the provisions of this Chapter.
- (b) **Contents of Notice of Violation.** The NOV shall include, at a minimum:
 - (1) The address of the property where the violation is alleged.
 - (2) Specific reference to the Section(s) of this UDC or to conditions of a development approval that are alleged to have been violated.
 - (3) If necessary, a statement of the action that must be taken to bring the property or use into compliance with this UDC.
 - (4) A time frame, not to exceed 21 days, for bringing the property or use into compliance with this UDC. An extension may be granted by the Administrator as long as the property owner is diligently working towards a resolution.
 - (5) A statement that if the violation is not corrected within a specified period of time, the prosecution for the violation may be initiated subsequently by the issuance of a summons and compliant.
 - (6) Contact information for a person or department who can answer questions about the warning.
- (c) **Time for Correction.**
 - (1) The length of time for correction shall be a reasonable period of time, depending on the facts and circumstances of the violation, in the judgment of the Code Enforcement Officer, but shall be not less than five days nor more than 30 days after service of the NOV.
 - (2) In determining the time period, the Code Enforcement Officer shall determine, taking into account the action that must be taken by the property owner to bring the property into compliance with this Chapter, as well as the detriment to the neighborhood and surrounding properties, if any, from continuing non-compliance.
- (d) **Service of Notice of Violation.**
 - (1) Service shall be made by personally delivering a copy of said notice of violation to the owner, an adult tenant, or an adult person in possession of the property, in which case service shall be deemed complete upon receipt; or

- (2) If personal service cannot be achieved after reasonably diligent efforts, service may be by mailing, by certified mail, a copy of the notice to the property owner at his/her last known address, as designated in the records of the county assessor, in which case service shall be deemed complete at noon the third business day after mailing.
 - (3) Subject to the limitations of Subsection (f), below, and the discretion of the Code Enforcement Officer, warnings are the preferred method of assuring compliance with this UDC.
- (e) **Limitations.** The Code Enforcement Officer may recommend immediate prosecution by service of a summons and complaint without first issuing a Notice of Violation under this Section if:
 - (1) During the previous 24 months, the property owner has been warned of, cited for, or summoned to court for the same violation; or
 - (2) The Code Enforcement Officer determines that the violation is likely to create an imminent hazard to life or property.

Sec. 21-9-202. - Immediate Orders and Immediate Actions

- (a) **Generally.** As provided in this Section, the Code Enforcement Officer may issue immediate orders or take other immediate actions as necessary to halt violations of this UDC, to prevent activities from violating or exacerbating violations of this UDC, or to remedy violations of this UDC.
- (b) **Cease and Desist Orders.** The Code Enforcement Officer may issue a cease and desist order to close unlawful uses or to halt other violations of this UDC for which the Code Enforcement Officer determines that other available procedures and remedies under this Article are inadequate.
- (c) **Stop Work Orders.**
 - (1) The Code Enforcement Officer shall have the authority to stop any or all construction activities as deemed necessary to halt, correct, or prevent an imminent violation of this UDC by issuing a written stop work order to the owner, contractor, permittee, or operator.
 - (2) If the appropriate permittee or operator cannot be located, the stop work order shall be posted in a conspicuous place upon the area where the activity is occurring. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the City.
 - (3) Such permittee or operator shall immediately stop all activity until authorized, in writing, by the City to proceed. It is unlawful for any permittee or operator to fail to comply with a stop work order.
 - (4) Stop work orders may be issued for:
 - a. Construction work for which a required development approval or permit has not been issued;

- b. A violation of any condition of development approval, development agreement, stormwater quality permit, stormwater management plan, or other plan required by this UDC;
- c. Material departure from approved construction drawings or specifications;
- d. A violation of this UDC;
- e. A violation of any other ordinance of the City, State law, or Federal law pertaining to the development; or
- f. The existence of any condition or the occurrence of any act which endangers health, life, or safety, or creates a high potential for damage to property.

(d) **Permit Actions.**

- (1) *Permit Holds.* Upon recommendation of the Code Enforcement Officer, the Administrator may direct City departments that are responsible for the issuance of permits related to platting, construction, expansion, or operation of a use, building, structure, sign, or fence, to hold further permits until the Code Enforcement Officer certifies that violations are corrected, or until the City Council, Municipal Court, or other court of appropriate jurisdiction orders that the hold be lifted (for example, if an owner fails to plat property where a plat is required, the Code Enforcement Officer may order that building permits be withheld until the plat is approved and recorded).
- (2) *Temporary Suspension of Permits, Generally.*
 - a. The Code Enforcement Officer may suspend permits for a period of not more than 21 days in order to:
 - i. Address an imminent danger to public health, public safety, or public or private property;
 - ii. Prevent irreparable harm that is otherwise likely to occur if the activities that are the basis for the temporary revocation were to continue;
 - iii. Achieve compliance with conditions of approval, or with limited or conditional use standards, if applicable; or
 - iv. Ensure that construction proceeds according to approved plans and applicable laws.
 - b. If the Code Enforcement Officer temporarily suspends a permit, the Code Enforcement Officer shall immediately notify the City Attorney and the Administrator. The City Attorney may seek a court order in Municipal Court or other court of appropriate jurisdiction permanently revoking the permit if compliance is not achieved within 21 days. The City Attorney may request a temporary injunction to extend the temporary suspension of the permit in order to avoid irreparable harm.

- (e) **Removal of Temporary Signs.** The Code Enforcement Officer may immediately remove (or cause to be removed) temporary signs that are placed in violation Division 4-7, *Signs*.

Sec. 21-9-203. - Administrative Process

- (a) **Generally.** The Code Enforcement Officer may issue a citation for violation of this UDC. The recipient of a citation shall correct the violations that are alleged and pay any applicable fines or restitution to the City within 21 days of the date of the citation.
- (b) **Relationship to Other Enforcement Procedures.** Enforcement actions are intended to be cumulative in nature. The City may pursue any and all lawful remedies, separately or concurrently, to effect compliance with an issued citation, including issuance of immediate orders and prosecution of violations as criminal offenses. If a recipient of a citation does not take timely action required by the citation and does not timely request administrative review pursuant to this Section, then the City may proceed to enforce the citation in Municipal Court.
- (c) **Contents of Citation.** Citations shall include at least the following information:
 - (1) The address or location of the property where the violation is alleged.
 - (2) Specific reference to the Section(s) of this UDC or to conditions of a development approval that are alleged to have been violated.
 - (3) If necessary, a statement of the action that must be taken to bring the property or use into compliance with this UDC and a time frame, not to exceed 21 days, for achieving compliance with this UDC.
 - (4) The amount of any fine that is assessed as a result of the violation.
 - (5) A statement that if the requirements of the citation are not met within the stated time frame, the party cited may be compelled to appear in Municipal Court.
 - (6) A statement that the cited party may challenge the citation within 14 days of the date of the citation by written request for a hearing in municipal court.
- (d) **Payment of Fines.** If the municipal court affirms the citation or modifies the citation, any fines that are imposed shall be payable to the City not later than 30 days after the date of the municipal court's decision.
- (e) **Collection of Fines.** A fine assessed by means of a citation may be collected by any means allowed by law.

Sec. 21-9-204. - Administrative Suspension of Licenses, Permits, and Approvals

- (a) **Generally.** In the case of violations of, or noncompliance with, this UDC or of violations of, or failure to meet, conditions of approval, the Administrator, City Manager, or City Attorney may schedule a public hearing prior to taking civil action in court in order to investigate and consider a suspension of a license, permit, or approval as provided in this Section.

- (b) **Referral of Notice of Violation.** The Administrator may refer a notice of violation of conditions of approval to the City Council for initiation of proceedings to revoke an approval in cases of:
 - (1) Violations of this UDC;
 - (2) Violations of conditions of approval; or
 - (3) Failure to meet conditions of approval.
- (c) **Introduction.** To consider revocation of an approval, the City Council shall introduce the matter during a regular meeting. Upon affirmative vote of a majority of the quorum present, the matter shall be referred to the Planning Commission for a recommendation.
- (d) **Planning Commission Review and Recommendation.** Upon referral, the Administrator shall place the matter on the next available agenda of the Planning Commission, which shall hold a public hearing. Upon conclusion of the public hearing, the Planning Commission shall make a recommendation to the City Council, which shall include recommended findings of fact.
- (e) **City Council Decision.** Upon recommendation of the Planning Commission, the Administrator shall place the matter on the next available agenda of the City Council, which shall hold a public hearing. Upon conclusion of the public hearing, the City Council shall consider the testimony and the recommendation of the Planning Commission, and shall decide whether to revoke the approval, attach additional conditions to ensure future compliance, or dismiss the charge of the violation. Decisions to revoke an approval or attach additional conditions shall include written findings of fact.
- (f) **Effect of Suspension.** An approval that is suspended is inoperative during the period of suspension, and all uses authorized by the approval shall cease operations. If the City Council does not put a time limit on the suspension and the violator does not appeal to a court or competent jurisdiction, then the suspension becomes a permanent revocation of the license, permit, or approval upon the lapse of the appeal period.

Sec. 21-9-205. - Judicial Process

The City may initiate action to enforce this UDC in the Alamosa Municipal Court, or in any other court of appropriate jurisdiction, according to the applicable rules of procedure. Judicial actions may include, but are not limited to, proceedings for temporary or permanent injunction, abatement, declaratory judgment, or other appropriate actions or proceedings to prevent, enjoin, abate, remove, or otherwise correct violations of this UDC or permits or approvals granted hereunder.

Division 9-3. - Remedies

Sec. 21-9-301. - Nature of Remedies; Preference for Civil Remedies

- (a) **Generally.** The remedies provided in this Article, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law.

- (b) **Each Day a Separate Offense.** Each day that a violation exists constitutes a separate offense.
- (c) **Preference for Civil Remedies.** It is the intent of the City to apply civil remedies described in this Division, and to use criminal enforcement only in egregious cases, including, but not limited to, multiple repeated offenses.

Sec. 21-9-302. - Revocation of Licenses, Permits, and Approvals

Development approvals or permits may be permanently revoked if the City Council (pursuant to Section 21-9-204, *Administrative Suspension of Licenses, Permits, and Approvals*) or a court of appropriate jurisdiction finds a failure to correct a violation that resulted in a temporary suspension of the permit; or if there was fraud or material misrepresentation in the application materials that supported the issuance of the permit.

Sec. 21-9-303. - Civil Remedies

- (a) **Fines.** Any person who violates or fails to comply with any provision of this UDC shall be subject to a civil penalty of not less than \$10.00 nor more than \$1,000.00 for each offense. The City Council may establish a schedule of fines by resolution.
- (b) **Declaratory or Injunctive Relief.** The City may seek declaratory or injunctive relief in order to enforce this UDC or conditions of approval.
- (c) **Responsible Parties.** Every person concerned in the violation of, or showing failure to comply with, the UDC, whether the person directly commits the act or aids or abets the same and whether present or absent, shall be proceeded against and held as a principal.
- (d) **Specific Performance.** The City may seek specific performance in order to enforce improvements agreements, annexation agreements, and other agreements, however titled, that are used to implement the requirements of this UDC.

Sec. 21-9-304. - Criminal Penalties

- (a) **Generally.** The owner or owners of any building or buildings or premises or part thereof where anything in violation of this Chapter exists or is placed or maintained; and any architect, builder, or contractor who assists in the commission of any such violation; and all persons or corporations who violate or maintain any violation of any of the provisions of this Chapter or who fail to comply therewith or with any requirements thereof or who build in violation of any statement of plans submitted and approved hereunder shall, for each and every violation or noncompliance, be guilty of a misdemeanor and, upon conviction thereof, shall be punishable in accordance with the general penalty provision established in the City of Alamosa Municipal Code, Section 1-17.
- (b) **Responsible Parties.** Every person concerned in the violation of, or showing failure to comply with, the LUDC, whether the person directly commits the act or aids or abets the same and whether present or absent, shall be proceeded against and held as a principal.

