

## Title 17 LAND USE CODE

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### Chapter 17.01 GENERAL

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- 17.01.010 Introduction.

This title is the Oak Creek land use code. It contains the standards and the review process by which all land use changes in the town are regulated. The degree of review and the number of regulations which must be complied with are controlled by the size and scope of the land use change proposed. In general, land use changes which are major or involve large portions of property will require greater review than minor land use changes. Some land use changes will require no review at all. The following sections classify all proposed land use changes within the town and establish the level of review necessary for them. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.01.020 Land use changes—How reviewed.

No person shall engage in any land use change without first obtaining the permits required by this title. A land use change is a change in the actual use of land or improvements thereon. Land use changes within the town are divided into three categories: (1) land use changes having no significant impact; (2) land use changes having minor impact; and (3) land use changes having major impact. These categories are defined as follows. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.01.030 Land use changes of no impact.

These will be reviewed by the town building inspector in accordance with the Uniform Building Code in all cases and selected sections of this title where specifically referenced, and require no review by the planning commission and the board of trustees unless requested by the building inspector (see Section 17.01.060), and include:

- A. Fences, culverts and walls (other than building walls);
- B. Foot bridges for private use;
- C. Signs (see Section 17.09) for standards;
- D. Private swimming pools;
- E. Porches and house additions set back from the lot line within the distances required for that housing type by Section 17.02.030, and/or of a height less than twenty-five feet from ground level at the highest point;
- F. Sidewalks and walkways;
- G. Construction of garages or outbuildings equal to or less than the height or bulk of the primary structure and within the distances required for setbacks for the associated housing type by Section 17.02.020;
- H. Placement of a mobile home in a mobile home park (see Section 17.03);
- I. Construction of any one single-family dwelling unit;
- J. Businesses to be located within performance district 1 only if:
  1. The proposed business will be located in an existing structure;
  2. The proposed business has been reviewed and approved by town staff according to the following criteria and standards:
    - a. Conforms to all applicable provisions of the land use code, utility rules and regulations and the Oak Creek Municipal Code,
    - b. Conforms generally to the Oak Creek comprehensive plan and its components,
    - c. The proposed use will be adequately served by public facilities and services, and will not impose an undue burden,
    - d. The use will not substantially alter the basic character of the district or jeopardize the development or redevelopment potential of the district,

e. The use will not adversely impact nearby properties relative to glare, vibration, odor and dust. The use shall comply with all applicable town, county and state environmental laws,

f. Site lighting will provide adequate security, which does not negatively impact adjacent properties and is not excessive,

g. The use will not generate noise that will unduly interfere with adjacent uses,

h. On- and off-site traffic circulation will be efficient and will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site,

i. Outdoor activity and storage areas are screened from public view and are oriented away from any existing adjacent uses that would be negatively impacted,

j. Service areas, such as trash, loading docks and delivery areas, are screened from public view, oriented away from adjacent uses that would be negatively impacted and are not the visual focal point of a driveway or parking area,

k. The proposed use is compatible with existing uses in the area and permitted uses in the district. Negative impacts on adjacent properties have been mitigated with respect to:

i. Hours of operation;

ii. Activity level, intensity of use;

iii. On-site circulation and parking configuration;

iv. On-site lighting;

v. Degree of outdoor activity and storage;

vi. Amount of parking facilities provided;

K. Establishment of a cottage industry if: (1) no notified property owner opposition exists, and (2) no outside advertising, lighting, additional vehicles, deliveries or other activities are proposed that may impact the neighborhood. (Ord. 519 §§ 1, 2, 2000; Ord. 497 § 1, 1997; Ord. 483 § 1, 1996; Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.01.040 Land use changes of minor impact.

These require only one review by the planning commission and the board of trustees (see Section 17.01.110), and include:

A. Construction of garages or outbuildings having a height or bulk greater than the primary structure or proposed for construction closer to the lot line than allowed by the setback requirements or the associated housing type at Section 17.02.030;

B. Porches and house additions to be constructed closer to the lot line than allowed by the setback requirements for the associated housing type at Section 17.02.030;

C. Establishment of a cottage industry if: (1) any notified property owner opposition exists, or (2) outside advertising, lighting, additional vehicles, deliveries or other activities are proposed that may impact the neighborhood.

D. Residential subdivision of no more than two parcels;

E. Construction of a duplex or triplex;

F. Public and quasi-public buildings (fire, school, police, etc.);

G. Placement of a mobile home outside of a mobile home park (see Section 17.03);

H. Relocation of an existing business within performance district 1, if: (1) property owner opposition exists, or (2) alteration of less than seventy-five percent of the existing gross floor area at the new location is required. (Ord. 497 § 2, 1997; Ord. 483 § 2, 1996; Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.01.050 Land use changes of major impact.

These require review by the planning commission and the board of trustees (see Section 17.01.120), and include:

- A. Establishment of junk yards;
- B. Subdivision into three or more parcels;
- C. Establishment of any business, commercial or industrial use (exclusive of cottage industry);
- D. Any relocation or renovation of an existing business outside of Performance District 1 or a relocation or major renovation of an existing business within Performance District 1 that requires (1) alteration of seventy-five percent or greater of the gross floor area, (2) any exterior structural change or (3) any new structure;
- E. Construction of a fourplex or higher density (multi-family) structure;
- F. Establishment or enlargement of a mobile home park;
- G. Annexation of land. (Ord. 497 § 3, 1997; Ord. 483 § 3, 1996; Ord. 372 § 1 (Exh. A (part)), 1983)

17.01.060 Review procedure for land use changes of no impact.

Land use changes of no impact, as listed above, need not be reviewed by the planning commission or board of trustees. However, before doing the work, the land owner shall first contact the town building inspector, in order to ensure compliance with any permits that may be required (fences, signs, sidewalks, etc.). (Ord. 483 § 4, 1996; Ord. 372 § 1 (Exh. A (part)), 1983)

17.01.070 Review procedure for land use changes of minor impact.  
(Ord. 372 § 1 (Exh. A (part)), 1983)

17.01.080 Application.

Applicant submits Form D-1 Application and Decision Record for Minor Land Use Change to the town clerk, accompanied by the review fee of ten dollars. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.01.090 Referral and review.

Upon receipt of the completed Form D-1, the planning commission or board of trustees may require review from the town building inspector, town engineer or any other state, local or federal agency. (Ord. 483 § 5, 1996; Ord. 372 § 1 (Exh. A (part)), 1983)

17.01.100 Public hearing.

After receipt of all application materials and responses from referral agencies, the town clerk shall set the matter for public hearing before the board of trustees, and shall publish notice of the time and place of such hearing in a newspaper of general circulation within the town, to appear at least fifteen days prior to the scheduled hearing. In addition, the town clerk shall notify by first class mail all property owners within three hundred feet of the exterior boundaries of the parcel. If the board determines that additional information from the applicant or any review agency is required prior to its action, the public hearing shall be continued until such information has been received. The applicant is responsible for the above costs incurred by the town. (Ord. 492 § 3, 1997)

17.01.110 Action on application by planning commission and board of trustees.

The planning commission shall review the application at a public hearing and make a recommendation to approve, deny or approve with conditions to the board of trustees. The board of trustees shall consider

the application at a public hearing and make a decision thereon within thirty days of such public hearing; provided, that during this time, the board may determine that the application should be for a major land use change case, in which case the procedure in Section 17.01.120 shall be followed. The board may place any conditions upon its approval, including without limitation, submission of as-built drawings, performance bonds and deed restrictions. (Ord. 483 § 7, 1996: Ord. 372 § 1 (Exh A (part)), 1983)

17.01.120 Review procedure for land use changes of major impact.  
(Ord. 372 § 1 (Exh. A (part)), 1983)

17.01.130 Conceptual plan stage.

A. Application. Applicant submits a letter of intent to engage in a land use change of major impact, followed by Form D-1 (Conceptual Plan Application and Decision Record for Major Land Use Change) and Form D-4 (Fiscal Analysis) to the town clerk, accompanied by the review fee of fifteen dollars.

B. Referral and Review. The town clerk shall forward to the following applicable entities, one copy of each form to the following:

1. Routt County Planning Department;
2. RE3-J School District;
3. State of Colorado Division of Wildlife;
4. Colorado State Engineer;
5. Colorado Geological Survey;
6. Other persons or agencies required by the Board of Trustees.

All referral agencies must forward their comments on the conceptual plan to the town in ten days.

C. Public Hearing on Application. After receipt of all application materials, the town shall set the matter for public hearing before the planning commission, at which time the planning commission shall consider the application and forward its recommendation to approve, deny or approve with conditions. In addition, the town clerk shall notify by first class mail all adjacent property owners. If the board determines additional information from the applicant or any review agency is required prior to its action, the public hearing shall be continued until such information has been received. The applicant is responsible for the above costs incurred by the town.

D. Action by the Board of Trustees. Upon receipt of the recommendation of the planning commission on the conceptual plan submission, the board of trustees may require review and recommendations from the town building inspector, the town engineer and other professional consultants or other state, local or federal agency. The board of trustees must act upon the conceptual plan submission within thirty days of the public hearing before the board, unless additional information is required, in which case the board must act within thirty days of its receipt. At any time during the review process, the board may elect to employ professional consultants to assist the board in its review of the application. The total cost of such consultants shall be paid by the applicant and the applicant shall be involved as to the projected fees for such services and consulted as per the applicant's intent to continue the application based on such information.

E. Significance of Conceptual Plan Approval. Approval of a conceptual plan shall constitute approval of the general development concept only and shall not constitute approval of any detailed design engineering of submittals or proposed solutions to specific problems revealed in the review process. Upon approval of the conceptual plan, the applicant shall proceed with the preparation of the final plan in accordance with Section 17.01.140. Failure to proceed with the final plan application within twelve months of conceptual plan approval shall require the applicant to commence the conceptual plan review procedure again, provided however, that for good cause shown, the board may extend the time period for filing the

final plan application. The final plan application may be submitted in stages consistent with a master development plan outlined at the conceptual plan stage, if such master plan was approved by the board of trustees in connection with conceptual plan review.

F. Significance of Disapproval of Conceptual Plan. Disapproval of the conceptual plan terminates the review process, which may only be reinitiated by making application and letter of intent, as described at Section 17.01.130(A). (Ord. 483 §§ 8—10, 1996; Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.01.140 Final plan stage.

A. Application. Applicant submits Form D-3 (Final Plan Application and Decision Record) and D-4 (if new information has become available) to the town clerk accompanied by the review fee of twenty-five dollars per residential unit or fifty dollars for all other developments, and an engineering plans check fee to be determined by the board.

B. Referral and Review. Within five days of receipt of the completed final plan submission materials, the town clerk shall forward to the following applicable entities, one copy each of the following:

1. Town building inspector;
2. Town engineer;
3. Oak Creek fire district;
4. Colorado Geological Survey;
5. Other persons or agencies as required by the board of trustees;

All referral agencies must forward their comments on the final plan to the board of trustees within thirty days.

C. Public Hearing. After receipt of all application materials, the town clerk shall set the matter for public hearing before the planning commission. The planning commission shall consider the application at a public hearing and shall forward a recommendation to approve, deny or approve with conditions to the board of trustees.

D. Action by the Board of Trustees. After receipt of the recommendation of the planning commission, the board of trustees shall consider the application at a public hearing. The board must act upon the final plan within thirty days of the public hearing before the board, unless additional information is required, in which case the board must act within thirty days of its receipt. The board may place any conditions upon its approval, including without limitation, submission of as-built drawings, performance bonds and deed restrictions.

E. Technical Filing Requirements. If the final plan submission is approved, the applicant shall submit properly notarized plats, engineering drawings, etc., as required by the town. The town will not accept the dedication of roads or maintenance until the technical filings and other applicable requirements under this code have been complied with to its satisfaction. The final plan shall contain all of the information required by the conceptual plan as well as the following:

1. Locations of Monuments. Locations of iron pin monuments one-half inch in diameter and thirty inches long as set in concrete at least five inches in diameter. These shall be located in the ground at all intersections of sidelines of streets and alleys with platted boundary lines and at all points on streets, alleys, or boundary lines where there is a change of direction or curvature or intersection of such lines. All monuments shall be properly set in the ground to existing grade before the final plan is approved. If existing grade is different than final grade, then a temporary monument will be allowed until such time as final grade is established at which time a permanent monument shall be installed.

2. Engineer Certification. Certification by a registered professional engineer or land surveyor to the effect that the final plan represents a survey made by him and that the monuments shown thereon actually exist as located and that all dimensions and other details are correct.

3. Notary Statement. Notarized certification by the owner or owners of the adoption of the final plan.

4. Approval of Improvements. Approval by the town engineer, public utilities, and other appropriate authorities concerned with the specifications and inspection of utility rights-of-way, installations and improvements.

5. Deed Restrictions or Protective Covenants. A letter shall accompany the final plan attesting to the recording of deed restrictions or protective covenants, which shall not appear on the face of the plat

6. Public Land. A conveyance to the school district of land set aside for schools and to the town of land set aside for parks, playgrounds or other public uses and a dedication of streets, alleys and other public rights-of-way for public purposes shall accompany the final plan. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. Such acceptance, if any, shall be given by action of the board.

7. Performance Bond. A performance bond to secure to the town the actual construction and installation of an improvement where such an improvement is not installed.

8. Certificate of the town clerk of approval by the board and action by the board on an offer of dedication.

9. Certificate of the county recorder as to taxes.

10. Line of high water to be shown on the final plan should the subdivision adjoin a stream channel, irrigation ditch or other body of water.

11. Boundary Lines. The boundary lines with accurate angles, bearings and distances and the widths of all existing or recorded streets intersecting the boundary of the tract. All dimensions shall be determined by an accurate field survey which must balance and close within limit of one in five thousand.

12. Relationship to Known Monument. True bearings and distances to the nearest established street lines or official monuments which shall be accurately described on the plat and municipal, township, county or section lines accurately related to the lines of the subdivision by distances and bearings.

13. The length of all arcs and radii, internal angles, points of curvature and lengths and bearings of tangents.

14. All easements as approved by public utilities.

15. All lot lines and other parcels of land with accurate dimensions in feet and hundredths of a foot with bearings or angles to street and alley lines. Lot dimensions shall close to one in five thousand.

16. Identification. All lots and blocks shall be numbered in an acceptable manner.

17. Cross sections of typical proposed streets showing widths of roadways, location and widths of sidewalks, gutters, etc.

18. Profiles. Profiles to a suitable scale of streets and alleys and to the satisfaction of the town engineer. One tracing and one print of the same shall be required.

19. The final plan shall be accompanied by a certificate from the county treasurer that taxes have been paid and that no delinquent taxes, liens, etc., are assessed against the property; and proof of title by an abstract of the title or the title insurance policy. (Ord. 483 §§ 11, 12, 1996; Ord. 372 § 1 (Exh. A (part)), 1983)

17.01.150 Standards by which the planning commission and the board of trustees will be guided.

In reviewing all conceptual and final plat applications, the planning commission and board of trustees shall be guided by the compatibility of the proposed land use with adjacent land uses and by the following additional considerations:

- A. Conformance of the proposed land use change with the policies and principles in the Oak Creek comprehensive plan, C.R.S., 1973, Section 31-23-203;
- B. Conformance with the requirements and performance standards established in this title;
- C. Preservation of the health, safety and welfare of the citizens of the town of Oak Creek, Colorado. (Ord. 483 § 13, 1996; Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.01.160 Map.

There is adopted and incorporated fully herein by this reference, the attached map, Appendix A, to the ordinance codified in this title, entitled, "Oak Creek Performance Districts", which map is deemed regulatory and a part of this title. The map specifies the various performance districts within and adjacent to the town. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.01.170 Performance standards.

