AGENDA
BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
TUESDAY, JANUARY 17, 2023
PATTERSON HALL – 1000 MAIN
REGULAR MEETING
5:30 p.m.

Join by Zoom
Meeting ID: 885 9606 8039
Passcode: 116969
By Phone: 719-359-4580

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Recognition of Visitors
5. **Consent Agenda**
   Note: All items listed under the Consent Agenda are routine and are approved with one motion. There will be a separate discussion of these items if a Board Member or citizen requests. The item may be removed from the Consent Agenda and considered separately at the discretion of the Board of Trustees.
   a. Approval of minutes
   b. Treasurer's Report
   c. Approval of Bills
6. Old Business
   None
7. New Business
   a. Discuss the usage of Jess Price Park and consideration of relocating the Farmers Market.
   b. Sheriff 4th qtr. 2022 report
   c. Round Mountain and Sanitation District report.
   d. Introduction of interim of the Director of Office of the Custer County Emergency Management. – Bill Christie
   e. Review the proposed Title 10 revision and consideration of drafting an ordinance.
   f. Consideration of Request to approve Ord. 1-2023 amending Title 1, Chapter 1 Town Seal and Rules of Order.
   g. Discuss and consideration of filling the pond on Adams Blvd.
   h. Discussion on the new requirements and cost of the CDL for Town employees.
   i. Consideration of purchasing a pickup.
   j. Discuss updating the 2006 International Building Code.
   k. Accept Trustee Cole's resignation.
   l. Appoint a Mayor Pro-Tem.
   m. Approve removing Bess Cole from all Town bank accounts and add a Trustee to all bank accounts as a signatory.
   n. Determine the process of filling the vacant Trustee seat.
8. Additions to the Agenda
9. Staff & Committee Reports
10. Public Comment – The purpose is to request placing items on future agendas and scheduling informational presentations. There is a 3-minute limit for presentations.
    Adjourn

BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
MONDAY, DECEMBER 19, 2022
REGULAR MEETING

CALL TO ORDER

Trustee Snow called the meeting to order at 5:30 P.M.

ROLL CALL

The following members were present: Ms. Snow, Mr. Frickell, Mr. Nordyke, Mr. Wilhelm, and Mr. Mowry.

ABSENT: Mayor Wenke and Ms. Cole.

PLEDGE OF ALLEGIANCE

Trustee Snow led the Pledge of Allegiance.

OTHERS PRESENT

Tamra & Ed Adducci, Dan Laufenberg, Marta Minogue, Chuck, and Karen Jagow, Ben Lenth, Karen Foley, Kelsey King, Dave Schneider, Bob Fulton, Elliot Jackson, Caleb Patterson, and Kathy Reis. Via phone – Attorney Clay Buchner.

TREASURER'S REPORT

REVENUE RECEIVED IN			BALANCE OF ACCOUNTS	
General Fund Checking:	$	108,906.17	$	608,040.36
CSafe-GF Core 11:	$	1,319.90	$	427,777.34
CSafe-3% Tabor Reserve:	$	137.04	$	44,354.64
CSafe-General Fund Reserve-14	$	1,128.14	$	365,610.42
Municipal Court Checking:	$	0.00	$	2,332.70
Tennis Court Checking:	$	0.00	$	25,178.70
Conservation Trust Fund Checking:	$	6.93	$	42,176.30
Capital Fund Checking:	$	54,773.57	$	676,457.80
CSafe-CF Core 12:	$	688.36	$	223,066.26
Total C.D.'s plus interest:	$	157.71	$	0.00

EXPENDITURES FOR NOVEMBER 2022:

GENERAL FUND:	$	52,067.24
MUNICIPAL COURT:	$	0.00
TENNIS COURT:	$	0.00
CONSERVATION TRUST FUND:	$	0.00
CAPITAL FUND:	$	105,076.80

APPROVAL OF CONSENT AGENDA

a. Approval of minutes
b. Treasurer's Report
c. Approval of Bills

Mr. Mowry moved, and **Mr. Wilhelm** seconded to approve the consent agenda. Motion carried.

OLD BUSINESS

a. **Public Comment consideration of approving Ordinance NO. 7-2022 amending Title 5 Public Health and Safety, adding Chapter 8 "Meat Waste Disposal."**

Ed Adducci was concerned that the exposed meat and animal products were still happening. The owner has installed a fence completely around the area where the meat is brought in to keep prying eyes from seeing what goes on there. The blood is still being washed down the alley.

Mr. Adducci asked who the Code Enforcement Officer is, how the inspections will be done, and whether the business owner will be notified first. He was also concerned about the drain system. Trustee Snow responded that it would be the Town Manager is the Code Enforcement Officer, and an inspection would be at the discretion of the Town Manager on when it would happen and if it was called to our attention.

Trustee Snow asked Will Taylor if he was able to address all the issues. Will Taylor responded that they found sealed refillable barrels, but they are not here yet. It is taking a while to get them. He further said it would not take care of all the issues. We still have elk and transfers from the trailer to the building. The drippage cannot be sprayed back into the building. Currently, because of the way it is slopped toward the French drain.

Trustee Wilhelm inquired if a tarp could be used. Mr. Taylor replied that a tarp would not be enough for going back and forth. The majority of the blood gets left out in the field. There will still be residual blood that will be there during the transfer.

Mr. Taylor said the French drain at the end of his property needs to be redesigned. That is the biggest issue we have. That is the only drainage we have. How do you deal with transferring carcasses from the trailer to the building?

Trustee Snow stated that the sealed containers, per the ordinance, would take care of most of this. There is an existing ordinance that addresses drainage.

Trustee Mowry read into the record from Title 6, Chapter 1 Misdemeanors, Section H (3) Discharge of Nauseous Liquids:

It shall be unlawful to discharge out of or from, or permit to flow from any house or place, foul or nauseous liquid or substance of any kind whatsoever, into or upon any adjacent ground or lot, or into any street, alley or public place in the town of Westcliffe. (Ord. 25-1986, 10-7-1986)

Trustee Snow further stated that the Town might need to look at the drainage.

OLD BUSINESS CONTINUED

Trustee Wilhelm suggested putting a catch basin in and pumping it into one of the barrels. Will Taylor responded that it would create a cesspool.

Trustee Frickell stated that we are looking at trying to solve a problem and yet trying to keep a business in business.

ACTION: **Mr. Mowry** moved, and **Mr. Frickell** seconded to approve Ordinance NO. 7-2022 amending Title 5 Public Health and Safety, adding Chapter 8 "Meat Waste Disposal." Motion carried.

NEW BUSINESS

a. Discussion and consideration of transferring ownership of the Bluff Park from Colorado Open Lands to the Town.

Ben Lenth with Colorado Open Lands gave an overview of the request: There is a long-term partnership with the Town and San Isabel Land Protection Trust, which is now Colorado Open Lands. Bluff Park has split ownership. There is a management/lease agreement where the Town has assumed most of the management responsibilities.

Colorado Open Lands is a nonprofit that owns the middle 5.3 acres of the park. Upon receipt in 2015, we donated a Conservation Easement at the time from San Isabel Land Protection Trust to Colorado Open Lands to permanently preserve the open space that stripped off all the development rights. We worked together to purchase Summit Park, which became part of the park. The management agreement includes the entire property, the Chloride Gulch that the Town owns, the middle area owned by the Land Trust, and Summit Park.

Last year San Isabel Land Trust merged with Colorado Open Lands. This is one entity now, which means that on this property, we have both the fee ownership and the conservation easement that protects that property. That is out of compliance with the best practices for Land Trusts. The whole strength of a conservation easement is that a third party holds the development rights and trust. We are tasked with divesting one or the other interest, either the fee interest of the conservation easement.

Colorado Open Lands would like to propose to the Town a trade, wherein Colorado Open Lands would donate to the Town the free-of-charge the 5.3-acre parcel, which the Conservation Easement encumbers. The Conservation Easement would stay in place; we ask then, in exchange, the entire property be owned by the Town, and in exchange, we would ask that the Conservation Easement be extended over also Chloride Gulch and the Summit Park parcel. The result would be one single

NEW BUSINESS CONTINUED

ownership of the entire park of 10.25 acres by the Town, a single Conservation Easement on the same acreage.

The Conservation Easement is not a black-and-white thing; it would allow those recreational structures, such as the Smokey Jack Observatory, or other things that would be determined in the future as of interest. On the northern end of the property, we currently own, there is an amphitheater, and there are allowances for additional structures. This changes nothing; it would intend to accommodate the long-term goals of everyone in the community who is involved with the park for public use. It would get Colorado Open Lands in compliance and simplify the ownership and management.

We would offer to lead all meetings to discuss this and draft the terms of the easement and other processes. We have a restricted fund for the Bluff that we can use to pay for this process. We ask that the Town covers its own expenses. We would propose that the restricted funds go to the Community Foundation, which has a standing fund dedicated to the Bluff with an advisory committee to manage those funds.

This is a proposal to start the process. It is not to approve a transaction or anything detailed. This is to open a series of meetings and discussions to work together on.

We need to make sure Dark Skies have what they need, for example, and other things needed while preserving the open views and maintaining its public access.

Trustee Snow asked what the restrictions would be for structures and what the process would be for approval, for example, the Barnes Memorial.

Mr. Lenth replied. An existing Conservation Easement essentially says the lawn is a protected area for the view shed area, and no structures are allowed. However, there are some allowances on the north side and a little on the south side to give room for future structures; on the Town lots, or in the case of the amphitheater on the north side; there is an envelope of sorts that will allow that with some limits.

We want the Conservation Easement to be fully approved for larger items contemplated if needed, so they are already part of it as allowed uses in the easement. The terms of the easement are intended to be permanent and clear. This is the time to look closely at these areas and see what structures might be needed with the assumption that they are to the north and south.

Clerk Reis asked regarding the gifting of the portion needed for the project. The construction project is slated to start in the summer. Mr. Lenth estimated that the quickest time it could be completed would be by the summer. Clerk Reis will contact CDOT for direction.

NEW BUSINESS CONTINUED

Mr. Lenth will put together a letter of intent and tasks of things we need to do. The Board of Trustees all agreed to move forward.

b. Public Comment and consideration of approving Ordinance NO. 8-2022 Plastic Pollution Reduce Reduction Act and update.

Clerk Reis gave an update on what the two Towns have done. Ileen put together flyers for the affected businesses for their doors and postcards, which will be mailed to all households in the county as an education piece. We put frequently asked questions on our websites, and a public announcement has been put in the Sentinel and should go in the Tribune. In Westcliffe, the stores that have to comply are Lowe's, Valley Ace, Napa, and JR's Fuel Stop. JR's and Napa may decide not to provide bags at all.

The Town has to collect the money, and we keep 60%, and the stores retain 40% of the .10 cents per bag. The Town is required by state statute to administrate the program, enforcement, and education of the Plastic Pollution Reduction Act.

The stores are required to collect the .10 per bag on January 1st, 2023, and remit to the Town quarterly; however, in the statute, the first required remittance date is April 2024. We are asking that they remit quarterly in 2023.

The ordinance is to say we are complying with the state statute and a clause in it allowing the small stores to opt-in. Currently, they can't opt in at this point. The attorney said a small store can opt-in and then opt out if they choose if this ordinance is adopted.

As part of this, we would like to purchase reusable bags to distribute two bags per household county-wide. The two Towns will cost share this and the postcards. We are asking the County Commissioners to share the cost of the bags. Eight thousand bags will cost $8,000.00. We haven't determined how the bag giveaway event will be done.

We developed a remittance form for each store affected.

After further discussion, the board agreed to move forward with purchasing the bags and postcards in conjunction with Silver Cliff.

ACTION: **Mr. Mowry** moved, and **Mr. Frickell** seconded to approve Ordinance NO. 8-2022 Plastic Pollution Reduce Reduction Act. Motion carried.

NEW BUSINESS CONTINUED

c. Consideration of a request to amend the Town's Non-DOT Drug and Alcohol policy.

The main change was that a clause was added regarding medical marijuana and if an employee may be dismissed if testing positive. Do we need to add something that "may be subject to disciplinary action or dismissed?" Clay didn't think that needed to be added; it is covered in the policy. All the language that said "must" was changed to "may" in the policy.

ACTION: **Mr. Frickell** moved, and **Mr. Mowry** seconded to approve amending the Town's Non-DOT Drug and Alcohol policy. Motion carried. Nay – Mr. Nordyke.

d. Review the proposed Title 10 revision and consideration of drafting an ordinance.

Trustee Snow said that due to not having the internet to review each item and Trustee Wilhelm asked for clarification and had questions. Trustee Snow asked that this goes back to the Planning Commission and asked Trustee Wilhelm to attend the meeting.

e. Consideration of changing the regular monthly meeting date.

There is a conflict in January and February with the holiday being on Monday; we could change the meeting to Tuesday that same week for those months or change the meeting date for the full year. There are many instances where there is a holiday on Monday. Changing the regular meeting would prevent the need to reschedule meetings from confusing the public.

ACTION: **Mr. Frickell** moved, and **Mr. Nordyke** seconded to approve amending our ordinance by changing the monthly meeting date to the 3rd Tuesday of each month starting in 2023. Motion carried.

BOARD OF ADJUSTMENTS

Trustee Snow closed the regular meeting to move into the Board of Adjustments at 6:03.

a. Public Hearing of an appeal for a building permit at 302 S 2nd Street.

The Building Official, Dwight Johns provided the background of events:

Before Dwight started here, Gabriel issued the building permit to put a roof on an existing wood shed. The property owner went through all the steps and applied for a building permit, and Gabriel approved it; I believe he went to the site and looked at where they were going to put it. They hired a contractor to help them build it. The

BOARD OF ADJUSTMENTS CONTINUED

contractor started the roof, and the building of the roof was a two-day process. Between days one and two, a citizen noticed the roof of the building was past the fence line and was in the public right of way. Mr. Johns told them that the Town was worried about the liability of someone walking by and hitting their head, and they should also be concerned about the liability. They agreed and immediately contacted their contractor to have the overhang removed, which was in the right of way. The only other problem we are dealing with is that the existing wood shed that they put the roof on was not in compliance with the Towns set back ordinance. The Town should not have given permission to build in the setbacks. The building has four posts in the ground, cemented in, buried below the frost line. It previously had a slopped roof so that you couldn't see it. After putting the gable roof on it, it went to being 8' tall.

The property owner Dan Laufenberg explained it was a wood rack, not even a shed. It was two existing walls that were not attached to the fence. It wasn't visible; it had been there for over ten years. They took the existing roof off and added to it with the gable roof. The roof was changed because he kept hitting his head on it.

Trustee Snow summarized the situation: you did everything the Town asked you to do in order to build. You brought in plans, we approved it, and we asked you to correct the overhang, which you did.

We are only here because of the setbacks. The structure has been there for ten years. The setbacks haven't changed since you applied for the building permit.

Trustee Mowry inquired if they had provided a diagram, The owner replied yes.

b. Consideration of approving an appeal for a building permit at 302 S 2nd Street.

Trustee Snow stated this is on us, you did everything we asked you to do, and legally we could ask you to change it. The original structure had been there for over ten years, and the Town Manager at that time had approved the building permit for the renovations.

ACTION: **Mr. Wilhelm** moved, and **Mr. Nordyke** seconded to approve the appeal for the building permit at 302 S. 2nd Street. Motion carried.

Trustee Snow closed the Board of Adjustments at 6:12 p.m. and returned to the regular meeting.

EXECUTIVE SESSION

Executive Session for the purpose of a personnel matter under C.R.S. Section 24-6-402(2) (f)(I) regarding possible bonuses.

EXECUTIVE SESSION CONTINUED

ACTION: **Mr. Nordyke** moved, and **Mr. Frickell** seconded to approve to go into Executive Session for the purpose of a personnel matter under C.R.S. Section 24-6-402(2) (f)(I) to interview candidates regarding possible bonuses. Motion carried.

EXECUTIVE SESSION

At 7:46 p.m., the Special Meeting was recessed. Executive Session was convened at 7:47 p.m.

At 6:59 p.m., Trustee Snow reconvened the special meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Mr. Frickell, Mr. Wilhelm, Mr. Mowry, Mr. Nordyke, and Caleb Patterson. For the record, Trustee Snow asked that if any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record.

ACTION: **Mr. Wilhelm** and Mr. Nordyke moved to give all employees a $500.00 bonus for the end of the year. Motion carried.

STAFF & COMMITTEE REPORTS

None

Mr. Wilhelm moved, and **Mr. Mowry** seconded to adjourn. Motion carried.

ADJOURN

Recorded by:
Kathy Reis, CMC
Town Clerk

REVENUES RECEIVED IN DECEMBER 2022

GENERAL FUND

Cash			
Credit Card			
United Business Bank	2023 Business License		25.00
Checks			
Black Hills	Franchise Fee		3,203.67
Elevation Meat Market	Fence Permit 101 S. 2nd St.		100.00
Pay and Save, Inc.	Renew Liquor License		53.75
Yamabeeza	Business License 2022		40.00
Langston Concrete, Inc.	Purchased Printer		700.00
Andrew Zeller	Bldg Permit/104 Yucca Lane/Renovations		215.00
DLC Services, Inc.	Excavation Permit/109 N 2nd St./2 sidewalk drains		400.00
Hershberger Roofing & Siding, LLC	Bldg Permit/1301 S. 4th St/New Garage		1,507.00
Custer County Treasurer			1,697.34
	INC-Current Interest	35.93	
	RBC-Road & Bridge	422.30	
	RLC-Current Tax	513.37	
	SOA-Specific Ownership Tax-A	92.52	
	SOB-Specific Ownership Tax-B	644.21	
	Treasurers Fee	-10.99	
Custer County Treasurer	Special Assessment (XFER)		3,020.13
United Business Bank	Interest		48.22
State of Colorado	CIG Tax		238.37
State of Colorado	2% Sales Tax		70,957.73
State of Colorado	Highway Users Tax		2,687.73
GENERAL FUND CHECKING REVENUE RECEIVED IN DECEMBER 2022			**$84,893.94**

CSafe-GF Core-11	Interest	2,720.06
CSafe-3% Tabor Reserve	Interest	159.22
CSafe-GF Reserve-14	Interest	1,311.04

TENNIS COURT PROJECT CHECKING

		0.00
TENNIS COURT PROJECT CHECKING REVENUE RECEIVED IN DECEMBER 2022		**$0.00**

		0.00
MUNICIPAL COURT CHECKING REVENUE RECEIVED IN DECEMBER 2022		**$0.00**

REVENUES RECEIVED IN DECEMBER 2022

CONSERVATION TRUST FUND

State of Colorado	4th Qtr Lottery Income	1,490.20
United Business Bank	Interest	7.32
CONSERVATION TRUST FUND REVENUE RECEIVED IN DECEMBER 2022		**$1,497.52**

Treasurer's Report January 3, 2023

CAPITAL FUND		
United Business Bank	Interest Capital Fund Checking	63.81
State of Colorado (Town of Westcliffe)	1% Sales Tax	35,478.87
State of Colorado	SRTS-Reimb-Inv#3	64,061.01
Town of Silver Cliff	SRTS/Overmatch portion	34,940.10
Verizon Wireless	Lease Payment	1,000.00
Wet Mtn. Valley Community Foundation/Bluf	Reimb./portion of lawn mower	3720.00
CAPITAL FUND CHECKING REVENUE RECEIVED IN DECEMBER 2022		**$135,543.79**

CSafe-CF Core 12	Interest	1,986.06

BALANCE IN ALL FUND ACCOUNTS

GENERAL FUND CHECKING	$116,673.93
CSafe-GF Core-11	$930,497.40
CSafe-3% Tabor Reserve-13	$44,513.86
CSafe-GF Reserve-14	$366,921.46
TENNIS COURT PROJECT CHECKING	$25,178.70
MUNICIPAL COURT CHECKING	$2,332.70
TOTAL GENERAL FUND ACCOUNTS	**$1,483,785.35**

CONSERVATION TRUST FUND CHECKING	$43,673.82
TOTAL CONSERVATION TRUST FUND ACCOUNTS	**$43,673.82**

CAPITAL FUND CHECKING	$295,170.35
CSafe-CF Core 12	$725,052.32
TOTAL ALL CAPITAL FUND ACCOUNTS	**$1,020,222.67**

CASH BALANCE OF ALL FUND ACCOUNTS $2,547,681.84

NOTE: 1% Sales tax of $35,478.87 was transferred to the Capital Fund from the General Fund.
NOTE: $500,000.00 was transferred to the CSafe 25-12 account from the Capital Fund checking account.
NOTE: $500,000.00 was transferred to the CSafe 25-11 account from the General Fund checking account.

GENERAL FUND

Ark Valley Fire Xtinguisher	Maint./Fire Extinguishers inspections	872.75
Black Hills Energy	Lights/Electric	2,050.09
Buchner, Clayton, Attorney at Law	Attorney Fees	1,303.50
Card Services	Office Supplies	1,429.81
Cathy Snow	Refund Street Closure Deposit	250.00
CBS Hardware & Lumber	Street Maint./Deicer	89.99
CenturyLink	Clk Phone/DSL	48.76
Christropher Abatangelo	Reimburse Clothing allowance	33.55
Cru	Refund Park Damage Deposit	100.00
Custer County Rd. & Bridge	Street Maint.& Fuel	547.40
Dwight Johns	Reimburse Mileage	76.38
GMCO Corporation	Street Maint/Ice Melt	251.32
Intuit	Checks/Envelopes	508.43
Lowe's Pay and Save, Inc.	Supplies	21.27
Norup Gas	Propane	1,184.44
Oak Disposal Services	Street Maint./Trash Service-December	125.00
ODP Business Solutions, LLC	Office Supplies	92.39
Round Mtn. Water & Sanitation District	Water & Sewer	703.40
The Mountain Publishing Co/Sentinel	Publishing	782.00
The Rock Auto Parts	Vehicle Maint./Parts	979.16
Valley Ace Hardware	Supplies	1,948.11
Westcliffe Center for the Performing Arts	Reimb/Façade Grant	877.50
Westcliffe Center for the Performing Arts	2022 Donations	1,500.00
Westcliffe Petroleum	Vehicle Maint./Tire Repair	10.00
Wet Mtn Tribune	Publishing	218.68
Wet Mtn. Valley Rotary CSI	2022 Donation	1,282.84
Xerox Corporation	Meter Read/Lease Payment	145.75

Payroll Expenses

CEBT	Employer/Health Ins.	1,305.96
CEBT	Employee/Health Ins.	236.80
Colo. Dept. of Revenue	4th Qtr SWT	2,581.00
Colo. State Treasurer	4th Qtr SUTA	145.67
EFTPS	December Payroll Taxes	5,438.38
GWRS	Employee Share Retirement Fund (ACH)	1,003.66
GWRS	Employer Share Retirement Fund (ACH)	321.55

BILLS TO DATE	**$28,465.54**
DECEMBER 2022 PAYROLL	**$19,108.88**
TOTAL GENERAL FUND EXPENDITURES FOR DECEMBER PAID IN DECEMBER 2022	**$47,574.42**

CAPITAL FUND

Ayers Associates, Inc.	Tap Project-Progress Payment/Design	1,553.00
Ayers Associates, Inc.	Tap Project-Progress Payment/Design	10,905.00
Kumar & Associates	SRTS Materials Testing	$135.00
TOTAL CAPITAL FUND EXPENDITURES FOR DECEMBER PAID IN DECEMBER 2022		**$12,593.00**