Article X. - Findings, Objectives, and Intent

Division 10-1. - Findings, Objectives, and Intent Regarding Specific Uses

Sec. 21-10-101. - Findings, Objectives, and Legislative Intent Regarding Sexually-Oriented Business

- (a) **Findings.** The regulation of sexually-oriented businesses in this UDC are based on the following findings of the City Council:
- (1) Sexually-oriented businesses cause adverse secondary effects, which are recognized by the U.S. Supreme Court (in cases such as *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990)) and the 10th Circuit Court of Appeals (in cases such as *Doctor John's v. G. Blake Wahlen*, 542 F.3d 787 (10th Cir. 2008)) as impacting substantial governmental interests in health, safety and welfare.
 - (2) In *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000), the U.S. Supreme Court held that a "city need not 'conduct new studies or produce evidence independent of that already generated by other cities' to demonstrate the problem of secondary effects, 'so long as whatever evidence the city relies upon is reasonably believed to be relevant to the problem that the city addresses.'"
 - (3) Other cases, such as *City of Littleton v. Z.J. Gifts*, 541 U.S. 774 (2004), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *Essence, Inc. v. City of Federal Heights*, 285 F.3d 1272 (10th Cir. 2002), *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998), *O'Connor v. City and County of Denver*, 894 F. 2d 1210 (10th Cir. 1990), *City of Colorado Springs v. 2354 Inc.*, 896 P.2d 272 (Colo. 1995), *7250 Corp. v. Board of County Comm'rs for Adams County*, 799 P. 2d 917 (Colo. 1990), and *Marco Lounge, Inc. v. City of Federal Heights*, 625 P.2d 982 (Colo. 1981), have upheld reasonable regulations of sexually-oriented businesses.
 - (4) The negative secondary impacts of sexually-oriented businesses have been studied in other communities. These communities include, but are not limited, to Adams County, Colorado; Dallas, Texas; Denver, Colorado; Ellicottville, New York; Garden Grove, California; Houston, Texas; Indianapolis, Indiana; Islip, New York; Las Vegas, Nevada; Los Angeles, California; Louisville, Kentucky; New York, New York; Oklahoma City, Oklahoma; Phoenix, Arizona; Rome City, Georgia; St. Paul, Minnesota; Tucson, Arizona; and Whittier, California;
 - (5) The American Center for Law and Justice also completed a study on the secondary effects of such uses, dated March 1996.
 - (6) Secondary effects of sexually-oriented businesses may include any or all of the following material effects on the health, safety, and welfare of City residents:

- a. Particularly when they are located in close proximity to each other, sexually-oriented businesses are an indicia of urban blight, or a factor that downgrades the quality of life in the adjacent area;
 - b. Sexually-oriented businesses have a deleterious effect on both neighboring businesses and surrounding residential areas, as they are regularly correlated to an increase in crime and a decrease in property values;
 - c. Sexually-oriented businesses commonly require special supervision from public safety agencies in order to protect public health, safety and welfare, including that of the patrons of such businesses;
 - d. Studies and experience show that in the absence of regulation of sexually-oriented businesses, significant criminal activity, including prostitution, narcotics and liquor law violations, have historically and regularly occurred within and within the immediate vicinity of such businesses;
 - e. Sexually-oriented businesses are frequently used for unlawful and unhealthful sexual activities, including prostitution and sexual liaisons of a casual nature, and the concern over sexually transmitted diseases, including HIV, is a legitimate health concern of the City;
 - f. Sexually-oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are often not controlled by the operators of the establishments; and
 - g. Children and minors may be harmed by exposure to the secondary effects of sexually-oriented businesses, including those encountered when children walk through or visit in the immediate neighborhood of such businesses.
- (b) **Objectives.** The City wishes to minimize and control the adverse secondary effects of sexually-oriented businesses and thereby protect the health, safety and welfare of the citizens; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; deter the spread of urban blight; and protect residents and property owners from increased crime.
- (c) **Intent.** It is not the intent of this Code to suppress any speech protected by the First Amendment, but to enact reasonable, content-neutral regulations that address the secondary effects of sexually-oriented businesses. To this end, the regulations in this Code that apply specifically to sexually-oriented businesses impose restrictions which are no greater than necessary to further the City's substantial interest in preventing adverse secondary effects attributable to such businesses.

Sec. 21-10-102. - Findings Regarding Regulation of Marijuana Uses and Marijuana Cultivation

- (a) **Generally.** The findings of this Section support the policy that is articulated in Section 21-1-104, *Statement of Policy Regarding Marijuana Uses and Marijuana Cultivation*.
- (b) **Findings.** The City Council finds that, as of the effective date of this UDC:

- (1) Marijuana is a controlled substance under federal law, and possession of marijuana is prohibited by federal law.
- (2) The voters of the State of Colorado have approved a constitutional amendment to the State Constitution to allow for persons with “debilitating medical conditions” to use medical marijuana. The will of the voters is reflected in Article XVIII, Section 14 of the Colorado Constitution. That Section of the Colorado Constitution is further implemented and further regulated by C.R.S. § 12-43.3-101, et seq.
- (3) The voters of the State of Colorado have approved a constitutional amendment to the State Constitution to legalize, under state law, the personal use of marijuana by persons over the age of 21. However, part of the amendment, reflected in Article XVIII, Section 16(5)(f) of the Colorado Constitution, provides, “A locality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance”
- (4) The United States Constitution, in Article VI, Debts, Supremacy, Oaths, provides in part, “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution”
- (5) Marijuana is a Schedule I controlled substance under 21 U.S.C. § 812. Possession and sale of marijuana is illegal under federal law. (See 21 U.S.C. § 841, et seq.) Violators of U.S. Code are subject to criminal and civil penalties under Federal law.
- (6) The United States Department of Justice (“U.S. DOJ”) issued a memorandum on October 19, 2009 regarding U.S. DOJ policy on enforcement of the Federal Controlled Substances Act in states that allow medical marijuana under state law. In that memorandum, Deputy Attorney General David Ogden writes, in pertinent part:
 - a. “Of course, no State can authorize violations of federal law Accordingly, in prosecutions under the Controlled Substances Act, federal prosecutors are not expected to charge, prove, or otherwise establish any state law violations.”
 - b. “This guidance regarding resource allocation does not ‘legalize’ marijuana or provide a legal defense to a violation of federal law, nor is it intended to create any privileges, benefits, or rights, substantive or procedural, enforceable by any individual, party, or witness in any administrative, civil, or criminal matter.”

- c. “Nor does clear and unambiguous compliance with state law . . . create a legal defense to a violation of the Controlled Substances Act.”
- (7) In response to the reallocation of investigative and prosecutorial resources of the U.S. DOJ, medical marijuana uses have proliferated in Colorado.
- (8) On February 23, 2017 a White House official signaled that there will be “greater enforcement” of federal laws against marijuana use, particularly in the area of recreational marijuana; however, as of the effective date, neither the White House nor the U.S. DOJ has articulated a substantive change in policy.

Division 10-2. - Findings Regarding Regulation of Certain Structures

Sec. 21-10-201. - Interests, Findings, and Legislative Intent Regarding Sign Regulation

- (a) **Statement of Interests.** The City has the following legitimate, important, substantial, or compelling interests in regulating signs:
 - (1) Preventing the proliferation of signs of generally increasing size, dimensions, and intrusiveness (also known as “sign clutter”) that tends to result from competition for the attention of passing motorists and pedestrians, because sign clutter:
 - a. Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
 - b. May involve physical obstruction of streets, sidewalks, or trails, creating public safety hazards;
 - c. Degrades the aesthetic quality of the City, making the City a less attractive place for residents, business owners, visitors, and private investment;
 - d. Increases the cost of doing business in the City by placing undue pressure on business owners to invest in ever-increasing amounts of signage; and
 - e. Dilutes or obscures messages on individual signs due to the increasing intensity of competition for attention.
 - (2) Maintaining and enhancing the historic character of downtown Alamosa.
 - (3) Protecting the health of the tree canopy in the City.
 - (4) Maintaining a high quality aesthetic environment to protect and enhance property values, leverage public investments in streets, sidewalks, trails, plazas, parks, and landscaping, and enhance community pride.
 - (5) Protecting minors from speech that is harmful to them as provided by state or federal law, by preventing such speech in places that are accessible to and used by minors.
- (b) **Findings.** The City finds that:

- (1) Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out above and the constitutionally-protected right to free expression.
 - (2) The sign regulations set out in this Code are unrelated to the suppression of constitutionally-protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
 - (3) The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this Code is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced herein.
 - (4) Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing sign clutter.
 - (5) Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the City's streets if they are not removed.
 - (6) Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.
- (c) **Intent.** The sign regulations in this Code represent the City's best effort to advance its legitimate, important, substantial, and compelling interests while ensuring consistency with an evolving legal framework.

Sec. 21-10-202. - Interests, Findings, and Legislative Intent Regarding Wireless Telecommunications Facilities Regulations

- (a) **Interests.** The unique and diverse landscapes of the city are among its most valuable assets. Protecting these assets will require that location and design of wireless telecommunication services and/or equipment be sensitive to and in scale and harmony with, the character of the community.
- (b) **Findings.** The City finds that providing predictable, consistent, and balanced standards for the siting and screening of wireless telecommunication services facilities and equipment is important in order to:
- (1) Preserve the character and aesthetics of areas which are in close proximity to wireless telecommunication services facilities and equipment;
 - (2) Protect the health, safety, and welfare of persons living or working in the area surrounding wireless telecommunication services facilities and equipment related to the placement, construction or modification of such facilities; and

- (3) Allow development that is compatible in appearance with allowed uses of the underlying zoning district.
- (c) **Intent.** It is the intent of the City to further its interests in protecting its community character while also promoting access to wireless telecommunications services within the City. To that end, the City intends to:
- (1) Enforce standards that mitigate the visual, aesthetic, and safety impacts of wireless telecommunications facilities through careful design, siting and screening, and placement for their construction or modification;
 - (2) Allow for fair and meaningful competition and, to the greatest extent possible, extend to all people in all areas of the City high quality wireless telecommunication services at reasonable costs; and
 - (3) Encourage co-location and clustering of antenna sites and structures, when practical, to help reduce the number of such facilities that may be required in the future to service the needs of customers, and thus avert unnecessary proliferation of facilities on private and public property.

Article XI. - Measurements, Calculations, Rules of Construction, Acronyms, and Definitions

Division 11-1. - Measurements and Calculations

Sec. 21-11-101. - Measurements.

(a) **Height.**

(1) *Buildings.*

- a. Building height is measured from a horizontal reference plane at the elevation of the average existing grade across the front building line, measured at major building corners, to the highest point among the following:
 - i. The midpoint of a sloped (gable, hip or gambrel) roof;
 - ii. The top of the parapet of a flat roof system; or
 - iii. The deck line of a mansard roof.
- b. The following building elements and appurtenances are excepted from the building height measurement, but only to the minimum degree necessary to achieve compliance with applicable building codes (or if not regulated by building codes, to provide for appropriate function):
 - i. Chimneys,
 - ii. Vents (*e.g.*, attic fans, cupola vents, radon mitigation, plumbing vents, etc.), and
 - iii. Light collection domes for daylighting systems.
- c. In addition to the elements and appurtenances described in subsection (a)(1)b., above, with regard to multifamily and nonresidential buildings, the following are also excepted from the building height measurement:
 - i. Non-habitable towers, spires, belfries, and domes;
 - ii. Screened mechanical equipment;
 - iii. "Green roof" vegetation;
 - iv. Roof access, elevator, and stair towers; and
 - v. Clock towers.