The performance standards in this title apply to all land use changes in the town, as indicated at each section. They are designed to ensure that development will not result in a negative fiscal impact to the town or negative impacts on adjacent properties. The standards are organized as follows:

- A. Chapter 17.02, housing;
- B. Chapter 17.03, mobile homes;
- C. Chapter 17.04, public services;
- D. Chapter 17.05, compatibility;
- E. Chapter 17.06, social and cultural;
- F. Chapter 17.07, industrial and commercial;
- G. Chapter 17.08, environment;
- H. Chapter 17.09, signs and fences;
- I. Chapter 17.10, annexations and vacations;
- J. Chapter 17.11, abatement of nonconforming uses;
- K. Chapter 17.12, monitoring and enforcement;
- L. Chapter 17.13, general provisions;
- M. Chapter 17.14, definitions;
- N. Chapter 17.15, forms. (Ord. 372 § 1 (Exh. A (part)), 1983)

### Chapter 17.02 HOUSING STANDARDS

#### Sections:

- 17.02.010 Policies.
- 17.02.020 Buildable area (all land uses).
- 17.02.030 Residential design and placement.
- 17.02.040 Residential density.
- 17.02.060 Uniform codes.
- 17.02.070 Infilling.

- 17.02.010 Policies.



A. A balance and mix of different housing types for all income levels shall be encouraged with all new residential subdivisions.

B. The Uniform Building Code, Energy Codes and other minimum standards for safe, decent housing shall be strictly enforced.

C. The Town shall work with the Routt County Building Department to identify existing houses and structures dilapidated beyond repair, and initiate condemnation proceedings as appropriate.

D. State and federal housing rehabilitation loans and grants shall be pursued for low and moderate income residents. (Ord. 497 § 6 (part), 1997; Ord. 492 § 1, 1997)

17.02.020 Buildable area (all land uses).

The following buildable area calculations 1 through 7 shall only be applicable in performance districts 3 through 6. This shall be calculated as follows:

1. Gross site area as determined by actual on-site survey.  
\_\_\_\_\_ acres

2. Subtract land constituting roads and land within ultimate rights-of-way of existing roads, rights-of-way of utilities, and easements of access. (Roads are assumed to equal \_\_\_\_\_% of total.)  
\_\_\_\_\_ acres

3. Subtract land which is not contiguous:  
a. A separate parcel which does not abut, adjoin, or share common boundaries with the rest of the development.  
\_\_\_\_\_ acres

b. Land which is cut off from the main parcel by a road, railroad, existing land uses, or major stream, such that common use is hindered or that the land is unavailable for building purposes.  
\_\_\_\_\_ acres

4. Subtract land which in a previously approved subdivision encompassing the same land, as part or all of the subject parcel, was reserved for resource reasons (e.g., flooding, or for recreation).  
\_\_\_\_\_ acres

5. Subtract land currently used for residential purposes. (In the case of the site capacity calculation for the proposed residential use, subtract the land proposed for nonresidential use.)  
\_\_\_\_\_ acres

6. Subtract environmentally restricted lands, Sections 17.08.030, 17.08.090 and 17.08.140.  
\_\_\_\_\_ acres

7. Equals buildable area.  
\_\_\_\_\_ acres

A specific requirement of this title is that all structures permitted may be constructed only upon land within the net buildable area, as defined by the foregoing calculation. Parcels of land required for bufferyards by Section 17.05.030 are not subtracted; the concept being that the use of part of the net buildable area for bufferyard purposes is a part of the "construction" of the proposed use. It should be noted

that. the minimum yards, front, side and rear for all housing types are in part affected by the bufferyard standards in the list at Section 17.05.040 and the chart at Section 17.05.050. In essence, a bufferyard requirement is a setback requirement with additional platting and buffering requirements. To the degree that the bufferyard requirements at Section 17.06.020 or the setback requirements in the following sections are more stringent, the more stringent requirements will apply. Naturally, the presence or absence of bufferyard requirements will affect net obtainable density on the site. Further, no buildings may be constructed on utility easements. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.02.030 Residential design and placement.

The use of cluster and PUD designs for new residential developments is encouraged. Residential subdivisions may contain one or more of the housing types that are specified in this subsection. Such subdivisions shall contain the minimum amount of open space specified in Section 17.06.020. The following subsections specify the standards and requirements for each dwelling type.

A. Single-Family House. This dwelling type consists of a single-family residence located on a privately owned lot which has private yards on all four sides of the house. The following table specifies the minimum standards for single-family homes, and the example site diagrams at pages 12a, 12b, and 12c.

		<b>Districts 2-6</b>
Minimum Lot Area		4,250 sq. ft.
Minimum Yards —	Front	15 ft.
	Sides	8 ft.
	Rear	10 ft.
Minimum Lot Width		50 ft.

B. Duplex House. This dwelling type consists of a semi-detached dwelling for a single family. It has two dwelling units with separate entrances to each unit. The following table specifies the minimum standards for a duplex house. See also, the example site diagrams at pages 12d, 12e and 12f.

		<b>Districts 2-6</b>
Minimum Lot Area Per Unit		3,187.5 sq. ft.
Minimum Lot Width		75 ft.
Minimum Yards —	Front	15 ft.
	Sides	8 ft.
	Rear	10 ft.

C. Multifamily. This dwelling type may be either a single-family attached dwelling or a multiple-family unit. Each unit may take direct access to a private yard or access point, or units may share yards and access. No more than six units shall be attached in any single building. The following table specifies the minimum standards for multifamily developments. See also, the example site diagrams on pages 13a and 13b.

		<b>Districts 2-6</b>
Minimum Lot Area Per Unit		3,000 sq. ft.

**Districts 2-6**

Minimum Lot Width		100 ft.
Minimum Yards —	Front	15 ft.
	Sides	10 ft.
	Rear	10 ft.

This drawing represents minimum lot area allowed for a single-family dwelling and the maximum size dwelling that could be built in that lot area.

Scale: 1" = 40'

Lot Area — 4,250 sq. ft.

Maximum Building Size — 2,040 sq. ft.

This drawing represents minimum lot area allowed for a single-family dwelling and the maximum size dwelling that could be built in that lot area.

Scale: 1" = 40'

Lot Area — 5,000 sq. ft.

Maximum Building Size — 2,550 sq. ft.

This drawing represents minimum lot area allowed for a single-family dwelling and the maximum size dwelling that could be built in that lot area.

Scale: 1" = 40'

Lot Area — 6,250 sq. ft.

Maximum Building Size — 3,400 sq. ft.

This drawing represents minimum lot area allowed for a duplex dwelling and the maximum size duplex that could be built.

Scale: 1" = 40'

Lot Area — 6,375 sq. ft.

Maximum Building Size — 3,540 sq. ft.

This drawing represents minimum lot area allowed for a duplex dwelling and the maximum size duplex that could be built.

Scale: 1" = 40'

Lot Area — 7,500 sq. ft.

Maximum Building Size — 4,425 sq. ft.

This drawing represents minimum lot area allowed for a duplex dwelling and the maximum size duplex that could be built.

Scale: 1" = 40'

Lot Area — 9,375 sq. ft.

Maximum Building Size — 5,900 sq. ft.

This drawing represents the minimum lot area allowed for a multifamily dwelling and the maximum 6 unit multifamily that could be built.

Scale: 1" = 40'

Lot Area — 10,000 sq. ft.

Maximum Building Size — 6,000 sq. ft.

This drawing represents the minimum lot area allowed for a multifamily dwelling and the maximum 6 unit multifamily that could be built.

Scale: 1" – 40'

Lot Area — 12,500 sq. ft.

Maximum Building Size — 8,000 sq. ft.

(Ord. 372 § 1 (Exh. A (part)), 1983)

17.02.040 Residential density.

New residential developments shall conform to the following densities, by performance district:

<b>District No.</b>	<b>Maximum Density</b>
2. (rest of developed town)	9 DU/acre
3. (Sweetland)	4 DU/acre
4. (Rossi Meadow)	6 DU/acre if PUD 4 DU/acre if single-family or duplex
5. (cemetery)	1 DU/acre
6. (power plant)	1 DU/acre

(Ord. 372 § 1 (Exh. A (part)), 1983)

17.02.060 Uniform codes.

The town has previously adopted the Uniform Building Code, 1982 Edition and the Uniform Code for the Abatement of Dangerous Buildings, 1976 Edition, published by the International Conference of Building Officials, and the National Electrical Code, 1981 Edition, published by the National Electrical Contractors Association, and the Colorado Technical Plumbing Code, 1972 Edition, published by the Colorado Department of Health. All developments permitted under this chapter must comply with those codes. Further, while the town has not adopted the Uniform Technical Code and the Uniform Fire Code published by the International Conference of Building Officials, these Codes may be relied upon by the town building inspector as a guide to safe construction. All subsequently adopted codes or adopted revised codes shall apply. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.02.070 Infilling.

The board of trustees declares that it is in the public interest that vacant and undeveloped properties in performance districts 1 and 2 be redeveloped and upgraded.

In order to accomplish this goal, certain of the requirements in this section will be waived as incentives to development. In order to qualify for a waiver of one or more of these requirements, property owners must develop a presently vacant or dilapidated property to the satisfaction of the board of trustees. If this condition is met, the board may waive any or all of the following requirements:

- A. Section 17.02.040: Maximum density;
- B. Section 17.08.210: Maximum height restriction (must also be approved by owners of adjoining property);
- C. Section 17.06.020: Dedications of public land;
- D. Section 17.04.020(B): Water dedication requirements. (Ord. 372 § 1 (Exh. A (part)), 1983)

Chapter 17.03 MOBILE HOME STANDARDS

Sections:

- 17.03.010 Application.
- 17.03.020 Mobile home park performance standards.
- 17.03.030 General.
- 17.03.040 Minimum site.
- 17.03.050 Maximum density.
- 17.03.060 Maximum height.
- 17.03.070 Layout.
- 17.03.080 Fire protection.
- 17.03.090 Utilities.
- 17.03.100 Mobile home park grounds.
- 17.03.110 Recreation area.
- 17.03.120 Landscaping.
- 17.03.130 Streets.
- 17.03.140 Off-street parking.
- 17.03.150 Refuse disposal.
- 17.03.160 Mobile home lots.
- 17.03.170 Mobile home stands.
- 17.03.180 Mobile home design requirements.
- 17.03.190 Mobile home accessory structures.
- 17.03.200 Park management responsibility.
- 17.03.210 Chapter 8.12 repealed.

17.03.010 Application.

Mobile homes, as defined by Section 17.14.130, are prohibited in performance districts 3, 4, 5 and 6, unless placed in an approved mobile home park. Mobiles homes existing in performance district 2 as of January 1, 1997, shall be considered a nonconforming use subject to compliance with all applicable building, fire and safety codes. Placement of new mobile homes in performance district 2 after January 1, 1997 may be permitted outside of approved mobile home parks at the discretion of the board of trustees if the board finds, following notice and public hearing pursuant to the procedure at Section 17.01.100, that



there will be no adverse impact upon the surrounding neighborhood and that all of the following requirements are or will be met:

A. Wheels, tongue and axles must be removed and the mobile home placed upon a permanent foundation, as defined at Section 17.14.131;

B. The requirements of Uniform Codes as described in Section 17.02.060, and requirements applicable to mobile home parks at the following sections (described below), apply to single mobile homes located outside of mobile home parks within performance district 2:

<b>Section No.</b>	<b>Subject</b>
17.03.090	Utility Easements
17.03.090	Water and Sewer
17.03.160	Setbacks
17.03.180	Skirting
17.03.190	Accessory Structures; Design and Use
17.03.190	Accessory Structures; Porches

C. The board of trustees may, as a part of the approval process for the placement of a single mobile home in performance district 2 outside of an approved mobile home park, impose further conditions on such approval, in addition to those listed in this section. (Ord. 492 § 2, 1997)

17.03.020 Mobile home park performance standards.  
(Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.030 General.

Standards pertaining to major developments and set forth in other sections apply to the construction, alteration or extension of a mobile home park. However, standards herein which are more stringent (e.g., density) shall control.

All buildings and utilities to be constructed, altered or repaired in a mobile home park must comply with all applicable codes adopted by the town and the state, including building, electrical and plumbing.

Because mobile home parks are unique and have problems that are not necessarily associated with other land developments, it is necessary to provide additional separate standards, for their construction to:

- A. Promote the safety and health of the residents of such park and adjacent areas;
- B. Encourage the economical and orderly development of such parks;
- C. Ensure and encourage the development of parks which provide a high quality living environment for park residents.

All mobile home parks shall conform to the following standards. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.040 Minimum site.

The minimum site for a mobile home park is four acres. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.050 Maximum density.

There shall be no more than seven mobile homes per net buildable acre. See Section 17.03.160 for determining net buildable area. There shall be no more than forty mobile homes in any mobile home park. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.060 Maximum height.

Mobile homes — sixteen feet. Accessory buildings to mobile homes — sixteen feet or the height of the mobile home, whichever is less. Common structures — twenty-six feet. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.070 Layout.

The park shall be arranged so that all mobile homes face onto, hitch fronting, an interior roadway. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.080 Fire protection.

The mobile home park is subject to the rules and regulations of the town and fire protection district.

A. Hydrants. Standard fire hydrants shall be located within one hundred fifty feet of each mobile home or building.

B. Extinguishers. Portable fire extin-guishers shall be kept in service buildings and other locations designated by the fire protection district. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.090 Utilities.

A. Service Lines. All utility service lines, including television and telephone shall be underground.

B. Utility Easements. Utility easements shall be provided for as required by the town.

C. Water and Sewer. Mobile home parks shall be subject to the requirements of Sections 17.04.020 and 17.04.030 with respect to the provision of water and sewer service. Each mobile home stand shall be provided with adequate water and sewer hook-ups.

D. Electrical and Fuel Supply. Every mobile home and service building in a mobile home park shall be provided with electrical service and/or a fuel supply properly installed to the specifications of the town and maintained in a safe condition. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.100 Mobile home park grounds.

A. Safety. The grounds, mobile home, and accessory and service structures shall be so located as to provide sufficient space to facilitate fire, safety and disease control.

B. Lighting. Mobile home parks shall be furnished with lighting fixtures so spaced and elevated to provide adequate illumination for the streets, walks, service buildings and other common use facilities for safe movement of vehicles and pedestrians at night. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.110 Recreation area.

A. A recreation area of a minimum of ten percent of the total site (not net buildable area) shall be developed for the benefit of the park residents. In all cases, this area shall include a playground.

B. Recreation areas may include a community facility such as a swimming pool or hobby and repair shop.

C. The recreation area shall be accessible to all mobile homes, with a central location being preferable. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.120 Landscaping.

A. Areas Requiring Landscaping. All areas not covered by buildings, structures, mobile homes or other relocatable housing units, streets, drives, parking areas, walkways and paths shall be landscaped. Landscaping shall include ground cover.

B. Bufferyard. See Sections 17.05.030, 17.05.040 and 17.05.050. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.03.130 Streets.

A. General. Convenient and safe access shall be provided for pedestrian and vehicular traffic and emergency vehicles.

B. Access. There shall be at least two access roads into/out of the park. The access roads shall be designed to minimize congestion and hazards at the entrance/exit and allow free movement of traffic on adjacent streets.

C. Design. Streets shall be constructed to town specifications. (See Section 17.04.010.) All mobile home park streets shall be maintained by the mobile home park owner.

D. Dead end streets shall be limited in length to five hundred feet and shall be provided at the closed end with a turnaround having a diameter of at least ninety feet. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.03.140 Off-street parking.

Off-street parking shall be provided for occupants and guests and located to prevent traffic hazards. Two spaces shall be provided for each mobile home lot, and shall be located not more than two hundred feet from the mobile homes that they are intended to serve. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.03.150 Refuse disposal.

All refuse shall be stored, collected and disposed of in screened, covered containers and shall be emptied as often as required but a minimum of once per week and is the responsibility of the park management. Refuse collection sites in the mobile home park shall be located within reasonable walking distance of each mobile home. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.03.160 Mobile home lots.

##### A. Minimum Lot Size.

4500 square feet — single

5000 square feet — double

Minimum space width of forty-five feet.