Town of Westcliffe
General Fund Profit & Loss Budget Performance
December 2022

	Dec 22	Budget	Jan - Dec 22	YTD Budget	Annual Budget
Income					
7000 · General Property Taxes	513.37	5,532.58	66,351.79	66,391.00	66,391.00
7050 · Specific Ownership Taxes	736.73	741.67	8,706.21	8,900.00	8,900.00
7100 · Town Sales Taxes	70,982.73	66,851.40	853,852.03	802,216.84	802,216.84
7101 · Town Sales Tax License	40.00	505.83	6,575.00	6,070.00	6,070.00
7106 · Penalities & Int-Delinquent Tax	35.93	25.00	282.38	300.00	300.00
7115 · Franchise Fee	3,203.67	2,166.67	33,575.63	26,000.00	26,000.00
7120 · Special Assesments	3,020.13	140.25	3,362.03	1,683.00	1,683.00
7125 · Building & Zoning Permits	2,122.00	8,023.79	120,710.50	96,285.50	96,285.50
7126 · Fence & Sign Permits	100.00	83.33	1,850.00	1,000.00	1,000.00
7127 · Special Use By Review Permits	0.00	100.00	1,250.00	1,200.00	1,200.00
7130 · Traffic Fines & Ordinances	0.00	89.58	1,125.67	1,075.00	1,075.00
7135 · Court Costs	0.00	2.08	0.00	25.00	25.00
7140 · Liquor Licenses/Special Events	53.75	286.75	4,615.20	3,441.00	3,441.00
7150 · Cigarette Tax	238.37	150.00	2,402.41	1,800.00	1,800.00
7160 · Interest Income	4,238.54	250.00	13,140.19	3,000.00	3,000.00
7165 · Miscellaneous Income	730.00	155.58	3,293.29	1,867.00	1,867.00
7200 · Highway Users Tax	2,687.73	2,433.25	30,461.37	29,199.00	29,199.00
7205 · Road & Bridge Funds	422.30	2,579.60	49,628.49	30,955.21	30,955.21
7215 · American Rescue Plan Funds	0.00	6,576.99	0.00	78,923.82	78,923.82
7300 · Tennis Court Donation Fund	0.00	11.95	143.36	143.36	143.36
7305 · Events Center-Rental Fees	0.00	208.33	3,100.00	2,500.00	2,500.00
7310 · Bluff Site Maint. Fee	0.00	283.33	0.00	3,400.00	3,400.00
7315 · Park Usage Fee	0.00	122.92	1,625.00	1,475.00	1,475.00
7845 · Federal Grant	0.00	0.00	216.42	0.00	0.00
Total Income	89,125.25	97,320.88	1,206,266.97	1,167,850.73	1,167,850.73
Gross Profit	89,125.25	97,320.88	1,206,266.97	1,167,850.73	1,167,850.73
Expense					
8000 · Trustees	693.13	333.33	4,467.75	4,000.00	4,000.00
8005 · Ordinances & Procedures	1,210.68	516.67	6,290.01	6,200.00	6,200.00
8010 · Colo. Muni League Dues	0.00	71.25	855.00	855.00	855.00
8015 · Elections	0.00	12.08	145.08	145.00	145.00
8020 · General Accounting	0.00	90.25	1,172.98	1,082.98	1,082.98
8025 · Auditing	0.00	508.33	6,100.00	6,100.00	6,100.00
8030 · Attorney	2,640.00	1,666.67	16,764.00	20,000.00	20,000.00
8035 · Insurance - General	0.00	668.47	8,021.64	8,021.64	8,021.64
8040 · Workman's Compensation	0.00	494.08	5,929.00	5,929.00	5,929.00
8050 · Colorado State Unemployment	8.32	57.93	421.91	695.10	695.10
8100 · Town's Share FICA	1,476.39	1,197.11	16,853.15	14,365.36	14,365.36
8110 · Town's Share MEDI	345.30	279.97	3,941.47	3,359.64	3,359.64
8115 · Town Share Health Insurance	3,256.39	2,830.07	24,707.83	33,960.80	33,960.80
8120 · Town Share Retirement Fund	321.55	507.92	4,756.66	6,095.02	6,095.02
8200 · Clerk/Treasurer Wages	4,454.86	3,954.86	50,458.32	47,458.32	47,458.32
8205 · Deputy Clerk	3,633.26	3,120.00	40,233.45	37,440.00	37,440.00
8208 · Media Relations Coordinator	0.00	71.84	862.06	862.06	862.06
8210 · Clerk Education	0.00	9.58	115.00	115.00	115.00
8215 · Office Supplies	771.09	83.33	1,999.14	1,000.00	1,000.00
8220 · Town Manager Wages	0.00	5,476.67	49,997.86	65,720.00	65,720.00
8225 · Manager/Bldg/Zoning Education	76.38	183.33	2,572.73	2,200.00	2,200.00
8235 · Building Inspector	4,160.86	270.83	14,916.23	3,250.00	3,250.00
8240 · County Treasurer's Fees	10.99	200.00	1,332.53	2,400.00	2,400.00
8280 · Payroll Expenses	0.00		588.00		
8300 · Town Hall Maintenance	468.99	416.67	4,905.13	5,000.00	5,000.00
8308 · Town Hall Utilities	1,272.29	591.67	8,206.58	7,100.00	7,100.00
8310 · Lease Equipment	241.00	125.42	1,446.00	1,505.00	1,505.00
8405 · Animal Control	0.00	25.25	302.67	303.00	303.00

Town of Westcliffe

General Fund Profit & Loss Budget Performance

December 2022

	Dec 22	Budget	Jan - Dec 22	YTD Budget	Annual Budget
8410 · Organizational Membership Dues	0.00	71.25	130.00	855.00	855.00
8505 · Townman Education	0.00	83.33	958.08	1,000.00	1,000.00
8510 · Street and Park Tech Wages	11,800.38	10,324.08	116,403.07	123,889.00	123,889.00
8515 · Street Maintenance & Fuel	5,930.47	3,750.00	36,376.02	45,000.00	45,000.00
8520 · Emergency Snow Removal	0.00	2,500.00	9,576.00	30,000.00	30,000.00
8525 · Street Lighting	2,447.66	1,000.00	13,868.23	12,000.00	12,000.00
8530 · Vehicle & Equip. Maintenance	3,875.25	1,666.67	32,220.85	20,000.00	20,000.00
8538 · Shop Maintenance	2,321.76	833.33	11,062.54	10,000.00	10,000.00
8540 · Shop Utilities	753.06	425.00	4,284.16	5,100.00	5,100.00
8545 · Highway Barn Utilities	650.25	383.33	4,344.41	4,600.00	4,600.00
8550 · Highway Barn Maint.	62.75	416.67	62.75	5,000.00	5,000.00
8600 · Park Utilities	2,587.12	2,125.00	15,984.37	25,500.00	25,500.00
8605 · Park Maintanence	99.74	1,666.67	20,391.24	20,000.00	20,000.00
8700 · Custer County Sheriff	0.00	4,708.33	56,500.00	56,500.00	56,500.00
8800 · Donations	7,322.60	2,333.33	24,681.95	28,000.00	28,000.00
8805 · Grants/Local	10,750.16	2,083.33	20,770.34	25,000.00	25,000.00
8806 · American Rescue Plan Expenses	0.00	13,153.97	0.00	157,847.64	157,847.64
8808 · Economic Development	0.00	500.00	0.00	6,000.00	6,000.00
8810 · Contingencies	0.00	833.33	0.00	10,000.00	10,000.00
8811 · Contribution to/fromCapital Fun	0.00	22,083.33	0.00	265,000.00	265,000.00
Total Expense	73,642.68	94,704.53	645,976.19	1,136,454.56	1,136,454.56
Net Income	**15,482.57**	**2,616.35**	**560,290.78**	**31,396.17**	**31,396.17**

9:03 AM
01/03/23
Accrual Basis

TOWN OF WESTCLIFFE
Capital Fund Profit & Loss Budget Performance
December 2022

	Dec 22	Budget	Jan - Dec 22	YTD Budget	Annual Budget
Income					
CRF7160 · Interest Income	2,049.87	250.00	6,749.91	3,000.00	3,000.00
CRF7212 · Grant (New Town Property)	0.00	1,041.67	12,500.00	12,500.00	12,500.00
CRF7220 · Grants (New) RW	64,061.01	88,468.16	826,758.00	1,061,617.90	1,061,617.90
CRF7224 · Grants (Existing) Town Pro	0.00	0.00	178,542.58	0.00	0.00
CRF7238 · Other Contributions	38,690.10	3,352.21	72,913.33	40,226.47	40,226.47
CRF7270 · Lease Proceeds Verizon Tower	1,000.00	1,000.00	12,000.00	12,000.00	12,000.00
CRF7285 · 1% Sales Tax from General Fund	35,478.87	33,425.70	426,913.26	401,108.42	401,108.42
CRF7810 · Transfers From General Fund	0.00	22,083.33	0.00	265,000.00	265,000.00
Total Income	141,279.85	149,621.07	1,536,377.08	1,795,452.79	1,795,452.79
Expense					
CRF8215 · Office Supplies/Bank Fees	30.00		30.00		
CRF9011 · CIP Roadway (Existing)	0.00	36,666.67	229,000.00	440,000.00	440,000.00
CRF9012 · CIP Town Property (Existing)	0.00	3,030.17	37,361.50	36,362.00	36,362.00
CRF9014 · Equipment Debt Service	930.74	930.75	10,238.14	11,169.00	11,169.00
CRF9025 · CIP Roadway (New)	577.50	73,144.83	991,993.10	877,738.00	877,738.00
CRF9026 · CIP-Town Property (New)	6,603.00	14,591.67	6,603.00	175,100.00	175,100.00
CRF9027 · CIP-Equipment (New)	0.00	127.58	22,874.07	1,531.00	1,531.00
CRF9101 · Improvements-Design	12,458.00	19,831.79	183,868.75	237,981.50	237,981.50
Total Expense	20,599.24	148,323.46	1,481,968.56	1,779,881.50	1,779,881.50
Net Income	**120,680.61**	**1,297.61**	**54,408.52**	**15,571.29**	**15,571.29**

2022 SALES TAX & PRIOR YEARS COMPARISONS

	2017	2018	2019	2020	2021	2022	2022	2022	% +/-
					3% total	2% of total (General Fund)	1% of total (Capital Fund)	3% Total Sales Tax	
JAN	18,861.17	25,564.67	30,006.18	34,234.63	69,693.17	52,130.67	26,065.34	78,196.01	12.20%
	50.27				150.80				
FEB	24,659.13	19,628.62	24,163.25	32,835.27	62,025.70	47,263.31	23,631.66	70,894.97	14.30%
	3.87				232.01				
MAR	26,843.98	29,456.57	36,077.93	51,033.37	88,768.43	62,836.37	31,418.18	94,254.55	6.18%
	245.19				15.95				
APR	30,763.20	26,907.00	31,062.04	46,184.28	77,315.01	63,620.32	31,810.16	95,430.48	23.43%
	0.02								
MAY	31,184.50	37,867.12	43,414.62	51,540.56	101,149.31	65,844.72	32,921.39	98,764.18	-2.36%
	185.6								
JUNE	40,835.96	45,084.65	56,385.66	69,361.40	121,572.25	87,594.31	43,797.16	131,391.47	8.08%
	83.13								
				2% of total (General Fund)					% +/-
JULY	43,306.02	43,950.00	56,461.48	65,272.29	117,054.99	88,247.65	44,123.83	132,371.48	13.08%
					130.50				
AUG.	38,829.14	35,968.42	46,583.57	59,524.79	88,928.52	85,806.99	42,903.49	128,710.48	44.73%
SEPT.	39,333.39	36,753.56	58,818.79	79,591.87	118,962.80	99,847.81	49,923.90	149,771.71	25.90%
OCT.	29,105.54	43,911.98	46,241.58	58,001.14	99,222.56	70,957.73	35,478.87	106,436.60	7.27%
	65.73			74.43					
NOV.	31,259.25	29,329.94	44,692.15	52,631.93	92,901.48	69,942.02	34,971.01	104,913.03	12.93%
	491.05			44.47	7.25				
DEC.	31,209.51	32,424.95	45,023.69	66,270.58	101,609.63				
1% Capital Fund									
TOTAL	356,049.01	406,847.48	473,907.25	547,579.60	845,999.44	794,091.90	397,044.99	1,191,134.96	40.80%

Proposed	340,000.00	360,000.00	518,930.94	510,000.00	898,561.65	802,216.84	401,108.42
Actual	387,315.65	406,847.48	473,907.25	547,579.60	1,139,740.36	794,091.90	397,044.99
Difference	47,315.65	46,847.48	45,023.69	-37,579.60	-241,178.71	8,124.94	4,063.43

CUSTER COUNTY SHERIFF'S OFFICE
DECEMBER 2022

	CCSO		SC		WC	
911 HANG UP/MISDIAL/OPEN LINE	13	68%	2	11%	4	21%
ACCIDENT	2	50%	1	25%	1	25%
ALARM	6	75%	0	0%	2	25%
ANIMAL COMPLAINT/ABUSE/NEGLECT	11	85%	1	8%	1	8%
ASSAULT	0	0%	0	0%	1	100%
ASSIST CITIZEN	6	32%	3	16%	10	53%
ASSIST OTHER AGENCY	7	58%	0	0%	5	42%
ATC/ATL/ATS/OIT	3	27%	2	18%	6	55%
BURGLARY	1	100%	0	0%	0	0%
CIVIL/SERVING PAPERS/STANDBY	9	82%	1	9%	1	9%
CRIMINAL MISCHIEF	0	0%	1	100%	0	0%
DISTURBANCE	2	20%	3	30%	5	50%
FIRE/SMOKE	9	90%	1	10%	0	0%
FRAUD	0	0%	0	0%	5	100%
HARASSMENT	1	33%	1	33%	1	33%
INTOXICATED DRIVER	0	0%	1	100%	0	0%
LOST/FOUND PET/PROPERTY	4	80%	0	0%	1	20%
MEDICAL	15	47%	6	19%	11	34%
MISSING PERSON	0	0%	1	100%	0	0%
OTHER	40	44%	14	16%	36	40%
REST ORDER VIOLATION	0	0%	1	100%	0	0%
SEX OFFENDER HOME VISIT	1	100%	0	0%	0	0%
SEXUAL ASSAULT	1	100%	0	0%	0	0%
SUICIDAL SUBJECT	0	0%	0	0%	2	100%
THEFT	0	0%	1	50%	1	50%
TRAFFIC COMPL/INCIDENT/OBSTRUCTION	5	71%	0	0%	2	29%
TRAFFIC STOP	37	39%	15	16%	44	46%
TRESPASS	2	67%	1	33%	0	0%
WEAPON LAW VIOL	2	40%	2	40%	1	20%
	177	47%	58	15%	140	37%

TOWN OF WESTCLIFFE
REQUEST TO BE PLACED ON AGENDA

Office of the Town Clerk
P.O. Box 406
Westcliffe, CO. 81252
townclerk@townofwestcliffe.com
719-783-2282

✓ **Westcliffe Town Board** _____ **Westcliffe Planning Commission**

Here are things you need to know:

- You must contact the Town staff prior to coming to the Board. Quite often the issue can be resolved by staff action.
- Please plan on attending the meeting. The Board of Trustees will be unable to take action without a representative in attendance.

Please complete the following information and return this form no later than ten days prior to the Board meeting to the above address or bring it to the Town Hall at 1000 Main Street our office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. (Regular Board meetings are scheduled for the first Monday of each month.)

Name of person making presentation: BILL CHRISTIE

Organization, if speaking on behalf of a group: C.C. OFFICE OF EMERGENCY MGMT

Is this a request for Board action? Yes (No)

Please provide a summary of your comments:

BRIEF INTRO AS "INTERIM" DIRECTOR OF OEM

What staff member have you spoken to about this? Please summarize your discussion:

Contact information:

Name: BILL CHRISTIE
Mailing Address: PO BOX 341
W'CLIFFE CO 81252

email: billc@custercounty-co.gov
Daytime Phone: 303 885 3359
(Personal Phone)

Chapter 1 [1]
ADMINISTRATION

SECTIONS: **PAGE**

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10-1-1: Title

A.[2] Title. An ordinance and map establishing Zoning Districts in Westcliffe, Colorado; regulating the location, height, bulk, size and type of buildings and other structures; the percentage of lot which may be occupied; the size of lots, courts and other open space; the size, illumination, and type of signs; the density and distribution of population; the location and use of land for residences, trade, industry, recreation, or other purposes; regulation of subdivision; PUD and supplementary regulations. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

B. Short Title. This Title 10 shall be known as the Westcliffe Land Use Code, portions of which are referred to herein as "Chapters," and the entirety of which is referred to as this "Title," or this "Code." (Ord. 2-2007, eff. 9/6/2007)

10-1-2: Purpose

A.[3] General Purpose. This title is necessary, designed, and enacted for the purpose of promoting the health, safety and general welfare of the present and future inhabitants of Westcliffe, Colorado, by lessening congestion in the streets and roads; securing safety from disease, fire and other hazards; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, communication,

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1 Title 10, Chapter 1 is amended by the addition of Section 16-Short Term Vacation Rentals, (Ord. 3-2021, eff. 6/1/2021)

2 Title 10, Chapter 1 "Administration", Section 1 "Title" Subsection A is repealed and reenacted in its entirety, (Ord. 13-2016, eff. 10/6/2016)

3 Title 10, Chapter 1 "Administration", Section 2 "Purpose" is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

power, water, sewerage, schools, parks, and other public development. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10-1-3: Authority and Enforcement [4] [5]

A. Authority. The Westcliffe Land Use Code is authorized by and enacted pursuant to Article 23, Chapter 31, of the Colorado Revised Statutes, as amended, and hereby is declared to be in accordance with all provisions of same. (Ord. 2-2007, eff. 9/6/2007)

B. Enforcement. This ordinance hereby establishes and shall be enforced by an officer appointed by the Board of Trustees to be known as the "Zoning Enforcement Officer." (Ord. 2-2007, eff. 9/6/2007)

C. Zoning Enforcement Officer. An official of the Town appointed by the Board of Trustees charged with authority for administration and enforcement of this Title. (Ord. 2-2007, eff. 9/6/2007)

D.[6] Certificate of Occupancy. No new building hereafter shall be occupied or used until inspected by the building inspector or person designated by the Board of Trustees and certificate of occupancy therefore has been issued by the Zoning Enforcement officer. Such certificate shall be issued within (10) working days after the –inspector has been notified of the building's completion and after a final inspection has been made to determine conformance with the provisions of this Title and the International Building Code that the town is currently operating on. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

E.[7] Records. All building permits, application records, records of inspection, and certificate of occupancy records shall be kept on file in the office of the Zoning Enforcement Officer/Building Inspector and shall be available for inspection by the public at the Building Inspectors office. This includes electronic records and data. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

F. Standards and Specifications. The Board of Trustees, by resolution, may adopt standards and specifications for the construction of all improvements as set forth in this Title. (Ord. 2-2007, eff. 9/6/2007)

G.[8] The Town shall form and maintain a Planning and Zoning Commission pursuant to C.R.S. 31-23-202 and C.R.S. 31-23-203. The Planning and Zoning Commission shall consist of five members, including the Mayor, one member of the Board of Trustees, and three members appointed by the Mayor at least one of which shall be the Town Building and Zoning Official. Pursuant to C.R.S. 31-23-203 (4), the Board of Trustees hereby elects to empower the Mayor to appoint members to the Planning and Zoning Commission, including the Town's Building and Zoning Official from either within the Town of Westcliffe, who are

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4 Title 10, Chapter 1, Section 3 is amended by the addition of subparagraph F. (Ord. 2-2007, eff. 9/6/2007)

5 Title 10, Chapter 1, Section 3 is amended by the addition of subparagraph G and re-title 10-1-3. (Ord. 1-2016, eff. 2/4/2016)

6 Title 10, Chapter 1 "Administration", Section 3 "Authority and Enforcement", Subsections, D is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

7 Title 10, Chapter 1 "Administration", Section 3 "Authority and Enforcement", Subsections, E is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

8 Title 10, Chapter 1, Section 3, is amended by adding Subsection G. (Ord. 1-2016, 2/4/2016)

full-time residents of Custer County, Colorado. Policies and Procedures of the Planning and Zoning Commission shall be approved by the Board of Trustees. (Ord. 1-2016, eff. 2/4/2016)

10-1-4: Interpretation

A.[9] Interpretation. The provisions of this Title are minimum requirements adopted for the promotion of the public health, safety, and general welfare. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

B. Conflict. Whenever the requirements of this Title are in conflict with the requirements of any other ordinance, rule, regulation, private covenant, or deed restriction, the more restrictive or that imposing the higher standards shall govern. (Ord. 2-2007, eff. 9/6/2007)

10-1-5: Violations and Penalties [10]

A. Violation and Penalty. Failure to comply with all of the provisions of this Title, unless a variance has been authorized by the Board of Adjustment, shall constitute a misdemeanor punishable by a fine of up to ~~T~~three hundred dollars ($300.00) per day. Each day that a violation continues to exist shall constitute a separate offense, unless the Zoning Enforcement Officer has determined a more reasonable period of time to correct the violation. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

B. Notification, Whenever the Zoning Enforcement Officer shall find a violation of any of the provisions of this Title, that officer shall notify the person responsible for the violation in writing citing the specific Municipal Code and shall order the necessary corrections or commitment to resolutions to be made within a ~~reasonable~~ period of time ~~to be~~ determined to be reasonable by the Zoning Enforcement Officer. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

C. Complaints. Any person aggrieved by a violation or apparent violation of the provisions of this Title may file a signed written complaint (Pursuant to C.R.S 24-72-203 Public Records are open to inspection) with the Zoning Enforcement Officer, who shall investigate such complaint and take –action within –ten (10) working days to have the violation penalized or ~~removed, if~~removed if such violation is found to exist. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10-1-6: Definitions[11] [12]

A. Rules of Language Construction. For the purposes of this Title and when not inconsistent with the context: (Ord. 2-2007, eff. 9/6/2007)

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9 Title 10, Chapter 1 "Administration", Section 4 "Interpretation" Subsection A is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

10 Title 10, Chapter 1 "Administration" Section 5 "Violations and Penalties" Subsections A, B and C are repealed and reenacted in their entirety. (Ord. 13-2016, eff. 10/6/2016)

11 Title 10, Chapter 1, Section 6, subparagraph C, is amended by the addition of subsection 18.1, subsection 19, subparagraphs "a through g" and subsection 20.1, and the repeal and reenactment of subsections 24 & 25. (Ord. 2-2007, 9-6-2007)

12 Title 10, Chapter 1, Section 6, Paragraph C, Subparagraph 65 shall be repealed in its entirety and the remaining renumbered. (Ord. 5, 2017, eff. 4-4-2017)

1. Words used in the present tense include the future. (Ord. 2-2007, eff. 9/6/2007)
2. Words in the singular include the plural. (Ord. 2-2007, eff. 9/6/2007)
3. Words in the plural include the singular. (Ord. 2-2007, eff. 9/6/2007)
4. The masculine includes the feminine. (Ord. 2-2007, eff. 9/6/2007)
5. The word "shall" is mandatory and not directory. (Ord. 2-2007, eff. 9/6/2007)
6. The word "may" is permissive. (Ord. 2-2007, eff. 9/6/2007)
7. The particular controls the general. (Ord. 2-2007, eff. 9/6/2007)

B. Interpretation. Certain words and phrases are defined; and certain provisions shall be interpreted as herein set out, when not inconsistent with the context. The work "structure" includes the word "building"; the work "person" includes a "firm," "association," "corporation," "partnership," and "natural person"; the work "used" includes the word "occupied," "arranged," "designed," or "intended to be used"; the word "construct" includes the words "erect," "reconstruct," "alter," "move in," and "move upon." (Ord. 2-2007, eff. 9/6/2007)

C. Definitions:[13] [14] [15]

1. Accessory Structure: a detached subordinate structure, the use of which is customarily incidental to that of the principal building or to the main use of the land and which is located on the same lot with the principal structure or use. Such a structure does not include dwellings or living quarters of any kind. (Ord. 2-2007, eff. 9/6/2007)

2. Accessory Use. A use naturally and normally incidental and subordinate to the permitted use of a land or lot area. (Ord. 2-2007, eff. 9/6/2007)

3. Alley: A public, dedicated right-of-way used primarily as a service or secondary means of access and egress to the service side of abutting property. (Ord. 2-2007, eff. 9/6/2007)

~~4. Bed and Breakfast: A private residence, several rooms in which one or more rooms of which are set aside for overnight guests whose paid accommodations include breakfast. (Ord. 13-2016, eff. 10/6/2016)~~

~~5~~4. Block: A parcel of land bounded on all sides by a street or streets. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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13 Title 10, Chapter 1, Section 6, subparagraph C is amended with the addition of 47 through 51. (Ord. 8-2014, 12-13-2014)

14 Title 10, Chapter 1 "Administration", Section 6 "Definitions" Subsection C "Definitions", 8, 9, 11, 22, 23 Paragraphs b, c and f, 24, 30, 32, 48, 51, 54 are repealed and reenacted in their entirety, and new definitions added - 4, 21, 33, 34, 35, 36, 37, 38, 39, 40, 41, 46, 50, 58, 61, 66 and 67 as follows: and are amended by renumbering. (Ord. 13-2016, eff. 10/6/2016

15 Title 10, Chapter 1, Section 6, Paragraph C is amended by the deletion of Subparagraph 65 and renumber the remaining. (Ord. 5-2017, eff. 4-4-2017)

~~6~~5. Board of Trustees: The Board of Trustees of the Town of Westcliffe, Colorado. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~7~~6. Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~8~~7. Building Height: The vertical distance as measured from the average (pre-development) grade level at the four (4) points of the structure most closely approximating geographic north, south, east and west, to the highest point of the roof structure, exclusive of mechanical infrastructure such as chimneys, vents, pipes, spires or similar items. Pre-development grade shall be established by use of scaled photographs taken from the crown of the adjacent street before construction, compared to similar photographs taken after construction. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~9~~8. Building Set-Back: A line extending across the full width or side of a lot, parallel with the street right-of-way or property line and outside of which no building or structure shall be constructed. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~10~~9. Commission: See Planning Commission. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~11~~10. Consumer: Any person contacted as a potential purchaser, lessee or renter as well as one who actually purchases, leases or rents property. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~12~~11. County: Custer County, Colorado. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~13~~12. County Commissioners: The Board of County Commissioners of Custer County, Colorado. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~14~~13. Dedication: A grant by the owner of a right to use land to the public in general involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~15~~14. Density: The average number of dwelling units per acre, excluding areas used for public rights-of-way. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~16~~15. Dwelling: A principal structure designed to be used as a living place for one or more persons or families but not including hotels, lodging, motels, clubs, boarding houses~~,~~. ~~And or~~ orany institution such as an asylum, hospital, or jail where persons ——are housed by reason of illness or under legal restraint. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~17~~16. Dwelling Unit: Any building or portion thereof which is intended for long-term human habitation which includes sleeping, cooking and sanitation facilities for not more than one family. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~18~~17. Easement: A dedication of land for a specified use, such as providing access for maintenance of utilities. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~19. Family: One or more persons living together as in a single housekeeping unit in a dwelling unit~~. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~20~~18. Fully Shielded: A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal. (Ord. 8-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

~~21~~19. Government Buildings: Any buildings used as an office, branch, or agency of the federal, state, county, or municipal governing body. (Ord. 13-2016, eff. 10/6/2016)

~~22~~20. Heavy Industrial: Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. Heavy industrial shall also mean those uses engaged in the operation, parking or maintenance of vehicles, including trailers, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck or trailer terminals, public works yard, container storage). (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~23~~21.[16] Home Occupation: Any non-residential use undertaken for monetary gain within a Dwelling Unit or Accessory Structure, which: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

a. is operated solely by the inhabitants thereof, which use clearly is incidental and secondary to the use of the Dwelling Unit for living purposes; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

b. does not have more than one employee excluding the inhabitants at the Dwelling Unit or Accessory Structure; (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

c. does not generate excessive vehicular traffic or parking; (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

d. does not involve retail or wholesale sales of supplies or products unless said sales are commonly related to a service provided at the location of the Home Occupation or delivery of said supplies or products is by mail order or over the Internet; -(Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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16 Title 10, Chapter 1, Section 6, Paragraph 23 is repealed and reenacted in it's entirety by removing the last sentence. (Ord. 8-2018, eff. 8/3/2018)

e. has no signs, display, advertising or activity that would in any way indicate that the premises are being used for a Home Occupation except for a single sign, which may be attached either to the Dwelling Unit or the Accessory Structure, such sign not to exceed an area of two square feet; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

f. is conducted entirely on the interior of a Dwelling Unit or Accessory Structure, except ~~that~~ those exterior activities shall be allowed with approval by the zoning officer; and (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

g. generates no vibration, smoke, dust, odors, noise, electrical interference with radio or television transmission or reception, or heat or glare in excess of levels customarily found in residential neighborhoods that is noticeable at or beyond the property line of the premises upon which the Home Occupation is located. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~24~~. ~~Hotel: A building designed for occupancy with or without meals and in which no facilities are provided for cooking meals in individual rooms~~See lodging. ~~(Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/2016)~~