(2) *Fences, Walls, and Retaining Walls.*

- a. The height of fences, walls, or retaining walls is measured as the vertical distance from a point of measurement at the average finished grade for each interval on the outside of the enclosed area (or the side closest to the

- property line if the fence or wall does not enclose anything) to the highest point at the top of the fence or wall, excluding posts and pilasters.
- e. In general, fence or wall height is measured in 40 foot horizontal intervals, or the distance between posts or pilasters, whichever is shorter.
- (3) *Monopoles and towers.* The height of a monopole or tower is measured from the lowest point of the anchored base of the tower, at its grade, to the highest point of the structure. For antenna towers, height shall be measured inclusive of any antennas placed on the tower. For wind turbines, height shall be measured to the top of the rotor at its highest point during rotation.
- (4) *Roofed structures other than buildings.* The height of roofed structures other than buildings (e.g., gazebos) is measured as the distance from the grade plane at the base of the structure to the top of the highest point on the structure, including attachments thereto.
- (b) **Building coverage.** Building coverage is measured as the area of a lot or parcel that is occupied by principal and accessory buildings at ground level. For the purpose of this UDC, building coverage is measured as the footprint of the principal and any accessory buildings at grade, including any carport (whether enclosed or not). Eaves that project less than two feet from the building walls are not included in the measurement of building coverage. Overhangs, covered porches, cantilevers, and decks that project more than two feet from building walls are included in the measurement of building coverage.
- (c) **Floor area.** Floor area is measured as the horizontal floor area included within the outside walls of a building or portion thereof, including habitable tenant houses and attic space, but not including vent shafts, courts, or uninhabitable areas below ground level or in attics.
- (d) **Lot area.** Lot area is the total horizontal area within a lot that is enclosed by its lot lines.
- (e) **Lot depth.** Lot depth is the average horizontal distance between front and rear lot lines.
- (f) **Lot width.** Lot width is the horizontal distance between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.
- (g) **Setbacks.** Setbacks are measured horizontally at right angles to the affected lot line to the nearest point of the building or structure for which the setback is being measured.

Sec. 21-11-102. - Calculations

- (a) **Building Coverage Ratio.** Building coverage ratio is calculated as building coverage divided by lot area.
- (b) **Density.** Density is calculated as the number of dwelling units per acre of land of a lot or subject property, as applicable to the circumstances of the calculation.

Division 11-2. - Rules of Construction, Acronyms, and Definitions

Sec. 21-11-201. - Rules of Construction

The words and terms used, defined, interpreted, or further described in this chapter may be construed as follows:

- (1) The particular controls the general.
- (2) The word “shall” is mandatory.
- (3) The word “may” is permissive.
- (4) Words used in the present tense include the future unless the context clearly indicates the contrary.
- (5) Words used in the singular include the plural, and words used in the plural include the singular, unless the context clearly indicates the contrary.

Sec. 21-11-202. - Table of Acronyms

Table 21-11-202 sets out the abbreviations and acronyms that are used in this UDC.

TABLE 21-11-202 ABBREVIATIONS AND ACRONYMS	
Acronym	Meaning
ac.	Acre
ADA	Americans with Disabilities Act
ADA 502	2010 ADA Standards for Accessible Design § 502, as amended from time to time, and however subsequently titled or numbered
ADT	Average Daily Traffic
Art.	Article
BMP	Best Management Practice
BRU	Preceded by a number, “Bedroom Unit” (e.g., 2 Bedroom Unit)
CAFO	Concentrated Animal Feeding Operation
CCR	Colorado Code of Regulations
CDPHE	Colorado Department of Public Health and Environment
CMRS	Commercial Mobile Radio Service
C.O.	Certificate of Occupancy
C.R.S.	Colorado Revised Statutes
dBA	A-weighted Decibels
Div.	Division
<i>e.g.</i>	<i>exempli gratia</i> (translation: “for example”), which is followed by illustrative, non-exclusive examples
EIFS	Exterior Insulation Finishing Systems
EOPC	Engineer’s Opinion of Probable Cost
EPA	United States Environmental Protection Agency
ESMR	Enhanced Specialized Mobile Radio
FDP	Final Development Plan
ft.	Feet
<i>i.e.</i>	<i>id est</i> (translation: “that is”), which is followed by an elaboration of the topic
IGA	Intergovernmental Agreement
lf.	Linear Feet
LAN	Local Area Network
LSR	Landscape Surface Ratio

TABLE 21-11-202 ABBREVIATIONS AND ACRONYMS	
Acronym	Meaning
Max.	Maximum
Min.	Minimum
MUTCD	Manual on Uniform Traffic Control Devices
N/A	Not Applicable
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
OSHA	Occupational Safety and Health Act
OSR	Open Space Ratio
PC	Planning Commission
PCS	Personal Communications Services
PDP	Preliminary Development Plan
PUD	Planned Unit Development
RV	Recreational Vehicle
Sec.	Section
sf.	Square Feet
sp.	Parking Space (or Parking Spaces)
U	Dwelling Unit
U/A	Dwelling Units per Acre
UDC	City of Alamosa Unified Development Code
UDFCD	Urban Drainage and Flood Control District
U.S.	When preceded and followed by numbers, United States Reports (a Supreme Court Reporter); otherwise United States
U.S.C.	United States Code
U.S. DOJ	United States Department of Justice
USDCM	Urban Storm Drainage Criteria Manuals
WCF	Wireless Communications Facilities
ZBOA	City of Alamosa Zoning Board of Adjustment

Sec. 21-11-203. - Definitions

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACCESSORY STRUCTURE means a structure that is accessory to a principal building or structure, such as a shed or detached garage.

ACCESSORY USE means a use of property that is incidental or subordinate to the principal use, such as a home occupation.

ADMINISTRATOR means the Director of Public Works or assignee.

ADULT DAY CARE means a facility that is certified by the State of Colorado to provide health and social services on a less than 24-hour basis to elderly, blind, or disabled adults.

AIRPORT means an area of land that is used for the landing and takeoff of aircraft (fixed-wing or helicopter). An airport may be private or public, and may include related buildings and facilities, such as fixed-base operators, hangars, terminals, fueling and de-icing facilities, maintenance facilities, and car rental agencies, gift shops, and restaurants.

ALCOHOLIC BEVERAGE SALES means the retail sale of beer, wine, spirits, or other alcoholic beverages for off-premises consumption. The phrase “alcoholic beverage sales” applies to those uses which must obtain a Colorado retail liquor store license.

ALLEY means a minor right-of-way or easement for motor vehicles that gives a secondary means of access to the back or side of lots or parcels that otherwise abut a street. Alleys are often used for service access and utility installations.

ALTERNATIVE TOWER STRUCTURE means artificial trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that are visually compatible with their context (e.g., a natural setting or surrounding buildings or structures), which camouflage or conceal the presence of antennas or towers. The phrase “alternative tower structure” also includes any antenna or antenna array attached to the alternative tower structure.

AMATEUR RADIO ANTENNA means an antenna used by an amateur radio (a.k.a. “HAM Radio”) operator pursuant to 47 C.F.R. 97, Subpart A.

ANTENNA means any structure, including but not limited to a monopole antenna, tower, parabolic, or disk-shaped device in single or multiple combinations of either solid or mesh construction, intended for the purpose of receiving or transmitting communication to or from another antenna, orbiting satellite, cell phone, television, radio, or other telecommunications device, as well as supporting equipment necessary to install or mount the antenna on an antenna tower or building.

ANTENNA TOWER means any structure that is designed and constructed primarily for the purpose of supporting one or more antennae. This includes guyed mast, lattice towers, monopoles, alternative tower structures, and towers that are taller than ten feet that are installed or mounted on top of a building, along with any separate building or structure on the same lot used to house any supporting electronic equipment.

ARCADE FRONTAGE means that the street-facing elevation of the principal building includes an integrated colonnade that is covered by upper stories of the building, and that shelters the sidewalk or walkway in front of the building elevation.

ASSISTED LIVING OR CONGREGATE CARE means a residential facility that provides meals or assistance with daily activities, such as dressing, grooming, and bathing, for the elderly or adults who are unable to manage these activities themselves.

BAR, TAVERN, OR NIGHTCLUB means a use engaged in the sale of alcoholic beverages for on-premises consumption, where such sales account for more than 50 percent of gross revenues. The use does not include temporary sales of alcohol for on-premise consumption.

BED AND BREAKFAST INN means an adaptive re-use of a single-family detached building as a place of overnight accommodation, in which: (i) five or fewer guest rooms are rented for daily or weekly terms; (ii) breakfast is provided to guests; and (iii) the operator resides on the premises.

BERM means a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.

BOARD OF ADJUSTMENT means the City of Alamosa Zoning Board of Adjustment.

BOARDING OR ROOMING HOUSE means a residential building in which three or more bedrooms are available to be rented to guests on a short-term or long-term basis. Some services (e.g., meals or laundry) may be provided, and common areas, such as kitchens, living areas, or bathrooms, may be shared.

BUFFERYARD means open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block buildings, structures, storage areas, noise, lights, or other nuisances.

BUILDING means an enclosed structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind, excluding fences.

BUSINESS SERVICES means commercial services, such as printing and copy centers, 3D print shops, direct mail services, repair services and shops (except automobile, truck, and heavy equipment repair), parcel service drop-off locations and mailbox services, and data recovery shops.

CAMPGROUND OR RV PARK means an area of land developed and intended for use to provide the traveling public with short-term accommodations for recreational vehicles, motor homes, travel trailers, truck campers, park models, and tents.

CEMETERY / MAUSOLEUM means any place in which there is provided space either below or above the surface of the ground for the interment of the remains of human bodies.

CENTRAL BUSINESS DISTRICT means the area bounded by Fourth Street on the north, Denver Avenue on the east, Sixth Street on the south and Edison Avenue on the west.

CHANGEABLE COPY PANEL means a portion a sign with characters, letters, or illustrations that can be manually (not electronically) changed or rearranged without structurally altering the surface of the sign.

CHILD CARE CENTER means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five or more children under the age of 16 years and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes: (i) facilities commonly known as "day care centers," "day nurseries," "nursery schools," "kindergartens," "preschools," "play groups," "day camps," "summer camps," "centers for mentally retarded children," and (ii) facilities that provide 24-hour care for dependent and neglected children, and (iii) facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school, except that the term does not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades. Child care centers are classified as either "small" (five to 12 children) or "large" (13 or more children).

CITY FACILITIES means a building, structure, storage yard, or major utility installation that is owned, operated, and used by the City, that the City determines is necessary for its operations or the advancement of the health, safety and welfare of City residents.

CODE ENFORCEMENT OFFICER means an employee or contractor of the City who is designated by the City Manager to make inspections and issue notices and orders to correct violations of this UDC.

CO-HOUSING COMMUNITY means a community of cottage dwellings or small duplex dwellings that are clustered around commonly-owned open space, and that share a common house.

CO-LOCATION means locating one or more antennae for more than one provider on a single antenna tower.