B. Setbacks. All mobile homes, together with their accessory buildings and other structures shall be set back from each lot line and from adjacent mobile homes according to the following minimum requirements:

Front and Rear — 10 feet

Entry Side — 15 feet

Opposite Entry Side —

Interior Spaces — 10 feet

Spaces Abutting Road — 15 feet

In all cases, these dimensions are measured from the exterior of the mobile home, including attached porches and accessory structures. The requirements of the Uniform Fire Code for spacing between structures apply fully within mobile home parks.

C. Identification. Each lot shall be numbered uniformly with reflectorized numbers.

D. Occupation. A mobile home lot shall be occupied by only one mobile home. Accessory structures shall not be used as complete living units. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.170 Mobile home stands.

A. Foundation. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

B. Anchors. Each stand shall be provided with ground anchors and tie-downs placed at least at each corner, and able to sustain a minimum tensile strength of two thousand, eight hundred pounds.

C. Utility Riser. Each lot shall have a utility riser located and installed as not to be damaged during placement of the mobile home. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.180 Mobile home design requirements.

A. HUD Seal. All mobile homes must contain the U.S. Department of Housing and Urban Development seal or substantially conform to the requirements necessary to obtain said seal if a mobile home was constructed prior to the adoption of the HUD seal.

B. Restrictions on Occupancy. A mobile home shall not be occupied for dwelling purpose unless it is properly placed on a stand and connected to all utilities.

C. Skirting.

1. The space directly beneath each mobile home shall be kept clean and free from refuse. Such space can be used as a storage area; provided, the ground is covered with an impervious material and storage is maintained to prevent rodent harborage. No flammable material shall be stored beneath a mobile home.

2. Skirting shall be provided with doors installed to permit convenient access to sewer, water and gas connections. Skirting material, shall be weatherproof, fire-resistant and durable. The inspection panels shall be not less than four square feet in area, eighteen inches in the last dimension.

D. Hitch. All mobile homes shall be parked with the hitch fronting on a park street or upon an area directly accessible to a park street with an unobstructed access of at least fifteen feet in width. The mobile home shall be parked in such a manner so that the front of the hitch shall not protrude onto any sidewalk, street, or required yard. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.190 Mobile home accessory structures.

A. Design and Use. Accessory structures shall be designed in a manner that will enhance the appearance of the park and mobile home unit. All mobile homes must be built and maintained in compliance with all town uniform codes, including the Uniform Fire Code, the Uniform Building Code, the Uniform Plumbing Code and the National Electric Code. Accessory structures shall not be used as complete living units.

B. Porches. All porches, landings, stairs, or other elevated platforms more than thirty inches above grade erected and maintained on the mobile home lot accessory structures and all stairs with four or more risers shall be provided with a handrail of standard height (porches, thirty-six to forty-two inches, and stairs, thirty to thirty-four inches). The rise of each step shall not exceed eight inches and the run (tread) shall not be less than nine inches. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.200 Park management responsibility.

A. Supervision. The operator of a mobile home park shall be responsible for the supervision and maintenance of the park. The home or office of the operator shall be prominently identified. When the person does not occupy the premises, his name, address and telephone number, together with those of the owner, and any other information needed in an emergency, shall be prominently posted at the entrance of the mobile home park.

B. Placement of Mobile Homes. The operator shall supervise the placement of each mobile home on the stand, including securing its stability and installing all utility connections.

C. Compliance With Town Codes. The owner of the mobile home park is responsible to the town board of trustees for compliance (by his individual lot renters) with all applicable town ordinances and regulations, including the provisions of this land use code.

D. Maintenance of Utilities, Streets, Recreation Areas and Landscaping. Maintenance of utilities, streets, recreation areas and landscaping is the responsibility of the mobile home park owner. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.03.210 Chapter 8.12 repealed.

Chapter 8.12 of the Oak Creek Code, as previously adopted by Ordinance No. 280, dated 1963, dealing with mobile home parks, and Ordinance No. 303, dated 1972, dealing with mobile homes outside of mobile home parks, are repealed in their entirety, and any other ordinances of the town dealing with mobile homes or mobile home parks, which ordinances are in conflict with this Chapter 17.03 are repealed. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### Chapter 17.04 PUBLIC SERVICE STANDARDS

##### Sections:

- 17.04.010 Streets.
- 17.04.020 Water.
- 17.04.030 Sewer.
- 17.04.040 Electric system.

17.04.010 Streets.

##### A. Policies.

1. The town shall adopt standards for street design and construction. Streets, public or private, shall be constructed by the subdivider/developer to conform with adopted standards.

2. To ensure emergency vehicle access, all new subdivisions shall have a minimum of two access points and a maximum road grade of seven percent.

3. The town shall prepare, adopt and update annually a capital improvement program that will prioritize the paving of key streets, upgrade unpaved roads to a graded, gravel condition, and adequately maintain the entire road network.

4. The maintenance of sidewalks shall be the responsibility of individual property owners.

##### B. Requirements.

1. Curb and Gutter. All new developments must provide adequate pedestrian and vehicular access. All vehicular streets dedicated to the town must be constructed with cement curbs and gutters on both sides of the traveled roadway, and be paved to the specifications approved by the town. (See subsection (B)(12) of this section.)

2. Collector Streets. All streets serving fifty or more dwelling units. Collector streets shall be designed to provide a traveled roadway forty-eight feet in width between curbs and a total dedicated street right-of-way sixty feet in width.

3. Minor Streets. All streets serving from sixteen to forty-nine dwelling units, inclusive. Minor streets shall be designed to provide a traveled roadway forty-eight feet in width between curbs and a total dedicated street right-of-way sixty feet in width.

4. Lanes. All streets serving fifteen or fewer dwelling units. Lanes shall be designed to provide a traveled roadway forty-eight feet in width between curbs and a total dedicated street right-of-way sixty feet in width.

5. Fire Access. Every use permitted by this Title 17 shall provide access for fire vehicles and emergency apparatus from a public street as follows:

a. A dead-end access exceeding three hundred feet in length shall be provided with a turnaround ninety feet in diameter at the closed end.

b. A fire lane shall be required to provide access to any portion of any structure which is more than one hundred fifty feet from the nearest street right-of-way, and which cannot be accessed by means of either bufferyard area or adjoining property.

c. In addition to the situations above which require a fire lane, a fire lane to provide access to any part of a building may also be required if the board determines that the distance of a structure from the nearest hydrant, the configuration of structures on a site, or other special characteristics of the site otherwise inhibit rapid, effective fire extinguishment.

d. The board may determine that public health and safety require fire lanes in addition to private fire protection facilities required by the Building Code for any structure to be occupied by uses which, involve extreme risks of fire, smoke, explosion, or toxic gas, or structures to be used as places of assembly for large congregations of people susceptible to panic.

6. Alternatives to Fire Access Lanes. In lieu of meeting the standards specified above, a developer may substitute alternative means (including but not limited to fire resistant roofs, fire separation walls, space separation, and automatic fire extinguishing systems) of insuring the access necessary for effective fire department operations. Such alternative means shall suffice to meet the requirements of this section; provided, that the chief officer empowered to provide fire service in the jurisdiction within which the development is proposed concurs.

7. Snow Storage. All proposed develop-ments shall provide space for snow storage for a means of removal when such snow may accumulate on a public way. In general, a guideline of one square foot of snow storage space for every two square feet of parking area, street, driveway, etc., will be required.

8. Parking Requirements. All parking spaces shall be sized as approximately twenty feet by ten feet, exclusive of the requirements of snow storage, in this section. In all cases, the parking requirements in this section are minimum standards, and may be increased by the board of trustees upon a finding that the public convenience and necessity require additional parking spaces in association with the new use. For all residential developments, off-street parking in the amount of two parking spaces per dwelling unit shall be required. This requirement may not be satisfied by on-street parking spaces.

9. Commercial Parking. For all new commercial uses, one space (minimum ten feet by twenty feet each) for each two hundred square feet of floor area in a commercial use shall be required. This requirement may be satisfied by the street frontage adjacent to the property in which the use is located, but in no event by the parking on the street opposite from such use. The board of trustees, in its discretion may determine and require that additional parking spaces are necessary for the public convenience.

10. Industrial Parking. For all new industrial uses, adequate parking spaces (minimum ten feet by twenty feet each) shall be required for employees as required by the town. This requirement is a minimum requirement and may not be satisfied by on-street, parking. In addition, and at a minimum, a strip of land five feet in width must be preserved between the roadway and any parking lots established on property to service the industrial use. This strip of land must be landscaped to the satisfaction of the board of trustees.

11. Institutional Parking. For all institutional uses, including churches, public buildings, libraries, museums, schools, public centers and public clinics, adequate off-street parking shall be provided as required by the town. In no event, may parking spaces available on adjacent streets be used to satisfy this requirement.

12. Construction Specifications. All streets shall be constructed of no less than six inches of sub-base material and four inches of 3/4 road base compacted to ninety-five percent with four inches of asphalt paving on top. All roads shall be crowned one-half inch per foot away from the centerline. Ditches, culverts, and concrete pans shall be placed to prevent any drainage across the road. Only eighteen inch and larger culverts may be used. Before a street can be dedicated to the town, final approval of completed construction must be obtained from the town based upon inspections and recommendations of the town engineer. (Ord. 497 § 6 (part), 1997; Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.04.020 Water.

##### A. Policies.

1. Surface and nontributary groundwater rights shall be deeded to the town upon annexation or subdivision of property.

2. All new development shall be connected to public water facilities. Prior to the connection, a statement of the impact of the proposed development on existing water supply may be required.

3. The town shall adopt standards for water system design and construction. All water facilities shall be constructed by the subdivider/developer to conform with the adopted standards.

4. The town shall prepare, adopt and annually update a capital improvement program that will prioritize the expenditure of funds for improving and maintaining the water supply, storage, treatment and distribution system. Improvements shall be prioritized based on public health and safety considerations.

5. The town shall pursue all available funding opportunities for improving the spillway at Sheriffs Reservoir.

##### B. Requirements.

1. Applicants for all land use changes must demonstrate that a reliable supply of water, both in terms of quality and quantity, is or will be available and adequate to serve the total needs of the development. All new developments must connect to the town water system. In order to offset the impact upon that system, a dedication or transfer of direct flow and/or storage water rights to the town shall be required: (1) prior to the approval of the annexation of any land to the town or the subdivision or replatting of any land previously annexed; whether within or without the geographic boundaries of the town; and (2) prior to all new extensions of raw water service which will thereafter be used for domestic, commercial or industrial purposes.

##### 2. Basic Requirement

a. Developers of residential use(s) shall dedicate to the town .95 acre feet of water/year for each proposed dwelling unit to be served by the municipal water utility.

b. Commercial raw water and other users: the quantity of water required for dedication shall be that quantity of water to be required ultimately in the satisfaction of the use or uses contemplated by the new user(s) in connection with annexation, subdivision or replatting, new extension of municipal treated water

service or extension of raw water service which will thereafter be used for domestic, commercial or industrial purposes.

3. Exemptions. This section shall not apply to a single-family dwelling unit seeking new municipal treated water service where the person seeking such service is the owner of the real estate to be served and only one dwelling unit will be located upon the real estate, or to the extension of new municipal treated water service or raw water service for which the basic dedication requirement has been previously complied with by any person. Further, all developments located within performance districts 1 and 2 are exempt from the dedication requirement of this section.

4. Procedure. The town shall have the right to accept or reject any water rights proposed for dedication pursuant to the provisions of this section which the town has determined do not have sufficient legal priority. If the town determines that the water rights proposed fail to satisfy the basic dedication requirement, the following alternatives, or combination thereof, may be used to otherwise satisfy the basic dedication requirement.

a. The person(s) required to comply with the basic dedication requirement may pay to the town a cash amount equal to the fair market value of the water rights necessary to satisfy the basic dedication requirement.

b. The board may negotiate with the new user(s) to establish other terms or conditions which shall constitute compliance with the basic dedication requirement of this section, so long as such terms or conditions are consonant with the comprehensive plan.

5. Option to Purchase.

a. Any person(s) required to comply with the basic dedication requirement shall also grant to the town the option to purchase any and all water rights which are appurtenant to the land to be annexed or developed but which are in excess of the basic dedication requirement. Such option may be exercised by the town at any time for a period of one year following the date of the grant to the town with regard to any or all of the water rights subject to the grant.

b. In addition to the grant of the option to purchase, there shall be a grant to the town of a right of first refusal regarding the water rights subject to option to purchase. The town shall retain the right of first refusal, in the event the water rights are sold independently of the land, for a period of five years following final approval of annexation, development, new extension of municipal treated water service, or extension of raw water service which will thereafter be used for domestic, commercial or industrial purposes.

6. Capital Improvements, Plant Investment Fee. In addition to the requirement for a dedication of water described above, all developments in all districts, regardless of the exemptions found at Section 17,04.020, shall be required to make all necessary improvements to the water distribution system of the town in order to provide water service to the development, including the extension of water mains, installation of booster stations or booster stations in coordination with adequate storage tanks at sufficient elevation to maintain the water pressure of at least thirty psi throughout the system, and service lines. In addition, a plant investment or tap fee shall be required for all new developments. For the balance of calendar year 1963, the fee shall be one thousand dollars per tap. Subsequent to December 31, 1983, the fee shall be as regularly specified by the town board.

7. Construction Specifications. Engineer-ing plans and specifications of all extensions, booster stations, etc., shall be approved by the town engineer. Engineering plans and specifications of all extensions, booster stations, etc., shall comply with the guidelines of and be approved by the town engineer. The developer's compliance with the requirements of this section shall be guaranteed by an adequate performance bond, to be approved by the board of trustees. (Ord. 497 § 6 (part), 1997; Ord. 372 § 1 (Exh. A (part)), 1983)



17.04.030 Sewer.

A. Policies.

1. All new development shall be connected to public sewerage facilities. Prior to the connection, a statement of the impact of the proposed development on existing sewer capacity may be required.

2. The town shall adopt standards for sanitary sewer system design and construction. Sanitary sewer facilities shall be constructed by the subdivider/developer to conform with the adopted standards.

3. The town shall prepare, adopt and annually update a capital improvement program that will prioritize the expenditure of funds for improving and maintaining the wastewater collection and treatment system. Improvements shall be prioritized based on public health and safety considerations.

4. Residences adjacent to town limits that are on septic systems should be considered for annexation and provision of town sewer services.

B. Requirements.

1. All new developments and performance districts 1 and 2 must connect to the town's sewage treatment system. Developments in performance districts 3, 4, 5 and 6 shall, at the sole option of the town, connect to the town's sewage treatment system. Upon annexation, the town may require such development to provide their own central sewage collection and treatment systems. In all cases, it shall be the obligation of the developer to extend collection lines, with stations, mains, etc., to the development. Engineering plans and specifications of all collection lines, lift stations, mains, etc., shall be approved by the town engineer.

2. Tap Fee. For all developments which connect to the town's sewage treatment system, a tap fee will be required. For the balance of the calendar year 1983, that fee is hereby established as one thousand dollars per tap. Subsequent to December 31, 1983, the fee shall be as regularly specified by the town board.

3. Construction Specifications. Engineering plans and specifications of all extensions, booster stations, etc., shall be approved by the town engineer. Engineering plans and specifications of all extensions, booster stations, etc., shall comply with the guidelines of and be approved by the town engineer. The developer's compliance with the requirements of this section shall be guaranteed by an adequate performance bond, to be approved by the board of trustees. (Ord. 497 § 6 (part), 1997; Ord. 372 § 1 (Exh. A (part)), 1983)

17.04.040 Electric system.

A. Policies. The town shall update the 1982-1992 electrical distribution system study.

B. Requirements.

1. Electrical Hook-Up Fee. An electrical hook-up fee shall be that fee which is currently required by the town board of Oak Creek.