~~25~~22. ~~Light Industrial: Manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining and primary metal or related industries. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)~~

~~26~~24. Light Pollution: any and all nuisances caused by adverse effect of man-made light, including but not limited to glare, light trespass, sky glow, visual clutter, ~~and wasted energy due to excessive or unnecessary lighting;~~ or artificial light that unnecessarily diminishes the ability to view the night sky or is disruptive to flora and fauna. (Ord. 8-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

~~27~~25. Light Trespass: Light projected across property lines or into the public right-of-way when it is not required or permitted to do so. (Ord. 8-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

26. Lodging ~~Business~~Establishment: ~~means a lodging unit, hotel, motel, inn, bed and breakfast, or hostel used for temporary occupancy for sleeping purposes.~~ Means a bed and breakfast, as defined in C.R.S. section 12-47-103 (3), or a hotel, motel, resort, or public inn, as defined in C.R.S. section 12-44-101 (3)~~.~~

~~28~~27. Lot: A parcel or portion of land separated from other parcels or portions by legal description and intended for transfer of ownership or building development. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~29~~28. Lot Area: The total number of horizontal square feet contained within the boundaries of the lot lines of the lot. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~30~~29~~.~~ Lot Line: A line separating a parcel or portion of land from another by legal description. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~31~~30. Lumen: A unit used to measure the amount of light that is produced by a light source. The lumen quantifies the amount of light energy produced by a lamp at the lamp, not by the energy input, which is indicated by the wattage. One foot-candle means one lumen per square foot of area illuminated. (Ord. 8-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

~~32~~31. Manufactured Home: A dwelling unit which is partially or entirely manufactured in a factory; is installed on a permanent foundation; is pursuant to the International Building Code as adopted by the Board of Trustees. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~33~~32. Marijuana: means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. "Marijuana" or "marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product. (Ord. 13-2016, eff. 10/6/2016)

~~34~~33. Marijuana Accessories: means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, –vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body. (Ord. 13-2016, eff. 10/6/2016)

~~35~~34. Marijuana Cultivation Facility: means an entity licensed to cultivate, prepare and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers. (Ord. 13-2016, eff. 10/6/2016)

~~36~~35. Marijuana Establishment: means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store. (Ord. 13-2016, eff. 10/6/2016)

~~37~~36. Marijuana Product Manufacturing Facility: means an entity licensed to purchase marijuana; manufacture, prepare and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers. (Ord. 13-2016, eff. 10/6/2016)

~~38~~37. Marijuana Products: means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use and consumption, such as, but not limited to, edible products, ointments, and tinctures. (Ord. 13-2016, eff. 10/6/2016)

~~39~~38. Marijuana Testing Facility: means an entity licensed to analyze and certify the safety and potency of marijuana. (Ord. 13-2016, eff. 10/6/2016)

~~40~~39. Medical Marijuana Center: means an entity licensed by a state agency to sell marijuana and marijuana products pursuant to section 14 of this article and the Colorado Medical Marijuana Code. (Ord. 13-2016, eff. 10/6/2016)

~~41~~40. Marijuana Retail Store: means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers. (Ord. 13-2016, eff. 10/6/2016)

~~42~~41. Mobile Home: A structure which is transportable in one or more sections; is built upon a permanent chassis, is designed to be used as a place of living for a single family, with or without permanent foundation and retains it's original title, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~43~~. ~~Motel: A group of attached or detached buildings containing individual living or sleeping units, designed for or used temporarily by tourists and transients, with garage or parking space near each rental unit.~~See Lodging. ~~(Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)~~

~~44~~42. Nonconforming Building: A building or portion thereof, legally built prior to the effective date of this Title or any pertinent amendment thereto, which does not conform to the regulations for the district in which it is located. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~45~~43. Nonconforming Use: Land or a building lawfully occupied prior to the effective date of this Title or any pertinent amendment thereto, by a use which does not conform to the regulations for the district in which it is located. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~46~~44. Nuisance Defined: Anything which is injurious to the health or indecent or offensive to the senses or an obstruction to the free use of property so to

interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated. (Ord. 13-2016, eff. 10/6/2016)

~~47~~45. Permit: A document issued by the Town of Westcliffe, Colorado, granting permission to perform an act or service which is regulated by the said Town. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~48~~46. Person: An individual, partnership, corporation, association, LLC, unincorporated organization, municipality, state agency, trust or any other legal or commercial entity, including joint venture or affiliated ownership. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~49~~47. Planning Commission: The Planning Commission of the Town of Westcliffe, Colorado. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~50~~48. Planned Unit Development (PUD): A project or subdivision that consists of common property and improvements that are owned and maintained by an owner's association for the benefit and use of the individual units within the project. (Ord. 13-2016, eff. 10/6/2016)

~~51~~49. Plat: A map, drawing or chart, drawn to scale, upon which the subdivider presents proposals for the physical development of a subdivision and PUD and which he or she submits for approval and intends to record in final form. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

50. **"Political sign"** means a sign used in connection with a local, state or national political issue, election or referendum.

~~52~~50~~1~~1. Property Line: See Lot Line. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~53~~51~~1~~2. Public Hearing: A public meeting held by the Planning Commission or Board of Trustees at which citizens' opinions may be voiced concerning the subject of the hearing, and at which a decision on the matter may be made. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~54~~52~~2~~3. Public Notice: Notice of a public hearing by the Board of Trustees, Planning Commission or Board of Adjustment. Unless otherwise specified, such notice shall be published one (1) time in a newspaper of general circulation in the Town at least seven (7) days before such hearing. In the case of proposed changes to the Zoning Map, such publication shall be made at least ten (10) days prior to the hearing. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~55~~53~~3~~4. Reservation: A legal obligation to keep property free from development for a stated period of time, not involving any transfer of property rights. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~56~~54~~.~~.5 Road: See Street. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~57~~55~~6~~. Right- of- Way: The entire dedicated tract or strip of land dedicated for circulation and service. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~58~~56~~7~~. RV Park: A place where people with recreational vehicles can stay overnight, or longer, in allotted spaces known as "pitches". (Ord. 13-2016, eff. 10/6/2016)

5~~7~~8. Short Term Rental (STR) means the rental or lease of a single-family or multi-family residential dwelling unit, or part thereof, for less than thirty (30) consecutive days. ~~a lodging use of a furnished residential dwelling unit, or portion thereof, for less than thirty (30) consecutive days per rental~~. Hotel, motel, or lodge rooms and B&Bs and inns, are not considered a~~n~~ STR. Offering the use of one's property where no fee is charged or collected is not considered a~~n~~ STR.

59. Short-term Rental 1 (STR1) means either:

a. An owner-occupied dwelling unit in which bedrooms are rented or offered for rent for periods of less than thirty (30) days; or

b. A dwelling unit on a two-dwelling unit property, in which one unit is occupied by the owner of the entire property, and the second unit is rented or offered for rent for periods of less than thirty (30) days.

60. Short-term Rental 2 (STR2) means: A dwelling unit that is not occupied by its owner that is rented or offered for rent for periods of less than 30 days.

~~598~~61. Site Development: The Zoning Enforcement Officer shall have authority to determine whether an activity, including a substantial addition to an existing structure, constitutes site development; that determination may be appealed to the Board of Adjustment ~~All construction and improvements on any parcel, lot or tract of property within the Town and on any structure (other than construction or remodel of a single family residence or one duplex building, or normal maintenance or repair)~~,Site Development includ~~ing~~es but is not limited to substantial clearing, grading, filling or excavation, streets and roads, drainage, utilities, parking lots and structures, landscaping, street lights, signs and moving of structures. ~~The Zoning Enforcement Officer shall have authority to determine whether an activity, including a substantial remodel of or addition to an existing structure, constitutes site development; that determination may be appealed to the Board of Adjustment~~. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~609~~62. Street: A way for vehicular traffic, further classified and defined as follows: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

a. Arterial streets are those which permit the relatively rapid and unimpeded movement of large volumes of traffic from one part of the community to another. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

b. Collector streets are those which collect traffic from local streets and carry it to arterial streets or to local traffic generators such as neighborhood shopping centers and schools. Collector streets include the principal entrance streets to a residential development, those streets linking adjacent developments, and those streets providing circulation within such developments. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

c. Local streets are those used primarily for direct access to lots abutting the right-of-way. Local streets carry traffic having an origin or destination within the development and do not carry through traffic. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~61~~6~~0~~3. Storage Units: ~~A system whereby individuals rent~~ a facility with containers or rooms rented ~~in a larger warehouse~~ to store ~~possessions~~property. (Ord. 13-2016, eff. 10/6/2016)

~~62~~6~~1~~4. Subdivider: Any person acting individually or as a group dividing or proposing to divide land so as to constitute a subdivision. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~63~~6~~2~~5. Subdivision:

a. The division of a parcel of land into two or more parcels, sites or lots for the purpose, whether immediate or future, o~~f~~r transfer of ownership or building development; or a tract of land, including land to be used for condominiums, apartments, Townhomes or any other multiple-dwelling units, ~~or for~~ time-sharing dwelling units, unless the improvement with the same density has previously complied with the requirements of the subdivision regulations contained in this Title 10; or (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

b. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the dedication, opening, widening or extension of any street or streets; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public Sewerage, water, storm drainage or other public utilities or facilities. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

c. Unless the method of land disposition is adopted for the purpose of evading this definition, the term subdivision as defined in this Section shall not apply to any of the following divisions of land or interests in land: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

1. The division of land by order of any court in the State or by operation of law. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

2. The division of land by a lien, mortgage, deed or trust or any other security instrument. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3. The division of land by a security or unit of interest in any investment trust regulated under the laws of the State or any other interest in an investment entity. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

4. The division of land which creates cemetery lots. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

5. The division of land which creates an interest or interests in oil, gas or minerals which are now or hereafter severed from the surface ownership of real property. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

6. The division of land by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed for purposes of this Section as only one (1) interest. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~43~~6. Town: The Town of Westcliffe, Colorado. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~54~~7. Unshielded Fixture: A fixture which, as designed or installed, emits all or part of the light above the lowest part of the light source. (Ord. 8-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

~~65~~8. Use by Special Review: A process and procedure which provides for review and approval of certain uses which, although permitted within specific zoning districts, may contradict some regulations in the Land Use Code. (Ord. 13-2016, eff. 10/6/2016)

~~67~~9. Variance: The process by which an applicant can request deviation from the set of rules a municipality applies to land use and land development, typically a zoning ordinance, building code, or municipal code. (Ord. 13-2016, eff. 10/6/2016)

~~68~~70. Yard, side: that part of a lot which is located between the center line of the property and abutting private property. A corner lot shall be deemed to have two front yards, and shall be required to conform to the minimum setback for yards on each side abutting the street. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~698~~71. Yard, front: that portion of a yard between the front lot line and the principal structure, and between the two (2) side lot lines, the depth of which shall be the least distance between the front lot line and the building. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~709~~72. Yard, rear: that portion of a yard between the rear of the principal structure and a rear lot line and between two (2) side lot lines, the depth of which shall be the least distance between the principal structure and the rear lot line. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10-1-7: Nonconforming Buildings and Uses

A. Nonconformance. Certain uses of land and buildings may be found to be in existence at the time of enactment of this Title that do not meet the requirements of this Title. It is the intent of this Title to allow the continuance of such nonconforming uses, subject to the requirements and limits herein. (Ord. 2-2007, eff. 9/6/2007)

B. Alterations and Extensions. No building, sign or light fixture or use that is nonconforming as of the effective date of this Title shall be expanded in any way that would increase the degree of nonconformance. The following changes or alterations may be made to a nonconforming building: (Ord. 2-2007, eff. 9/6/2007)

1. Repair to a building, sign or light fixture that officially has been declared unsafe, to restore such building, sign or light fixture to a safe condition. (Ord. 2-2007, eff. 9/6/2007)

2. Maintenance repairs that are necessary to maintain the good condition of the building, sign or light fixture. (Ord. 2-2007, eff. 9/6/2007)

3. Any structural alteration that would reduce the degree of nonconformance or change the use to a conforming use. (Ord. 2-2007, eff. 9/6/2007)

C. Restoration. A nonconforming building that has been damaged by fire or other natural cause may be restored to its original usability, provided such restoration is begun within nine (9) months and completed within ~~three (3)~~two (2) years of the occurrence of the damage. (Ord. 2-2007, eff. 9/6/2007)

D.[17] Discontinuance. Whenever a nonconforming building has been vacant for a period of twelve (12) months, it shall not thereafter be reestablished. Changes of ownership qualifies as a discontinuance, therefor any future use shall be in conformance with the provisions of this Title. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

Any nonconforming use in existence at the time of the effective date of this Title that has a valuation of all improvements of $1,500 or less shall be discontinued within two (2) years from the effective date of this Title. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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[17] Title 10, Chapter 1 "Administration", Section 7, "Nonconforming Building and Uses" Subsection D is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

E. Nonconforming Lots. Nonconforming lots on record on the date of enactment of this Title may be built upon, provided that yard requirements are met and that the approval of the Board of Adjustment is obtained. (Ord. 2-2007, eff. 9/6/2007)

F. Change in Nonconforming Use. No nonconforming use of a building or lot may be changed to another nonconforming use. (Ord. 2-2007, eff. 9/6/2007)

G. Construction Prior to Ordinance Enactment. Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a building permit has been issued and construction of which diligently shall have been prosecuted within three (3) months of the date of such permit. (Ord. 2-2007, eff. 9/6/2007)

10-1-8: Board of Adjustment[18]

A. Membership. There is hereby established a Board of Adjustment for the Town consisting of the membership of the Board of Trustees as it exists from time to time. The Board of Adjustment shall have all of the rights, duties and obligations of Board of Adjustment as described in § 31-23-307, et seq., C.R.S., except to the degree such duties, rights or obligations conflict with any provision of this Title or other ordinance adopted by the Board of Trustees. The Board of Adjustment shall be chaired by the Mayor, as that office is occupied from time to time. (Ord. 2-2007, eff. 9/6/2007)

B. Duties and Powers. It shall be the duty of the Board of Adjustment: (Ord. 2-2007, eff. 9/6/2007)

1. To meet at the call of the chairman, by his request or by the request of the Zoning Enforcement Officer, or the Planning Commission, or by the request of any party wishing to appeal a decision of the Zoning Enforcement officer. See Section E of this section for the procedure. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

2. To adopt any rules necessary to transact the board's business or to expedite its functions or powers, provided such rules are not inconsistent with the provisions of this Title. (Ord. 2-2007, eff. 9/6/2007)

3. To vote upon the granting of an adjustment to requirements of this Title, which vote must have the concurrence of at least a majority of the board in order to reverse an order of the Zoning Enforcement Officer or to grant any variance or to decide in favor of the applicant on any matter. (Ord. 2-2007, eff. 9/6/2007)

4. To permit the public to attend and be heard at all of its meetings. (Ord. 2-2007, eff. 9/6/2007)

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18 Title 10, Chapter 1 "Administration", Section 8, "Board of Adjustment" Subsections B Paragraph 1, Subsections E and F are repealed and reenacted in their entirety. (Ord. 13-2016, 10/6/2016)

5. To notify in writing the Zoning Enforcement Officer, the owner involved, and the Planning Commission, of all hearings scheduled, resolutions passed, decisions made, and permits authorized. (Ord. 2-2007, eff. 9/6/2007)

6. To publish or cause to be published notice of the dates of hearings, where such hearings are deemed necessary by the board. (Ord. 2-2007, eff. 9/6/2007)

C. The Board of Adjustment shall have the power to interpret this Title, including any uncertainty as to boundary location, or meaning of wording, so long as such interpretation is not contrary to the purpose and intent of this Title. (Ord. 2-2007, eff. 9/6/2007)

D. Section 10-1-8.D regarding the Board of Adjustment is repealed and is reenacted to provide as follows: The Board of Adjustments shall have the power to grant variances from the provisions of this Title, but only where all of the following conditions are found to exist: (Ord. 2-2007, eff. 9/6/2007)

1. The variance will not authorize any use other than a use enumerated as a permitted use in the district; (Ord. 2-2007, eff. 9/6/2007)

2. The variance will be necessary to mitigate or relieve practical difficulties or unnecessary hardships; (Ord. 2-2007, eff. 9/6/2007)

3. The variance will not place an unnecessary burden on the future resources of the Town or on adjoining land owners; (Ord. 2-2007, eff. 9/6/2007)

4. The variance will not change the predominant character of the neighborhood and will be compatible with the surrounding area; and (Ord. 2-2007, eff. 9/6/2007)

5. The variance will not be out of harmony with the intent and purpose of this Title. (Ord. 2-2007, eff. 9/6/2007)

The Board of Adjustments may impose conditions for granting any variance including, without limitation, time limits on the variance, limitations as to the uses allowed and restrictions on uses to which the variance may apply. (Ord. 2-2007, eff. 9/6/2007)

E. Procedure. The Board of Adjustment shall act in strict accordance with all of the applicable laws of the State of Colorado and all applicable ordinances of the Town of Westcliffe. All appeals to the Board of Adjustment shall be filed in writing with the Town Clerk within fifteen (15) days of the decision being questioned. Every appeal shall indicate which provisions of this Title are involved, what relief is being sought, and the grounds on which such an appeal is predicated. The chairman of the Board of Adjustment shall, within forty-five (45) days from the filing of an appeal, call a meeting of the board for the purpose of reviewing the matter. At the same time, at the discretion of the Board of Adjustment a copy of the filed appeal may be transmitted to the Planning Commission for an opinion, which opinion shall be returned to the Board of Adjustment before the date set for hearing the appeal. Notification of the decision of the board then shall be made. (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

F. Appeals of the decision the Board of Adjustment. Review of the decision of the Board of Adjustment shall be made to the courts, as provided by law. (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

10-1-9: Development Review Process[19] [20]

A. Scope and application.

1. All site development within the Town shall be required to follow the procedures and satisfy the requirements set out below prior to development. Site development is defined at Section 10-1-6.C.59. The developer is required to attend in person or by authorized representative, all meetings at which the project is considered, unless otherwise notified by the Town. With the exception of the erection of signs which must comply with the sign ordinance, no site development of property may be initiated, the use of property may not be substantially changed, substantial clearing, grading, filling or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved or substantially altered except in accordance with and pursuant to one (1) or more of the following approvals: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

   a. A site plan approval pursuant to Section 10-1-10; (Ord. 2-2007, eff. 9/6/2007)

   b. A planned unit development approval pursuant to Section 10-2-4.M; (Ord. 2-2007, eff. 9/6/2007)

   c. A subdivision approval pursuant to Chapter 3; or (Ord. 2-2007, eff. 9/6/2007)

   d. A use permitted by special review pursuant to Section 10-1-12 (Ord. 2-2007, eff. 9/6/2007)

2. All site development must also obtain building and construction permits pursuant to the uniform codes adopted by the Town and must comply with all other applicable sections contained within this Title. (Ord. 2-2007, eff. 9/6/2007)

B. Pre-application conference. Prior to the formal submittal of any request for approval to proceed with site development, an informal pre-application conference shall be held between the applicant and the Town staff. This conference will serve to acquaint the applicant with the requirements of this Title and to allow staff to become familiar with

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19 Title 10, Chapter 1, Section 9 is amended by the repeal and reenactment of subparagraph "A", subsection 1, subparagraphs "b" and "d" and subparagraph "D". Ord. 2-2007, eff. 9/6/2007

20 Title 10, Chapter 1 "Administration", Section 9, "Development Review Process" Subsection A Paragraph 1 is repealed and reenacted in its entirety. Subsections C Paragraphs 1, 2 and Subsection D are repealed and reenacted in their entirety. Ord 13-2016, eff. 10/6/2016

the applicant's development intent and design philosophy. A schematic site plan and building concept drawings will aid in discussion at this conference; however applicants are encouraged not to prepare detailed designs which might require extensive revision as a result of the pre-application conference. (Ord. 2-2007, eff. 9/6/2007)

C. Review process.

1. The following chart establishes the required review steps applicable to different forms of site development. Applicants seeking site development approval should refer to the chart to determine which one (1) or more "APPROVALS SOUGHT" under the left-hand column of the chart applies to the proposed site development. The required stages of review for such approval are shown on the lines to the right. Submission requirements and the specific review process for each stage are set out elsewhere in this Title under the appropriate headings. Unless otherwise indicated, amendment or modification of prior site development approval shall follow the procedure for review of the original application. Notwithstanding Section 31-23-215, C.R.S., the Planning Commission is not required to act on any application (including subdivisions) until thirty (30) days following the first public meeting or public hearing. (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

2. In the event the Planning Commission or Town Staff recommends denial of the application at any stage, the applicant may choose to proceed to the next stage of review or may resubmit the application at the first stage. If, in the opinion of the Building & Zoning Official, a submittal at any stage of review is incomplete, the matter shall be removed from the agenda and not further processed until deemed complete. (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

3. The Planning Commission or Board of Trustees may require, prior to or as a part of any preliminary or final site development review, that the applicant permit a site visit by the members of the Commission or Board, as the case may be. In the event a site visit is required, the applicant shall provide access to the property sufficient to accommodate the needs of the site visit and shall, upon request by the Town, stake, flag or otherwise identify on or above the ground those features of the property or the proposed development (for example, wetland boundaries, proposed building envelopes and heights, road alignments) requested. (Ord. 2-2007, eff. 9/6/2007)

4. The Planning Commission or Board of Trustees may require at any stage of review of any site development, submission of any plan, study, survey or other information, in addition to that specified in this Title, and at the applicant's expense, as such body may determine necessary to enable it to review and act upon the application in order to determine whether the application complies with the requirements of this Title: (Ord. 2-2007, eff. 9/6/2007)

10-1-9

D. Review Process Chart. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

APPROVAL SOUGHT	PRELIMINARY				FINAL		COMMENTS
	S	PC	TB	S	PC	TB	
Site Plan	X	CU	CU	X	CU	CU	
Use by Special Review				X	M	H	
PUD	X	M	H	X	H	H	Ordinance required
Variance				X	M	H	TB serves as BOA
Rezoning				X	H	H	Ordinance required
Minor Subdivision				X	CU	CU	Recorded plat
Major Subdivision	X	M	H	X	H	H	Recorded plat
Vacation of Streets				X	M	H	Ordinance required
Correction plat				X			Recorded plat

S = Staff review
PC = Planning Commission
TB = Board of Trustees
M = Public Meeting
H = Public Hearing
X = Town Staff
CU = Call upon request of Planning Commission or Board of Trustees

10-1-10: Site Plan Approval[21] [22]

The requirements of this Section apply to site development (as defined at Section 10-1-6.C.59) on property for which the use proposed is a use by right and subdivision or planned unit development approval is not sought. The review process for site plan consists of two staff reviews: at the preliminary and at the final stage (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

The applicant shall submit the following information in a brief summary

A. General project concept (Ord. 2-2007, eff. 9/6/2007)

B. Specific uses proposed, and intensity of use proposed (floor area and parking demand (Ord. 2-2007, eff. 9/6/2007)

C. Proposed construction timing (Ord. 2-2007, eff. 9/6/2007)

D. General concepts concerning building size and exterior materials and site plan concepts: (Ord. 2-2007, eff. 9/6/2007)

~~1. An exterior materials package including roof material and color, wall treatment, glass and glazing. (Ord. 2-2007, eff. 9/6/2007)~~

~~2~~1. Site plan concepts including site organization, landscaping, irrigation, grading, lighting and signs. (Ord. 2-2007, eff. 9/6/2007)

E. The following additional data may be required by the Town to accompany the application: (Ord. 2-2007, eff. 9/6/2007)

1. A site plan to scale showing location of structures, number of dwelling units per structure, existing contours at an interval of 2 feet, location of open space to be retained, location of off-street parking spaces, location of common areas and their proposed usage (Ord. 2-2007, eff. 9/6/2007)

2. Evidence of availability of public water and sewer facilities. Such evidence shall be in the form of a written commitment by a municipal or quasi-municipal agency stating that such service will be available to the property (Ord. 2-2007, eff. 9/6/2007)

3. Other information required by the Zoning Enforcement Officer (Ord. 2-2007, eff. 9/6/2007)

F. The Zoning Enforcement Officer shall act to approve, approve with conditions, or deny the site plan application, with the option of seeking Planning Commission approval.(Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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21 Title 10, Chapter 1, Section 10 is amended by the repeal and reenactment of the introductory paragraph. (Ord. 2-2007, eff. 9/6/2007)

22 Title 10, Chapter 1 "Administration", Section 10, "Site Plan Approval" is repealed and reenacted in its entirety. Subsection F is repealed and reenacted in its entirety. Ord. 13-2016, eff. 10/6/2016

10-1-11: Amendment of Zoning Map (Rezoning)[23] [24] (Ord 13-2016, eff. 10/6/2016)

A. Declaration of Policy and Standards for Rezoning. For the purposes of establishing and maintaining sound, stable and desirable development within the Town of Westcliffe, the rezoning of land is to be discouraged and allowed only under certain circumstances as provided hereafter. This policy is based on the opinion of the Board of Trustees that the Town's Zoning Map is the result of a detailed and comprehensive appraisal of the Town's present and future needs regarding land use allocation and, as such, should not be amended unless to correct a manifest error or because of changed or changing conditions in a particular area or the Town in general. Rezoning shall only be allowed if the applicant demonstrates by clear and convincing evidence that rezoning is necessary because of one or more of the following reasons: (Ord. 2-2007, eff. 9/6/2007)

1. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town's Master Plan. (Ord. 2-2007, eff. 9/6/2007)

2. The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or new approach to development. (Ord. 2-2007, eff. 9/6/2007)

3. The proposed rezoning is necessary in order to provide land for a community related use which was not anticipated at the time of the adoption of the Town's Master Plan, and that such rezoning will be consistent with the policies and goals of the Master Plan. (Ord. 2-2007, eff. 9/6/2007)

B. Procedure for Amendments in General. The Board of Trustees may, on its own motion, on application of any Person or Persons in interest, and upon receiving recommendation of the Planning Commission, amend, supplement or repeal the regulations and provisions of this chapter, including the Zoning Map; provided that where land is sought to be rezoned on an application of any Person or Persons in interest, the applicant shall have a controlling record title ownership interest in the subject property as demonstrated by an ownership and encumbrance report or title insurance commitment issued with thirty (30) days of submission of the application. Also, an intended purchaser may make application if the purchase of the subject property is contingent on the amendment. (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

1. Application. No application shall be accepted unless accompanied by the fee as provided in Section 10-1-15 (Ord. 2-2007, eff. 9/6/2007)

2. Planning Commission Recommendation. Any proposed amendment or change to this chapter or to the Zoning Map, whether proposed by the Board

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23 Title 10, Chapter 1, Section 11 is amended by the repeal and reenactment of subparagraphs "A", "B" and "C". Ord. 2-2007, eff. 9/6/2007

24 Title 10, Chapter 1 "Administration", Section 11, "Amendment of Zoning Map (Rezoning)" Subsection A Paragraph 4 is deleted in its entirety, Subsection B is repealed and reenacted in its entirety. Subsection B Paragraphs 3 and 4 are repealed and reenacted in their entirety. Subsection C is repealed and reenacted in its entirety and Paragraph 1 is deleted, Subsection C and Paragraphs 2, 3 and 4 are repealed and reenacted in their entirety and renumbered. Ord. 13-2016, eff. 10/6/2016

of Trustees or otherwise, shall be referred to the Planning Commission for a recommendation thereon. (Ord. 2-2007, eff. 9/6/2007)

3. Procedure before Planning Commission. Before giving an advisory report or initial recommendation on any proposed amendment to this Ordinance or to the Zoning Map, the Planning Commission shall first conduct a Public Hearing thereon. Notice of the time and place of the Public Hearing before the Planning Commission shall be given by the Town Clerk, by one publication of the same at least seven (7) days prior to the hearing, in a newspaper of general circulation in the Town, posted on display at the Town Hall and posted on the Town website. The Zoning Officer shall, at least ten (10) days prior to the hearing, post a sign on the property notifying the general public of the time and place of the hearing. The Zoning Enforcement Officer shall either mail notice of the hearing to the applicant and to the property owners within 200 feet of the property proposed for rezoning at least ten (10) days prior to the hearing, or hand deliver to the same property owners, or affix notice to the doors of the same properties. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

4. Procedure before the Board of Trustees. After receiving the recommendation from the Planning Commission, the Board of Trustees shall hold a Public Hearing before acting on the proposed amendment or rezoning. Notice of the time and place of the Public Hearing before the Board of Trustees shall be given by the Town Clerk, by one publication of the same at least seven (7) days prior to the hearing, in a newspaper of general circulation in the Town. At least ten (10) days prior to the hearing, the Zoning Officer shall post the property with a sign notifying the general public of the time and place of the hearing. The Zoning Enforcement Officer shall also either mail notice of the hearing to the applicant, and to the property owners within 200 feet of the property to be rezoned at least ten (10) days prior to the hearing, or hand deliver to the same property owners, or affix notice to the doors of the same properties. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

C. Data to be submitted. Prior to any consideration for amendment to the Zoning Map, the applicant shall file the following data with the Town at least fifteen (15) business days prior to the scheduled date of Public Hearing before the Planning Commission: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/2016)

1. Site plans or drawings to show a demonstrated need for zoning change. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

2. A written statement showing in detail how the proposed amendment will meet the criteria set forth in Section A, above. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3. A list of all property owners, within 200 feet of the property proposed for rezoning. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10-1-12: Use by Special Review[25] [26]

A. The owner of record and the proposed user for land for which a special use is requested may make application to the Town for Use by Special Review. No application shall be accepted unless accompanied by: (Ord. 2-2007, eff. 9/6/2007)

1. The fee as provided in Section 10-1-15. (Ord. 2-2007, eff. 9/6/2007)

2. A site plan drawn to scale showing the location of all Buildings and structures, set-back distances, off-street loading areas, parking areas, means of ingress and egress, landscaping, utility locations with invert elevations and signage; and (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3. An ownership and encumbrance report or title insurance commitment issued with thirty (30) days of submission of the application showing the owner of the property. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

4. A written statement showing in detail how the proposed use will meet the criteria set forth in the following subsections. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

   a. Will not result in undue traffic congestion or hazard; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

   b. Will not cause significant air, odor, water, soil-or noise pollution; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

   c. Will be adequately landscaped; and, (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

   d. Will have adequate drainage so as to not interfere with abutting private or public property; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

   e. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

B.[27] [28] A use by special review may be permitted in any Zoning District in which a use by special review is authorized as shown in Section 10-2-3, Table 1, and only if the approving agency finds that the proposed use: (Ord. 2-2007, eff. 9/6/2007)

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25 Title 10, Chapter 1, Section 12 is amended by the repeal and reenactment of subparagraphs "A", "B" and "D". Ord. 2-2007, eff. 9/6/2007

26 Title 10, Chapter 1 "Administration", Section 12, "Use by Special Review" Subsections A Paragraphs 2, 3, 4 and 4-a, b, c, d and e, are repealed and reenacted in their entirety. Subsection A Paragraphs 5, 6, 7 and 8 and deleted in their entirety. Ord. 13-2016, eff. 10/6/2016

27 Title 10, Chapter 1, Section 12, Subsection B, item 6 is deleted in its entirety and replaced. Ord. 8-2014, eff. 12/13/2014

28 Title 10, Chapter 1 "Administration", Section 12, "Use by Special Review" Subsection B Paragraph 7 is repealed and reenacted. Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016

1. Meets all existing criteria for minimum Lot Area, setbacks, maximum building height, permitted signs and parking; (Ord. 2-2007, eff. 9/6/2007)

2. Will not change the predominant character of the neighborhood and will be compatible with the surrounding area; (Ord. 2-2007, eff. 9/6/2007)

3. Will not result in an over-intensive use of land; (Ord. 2-2007, eff. 9/6/2007)

4. Will not require a level of community facilities and services greater than what is available; (Ord. 2-2007, eff. 9/6/2007)

5. Will not result in undue traffic congestion or hazard; (Ord. 2-2007, eff. 9/6/2007)

6. Will not cause significant air, odor, water, light or soil and noise pollution; (Ord. 2-2007, eff. 9/6/2007, Ord. 8-2014, eff. 12/13/2014)

7. Will be adequately landscaped; and have adequate drainage as to not interfere with abutting private or public property; and (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

8. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town. (Ord. 2-2007, eff. 9/6/2007)

C. All applications for use by special review shall be reviewed initially by the Zoning Enforcement Officer who may require additional submissions or documentation beyond those set forth in the preceding subsection. If the Zoning Enforcement Officer determines that the application includes all items contemplated by the preceding section, he or she shall place the matter on the agenda for consideration by the Planning Commission which shall make recommendation to the Board of Trustees for denial or approval of the proposed use. (Ord. 2-2007, eff. 9/6/2007)

D. Notice of the Public Hearing before the Board of Trustees shall be posted and mailed in the same manner as that for rezoning under subsection 10-1-11.B.4. (Ord. 2-2007, eff. 9/6/2007)

E. Approval or denial of the proposed use shall finally be determined by the Trustees, acting by resolution, after the public hearing. If the proposed use is approved, the Trustees may impose conditions or safeguards to ensure compliance with the findings set forth above, including without limitation, requirements for minimum lot area, setbacks, maximum building height, permitted signs, fencing, parking and security to guarantee compliance with the conditions. The Trustees may also require an agreement with the applicant in recordable form placing a burden upon the land. (Ord. 2-2007, eff. 9/6/2007)

F. The violation of any conditions or safeguards imposed upon the special use shall be sufficient grounds for revocation of the special use approval, after public hearing by the Board of Trustees. (Ord. 2-2007, eff. 9/6/2007)

10-1-13: Expiration of development approval; reapplications.[29]

[29] Title 10, Chapter 1, Section 13 is amended by the repeal and reenactment of the entire section. . (Ord. 2-2007, eff. 9/6/2007)

Any preliminary or final approval of Site Development by the Town pursuant to this title shall expire and become null and void if: (1) for preliminary approvals, an application for final approval is not filed within twelve (12) months following the date of preliminary approval, or (2) for final approvals (unless a vested property right is granted under Chapter 5), the work authorized is not commenced within two (2) years from the date of final approval or if the work is ceased for a period of one hundred-eighty days (180) or more at any time after work is commenced. An extension of the time limits set forth in this section may be granted by the Board of Trustees for good cause to any applicant who applies for an extension before the time limits set forth in this section expire. For rezoning, PUD and use by special review approvals, a Public Hearing before the Board of Trustees in the manner required for final review shall be held to determine whether the zoning and/or permitted use of the property shall revert to that in place prior to the (expired) approval. Unless an extension has been granted, after Site Development approval has expired, no work shall be commenced until the developer has received new approval pursuant to the procedures set forth in this Title. (Ord. 2-2007, eff. 9/6/2007)

10-1-14: Severability

Should any section, subsection, clause, or provision of this Title be declared invalid by a court of competent jurisdiction, the invalid portion shall be severable from the remainder of this Title and such decision shall not affect the validity of this Title as a whole, or any part thereof other than the part so declared to be invalid. (Ord. 2-2007, eff. 9/6/2007)

10-1-15: Payment of Costs

In addition to any and all other fees and charges imposed by this Code, any applicant for action under this Title shall pay the fees as set forth in Appendix A. (Ord. 2-2007, eff. 9/6/2007)

10-1-16: SHORT TERM VACATION RENTALS [30]

A. Purpose and Intent. The purpose and intent of this Chapter is to ensure that residential properties in the Town used for short-term rental purposes meet minimum standards for safety and habitability and are operated in a manner consistent with surrounding residential uses and in compliance with the Town's Code, and to support a strong, streamlined process for licensing and approving short-term vacation rentals (STR) units, while ensuring that the rental of private dwellings units as STRs does not adversely impact to the quality of residential neighborhoods. Active STR'S, with valid business and special use licenses if applicable, operating on or before June 3, 2021, shall have a grace period to continue operating until January 1, 2022. All STR's, including active STR's operating on or before June 3, 2021 must apply for 2022 STR license by November 15, 2021. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/2021, Ord. 7-2021, eff. 11/17/2021)

B. Definitions. As used in this Chapter, the following terms shall have the meanings indicated, unless the context otherwise requires: (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

[30] Title 10, Chapter 1, Section 16, Sub-sections A., B (2), C., D., E (3), F (2a, c), G (1e, I and are re-lettered), G (2), H., I (4, 5) K (1), L and M are repealed and reenacted in their entirety. (Ord. 5-2021, eff. 8/3/3021) Title 10, Chapter 1, Section 16 is repealed and reenacted in its entirety. (Ord 7-2021, eff. 11/17/2021)

1. Licensed premises means the premises specified in an approved vacation rental license which are owned or in the possession of the licensee and within which the licensee is authorized to provide short term rental accommodations in accordance with this Section. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

2. Short term Vacation rental means any rental or lease of a single-family residence, or portion thereof, for less than thirty (30) consecutive days per rental. Licensed lodging businesses, including hotel, motel, lodge, inn, B&B, and hostels operated under and governed by state statute and properly licensed by the state of Colorado are not considered Short Term Vacation Rentals. Offering the use of one's property where no fee is charged or collected is not considered a vacation rental. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

3. Short Term Vacation rental license means a bi-~~annual~~ennial (every two years) license issued by the Town pursuant to this Section to operate a vacation rental. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

C. Short Term Vacation Rental License Required; Term. Term. Effective as of June 3, 2021, it shall be unlawful for any person to operate a vacation rental within the Town without first obtaining a vacation rental license for such vacation rental. Vacation rental license shall be granted in lieu of Section 10-1-12, Use by Special Review. A vacation rental license is transferable upon request of the owner of an existing STR property, provided the new owner submits a new completed application, and passes a new inspection. Any issued STR license shall be valid from January 1st of the year it is applied for, and shall expire December 31st of the subsequent year it is applied for regardless of the date the application is submitted. License fees will not be prorated to the application date of the licensee, but will be issued to the applicant upon full payment of the license fee. All vacation rentals shall be subject to any amendments to this Section or Chapter. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/2021, Ord. 7-2021, eff. 11/17/2021)

D. Authority. The Zoning Enforcement Officer, as defined in Section 10-1-3, C., of this Title shall have the authority and responsibility in accordance with the terms of this Section to administer the vacation rental license ~~program~~ process and to approve, deny, suspend, or revoke any vacation rental license. The Zoning Enforcement Officer shall consider any comments received from property owners, prior to approving or denying an application for a vacation rental license. Property owners have the right to appeal any negative decision of the Zoning Enforcement Officer to the Board of Adjustment. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

E. Short-Term Rental Categories and Fee Structure. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

1. Short-term Rental 1 (STR1) means either: (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

a. An owner-occupied dwelling unit in which bedrooms are rented or offered for rent for periods of less than thirty (30) days; or (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

b. A dwelling unit on a two-dwelling unit property, in which one unit is occupied by the owner of the entire property, and the second unit is rented or offered for rent for periods of less than thirty (30) days. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

2. Short-term Rental 2 (STR2) means: A dwelling unit that is not occupied by its owner that is rented or offered for rent for periods of less than 30 days. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

3. Fee Structure. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

a. Fee: $200 non-refundable initial biennial licensing fee, $150 renewal ~~biannual~~ permit fee. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

F. Density Restrictions. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

1. STR1 Category Density Restrictions: No limit or restrictions on density or location. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

2. STR2 Category Density Restrictions: (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

a. STR2 in Town residential zones (R-SF, R-MF) shall not exceed three and one-half percent (3.5%) of the total residential dwelling units eligible as short-term rentals. The total number of eligible units shall be based on tax assessor records of the most recent available year. Currently permitted STRs operating in residential zones at the time of the adoption of this policy shall be included in the calculation of the maximum number of units allowed, and are required to obtain Short Term Vacation Rental licenses. In the event the maximum number has been met, no new applications for short term rentals will be approved, but may be added to a waiting list. If a waiting list for STR licenses in any residential zone exists, new permits, once available, will be based on a first-come, first-serve basis. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

b. No STR 2 shall be located adjacent to each other in any residential zones. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

c. A maximum of TWO (2) STR2 in Old Town Westcliffe, as defined below, is permitted per ~~street~~ block. STR2 already in operation, regardless of density, will be grandfathered in, subject to such STRs obtaining a license in accordance with this Chapter. Old Town Westcliffe is defined as all residentially zoned areas South of Main

Street, North of Lincoln Avenue and between the alley running west of 2nd street and the alley running east of 6th street. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

G. Vacation Rental License Application; Duty to Update; Written Notice. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

1. Beginning on June 1, 2021, applications for a vacation rental license shall be submitted to the Zoning Enforcement Officer on a form provided by the Town. The Zoning Enforcement Officer shall not accept incomplete applications. Applications shall contain, at a minimum, the following information: (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   a. The full name, residential address, telephone number, and e-mail address of the applicant. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   b. The full name, residential address, and telephone number of an authorized agent located within sixty (60) miles of the Town, along with a copy of the writing authorizing such agent to act, in the applicant's absence, as the representative of the applicant on all matters related to operation of the vacation rental. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   c. The address of the proposed licensed premises and a description and illustration of the area(s) that will be used for short-term rental purposes including, without limitation, parking areas and access. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   d. Proof of lawful possession of the proposed licensed premises by the applicant, either by deed or lease. If the applicant is not the owner, the application shall include written, authorized, signed and notarized, from the owner of the proposed licensed premises for use of the same for short-term rental purposes. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   e. Proof of current insurance coverage for the proposed licensed premises. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

   f. Proof of registration for a sales tax license ~~and a lodgers' tax account~~ with the Colorado Department of Revenue. ~~with the Colorado Department of Revenue~~. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   g. A completed self-compliance affidavit and an affidavit that the applicant has followed all license requirements, that there are no private rules or covenants that prohibit the use of the proposed licensed premises as a vacation rental, and that the application is

complete and contains no false, misleading, or fraudulent statements. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

h. A non-refundable application fee. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

i. Such other information determined necessary by the Zoning Enforcement Officer to evaluate compliance of the applicant, the proposed licensed premises, and/or the proposed vacation rental activity with the requirements of the Municipal Code. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

2. It is the duty of each licensee to ensure that all of the information provided in a vacation rental license application is kept up to date at all times. It shall be unlawful for a licensee to fail to provide updated information to the Zoning Enforcement Officer within thirty (30) days after the date upon which any information contained in the vacation rental license application becomes inaccurate. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

H. Renewal of Vacation Rental License. It shall be the duty of each licensee to obtain a bia~~e~~nnu~~i~~al renewal of the vacation rental license. The application for a renewal of a vacation rental license and the non-refundable, ~~annual~~ biennial renewal application fee are due to the Licensing Officer on or before November 15th prior to the expiration of the license year. Upon timely submission of a complete renewal application, the owner or operator of a vacation rental can continue operating pursuant to the expired vacation rental license until January 31st while the renewal application is being considered, although any renewal license shall be issued as of the original expiration date of the previous license. STR permits that are deemed active as of December 31st in any given year shall have priority for renewal the following calendar year over any new applications for STR permits, provided a renewal for said active permit is received and deemed complete and proper, and fees are paid by November 15th of the year prior to expiration. Upon approving an application for a renewal of a vacation rental license, the Town Building Official, or his or her designee, shall have the option to, within sixty (60) days of such approval inspect the vacation rental, as provided in Section 10-1-16, I., below. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

I. Minimum Health and Safety Standards; Inspections. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

1. Each licensed premises shall be in compliance with all applicable building, fire, health, and zoning codes, ordinances, or regulations, whether federal, state or local, including but not limited to any requirements as set forth in this or any other Title of the Westcliffe Municipal Code. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

2. No license under this Chapter shall be issued until the licensed premises are inspected by the Zoning Enforcement Officer, or his or her designee, for compliance with this Section and issued a written notice of inspection approval. If an inspection report identifies a violation of this or other Section,

the procedures set forth in this Title shall apply. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

3. Each licensee shall post an address number on the exterior of the vacation rental such that it is visible and easy to read for emergency response purposes. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

4. Each licensee shall provide a clearly-defined and maintained outdoor trash storage area. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

5. Each licensee shall post, maintain, and display at all times a notice in a conspicuous location inside the vacation rental, that contains, at a minimum, the following information: (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

   a. Name and phone number of the licensee; (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   b. Name and phone number of the licensee's authorized agent if the licensee cannot be reached; (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   c. The following statement: "IN AN EMERGENCY (POLICE, FIRE, MEDICAL), CALL 911." (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   d. Street address of the licensed premises; (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   e. Location of the fire extinguisher(s); (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   f. Evacuation directions in the event of a fire or other emergency; (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   g. Vacation rental license number assigned by the Town; (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   h. Maximum number of people permitted to sleep in the licensed premises; (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

J. Maximum Occupancy. The maximum occupancy of a vacation rental at any time shall be limited to the greater of: (Ord. 3-2021, eff. 6/8/2021, Ord. 7-2021, eff. 11/17/2021)

1. One (1) family, as defined in this Chapter; or (Ord. 3-2021, eff. 6/8/2021, Ord. 7-2021, eff. 11/17/2021)

2. Two (2) people per bedroom, plus two (2) people. (Ord. 3-2021, eff. 6/8/2021, Ord. 7-2021, eff. 11/17/2021)

K. Restrictions on Use and Density. (Ord. 3-2021, eff. 6/8/2021, Ord. 7-2021, eff. 11/17/2021)

1. A vacation rental shall only be used for lodging purposes by the person(s) staying overnight at such vacation rental. Without limiting the generality of the foregoing, a vacation rental shall not be used to entertain or host guests who are not staying overnight at such vacation rental after 10PM. (Ord. 3-2021, eff. 6/8/2021, Ord. 5-2021, eff. 8/3/2021, Ord. 7-2021, eff. 11/17/2021)

2. Private covenants may restrict the ability to use a property as a vacation rental. The Town is not a party to and does not enforce any private covenants. (Ord. 3-2021, eff. 6/8/2021, Ord. 7-2021, eff. 11/17/2021)

L. Advertising. No property may be advertised as a vacation rental until a vacation rental license has been issued. (Ord. 3-2021, eff. 6/8/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2017)

M. Suspension and Revocation; Appeal. Each license issued is subject to suspension and revocation, including the opportunity to appeal the outcome thereof, as set forth in this Chapter. Any license suspension or revocation successfully appealed by the licensee will be reinstated with the full force and effect of the originally granted license. –(Ord. 3-2021, eff. 6/8/2021, Ord. 5-2021, eff. 8/3/3021, Ord.7-2021, eff. 11/17/2021)

ZONING REGULATIONS

SECTIONS:[1] **PAGE**

10-2-1:	**Zone Districts and Map**	**1**
10-2-2:	**Zone District Use Schedule**	**2**
10-2-3:	**Zone District Regulations**	**5**

10-2-1: Zone Districts and Map[2] [3]

A.[4] [5]Establishment of Zoning Districts. Provision hereby is made for twelve (12) zoning districts, as follows: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 3-2017, eff. 2/3/2017, Ord. 5, 2017, eff. 4/6/2017, Ord. 5-2018, eff. 4/11/2018)

1.	A	Agricultural	5
2.	R-SF	Single Family Residential	5
~~3.~~	R-MF	Multi-Family Residential	~~6~~
~~4~~3.	MH	Mobile Home Park	6
~~5~~4.	B1	Business District within PUD boundaries only	8
~~6~~5.	B2	Commercial Industrial District within PUD boundaries only	10
~~7~~6.	CC	Core Commercial	12
~~8~~7.	HC	Highway Commercial	12
~~9.~~	~~LI~~	~~Light Industrial~~	~~12~~
~~10~~.8	HI	Heavy Industrial	13
~~11~~9.	PUD	Planned Unit Development	13
~~12~~10.	TN	Traditional Neighborhood	16

B. Map and Boundaries. The Town of Westcliffe hereby is divided into such of the aforesaid districts as are shown on the map entitled "Official Zoning Map of Westcliffe," referred to herein as the "Zoning Map." (Ord. 2-2007, eff. 9/6/2007)

The Zoning Map is hereby adopted, along with explanatory matter thereof, as a part of this Title. Said map is on file, and shall be kept on file, in the office of the Town Clerk. Amendments to the Zoning Map are listed on **Appendix B** attached hereto. Unless otherwise specified on the Zoning Map, district boundary lines are lot lines; the center

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1 Title 10, Chapter 2, Section 2 "Reserved" is repealed and the remaining are re-numbered. (Ord. 13-2016, eff. 10/6/2016)

2 Title 10, Chapter 2, Section 1 is amended by the repeal and reenactment of the entire section. (Ord. 2-2007, eff. 9/6/2007)

3 Title 10, Chapter 1, Section 6 is repealed and reenacted with the addition of a new district. (Ord. 3-2017, eff. 2/3/2017)

4 Title 10, Chapter 2 "Zoning Regulations", Section 1 "Zone Districts and Map" Subsection A is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016, Ord. 5-2017, eff. 4/6/2017)

5 Title 10, Chapter 2, Section 1 is amended by adding a new zone. (Ord. 5-2018, eff. 4/11/2018)

lines of streets, alleys, highways, or such lines extended; corporate lines of incorporated areas; natural boundary lines such as streams; or section lines. In cases where such lines are not used, the zone district lines shall be as determined by using the scale of the Zoning Map. (Ord. 2-2007, eff. 9/6/2007)

10-2-2: Zone District Use Schedule [6] [7](Ord. 13-2016, eff. 10/6/2016, Ord. 5-2018, eff. 4/11/2018) [8] [9]

The following table indicates which land uses are allowed by right, Special Review, and prohibited uses, in each of the zone districts listed in Section 10-2-1. Any use not listed may be considered as a Use by Special Review. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

R=Use Permitted by Right
P=Use Prohibited
S=Permitted by Special Review
A=Use Available for PUD

	USE	A	R-SF	R-MF	MH	CC	HC	~~LI~~	HI	PUD	PUD B-1	PUD B-1	TN
.01	Single family one up to two attached or detached Dwellings	R	R	P	P	S	P	~~P~~	P	A	P	P	R
.02	Three up to six family Dwellings	P	S	R	P	S	P	~~P~~	P	A	P	P	R
.03	Dwellings for six or more families	P	P	R	P	S	P	~~P~~	P	A	P	P	P
.04	Mobile homes	P	P	P	R	P	P	~~P~~	P	P	P	P	P
.05	Mobile home parks	P	P	P	R	P	P	~~P~~	P	A	P	P	P
.06	Accessory Structures and Uses	R	R	R	R	R	R	~~R~~	R	A	P	P	R
.07	Home Occupations	R	R	R	R	S	P	~~P~~	P	A	P	P	R
.08	Churches	S	R	R	S	S	S	~~P~~	P	A	P	P	R
.09	Public Schools	S	R	R	P	P	P	~~S~~	P	A	P	P	P
.10	Golf courses	S	P	P	P	P	P	~~P~~	P	A	P	P	P
.11	Public parks	S	R	R	R	R	P	~~S~~	P	A	P	P	R
.12	Animal grazing	R	P	P	P	P	P	~~P~~	P	A	P	P	P

6 Title 10, Chapter 2, Section 3 is amended by the repeal and reenactment of the entire section. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