COMMERCIAL AGRICULTURE means the science and art of production of plants and animals useful to man, including, to a variable extent, the preparation of these products for man's use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products and farm production for commercial purposes. Commercial agriculture does not include: (i) commercial equestrian facilities; or (ii) concentrated animal feeding operations.

COMMERCIAL EQUESTRIAN FACILITIES means an establishment that boards horses or teaches, tests, or advances the skills of horses or horse riders.

COMMERCIAL VEHICLE means:

- (1) Any motor vehicle, trailer, or semi-trailer that:
 - a. Is designed or used to carry freight, other vehicles, equipment, passengers for a fee, or merchandise in the furtherance of any business enterprise; and
 - b. Has a gross weight of more than 10,000 pounds;
- (2) Any step van or truck that is designed for commercial moving or parcel delivery services;
- (3) Any truck that is used for mobile retail sales (*e.g.*, ice cream, lunches);
- (4) Any vehicle with more than four wheels that is used for business purposes;
- (5) Any trailer that is used to haul machinery, supplies, or equipment for business purposes (horse trailers, boat trailers, motorcycle trailers, RV trailers, and car trailers put to personal use are not included in the definition);
- (6) Any trailer that is used for commercial hauling (*e.g.*, waste, junk, or lawn clippings), or commercial moving services;
- (7) Any vehicle which has permanently mounted outside brackets or holders for ladders, tools, pipes, or other similar equipment, unless such vehicle is used for on-call emergency services contracted by the City or other governmental entity.

ILLUSTRATIVE COMMERCIAL VEHICLES



COMMON HOUSE is a building that is commonly owned by residents of a co-housing community, which may include a kitchen and dining area, laundry, recreational space, shared amenities, and up to three guest rooms.

COMMON OPEN SPACE means a parcel of land or an area of water or a combination of both land and water within a subdivision or a planned unit development. Common open space does not include streets, alleys, parks, off-street parking and loading areas, public open space, or other facilities

dedicated by the developer for public use or for motor vehicle use. Common open space is substantially free of structures, but may contain such improvements that are approved as part of the planned unit development and are appropriate for recreation purposes.

COMMON PROPERTY means a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites in a planned unit development or subdivision.

COMMUNITY GARDEN means land where plants are grown and maintained by a group of individuals in the community. Community gardens may produce food for individual consumption or food for sale, may be designed for beautification of the community, or may be used for educational purposes.

COMPATIBLE or **COMPATIBILITY** means that the characteristics of different uses or activities, or their design (including site layout, architecture, landscaping, lighting, and noise mitigation), allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, massing and bulk of structures, noise, lights, odors, traffic patterns, and environmental and safety risks. Compatibility does not mean “the same as.” Rather, compatibility refers to whether proposed development maintains the character of existing development, or establishes a desired pattern or type of development as envisioned in the Comprehensive Plan or applicable design standards.

COMPREHENSIVE PLAN means the comprehensive plan for the City which has been officially approved to provide long-range development policies for the City and which includes, among other things, the plan for future land use, multimodal circulation, and public facilities.

CONCENTRATED ANIMAL FEEDING OPERATION (“CAFO”) is a facility where large numbers of animals are raised in confinement, as more specifically defined by 40 CFR 122.23, as may be amended from time to time.

CORNER LOT means a lot that abuts two streets at their intersection, or upon two parts of the same street, and where, in either case, the interior angle formed by the intersection of street centerlines does not exceed 135 degrees.

COTTAGE INDUSTRY means a business that is operated out of a dwelling unit or accessory building on a residential or agricultural lot, which involves: (i) employment of up to four unrelated people who do not live in the dwelling unit; (ii) commercial deliveries from semi-trailer trucks; (iii) a light industrial use that does not involve pick-ups or deliveries by semi-trailer trucks; or (iv) on-site parking of commercial vehicles.

DISTRICT means an area or areas within the limits of the City, within which the regulations and requirements governing use, lot, and bulk of building and premises are uniform.

DRIVE-IN FACILITY means a facility that is designed to provide, wholly or in part, service to customers while they remain in their automobiles parked upon the premises. Drive-in facilities are commonly (but not necessarily) associated with restaurants, banks, dry-cleaners, convenience stores, and coffee shops.

DWELLING UNIT (OR “**DWELLING**”) means any building or part thereof, constituting a separate independent housekeeping establishment (with areas for cooking, bathing, and sleeping) that is designed to be occupied, in whole or in part, for residential purposes. The word “dwelling” includes

the residential component of a live-work unit, but does not include hotels, motels, resorts, boarding or rooming houses, assisted living units, congregate care units, nursing home rooms, convalescent care rooms, memory care rooms, tents, recreational vehicles, or other structures designed or used primarily for temporary or transient occupancy.

DWELLING, COTTAGE means a single-family dwelling unit that contains less than 1,000 square feet of floor area.

DWELLING, DUPLEX OR TWIN HOUSE means a dwelling unit that is located in a building that contains two dwelling units that are separated by either a common wall or a floor.

DWELLING, MULTIFAMILY means a dwelling unit that is located in a building that includes three or more dwelling units, or that is located within a mixed-use building that is not classified as “live-work” (*i.e.*, dwelling units above a downtown storefront are classified as multifamily dwelling units, regardless of how many dwelling units are in the building). The phrase “multifamily dwelling” does not include townhouse or rowhouse.

DWELLING, SINGLE-FAMILY DETACHED means a dwelling unit that is located within a building that is free-standing and surrounded on all sides by open areas or yards, that is designed for use and occupancy by one family.

DWELLING, TOWNHOUSE OR ROWHOUSE means a dwelling unit that is located in a building that includes three or more dwelling units that are accessed from the outside and separated by common walls.

EASEMENT means authorization by a property owner for the use of any designated part of the owner’s property by the public or another person or entity (e.g., neighboring property owner, ditch company, or utility company) for specific purposes.

EMPLOYEES, for the purposes of evaluating compliance with parking standards that are related to the number of employees, means all persons, including proprietors, working on a premises during the largest shift at peak season.

ESSENTIAL GOVERNMENTAL OR PUBLIC UTILITIES SERVICES means gas, electrical, steam, or water transmission distribution systems, collection, communication, and supplier-disposal systems. Such services may include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, cabinets, pedestals, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety or general welfare.

FAMILY means a single individual, cooking and living upon a premises as a separate, independent housekeeping unit; or a group of persons doing their own cooking and living together upon the premises, sharing household responsibilities as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or adoption; or a group of not more than four unrelated persons doing their own cooking and living together upon a premises as a single housekeeping unit.

FAMILY CHILD CARE HOME means a private residence used for the daytime care of up to six children who are not related to the operator of the family child care home.

FENCE OR GARDEN WALL means a free-standing structure of metal, masonry, composition, wood, or any combination thereof resting on, or partially buried in the ground and rising above ground level, which is used for confinement, screening or decorative purposes. The phrase “fence or garden wall” does not include retaining walls.

FLOODPLAIN is defined in Section 8-5, *Alamosa Municipal Code*.

FORECOURT FRONTAGE means that the street-facing elevation of the building includes a functional courtyard between the sidewalk and the building.

FRATERNITY, SORORITY, DORMITORY OR GROUP STUDENT HOUSE means a building occupied by and maintained exclusively for students affiliated with an academic or vocational institution.

FRONTAGE means that portion of a lot, parcel, tract or block that abuts a street.

FUNERAL HOME means a building that is used principally for: (i) human funeral services; (ii) embalming and the performance of other services used in the preparation of the dead for burial; or (iii) the performance of autopsies and other tests or surgical procedures on human remains. In addition to these functions, funeral homes may also store caskets, urns, hearses, and other vehicles used in funeral processions.

GALLERY FRONTAGE means that the street-facing elevation of the principal building includes an integrated colonnade that shelters the sidewalk or walkway in front of the building.

GARAGE, PRIVATE means an accessory building or an enclosed portion of a principal building that is designed for the shelter or storage of motor vehicles owned or operated by occupants of the main building only.

GASOLINE SERVICE STATION OR LIGHT MOTOR VEHICLE REPAIRS AND SERVICES means a building or premise on, or in which, the principal use is one or more of the following: (i) retail sale of gasoline, oil, or other fuel for motor vehicles; (ii) routine service to passenger vehicles which generally takes less than 90 minutes to complete (e.g., tire rotation and balance, brake service, oil changes, glass repair and replacement, fluid changes, etc.); or (iii) repairs and service to motorcycles, scooters, snowmobiles, ATVs, riding lawnmowers, and other vehicles with engines of less than 1500 cc displacement. The phrase “gasoline service station or light motor vehicle repairs and services” does not include liquefied petroleum gas distribution facilities, heavy automotive repairs and services, or automotive sales and rental.

GRADE means the elevation of ground level.

GRADE PLANE means the average elevation of the finished ground level at the center of all walls of a building or at the center of a structure.

GROUP HOME means a dwelling unit, in which care or assistance with daily tasks is provided for not more than eight unrelated individuals. There are four types of group homes:

Group home for developmentally disabled persons means a state-licensed group home exclusively for the care of persons with developmental disabilities, as defined and regulated by the Colorado Department of Human Services, Division for Developmental Services, and the Colorado Department of Public Health and Environment.

Group home for elderly persons means a group home of persons 60 years of age or older who do not require medical attention associated with a residential health care facility.

Group homes for elderly persons are licensed by the Colorado Department of Public Health and Environment as either an assisted living residence or an alternative care facility.

Group home for mentally ill persons means a state-licensed group home exclusively for the care of persons with mental illness, as defined and regulated by the Colorado Department of Public Health and Environment.

Group home for children awaiting disposition means a state-licensed group home for children up to 18 years age who are not related to the head of the household, and who are awaiting disposition to foster homes or other accommodations.

GUEST HOUSE means an accessory building that is physically detached from a single-family dwelling unit, does not contain cooking facilities, is serviced through the same utility meters or connections as the single-family dwelling unit, and is intended for occupancy only by guests of the family that resides in the single-family dwelling unit.

GUEST ROOM means a room in a hotel, motel, bed and breakfast inn, or rooming or boarding house that is offered to the public for compensation, in which room no provision is made for in-room cooking, and which room is used only for transient occupancy.

GUYED MAST TOWER means a tall, thin, vertical structure that receives support from guy lines.

HEAVY INDUSTRY means industrial uses (that are not specifically defined elsewhere in this Code) that can be described in one of the following four ways:

Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Code or this definition, which involve: (i) a material risk of significant environmental contamination, explosion, or fire; (ii) perceptible ground vibration at the property line; (iii) excessive noise or dust emissions at the property line and downwind; (iv) large-scale outdoor storage of inputs or products; (v) significant outdoor installations of processing equipment; (vi) outside emission of objectionable odors; (vii) more than five trips by semi trailer trucks per day; or

Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, logs, pulpwood, or fossil fuels; or

Activities that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to the Colorado Stationary Sources Program or Title V of the Federal Clean Air Act; or

Activities that are required to obtain a Certificate of Designation under C.R.S. § 25-15-201 (hazardous waste disposal sites), Title 30, Article 20, Colorado Revised Statutes (various other types of disposal sites).

For illustrative purposes, uses classified as heavy industry may include (if they meet the thresholds of this definition), but are not limited to: (i) coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline stations); and bulk fuel dealers; (ii) facilities used in the primary or secondary production of metals (e.g., primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops); (iii) portland cement plants; (iv) sawmills and pulp mills; (v)

incinerators with the capacity to charge more than 250 tons of refuse per day; (vi) lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants; (vii) fossil fuel combustion (except for electricity generation) totaling more than 250 million BTUs per hour of heat input; (viii) fabrication of motor vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components; (ix) drycleaner processing plants that use large quantities of PERC or comparable petrochemical solvents; (x) manufacture of plastic products (except assembly of parts that are manufactured elsewhere); (xi) hot mix asphalt plants; (xii) composting facilities; and (xiii) meat processing involving butchering of large animal carcasses.