2. Underground Installations. For all new electrical hook-ups and extensions, whether supplied by power from the town electric system or a private supplier of electrical power, all service lines, etc. must be installed underground in performance districts 3, 4, 5 and 6, but Section 17.03.090 shall apply in performance district 2. (Ord. 497 § 6 (part), 1997; Ord. 372 § 1 (Exh. A (part)), 1983)

Chapter 17.05 COMPATIBILITY STANDARDS

Sections:

- 17.05.010 Policies.
- 17.05.020 Regulations.
- 17.05.030 Bufferyards.
- 17.05.040 Bufferyards described.
- 17.05.050 Bufferyard chart.

17.05.010 Policies.

A. All new development shall be considered in light of its compliance with adjacent existing land uses, and its capability to “pay its own way” for infrastructure and services.

B. All new development shall be considered in light of its compliance with existing master plans, adopted policies and guidelines.

C. The town shall work with the county to ensure compliance with town and county master plans by development interests.

D. All tracts of land proposed for development at a density greater than one unit per five acres shall be master planned. Master plans shall address access, circulation, land use compatibility, architectural character, develop-ment impacts, infrastructure, services, public health and safety and other issues as may be appropriate. (Ord. 497 § 6 (part), 1997: Ord. 372 § 1 (Exh. A (part)), 1983)

17.05.020 Regulations.

(Ord. 372 § 1 (Exh. A (part)), 1983)

17.05.030 Bufferyards.

A. A bufferyard is a unit of required yard and plantings and/or structures. It is designed to reduce conflicts between adjacent land uses by eliminating or minimizing potential nuisances such as dirt, litter, noise, glare of lights, signs, unsightly buildings, parking areas, odor, or danger from fires or explosions. For example, an intense use such as a junkyard would require considerable buffering where the adjacent use is residential. Essentially, a bufferyard is a setback with required plantings or structures.

B. A bufferyard must be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. A bufferyard shall not be located on any portion of an existing or dedicated public or private street right-of-way and shall be privately owned and maintained. A bufferyard requirement for a use adjacent to a street right-of-way shall be determined by the use across the street.

C. To determine what bufferyard is required between any two land uses, refer to the list and chart at Sections 17.06.040 and 17.05.050. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.05.040 Bufferyards described.

A. Bufferyard A. Minimum Width — five feet with appropriate landscaping as shall be approved by the town.

B. Bufferyard B. Minimum Width — fifteen feet with appropriate landscaping as shall be approved by the town.

C. Bufferyard C. Minimum Width — twenty feet with appropriate fencing and landscaping as shall be approved by the town.

D. Bufferyard D. Minimum Width — ten feet with appropriate fencing and landscaping as shall be approved by the town.

E. Bufferyard E Minimum Width. 1. Thirty feet with appropriate berms, masonry walls, and landscaping as shall be approved by the town. 2. Fifty feet with appropriate higher masonry walls and landscaping as shall be approved by the town. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.05.050 Bufferyard chart.

Proposed Use	Adjacent Use	Agricultural/Vacant/Park	Low to Medium Residences including Mobile Homes outside a Mobile Home Park	Multifamily	Institutional & Professional	Commercial	Industrial	Mobile Home Park
Agriculture/Vacant/Park							D	A
Low to Medium Density Residences including Mobile Homes outside a Mobile Home Park (3 dwelling units or less)				B	B	C	E	B
Multifamily			B		B	C	E	B
Institutional and Professional Office			B	B		A	C	B
Commercial			C	C	A		B	B
Industrial	D	E	E	E	C	B		E
Mobile Home Park	B	B	B	B	B	B	C	

(Ord. 372 § 1 (Exh. A (part)), 1983)

#### Chapter 17.06 SOCIAL AND CULTURAL STANDARDS

Sections:

17.06.010 Policies.

17.06.020 Regulations.

17.06.010 Policies.

A. The town shall prepare, adopt and annually update a capital improvement program that will prioritize park and trail improvements and adequately maintain the park system.

B. The town shall update its parks and trails plan to include landscape guidelines and the tree planting program.

C. The town shall work with the Soroco School District to identify potential sites for new schools, establish a school land dedication requirement, and develop a referral process for reviewing residential development proposals.

D. School land dedication requirements, based on national standards, shall be prepared, adopted and uniformly enforced by the town.

E. Any building officially registered by a federal, state or county agency as historic shall be preserved whenever possible.

F. The town shall encourage the rehabilitation of historic structures by private landowners. (Ord. 497 § 6 (part), 1997; Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.06.020 Regulations.

A. Minimum Dedicated Park Land. New residential developments shall be required to dedicate to the town (or to a homeowners' association as described below) a portion of the site which must be devoted to dedicated park land. One acre per hundred people, assuming 3.0 people per household must be dedicated to the town; thus .03 acres x \_\_\_\_\_ dwelling units = minimum dedicated park land. Such park lands may not include sidewalks or environmentally restricted lands as defined at Sections 17.08.030, 17.08.090 and 17.08.140.

Example: 30 DUs x .03 acres/DU = 0.9 acres required for dedication.

At a minimum, dedicated park land shall be developed by the applicant with grass or landscaping allowing group recreation. Such park land must fulfill one or more of the unfulfilled objectives in the town park plan. Cash payments in lieu of park land dedications may be accepted, at the discretion of the board of trustees and upon a demonstration that the cash payment so made is equivalent to the fair market value of the park land which would normally be required for dedication under this section.

B. Bikeways and Pedestrian Ways. Bikeways and pedestrian ways for use by nonmotorized traffic and pedestrians (exclusive of paved sidewalks or walkways associated with the street right-of-way) may be credited toward the minimum dedicated park land requirement in subsection A of this section. In addition, a limited density bonus may be given by the board of trustees in return for the construction of such bikeways and pedestrian ways.

C. Environmentally Restricted Land Defined. All environmentally restricted land shall be designated as park, recreation or open space land.

D. Maintenance of Dedicated Park Land. All developments shall dedicate land (or payments in lieu thereof) for parks, schools, open space and fire stations. All dedications for park and open space sites shall be completely developed by the applicant before final acceptance by the town, in accordance with the sketch plan and final plan and any conditions and/or design requirements placed upon the development by the board of trustees. In all cases, lands dedicated for parks and open space shall be accompanied by one or more of the following:

1. An interest bearing account which will generate revenue sufficient to provide for the maintenance and upkeep of the dedicated lands and perpetuity.

2. Documents evidencing: (a) conveyance of the lands to a homeowners' association; (b) creation of such an organization; and (c) title restrictions, which may include protective covenants must guarantee a right in the town to perform weed control, erosion and drainage control and charge those costs against the landowner, in the event the homeowners' association fails to perform such tasks.

3. A financial plan showing conclusively that the cost to the town, should the town be required to maintain the dedicated lands, will be offset by the positive tax return to the town as a result of the development, or that the social, environmental and economic benefits of the development, which are difficult to calculate, substantially outweigh the impact upon town revenue should the town be required to maintain property.

E. Historic Structures. For all develop-ments, the applicant must identify all elements or structures of historic importance and must demonstrate the manner in which they will be preserved. The board of trustees may request the recommendation of the “Oak Creek Historic Society” prior to any decision. The board may approve, deny or conditionally approve the development based upon the historical consideration in this section. (Ord. 372 § 1 (Exh. A (part)), 1983)

## Chapter 17.07 INDUSTRIAL AND COMMERCIAL STANDARDS

### Sections:

- 17.07.010 Policies.
- 17.07.020 Regulations.
- 17.07.030 Purpose.
- 17.07.040 Setbacks and bufferyards.
- 17.07.050 Site plan.
- 17.07.060 Glare and heat.
- 17.07.070 Vibration.
- 17.07.080 Light.
- 17.07.090 Smoke.
- 17.07.100 Odors.
- 17.07.110 Noise.
- 17.07.120 Fugitive dust.
- 17.07.130 Industrial and commercial wastes.
- 17.07.140 Location of new commercial development.
- 17.07.150 Mining.

### 17.07.010 Policies.

A. The town shall encourage a business improvement master plan to guide the redevelopment, attraction and retention of businesses.

B. The town shall work with the Upper Yampa Valley Economic Development Council to support existing businesses and to identify and attract new businesses needed to meet local needs for a balanced level of commercial activities.

C. The town shall update its development processes and provide clear information to the development community in its mission to foster a favorable climate for local business activity.

D. Clear industrial development of a small scale nature in the South Arthur/Diagonal Street area shall be encouraged. The town shall evaluate the potential for a new performance district in this area to recognize its industrial character.

E. New development in performance district 1 shall be encouraged to fill in the vacant land between buildings. New development shall be compatible with existing structures in terms of height, mass, rooflines and relationship to the street. Retail and office development shall be encouraged at street level. New residential development in performance district 1 shall be limited to second floor locations above businesses.

F. Commercial development shall be encouraged to locate within performance district 1. Commercial development may be permitted in other performance districts, with requirements to ensure that any impacts are sufficiently mitigated.

G. Cottage industry may be permitted in residential areas as home businesses, with requirements to ensure that any impacts on neighborhood character are sufficiently mitigated. (Ord. 497 § 6 (part), 1997; Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.020 Regulations.  
(Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.030 Purpose.

All industrial and commercial uses must conform to the following performance standards. The purpose of these standards is to permit potential industrial nuisances to be measured, factually and objectively; to ensure that all industrial or commercial uses will provide methods to protect the community from hazard and nuisances which can be prevented by control and nuisance elimination and to protect industries from arbitrary exclusion from the town based solely upon the nuisance production by any particular type of industry in the past. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.040 Setbacks and bufferyards.

Setbacks for commercial buildings shall be controlled by the bufferyard chart at Section 17.05.050; provided, however, that a minimum of twenty feet shall be maintained between commercial buildings or structures and other uses. Setbacks for commercial buildings and structures in performance district 1, CBD, shall not apply to this section. Furthermore, commercial buildings and structures in performance district 1, CBD, shall be allowed to be built on lot lines so long as the other requirements of this code are met (i.e., parking requirements, site plans, glare and heat, vibration, etc.). However, if a building or structure is not located on the lot line, a ten foot minimum setback from adjacent lots shall be required. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.050 Site plan.

All industrial uses shall be shown on a site plan submitted to and approved by the planning commission and board of trustees. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.060 Glare and heat.

Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible, from any point along the property line. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.070 Vibration.

Industrial or commercial operation shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Transportation facilities on temporary construction are excluded from this restriction. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.080 Light.

Exterior lighting, except for overhead street lighting and warning, emergency or traffic signals, shall be installed in such a manner that the light source will be sufficiently obscured to prevent glare on public streets and walkways or into any residential area. The installation or erection of any lighting which may be confused with warning signals, emergency signals or traffic signals is prohibited. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.090 Smoke.

All industrial and commercial uses which produce smoke or any air contaminant shall be subject to the jurisdiction and regulations of the Colorado Air Quality Control Commission and the Colorado Air Quality Control Division. The town reserves the right, prior to approving any industrial or commercial application under this title, to require from the applicant evidence of compliance with applicable regulations of state government. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.100 Odors.

No industrial or commercial use shall cause or allow the emission of malodorous air contaminants from any single source such as to result in detectible odors which are apparent outside the property boundaries. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.110 Noise.

All industrial and commercial uses shall be conducted such that noise generated from such uses is controlled at its source or so attenuated by the structure from which it radiates that it does not become objectionable outside its property line. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.120 Fugitive dust.

No industrial or commercial operation shall be allowed to produce fugitive dust in amounts which are noticeable or appreciable outside of the property boundaries of the use. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.130 Industrial and commercial wastes.

All industrial and commercial operations shall confine liquid and solid wastes produced in connection with such operation within the property boundaries, and shall further insure that no such waste, including liquid waste such as drain oil, leave the property or enter any natural stream courses. This shall not apply to the appropriate and proper disposal of liquid and solid wastes. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.140 Location of new commercial development.

With the exception of cottage industry, all new business and commercial uses should be encouraged to be established only in performance district 1, CBD. New business and commercial uses that are established outside of performance district 1, CBD, shall apply fully to the appropriate bufferyards and setbacks to ensure compatibility with the surrounding uses (See Section 17.07.040). (Ord. 372 § 1 (Exh. A (part)), 1983)

17.07.150 Mining.

All mining activity, including mineral extraction, oil and gas extraction, and gravel mining, processing and washing is prohibited within the limits of the town. No proposed developments will be approved which will be situated above areas which have been mined by underground methods in the past. In connection with all new development, the developer must demonstrate to the town, at the preliminary plan stage, the extent of ownership of subsurface mineral rights and previous mining activity. (Ord. 372 § 1 (Exh. A (part)), 1983)

Chapter 17.08 ENVIRONMENTAL STANDARDS

Sections:

- 17.08.010 Watershed protection.
- 17.08.020 Policies.
- 17.08.030 Requirements.
- 17.08.040 Drainage.
- 17.08.050 Policies.
- 17.08.060 Requirements.
- 17.08.070 Oak Creek corridor and floodplain.
  - 17.08.070.01 Statutory authorization.
  - 17.08.070.02 Findings of fact.
  - 17.08.070.03 Purpose.
  - 17.08.070.04 Methods of reducing flood losses.
  - 17.08.070.05 Definitions.
  - 17.08.070.06 General regulations.
  - 17.08.070.07 General use restrictions.
  - 17.08.070.08 Specific use standards.
  - 17.08.070.09 Administration.
  - 17.08.070.10 Standards for flood hazard area permit approval.
  - 17.08.070.11 Alteration of watercourse.
  - 17.08.070.12 Enforcement and penalties.
- 17.08.080 Policies.
- 17.08.090 Requirements.
- 17.08.100 Snow removal and accumulation.
- 17.08.110 Policy.
- 17.08.120 Requirements.
- 17.08.130 Erosion control and landscaping.
- 17.08.140 Policies.
- 17.08.150 Requirements.
- 17.08.160 Soil standards.
- 17.08.170 Policies.
- 17.08.180 Requirements.
- 17.08.190 Views and vistas.
- 17.08.200 Policies.
- 17.08.210 Requirements.

17.08.010 Watershed protection.

(Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.020 Policies.

A. The surface and ground water of Oak Creek shall be protected from land uses and management practices which could cause significant degradation of water quality or impair the natural protection and/or treatment processes provided by wetlands, floodplains and riparian areas.

B. Decisions to locate water supplies, wastewater treatment systems and other facilities shall be made in a manner that protects water quality. Decisions regarding facility location shall also recognize the protection of floodplains, geologic hazard areas, wildlife habitats, wetlands, and agricultural land.



C. The surface and ground waters of Oak Creek shall be protected from the uses of pesticides, fertilizers, algacides, road deicing and friction materials, and chemicals which would temporarily or permanently cause a significant degradation of water quality or impair the current or classified uses of these waters. (Ord. 497 § 6 (part), 1997: Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.030 Requirements.

No activity or change of land use shall be allowed within five miles upstream of any water supply intake of the town of Oak Creek without written permission from the town. The purpose of this requirement is to prevent significant impact on the town's water supply. Permission may be conditioned upon certain safeguards being accomplished. These requirements may vary with the potential impact of the proposed activity, and are based upon the authority of Section 31-15-707(l)(b), C.R.S., 1973. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.040 Drainage.

(Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.050 Policies.

A. Natural drainage courses shall be retained as much as possible. Where necessary for new development, a drainage system shall be designed by a professional engineer.

B. The town shall adopt standards for drainage system design and construction. Drainage facilities shall be constructed by the subdivider/developer to conform with adopted standards.

C. The town shall prepare a comprehensive drainage study to assist with decisions regarding new development, the improvement of water quality and future road projects. (Ord. 497 § 6 (part), 1997: Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.060 Requirements.

A. For all new residential developments of three units or more and for all new commercial and industrial developments with gross floor areas exceeding two thousand square feet, provision shall be made for the drainage and control of runoff from all impervious surfaces created as a result of a land use change. Where necessary, drainage control structures shall be constructed and dedicated to the town, along with provision for their permanent maintenance. The total effect shall be to prevent any increase in surface runoff over the natural levels which occurred prior to development.

B. For all new residential and commercial developments regardless of size, provision shall be made for the drainage and control of runoff from all impervious surfaces created as a result of the land use change. Runoff shall not adversely affect adjacent land or structures.