7 Title 10, Chapter 2, Section 2 is amended by the addition of .56 Tiny Dwellings. (Ord. 3-2017, eff. 2/3/2017)

8 Title 10, Chapter 2, Section 2 is amended by the deletion of .56 Tiny Dwellings. (Ord. 5-2017, eff. 4/6/2017)

9 Title 10, Chapter 2, Section 2 is repealed and reenacted in its entirety. (Ord. 5-2018, eff. 4/11/2018)

	USE	A	R-SF	R-MF	MH	CC	HC	~~LI~~	HI	PUD	PUD B-1	PUD B-2	TN
.13	Mining	S	P	P	P	P	P	~~S~~	S	A	P	P	P
14	RV Park	P	P	P	P	P	S	~~P~~	P	A	P	P	P
.15	Farming and ranching	R	P	P	P	P	P	~~P~~	P	A	P	P	P
.16	Feed yards and fur farms	R	P	P	P	P	P	~~P~~	P	A	P	P	P
.17	Veterinary hospitals and kennels	R	P	P	P	S	R	~~P~~	P	A	P	P	P
.18	Riding stables	R	P	P	P	P	P	~~P~~	P	A	P	P	P
.19	Airports	S	P	P	P	P	P	~~P~~	P	A	P	P	P
.20	Cemeteries	S	P	P	P	P	P	~~P~~	P	A	P	P	P
.21	Radio broadcasting stations	S	P	P	P	S	S	~~S~~	S	A	P	P	R
.22	Sanitary landfill operations	S	P	P	P	P	P	~~P~~	P	A	P	P	P
.23	Sewage disposal plants	S	P	P	P	P	P	~~P~~	S	A	P	P	P
.24	Lumber mills	S	P	P	P	P	P	~~P~~	S	A	P	P	P
.25	Quarries, sand and gravel operations and concrete batch plants	S	P	P	P	P	P	~~P~~	S	A	P	P	P
.26	Retail establishments entirely enclosed within a structure	S	P	P	P	R	R	~~S~~	S	A	R	P	R
.27	Personal service businesses entirely enclosed within a	S	P	P	P	R	R	~~P~~	P	A	R	P	R
.28	Banks and Credit Union	P	P	P	P	R	R	~~P~~	P	A	R	P	R
.29	General offices	P	P	P	P	R	R	~~R~~	S	A	P	P	R
.30	Government buildings	P	S	S	P	R	R	~~S~~	S	A	R	P	R
.31	~~Hotels~~Lodging	P	P	P	P	R	R	~~P~~	P	A	R	P	R
.32	STR1	R	R	R	R	R	R	R	R	R	R	R	R
.33	STR2	S	S	S	S	R	R	~~P~~	P	R	R	R	R
~~.32~~	~~Motels~~	~~P~~	~~P~~	~~P~~	~~P~~	~~S~~	~~R~~	~~P~~	~~P~~	~~A~~	~~R~~	~~R~~	~~R~~
.3~~3~~4	Eating and drinking places	P	P	P	P	R	R	~~P~~	P	A	R	P	R
~~.34~~35	Drive-in eating and drinking places	P	P	P	P	S	R	~~P~~	P	A	P	R	P

.~~35~~36	Theaters and auditoriums	P	P	P	P	R	R	~~P~~	P	A	R	P	R
.~~36~~37	Parking lots	S	S	S	S	S	S	~~R~~	R	A	R	P	R
.~~37~~38	Museums	S	S	S	S	S	S	~~S~~	S	A	R	P	R

	USE	A	R-SF	R-MF	MH	CC	HC	~~LI~~	HI	PUD	PUD B-1	PUD B-2	TN
.~~38~~39	Dwelling units above, below, or behind the business	P	P	P	P	R	R	~~S~~	S	A	R	R	R
.~~39~~40	Rental of goods with a weight of no more than 200 pounds	P	P	P	P	R	R	~~R~~	R	A	R	P	R
.~~40~~41	Light equipment repair and service stations	P	P	P	P	P	R	~~R~~	R	A	P	R	P
.~~41~~42	Automobile sales, rental or service	P	P	P	P	P	S	~~R~~	R	A	P	R	P
.~~42~~43	Agricultural/heavy equipment sales or service	S	P	P	P	P	S	~~S~~	R	A	P	R	P
.~~43~~44	Building material and lumber sales	P	P	P	P	P	S	~~R~~	R	A	P	R	P
.~~44~~45	Public utility stations	S	S	S	S	S	S	~~R~~	R	A	P	R	R
.~~45~~46	Bowling alleys	P	P	P	P	S	R	~~R~~	P	A	P	R	P
.~~46~~47	Trucking	P	P	P	P	P	P	~~S~~	R	A	P	R	P
.~~47~~48	Equipment rental establishments	S	P	P	P	S	R	~~R~~	R	A	P	R	P
.~~48~~49	Wholesale and distribution	R	P	P	P	S	R	~~R~~	R	A	P	R	P
.~~49~~50	Storage units	P	P	P	P	P	S	~~R~~	R	A	R	R	P
.~~50~~51	Bed & Breakfast, ~~VRBO & Airbnb~~	S	S	S	S	S	S	~~P~~	P	A	R	R	R
.~~51~~52	Marijuana cultivation facility	P	P	P	P	P	P	~~P~~	P	P	P	P	P
.~~52~~53	Marijuana Product Manufacturing Facility	P	P	P	P	P	P	~~P~~	P	P	P	P	P
.~~53~~54	Marijuana Testing Facility	P	P	P	P	P	P	~~P~~	P	P	P	P	P
.~~54~~55	Medical Marijuana Center	P	P	P	P	P	P	~~P~~	P	P	P	P	P
.~~55~~56	Retail Marijuana Store	P	P	P	P	P	P	~~P~~	P	P	P	P	P

(Ord. 13-2016, eff. 10/6/2016, Ord. 3-2017, eff. 2/3/2017, Ord. 5-2017, eff. 4/6/2017, Ord. 5-2018, eff. 4/11/2018)

10-2-3: Zone District Regulations[10] [11] (Ord. 13-2016, eff. 10/6/2016, Ord. 5-2018, eff. 4/11/2018)[12] [13]

A. A-Agricultural District

1. Description of District: This district is designed to protect and preserve the agricultural industry of the Town of Westcliffe, and to protect the rural property owners from encroachment by urban land uses. This district was formerly the A-1 Agriculture District and is hereby renamed. (Ord. 2-2007, eff. 9/6/2007)

2. Area and Height Standards.[14]

Minimum Lot Area:	5 acres
Minimum Front Yard:	25 feet
Minimum Rear Yard:	25 feet
Minimum Side Yard:	25 feet
Maximum Building Height:	35 feet (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

B. R-SF-Single Family Residential District[15] (Ord. 13-2016, eff. 10/6/2016)

[16]

1. Description of District: this district is designed to retain and provide areas of low to medium-density development characteristically used for single-family dwellings and two-family dwelling units.

Dwelling, single-family means a detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.

Dwelling, two-family means a detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Minimum floor area:

Single-family residences: 550 square feet; and

Second detached single-family residence; can not be larger than the primary residence.

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10 Title 10, Chapter 2, Section 4 is amended by the repeal and reenactment of subparagraph "C" subsection "2", subparagraph "D" subsection "2", subparagraph "F" subsection "2", subparagraph "j" and subsection "5", subparagraph "5" and the addition of subparagraph K, L and M.(Ord. 2-2007, eff. 9/6/2007)

11 Title 10, Chapter 2, Section 3 is amended by a new paragraph. (Ord. 3-2017, eff. 2/3/2017)

12 Title 10, Chapter 3, Section 3 is amended by the deletion of Paragraph M. (Ord 5-2017, eff. 4/6/2017)

13 Title 10, Chapter 2, Section 3 is amended by the addition of a new Paragraph M. (Ord. 5-2018, eff. 4/11/2018)

14 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection A Paragraph 2 is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

15 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection B "Rural Residential District" is deleted in its entirety, then re-lettering the remainder and Subsection C-Paragraphs 1 and 2 are repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

16 Title 10, Chapter 2, Section 3, Paragraph B, Subsection 1 is repealed and reenacted. (Ord. 3-2017, eff. 2/3/2017)

~~1. Description of District: This district is designed to accommodate a maximum of two permanent residential single and two family attached or detached Dwellings by right with at least one dwelling having a minimum of 660 square feet of habitable space. If a second dwelling is less than 660 feet it shall be set back a minimum of 40 feet from front property line~~. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 3-2017, eff. 2/3/2017)

~~2.~~ Area and Height Standards [17]

Minimum lot area:	6,250 square feet
Minimum front yard:	10 feet
Minimum rear yard:	
On alley:	5 feet
Without alley:	10 feet
Minimum side yard:	5 feet to lot line on each side of building
Maximum building height:	30 feet (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 16-2016, eff. 12/1/2016)

C. R-MF-Multi-Family Residential District [18] (Ord. 13-2016, eff. 10/6/2016)

1. This district is designed to accommodate permanent multifamily Dwelling Units from a density of no more than six (6) dwelling units per minimum lot area. This district was formerly the R-3A Multi-family district and is hereby renamed. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

2. Area and Height Standards:

Minimum lot area:	12,500 square feet
Minimum front yard:	20 feet
Minimum back yard:	
On alley:	10 feet
Without alley:	20 feet
Minimum side yard	10 feet to lot line on each side of building
Maximum building height:	35 Feet (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

D. MH-Mobile Home Park District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to allow for permanent residential mobile home development to a density of twelve (12) dwelling

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17 Title 10, Chapter 2, Section 3, Subsection B, Paragraph 2 is repealed and replaced in its entirety. (Ord. 16-2016, eff. 12/1/2016)

18 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection D-Paragraphs 1 and 2 are repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

units per acre. This district was formerly the R-4 Mobile Home Residential District, and is hereby renamed (Ord. 2-2007, eff. 9/6/2007)

2.[19] –No mobile home more than fifteen (15) years old may be placed within a new mobile home park, or moved into an existing mobile home park. Mobile homes may be placed only within an approved mobile home park. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3. Area and Height Standards: Individual homes within a mobile home park.

Minimum front yard to lot line:	10 feet
Minimum rear yard to alley or lot line:	10 feet
Minimum side yard to lot line:	10 feet
Minimum separation between two mobile homes:	20 feet
Maximum building height:	16 feet (Ord. 2-2007, eff. 9/6/2007)

4. Area and Height Standards: Mobile home park

a. Minimum Front Yard. Measured from the nearest edge of the roadway there shall be a front yard of not less than twenty (20) feet for all mobile homes. For mobile home parks fronting on a State or Federal Highway, the required front yard shall be fifty (50) feet. - (Ord. 2-2007, eff. 9/6/2007)

b. Minimum Rear Yard. Measured from the nearest edge of the roadway, there shall be a rear yard of not less than twenty (20) feet for all mobile homes. Where the side yard abuts a State or Federal highway, the required side yard shall be fifty (50) feet. (Ord. 2-2007, eff. 9/6/2007)

c. Minimum Side Yard. Measured from the nearest edge of the roadway, there shall be a side yard of not less than twenty (20) feet for all mobile homes. Where the side yard abuts a State or Federal highway, the required side yard shall be fifty (50) feet. (Ord. 2- 2007, eff. 9/6/2007)

5. Design Requirements:[20] A property may be rezoned to Mobile Home Park District upon petition for an amendment to the Zoning Map. When petitioning for this zone change, there shall be provided a site design by a registered engineer, architect or qualified planner, complete in detail showing the following (Ord. 2-2007, eff. 9/6/2007)

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19 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection E Paragraph 2 is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

20 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection E Paragraphs 5.o and 5.p are repealed and all remaining are re-lettered. (Ord. 13-2016, eff. 10/6/2016)

a. Location and legal description. (Ord. 2-2007, eff. 9/6/2007)

b. Entrance to and exits from the park. (Ord. 2-2007, eff. 9/6/2007)

c. Plans, showing size and arrangement of mobile home lots and stands, location of roadways, service and utility buildings. (Ord. 2- 2007, eff. 9/6/2007)

d. Topography map showing original and final contours at two (2) foot intervals. (Ord. 2-2007, eff. 9/6/2007)

e. Provisions for drainage. (Ord. 2-2007, eff. 9/6/2007)

f. Area set aside for recreation, clothes washing and drying, storage, and off-street parking. (Ord. 2-2007, eff. 9/6/2007)

g. Fencing ~~and screen planting~~and landscaping plan on the premises. (Ord. 2-2007, eff. 9/6/2007)

h. Plans for water supply and distribution. (Ord. 2-2007, eff. 9/6/2007)

i. Plans for sewage collection and disposal. (Ord. 2-2007, eff. 9/6/2007)

j. Provisions for trash and garbage storage and removal. (Ord. 2-2007, eff. 9/6/2007)

k. Plans for underground gas, electric, and phone service connections to each space. (Ord. 2-2007, eff. 9/6/2007)

l. Typical lot plan. (Ord. 2-2007, eff. 9/6/2007)

m. For each mobile home lot, and for four (4) truck camper or travel trailer lots there shall be provided: (Ord. 2-2007, eff. 9/6/2007)

1. Recreational area in the amount of three hundred (300) square feet. (Ord. 2-2007, eff. 9/6/2007)

2. Space for mechanical washing and clothes drying facilities in the amount of twenty-five (25) square feet. (Ord. 2-2007, eff. 9/6/2007)

3. Two off-street parking spaces for each lot; except for truck camper or travel trailer lots. (Ord. 2-2007, eff. 9/6/2007)

n. Service and utility buildings and appurtenances, garbage and trash containers, racks and rack locations, rodent and insect control, water and sewage provisions must meet with the approval of the Colorado

Department of Public Health and the local health authority. (Ord. 2-2007, eff. 9/6/2007)

o. Enforcement of regulations. The owner or operator of the mobile home park shall arrange for the management and supervision of the mobile home park so as to enforce or cause compliance with the provisions of this Section. The owner, operator or attendant of the mobile home park shall assume all responsibility for maintaining all facilities in good repair and condition. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

E. B-1 Business District within PUD boundaries only[21] (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to accommodate businesses that ordinarily serve the permanent residents of the area and that are pedestrian oriented. (Ord. 2-2007, eff. 9/6/2007)

2. Permitted Uses [22]

a. Retail Establishments entirely enclosed within a structure (Ord. 2-2007, eff. 9/6/2007)

b. Personal Service Establishments entirely enclosed within a structure (Ord. 2-2007, eff. 9/6/2007)

c. Banks and Savings and Loan Associations (Ord. 2-2007, eff. 9/6/2007)

d. Government Buildings (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

e. ~~Hotels and Motels and Bed & Breakfasts~~ Lodging establisments including Short Term Rentals(Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

f. Eating and Drinking Places (Ord. 2-2007, eff. 9/6/2007)

g. Museums (Ord. 13-2016, eff. 10/6/2016)

h. Theaters and Auditoriums (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

i. Parking Lots (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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21 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection F is retitled. (Ord. 13-2016, eff. 10/6/2016)

22 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection F Paragraph 2.d, e and g are repealed and reenacted and re-lettered with the addition of a Paragraph. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

j. Nonconforming buildings and nonconforming uses (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

k. A single dwelling unit above, below, or behind a business, not to exceed 50% of the usable floor space (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

l. Rental of consumer goods with a weight of no more than 200 pounds (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

m. Uses by special review pursuant to Section 10-1-12 (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3. Prohibited Uses

All uses not specifically permitted are prohibited. Mobile homes and mobile offices are prohibited except as nonconforming uses. (Ord. 2-2007, eff. 9/6/2007)

4. Minimum Lot Area

Structure coverage may extent to one hundred percent (100%) of the lot area.

Minimum Front Yard:	None
Minimum Side Yard:	None
Minimum Rear Yard:	None
Maximum Building Height:	35 feet (Ord. 2-2007, eff. 9/6/2007)

5. Repeal of District[23]

On and after the effective date of Ordinance#10-2000 (February 6, 2001), no new application for rezoning to this B-1 District shall be accepted or processed by the Town, it being the intention of the Board of Trustees that this district be replaced by the Core Commercial and/or Highway Commercial Districts. The regulations pertaining to the B-1 District set forth in this Section shall remain in force for so long as any property within the Town remains zoned as B-1. When no properties within the Town remain so zoned, this Subsection 10.2.3E shall be automatically repealed (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

F. B-2 Commercial-Industrial District within PUD boundaries only[24] (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to accommodate

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23 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection F Paragraph 5 is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016)

24 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection G is retitled. (Ord. 13-2016, eff. 10/6/2016)

businesses that ordinarily serve customers arriving for a specific service by automobile, and light industrial, wholesaling, and manufacturing establishments. (Ord. 2-2007, eff. 9/6/2007)

2. Permitted Uses:

a. Automobile Service Stations and Repair Garages (Ord. 2-2007, eff. 9/6/2007)

b. Automobile Sales and Service (Ord. 2-2007, eff. 9/6/2007)

c. Agricultural Equipment Sales and Service (Ord. 2-2007, eff. 9/6/2007)

d. Building Material and Lumber Sales (Ord. 2-2007, eff. 9/6/2007)

e. Public Utility Stations (Ord. 2-2007, eff. 9/6/2007)

f. Drive-in Eating and Drinking Places (Ord. 2-2007, eff. 9/6/2007)

g. Dance Halls (Ord. 2-2007, eff. 9/6/2007)

h. Bowling Alleys (Ord. 2-2007, eff. 9/6/2007)

i. Driving Ranges and Miniature Golf (Ord. 2-2007, eff. 9/6/2007)

j. Trucking and Storage Operations (Ord. 2-2007, eff. 9/6/2007)

k. Maintenance Shops (Ord. 2-2007, eff. 9/6/2007)

l. Equipment Rental Establishments (Ord. 2-2007, eff. 9/6/2007)

m. Wholesale and Manufacturing Establishments (Ord. 2-2007, eff. 9/6/2007)

n.[25] ~~Motels and Bed & Breakfasts~~Lodging establishments including Short Term Rentals (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

o. Eating and Drinking Places in connection with ~~motels~~ lodging (Ord. 2-2007, eff. 9/6/2007)

p. Nonconforming buildings and nonconforming uses (Ord. 2-2007, eff. 9/6/2007)

q. Uses by special review pursuant to Section 10-1-12 (Ord. 2-2007, eff. 9/6/2007)

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25 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsections G Paragraph 2-n is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016)

3. Prohibited Uses

All uses not specifically permitted are prohibited. Mobile homes and mobile offices are prohibited except as nonconforming uses. (Ord. 2-2007, eff. 9/6/2007)

4. Minimum Lot Area

Structure coverage shall not exceed fifty percent (50%) of the lot area.

Minimum Front Yard:	50 feet from any public right- of-way
Minimum Rear and Side Yards:	50 feet from any residential property line; 25 feet from any other property line
Maximum Building Height:	35 feet (Ord. 2-2007, eff. 9/6/2007)

5. Repeal of District [26]

On and after the effective date of Ordinance #10-2000 (February 6, 2001), no new application for rezoning to this B-2 District shall be accepted or processed by the Town, it being the intention of the Board of Trustees that this district be replaced by the Highway Commercial and/or Industrial Districts. The regulations pertaining to the B-2 District set forth in this Section shall remain in force for so long as any property within the Town remains zoned as B-2. When no properties within the Town remain so zoned, this Subsection 10.2.3.F shall be automatically repealed. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

G. CC Core Commercial District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to accommodate businesses that ordinarily serve the permanent residents of the area and that are pedestrian oriented. (Ord. 2-2007, eff. 9/6/2007)

2. Area and Height Standards[27]

Minimum lot area:	3,125 square feet
Minimum front yard:	0 feet, subject to a "build-to line" requirement which may be established by the Board of Trustees.
Minimum side yard:	0 feet
Minimum rear yard:	20 feet

26 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsections G Paragraph 5 is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016)

27 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection H Paragraph 2 is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016)

Maximum building height:	35 feet (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

H. HC Highway Commercial District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to accommodate businesses that ordinarily serve customers arriving for a specific service by automobile. (Ord. 2-2007, eff. 9/6/2007)

2. Area and Height Standards:

Minimum lot area:	3,125 square feet
Minimum front yard:	20 feet
Minimum side yard:	5 feet
Minimum rear yard:	10 feet
Maximum building height:	35 feet
Maximum lot coverage:	50% (Ord. 2-2007, eff. 9/6/2007)

I. Repealed. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~J. LI – Light Industrial District~~ (Ord. 13-2016, eff. 10/6/2016)

1. ~~Description of District: This district is intended to provide locations for a variety of workplaces including light industrial uses, research and development offices and institutions. (Ord. 2-2007, eff. 9/6/2007)~~

~~Minimum lot area: 1 acre~~

~~Minimum front yard: 50 feet from any public right-of-way~~

~~Minimum rear and side yards:50 feet from any residential property~~

~~line; 25 feet from any other property line~~

~~Maximum building height:~~	~~35 feet~~
~~Maximum lot coverage:~~	~~Structure coverage shall not exceed 50%fifty percent of the lot area (Ord. 2- 2007, eff. 9/6/2007)~~

~~K.~~J. HI – Heavy Industrial District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is intended to provide a location for a variety of employment opportunities such as manufacturing, warehousing and distributing, indoor and outdoor storage and a wide range of industrial operations. Locations for this zone require good access to major arterial streets and adequate water, sewer and power. (Ord. 2-2007, eff. 9/6/2007)

Minimum lot area:	1 acre

Minimum front yard:	50 feet from any public right-of-way
Minimum rear and side yards:	50 feet from any residential property line; 25 feet from any other property line
Maximum building height:	35 feet
Maximum lot coverage:	Structure coverage shall not exceed fifty percent of the lot area (Ord. 2- 2007, eff. 9/6/2007)

~~L~~K. PUD – Planned Unit Development District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to provide flexibility in the development of large sites, and to promote the unified development and use of such sites while protecting environmental and ecological assets. (Ord. 2-2007, eff. 9/6/2007)

2. Available Uses:[28] Any or all of the uses enumerated in the A, R-SF, R-MF, MH, CC, HC, LI and HI districts are available for inclusion in a Planned Unit Development. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3. General standards: The following general standards shall be observed regarding planning, design, and construction of the PUD: (Ord. 2-2007, eff. 9/6/2007)

   a. The PUD shall be consistent with the intent of the Master Plan and the policies therein. (Ord. 2-2007, eff. 9/6/2007)

   b. The PUD shall be designed in a manner such that wherever possible, it protects the environmental assets of the Town including considerations of elements such as environmental pollution, streams and storm drainage courses and scenic vistas. (Ord. 2-2007, eff. 9/6/2007).

   c. The PUD's relationship to its immediate surroundings shall be considered in order to avoid adverse effects to surrounding development caused by traffic circulation, building height or bulk, lack of screening, or intrusions on privacy (Ord. 2-2007, eff. 9/6/2007)

   d. The PUD design and construction plans shall take into account characteristics of soils, slopes, geological hazards and flood hazards in a manner intended to protect the health, safety, and welfare of potential users of the PUD. These aspects of the plan must be accompanied by a soil engineering, storm drainage and flood report on the suitability of the area for the intended use to a state of sound

[28] Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection M Paragraph 2 is repealed and replaced in its entirety. (Ord. 13-2016, eff. 10/6/2016)

protection before a building permit may be issued. (Ord. 2-2007, eff. 9/6/2007)

e. Design and construction of the PUD shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space. (Ord. 2-2007, eff. 9/6/2007)

f. Setbacks and lot widths shall be as required by the Commission to provide adequate access and fire protection and to insure proper ventilation, light, air and snow melt between buildings. As a general guide, twenty feet (20') between buildings is considered minimum. (Ord. 2-2007, eff. 9/6/2007)

4. Requirements regarding site. The following requirements shall be observed regarding the site of the PUD: Planned open spaces within the PUD, including those open spaces being used as public or private recreation sites or open space easements, shall be protected by adequate covenants running with the land, or by conveyances or dedications. (Ord. 2-2007, eff. 9/6/2007)

5. Residential density: The overall average density of the total residential area within the PUD shall not exceed twenty-five (25) dwelling units per acre of residential area. (Ord. 2-2007, eff. 9/6/2007)

6. Off-street parking spaces shall be provided in the PUD according to the off-street parking regulations contained in Chapter 4. (Ord. 2-2007, eff. 9/6/2007)

7. Circulation: Circulation shall be determined by review of each PUD. The PUD must have an adequate internal street circulation system. Public streets must serve all planned units; however, that private roads may be permitted if they meet minimum construction standards and can be used by police and fire department vehicles for emergency purposes, and each structure or use in the PUD provides off-street loading spaces or service courts. (Ord. 2-2007, eff. 9/6/2007)

8. Application for Approval: An application for approval of a Planned Unit Development shall be signed by the developer and by all owners of record of the land proposed to be included therein, and shall be filed with the Town Clerk. The application shall be accompanied by: (Ord. 2-2007, eff. 9/6/2007)

a. A plan for handling the water and sewage needs of the development. (Ord. 2-2007, eff. 9/6/2007)

b. A plat to scale showing proposed streets, lots, and permissible lot uses. (Ord. 2-2007, eff. 9/6/2007)

c. A copy of all proposed restrictive covenants. (Ord. 2-2007, eff. 9/6/2007)

The plat and all proposed restrictive covenants shall be submitted prior to and without recordation. If the application is approved by the Board of Trustees, the developer shall record the plat and all restrictive covenants, as approved, within sixty (60) days from the effective date of approval. Neither the developer nor the owners shall sell any lot within the proposed Planned Unit Development until the application has been approved by the Board of Trustees and until the plat and restrictive covenants, as approved, have been recorded. (Ord. 2-2007, eff. 9/6/2007)

In considering an application, the Board of Trustees may require production of such other information and material as it deems necessary to enable it to determine the feasibility of the proposed Planned Unit Development, including material reflecting on the financial ability of the developer to meet his obligations under the application and under the proposed plan. (Ord. 2-2007, eff. 9/6/2007)

9. Applicable Restrictions. If the application is approved by the Board of Trustees, upon recordation of the plat and all restrictive covenants, as approved, and further upon applicants' compliance with any conditions imposed by the Board of Trustees, the restrictions as to use, occupancy, building set-back, maximum building height, permitted signs, and parking, contained in the plat and restrictive covenants, as approved, shall govern and shall be the zoning regulations for such Planned Unit Development, for the term specified in the restrictive covenants unless sooner repealed or amended by the Board of Trustees, and beyond the said term and after the expiration of such restrictive covenants as covenants until repealed or amended by the Board of Trustees. (Ord. 2-2007, eff. 9/6/2007)

10. Review Procedure. The review or modification procedure for a Planned Unit Development shall follow that for rezoning (Section 10-1-11), and Major Subdivision (Section 10-3-5.) Approval of an ordinance rezoning the property to PUD is required. (Ord. 2-2007, eff. 9/6/2007)

11. Planned Unit Developments Approved Prior to May 2nd, 2006. Planned Unit Developments finally approved by the Town prior to May 2nd, 2006, that authorize B-1 or B-2 uses may apply to the Town for conversion of the B-1 or B-2 uses to CC, HC or I uses. (Ord. 2-2007, eff. 9/6/2007)

~~M~~L. TN – Traditional Neighborhood

1. Description of District: This District encompasses portions of the existing highway and core commercial district of Town. Intended uses include retail, office, residential, service and similar uses compatible with a mixed-use shopping and residential area.