HEAVY LOGISTICS CENTER means a wholesaling, warehousing, and/or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. “product warehouses”), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. “truck terminals” or “logistics centers”), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least 10 heavy truck trips per day. Warehousing and distribution uses that involve fewer than 10 heavy truck trips per day are classified as light industry.

HEAVY MOTOR VEHICLE REPAIRS AND SERVICES means repairs to passenger vehicles that are not included in the definition of the gasoline service station or light automotive repairs and services use, such as body repair, paint, upholstery, engine replacement or reconditioning, air conditioning replacement, tire recapping, and custom body work (but not including installation of audio, video, and navigation systems); and any type of repairs to commercial vehicles or construction vehicles.

HEAVY RETAIL means retail or service activities in which more than 25 percent of the area put to the use is located outside or in partially enclosed structures. Illustrative heavy retail uses include manufactured home sales, boat sales, heavy equipment sales or rental, retail greenhouses and garden supply stores, and outdoor lumberyards. Heavy retail does not include uses that are specifically defined elsewhere in this Code, such as motor vehicle sales and rental.

HEDGE means a dense row of shrubs or low trees planted in a regular pattern such that they function as a garden wall.

HELISTOP means an area of land or portion of a building or structure that is used for the landing and takeoff of helicopters, for private use or public safety purposes.

HOME BUSINESS means a business that is operated out of a dwelling unit, which involves employment of up to two unrelated individuals who do not live in the dwelling unit. These uses are limited to office or service businesses. The phrase “home business” does not include: (i) wholesale or retail sales, except for sales distributors who fill orders for catalog type products and then make deliveries to the customer’s house (as opposed to customers coming to the place of business), or who fill orders by “drop shipping” from the manufacturer or a distribution center; (ii) activities that require commercial deliveries from semi-trailer trucks (as opposed to parcel services); (iii) on-site parking of commercial vehicles, or on-street parking of commercial vehicles next to the dwelling unit.

HOME OCCUPATION means an occupation carried on in a dwelling unit (or accessory building on a residential lot) by members of the family occupying the dwelling unit, with no servant, employee, or other person being so engaged, such that the residential character of the building and lot is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful use and occupancy of their homes.

HOMEOWNERS ASSOCIATION means an incorporated organization operating under recorded land agreements through which: (i) each lot or homeowner in a subdivision, planned unit development, or other described land area is automatically a member; (ii) each lot is automatically subject to charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (iii) the charge, if unpaid, becomes a lien against the property.

HOSPITAL OR EMERGENCY ROOM means an institution that is licensed, certified, or approved as a "hospital" by the Colorado Department of Public Health and Environment ("CDPHE"), where sick or injured persons are given medical care and, in the course of same, may be housed overnight, fed, and provided nursing and related services. The phrase also includes a free-standing emergency department.

HOTEL OR MOTEL means an establishment that principally provides temporary lodging in guest rooms, and in which meals, conference rooms, exercise rooms, swimming pools, retail sales, entertainment, and personal services may also be available to guests or the general public.

INDOOR AMUSEMENT, RECREATION, AND ENTERTAINMENT means uses that provide commercial amusement or recreation activities indoors (except sexually-oriented businesses or indoor firing / gun ranges), including, but not limited to bowling alleys; indoor playgrounds (may include conventional playground equipment, inflatables, trampolines, rock climbing walls, zip lines, and comparable equipment); indoor skating rinks (ice or roller); laser tag; local area network ("LAN") gaming centers; pool or billiard rooms; game arcades (*e.g.*, video games, skee ball, and comparable amusement machines); dance halls; martial arts facilities; yoga studios; indoor athletic courts or fields; fitness centers; indoor pools; and recreation centers.

INDOOR FIRING/GUN RANGE means an indoor facility for shooting firearms at targets.

JUNK (SALVAGE) means scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, scrap zinc, and all other scrap metals and their alloys, bones, rags, used cloth, used rubber, used rope, used foil, used bottles, old cotton; used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane parts, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; and all other products subject to being dismantled or recycled.

KENNEL means a lot or building in which four or more dogs or cats at least four months of age are kept commercially for board, propagation, or sale.

LATTICE ANTENNA TOWER means a self-supporting tower with multiple legs and cross bracing of structural steel or other material.

LIGHT INDUSTRY means land uses that involve research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components or from organic materials, with limited outside

storage and limited external impacts or risks (such that the use is not defined as Heavy Industry or Heavy Logistics). Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than 10 truck trips per day. Light industry does not include marijuana uses.

For illustrative purposes, light industry uses include: (i) assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components; (ii) offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include overhead door access to indoor storage of tools, parts, and materials, parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or limited outdoor storage areas; (iii) food production (e.g., commercial kitchen or bakery) and packaging, but not meat processing involving butchering of large animal carcasses, marijuana uses, or restaurants of any type; (iv) beverage production (alcoholic and non-alcoholic) and bottling; (v) furniture making or refinishing; (vi) manufacture, printing, or dyeing of textiles or apparel (except low volume production at a retail store); (vii) printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V permit for air emissions; (viii) research, development, and testing laboratories (e.g., for development of products, equipment, or materials), if not classified as “office” or “heavy industry”; (ix) disassembly of consumer electronics and/or appliances into component parts, where all operations and storage are within an enclosed building; (x) manufacture of glass products (e.g., window panes, bottles and jars), including hand-blown products; (xi) fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry); (x) manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products (except compounding pharmacies, which are retail sales and service uses, and except marijuana uses); (xi) packaging of products; (xii) storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or (xiii) wholesalers, except that wholesale membership clubs that offer memberships to the general public are not Light Industrial uses.

LIVE-WORK UNIT means a building or portion of a building that combines a dwelling unit with an integrated workspace that is principally used by one or more of the residents of the dwelling unit. The floor area of the workspace is subordinate or equal to the residential use.

LOT means a parcel of land that is described with reference to a recorded plat, which is intended for private ownership, development, and use.

LOT, DOUBLE FRONTAGE means a lot that runs through a block from street to street.

LOT, INTERIOR means a lot other than a corner lot.

LOT LINE, FRONT means the property line that divides a lot from the abutting street right-of-way. With respect to residential corner lots, the front lot line is typically the shortest street right-of-way line. With respect to nonresidential corner lots, the front lot line is typically the lot line that abuts the street with the larger capacity.

LOT LINE, REAR means, except on a double frontage lot, the property line opposite the front lot line.

LOT LINE, SIDE means any lot line other than a front or rear lot line.

LOT OF RECORD (or, where context suggests, “**LOT**”) means a parcel of land with boundaries that have been established by a legal instrument such as a recorded plat, recorded deed, or court order, which

is used as a single development or building site, and which is recognized as a distinct property for purposes of transfer of title. A single lot of record may include multiple or fractional platted lots if said lots have been combined for the purposes of transfer of title or for the purposes of creating a building site.

MAJOR SUBDIVISION means a division of land into six or more new lots, or a division of land into any number of lots if it also includes dedications of public easements, rights-of-way, or other areas of land for public use. For the purpose of this definition, “public easements” do not include easements for utilities or drainage that serve only the lots in the subdivision.

MAJOR UTILITY FACILITIES means: (i) non-nuclear electrical generation facilities of any type; (ii) substations used for switching, regulating, transforming, or otherwise modifying the characteristics of electricity; (iii) transmission lines operated at 110 kilovolts or more; (iv) structures and equipment associated with such substations or transmission lines; (v) centralized water treatment plants; or (vi) centralized wastewater treatment plants. Major utility facilities do not include facilities related to telecommunications.

MANUFACTURED HOME means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, and which has certification required by the United States Secretary of Housing and Urban Development and was constructed in compliance with the requirements of 42 U.S.C. § 5401, et seq., *Manufactured Home Construction and Safety Standards*, and the regulations of the Department of Housing and Urban Development that are promulgated thereunder. The phrase “manufactured home” does not include a recreational vehicle, nor does it include a mobile home.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel of land that is divided (or, in the case of the subdivision, platted) into two or more lots for long-term lease or sale, with infrastructure designed for the installation of manufactured homes.

MARIJUANA USE means: (i) a medical marijuana center; (ii) a medical marijuana-infused product manufacturer; (iii) an optional premises cultivation operation; (iv) a medical marijuana testing facility; (v) a retail marijuana store; (vi) a retail marijuana cultivation facility; (vii) a retail marijuana products manufacturing facility; or (viii) a retail marijuana testing facility, as the same are defined by the Colorado Statutes or rules of the Colorado Department of Revenue, Marijuana Enforcement Division, from time to time.

MARQUEE means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather and to provide a large vertical plane for the display of signage, often including changeable copy panels.

MAXIMUM EXTENT FEASIBLE shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with a regulation or minimize potential harm or adverse impacts have been undertaken.

MEDICAL OFFICE OR CLINIC means a facility that provides medical, psychiatric, or surgical service for sick or injured persons, or provides preventative care or monitoring, exclusively on an outpatient basis. Services may include diagnostic services, treatment, training, administration, and related

services to outpatients, employees, or visitors, with or without appointment. The phrase also includes immediate care facilities, where urgent (non-emergency) care treatment is the dominant form of care provided at the facility, medical laboratories to the extent necessary to carry out diagnostic services for the medical clinic's patients, and physical therapy, licensed massage, chiropractic, acupuncture, hypnotherapy, nutrition counseling, homeopathy, Ayurveda, and other comparable services.

MINOR SUBDIVISION means a subdivision of land into two to five new lots, or that consolidate two or more lots, or that move existing lot lines between or among lots. Minor subdivisions do not include subdivisions that involve any new or changed dedications of public easements, rights-of-way, or public land. For the purpose of this definition, "public easements" do not include easements for utilities or drainage that serve only the lots in the subdivision.

MOBILE HOME means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, and which does not have certification required by the United States Secretary of Housing and Urban Development and was not constructed in compliance with the requirements of 42 U.S.C. § 5401, et seq., *Manufactured Home Construction and Safety Standards*, the regulations of the Department of Housing and Urban Development that are promulgated thereunder, or the residential building codes of the City of Alamosa, Colorado.

MONOPOLE TOWER means a slender un-guyed self-supporting tower (that does not include any lattice cross bracing structure) on which antennas can be placed.

MOTOR VEHICLE PARKING, as a principal land use, means a surface parking lot or parking structure that provides parking spaces for one or more uses that are located on a separate lot or parcel.

MOTOR VEHICLE SALES AND RENTAL means a business engaged in the sale or rental of motor vehicles, in which some or all of the motor vehicle inventory is stored on-site.

MULTIPLEX means a multifamily building that is architecturally designed to resemble a large single-family detached building (*i.e.*, the boundaries of the individual dwelling units are not easily discernible from outside the building, garage doors are screened from view, and entry doors are arranged so that there appears to be only one principal entrance to the building).

NONCONFORMING SIGN means a sign that was lawfully erected and in use prior to the effective date of this UDC, or any amendment thereto which does not conform to the regulations of this UDC.

NONCONFORMING STRUCTURE OR USE means a structure or use that was allowed before the effective date of this UDC, which does not meet the requirements of this UDC.

NURSING HOME, CONVALESCENT CENTER, OR MEMORY CARE means a facility that provides continuous day and night room and board, personal services, and medical care for compensation, for two or more elderly or infirm persons who are not related to the owner or operator facility.