C. To the greatest degree possible natural drainage courses shall be preserved in their natural state. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.070 Oak Creek corridor and floodplain.

(Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.070.01 Statutory authorization.

The regulations and procedures contained herein for flood prevention and control are adopted pursuant to, interalia, Title 24, Article 65.1, Title 29, Article 20, and Title 31, Article 23, Colorado Revised Statutes, as amended. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.070.02 Findings of fact.

A. The board of trustees of the town finds that there are within the town either designated floodways or areas of special flood hazard; that flooding within these areas may cause serious damage to, or destruction of real and personal property; that residents of these areas are subject to hazards that may cause loss of human life; and that imprudent use and/or occupation of these areas poses a present and future danger to the health, safety and welfare of the town's residents unless appropriate regulations are adopted concerning the use and/or occupation of these areas.

B. The board of trustees further finds that flooding within the town is caused by the cumulative effect of obstructions to the flow of water which increases flood heights and velocities, and buildings which are inadequately elevated, anchored or flood proofed.

C. The degree of flood protection required by this title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This title does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This title shall not create liability on the part of the town, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this title or any administrative decision lawfully made thereunder. (Ord. 428 § 2, 1989; Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.070.03 Purpose.

A. The purpose of these regulations is to promote the public's health, safety and general welfare and to minimize flood hazards and losses within the town by:

1. Promoting sound planning and land use, and permitting only such uses within floodways or areas of special flood hazard as will not endanger the public's life, health, safety or property in times of flooding;

2. Protect the public from avoidable financial expenditures for flood control projects, flood relief measures, and the repair and/or restoration of damaged public facilities;

3. Prevent avoidable interruption of business and commerce;

4. Minimize victimization of unwary home and/or land purchases, and insure that all buyers are notified that certain property is within either a designated floodway or special flood hazard area;

5. Facilitate the management of floodways and/or special flood hazard areas by establishing requirements that must be met before additional use or development therein is permitted;

6. Ensure that those who choose to occupy special flood hazard areas assume responsibility for their actions;

7. Help maintain a stable tax base by providing for the controlled use and/or development of designated floodways or special flood hazard areas, so as to minimize future flood related blight; and

8. Minimize the need for rescue and relief efforts associated with flooding. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.070.04 Methods of reducing flood losses.

In order to accomplish its purposes and objectives, this title includes provisions for:

A. Restricting or prohibiting uses which are dangerous to the public's health, safety, welfare or property due to water or erosion hazards, or which result in increased erosion, flood heights or velocities;

B. Controlling filling, grading, dredging and any other development activity which may increase flood damage;

C. Requiring that any use vulnerable to flood related damage, including public facilities which serve such uses, be protected against flood damage at the time of initial construction;

D. Controlling the alteration of natural floodways, stream channels, and other natural protective barriers which mitigate or channel floodwaters; and,

E. Preventing or regulating construction of flood barriers which will either divert floodwaters into or increase flood hazards in other areas. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.08.070.05 Definitions.

For the purposes of this title, certain terms or words are herein defined and they shall have the meaning ascribed to them, unless otherwise more specifically defined, or it is apparent from the context that a different meaning is intended. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Unless specifically defined below, all words or phrases used in this title shall be interpreted so as to give them the meaning they have in common usage, and to give this title its broadest application.

“Accessory use or structure” means a use or structure that is related to, but only secondarily, the principal use or structure located on that site.

“Applicant” means any individual, partnership, corporation, association, company or public body, including the federal government, or any political subdivision, agency, corporation or instrumentality of the state of Colorado, applying for a flood hazard area permit pursuant to these regulations.

“Area of special flood hazard” means land within the one hundred year floodplain; i.e., subject to a one percent chance of flooding in any given year.

“Base flood” means a flood having a one percent chance of being equaled or exceeded in any given year. In the context of this title, base flood is used interchangeably with one hundred year flood, or one percent chance flood.

“Channel” means a natural or artificial watercourse with definite bed and banks which confines or conducts flowing water either continuously or intermittently.

“Development” means any construction or activity that changes the basic character or topography of the land on which the construction or activity occurs including, but not limited to: any man-made change to improved or unimproved real estate, construction of, or substantial improvement to buildings or other structures; mining, dredging, filling, grading, paving, excavating, drilling, or channel rectification; as well as construction of a dam, wall, embankment, levee, dike, pile, abutment or projection.

“Existing manufactured home park or manufactured home subdivision” means land divided into one or more manufactured home lots, for rent or sale, for which the construction of facilities required for servicing manufactured homes were completed before the effective date of the ordinance codified in this section and title. Facilities include at the minimum, installation of utilities, final grading, pouring of concrete pads and construction of streets.

“Expansion of existing manufactured home park or manufactured home subdivision” means the preparation of additional sites adjacent to an existing manufactured home subdivision by construction of facilities required for servicing manufactured homes completed or begun after the effective date of the ordinance codified in this section and title. Facilities include at the minimum, installation of utilities, final grading, construction of pads and construction of streets.

“Fill” means placement of materials of any kind by artificial means.

“Flood or flooding” means a general and temporary condition of partial to total inundation of normally dry land areas resulting from:

1. Overflow of streams, rivers, or other inland waterways; or

2. An unusual or rapid accumulation of runoff or surface waters from any source.

“Flood hazard permit” means the permit issued by the board of trustees prior to any construction or development in an area of special flood hazard as required by Section 17.08.070.09(B).

“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood insurance study” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map and the water surface elevation of the base flood.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this section and title.

“Nonconforming structure” means any structure which does not comply with the terms and conditions of this title, but which was in existence, or for which construction had already started prior to the effective date of the ordinance codified in this section and title.

“Nonconforming use” means any use or activity which does not comply with the requirements of this title, but which was in existence prior to the effective date of the ordinance codified in this section and title.

“Obstruction” means any development, stockpile, refuse or matter; in, along, across, or projecting into any floodway or flood hazard area which might impede, retard or change the direction of a flow of water in and of itself or by catching or collecting water borne debris.

“Ordinance” means the ordinance contained in this section and referred to as the town’s floodplain management or special flood hazard area regulations.

“Permit authority” means the board of trustees of the town of Oak Creek, Colorado.

“Regulations” means the regulations adopted by the ordinance codified in this section and title.

“Start of construction” means and includes substantial improvement, and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

“Structure” means, generally, a walled and roofed building, normally above ground and permanently or temporarily affixed to a site, including earth sheltered structures, open pavilions, mobile homes, gas and

liquid storage tanks, agricultural chemical storage tanks such as, tanks for pesticides or fertilizers, septic tanks and sewage treatment facilities.

“Substantial improvement” means any repairs, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the current fair market value of the structure, either:

1. Before the improvement, repair or reconstruction is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building occurs, whether or not that alteration affects the external dimensions of the structure.

Substantial improvement does not however, include:

1. Any improvement of a structure necessary for compliance with existing state or local health, sanitary or safety code, or which are necessary to insure that the building is decent, safe and sanitary; or
2. Any alteration of a structure listed on the National Register of Historic Places or on the Colorado State Historical Society’s List of Historic Places.

“Use” means any man-made or man caused activity, or structure existing on a parcel of land, whether that activity or structure is permanent or temporary.

“Watercourse” means a natural or artificial channel, depression, wash, slough, gulch, arroyo, stream, creek, or drainage way capable of containing or conveying water either continuously, intermittently or periodically. (Ord. 428 § 1, 1989: Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.08.070.06 General regulations.

A. These regulations apply to all lands within the town which are shown on the FHBM as being areas of special flood hazard.

B. Within the town, henceforth no land use or structure shall be constructed upon, located within, extended into, converted or altered if within an area of special flood hazard, without first complying with all of the requirements of this title and other applicable federal and state regulations.

C. The ordinance codified in this section and title is not intended to repeal, abrogate, or impair any existing easement, covenant, deed restriction, or existing land use or subdivision regulation. When the ordinance codified in this section and title and other ordinances of the town conflict or overlap, whichever imposes the more stringent restrictions shall prevail. Nothing in the ordinance codified in this section and title shall be construed as exempting an applicant from any other requirement of the town, or other applicable state or federal regulations.

D. In the interpretation and application of the ordinance codified in this section and title, all provision contained herein shall be:

1. Considered as minimal requirements;
2. Generally construed in favor of the board of trustees; and
3. Deemed neither to limit nor repeal any other power granted the to the board of trustees by state statutes.

E. These regulations shall not apply to either a nonconforming structure or use as defined in Section 17.08.070.05 except as follows:

1. If a nonconforming structure is damaged or destroyed by any means to the extent that the restoration cost equals fifty percent or more of the fair market value of the structure before the damage occurred, as determined by the board of trustees or their representative; that, after such a determination, any reconstruction or replacement shall be deemed new construction and shall be subject to all of the provisions

of the ordinance codified in this section and title, including the requirement to apply for and obtain a flood hazard permit.

2. Nonconforming uses as defined in Section 17.08.070.05 shall not be expanded upon, and if continuously discontinued for a period of ninety days, they shall not be reinstated without first complying with all of the requirements of this ordinance, including the requirement to apply for and obtain a flood hazard area permit.

F. The provisions of the ordinance codified in this section and title shall not apply to any device or structure reasonably held necessary by the permit authority or its representative for the diversion of water or for flood control or prevention, so long as such device or structure has been appropriately designed and constructed so as to minimize potential flood hazard and damage. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.08.070.07 General use restrictions.

The following use restrictions shall apply to all floodways and special flood hazard areas.

A. Prohibited Uses. Any development or alteration in, on, or over floodways or special flood hazard areas shall be prohibited, if such development or alteration would alone or in combination with other uses, cause or result in (within floodway or special flood hazard areas):

1. The storing or processing of materials that are buoyant, flammable, explosive, radioactive, or otherwise potentially injurious to human, animal or plant life;

2. The disposal of garbage or other solid or liquid waste materials;

3. The potential of substantial quantities of solid debris or waste being carried downstream.

B. Public Utilities.

1. Any new or replacement water supply systems shall be designed to eliminate infiltration of flood waters into such system.

2. Any new or replacement sanitary sewage system shall be designed to minimize or eliminate infiltration of floodwaters into such system, as well as discharges from the system into flood water.

3. On-site waste disposal containers shall be located so as to avoid obstructing, or contamination of flood waters.

4. Public utility systems shall be located so as to minimize or discourage further development within either floodways or special flood hazard areas.

C. Land Use. Any land use change proposed pursuant to the town of Oak Creek's land use code (Title 17 of the Oak Creek Municipal Code) shall:

1. Be consistent with the town's need to minimize flood damage;

2. Have public utilities and facilities such as water, sewer, gas, and electrical systems located and constructed so as to minimize susceptibility to flood damage;

3. Have adequate site drainage to reduce exposure to flood damage;

4. Provide base flood elevation data on any change which involves twenty-five lots or five acres, whichever is less;

5. Have no structures, pavement or development within a designated floodplain or special flood hazard area unless it can be demonstrated that the base flood elevation is not increased;

6. Have streets located above the elevation of the base flood;

7. Have all new construction and substantial improvements specifically designed and sufficiently anchored to prevent flotation, collapse or lateral movement of structures.

D. Construction Materials and Methods.

1. All new construction and/or substantial improvements shall be constructed only with material that is resistant to flood damage;

2. All new construction and/or substantial improvements shall be constructed only by methods and practices that minimize flood damage;

3. Where compacted fill is used as a method of elevating a structure, such fill shall extend fifteen feet beyond the exterior walls of the structure;

4. Grading and preparation of fill shall meet the standards set forth in the provisions of the section(s) dealing with “grading and excavation” of the current edition of the Uniform Building Code adopted by the town.

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

E. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.08.070.09, the board of trustees shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 17.08.070.08 specific use standards. (Ord. 428 §§ 3—5, 1989; Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.08.070.08 Specific use standards.

In all special flood hazard areas where flood elevation data has been provided by FEMA, or CWCB, the “A” zones on the FHBM, the following standards are required:

##### A. Residential.

1. All new construction, reconstruction and/or substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the regulatory flood protection elevation.

2. The town shall not permit connection to its water system or provide water from the system to new construction and/or development.

##### B. Nonresidential.

1. Any new construction, reconstruction and/or substantial improvement to any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the regulatory flood; or meet the following requirements:

a. Be flood proofed so that below the base flood elevation, the structure is watertight with walls impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads, as well as effects of buoyancy;

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

2. The town shall not permit connection to its water system or provide water from the system to new construction and/or development.

##### C. Manufactured Homes.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in

addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;

b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;

c. All components of the anchoring system be capable of carrying a force of four thousand, eight hundred pounds and,

d. Any additions to the manufactured home be similarly anchored.

D. Since the floodway is an extremely hazardous area due to the velocity of flood water which carry debris and potential projectiles, as well as the erosion potential; the following restrictions shall apply to the floodway:

1. The alteration of any channel shall be minimized, except as may be required for improvement of wildlife habitat, or public health, safety and welfare; provided, that in no instance shall such alteration result in any increase in flood levels during the occurrence of the base flood discharge;

2. Encroachments including filling, new construction, substantial improvements, placement of bridges and drainage structures and other development are specifically prohibited; unless, certification by a registered professional engineer licensed in the state of Colorado is provided that demonstrates to the satisfaction of the permit authority that such an encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. (Ord. 495 § 1, 1997; Ord. 428 §§ 6, 7, 10 (part), 1989; Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.08.070.09 Administration.

A. The ordinance codified in this section shall apply to all areas of special flood hazards within the jurisdiction of the town.

1. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the Town of Oak Creek", dated July 17, 1989, with an accompanying flood insurance rate map (FIRM) is adopted by reference and declared to be a part of this chapter. The flood insurance study and FIRM are on file at Town Hall, 131 E. Main Street, Oak Creek, Colorado, 80467.

B. A flood hazard area permit shall be obtained from the permitting authority or its representative before any construction or development begins within any special flood hazard area. Application for a flood hazard area permit shall be on forms furnished by the town clerk's office. Required information shall include, but not be limited to:

1. Complete development plans, (in duplicate) drawn to a common scale, showing the nature, location, dimension and elevations of the site in question; existing or proposed structures, fill, storage of materials, drainage facilities; as well as the location of the foregoing;

2. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

3. Duties of the permitting authority shall include, but not be limited to:

a. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.



2. Review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required.

3. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this chapter, “adversely affects” means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

i. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.

ii. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer’s certification) for the proposed development shall be required.

iii. If the proposed development is a building, then the provisions of this ordinance shall apply.

When base flood elevation and floodway data has not been provided in accordance with Section 17.08.070.09(A), the permitting authority shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, as criteria for requiring that new construction, substantial improvements or other development in Zone A are administered in accordance with Section 17.08.070.09 inclusive.

b. Information to be Obtained and Maintained.

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

2. For all new or substantially improved floodproofed structures:

i. Verify and record the actual elevation (in relation to mean sea level to which the structure has been floodproofed); and

ii. Maintain the floodproofing certifications required in Section 17.08.070.09(B)(8), and

iii. Maintain for public inspection all records pertaining to the provisions of this section.

c. Interpretation of FIRM Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

4. Copies of all permits, or applications therefor, required by either federal or state agencies (includes CWCB, FEMA and the U.S. Army Corps of Engineers) for alteration of a floodplain; and

5. Site drainage plan prepared by a registered professional engineer licensed in the state of Colorado;

6. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

7. Elevation in relation to mean sea level to which any structure has been floodproofed;

8. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.08.070.07. (Ord. 428 § 8, 1989: Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.070.10 Standards for flood hazard area permit approval.