2. Permitted Uses:

a. Single family homes

b. Three up to six family dwelling

c. Accessory Structures and uses

d. Home Occupations

e. Churches

f. Public Parks

g. Radio broadcasting stations

h. Retail establishments entirely enclosed within a structure

i. Personal service businesses entirely within a structure

j. Banks and credit unions

k. General offices

l. Government buildings

m. ~~Hotels~~Lodging ~~units~~ establishments including Short Term Rentals

~~n.~~ ~~Motels~~

~~o~~n. Eating and drinking places

~~p~~o. Theaters and auditoriums

~~q~~p. Parking lots

~~r~~q. Museums

~~s~~r. Dwelling units above, below, or behind the business

~~t~~s. Rental of goods with a weight of no more than 200 pounds

~~u~~t. Public utility stations

~~v.~~ ~~Bed and breakfast (VRBO's & Airbnb)~~

3. Residential uses must provide off-street parking.

4. Area and Height Standards

Residential Use:	
Minimum lot area:	6,250 square feet
Minimum front yard:	10 feet
Minimum rear yard:	On alley: 5 feet
Without alley:	10 feet
Minimum side yard:	5 feet to lot line on each side of Building
Maximum building height:	30 feet
Commercial Use:	
Minimum lot area:	3,125 square feet
Minimum front yard:	0 feet, subject to a "build-to line" requirement which may be established by the Board of Trustees.
Minimum side yard:	0 feet
Minimum rear yard:	20 feet
Maximum building height:	35 feet

5. Prohibited Use:

Existing commercial uses on lots smaller than 6,250 sq. ft., or whose buildings are not set back at least 10 ft. from their highway frontage property line may not change to residential.

Chapter 3

SUBDIVISION REGULATIONS

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10-3-1: Purpose and Intent.

A. Purpose. These regulations are enacted pursuant to C.R.S. § 31-23-101, et seq., for the purpose of promoting the health, safety and general welfare of the present and future inhabitants of the Town of Westcliffe. (Ord. 2-2007, eff. 9/6/2007)

B. Intent. These regulations are intended to establish minimum requirements for assuring efficient circulation, adequate improvements, sufficient open space and good subdivision design by providing for the proper arrangement of streets in relation to other existing or planned streets, for adequate and convenient open spaces, for traffic circulation, utilities, emergency access, recreation, light and air and for the avoidance of population congestion and the establishment of standards for the design and construction of improvements. (Ord. 2-2007, eff. 9/6/2007)

10-3-2: Control.

It shall be unlawful for any person to subdivide any land, whether by sale, conveyance, gift, delivery or recording of a plat, deed or other legal instrument or by any other means except in accordance with the provisions of this Title. No building or occupancy permit shall issue with respect to any lot or tract of land which has been subdivided in violation of this Title. All new subdivisions shall be submitted to the Town for review. No final plat for a subdivision shall be approved and accepted by the Board of Trustees unless it conforms with this Title. (Ord. 2-2007, eff. 9/6/2007)

10-3-3: Jurisdiction.

This Chapter shall apply to all land located within the legal boundaries of the Town, and all land located within three miles of the corporate limits and not located in any other municipality for purposes of control with reference to the plan for major streets only, pursuant to C.R.S. § 31-23-212. (Ord. 2-2007, eff. 9/6/2007)

10-3-4: Minor Subdivision Procedure[1]

A.[2] Imposing a condominium form of ownership upon existing built structures, and subdivisions which meet all of the following criteria, may be processed in accordance with the procedures outlined in this paragraph: (Ord. 2-2007, eff. 9/6/2007)

1. The subdivision results in no more than four (4) lots or interests in land all structures must have the same use and zoning. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

2. All lots are adjacent to a dedicated and accepted public street. (Ord. 2-2007, eff. 9/6/2007)

3. All required improvements, including drainage requirements determined by the Zoning Enforcement Officer, as set forth in Section 10-3-8 are already in existence and available to serve each Lot. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

4. Each lot will meet requirements of this Title. (Ord. 2-2007, eff. 9/6/2007)

B. Upon receipt of an application for approval of a minor subdivision, the Zoning Enforcement Officer shall review the application to determine whether the conditions of ¶ A have been met and that the application is properly one for a minor subdivision. (Ord. 2- 2007, eff. 9/6/2007)

C.[3] Upon a determination by the Zoning Enforcement Officer that the above conditions have been met, the applicant shall submit two reproducible originals and may be required to provide up to five copies of a subdivision plat in accordance with Section 10-3-6.C. The applicant shall submit a certificate by a registered engineer that all required improvements are already installed, available and adequate to serve each lot of the subdivision. The applicant shall submit a fee ~~of four hundred fifty dollars ($450.00)~~ as ~~provided~~ set forth in then - current fee schedule in Appendix A as per Section 10-1-15. Unless the plat is called up for review by the Planning Commission or Board of Trustees pursuant to ¶ D below, the plat shall be recorded following the Zoning Enforcement Officer's approval. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

D. The Zoning Enforcement Officer shall notify the Planning Commission and Board of Trustees, in writing, of the approval of a minor subdivision. Within five (5) business days of the date of such notice, the Planning Commission or Board of Trustees may call the application up for review or the Zoning Enforcement Officer may do so. In such event, the applicant shall be notified and the Planning Commission and/or Board of Trustees shall review the application and render the final decision. (Ord. 2-2007, eff. 9/6/2007)

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1 Title 10, Chapter 3, Section 4 is amended by the repeal and reenactment of subparagraph "A", subsection "3". (Ord. 2-2007, eff. 9/6/2007)

2 Title 10, Chapter 3 "Subdivision Regulations", Section 4 "Minor Subdivision Procedure" Subsection A Paragraph 1 and 3 are repealed and reenacted. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3 Title 10, Chapter 3 "Subdivision Regulations" Subsection C is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016, Ord 2-2021, eff. 6/2/2021)

10-3-5: Major Subdivision Procedure.[4]

A. Staff Review.

1. Prior to filing an application for approval of a Subdivision other than a Minor Subdivision qualifying under Section 10-3-4, the Subdivider shall submit to the Zoning Enforcement Officer an outline development plan and data as specified in Section 10-3-6.A. This procedure shall not require a formal application, fee or filing of a plat. (Ord. 2-2007, eff. 9/6/2007)

2. The Zoning Enforcement Officer shall review the outline development plan to determine its general acceptability and compliance with the objectives and standards of this Title, and may hold conferences with the Subdivider to discuss desirable modifications of the plan. (Ord. 2-2007, eff. 9/6/2007)

B. Preliminary plat.

1.[5] The Subdivider may make application to the Town for Subdivision. No application for preliminary plat approval for the Subdivision shall be accepted for filing unless accompanied by: (Ord. 2-2007, eff. 9/6/2007)

a. The fee ~~of Five Hundred Dollars ($550.00)~~ as ~~provided~~ set forth in then – current fee schedule in Appendix A as per Section 10-1-15; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

b. Three (3) copies of the preliminary plat, together with~~ll~~ all information specified in Section 10-3-6.B; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

c. An ownership and encumbrance report or title insurance commitment issued within thirty (30) days of submission of the application showing all owners of the property to be subdivided. (Ord. 2-2007, eff. 9/6/2007)

d. A list of all property owners, within three hundred (300') feet of the property proposed for rezoning, prepared by a title company issued with thirty (30) days of submission of the application, mineral interest owners of record, mineral and oil and gas lessees for the property. (Ord. 2-2007, eff. 9/6/2007)

e. The signatures of all record owners of the property or a representative of the record owners holding a power of attorney to act for the record owners. (Ord. 2-2007, eff. 9/6/2007)

2. The preliminary plat shall be scheduled for Public Hearing by the Planning

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4 Title 10, Chapter 3, Section 5 is amended by the repeal and reenactment of subparagraph "A", "B" and "C". Ord. 2-2007, eff. 9/6/2007

5 Title 10, Chapter 3 "Subdivision Regulations", Section 5 "Major Subdivision Procedure" Subsections B Paragraphs 1a and 1b are repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

Commission at its next regular meeting, provided the application is filed at least twenty (20) days prior to the meeting. (Ord. 2-2007, eff. 9/6/2007)

3. The Planning Commission shall review the preliminary plat for compliance with this Title and negotiate with the sub divider on the type and extent of improvements to be installed and on modifications deemed advisable. (Ord. 2-2007, eff. 9/6/2007)

4. Within thirty (30) days following submittal, the Planning Commission shall inform the sub divider of its approval or disapproval stating the conditions of approval, if any, or if disapproved, stating the reasons for disapproval. Any conditions must be met before submittal of a final plat. (Ord. 2-2007, eff. 9/6/2007)

5. Conditional approval of the preliminary plat shall be deemed a tentative expression or approval of the general layout as submitted or modified, pending approval of the final plat. (Ord. 2-2007, eff. 9/6/2007)

C. Final plat.

1.[6] A final plat shall not be accepted for filing unless accompanied by: (Ord. 2-2007, eff. 9/6/2007)

a. The fee ~~of Two Hundred Fifty Dollars ($250.00)~~ as ~~provided~~ set forth in then – current fee schedule in Appendix A as per ~~in~~ Section 10-1-15; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

b. Three (3) copies of the final plat, together with all information specified in Section 10-3-6.C; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

c. An updated ownership and encumbrance report issued within thirty (30) days of submission of the application for final plat by a title insurance company showing the current record owners of the property; and (Ord. 2-2007, eff. 9/6/2007)

d. Evidence that the property covered by the final plat will have access to the state highway system in conformance with the state highway access code. (Ord. 2-2007, eff. 9/6/2007)

2. The final plat shall be filed with the Town within one year after approval of the preliminary plat as set forth in Section 10-1-13. The final plat shall be submitted at least twenty (20) days prior to the meeting of the Planning Commission at which it is to be considered. (Ord. 2-2007, eff. 9/6/2007)

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6 Title 10, Chapter 3 "Subdivision Regulations", Section 5 "Major Subdivision Procedure" Subsection C Paragraph 1a and 1b are repealed and reenacted, 1a is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

3. Following review, the Planning Commission shall act to approve or disapprove the final plat, and send its recommendations to the Board of Trustees for its approval or disapproval of the final plat. If the plat is disapproved, the Planning Commission shall state the reasons in writing and furnish a copy to the subdivider. Only upon approval and recording of the final plat with the County Clerk and Recorder, shall the Town issue building permits for structures within the subdivision. (Ord. 2-2007, eff. 9/6/2007)

4. No sale of any lot within the subdivision, including an attempted sale by metes and bounds in an attempt to avoid the requirements of this Title, shall be made prior to recordation of the final plat. Any sale made or attempted in violation of this section shall be void and both the seller and buyer shall be chargeable in the Municipal Court. (Ord. 2-2007, eff. 9/6/2007)

10-3-6: Plats and Data

A. Outline development plan and data. The Outline Development Plan and data shall contain the following information presented in ~~generalized~~ a narrative and schematic form: (Ord. 2-2007, eff. 9/6/2007)

1. Location sketch: The location sketch shall show the current zone of the proposed subdivision and the relationship of the proposed subdivision to the surrounding area within one-quarter mile of the subdivision's boundaries. The sketch plan shall ~~may~~ be a ~~free-hand~~ drawing at suitable scale not smaller than 1" = 200' in a legible medium, and shall clearly show the following: the proposed layout of streets and lots in relation to topographic conditions and natural landscape features on the site; the proposed location and extent of major open spaces and public sites; general locations of utilities, easements and installations; proposed land uses; and indication of building types, with approximate location of major buildings and/or building envelopes. (Ord. 2-2007, eff. 9/6/2007)

2. General development information: The outline development plan shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required in Subsections ~~1~~1 and 2, above, and shall include information on existing covenants, land characteristics and information describing the development proposal, such as number of residential lots or dwelling units, typical lot width and depth, price ranges of lots and dwelling units, proposed protective covenants, proposed utilities and street improvements. (Ord. 2-2007, eff. 9/6/2007)

B. Preliminary plat and data.

1. The Preliminary plat may be drawn with scaled dimensions and need not be an engineering drawing with calculations or dimensions and survey closures. The Preliminary plat shall be prepared at a scale of not smaller than 1" = 100', shall show all existing conditions required in the Outline Development Plan

and shall contain all information including at least the following: (Ord. 2-2007, eff. 9/6/2007)

a. Outer boundary lines of the tract. (Ord. 2-2007, eff. 9/6/2007)

b. Location and dimensions of all existing streets, alleys, utility easements, drainage areas and all other significant features. (Ord. 2-2007, eff. 9/6/2007)

c. Proposed streets on and adjacent to the tract; name, right-of-way width and location; type, width and elevation of surfacing; curbs; gutters; sidewalks and culverts. (Ord. 2-2007, eff. 9/6/2007)

d. Lot lines, lot numbers and block numbers. (Ord. 2-2007, eff. 9/6/2007)

e. Location, dimensions and purpose of all other proposed easements and rights-of-way to be reserved or dedicated for public use, such as schools, parks, playgrounds, etc. (Ord. 2-2007, eff. 9/6/2007)

f. Location and acreage of sites, if any, for multi-family dwellings shopping centers, community facilities, industry or other use exclusive of single family dwellings. (Ord. 2-2007, eff. 9/6/2007)

g. Site data, including number of residential lots and typical lot size. (Ord. 2-2007, eff. 9/6/2007)

h. Name of proposed subdivision; names and addresses of owners and subdividers; designers and engineers; date; scale; north arrow; and legal description of tract. (Ord. 2-2007, eff. 9/6/2007)

2. A drainage plan shall be submitted along with the Preliminary plat and shall show all information including at least the following: (Ord. 2-2007, eff. 9/6/2007)

a. A topographic map of ground elevation on the tract based on the United States Geologic Survey datum plane or a datum plane approved by the Planning Commission showing contours at two foot intervals. (Ord. 2-2007, eff. 9/6/2007)

b. A drainage report prepared by a licensed engineer certified to practice in the State of Colorado, showing the proposed drainage plan for the subdivision, including location, design and capacity of proposed retention and detention facilities. (Ord. 2-2007, eff. 9/6/2007)

3.[7] A utilities plan shall be submitted showing at least the following: (Ord. 2-2007, eff. 9/6/2007)

[7] Title 10, Chapter 6, Subsection B, 3 is amended by the addition of item "d". Ord. 2-2014, eff. 12/13/2014

a. Location and size of existing utilities within and adjacent to the subdivision, including water, sewer, electricity, gas and telephone. (Ord. 2-2007, eff. 9/6/2007)

b. Proposed utility system including water mains, fire hydrants, sewers, other utility mains (electricity, gas, telephone) and any other services that shall supply the subdivision. All utilities must be constructed within approved easements or rights-of-way. (Ord. 2-2007, eff. 9/6/2007)

c. Utility clearance record showing approval by utility companies that service can be supplied. (Ord. 2-2007, eff. 9/6/2007)

d. Include street light plan. (Ord. 8-2014, eff. 12/13/2014)

4. Supplemental data shall be submitted as follows: (Ord. 2-2007, eff. 9/6/2007)

a. Subsurface conditions on the tract; location and results of tests made to ascertain subsurface soil, rock and ground water conditions. (Ord. 2-2007, eff. 9/6/2007)

b. Draft of proposed covenants, if any, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development. (Ord. 2-2007, eff. 9/6/2007)

c. Such additional information as may be required by the Planning Commission to determine that the subdivision can be constructed without an adverse effect on the surrounding area, and by reason of its location or design, will not place an undue burden on public utilities and community facilities. (Ord. 2-2007, eff. 9/6/2007)

d. Application for rezoning if required for the development of the subdivision. (Ord. 2-2007, eff. 9/6/2007)

C. Final plat and data.

1. The Final plat shall be an engineering drawing prepared to normal engineering tolerances of accuracy with calculated rather than scale dimension. The exterior lines of the Final plat shall join or close. The plat shall be drawn in permanent ink on reproducible linen or Mylar with outer dimensions of twenty-four (24) inches by thirty-six (36) inches and shall be at a scale of 1" = 100'. The Final plat may constitute the entire approved Preliminary plat or any logical portion of the approved Preliminary plat proposed for immediate recording. The Final plat shall conform to the approved Preliminary plat and shall include all changes and additions as required by the Planning Commission and shall show the following: (Ord. 2-2007, eff. 9/6/2007)

a. Primary control point, description and "ties" to such control points to which all dimensions, angles, hearings and similar data on the plat shall be referred. (Ord. 2-2007, eff. 9/6/2007)

b. Tract boundary lines; right-of-way lines of streets, easements and other rights-of-way; property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves. All dimensions, both linear and angular, shall be determined by an accurate control survey in the field which must balance and close within a limit of one (1) in ten thousand (10,000). No final plat showing plus or minus dimensions will be approved. (Ord. 2-2007, eff. 9/6/2007)

c. Total acreage and surveyed legal description of the subdivision. (Ord. 2-2007, eff. 9/6/2007)

d. Name and right-of-way width of each street or other right-of-way. (Ord. 2-2007, eff. 9/6/2007)

e. Location, dimensions and purpose of any easements. (Ord. 2-2007, eff. 9/6/2007)

f. Numbers to identify each block, lot and/or site. (Ord. 2-2007, eff. 9/6/2007)

g. Purpose for which sites, other than residential lots, are dedicated or reserved. (Ord. 2-2007, eff. 9/6/2007)

h. Location and description of all monuments, both found and set. (Ord. 2-2007, eff. 9/6/2007)

i. ~~Names of record~~ ~~o~~Owners of record of adjoining unplatted land. (Ord. 2-2007, eff. 9/6/2007)

j. Reference to recorded subdivision plats of adjoining platted land by record name, date and number. (Ord. 2-2007, eff. 9/6/2007)

k. Signature and seal of land surveyor registered in Colorado certifying to the accuracy of the survey and plat including a statement explaining how bearings, if used, were determined. (Ord. 2-2007, eff. 9/6/2007)

l. Signature block for certification of approval by the Planning Commission and Board of Trustees, with signatures by the Chairman of the Planning Commission and the Mayor. (Ord. 2-2007, eff. 9/6/2007)

m. Certification of title showing that the applicant is the landowner. (Ord. 2-2007, eff. 9/6/2007)

n. Statement by the subdivider dedicating streets, alleys, rights-of-way, easements and public sites. (Ord. 2-2007, eff. 9/6/2007)

o. Title under which the subdivision is to be recorded, scale, north arrow and date. (Ord. 2-2007, eff. 9/6/2007)

2. Other documents required at the time of submission of the Final plat shall be: (Ord. 2-2007, eff. 9/6/2007)

a. Complete engineering plans and specifications for all public facilities to be installed, including water and sewer utilities, streets and related improvements, bridges and storm drainage. (Ord. 2-2007, eff. 9/6/2007)

b. Clearance record showing approval by the Health Department and utility companies. (Ord. 2-2007, eff. 9/6/2007)

c. A statement, a copy of which shall be available for public inspection at Town Hall and which shall include: (Ord. 2-2007, eff. 9/6/2007)

1. Name and address of each person having an interest in the subdivision or development and the extent of such interest. (Ord. 2-2007, eff. 9/6/2007)

2. Such statement of the condition of the title to the land comprising the subdivision, including all encumbrances, deed restrictions and covenants applicable to the subdivision. (Ord. 2-2007, eff. 9/6/2007)

3. In the case of a subdivision or portion thereof against which there exists a blanket encumbrance, a statement of the consequences for an individual purchaser of a failure, by the person or persons bound, to fulfill obligations under the instrument or instruments creating such encumbrances and the steps, if any, taken to protect the purchaser in such eventuality. (Ord. 2-2007, eff. 9/6/2007)

4. Such statements of the developer as the Planning Commission and Board of Trustees may require and such other information, documents and certifications as the Planning Commission and Board of Trustees may require as being reasonable, necessary or appropriate for the protection of consumers. (Ord. 2-2007, eff. 9/6/2007)

d. Protective covenants, if any, in form for recording. (Ord. 2-2007, eff. 9/6/2007)

e. Repealed and reenacted to provide as follows: (Ord. 2-2007, eff. 9/6/2007)

f. Such other certificates, affidavits, endorsements, deductions or development agreements as may be required by the Planning Commission or Board of Trustees in the enforcement of this Title. (Ord. 2-2007, eff. 9/6/2007)

10-3-7: Design Standards.

A. General site considerations.

1. A proposed subdivision shall be in general compliance with respect to adequate dedication or reservation of street rights-of-way, utility easements and open spaces for schools and recreation areas. (Ord. 2-2007, eff. 9/6/2007)

2. A proposed subdivision shall not, by reason of its location or design, cast an undue burden on public utility systems and community facilities on or adjacent to the tract. Where extension and enlargement of public utility systems and community facilities is necessary, the subdivider shall make provision to offset higher net public cost or earlier incursion of public cost necessitated by the subdivision. Due consideration shall be given to the difference between anticipated public costs of installation, operation and maintenance and anticipated public revenue derived from the fully developed subdivision in determining added net public cost. (Ord. 2-2007, eff. 9/6/2007)

3. No land shall be subdivided in areas where soil, subsoil or flooding conditions are a potential danger to health and safety. (Ord. 2-2007, eff. 9/6/2007)

4. Drainage areas wherever possible shall be left in a natural state, and no encroachment shall be made on the natural channel. Multiple use of drainage and park facilities as, for example, through use of retention ponds is encouraged. A plan to prevent water pollution shall be submitted and adhered to wherever any modification of topography is required during construction within one hundred feet of any stream, ditch or drainage channel. (Ord. 2-2007, eff. 9/6/2007)

5. Provision shall be made to preserve groves of trees, streams, and ~~unusually attractive~~ other desirable topography and ~~other desirable~~ natural landscape features as determined by the Planning Commission. Provision shall be made for the perpetual maintenance of such features through private covenants or other means acceptable to the Planning Commission and Board of Trustees. (Ord. 2-2007, eff. 9/6/2007)

6. A proposed subdivision shall be designed in such manner as to be coordinated with adjoining subdivisions with respect to the alignment of street rights-of-way and utility and drainage easements and open spaces. (Ord. 2-2007, eff. 9/6/2007)

7. Where a subdivision borders an arterial street, a landscaped buffer area shall be provided for adequate reduction of noise. (Ord. 2-2007, eff. 9/6/2007)

8. Lot lines shall be laid out so as not to cross municipal boundary lines. (Ord. 2_-2007, eff. 9/6/2007)

9. The subdivider shall demonstrate to the Planning Commission that the street, lot and block pattern for nonresidential subdivisions takes into account other uses in the vicinity and the view from arterial streets and highways. The following standards shall be observed in reviewing nonresidential subdivisions: (Ord. 2-2007, eff. 9/6/2007)

B. Blocks.

1. Lot size, width, depth, shape, orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view. (Ord. 2- 2007, eff. 9/6/2007)

2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking, landscaping and loading areas required by the type of use and development contemplated. (Ord. 2-2007, eff. 9/6/2007)

3. Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages. (Ord. 2-2007, eff. 9/6/2007) Each lot shall be provided with satisfactory access to an existing public street. (Ord. 2-2007, eff. 9/6/2007)

4. A planting screen easement, across which there shall be no right of access, shall be provided along the property line of lots abutting an arterial street. A statement dissolving right of access from individual lots to the arterial street shall be included with the Final plat. (Ord. 2-2007, eff. 9/6/2007)

C. Streets.

1. Arrangement of streets:

a. The arrangement, extent, width, type and location of all streets shall be designed in relation to existing or planned streets, to topographic conditions, to public convenience and safety, and to the proposed use of land to be served. (Ord. 2-2007, eff. 9/6/2007)

b. Collector streets shall not intersect arterial streets at intervals of less than one thousand three hundred twenty feet (1,320'). (Ord. 2-2007, eff. 9/6/2007)

c. Streets shall be extended to the boundaries of the property, except where such extension is prevented by topography or other physical conditions, or where the connection of streets with existing or probable future streets is deemed unnecessary for the advantageous development of adjacent properties. Where future extension of a street is anticipated,

a temporary turnaround having a minimum outside diameter of eighty feet (80') shall be provided. (Ord. 2-2007, eff. 9/6/2007)

d. Streets, rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated on them. (Ord. 2-2007, eff. 9/6/2007)

e. Streets carrying nonresidential traffic, particularly truck traffic, shall not normally be extended to the boundaries of existing or potential residential areas. (Ord. 2-2007, eff. 9/6/2007)

2. Closed-end streets.

a. The maximum allowable length of closed-end streets in single-family residential and multi-family residential development shall be six hundred feet. (Ord. 2-2007, eff. 9/6/2007)

b. Closed-end streets shall be provided with circular turnarounds having a minimum outside right-of-way diameter of one hundred twenty feet and a minimum pavement diameter of ninety feet. (Ord. 2-2007, eff. 9/6/2007)

3. Intersections. Streets shall intersect at right angles, except as provided in C.7.a. hereof. (Ord. 2-2007, eff. 9/6/2007)

4. Half streets, the dedication of a half street shall not be accepted unless: (Ord. 2-2007, eff. 9/6/2007)

a. The subdivider obtains for the Town a dedication from the abutting landowner of the other one-half of the street; and (Ord. 2-2007, eff. 9/6/2007)

b. The subdivider obtains from the abutting landowner an agreement in a form satisfactory to the Town which guarantees the cost of the improvements and construction of the same on the half street within a time suitable to the Town; and (Ord. 2-2007, eff. 9/6/2007)

c. The subdivider guarantees the construction of the improvements on the half street which he or she is dedicating. (Ord. 2-2007, eff. 9/6/2007)

5. Perimeter streets. When the plan dedicates a street, which ends on the plat or is on the perimeter of the plat the subdivider shall convey the last foot of the streets on the terminal end or outside border of the plat to the Town in fee simple and such shall be designated as outlets. The Town shall put the same to public use for public road and access purposes when, within its sole and absolute discretion, it deems advisable. (Ord. 2-2007, eff. 9/6/2007)

6. Right-of-way pavement and sidewalk widths shall be as follows: (Ord. 2-2007, eff. 9/6/2007)

Minimum widths in feet by street type:			
Type	Right-of-Way	Pavement	Sidewalk
Arterial	100	48 (divided)	5
Collector	80	40*	5
Local	60	30*	4
Alley	20	15	NA
*measured from flow line of gutter to flow line of gutter			

7. Horizontal alignment:

   a. Where street centerlines deflect from each other at any point by more than fifteen degrees (15°) they shall be connected by horizontal curves having minimum radii as follows:

Local streets	100 feet
Collector streets	200 feet
Arterial streets	400 feet (Ord. 2-2007, eff. 9/6/2007)

   b. A tangent not less than one hundred feet (100') long shall be provided between reverse curves on collector and arterial streets. (Ord. 2-2007, eff. 9/6/2007)

   c. Cross streets which cannot be directly aligned at intersections shall be separated by a horizontal offset of not less than one hundred twenty-five feet (125') between centerlines, provided that this requirement shall not apply to the alignment of short, opposite closed-end streets. (Ord. 2- 2007, eff. 9/6/2007)

8. Vertical alignment:

   a. No vertical grade shall be less than two-tenths percent (0.2%) in order to facilitate adequate drainage. (Ord. 2-2007, eff. 9/6/2007)

   b. Maximum percent of street grade, except as provided below*: (Ord. 2-2007, eff. 9/6/2007)

Local streets	7%
Collector streets	6%
Arterial streets	5%

   *Where a horizontal curve occurs on a grade of over five percent (5%), the maximum allowable percent of grade on the curve shall be reduced by five-tenths percent (0.5%) of each

fifty feet (50') that the curve radius is less than four hundred feet (400').