OBSOLETE SIGN means a sign (except an historic sign) that identifies or advertises an activity, business, product, or service which is no longer conducted, produced, performed, or sold on the premises, or a sign that does not contain a message for a period of more than six months.

OFF-STREET LOADING SPACE means a space located outside of a public street or alley, intended for the discharge of passengers, or a space directly accessible to the building it serves for bulk pickups and deliveries by delivery vehicles.

OFF-STREET PARKING AREA means any parking area located wholly within the limits of one or more lots or parcels.

OPEN SPACE means land that is at least 95 percent open from surface to sky, which may be vegetated but which may not be paved for motor vehicle use. Open space may include buildings or structures that are directly related to the function of the open space, such as park shelters, grandstands, boathouses, or clubhouses.

OUTDOOR COMMERCIAL AMUSEMENT means an outdoor entertainment venue that includes such facilities as amusement rides (*e.g.*, roller coasters, zip lines, carnival rides), batting cages, mini-golf, bumper cars, bumper boats, go-cart racing, and / or water slides. Outdoor commercial amusement may also include indoor or outdoor areas with games, expositions, tent shows, rodeos, incidental food service, and incidental retail uses (*e.g.*, souvenir shops) that are subordinate to the principal outdoor entertainment uses.

OUTDOOR STORAGE YARD means an area of land that is used for the storage of materials, merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or chattels of any nature that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises. The phrase does not include: (i) storage or display of items that are offered for sale to the general public, such as new and used cars, recreational vehicles, boats, manufactured homes, landscape and building materials, where such items are permitted for sale in the zoning district in which they are located; (ii) the storage of wrecked or inoperable vehicles (*see* "salvage or junk yard"); or (iii) outdoor parking of motor vehicles that are regularly used in connection with the operation of a business or institution, or parked for less than 48 hours for maintenance service.

PARK means an outdoor place for passive or active recreation, which may include facilities such as playgrounds, racquetball courts, fitness courses, picnic areas, botanical gardens, jogging trails, cycling facilities, tot-lots, playing fields, outdoor swimming pools, tennis courts, golf courses, and wildlife sanctuaries.

PARKING MODULE means an access aisle with a row of parking on each side, or an access aisle with a row of parking on one side if parking is not provided on both sides.

PARKING SPACE means an improved area land that is designated for parking a single vehicle.

PERMITTED USE means a use that is specifically allowed within a district.

PERSONAL SERVICES means an establishment engaged in the provision of informational, instructional, personal improvement, personal care, and similar services, such as portrait shops, photography studios, art and music schools, driving schools, handicraft or hobby instruction, laundry and dry-cleaning retail outlets, beauty and barber shops, shoe repair, and tailor/alterations shops.

PLACE OF ASSEMBLY means a building in which people assemble for scheduled civic, educational, religious, or cultural purposes, such as civic clubs, lecture halls, places of worship, conference centers, and meeting halls.

PLANNED UNIT DEVELOPMENT means a project of a single owner or a group of owners acting jointly, involving a related group of residences, or businesses, or industries and associated uses, planned as a single entity and therefore subject to development and regulation as one land use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional, open space for the benefit of the entire development, and is designed to provide variety and diversity through creative design that may include the modification of zoning and subdivision standards, so that maximum long-range benefits can be gained and the unique features of the development or site are preserved or enhanced, while still being in harmony with the surrounding neighborhood.

PLANNING COMMISSION means the City of Alamosa Planning Commission.

PORCH FRONTAGE means that the street-facing elevation of the principal building includes a porch that shelters the principal building entrance, and does not include overhead doors.

PORTE-COCHÈRE means a porch-like or portico-like structure at a main or secondary entrance to a building, through which a motor vehicle can pass, in order for the occupants to access the building from the motor vehicle (or vice-versa) under cover, protected from the weather.

PREMISES means a general term that encompasses part or all of any lot parcel or tract or part or all of any building or structure or group of buildings or structures located thereon.

PRIVATE UTILITY means any utility other than a municipally owned and operated utility, including telephone, electric, gas, and other privately owned and operated utilities.

PROFESSIONAL OR BUSINESS OFFICES means offices from which professional, business, or financial services are provided. The phrase includes such services as accounting, auditing and bookkeeping; advertising and graphic design; architectural, engineering, and surveying services; attorneys and court reporters; “back-office” operations of banks, mortgage companies, insurance companies, and financial services (“front office” services are classified as “retail sales and services”); call centers; computer programming; corporate headquarters or administrative offices; counseling services (except medical counseling services); consulting services; data processing, data mining, and word processing services; detective agencies; interior design; retail catalog, internet, and telephone order processing (but not warehousing); and virtual office services.

PROPERTY LINE means the boundary of any lot, parcel or tract as the same is described in the conveyance to the owner, and shall not include the streets or alleys upon which the lot, parcel or tract may abut.

PROTECTIVE CARE means a facility that provides custodial care and treatment in a protective living environment for persons residing voluntarily or by court placement including, without limitation, correctional and post-correctional facilities, juvenile detention facilities, “halfway houses” (but not sober houses), and temporary custody facilities. Protective care also includes uses that would be classified as sheltered care facility or rehabilitation center, or a group home, if the use involves treatment of sexual offenders or people with a known tendency to commit acts of violence.

PUBLIC HEARING means a meeting of the Planning Commission, Board of Adjustment, or City Council, at which a recommendation or decision under this UDC is considered, and for which public notice is generally given and the opportunity for the applicant and the general public to be heard is provided.

RECORDING OR TELEVISION STUDIO means a facility for the recording and production of audio or video material, such as the recording of music, voice, video, for live broadcast or post-production.

RESIDENTIAL ZONE means the following zones, individually and collectively: Established Neighborhoods (EN), Residential Estate (RE), Residential Light (RL), Residential Medium (RM), or Residential High (RH).

RESOURCE EXTRACTION, MINERAL means the extraction of coal or mineral resources (including sand and gravel, but not oil and gas) from the land (surface or subsurface).

RESOURCE EXTRACTION, OIL AND GAS means the exploration for or extraction of oil and gas resources.

RESTAURANT, DRIVE-IN OR DRIVE-THROUGH means an establishment engaged in the sale of pre-prepared or rapidly prepared food or beverages to customers in a ready-to-consume state, for consumption either within the restaurant building, outside but on the premises, or off the premises, and which includes a drive-in or drive-through facility. The design or principal method of operation involves two or more of the following characteristics: (i) the elimination, in whole or in part, of table service, thus requiring customers to place orders at the counter where the orders are filled; (ii) service of food in edible containers or in paper, plastic, foil or other disposable containers; or (iii) insufficient facilities for on premises consumption of the total volume of food sold by the establishment.

RESTAURANT, INDOOR means an establishment engaged in the sale of food and beverages in a ready-to-consume state, where all activities are conducted indoors. The use may also include the production and sale of fermented malt beverages, malt, special malt and vinous and spirituous liquors for consumption on the premises.

RESTAURANT, OUTDOOR means an establishment engaged in the sale of food and beverages in a ready-to-consume state, where some or all of the dining areas are outdoors. The use may also include the production and sale of fermented malt beverages, malt, special malt and vinous and spirituous liquors for consumption on the premises.

RETAIL means any sale of goods to the ultimate consumer for direct consumption or use (and not for resale).

RETAIL SALES AND SERVICES, TYPE 1 means a use involving the sale, lease, or rental of consumer, home, and business goods to consumers. Such uses include but are not limited to department stores, furniture stores, clothing stores, and establishments providing the following products or services: antiques, appliances, art, art supplies, beauty supplies, bicycles, books, magazines and newspapers, craft supplies, copies, costumes, dry goods, electronics, fabric, framing, garden supplies, gifts, groceries, hardware, home improvement goods, household products, jewelry, music, musical instruments, office supplies, party supplies, pet supplies, pharmaceuticals, phones, photography equipment, produce, signs, sporting goods, stationary, toys, and videos; and new automotive parts and accessories. The phrase also includes services such as banking, picture framing, installation of electronics (e.g., audio systems and navigation systems) into motor vehicles, real estate offices that are open for walk-in traffic; repairs of products sold by the establishment (e.g., a computer store may also repair computers), repairs of consumer electronics, and comparable services. The phrase "Retail Sales and Services, Type 1" does not include uses that are classified or defined more specifically in this Code, including but not limited to Retail Sales and

Services, Type 2; Restaurants (all types); Sexually-Oriented Businesses; retail Marijuana Uses (whether medical or recreational); and Motor Vehicle Sales and Rentals.

Retail sales and services, type 1 uses are generally conducted indoors. However, the phrase also includes uses in which not more than 25 percent of the area used for storage and display of products is located outside or in partially enclosed structures.

RETAIL SALES AND SERVICES, TYPE 2 means the following types of establishments: attended charitable donation collection centers; coin laundries; off-track betting centers; second-hand stores; thrift shops; consignment stores; head shops or drug paraphernalia stores; tattoo parlors; check cashing stores; payday loan providers; pawn shops. Retail sales and services, type 2 uses are conducted indoors.

RIGHT-OF-WAY, PUBLIC means all streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel.

SALVAGE OR JUNK YARD means any establishment that is maintained, used, or operated for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. This use is also referred to by the Colorado statutes as “automobile graveyard.” See C.R.S. § 43-1-502.

SCHOOL means a public or private licensed preschool; a public, private, or charter K-8, elementary (which may also include kindergarten), middle, junior high, or high school; or a vocational or language school.

SCREENING means decorative fencing, evergreen hedges or earth berms maintained for the purpose of concealing from view the area behind such screening.

SELF-STORAGE means the provision of individual storage compartments for household or commercial goods within a building. Storage spaces may be accessed from interior hallways or individual outside doors. This use may also include quarters for one or more persons employed by and residing at the self-storage facility for the purpose of on-site management and security.

SETBACK LINE means a line or lines designating the area outside of which buildings and certain other structures may not be erected.

SEXUALLY-ORIENTED BUSINESS means a “sexually-oriented theater/dancing establishment” or a “sexually-oriented retail establishment.”

Sexually-oriented theater/dancing establishment means any of the following uses:

Adult arcade, which means any commercial establishment or private club where, for any form of consideration, one or more video displays, still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons per machine at any one time, are used to regularly show digital images or video, films, motion pictures, video cassettes, slides, or other photographic reproductions or digitally, mechanically, electronically, or chemically reproduced visual materials characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas.

Adult cabaret, which means a nightclub, bar, restaurant, concert hall, auditorium, or other commercial establishment or private club that regularly features or presents live adult entertainment with an emphasis upon the display or exhibition of specified sexual activities or specified anatomical areas.

Nude model studio, which means any place where a person who appears nude, semi-nude, or who otherwise displays specified anatomical areas, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. The phrase “nude model studio” does not include a proprietary school licensed by the State of Colorado or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or a business in a structure: (i) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and (ii) where in order to participate in a class a student must enroll at least three days in advance of the class; and (iii) where no more than one nude or semi-nude model is on the premises at any one time.

Adult motel, which means a hotel, motel or similar commercial establishment which: (i) offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital images or video, slides, or other photographic reproductions or digitally, mechanically, electronically, or chemically reproduced visual materials which are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction; or offers a sleeping room for rent for a period of time that is less than 10 hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult motion picture theater, which means a commercial establishment or private club, where for any form of consideration, digital images or video, films, motion pictures, video cassettes, slides, or similar photographic reproductions or digitally, mechanically, electronically, or chemically reproduced visual materials characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas are regularly shown. An establishment meeting the definition of an adult arcade is not an adult motion picture theater.