In addition to the specific development standards and requirements contained herein, the permit authority shall determine the specific flood hazard at the site, and shall evaluate the suitability of the proposed use in relation to the projected flood hazard. In addition, although not limited to such factors, the permit authority shall consider the following factors:

A. The probability that material may be swept onto other lands or downstream to the injury of others;

B. The ability of proposed water supply and sanitary sewer systems, as well as other utility systems to prevent disease, contamination, unsanitary or hazardous conditions during and after a flood;

C. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage upon the individual owner;

- D. The availability of alternative locations not subject to flooding for the proposed use;
- E. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- F. The expected height, velocity, duration, rate of rise and sediment transport of floodwaters at the site;
- G. The existence of a flood warning system to notify downstream residents of an impending flood; and
- H. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. 433 § 2, 1989; Ord. 428 § 9, 1989; Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.08.070.11 Alteration of watercourse.

A. The permit authority shall notify Routt County regional planning commission and the Colorado Water Conservation Board prior to any alteration or relocation of any watercourse, and submit evidence of such notification to FEMA; as well as requiring that maintenance is provided in perpetuity within any altered or relocated watercourse so that its flood capacity is not diminished. This may require the town to enter into a contractual arrangement with the applicant prior to issuance of a flood hazard area permit.

B. Before altering any watercourse, the applicant shall present to the permit authority, copies of all permits or applications therefor, required by federal and state agencies (including CWCB, FEMA and the U.S. Army Corps of Engineers) for alteration of a watercourse or floodplain. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.08.070.12 Enforcement and penalties.

Prior to the issuance of a certificate of occupancy, the town's building inspector shall inspect any structure covered by a flood hazard area permit to determine that it was built in full compliance with this chapter. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.08.080 Policies.

A. Natural drainageways shall be maintained in a natural state when possible.

B. Development in a designated floodplain area shall be avoided. Where development is unavoidable, all construction shall be designed to prevent damage due to flooding in accordance with FEMA guidelines. In no event shall development in designated floodplains be permitted to raise the flood elevation of downstream property.

C. Development in wetland areas shall be avoided. Where development is unavoidable, all construction shall be designed to provide the least impact on wetland areas as practicable, and in accordance with US Army 404 permit requirements.

D. Prior to seeking project approval for construction activity in potential wetland areas, a qualified professional should be retained by the developer to determine the full extent of potential wetlands.

E. Efforts to maintain the water storage capacity and water quality of wetlands shall be encouraged. Activities that result in a loss of wetlands, eutrophication of wetlands or loss of wildlife dependent upon wetlands shall be discouraged. (Ord. 497 § 6 (part), 1997; Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.08.090 Requirements.

A. A strip of land thirty feet in width measured from the normal high water line of Oak Creek shall be maintained as open space or in agricultural uses at all times, with the exception of foot paths, horse trails, and irrigation and water supply structures. A greater setback may be required by the board of trustees for particularly sensitive situations such as steep slopes or erodible soils. No handling or storage of toxic materials is allowed within five hundred feet of any live stream or irrigation ditch.

B. A fifteen foot setback from intermittent streams or drainageways draining twenty or more acres shall be maintained.

C. A floodplain report may be required for developments in any one hundred year floodplain. Developments proposed within the one hundred year floodplain of Oak Creek or any tributaries thereto shall be adequately anchored to prevent flotation, loss of property, damming effect, and a threat to human life during flood periods. Storage or processing of materials which in times of flooding are buoyant, flammable, explosive or otherwise potentially injurious to human, animal, or plant life shall be prohibited within the one hundred year floodplain. (See map of one hundred year floodplain on page 37a). Also prohibited within the one hundred year floodplain are the following:

1. Solid waste and disposal sites;
2. New or replacement sanitary sewage systems that do not provide for minimizing or eliminating infiltration of flood waters; and
3. On-site disposal systems that would be impaired or contaminated during or subsequent to flooding.

Water diversion structures, foot paths, horse and bicycle trails and pedestrian walkways may be constructed within the one hundred year floodplain. Construction of any type in the floodplain shall be adequately floodproofed.

D. Construction in wetland areas shall be avoided. The town shall review any proposed development in a wetland area with regard to the stability of soils and the impact on public utilities such as water, sewer, and roads. The applicant is responsible for complying with any permit requirements under Section 404 of the Clean Water Act. Prior to final action on the application by the planning commission or board of trustees, the applicant shall provide evidence that a Section 404 permit has been issued or that none is needed. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.100 Snow removal and accumulation.  
(Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.110 Policy.

A plan identifying snow storage shall be required with commercial and multifamily residential development. (Ord. 497 § 6 (part), 1997; Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.120 Requirements.

A. All land use changes governed by this chapter shall ensure that there is no increase in off-site snow accumulations as a result of the land use change.

B. A snow storage plan shall be required of all new commercial and industrial developments and all new residential developments of three units or more. The snow storage plan shall demonstrate the place, manner and method that snow accumulation on the development site will be stored so as to allow pedestrian and vehicular access and shall not restrict visibility. At a minimum, for every two square feet of surface to be cleared of snow, one square foot of snow storage space shall be provided.

C. Snow storage areas shall be graded to direct snowmelt into drainage control structures. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.130 Erosion control and landscaping.  
(Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.140 Policies.

A. The natural topography should be retained to the greatest extent possible, and excessive cut and fills to convert steep slopes to buildable sites shall be discouraged.

B. Development shall be prohibited in areas determined to be prone to landslide or within debris fans.

C. Development shall be prohibited on slopes in excess of thirty-five degrees that are also high risk wildfire areas.

D. Development in areas designated as severe wildfire hazard by the Routt County wildland fire council shall be avoided. If development in these areas is unavoidable, measures to increase defensible space and otherwise mitigate wildfire hazards shall be identified and implemented by the developer.

E. Development shall be avoided in areas with a history of slope failure complex or unstable slopes. If development is unavoidable, measures to mitigate the impacts of landslide, rockfall, mudflow, debrisflow, and/or debris fan pathways shall be identified and implemented by the developer.

F. A plan identifying erosion control measures shall be submitted with all development proposals.

G. Natural vegetation shall be protected whenever possible, unless within a high risk wildfire area. Trees larger than two inches caliper and/or exceeding six feet in height may be required to be preserved or replaced on a 1:1 basis.

H. Unless required for construction, vegetation shall not be removed from areas that may contribute to landslide, mudflow or debris flow. Areas of vegetation removed for construction shall be reclaimed with new vegetation where possible.

I. A landscaping plan prepared by a landscape architect may be required to buffer incompatible uses and enhance the aesthetic image of the town. (Ord. 497 § 6 (part), 1997; Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.150 Requirements.

A. The natural topography shall be retained to the greatest extent possible and excessive cut and fills to convert steep slopes to buildable sites shall be discouraged.

B. Development shall be prohibited in areas of excessive slope, as follows:

1. No residential, commercial or industrial uses may be developed upon land with a general slope equal to or in excess of thirty-five percent. Such land shall be maintained in agricultural, recreational, or open space uses, which involve no significant disturbance of natural vegetation and no placing of impervious covers or surfaces.

2. For lands with a general slope equal to or in excess of ten percent, but less than thirty-five percent, residential, commercial and industrial uses, while discouraged, may be developed upon such land provided that the following considerations are met:

- a. Special attention is given to revegetation and erosion control;
- b. Cut banks and slopes are adequately stabilized; and
- c. Total impervious cover on the site does not exceed twenty percent of the net building area.

C. All developments must actively plan for the prevention and loss of soil by erosion, both during and after construction. This standard may be met through the use of physical measures such as detention ponds, grass waterways or by nonstructural means. The town will maintain an example list of approved structural and nonstructural means of achieving this performance standard.

D. Preexisting natural vegetation on the development site shall be protected and preserved to the greatest degree possible, consistent with good landscaping procedures. To the degree that natural vegetation is disturbed and/or removed by development, disturbed areas not covered by impervious cover shall be revegetated. The use of drought resistant grasses and other plants is encouraged. Compliance with this performance standard shall be included as a part of any development improvements agreement applicable to the development of any use that is a major impact. All landscaping shall be guaranteed to be successful for two growing seasons. This requirement may be secured by a performance bond if required by the town board.

E. A landscaping and revegetation plan must be approved for all development proposals in connection with final submission of any use that is a major impact. The plan must address the following concerns:

- 1. Placement of erosion control structures.
- 2. Location of major drainage channel. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.160 Soil standards.  
(Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.170 Policies.

A. Development limitations such as shrink-swell potential and low strength shall require mitigation on a case-by-case basis through proper soils testing and foundation design.

B. Where development above potential subsidence areas is found to be necessary, the developer shall commission a geologic report prior to commencing activities, identify effects of groundwater withdrawal, accurately locate any abandoned mines, commence mitigation measures as appropriate, and site nonconflicting uses such as passive open space over subsidence areas where possible.

C. Prior to seeking project approval for construction activity in Oak Creek that is to occur in areas identified as hazard area as indicated on the environmental constraints map, a qualified professional shall be retained by the developer to determine the full extent of potential hazard problems. (Ord. 497 § 6 (part), 1997; Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.180 Requirements.

A. foundations of all permanent structures shall be designed to minimize cracking due to the presence of shrink/swell soils within the town. Danger of shrink/swell soils in all performance districts within the town is presumed, and foundations must be designed accordingly, unless the applicant demonstrates to the satisfaction of the town that a shrink/swell hazard does not exist on the subject property.

B. The town has previously adopted the Uniform Building Code, 1982 Edition, published by the International Conference of Building Officials. All developments permitted under this chapter must comply with that code. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.190 Views and vistas.

(Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.200 Policies.

A. Building placement and height shall be designed to avoid blocking scenic views from public rights-of-way, parks and other public spaces. In addition, building and/or structural height shall be restricted from blocking private access to solar energy.

B. To preserve the sense of containment provided by surrounding hillsides, buildings shall not be placed on a ridgeline that will create the effect of “skylining” the structure. (Ord. 497 § 6 (part), 1997; Ord. 372 § 1 (Exh. A (part)), 1983)

17.08.210 Requirements.

A. New commercial, industrial and residential land use changes may not result in structures in excess of thirty-five feet in height, measured from the finished grade, unless the requirements of subparagraph B below are satisfied.

B. Proposed land use changes involving structures in excess of thirty-five feet must demonstrate to the town that scenic views and vistas from existing structures will not be blocked or impaired by the development as proposed. The applicant may demonstrate compliance with this standard in any way that will graphically show proposed structures in relationship to existing structures, including the use of photographs, elevation drawings and statements from adjoining property owners. (Ord. 563, 2005).

C. To the degree economically and technically feasible, energy-efficient construction shall be encouraged in all developments, including the use of insulation, passive and active, solar installations and water saving devices. All developments will maximize solar access in building site planning in terms of orientation of lots (building sites) and avoidance of north facing slopes. Statements and clauses protecting solar access to the base of a south facing wall of any building shall be included in the protected covenants of any development. (Ord. 372 § 1 (Exh. A (part)), 1983)

## Chapter 17.09 SIGN AND FENCE STANDARDS

### Sections:

- 17.09.010 Sign defined.
- 17.09.020 Applicability of regulations.
- 17.09.030 Review procedure.
- 17.09.040 General regulations.
- 17.09.050 Fence defined.
- 17.09.060 Applicability of regulations.
- 17.09.070 Review procedure.
- 17.09.080 General regulations.

### 17.09.010 Sign defined.

“Sign” means any object, device, display, structure, or part thereof, situated outdoors which 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 words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of

products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.09.020 Applicability of regulations.

No person shall erect, alter or relocate any sign without first obtaining approval from the town building inspector under this section. The following activities are exempt from this section:

- A. Signs existing on the effective date of this section, and repair of the same up to but not including fifty percent of their value;
- B. Address numerals and signs not exceeding one square foot in area;
- C. Legal notices;
- D. Traffic and parking signs which bear no advertising. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.09.030 Review procedure.

Unless exempted from all review as described above, all signs must be approved as developments of no impact under section 17.01.030 (if approval is sought for the sign alone). If a sign is an integral part of a proposed land use change requiring review under this title, review of the sign shall be combined with review of the land use change of which it is a part. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.09.040 General regulations.

- A. All signs shall be compatible with the use of the property upon which they are located, and with property in the general vicinity.
- B. Except for time and/or temperature signs, no flashing or moving signs shall be permitted.
- C. No sign, temporary or otherwise, shall be affixed to a tree or utility pole.
- D. No signs including traffic signs and similar regulatory notices except those of duly constituted governing body shall be allowed within road right-of-way lanes.
- E. Any spotlights or floodlights permitted to illuminate signs shall be shielded such that their light source shall not cause a safety hazard.
- F. Signs shall not exceed the height of the building on the same lot, nor be more than twenty feet in height, whichever is less restrictive.
- G. Signs identifying the use of the premises shall be located on the lot.
- H. Signs advertising the sale or lease of property shall be located on the property advertised, shall not exceed thirty-two square feet in area, and shall not be located on or extend over a pedestrian way or wall.
- I. Signs not in compliance with this section at the time of the adoption of the ordinance codified in this title shall be nonconforming. Nonconforming signs must be abated within five years or upon the occurrence of a change in use as described at Section 17.11.070. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.09.050 Fence defined.

“Fence” means any structure constructed of wood, metal, wire, brick, masonry, stone or other solid material that marks a boundary or area.

17.09.060 Applicability of regulations.

No person shall erect, alter or relocate any fence without first obtaining approval from the town building inspector under this section. The following activities are exempt from this section:

- A. Fences existing on the effective date of this section and repair of the same up to but not including fifty percent of their value.

17.09.070 Review procedure.

Unless exempted from all review as described above, all fences must be approved as developments of no impact under Section 17.01.030 (if approval is sought for the fence alone). If a fence is an integral part of a proposed land use change requiring review under this title, review of the fence shall be combined with review of the land use change of which it is a part. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.09.080 General regulations.

A. No fence shall be allowed that will inhibit visibility at street intersections that could cause a safety hazard.

B. No fence shall be allowed that would adversely inhibit normal snow removal procedures.

C. No fence shall be higher than six feet unless it can be shown, to the satisfaction of the town board, that adjacent use, views and vistas are not obstructed.

D. Barbed wire shall not be used in the construction of any fence, unless, with the approval of the town board, it is used atop a fence of at least six feet in height, and constructed of other materials.

E. Fences not in compliance with this section at the time of the adoption of this chapter shall be nonconforming. Noncon-forming fences must be abated within five years or upon the occurrence of a change in use as described at Section 17.11.070. (Ord. 372 § 1 (Exh. A (part)), 1983)

## Chapter 17.10 ANNEXATION AND VACATIONS

### Sections:

17.10.010 Policies.

17.10.020 Requirements.

17.10.030 Vacations.

### 17.10.010 Policies.

A. Land shall be annexed only if the specific parcel is within a designated future growth area of the town and its development will provide a positive tax return to the town. Exceptions include existing residential structures adjacent to the town boundary that require city water and/or sanitary sewer service due to public health concerns.

B. Prior to the provision, extension and/or connection to town services, annexation shall be required. The town comprehensive plan shall serve as the “three mile annexation plan” in compliance with C.R.S. 31-12-105. Annexation along SH 131 and outside of designated future growth areas shall be discouraged.

C. Annexed land within a designated future growth area shall be developed in a pattern consistent with the lot, block and road pattern within the existing town boundaries. A gridded road pattern shall be encouraged, with variations in the grid where necessary to accommodate topography.

D. Annexation and subdivision of productive agricultural land shall be discouraged, except for those areas directly adjacent to the town identified on the preferred scenario for possible future development.

E. The town shall consider annexation of state or county roads for purposes of improving town entries or road maintenance.

F. The infill of vacant land within the town shall be encouraged. (Ord. 497 § 6 (part), 1997; Ord. 372 § 1 (Exh. A (part)), 1983)

### 17.10.020 Requirements.



A. All annexations to the town shall comply with the Municipal Annexation Act of 1965, C.R.S., 31-12-101, et seq., as amended.

B. Prior to final action on any annexation petition, a conceptual plan (see Section 17.01.130, with all required supporting materials, including a fiscal analysis), must be submitted to the board of trustees.

C. It is the policy of the town to annex enclaves, islands, peninsulas, and tracts of land to square out town boundaries for the purpose of greater public service delivery efficiency.