**street grades shall not exceed four percent (4%) for a distance extending at least forty feet (40') in each direction from a street intersection. (Ord. 2-2007, eff. 9/6/2007)

c. Street names. Names of new streets shall not duplicate names of existing streets, provided that new streets which are extensions of, or which are in alignment with, existing streets shall bear the names of such streets. (Ord. 2-2007, eff. 9/6/2007)

D. Utilities.

1. Where necessary for installations and maintenance of utility systems, easements of at least ten feet (10') in width shall be reserved along rear lot lines, or at other locations which will not interfere with the sitting of buildings. (Ord. 2-2007, eff. 9/6/2007)

2. Where a subdivision is traversed by a water course, drainage way or stream, there shall be provided a perpetual drainage easement conforming substantially with the lines of such water course, and of such width as necessary and adequate to carry off the predictable volume of storm water drainage from a twenty-five (25) year frequency storm. (Ord. 2-2007, eff. 9/6/2007)

3. In general, utility systems shall be arranged and located in such manner as to avoid cross connections, minimize trenching and adequately separate incompatible systems. (Ord. 2-2007, eff. 9/6/2007)

E. Subdivision Access. Whenever access to the subdivision is required across land outside the Town limits, the subdivider shall demonstrate the access to the subdivision is legally established. (Ord. 2-2007, eff. 9/6/2007)

10-3-8: Required Improvements.[8]

A. General regulations.

1. The subdivider shall enter into an agreement with the Town to guarantee construction of all required improvements, including streets, curbs and gutters, driveways, sidewalks, storm drainage systems, streetlights and street trees. (Ord. 2-2007, eff. 9/6/2007)

2. Under such agreement the subdivider shall post a performance bond, certified check, letter of credit, or other security acceptable to the Town in an

[8] Title 10, Chapter 3, Section 8 is amended by the repeal and reenactment of subparagraph "B", subsection "7", and the addition of subparagraph "D". (Ord. 2-2007, eff. 9/6/2007)

amount equal to the estimated cost of construction of improvements. (Ord. 2-2007, eff. 9/6/2007)

3. The performance bond or certified check posted by the subdivider shall not be released until final construction of improvements has been completed and inspected at the subdivider's expense and approved and accepted by the Town. (Ord. 2-2007, eff. 9/6/2007)

4. The improvements required by the following subsections shall be provided in each subdivision proposed, and to the extent determined by the Planning Commission and Board of Trustees. Required improvements shall be designed in accordance with the detailed design standards and specifications deemed necessary by the Town and shall be constructed in accordance with the approved plans and the construction requirements and specifications. (Ord. 2-2007, eff. 9/6/2007)

5. No improvements shall be made until all plans and specifications have been reviewed and approved by the Town. (Ord. 2-2007, eff. 9/6/2007)

6. Maintenance of required improvements. Adequate provisions for the satisfactory maintenance of streets and utilities improvements, including easements, shall be made by dedication of such improvements to the Town. Those improvements which will not be maintained by the Town (sanitary sewer; potable water; fire hydrants and underground utilities) shall be dedicated to the appropriate provider. Prior to acceptance by the Town, the improvements to be dedicated shall be inspected and approved by the Board of Trustees or its authorized representatives. (Ord. 2-2007, eff. 9/6/2007)

7. Water and sewer. The subdivider shall present written documentation from the relevant providers that they are ready, willing and able to serve the subdivision. (Ord. 2-2007, eff. 9/6/2007)

B. Street improvements.

1. Grading: Street rights-of-way shall be graded as necessary to provide adequate surface drainage and convenient access to lots or sites. (Ord. 2-2007, eff. 9/6/2007)

2. Pavement base: The pavement base shall be properly drained and constructed of suitable materials so as to support the contemplated traffic load. (Ord. 2-2007, eff. 9/6/2007)

3. Pavement: Pavement shall be constructed of asphalt or concrete of sufficient thickness to support the contemplated traffic load. Streets shall be paved to the widths required under Section 10-3-7.C.6. (Ord. 2-2007, eff. 9/6/2007)

4. Alleys: If alleys are provided, they shall be in a graded gravel condition. (Ord. 2-2007, eff. 9/6/2007)

5. Curbs and gutters: All streets shall be provided with concrete curbs and gutters for the pavement edging. Such curbs and gutters shall be designed as an integral part of the pavement. (Ord. 2-2007, eff. 9/6/2007)

6. Driveways and access ways. Where appropriate to the type of development proposed, driveways or access ways shall be provided for vehicular access to each structure or parking or loading area. Driveways and access ways provided shall be of adequate width and constructed with suitable sub grade base, drainage and surfacing to be durable under the use contemplated. Driveways shall provide for parking off-street of at least two (2) passenger vehicles per residential lot. (Ord. 2-2007, eff. 9/6/2007)

7. Sidewalks and walkways: Sidewalks and walkways shall be provided where necessary or appropriate for the safety and convenience of pedestrians. Width of sidewalks shall be as specified in Section 10-3-7.C.6. Sidewalks and walkways shall be durably constructed with all-weather surfacing and shall be adequately lighted and maintained for the use contemplated. (Ord. 2- 2007, eff. 9/6/2007)

8. Street name signs: Easily legible street name signs shall be installed at street intersections or as necessary for convenient identification of streets. (Ord. 2-2007, eff. 9/6/2007)

C. Public improvements required.[9]

1. Storm drainage system:

a. The improvements and facilities shown on the report submitted pursuant to Section 10-3-6-B.2.b (as amended, modified or supplemented if required by the terms of preliminary or final approval). (Ord. 2-2007, eff. 9/6/2007)

b. Storms drainage shall not be permitted to empty into any sanitary sewerage system. (Ord. 2-2007, eff. 9/6/2007)

2. Sanitary sewerage system. The sanitary sewerage system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot -upon which a structure is to be built. The sanitary sewerage system shall be of sufficient size and design to collect all sewage from all proposed or probable structures within the subdivision or development. (Ord. 2-2007, eff. 9/6/2007)

3. Potable water system. The potable water system provided shall connect to an existing public water system and shall consist of water mains directly connected to using structures by means of lateral branches. The water system

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9 Title 10, Chapter 3, Section 8, Subsection C, is amended by the repeal and reenactment of item 6. (Ord. 8-2014, eff. 12/13/2014)

shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built. (Ord. 2-2007, eff. 9/6/2007)

4. Fire hydrants. Fire hydrants shall be installed at street intersections and at other points as necessary to assure that no building is located more than five hundred feet (500') from the nearest fire hydrant. (Ord. 2-2007, eff. 9/6/2007)

5. Underground utilities. All Underground utilities ~~electric power and, telephone distribution CATV systems. Electric power, telephone connections and wire and CAN systems~~ shall be placed below the surface of the ground in raceways and conduits or other acceptable means. Transformers, switching bases, terminal boxes, meters, cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground connections shall not be located on power poles but shall be placed on or under the surface of the ground, and where placed on the surface shall be adequately screened and fenced as necessary for safety and concealment. (Ord. 2-2007, eff. 9/6/2007

6. Streetlights. Street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirement shall be .4 foot candles on the street. All streetlights shall be fully shielded such that they produce no light higher than the horizontal plane of the light source. The street lighting plan specifying the number and approximate location of street lights must be included on the final plat. The style of fixture shall, as per Title 10-4-3, be the standard, Town-approved style for street and parking lot lights within the Town. (Ord. 2-2007, eff. 9/6/2007, Ord. 2-2014, eff. 12/13/2014)

7. Reference monuments. Permanent reference monuments shall be installed in accordance with C.R.S. § 38-51-105. (Ord. 2-2007, eff. 9/6/2007)

D. Warranty.

All workmanship and materials for all required improvements shall be warranted by the subdivider for a period of two (2) years from the date of the Town's acceptance of the required improvement; provided that any defects which are the result of public abuse, misuse or acts of God are not the responsibility of the subdivider. For perimeter fences that abut collector and arterial streets, the warranty period shall be two (2) years. In the event that any other provision of this Code or specifications adopted pursuant thereto requires a warranty of workmanship or materials for a different period of time, that provision requiring the longer period shall govern. The inspection or acceptance of any required improvement by the Town shall not relieve the subdivider of his or her warranty of workmanship and materials. (Ord. 2-2007, eff. 9/6/2007)

Chapter 4

SUPPLEMENTARY REGULATIONS

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10-4-1: Signs

A. Definition.[1]

1. Sign. Means any object or device or part thereof, including an artistic work, which is situated outdoors or in an exterior window and is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including, without limitation, works, letters, figures, design symbols, colors, sculpture, motion, illumination, or projected images.

2. Wall Mural(s). Means artwork painted on the surface of a building exterior or other structure not including trademarks or business advertising; murals may be permitted following application and review and approval by the Planning Commission and the Board of Trustees. (Ord. 2-2007, eff. 9/6/2007. Ord. 2-2019, eff. 2/7/2019)

B. General Limitations.[2] No signs of any nature shall be allowed, constructed, erected or maintained, except as herein specifically provided or by a sign permit. A permit must be obtained from the Zoning Enforcement Officer. The applicant shall submit a drawing or representation of the proposed sign, along with mounting specifications and scaled drawing showing the sign placement on the property or building. The fee for the sign permit is per (see Appendices Westcliffe Fee Schedule) and must be submitted with the application. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

The following signs may be exempt from the permit requirement or addressed individually regarding the other requirements of this Chapter: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

1. Temporary signs used by churches, synagogues or other civic Organizations. Such signs may be erected not earlier than two weeks prior to the opening of the event and shall be removed not later than one week after the activity is over. (Ord. 2-2007, eff. 9/6/2007)

2. Holiday signs, displays and decorations. (Ord. 2-2007, eff. 9/6/2007)

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1 Title 10, Chapter 4, Section 1, Paragraph A is repealed and reenacted in its entirety. (Ord. 2-2019, eff. 2/7/2019)

2 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsection B and Paragraphs 3, 5, 9, 10, 11 and 13 are repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

3. "Political sign" means a sign used in connection with a local, state or national political issue, election or referendum. Political signs of eight (8) square feet or less erected on private property only. Signs may be erected no earlier than sixty (60) days prior to the election and removed no later than fourteen (14) days after the election. Political signs larger than eight (8) square feet require a permit and shall meet the other requirements of this chapter. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

4. Signs showing underground or public utilities. (Ord. 2-2007, eff. 9/6/2007)

5. Interior window signs (signs that are inside a building and within two (2) feet of a window that can be viewed through a window). Any lit interior window signs must be turned off at the close of business. The owner of a lit sign that is consistently left turned on after business hours shall be required to refrain from the use of such signs at the direction of the Zoning Enforcement Officer. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

6. Private warning signs (no hunting, etc.) (Ord. 2-2007, eff. 9/6/2007)

7. Vending machine signs, including ATM signs. (Ord. 2-2007, eff. 9/6/2007)

8. Public information service signs of less than twelve (12) square feet. (Ord. 2-2007, eff. 9/6/2007)

9. Real estate signs not to exceed six (6) square feet in sign area, and located on the ground floor level of the property which is being advertised. One (1) sign is allowed on each street frontage. Real estate signs may not be affixed to live trees. Such signs shall be removed fourteen (14) days following closing. Real estate parcels one (1) acre or larger may have a real estate sign not in excess of sixteen (16) square feet and ten (10) feet high. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10. Garage sale signs. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

11. Commemorative signs, cornerstones and plaques not exceeding two (2) square feet. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

12. Official government or traffic signs of the Town, County or State, and/or signs required or specifically authorized for public purpose by any law, statute or ordinance (e.g., directional signs.). (Ord. 2-2007, eff. 9/6/2007)

13. Flags of any state, nation, or government. Flags must be in good condition not faded or worn, frayed, defaced, or modified in any way. Flags may not exceed fifty (50) square feet in size and no flagpole may be higher than thirty-five (35) feet in any zone districts except residential districts, in which the maximum height shall be twenty-five (25) feet. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

14. Barber poles that do not exceed eight (8) feet in height and are used in conjunction with a barber shop. (Ord. 2-2007, eff. 9/6/2007)

15.[3] Not more than two (2) signs identifying the house number and the names of the occupants, not to exceed one (1) square foot each. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

C.[4] [5]Moveable business signs and off-site business signs of a permanent nature. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)

1. Each business located in the Core Commercial District along Main Street shall be allowed one (1) sign each of a moveable design (sandwich board, A-frame or free standing) to be placed on the public sidewalk area in front of their respective businesses. Those businesses located on Second Street and not Main Street shall be allowed one (1) sign, of the type described above, to be located in front of their respective business and one (1) off-site sign of the same design to be located on the public sidewalk at the corner of Main Street and the street on which their business is located, the signs in these locations must be placed in an orderly fashion so as to not inhibit pedestrian flow or obstruct another business' sign. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/2011, Ord. 13-2016, eff. 10/6/2016)

2. The signs must be constructed of durable materials and painted or finished, as the material requires, to withstand the elements, and of sufficient weight to resist being blown over or sliding, an internal weighting system may be used to accomplish this requirement. The signs must have the appearance of being professionally designed, constructed, lettered and painted and maintained in their original condition. The signs shall not have any rough, sharp or jagged edges and all sharp metal edges must be covered (i.e., with a frame). The signs may be constructed with or have an area made of materials that allow for the information to be changed such as a chalkboard, dry erase or changeable letter board. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11, Ord. 13-2016, eff. 10/6/2016)

3. The maximum overall size of the signs shall be thirty (30") inches in width by forty-six (46") inches in height, as measured from the sidewalk, when set up for display. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)

4. The signs must be taken in at the close of business and not placed in a manner that obstructs pedestrian traffic when in use this requirement applies to all districts where the use of such signs is allowed. The secondary signs for those businesses on Second Street must be returned to and stored in the place of business at the close of business hours. All such signs must be taken

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3 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections B Paragraphs 15 and 16 are deleted and 17 then becomes 15. (Ord. 13-2016, eff. 10/6/2016)

4 Title 10, Chapter 4, Section 1, Subsection C is repealed and reenacted in its entirety. Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6-10-11

5 Title 10, Chapter 4, Section 1 "Signs" Subsection C Paragraphs 1, 2, 4 and 5 are repealed and reenacted in their entirety. (Ord. 13-2015, eff. 10/6/2016)

down and stored during periods of ~~extreme wind~~inclement weather, for safety~~,~~. ~~and during snow events~~, ~~to ease snow removal.~~ (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11, Ord. 13-2016, eff. 10/6/2016)
If a sign that is consistently left out after business hours or is consistently moved about by the action of wind, the owner shall be required to refrain from the use of such sign at the direction of the Zoning and Building Official. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11, Ord. 13-2016, eff. 10/6/2016)

5. The owner of the sign(s) assumes all liability for personal injury or property damage resulting from its placement on public or private property. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11, Ord. 13-2016, eff. 10/6/2016)

6. No sign of a permanent nature shall identify or advertise a business or establishment, except on the lot upon which the business or establishment is located, without the approval of the Board of Adjustment. If approval of an off-site sign is obtained from the Board of Adjustment all regulations contained in 10-4-1 of the Town of Westcliffe Code of Ordinances shall apply to such sign. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)

D. Signs shall be set back from all traveled portions of the road or from the property Line ten (10) feet if the sign is not on the site of the business being advertised. On-site signs may be placed up to the property line and shall be placed in such a manner as to not interfere with normal traffic and maintenance vehicles for the roadway. In no event shall a sign be placed in a manner which obstructs normal traffic or maintenance of the property ~~owners~~. No sign shall be located so that it shall interfere with or detract from orderly traffic movements, obscure or impair the vision of the driver of any motor vehicle or which is a hazard to traffic. (Ord. 2-2007, eff. 9/6/2007)

E.[6] All illuminated signs shall be so placed as to prevent the light rays or illumination there from being cast upon residential dwellings or being cast so as to interfere with traffic control signals or the safe operation of vehicles. Beacons or search lights shall not be permitted for advertising purposes. New internally lit external signs are prohibited unless approved by a variance by the Board of Adjustments. House numbers, may be illuminated from an internal light source. Signs shall not be animated, oscillate, rotate, move, or have the illusion of motion. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

F. All signs and other forms of outdoor advertising, together with any supports, braces, guys and anchors, shall be kept in good repair and in a safe state of preservation so as to preserve the initial intent of their design and so as to remain fully readable. All signs erected to serve temporary purposes, such as for community events, social events, entertainment's special or limited sales, real estate sales and similar circumstances, shall be removed within two weeks from the date of their purpose ceased to exist. (Ord. 2-2007, eff. 9/6/2007)

G.[7] The maximum size for a sign projecting from the face of a building, or mounted perpendicular to the face of a building, shall not exceed fifteen (15) square feet of display

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6 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections E is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

7 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections G is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

face per side, which shall encompass the copy, insignia, back ground and borders. Both sides of the sign may be used. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

H.[8] Except as otherwise specifically permitted or exempted, no signs are permitted in the Residential ~~and~~ Single-Family Zone Districts. No signs, display, advertising or activity that would in any way indicate that the premises are being used for a Home Occupation except for a single sign, which may be attached either to the Dwelling Unit or the Accessory Structure, such sign not to exceed an area of ~~two~~ four square feet; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

I.[9] The maximum height of any sign shall not exceed sixteen (16) feet above grade. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

J.[10] Signs projecting over a street or other public space shall project not more than three (3) feet, and shall be no closer than two (2) feet to a plumb line from the curb line. Clearance below such signs shall be a minimum of eight (8) feet. No sign shall project above the roof-line. No signs shall project over an alley. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

K.[11] The maximum size for a sign fixed flat against the face of a building shall not exceed one (1) square foot per liner foot of store front. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

L. No signs shall be erected, maintained or permitted to remain publicly displayed which are misleading, fraudulent, obscene. (Ord. 2-2007, eff. 9/6/2007)

M. No signs may contain any radio, phonograph, whistle, bell or other sound or noise making or transmitting device or instrument. (Ord. 2-2007, eff. 9/6/2007)

N. Any sign that exists at the time of the adoption of this Title, but does not conform to the provisions thereof, shall not be altered or enlarged without making the entire sign conform with the provisions of this ordinance. This shall not be construed so as to prevent necessary maintenance of the sign to keep it in good repair. (Ord. 2-2007, eff. 9/6/2007)

O.[12] Wall murals may be permitted by resolution of the Town Board if they: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

1. present no safety issue;
2. are compatible with the *surrounding area;*
3. are not obscene.

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8 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections H is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

8 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections I is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections J is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

11 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsection K is deleted and replaced with a new paragraph. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

12 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections O is repealed and reenacted with the addition of Paragraph 4. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

4. contain art work that has been submitted and approved by the Board of Trustees. (Ord. 13-2016, eff. 10/6/2016)

P.[13] Signage in the Town's Highway Commercial Zone (zone HC) shall:

1. have a maximum size of sixty-four (64) square feet provided the sign is at least forty feet (40') from the edge of the highway, or,
2. have a maximum size of ninety-six (96) square feet provided the sign is at least one hundred feet (100') from the edge of the highway, or
3. have a maximum size of one and one-half (1.5) square feet per linear foot of the face of a building if such sign is affixed flatly against the face of a building that is at least one hundred (100') feet from the edge of the highway. (Ord. 4-2018, eff. 4/5/2018)

10-4-2: Parking

A. Parking: Parking spaces of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided as follows: (Ord. 2-2007, eff. 9/6/2007)

1. Dwelling units: two (2) spaces for each dwelling unit. (Ord. 2-2007, eff. 9/6/2007)

2. Churches: one (1) space for each four (4) seats. (Ord. 2-2007, eff. 9/6/2007)

3. Elementary schools and nursery schools: one (1) space for each classroom plus one (1) space for each one hundred (100) square feet of office space. (Ord. 2-2007, eff. 9/6/2007)

4. High schools, colleges, and vocational schools: one (1) space for each classroom plus one (1) space for each one hundred (100) square feet of office space plus one (1) space for each classroom seat. (Ord. 2-2007, eff. 9/6/2007)

5.[14] Communal gathering rooms: one (1) space per each four hundred (400) square feet of gross floor area. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

6. Mobile Home Parks: two (2) spaces for each mobile home and two (2) spaces for each mobile office. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

7. Buildings pertaining to the management and operation of mobile home parks: one (1) space for each one hundred (100) square feet of floor area. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

8. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each two hundred (200) square feet of area devoted to sales and display in each retail establishment. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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13 Title 10, Chapter 4, Section 1 shall be amended with the addition of a subsection P. (Ord. 4-2018, eff. 4/5/2018)

14 Title 10, Chapter 4 "Supplementary Regulations" Section 2 "Parking" Subsections A Paragraphs 5, and 7 are repealed in their entirety and re-renumbered. (Ord. 13-2016, eff. 10/6/2016)

9. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each three hundred (300) square feet of office space. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10. Two (2) parking spaces of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each rental unit or manager's unit in ~~motels and hotels~~ all lodging establishments. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

11. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each four (4) seats in eating and drinking places. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

12. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each four (4) seats in theaters and auditoriums. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10-4-3: Outdoor Lighting[15]

A.[16] All outdoor lighting shall be shielded so that direct light from the fixture does not trespass on neighboring property. A practical way to determine if a light fixture will conform to this provision is to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements: the lamp or tube, any reflective surface or lens cover (clear or prismatic) must not be visible when viewed from above or the side. (Ord. 2-2007, eff. 9/6/2007, Ord. 2-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

B. Lighting shall be so placed as to prevent the light rays or illumination there from being cast beyond property lines. (Ord. 2-2007, eff. 9/6/2007)

C. All metal halide and fluorescent fixtures shall be filtered with glass, acrylic or translucent enclosures. (Ord. 2-2007, eff. 9/6/2007)

D.

The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited. Only light-emitting diode (LED), high-pressure sodium (HIPS), low pressure sodium (LPS), or incandescent light fixtures that are fully shielded and have a color temperature of no more than 3,000 Kelvin shall be permitted in all areas. In addition, the level of illumination shall not exceed 1.16 lumens per square foot of illuminated area.

~~The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited. Only high-pressure sodium (HIPS), low pressure sodium (LPS), LED or incandescent fixtures shall be permitted in commercial and multifamily residential parking areas. In addition, the level of illumination shall not exceed the maximum lumens as stated in these ordinances.~~ (Ord. 2-2007, eff. 9/6/2007, Ord. 2-2014, eff. 12/13/2014)

E. All non-conforming outdoor light fixtures in existence prior to December 1, 2000, shall be deemed a legal nonconforming use and may be continued subject to the requirements of Section 10-1-7.B. (Ord. 2-2007, eff. 9/6/2007)

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15 Title 10, Chapter 4, Section 3, is amended by the repeal and reenactment of Subsection "A" and "D" and the addition of "G". (Ord. 2-2014, eff. 12/13/2014)

16 Title 10, Chapter 4 "Supplementary Regulations", Section 3 "Outdoor Lighting" Subsection A is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

F.[17] Lights one hundred (100) watts and less per fixture, fluorescent lights forty (40) watts and less per fixture and lights used for holiday decorations are exempt from the requirements of this ordinance. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

G.[18] The purpose of these lighting standards and the policy of the Town of Westcliffe is to minimize glare and light trespass beyond the property boundary of each lot by limiting outdoor lighting, whether shielded or unshielded, shall not exceed Dark Skies recommended lumens. (Ord. 2-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

10-4-4: Dedication of Public Sites and Open Spaces.