Adult theater, which means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear nude or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

Sexual encounter center, which means a business or commercial establishment or private club that offers, for the purpose of sexual arousal, pleasure, gratification, or abuse, for any form of consideration, a place where two or more persons may congregate, associate, or consort and observe, view, participate, or engage in specified sexual activities or expose specified anatomical areas.

Sexually-oriented retail establishment means a commercial establishment that:

(i) devotes a significant or substantial portion of its business to the rental or sale of any one or more of the following (“ADULT ITEMS”): (a) books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, digital video, video cassettes, slides, or other photographic reproductions or digitally, mechanically, electronically, or chemically reproduced visual materials that are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas; or (b) instruments, devices, or paraphernalia which are designed for use or marketed primarily for engaging in specified sexual activities; or

(ii) is characterized by one or more of the following: (a) a significant or substantial portion of its stock in trade consists of Adult Items; or (b) a significant or substantial portion of its revenues is derived from the rental or sale of Adult Items; or (c) a significant or substantial portion of its floor space, shelf space or storage space is devoted to Adult Items; or (d) a significant or substantial portion of its advertising is devoted to Adult Items.

SHELTERED CARE FACILITY means: (i) facilities, other than group homes, in which residents live in an institutional environment and are, generally, under the care or control of staff; (ii) in-patient drug and alcoholism hospitals and rehabilitation centers, in which residents have institutional care, or are given medical treatments by staff in an institutional setting. The phrase sheltered care facility does not include assisted living, congregate care, convalescent center, Alzheimer’s care, memory care, or nursing home uses. The phrase sheltered care facility does not include “sober houses,” which are classified according to the type of residential use in which the use is located (*e.g.*, a rooming or boarding house or multifamily use).

SHOPFRONT FRONTAGE means that the street-facing elevation of the principal building abuts the sidewalk (except for a recessed entry, if provided), the principal entrance is at the same grade as the sidewalk, and display windows provide transparency into the building from street-level views.

SHOPPING CENTER means a composite arrangement of shops and stores which provide a variety of goods and services to the general public, when developed as an integral unit.

SIGHT TRIANGLE (also referred to as “**VISION CLEARANCE AREA**”) means a triangular area that located at the intersection of two streets, a street and a driveway, or a street and a railroad, within which visual obstructions are restricted. Two sides of the sight triangle are line segments measured from the corner intersection of the extension of the right-of-way lines to a distance specified in this Code, and the third side is a line segment joining the ends of the other two sides.

SIGN means any object, device or part thereof situated outdoors, or indoors within three feet of a window, if oriented for viewing outside of the window, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, idea, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. Signs do not include merchandise or products that are displayed behind windows.

SIGN, ANIMATED means any sign or part of a sign which changes physical position by any movement or rotation, or which uses moving images or flashing lights of any sort.

SIGN, AWNING means a sign that is a part of or attached to an awning that shelters a door, building entrance, or window. Marquees and canopies are not awnings.

SIGN, CANOPY means any sign that is a part of or attached to a canopy or other plastic or structural shelter over a door, entrance, window, or outdoor service area. Awnings and marquees are not canopies.

SIGN, FLASHING means any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

SIGN, GROUND (a.k.a. **FREESTANDING SIGN**) means a sign supported by poles, uprights or braces extending from the ground, or an object on the ground but not attached to any part of any building.

SIGN, HISTORIC means any sign or marker recognized as part of a building's historic designation by the National, State, or Local Register of Historic Places.

SIGN, ILLUMINATED means a sign lighted by or exposed to artificial lighting either by lights on the sign or directed toward the sign.

SIGN, INTEGRAL ROOF means any sign that is erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof, and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, MARQUEE means any sign attached to integrated into a marquee.

SIGN, PROJECTING means a sign that is affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

SIGN, ROOF means any sign that is erected and constructed wholly on and over the roof of a building, that is supported by the roof structure, and that extends vertically above the highest portion of the roof.

SIGN, SUSPENDED means a sign that is suspended from the underside of a horizontal plane surface, and is supported by such surface.

SIGN, TEMPORARY means any sign that is designed for temporary use, which is not permanently mounted.

SIGN, V-SIGN means a sign consisting of two essentially equal faces, positioned at an angle subtending less than 179 degrees and more than 90 degrees. A sign positioned at an angle extending 90 degrees or less is considered a projecting sign.

SIGN, WALL means a sign attached to, painted on, or erected against or within six inches of a wall of a building, with a single display surface that is parallel to the face of the building to which the sign is attached, and wholly confined to an area within the boundaries of the surface of the wall.

SIGN, WINDOW means a sign which is applied or attached to or located within three feet of the interior of a window, which sign can be seen through the window from the exterior of the structure.

SMOKING LOUNGE means a retail tobacco businesses in which on-premises smoking is allowed, or a private club or marijuana business in which marijuana is smoked on the premises.

SOBER HOUSE means a residential use that is occupied by people who are recovering from substance abuse, which provides a structured environment that supports sobriety, and which serves as an

interim environment between rehabilitation and mainstream society. Sober houses may provide on-site counseling, but do not provide on-site medical treatment. Comparable facilities that provide institutional care or on-site medical treatment are classified as “sheltered care.”

SOLID WASTE DISPOSAL means facilities for the disposal of non-nuclear waste or fill. The phrase “solid waste disposal” includes solid waste disposal sites and facilities, as defined by C.R.S. § 30-20-101; and hazardous waste disposal sites, as defined by C.R.S. § 25-15-200.3.

SPECIAL FLOOD HAZARD AREA is defined in Section 8-5, *Definitions*, City of Alamosa Municipal Code.

SPECIFIED ANATOMICAL AREAS means and includes any of the following: (i) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES means and includes any of the following: (i) the fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; (ii) sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; (iii) flagellation, mutilation or torture for purposes of sexual arousal, gratification, pleasure, or abuse; (iv) human genitals in a state of sexual stimulation, arousal, or tumescence; or (v) excretory functions as part of or in connection with any of the activities specified above.

STOOP FRONTAGE means that the street-facing elevation of the principal building includes stairs that lead to an elevated “stoop” at the principal building entrance. The stoop may be covered or open.

STREET means the entire width between the boundary line of every way which provides for public use for the purpose of vehicular and pedestrian traffic and placement of utilities and including the term “road,” “highway,” “land,” “placings,” “avenue” or other similar designations, but not including the term “alley.”

STREET, COLLECTOR means any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

STREET FRONTAGE means that portion of a property boundary that is shared with the boundary of a public street.

STREET, MARGINAL ACCESS (FRONTAGE) means a local street lying parallel to and adjoining an arterial street or freeway right-of-way, which provides access to abutting properties and protection from through traffic.

STREET, MINOR ARTERIAL means any street serving major traffic movements which is designed primarily as a traffic carrier between various sections of the City, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function and serves a collector function for access to principal arterial streets.

STREET, PRINCIPAL ARTERIAL means a highway that is designed primarily as a traffic carrier between cities.

STRUCTURAL ALTERATION means any change to the supporting members of a building, including foundations, bearing walls, or partitions, columns, beams, or girders, or any structural change in the roof.

STRUCTURE means anything constructed or erected with a fixed location from the ground above grade, but not including ground-level paving, poles, lines, cables, or other transmission or other distribution facilities of public utilities.

SUBJECT PROPERTY means any legally described lot or parcel of land which is designated by the owner or developer as land to be used or developed as a single unit, or which has been developed as a unit as determined by the City. A subject property may be subdivided to create individual lots and tracts.

TRANSFER STATION means the use of land or a facility, regardless of name or title, to unload waste of any kind or type from vehicles, and, with or without intermediate processing such as compaction, sorting, or shredding, subsequently re-load the waste onto other vehicles for delivery to another transfer site, storage site, or disposal site. The phrase includes a facility for drop-off of recyclable materials (e.g., waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard, and other discarded household materials), where the materials are sorted, temporarily stored, and then shipped in bulk to other locations for processing. The phrase does not include a wastewater treatment facility.

UNATTENDED COLLECTION BOX means a drop-off box, container, receptacle, or similar facility that accepts textiles, shoes, books, household goods, or other salvageable personal property items to be used by the operator for distribution, resale, or recycling. The phrase “unattended collection box” does not include dumpsters and recycling containers that are intended for solid waste processing.

UNIVERSITY means an educational institution that is authorized by the State of Colorado or other nationally recognized accrediting entity to award associates’ or higher degrees.

USE means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

USE, ACCESSORY means a subordinate use which is customarily incidental to the principal building or to the principal use of the lot.

USE, NONCONFORMING means a use which lawfully occupies a building or land at the time the ordinance from which this chapter was derived or an amendment hereto becomes effective and which does not now conform with the use regulations applicable in the zone district in which it is located.

USE, PRINCIPAL means the main use of land or structures as distinguished from a subordinate or accessory use.

VEHICLE WASH means any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles on a commercial basis.

VETERINARY AND ANIMAL HOSPITAL FACILITIES means veterinary clinics and animal hospitals that provide care for small domestic animals, large animals, or livestock, which may include facilities that provide daytime or overnight boarding of small domestic animals.

WHIP ANTENNA means an antenna in the form of a long flexible wire or rod.

WHOLESALE NURSERY OR GREENHOUSE means land that is used to raise trees, shrubs, flowers, and other plants that are sold at wholesale to retailers or landscape professionals.

WHOLESALE TRADE BUSINESS means the wholesale of manufactured products, supplies, and equipment, which may include accessory offices and showrooms. Products may be picked up on-site or delivered to the customer. The use may also include related product repair, minor fabrication services, or repackaging of goods.

WIRELESS TELECOMMUNICATION SERVICES FACILITIES OR EQUIPMENT means a facility used to provide personal wireless services as defined at 47 U.S.C. § 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. The phrase does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of this Code. The phrase “wireless telecommunications services facility or equipment” includes an antenna or antennas, including without limitation, directions, omni-directional and parabolic antennas, base stations, support equipment, alternative tower structures, and towers. It does not include the support structure to which the facility, equipment, or components thereof are attached if the use of such structures for such facility, equipment, or components is not the primary use. The phrase does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include antennae that are incidental to residential uses, including residential satellite dish antenna under two feet in diameter, radio or television receivers, or amateur radio (HAM radio) antennae, or other facilities specifically excluded from this Code.

YARD means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Code.

YARD, FRONT means the yard extending between the side lot lines, from the front lot line to the principal structure.

YARD, REAR means the yard extending between the side lot lines, from the rear lot line to the principal structure.

YARD, SIDE means the yard extending between the principal structure and the side lot line, not including areas that are part of the front yard or the rear yard.

ZOO means a place where live animals are kept and exhibited to the public. The animals may also be studied, given medical treatment, and bred. The term “zoo” does not include agricultural uses or uses that sell live animals.

APPENDIX A. APPLICATION FORMS AND CHECKLISTS

PLANNED UNIT DEVELOPMENT

PRELIMINARY DEVELOPMENT PLAN CHECKLIST

Generally. The preliminary development plan must include both a preliminary development plan map and a written statement.

PDP Map. The preliminary development plan map must contain the following information:

- ☐ The existing topographic character of the land at a contour interval of two (2) feet (spot elevations may be required if the land is too flat for contours);
- ☐ Proposed land uses and their respective acreage;
- ☐ The type and character of proposed development and, if applicable, the proposed number of dwelling units per gross residential acre;
- ☐ The location of proposed streets;
- ☐ The location and size of proposed public and semipublic uses both dedicated and other;
- ☐ The one hundred-year floodplain and floodway, if applicable; and
- ☐ The location of existing facilities and recorded easements.