D. To the extent reasonably possible boundary lines of annexing properties shall be drawn as follows:

1. To include property on both sides of a public street for at least one lot depth but where not possible, to one side or the other of the right-of-way;

2. To include all of a given ownership where reasonable development would extend to the entire property;

3. To show existing mineral ownership and provide proof that past or present mining activities will not endanger the residential character of the proposed development.

E. Where possible, adjacent properties should be joined in a single annexation petition.

F. Prior to annexation any jurisdictional and municipal service problems arising from extension of municipal boundaries into special utility districts or service districts must be resolved.

G. Street names and house numbers in the annexing territory must conform to the street naming and house numbering system of the town.

H. In considering whether to approve the annexation petition, the board of trustees shall be guided by the following:

1. That a community of interest exists between the town and the property proposed for annexation;

2. That the area proposed to be annexed is or will soon become developed;

3. That the petitioners for annexation have adequately demonstrated to the town that the capacity of existing sewage, water and electric service utilities within the town is or will be sufficient to serve the development proposed in the preliminary plan for the property proposed to be annexed, at rates which are the same as those rates applying within the existing town, and further, that no increase in rates for these services for all citizens in the town will take place as a result of the annexation;

4. That fiscal impacts upon the town as a result of annexation and development of the property will be sufficiently offset. This fiscal impact analysis shall include costs to the town for police protection, snow removal, ambulance service, fire protection, school service, parks and recreation, streets, sidewalks, and all other public costs caused by annexation and development of the property;

5. That existing natural hazards and nuisances upon the subject property have been or will be mitigated and/or removed by the proponent of the annexation prior to annexation. This may be achieved by the signing of a binding annexation agreement.

6. That to the greatest degree possible, the proposed new development is utilizing vacant lands within Performance District One prior to the annexation of new property. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.10.030 Vacations.

Whenever any street, alley or other public way is vacated by official action of the board of trustees, the performance district adjoining each side of such street, alley or public way shall automatically be extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended performance district. (Ord. 372 § 1 (Exh. A (part)), 1983)

### Chapter 17.11 ABATEMENT OF NONCONFORMING USES

Sections:

- 17.11.010 Nonconformance.
- 17.11.020 Expansion or enlargement.
- 17.11.030 Repairs and maintenance.
- 17.11.040 Restoration or replacement.
- 17.11.050 Discontinuance.
- 17.11.060 Nonconforming lots.
- 17.11.070 Change in nonconforming use.
- 17.11.080 Construction prior to title passage.

17.11.010 Nonconformance.

Certain uses of land and buildings may be found to be in existence at the time of passage of this title which do not meet the requirements as set forth herein. It is the intent of the title to allow the continuance of such nonconforming uses, subject to the requirements below. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.11.020 Expansion or enlargement.

A nonconforming structure to be extended or enlarged shall conform with the provisions of this title; a nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the enactment of this title. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.11.030 Repairs and maintenance.

The following changes or alterations may be made to a nonconforming building or to a conforming building housing a nonconforming use:

A. Maintenance repairs that are needed to maintain the good condition of a building, except that if a building has been officially condemned, it may not be restored under this provision.

B. Any structural alteration that would reduce the degree of nonconformance or change the use to a conforming use. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.11.040 Restoration or replacement.

A. If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty percent of the cost of reconstructing the entire activity, it shall be restored only if such use complies with the requirements of this title.

B. If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this title.

C. Where a conforming structure devoted to a nonconforming activity is damaged less than fifty percent of the cost of reconstructing the entire structure or where a nonconforming structure is damaged less than fifty percent of the cost of reconstructing the entire structure, either may be repaired or restored; provided, any such repair or restoration is started within twelve months and is completed within eighteen months from the date of partial destruction.

D. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.11.050 Discontinuance.

Whenever a nonconforming use has been discontinued for a period of nine months it shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this title. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.11.060 Nonconforming lots.

Nonconforming lots on record at the time of passage of this title may be built upon; providing, that all other relevant district requirements are met and the approval of the board of adjustment is obtained. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.11.070 Change in nonconforming use.

No conforming use of a building or lot may be changed to another nonconforming use. A nonconforming use of a building or lot may be changed to a conforming use. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.11.080 Construction prior to title passage.

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 or town approval obtained and construction of which shall have been diligently prosecuted within three months of the date of such permit or approval. (Ord. 372 § 1 (Exh. A (part)), 1983)

## Chapter 17.12 MONITORING AND ENFORCEMENT

### Sections:

- 17.12.010 Violations and remedial actions.
- 17.12.020 Penalties.
- 17.12.030 Building inspector.
- 17.12.040 Town engineer.
- 17.12.050 Board of trustees.
- 17.12.060 Board of adjustment—Variances.

17.12.010 Violations and remedial actions.

The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained contrary to the provisions of this title is declared to be a violation of this title and the town may immediately institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violations. Such action may also be instituted by any property owner who may be especially damaged by any violation of this title. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.12.020 Penalties.

Any person or corporation, whether as a principal, agent, employee or otherwise who violates any of the provisions of this title, shall be fined not exceeding three hundred dollars for each offense, such fine to incur to the town, and may be sentenced by the municipal court to a jail term of not more than ninety days. Each day of the existence of any violation shall be deemed a separate offense. The fine here provided may be recovered in the same civil action wherein injunction, mandamus, and/or abatement is sought (as

provided by Section 17.12.010), or separate land distinct proceedings may be instituted seeking varying forms of relief as the law may allow. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.12.030 Building inspector.

The duties of the building inspector with respect to applications submitted and processed under this title are as follows:

- A. When requested by the board of trustees, review and comment upon any conceptual plan submission;
- B. Review and comment upon all final plan submissions;
- C. Review all land use changed of no impact and advise the town board;
- D. Issue building permits and advise the town board;
- E. Administer all regulations for activities in the “no impact” category. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.12.040 Town engineer.

The duties of the town engineer with respect to applications submitted and processed under this title are as follows:

- A. Review and approve, conditionally approve or disapprove all technical diagrams and specifications submitted in connection with any final plan application; forward the results of that review to the board of trustees;
- B. When requested by the board of trustees, review and comment upon any conceptual plan submission;
- C. Review, approve, approve conditionally or disapprove as-built diagrams and specifications of water lines, sewer lines and streets. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.12.050 Board of trustees.

A. The board of trustees of the town shall exercise all final powers and authority concerning the application and enforcement of this title, as those powers are delegated to it by provisions of the Colorado Revised Statutes, 1973, as amended, and by the specific provisions of this title;

- B. Review, approve, conditionally approve or disapprove all conceptual and final plan submissions;
- C. Supervise the activities of the town building inspector and town engineer as those activities are assigned by this title;

D. While the board of trustees has the authority, pursuant to Section 31-23-201, et seq., C.R.S., 1973 to establish a planning commission, it is not required to, and has not done so.\* Further, Section 31-23-202 allows the board of trustees to perform the functions of the planning commission. No review of proposed development activity, need be taken before a planning commission. All such reviews will be conducted before the board of trustees, as provided in this title. On November 8, 1979 the board appointed the Oak Creek quality of life committee as the zoning commission pursuant to Section 31-23-306, C.R.S., 1973 (1977 Repl.Vol.). (Ord. 372 § 1 (Exh. A (part)), 1983)

\* Editor’s note: Ord. 466, adopted July 14, 1994, created the planning and zoning commission. See Ch. 34 of this code.

17.12.060 Board of adjustment—Variances.

A. Board of Adjustment Created. A board of adjustment for the town is created. The board shall consist of the membership of the board of trustees as that membership shall change from time to time, pursuant to C.R.S, 1973, Section 31-23-307 (1977 Rep1.Vol.). Terms shall be concurrent with the board of trustees' terms. The board shall elect a chairman and secretary from its membership during its first meeting of each calendar year and adopt such rules as may be necessary for conduct of its business. The board of trustees may appoint associate members of such board, and in the event that any regular member be temporarily unable to act owing to absence from the town, illness, interest in a case before the board or any other cause, his place may be taken during such temporary disability by an associate member designated for the purpose.

B. Power and Duties. The board of adjustment shall have the following powers and duties:

1. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of this title, not involving uses or densities;

2. To hear and decide appeals wherein there is a question on the interpretation of the performance district map or similar questions as they may arise in the administration of this title;

3. To hear and decide appeals for special exceptions to the standards for but not including the use provisions of this title, such exceptions to be known as variances;

4. The board of adjustment shall not hear or make judgments upon applications for performance district or map amendment, changes in use, nor a variance to allow a use not permitted by the provision of this title in the appropriate performance district;

5. To grant variances from the application of specific regulatory requirements of this title, including submission requirements, where such requirements would be unduly burdensome;

6. Under no circumstances shall the board grant a variance to allow a use not permissible, nor dwelling unit densities greater than the terms of this title in any performance district;

7. Every exception authorized hereunder shall be personal to the applicant therefor and shall not be transferable, shall run with the land only after the construction of any authorized structure and only for the life of such structure;

8. No exception shall be authorized hereunder unless the board shall find that all the following conditions exist:

a. That the use is a nonconforming use as defined by this title and is in full compliance with all requirements of this title applicable to nonconforming uses,

b. That, owing to exceptional and extra-ordinary circumstances, literal enforcement of the provisions of this title regarding nonconforming uses will result in unnecessary hardship,

c. That the exception will not substantially or permanently injure the appropriate use of adjacent conforming property in the same zone district or other zone districts,

d. That the exception will not alter the essential character of the district in which is located the property for which the exception is sought,

e. That the exception will not weaken the general purposes of this title or of the regulations established herein for the specific district,

f. That the exception will be in harmony with the spirit and purposes of this title,

g. That the exception will not adversely affect the public health, safety, or welfare.

C. Procedure.

1. The concurring vote of at least four members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or agency or to decide in favor of the appellant concerning any variance from the requirements of this title. The board shall meet at the call of the

chairman, by his request, or by the request of the building official, or by any party wishing to appeal a decision of the same. The board shall keep minutes of the proceedings of each meeting, which shall be filed in the office of the board, who may designate the building official to keep such files and which shall be of public record.

2. The board must permit the public to attend and to be heard at all of its meetings. The board must notify in writing the building official and the owners involved of all decisions made, hearings scheduled, variances granted, or other activities authorized. The board must further publish notice of, or caused to be published (or cause the property to be posted), at least fifteen days prior to the date of public hearing for variances from this title as provided by law. At its first meeting of each year, the board shall select a chairman, a vice chairman and a secretary. The secretary may or may not be a member of the board. The chairman shall preside at meetings and shall perform all duties as usual and ordinary for the presiding officer of any board or group. The vice chairman shall perform the duties of the chairman in the absence of the chairman. The secretary shall keep full and complete minutes and records and shall generally perform all of the duties usually performed by the secretary of any board or group.

D. Appeals From the Board. Any further appeal of the decision of the board of adjustment may be made to the District Court, as provided by law; provided, however that such appeal is made prior to thirty days following the date of the final action taken by the board, as provided by Rule 106, Colorado Rules of Civil Procedure. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### Chapter 17.13 GENERAL PROVISIONS

##### Sections:

- 17.13.010 Enactment clause.
- 17.13.020 Authority and severability.
- 17.13.030 General rules of interpretation.
- 17.13.040 Purpose.
- 17.13.050 Scope—Repeal of prior inconsistent ordinances.

##### 17.13.010 Enactment clause.

Upon approval and adoption by the board of trustees of the town of Oak Creek, a certified copy of this title and of the official performance district map shall be filed, according to law, in the office of the county clerk and recorder of the county of Routt, Colorado. This title shall become of full force and effect on the \_\_\_\_\_ day of \_\_\_\_\_, 1983. (Ord. 372 § 1 (Exh. A (part)), 1983)

##### 17.13.020 Authority and severability.

This title is adopted pursuant to Title 30, Article 28, C.R.S. 1973, as amended, Title 31, Article 23, C.R.S. 1973, as amended, and Title 29, Article 20, C.R.S. 1973, as amended. A determination by a court of competent jurisdiction that any section or part of this title is illegal or unconstitutional shall have no effect on the enforcement of any other section or part. Repeal or invalidation of this title or any portion hereof does not annul any permit, easement, covenant, or other private agreement, any conveyance issued or made pursuant hereto, or any lawful action of any board, commission, agent or officer of the town, acting pursuant to this title. (Ord. 372 § 1 (Exh. A (part)), 1983)

##### 17.13.030 General rules of interpretation.

When used in this title, certain words should be interpreted as follows: the masculine includes the feminine and neuter genders; words in the present tense include the future tense; words in a singular number include the plural number; the word “shall” is mandatory, and the word “may” permissive. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.13.040 Purpose.

This title is enacted to:

- A. Implement the policy recommendations of the Oak Creek master land use plan;
- B. Further the developments of Oak Creek and its environs in a manner which will best promote health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy, in the process of development;
- C. Provide adequate provision for traffic;
- D. Promote safety from fire, flood waters, and other dangers;
- E. Provide adequate provision for light and air;
- F. Promote good civic design and arrangement;
- G. Preserve important existing historic, cultural, scenic and social values of the town;
- H. Promote wise and efficient expenditure of public funds;
- I. Provide adequate public utilities and other public requirements;
- J. To regulate the location of activities and development which may result in significant changes in population density;
- K. Provide for phased development of services and facilities;
- L. Regulate the use of land on the basis of the impact thereof on the community. (Ord. 372 § 1 (Exh. A (part)), 1983)

#### 17.13.050 Scope—Repeal of prior inconsistent ordinances.

The provisions of this title shall apply to all land use changes within the town, including repairs, alterations and redevelopment of existing developments, and in addition thereto, the abatement of nonconforming uses, as more particularly described herein. (Ord. 372 § 1 (Exh. A (part)), 1983)

### Chapter 17.14 DEFINITIONS

Sections:

- 17.14.010 Agricultural use.
- 17.14.020 Bufferyards.
- 17.14.030 Commercial use.
- 17.14.040 Cottage industry.
- 17.14.050 Density.
- 17.14.060 Dwelling unit.
- 17.14.070 Final plan submission.
- 17.14.080 Floodplain.
- 17.14.090 Impervious surface.
- 17.14.100 Industrial use.
- 17.14.110 Lot.
- 17.14.120 Mobile home park.
- 17.14.130 Mobile home—Manufactured home.

- 17.14.131 Mobile home, permanent foundation.
- 17.14.140 Nonconforming use.
- 17.14.150 Open space.
- 17.14.160 Plat.
- 17.14.170 Snow storage space.
- 17.14.180 Subdivision or resubdivision.
- 17.14.190 Wetlands.

17.14.010 Agricultural use.

“Agricultural use” means use of real property for the production of food and/or fiber, including farming for food crops and the raising of farm animals. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.020 Bufferyards.

“Bufferyard” means a unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.030 Commercial use.

“Commercial use” means a use of property with its primary purpose to produce income from the sale directly to the public or indirectly to other establishments of goods or services in commerce. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.040 Cottage industry.

“Cottage industry” means a business occupation conducted within a single-family residence, where such occupation is clearly secondary to the main residential character of the dwelling unit or the neighborhood, provided that: (1) there is no outside storage of goods or materials, (2) not more than twenty-five percent of the gross floor area of the dwelling unit or thirty-five percent of a single outbuilding is for cottage industry use, (3) the cottage industry employs no more than four persons including its owner, (4) the cottage industry is owned and operated by a person residing in the home, and (5) there is no external display or advertising, except for one sign no larger than two square feet. (Ord. 497 § 4, 1997; Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.050 Density.

“Density” means the total number of dwelling units divided by the total buildable area of the site upon which they are proposed to be constructed. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.060 Dwelling unit.

“Dwelling unit” means one or more rooms in a structure designed for human occupancy and equipped with a kitchen. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.070 Final plan submission.

“Final plan submission” means the application and supporting materials required for all developments of major impact by Section 17.01.140. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.080 Floodplain.



“Floodplain” means those areas contiguous with a lake, stream, or streambed whose elevation is greater than the normal water line but lower or equal to the projected one hundred year flood elevation. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.090 Impervious surface.