A. General Requirement. The Planning Commission and the Board of Trustees, upon consideration of the Master Plan, the necessity of public buildings and facilities in the area, and the particular type of site development proposed shall require the dedication of areas or sites of a character, extent and location suitable for public use for schools, parks, greenbelts or other necessary public purposes (other than subdivision streets) according to one or more of the alternatives set forth below. (Ord. 2-2007, eff. 9/6/2007)

B. Procedure. Prior to final approval for all site developments, the applicant shall: (Ord. 2-2007, eff. 9/6/2007)

1. Dedicate land, interest in land, improvements or arrange for the construction of public facilities made necessary as a consequence of the site development, or (Ord. 2-2007, eff. 9/6/2007)

2. Make a payment to the Town of a sum of money, to be determined by the Town in accordance with the criteria set out below, based upon either the fair market value of a percentage of the acreage, a flat fee per lot or tract or, in the case of any other method, such basis as may be agreed upon between the Town and the developer; such in-lieu payment is to be applied against expenses incurred by the Town in the provision of off-site municipal services or facilities made necessary or desirable by the immediate or future increase in population caused by or attributable to the site development, or (Ord. 2-2007, eff. 9/6/2007)

3. Provide property by private covenant where such property will fulfill the needed recreational or amenity purposes. (Ord. 2-2007, eff. 9/6/2007)

4. Fulfill such other arrangements or conditions, memorialized in the property subdivision agreement, as may be desirable or necessary to alleviate the effects of or increase the benefits caused by the site development and to promote the public health, safety and welfare of the present and future site development residents and inhabitants of the Town as a whole. (Ord. 2-2007, eff. 9/6/2007)

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17 Title 10, Chapter 4 "Supplementary Regulations", Section 3 "Outdoor Lighting" Subsection F is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

18 Title 10, Chapter 4 "Supplementary Regulations", Section 3 "Outdoor Lighting" Subsection G is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

C. Purpose. The purpose of the dedication and/or payment is to provide the public facilities and/or services made necessary as a consequence of the site development, in an amount roughly proportional to the impact of the site development upon such facilities and/or services or the increased need for them brought about by the site development. The developer shall have the option, in its sole discretion, to accept the Town's calculation of the required dedication, or to perform such studies as are necessary to demonstrate the actual impact of the site development upon public services and facilities, and the resulting appropriate dedication or other contribution. (Ord. 2-2007, eff. 9/6/2007)

D. Criteria. The Town and, in certain cases as outlined above, the developer, in formulating the appropriate combination of the options set forth above, shall take into consideration the following criteria: (Ord. 2-2007, eff. 9/6/2007)

1. The size of the proposed site development. (Ord. 2-2007, eff. 9/6/2007)

2. The projected additional population associated with the proposed site development. (Ord. 2-2007, eff. 9/6/2007)

3. The projected need generated by the site development for municipal services and facilities, particularly recreational, educational and protective, the provision of which is not covered by other requirements herein. (Ord. 2-2007, eff. 9/6/2007)

4. The impact of the proposed site development on the implementation of the Master Plan and its component parts, including transportation and parks and recreation. (Ord. 2-2007, eff. 9/6/2007)

E. All moneys collected by the Town under this Section shall be deposited in an interest-bearing account which clearly identifies the category, amount or fund of capital expenditure for which the moneys were collected. Each such category, account or fund shall be accounted for separately. Any interest or other income earned on such moneys shall be credited to the account. (Ord. 2-2007, eff. 9/6/2007)

F. The location of all public or quasi-public land intended to be conveyed or reserved in the deed for use of all property owners shall be shown on the preliminary and final plats or site plans, as appropriate, together with the proposed method of ownership, management, maintenance and such other information as is necessary for the Planning Commission and Board of Trustees to evaluate the proposal. (Ord. 2-2007, eff. 9/6/2007)

G. At the time of presentation of the final plat for approval by the Planning Commission and Board of Trustees, a warranty deed shall be presented for all land to be conveyed to the Town, school district or other governmental entity. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear from all encumbrances. (Ord. 2-2007, eff. 9/6/2007)

H. Reservation. Reservation by covenant, in lieu of dedication, may be permitted where land is to be used for recreational or amenity purposes by the property owners. (Ord. 2-2007, eff. 9/6/2007)

10-4-5: Maintenance of Structures and Site Plans

On and after December 1, 2000, all structures, and all elements and features of any site plan or site development (including, without limitation, buildings, fences, walls, parking areas, driveways, sidewalks, landscaping, utility lines and irrigation systems) for which structures, site plans or site development the owner thereof or his or her predecessor in interest obtained approval from the Town for the construction or establishment, shall be maintained in good repair and in substantially the form, condition and nature which was represented at the time they were constructed. It is the intention of this Section that such structures, elements and features of site plans and site developments within the Town, having once been approved for construction or development, shall not be allowed to deteriorate to a condition which is in any respect inferior to the condition or state upon which the original approval for construction or development was based. For purposes of this Section, the owner of the structure or real property shall be considered the responsible party. (Ord. 2-2007, eff. 9/6/2007)

10-4-6:[19] Fencing

A. Definition. Fences shall be permitted anywhere on a lot in a residential zoning district, including along property lines. The term "fence" shall include a wall or any similar structure.

B. Permit. A fence permit must be obtained from the Zoning Enforcement Officer.

1. A sketch or drawing of the fence, including its location on the property, as well as its height and proposed materials shall be submitted with the permit application and fee (see Appendices Westcliffe Fee Schedule).[20] (Ord. 2021, eff. 6/1/2021)

C. Area and Height Standards.

1. Fences in front yards. A solid fence on the property line in a front yard shall not exceed 4 feet in height. An ornamental fence may be erected to a height of 6 feet provided it is at least 50% open overall.

2. Fences in side yards. A solid fence on the property line in a side yard shall not exceed 4 feet in height. An ornamental fence on the property line in a side yard may be erected to a height of 6 feet provided it is at least 50% open overall.

3. Fences in rear yards. A fence on the property line in a rear yard may be erected to a height of 6 feet.

D. Exceptions.

1. Fences erected within the building setback lines are not subject to the above height limitations.

2. Gates and Trellises. At a gate, walkway, or other entrance area, a decorative gate or trellis may extend above the permitted fence height to a maximum of 10 feet in height.

E. Fence Materials.

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[19] Title 10, Chapter 4, Supplementary Regulations" Section 6 "Above-Ground Storage of Flammable Products" is repealed in its entirety and replaced with a new section "Fencing. (Ord. 13-2016, eff. 10-7-2016)
Title 10, Chapter 4, Section 6 (B) is amended by adding the Westcliffe Fee Schedule. (Ord. 2-2021, eff. 6-1-2021)

1. Fences must be constructed of recognized and approved fencing materials. Barbed wire, concertina wire, and razor wire fences are prohibited. Materials not typically used in fence construction such as tires, pallets, tarps, recycled items, etc. are prohibited.

2. Orientation of supporting members. The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

3. All fences shall be constructed as to withstand wind gusts in this special wind region and must be maintained in their original permitted condition.

4. Exceptions to height limitations may be made for necessary privacy considerations by the Zoning Enforcement Officer.

Chapter 5

VESTED PROPERTY RIGHTS

SECTIONS:		PAGE
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10-5-2:	Definitions	1
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10-5-1: Purpose:

The purpose of this Chapter is to provide the procedures necessary to implement the provisions of C.R.S. § 24-68-101, et seq. as amended. (Ord. 2-2007, eff. 9/6/2007)

10-5-2: Definitions

A. "Application" means the completion and filing with the Town of all documents required by the Town for consideration of a site specific development plan. (Ord. 2-2007, eff. 9/6/2007)

B. "Major Amendment" means an amendment to a site specific development plan which substantially changes the use, intent, arrangements of lots and alignment of major circulation patterns, density levels, provisions governing common or open spaces. A major amendment includes any other amendment that substantially changes the character of a site specific development plan. (Ord. 2-2007, eff. 9/6/2007)

C. "Site Specific Development Plan" means for all developments, the final approval step, irrespective of its title, which occurs prior to building permit application; provided, however, that if the landowner wishes the approval to have the effect of creating vested rights under C.R.S. § 24-68-101 et seq., as amended, the landowner must so request at least 20 days prior to the date the approval is to be considered. Failure to so request renders the approval not a "Site Specific Development Plan", and no vested rights shall be deemed to have been created. (Ord. 2-2007, eff. 9/6/2007)

D. "Site Specific Development Plan" shall not include a variance, an outline development plan or preliminary plat as defined by the Town of Westcliffe Subdivision Regulations, as amended, or by C.R.S. § 30-28-101(6) or (8), an application for annexation, approval of a use by special review, a final architectural plan, public utility filings or final construction drawings or related documents specifying materials and methods for construction of improvements. (Ord. 2-2007, eff. 9/6/2007)

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[1] Title 10, Chapter 5, "Vested Property Rights", Section 7 "Payment of Costs" is repealed and the remaining are re-numbered. Ord. 13-2016, eff. 10/6/2016

E. "Vested property right" means the right to undertake and complete the development and use of property under the terms and conditions of a Site Specific Development Plan. (Ord. 2-2007, eff. 9/6/2007)

10-5-3: Notice and Hearing

No Site Specific Development Plan shall be approved until after a public hearing, preceded by written notice of such hearing. Such notice may, at the Town's option be combined with the notice required by C.R.S. § 31-23-304, as amended, for zoning regulations, or with any other required notice. At such hearing interested persons shall have an opportunity to be heard. (Ord. 2-2007, eff. 9/6/2007)

10-5-4: Approval and Effective Date

A. A Site Specific Development Plan shall be deemed approved upon the effective date of the approval by the Board of Trustees of the final approval step as set forth in section 10-2-2.C, above. (Ord. 2-2007, eff. 9/6/2007)

B. If amendments to a site specific development are proposed and approved, the effective date of such amendments, for proposes of duration of a vested property right, shall be the date of the approval of the original Site Specific Development Plan, unless the Board of Trustees specifically finds to the contrary and incorporates such finding in its approval of the amendment. (Ord. 2-2007, eff. 9/6/2007)

10-5-5: Forfeiture of Vested Property Rights

The following shall cause a forfeiture of the vested rights granted for the original site specific development plan and shall make the approval of the plan null and void: (1) a major amendment to a site specific development plan as proposed by the developer and approved by the planning commission, (2) failure of the developer to complete the development of an approved site specific development plan within three (3) years of the effective date of approval, or (3) failure of the developer to comply with any terms for approval of the site specific development plan. (Ord. 2-2007, eff. 9/6/2007)

10-5-6: Notice of Approval

Each map, plat, or site plan or other document constituting a Site Specific Development Plan shall contain the following words. "Approval of this plan may create a vested property right pursuant to C.R.S. § 24-68-101 et seq., as amended." Failure to contain this statement shall invalidate the creation of the vested property right. A notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected and stating that a property right has been created shall be published once, not more than 14 days after approval of the site specific development plan, in a newspaper of general circulation with the Town. (Ord. 2-2007, eff. 9/6/2007)

10-5-7: Other Provisions Unaffected (Ord. 13-2016, eff. 10/6/2016)

Approval of a Site Specific Development Plan shall not constitute an exemption from or waiver of any other provisions this Code or regulation pertaining to the development and use of property. (Ord. 2-2007, eff. 9/6/2007)

10-5-8: Limitations (Ord. 13-2016, eff. 10/6/2016)

Nothing in this Chapter is intended to create any vested property right, except as required by C.R.S. § 24-68-101~~,~~ et seq., as amended, but is intended only to implement the provisions of that statute. If that statute is repealed or declared by a court of law to be invalid, this article shall be deemed repealed, and its provisions shall no longer be effective. (Ord. 2-2007, eff. 9/6/2007)

Chapter 6
Annexation Procedures

10-6-1. Purpose.

The purpose of this Chapter is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the Colorado Municipal Annexation Act of 1965, as amended, and as codified in C.R.S. 31-12-101 et seq.

10-6-2. Responsibilities of Applicant.

In addition to other duties imposed upon all applicants by this Code and the Colorado Municipal Annexation Act of 1965, all applicants shall have the following responsibilities:

A. The applicant is responsible for having a representative at all meetings where the request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.

B. The applicant shall consult with the Planning Department to discuss any special conditions pertaining to the annexation and to obtain an annexation petition.

10-6-3. Preliminary Steps.

A. *Procedure.* At least 15 days prior to the presentation of any annexation petition to the Board of Trustees, the applicant shall submit to the Town the annexation petition, the annexation fee as set forth on the Town's Fee Schedule, a minimum of 15 copies of the master plan and annexation map, and a minimum of five copies of all required supportive information.

   1. The Planning Department shall review all documents submitted for completeness and accuracy. If all documents are complete and accurate, the Planning Department shall submit the annexation petition to the Town Clerk.

   2. The Town Clerk shall present the annexation petition and a resolution initiating annexation proceeding to the Board of Trustees, which shall thereafter establish a date for a public hearing. Upon the establishment of a public hearing date, the Town Clerk shall give appropriate notice in accordance with the Colorado Municipal Annexation Act of 1965, as amended, and shall specifically direct copies of the annexation petition and the resolution initiating the annexation procedure by certified mail to the Clerk of the Board of County Commissioners and to the County Attorney. Copies of the annexation petition and the resolution initiating the annexation procedure shall also be sent by certified mail to any school district or special district having territory within the annexation area. These copies shall be sent at least 25 days prior to the public hearing.

3. Upon acceptance of the annexation petition by the Board of Trustees, the Planning Department shall furnish to the entities listed below copies of the annexation map and the master plan. The Planning Department may submit copies of the annexation map and the master plan to additional interested entities as determined by the Planning Department in its sole discretion. Such entities shall be advised by the Planning Department of the scheduled hearing date and shall further be notified that any objections to the annexation and master plan must be submitted to the Town in writing no later than seven days after receipt of the annexation map and master plan.

    a. Telephone companies.
    b. Franchise utility companies.
    c. Town Engineer.
    d. Fire Department.
    e. Town Public Works
    f. Round Mountain Water and Sanitation District.
    g. State Highway Department.

4. The Planning Commission shall review the annexation map, master plan and zoning request at a public hearing and shall submit a written recommendation to the Board of Trustees.

B. *Annexation Map.* All annexation maps shall be made with an engineer's scale, minimum scale to be one inch represents 100 feet, and shall be on a reproducible medium with outer dimensions of 24 inches by 36 inches. The annexation map shall contain the following information:

1. The date of preparation, the scale and a symbol designating true north.
2. The name of the annexation.
3. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
4. The legal description.
5. Distinction of the boundary that is contiguous to the Town and the length of the same.
6. Lot and block numbers if the area is already platted.
7. Existing and proposed easements and rights-of-way.
8. Existing and requested zoning and acreage of each requested zone.
9. Ownership of all parcels within and adjacent to the annexation.
10. Appropriate certification blocks as directed by the Planning Department.

C. *Master Plan.* All master plans shall be made with an engineer's scale, minimum scale to be one inch represents 100 feet, and shall be on a reproducible medium with outer dimensions of 24 inches by 36 inches. The master plan shall contain the following information:

1. The date of preparation, the scale and a symbol designating true north.
2. The name of the annexation

3. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the master plan.
4. Existing and proposed easements and rights-of-way.
5. Block numbers and lot numbers with approximate dimensions.
6. Proposed gross and net residential density.
7. Existing watercourses with adequate easements for flood control.
8. Designation of all public sites to be reserved and dedicated.
9. Existing two-foot contours.
10. Appropriate certification blocks as directed by the Planning Department.

D. *Supportive Information.* The following supportive information shall be submitted with the annexation map and master plan:

1. Soils description and limitation.
2. Preliminary utility plan.
3. Mailing addresses of all property owners within 300 feet of the annexation.
4. Affidavit concerning the amount and historical use of all water rights owned.
5. Vicinity map with a radius of one and one-half miles, at a minimum scale of one inch represents 2,000 feet.
6. Statement on community need for the proposed annexation and zoning.
7. For all annexations in excess of ten acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.

10-6-4. Annexation Impact Report.

A. For all annexations in excess of ten acres, the Town shall prepare an impact report regarding the proposed annexation not less than 25 days before the date of the annexation hearing. One copy of the impact report shall be filed with the Board of County Commissioners within five days thereafter. The preparation and filing of the annexation impact report may be waived upon approval of the Board of County Commissioners.

B. The annexation impact report shall include the following:

1. A map or maps of the Town and adjacent territory showing the following information:

    a. The present and proposed boundaries of the Town in the vicinity of the proposed annexation.

    b. The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.

c. The existing and proposed land use pattern in the areas to be annexed.

2. A copy of any draft or final pre-annexation agreement, if available.

3. A statement of the Town's plans for extending or providing for municipal services within the area to be annexed.

4. A statement of the Town's plans for the financing of municipal services to be extended into the area to be annexed.

5. A statement identifying all existing districts within the area to be annexed.

6. A statement of the effect of the annexation upon the school district governing the area to be annexed, as more fully set forth in Paragraph 10-6-3.(D)(7) above.

10-6-5. Consideration of Annexation Ordinance.

Upon the submission of documentation in accordance with this Chapter and upon compliance with the notice and hearing requirements as set forth in the Colorado Municipal Annexation Act of 1965, as amended, the Board of Trustees may consider the approval of an ordinance annexing the subject property to the Town. In the event the Board of Trustees considers and disapproves such ordinance, no similar request may be heard for a period of one year from the date of denial.

10-6-6. Final Submission.

In the event the Board of Trustees approves an annexation ordinance, the applicant shall submit to the Planning Department two Mylars of the final annexation map and two Mylars of the master plan within ten (10) days of the effective date of the annexation ordinance.

TOWN OF WESTCLIFFE, COLORADO
ORDINANCE NO. 1-2023

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE AMENDING TITLE 1, CHAPTER 1, SECTION 3 – RULES AND ORDER OF BUSINESS, OF THE MUNICIPAL CODE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE COLORADO;

PURPOSE: TO REVISE THE MEETING SCHEDULE FOR THE WESTCLIFFE TRUSTEES.

RULE 1 of the Westcliffe Municipal Code is revised to read as follows:

The Board of Trustees shall meet on the third Tuesday of each month at 5:30 p.m. and at any other time the Board of Trustees in their discretion may deem proper.

THIS ORDINANCE WAS INTRODUCED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED BY THREE-FOURTHS VOTE AT ITS REGULAR MEETING HELD AT THE TOWN OF WESTCLIFFE ON THE 20TH DAY OF JUNE, 2022.

TOWN OF WESTCLIFFE, COLORADO

_____
Paul Wenke, Mayor

ATTEST:

_____
Kathy Reis, CMC, Town Clerk

Bobcat Trucking LLC
401 S. 4th St.
Westcliffe, Co. 81252

208159

719-371-1389

CUSTOMER'S ORDER NO.	DEPARTMENT	DATE 1/3/2023

NAME Town of Westcliffe,

ADDRESS

CITY, STATE, ZIP Westcliffe, Co. 81252

SOLD BY	CASH	C.O.D.	CHARGE	ON. ACCT.	MDSE. RETD.	PAID OUT

	QUANTITY	DESCRIPTION	PRICE	AMOUNT
1		Estimate to deliver		
2		Road Base and Pit Run		
3				
4		~~6200~~ 6200 tons of Pit Run		$90,860.00
5				
6		200 tons of Road Base		$4,200.00
7				
8				
9		This price includes material		
10		and transport of material		
11				
12				
13				
14				
15				
16				
17				
18				

RECEIVED BY

A-5805
T-46320/46350

KEEP THIS SLIP FOR REFERENCE

01-11

Langston Concrete Inc.
902 South Union Street
Florence, Co. 81226
Ph (719) 784-3878 Fax (719) 784-1158

BID PROPOSAL #13125

SUBMITTED TO:
Town of Westcliffe
1000 Main St.
P.O. Box 406
Westcliffe, CO 81252
719-783-2282 Ext. 12
townclerk@townofwestcliffe.com

DATE: Dec. 29, 2022

PROJECT DESCRIPTION & LOCATION:

Pond Fill On North Side of the Bluff, Westcliffe, CO 81252. Langston to Haul material only. Town of Westcliffe responsible for material management.

NO.	DESCRIPTION	QUANTITY	UNIT	BID UNIT	TOTAL UNIT
1	Haul 6200ton of Pit Run	1.00	LS	31000.00	$31,000.00
2	Haul 200ton of Road Base1	1.00	LS	4600.00	$4,600.00

TOTAL COST ESTIMATE: $ 35,600.00

NOTES:

1) This estimate does not include any cost for blasting, potholed utility locations, underground obstructions, or other unknown or unforeseen complications.
2) This estimate is good for 30 days from the date as signed hereon but may be withdrawn by us if not accepted within 10 days.
3) All material is guaranteed to be as specified and the above work to be performed in accordance with drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of $ Thirty Five Thousand Six Hundred dollars and 00/100, with payments to be made on monthly or bi-monthly billing cycle.
4) Any alteration or deviation from the above specifications including extra cost will be executed only upon written orders, and Will become an extra charge over and above the estimate and billed at unit price rates. All agreements contingent upon strikes, accidents, or delays beyond contractor's control.
5) This proposal is an estimate of cost and is based upon completion of similar projects. Changes in scope, materials, quantities, or other items will require re-evaluation and additional acceptance by both parties.
6) Exclusions:
    - Rock Excavation
    - Dewatering
    - Erosion Control
    - Permits
    - Landscaping
    - QA/QC Testing

Langston Concrete Inc.
902 South Union Street
Florence, Co. 81226
Ph (719) 784-3878 Fax (719) 784-1158

- Bonding @ 2% If Needed
- Geotechnical Engineering
- Utility Relocation
- CDOT Permits
- Irrigation Modifications
- Landscape Restoration
- Utility Relocation
- Fence Relocation
- Compaction
- Engineering
- Knocking Piles Down

LIMITATION OF LIABILITY: By signing the acceptance statement below, the undersigned hereby agrees to limit the liability of LANGSTON CONCRETE, INC to the amount of damages incurred or to the amount of our liability insurance, whichever is lower. In no event may LANGSTON CONCRETE, INC be held liable for any damages beyond those incurred as a direct result from work performed by LANGSTON CONCRETE, INC., specifically including, but not limited to, delays in construction schedule, materials and labor from other subcontractors and/or suppliers, or any other claim not residing under the direct responsibility of LANGSTON CONCRETE, INC.

RESPECTFULLY SUBMITTED,

By: Zac Langston
Contractors Name: LANGSTON CONCRETE, INC.

ACCEPTENCE: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Should payment not be made as stated above, Contractor shall be entitled to recover all costs and attorney fees incurred in collecting or otherwise enforcing this contract against owner.

PRINT NAME	TITLE
SIGNATURE	DATE

Seifert Enterprises, LLC.

198 Range View Loop
Westcliffe, CO 81252

Estimate

Date	Estimate #
12/27/2022	261

Name / Address
Town of Westcliffe P.O. Box 406 Westcliffe, CO 81252

Physical Address of Project
Bluff Pond

P.O. No. / Project Name

Qty	Description	U/M	Rate	Total
	Import Pit Run and Road Base from Ula pit. * Town will fill in with their own equipment*			
6,200	Pit Run	ton	7.00	43,400.00T
6,200	Pit Run discount adjustment to $5 a ton		-2.00	-12,400.00T
248	End Dump / Belly Dump	hr	122.00	30,256.00
248	End dump delivery discount adjustment to $100 a load		-22.00	-5,456.00
200	Road Base	ton	11.50	2,300.00T
200	Road Bas discount adjustment to $10.50 a ton		-1.00	-200.00T
8	End Dump / Belly Dump	hr	122.00	976.00
8	End dump delivery discount adjustment to $100 a load		-22.00	-176.00
	Fuel Surcharge		2,935.00	2,935.00
	total Town of Westcliffe discount $18,232.00			
	Sales Tax Exempt - Government Agency		0.00%	0.00

Phone #	E-mail	Total	$61,635.00
719-783-2757	office1@SBcompanies.com		

Estimates are valid for 10 days from the issued dated or 180 days from the written acceptance

Estimates exclude any applicable sales tax, which will be added at the time of billing.

Signature of acceptance _____

Date Accepted: _____

CDL Initial Application Information

- You must hold a valid regular driver license and be at least 18 years old before applying for a CDL
- You will need to visit a driver license office and successfully pass the written tests that apply to the commercial license you desire. The Commercial Driver Handbook is under Driver Education.
- Once you have successfully passed the required exams, purchase a CDL permit for the applicable fee.
- If you'd like to take the written CDL test in Spanish, please let the DMV technician helping you know so they may set the test's language.

Class B - minimum exams required are

- General knowledge
- Air brakes (required if driving a vehicle with air brakes)

You will be required to

- Show current DOT medical card. Find a FMCSA Certified Medical Examiner in your area
- Proof of current physical Colorado address documents
- Proof of your Social Security number
- Schedule a drive skills test with an approved driving school
- Return to driver license office with your drive skills test completion form and purchase a CDL for the applicable fee.

Kathy

From: Bess Cole <besscole@gmail.com>
Sent: Thursday, January 12, 2023 6:57 AM
To: Paul Wenke; Cathy Snow; Art Nordyke; George Mowry; Gary Frickell; Kathy; Wanda Jennings; caleb@townofwestcliffe.com; randy@townofwestcliffe.com
Subject: Resignation

Hi everyone,

This is to inform you that effective January 17, 2023, I am resigning from the town of Westcliffe Board of Trustees. As many of you already know, I will be moving to Escondido, California in February and will no longer be living in Westcliffe, a requirement to sit on the board of trustees.

It has been my honor and great privilege to serve along side each one of you as a representative of the citizens of Westcliffe.

I wish you all the best as you continue to make Westcliffe the best small town in Colorado.

Bess Cole
Sent from my iPad=