PDP Statement. The written statement to accompany the preliminary development plan map must contain the following information:

- ☐ An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations;
- ☐ A statement of the present ownership and legal description of all the land included within the planned unit development;
- ☐ A general indication of the expected schedule of development.

Other Information. The applicant may submit any other information or exhibits that may be pertinent to the evaluation of the proposed planned unit development, and the Planning Commission may request additional information that it deems necessary for adequate review and evaluation.

Review Fee. An application review fee of twice the zoning amendment fee shall be submitted with the application.

FINAL DEVELOPMENT PLAN CHECKLIST

The final development plan shall be prepared at a scale of not less than one (1) inch equals two hundred (200) feet and shall be submitted in sufficient detail to evaluate the building design, and other features of the planned unit development. The final development plan must contain, insofar as applicable, the following minimum information in graphic or written form:

- ☐ The existing topographic character of the land at a contour interval of two (2) feet (spot elevations may be required if the land is too flat for contours);
- ☐ The proposed land uses and their respective acreage;
- ☐ The location and size of all proposed buildings, structures, utilities and other improvements;
- ☐ The maximum height of all buildings may be stipulated as a general note; however, where significant views may be obscured by building heights, the maximum height of individual structures shall be indicated;
- ☐ The density and type of dwellings, if applicable;
- ☐ The location, number of lanes, median width, curb cuts, access control and proposed turning movement restrictions of arterial streets;
- ☐ The location of all streets;
- ☐ The off-street parking and loading areas;
- ☐ The location, height and size of proposed signs, lighting and advertising devices;
- ☐ The areas to be dedicated to the city or reserved as common park areas;
- ☐ The one hundred-year floodplain and floodway, if applicable;
- ☐ A general landscape plan at time of submission to be followed by a detailed landscaping plan once the plan has been approved showing the spacing, sizes and specific types of landscaping material; and
- ☐ The tentative development schedule.

The applicant shall also provide copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit and any of its common park areas must accompany the final development plan.

The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development and the planning commission may request additional information it deems necessary for adequate review and evaluation.

ADMINISTRATIVE MODIFICATIONS

The following materials shall be submitted with an application for administrative modification:

- ☐ A sketch showing the existing property conditions as well as the proposed changes. Dimensions shall be shown as needed to evaluate the effects of the proposed change, i.e., if the change is to the setback, existing and proposed setback dimensions must be shown;
- ☐ A full description of the unreasonableness or hardship upon which the request is based, and any peculiar circumstance contributing thereto;
- ☐ A full description of the alternative standard proposed to provide equal or better results;
- ☐ The section or sections of the Ordinance that are requested to be modified, and the minimum modification necessary to relieve the unreasonableness or hardship described; and
- ☐ A list of the owners of record for properties immediately adjacent to or directly across a street from the boundary of each parcel comprised by the subject property. The secretary of the zoning board of adjustments will mail a notice of the request to said property owners not later than seven (7) days after the date of submittal.

WIRELESS COMMUNICATIONS FACILITIES

The following materials shall be submitted with an application for approval of a wireless communication facility:

- ☐ A master or long-term plan for all proposed sites within one mile of the existing City limits that demonstrates the need for the proposed site, and how it fits into the applicant's existing and proposed coverage grids.
- ☐ Site plan or plans drawn to a scale of one (1) inch equals ten (10) feet or one (1) inch equals twenty (20) feet, including "before and after" photographs (simulations) specifying the location of antennas, support structures, transmission buildings and/or other accessory uses, access, parking, fences, signs, lighting, landscaped areas and all adjacent land uses within one hundred fifty (150) feet. Such plans and drawings should demonstrate compliance with the review standards of this section.
- ☐ Site improvement survey showing the current status, including all easements and vacated rights of way, of the parcel certified by a registered land surveyor, licensed in the state.
- ☐ Elevation drawings or "before and after" photographs/drawings simulating and specifying the location and height of antennas, support structures, transmission buildings and/or other accessory uses, fences and signs.
- ☐ Evidence that an effort was made to locate on an existing wireless telecommunication services facility site including coverage/ interference analysis, capacity analysis, and a brief statement as to the reasons that co-location on an existing facility is not a realistic expectation for this facility.
- ☐ Written documentation in the form of a signed affidavit demonstrating a good faith effort in locating facilities in accordance with site selection order of preference outlined in subsection (d)(2).

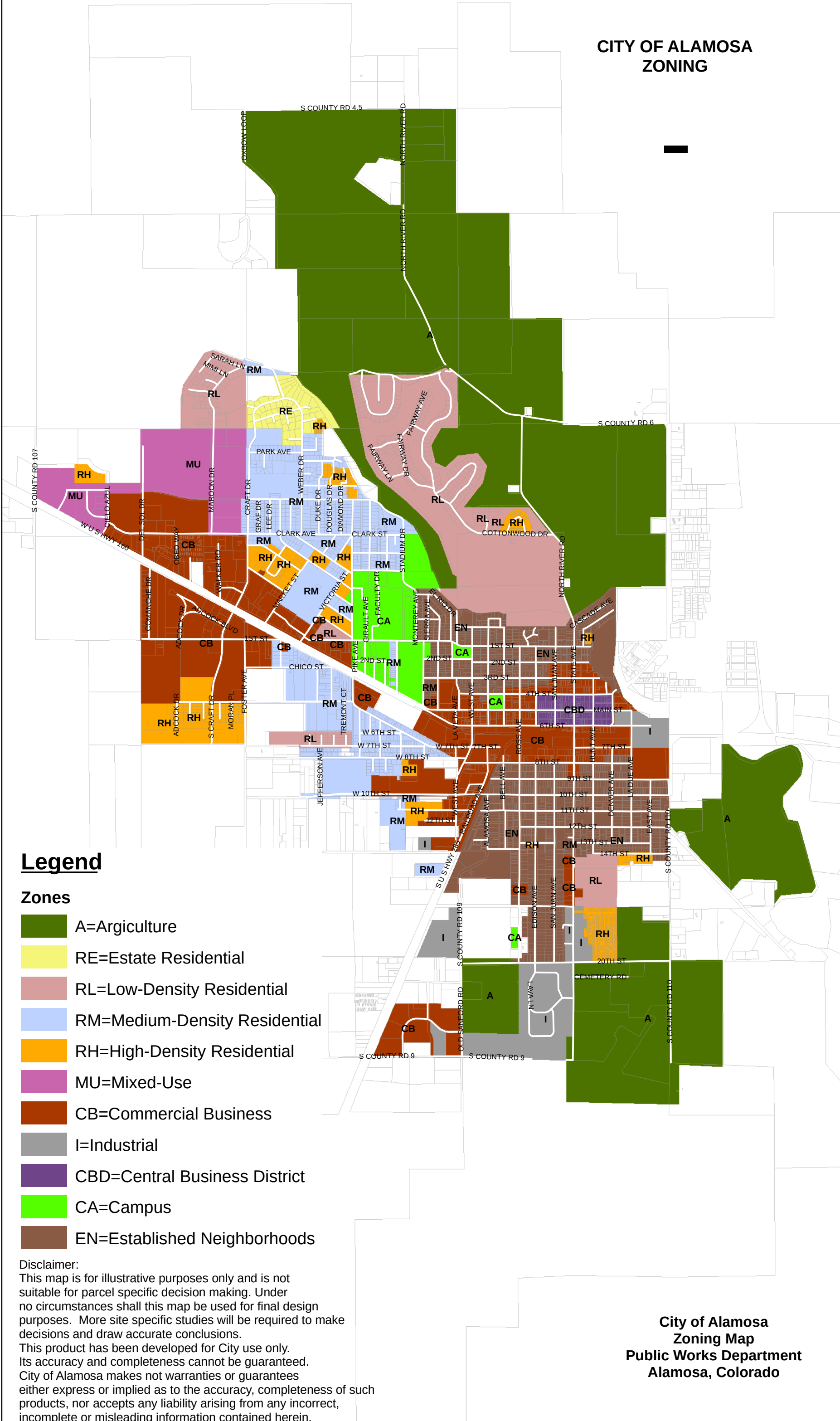
Use of Public Buildings, Structures, or Rights-of-Way. Leasing of public buildings, publicly owned structures or public rights-of-way for the purposes of locating wireless telecommunication services facilities or equipment is encouraged. In cases where a facility is proposed on City property, specific locations and compensation to the City shall be negotiated in license or lease agreements between the City and the provider on a case-by-case basis and would be subject to all of the review criteria contained in the UDC. Such agreements would not provide exclusive arrangements that could prevent access to the negotiated sites or limit competition and must allow for the possibility of "co-locating" (sharing of facilities) with other providers.

SITE PLANS

NOTE: additional details should be provided here.

Site plans and plats for uses with centralized solid waste collection shall show the location of the solid waste collection facilities (site plans must also include design)

CITY OF ALAMOSA
ZONING



Legend

Zones

- A=Agriculture
- RE=Estate Residential
- RL=Low-Density Residential
- RM=Medium-Density Residential
- RH=High-Density Residential
- MU=Mixed-Use
- CB=Commercial Business
- I=Industrial
- CBD=Central Business District
- CA=Campus
- EN=Established Neighborhoods

Disclaimer:
This map is for illustrative purposes only and is not suitable for parcel specific decision making. Under no circumstances shall this map be used for final design purposes. More site specific studies will be required to make decisions and draw accurate conclusions.
This product has been developed for City use only. Its accuracy and completeness cannot be guaranteed. City of Alamosa makes no warranties or guarantees either express or implied as to the accuracy, completeness of such products, nor accepts any liability arising from any incorrect, incomplete or misleading information contained herein.

City of Alamosa
Zoning Map
Public Works Department
Alamosa, Colorado





Thomas Duncan

TREK
U.S.A.



512

SCHWINN
®
FITNESS

PROFESSIONAL BIKE TUNE-UPS!

- Frame Preparation
- Wheel Preparation
- Technical Alignment
- Final Adjustments

\$39.99 plus parts

Established 1949





For Sale
\$1099

Habitat





SPINES BOOK SHED
by Friends of the Library

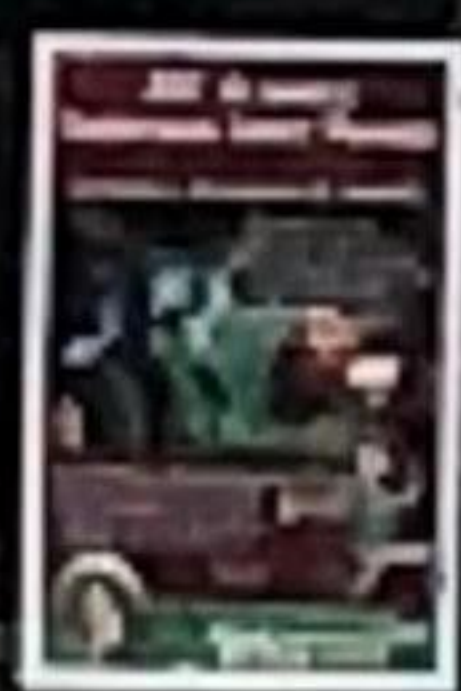
DAVID
LAPCON
17







Center for
Restorative Programs



2nd FLOOR
RESTORATIVE PROGRAMS
500 CITY



500 City
Center for
Restorative Programs

LIBERTE EGALITE LEGALISE

PEACE
IN
DRUGS

ROCK U
NIXON

Mano
taise

0,4kV
TR-232
tel.1802