“Impervious surface” means surfaces which do not absorb water. Impervious surfaces consist of all buildings, parking areas, driveways, roads, sidewalks and other areas of concrete or asphalt. In the case of lumber yards, areas of stored lumber constitute impervious surfaces. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.100 Industrial use.

“Industrial use” means a use of property for the processing, fabrication, alteration or manufacture of raw or semi-processed materials, manufactured goods or any component thereof. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.110 Lot.

“Lot” means a parcel of land undivided by any street or private road with one building or principal use and the accessory buildings or uses customarily incidental to such building, use or development. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.120 Mobile home park.

“Mobile home park” means a tract or area of land, which may or may not be divided into lots, upon which mobile homes are placed. The development or alteration of a mobile home park is a major development within the terms of Section 17.01.050 of this title. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.130 Mobile home—Manufactured home.

A. Mobile Home. “Mobile home” means a movable residential dwelling unit manufactured in one or more sections and designed to be transportable after fabrication on its own wheels, attached wheels, or low boy, suitable for year-round occupancy, and containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, plumbing and electric connections provided for attachment to appropriate external systems. Presectionalized, modular or prefab housing which does not meet the definition of a “manufactured home,” as defined herein shall be regarded as a mobile home. Each mobile home shall bear a label certifying that it is built in compliance with the National Manufactured Home Construction and Standards Act of 1974 as promulgated by the United States Department of Housing and Urban Development (HUD). For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required.

B. Manufactured Home. “Manufactured home” means a single-family dwelling which is manufactured in two or more sections, is not less than twenty-four feet in width and thirty-six feet in length, is installed on an engineered, permanent foundation; has brick, wood or cosmetically equivalent exterior siding and a pitched roof, and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, as promulgated by the United States Department of Housing and Urban Development (HUD).

(Ord. 498 § 1, 1998; Ord. 492 § 4, 1997; Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.131 Mobile home, permanent foundation.

A “mobile home permanent foundation” shall be of one of the following types that is best suited to the placement, location and soils investigation:

1. Anchor pier system utilizing at a minimum two foot round piers. Depth of pier will depend on soil condition. Piers must be at least ten feet apart and parallel;
2. Pad system utilizing at a minimum two foot by two foot pads, eight inches thick. Pads must be at least ten feet apart parallel;
3. Soil could be excavated so as to allow the mobile home to set six inches above grade and supported by cement pads eight inches thick.

The mobile home must be positively connected to the foundation, i.e. bolted, welded, clamped and able to sustain a minimum tensile strength of two thousand, eight hundred pounds. Absolute drainage away from the mobile home should also be developed. It is advisable to work with the building inspector on foundation designs. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.140 Nonconforming use.

A “nonconforming use” is any activity using land, buildings, signs and/or structures for purposes which were legally established prior to the effective date of this title or subsequent amendment to it and which would not be permitted to be established as a new use by the regulations of this title. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.150 Open space.

“Open space” means land required by this title to remain undeveloped for low intensity recreation, agriculture and resource protection uses. Open space land shall not include driveways, streets or parking areas. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.160 Plat.

“Plat” means a map and supporting materials prepared in accordance with Section 17.01.140(E) as an instrument for recording of real estate interests with the county clerk and recorder. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.170 Snow storage space.

“Snow storage space” means a parcel or parcels of property designed and intended for use as base where snow may be pushed or stored in order to clear roadways, sidewalks, and parking areas. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.180 Subdivision or resubdivision.

A. “Subdivision” or “resubdivision” means any subdivision or redivision of a subdivision, tract, parcel, or lot of land into two or more parts by means of mapping, platting, conveyance, change or rearrangement of boundaries. Unless the method of disposition or division is adopted for the purpose of evading this title, the terms “subdivision” and “resubdivision” shall not apply to any division of land:

1. Which is created by order of any court in this state or by operation of law;
2. Which is created by a lien, mortgage or deed of trust or any other security instrument;
3. Which is created by a security or unit of interest in any investment of the trust regulated under the laws of this state or any other interests in an investment entity;
4. Which creates cemetery lots;

5. Which creates an interest or interests in oil, gas, minerals or water which are now or hereafter severed from the surface ownership of real property; and

6. Which is created 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 in any such interest shall be deemed for purposes of this section as only one interest.

B. The town board may exempt from this definition any division of land if the board determines that such division is not within the purpose of this title. (Ord. 372 § 1 (Exh. A (part)), 1983)

17.14.190 Wetlands.

Those areas which may be subject to the jurisdiction of the U.S. Army Corps or Engineers under Section 404 of the Federal Clean Water Act, P.L. 92-500, as amended. (Ord. 372 § 1 (Exh. A (part)), 1983)

Chapter 17.15 FORMS

Sections:

17.15.010 Forms.

17.15.010 Forms.

The following forms are adopted and incorporated fully herein by this reference as the official forms for use by the town and applicants for any and all of the reviews and approvals specified in this title:

- A. Form D-1: Conceptual Plan Application and Decision Record for Minor Land Use Change;
- B. Form D-2: Conceptual Plan Application and Decision Record for Major Land Use Change;
- C. Form D-3: Final Plan Application and Decision Record;
- D. Form D-4: Fiscal Impact Analysis;
- E. Form D-5: Variance Application Find-ings and Record of Decision. (Ord. 497 § 5, 1997: Ord. 372 § 1 (Exh. A (part)), 1983)

ORDINANCE LIST AND DISPOSITION TABLE

Ordinance Number	Ordinance Number
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- |     |  |
|-----|--|
| 450 | Adds Ch. 8.10, disposal of refuse (8.10)   |
| 451 | Adds § 5-2-B to Ord. 403, personnel policies (Repealed by 523)   |
| 452 | Amends Ord. 447, salaries (Repealed by 513)  |
| 453 | Amends § 13.12.020 [§ 13.08.030], water, sewer charges (13.08)   |
| 454 | Amends § 8.08.400, snow and ice removal (Repealed by 470)  |
| 455 | Amends §§ 2.08.040, 2.12.040, 2.24.020, 2.24.040 and 2.26.040, administration and personnel (2.08, 2.12, 2.24, 2.26) |
| 456 | Amends §§ 2.22.020 and 2.22.030, elections (2.22)  |
| 457 | Amends § 9.52.010, open containers (9.52)  |
| 458 | Authorizes conveyance of real property (Special)   |

- 459 Amends 1992 budget (Special)
- 460 Repeals § 17.02.050, land use code (Repealer)
- 461 Authorizes conveyance of real property (Special)
- 462 Authorizes alley right-of-way vacation (Special)
- 463 Adds Ch. 2.28, police, public works and administration commissioners (2.28)
- 464 Adds Ch. 2.30, board of trustees compensation (2.30)
- 465 Authorizes conveyance of real property (Special)
- 466 Establishes planning and zoning commission (
- 467 Adds Ch. 8.11, garbage, ashes and rubbish; adds (amends) Ch. 8.10 in its entirety, mandatory refuse collection (8.10, 8.11)
- 468 Amends §§ 8.10.100 [8.10.090], 8.10.120 and 8.10.140, mandatory refuse collection (Repealed by 470)
- 469 Repeals Ords. 310 and 372 (Repealer)
- 470 Repeals and replaces Ch. 8.08, nuisances (8.08)
- 471 Authorizes conveyance of property (Special)
- 472 Authorizes acquisition of property (Special)
- 473 Adds Ch. 13.14, water meters (13.14)
- 474 Authorizes real property lease (Special)
- 475 Authorizes conveyance of real property (Special)
- 476 Authorizes conveyance of real property (Special)
- 477 Authorizes conveyance of real property (Special)
- 478 Authorizes conveyance of real property (Special)
- 479 Amends § 6.04.190, animals (Repealed by 503)
- 480 Amends § 9.24.050, disorderly conduct (9.24)
- 481 Amends §§ 15.04.010, 15.04.020 and 15.04.030, building codes (15.04)
- 482 Amends § 2.30.020, compensation for mayor and board of trustees (2.30)
- 483 Amends §§ 17.01.030, 17.01.040, 17.01.050, 17.01.060, 17.01.090, 17.01.100, 17.01.110, 17.01.130, 17.01.140 and 17.01.150, land use code (17.01)
- 484 Amends personnel policies (Repealed by 523)
- 485 Adds § 13.24.060, electric service (13.24)
- 486 Approves disconnection of certain property from town boundaries (Special)
- 487 Amends § 2.24.020 [§ 2.28.020], commissioners appointment (2.248)
- 488 Adds Ch. 8.15, trailers, campers and tents (8.15)
- 489 Utility easement vacation (Special)
- 490 Authorizes conveyance of certain property (Special)
- 491 Amends §§ 17.03.010 and 17.14.130, land use code (Expired)
- 492 Amends §§ 17.01.100, 17.02.010, 17.03.010 and 17.14.130, land use code (17.01, 17.02, 17.03, 17.14)
- 493 Establishes water activity enterprise (Not codified)
- 494 Establishes electric system enterprise (Not codified)
- 495 Amends § 17.08.070.08, land use code (17.08)
- 497 Amends §§ 17.01.030, 17.01.040, 17.01.050, 17.02.10, 17.04.010A, 17.04.020, 17.04.030, 17.04.040, 17.05.010, 17.06.010, 17.07.010, 17.08.020, 17.08.050, 17.08.080, 17.08.110, 17.08.140, 17.08.170, 17.08.200, 17.10.010, 17.14.040, and 17.15, land use code (17.01, 17.02, 17.04, 17.05, 17.06, 17.07, 17.08, 17.14, 17.14)

498 Amends § 17.14.130, land use code (17.14)  
499 (Repealed by 501)  
500 Authorizes conveyance of property (Special)  
501 Repeals Ord. 499 (Repealer)  
502 Alley vacation (Special)  
503 Amends §§ 6.04.150; repeals and replaces § 6.04.190, animals (6.04)  
504 (Not codified)  
505 (Not codified)  
506 Authorizes conveyance of property (Special)  
507 Amends §§ 13.24.040, 13.28.010 and 13.28.040, electric utility (13.24, 13.28)  
508 Authorizes conveyance of property (Special)  
509 Authorizes lease of property (Special)  
510 (Not codified)  
511 Adopts 1995 model traffic ordinance (10.04)  
512 Amends Ord. 436, participation in electrical resources pooling agreement (Special)  
513 Repeals Ords. 447 and 452 (Repealer)  
514 Adds § 17.01.180, land use code (17.01)  
515 Emergency response procedures (8.34)  
519 Repeals and replaces § 17.01.030(J), land use code (17.01)  
520 Amends §§ 13.04.010, 13.04.020 and 13.04.060, water, sewer, electric connections;  
repeals § 13.04.040 (13.04)  
521 Adds § 2.30.040, board of trustees (2.30)  
522 Amends §§ 6.04.010 and 6.04.150, animals (6.04)  
523 Adopts employee handbook by reference; repeals Ords. 403, 426, 451 and 484 (2.36)  
524 Adopting 1997 editions of the technical codes.  
525 Amending the employee handbook.  
526 Imposing an emergency telephone charge  
527 Repeals Title 4 and replaces concerning liquor and beer regulations.  
528 Repeals Chapter 9.60 and replaces concerning curfew for minors.  
529 Amending the employee handbook.  
530 Establishing office of town administrator.  
531 Adopting 1997 Uniform Fire Code.  
532 Amending 2.30.020 relating to compensation for the mayor & board.  
533 Amending 2.36 relating to employment guidelines for police officers & group insurance.  
534 Amending 13.24 relating to charges to customers of the electric system.  
535 Amending 13.28 relating to owner liability for water, sewer & trash service.  
536 Authorizing the sale of property. (Not codified)  
537 Amending 2.36 relating to paid time off for employees.  
537 Banning fireworks during periods of high fire danger & declaring an emergency.  
538 Amending 13.28 regarding utility billing procedures.  
539 Amending 2.40 relating to the position of town administrator,  
540 Approving the sale of property. (Not codified)  
541 Approving the sale of property. (Not codified)  
542 Approving the sale of property. (Not codified)  
543 Authorizing the conveyance of property. (Not codified)

- 544 Vacating certain utility easements. (Not codified)
- 545 Amending 13.24.040 relating to electric meter deposits.
- 546 Adopting the 2003 Model Traffic Code.
- 547 Repealing 9.52.010 relating to open containers.
- 548 Authorizing the issuance of water revenue bonds. (Not codified)
- 549 Authorizing the lease of old town hall to the historical society. (Not codified)
- 550 Approving the exchange of property. (Not codified)
- 551 Amending 2.36 relating to employment guidelines for the police department.
- 552 Amending 2.20.020 fixing the compensation for the mayor and board.
- 553 Eliminating terms of office for the mayor and board.
- 554 Designating certain town-owned property for park purposes. (Not codified)
- 555 Amending 2.24 relating to public records.
- 556 Authorizing the vacation of an alley in Third Addition. (Not codified)
- 557 Annexing Sierra View
- 558 Amending 9.52.010 concerning the possession of an open vinous container.
- 559 Authorizing the board to grant modifications to the technical codes.
- 560 Annexing James Addition
- 561 Repeals 8.10.090D regarding part-time rates for refuse collection services.
- 562 Correcting and ratifying ordinance 560 Annexing James Addition
- 563 Amending section 17.08.210 of Oak Creek Land Use Code regarding height requirement for new structures
- 564 Amending chapter 1.20 of the Municipal Code regarding general penalty
- 565 Authorizing conveyance of lot 23, block 5, Capital Hill Addition
- 566 Approving conveyance to the Town of Oak Creek of Oak Ridge Circle, Moffat Avenue (future) the park, open space A and B, Sierra View Subdivision
- 567 Ratifying ordinance 560 annexing James Addition
- 568 Amending section 17.04.010 (8) and adding section 17.02.050 minimum lot area for residential replat
- 569 Amending Chapter 8.08.040 (N) Inoperable vehicles
- 570 Amending Employee Handbook
- 571 Repealing and re-enacting chapter 13.14 and repealing section 13.20.100 of the Oak Creek Municipal Code regarding water meters
- 572 Ordinance approving, ratifying and confirming settlement agreement re: RICD
- 573 Ordinance Amending Oak Creek Municipal Code Section 8.08.040(2) and all other Sections that reference Use of a Decibel Meter
- 574 Ordinance repealing Section 9.52.030 of the Oak Creek Municipal Code re: Clairvoiance-Fortune Telling
- 575 Ordinance amending Section 8.11.020 of the Oak Creek Municipal Code re: sanitation of garbage cans
- 576 An Ordinance Repealing Chapter 8.08.040(I) of the Oak Creek Municipal Code Re: Noisemaking Devices to Attract Children
- 577 An Ordinance Repealing Chapter 4.04 of the Oak Creek Municipal Code Regarding Liquor Servers
- 578 An Ordinance Amending Section 17.01.140(A) of the Oak Creek Land Use Code Re: Application to Engage in Land Use Change of Major Impact, Final Plan Review Fee

- 579 An Ordinance Amending Section 17.01.130(A) of the Oak Creek Land Use Code Re: Application to Engage in Land Use Change of Major Impact, Conceptual Plan Review Fee
- 580 An Ordinance Amending Section 17.01.080 of the Oak Creek Land Use Code Re: Application to Engage in Land Use Change of Minor Impact, Review Fee
- 581 An Ordinance Allowing Smoking Within a 15 Foot Radius Outside the Entryways of Buildings
- 582 An Ordinance re: Water and Sewer Tap Fees
- 583 An Amendment to Section 9.04.040 of the Oak Creek Municipal Code Re: Prohibited Use of Weapons
- 584 An Ordinance Amending Chapter 10.04, Model Traffic Code, of the Oak Creek Municipal Code.
- 585 An Ordinance Adopting the National Incident Management System (NIMS).
- 586 An Ordinance Amending Chapter 2.12.050 of the Oak Creek Municipal Code Regarding Surcharge Fine - Judicial and Police Education Fund.