



Planning Commission Meeting Agenda

Wednesday, August 19, 2026 at 6:30 p.m.

Town Hall Board Room - 1026 Park Avenue

Participation In-Person Only

The Town of Grand Lake upholds the Six Pillars of
Character:

Citizenship, Trustworthiness, Respect,
Responsibility, Fairness and Caring

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Phone: 719-359-4580
Access: 812 8799 3386

1. Call to Order
2. Roll Call
3. Conflicts of Interest
4. Items of Discussion
 - A. Resolution 08-2026: Land Use Code Amendments – Definitions, Shoreline Regulations, Development Review Procedures, and Related Sections
5. Future Items for Consideration
6. Adjourn Meeting



PLANNING COMMISSION STAFF MEMORANDUM

DATE: August 19, 2026
TO: Planning Commission
FROM: Emily Weber, Contract Staff - Planning Department
SUBJECT: **Resolution 08-2026: Review and Recommendation Regarding Proposed Land Use Code Amendments** to Sections 12-2-6 Definitions, 12-2-29 Shoreline and Surface Water Regulations, 12-2-31 Special and Conditional Use Regulations, 12-5-2 Definitions, 12-6-5 Definitions, 12-7-3 Definitions, 12-8-2 Definitions, 12-9-1 Land Use Development Review Thresholds, 12-9-2 Major Land Use Development Review Procedures and Submittal Requirements, 12-9-5 Failure to Begin Development or Show Substantial Progress and Review, 12-9-4 Minor Development Submission Requirements, 12-9-7 Amendments to Land Use Developments, and 12-9-10 Standards; and Creation of Town Code Section 12-6-11 Certifications, Article 11 Land Development Standards, and Article 12 Definitions

Background

The Planning Commission directed Town Staff to amend various sections of the Town Code to improve administrative procedures and ensure consistency throughout the Land Use Code. The primary focus of these amendments is to create a more consistent and clearly articulated development review process, providing applicants with straightforward guidance regarding submittal requirements, review procedures, and approval processes.

The Planning Commission held a workshop during its regularly scheduled public meeting on June 3, 2026, where Staff and Commissioners reviewed the existing code provisions and discussed opportunities to simplify procedures, improve clarity, and establish direction for drafting updated review procedures.

Pursuant to Town Code Section 12-2-34, amendments to the Town Code are approved by the Board of Trustees following receipt of an advisory recommendation from the Planning Commission. Redlined versions of the proposed amendments are attached for each affected code section. Certain attachments also include explanatory comments from Staff.

Summary of Proposed Changes

Town Code Section 12-2-6 Definitions

This section is proposed to be amended to **Section 12-2-6 Reserved**. All definitions would be removed from this section and relocated to a new consolidated definitions article.

Town Code Section 12-2-29 Shoreline and Surface Water Regulations

The proposed amendment removes the requirement for certified mail notification. Notice would instead be provided by standard mailed notice.

Town Code Section 12-2-31 Special and Conditional Use Regulations

The proposed amendment removes the requirement for certified mail notification. Notice would instead be provided by standard mailed notice.

Town Code Section 12-5-2 Definitions

This section is proposed to be amended to **Section 12-5-2 Reserved**. All definitions would be removed from this section and relocated to a new consolidated definitions article.



Town Code Section 12-6-5 Definitions

This section is proposed to be amended to **Section 12-6-5 Reserved**. All definitions would be removed from this section and relocated to a new consolidated definitions article.

Creation of Town Code Section 12-6-11 Certifications

This new section would relocate certification requirements currently contained in Town Code Section 12-9-10 Standards. Because these requirements are specific to subdivision plat applications, placement within the subdivision regulations is intended to improve code organization and usability.

Town Code Section 12-7-3 Definitions

This section is proposed to be amended to **Section 12-7-3 Reserved**. All definitions would be removed from this section and relocated to a new consolidated definitions article.

Town Code Section 12-8-2 Definitions

This section is proposed to be amended to **Section 12-8-2 Reserved**. All definitions would be removed from this section and relocated to a new consolidated definitions article.

Town Code Section 12-9-1 Definitions

This section is proposed to be amended from **Definitions** to **Land Use Development Review Thresholds**. The amendment replaces the existing definitions section and establishes clear thresholds for land use development applications and their corresponding review procedures.

The proposed amendments establish three categories of review:

- **Administrative Land Use Development Review**, which is reviewed and approved administratively and generally applies to single-family residences, exterior improvements, and remodels.
- **Minor Land Use Development Review**, which applies to amendments to approved developments, additions to existing multi-family, mixed-use, or non-residential buildings, and new multi-family developments containing four or fewer dwelling units. This review process consists of two steps: Sketch Review and Final Review.
- **Major Land Use Development Review**, which applies to larger development projects, including new non-residential developments, new multi-family developments containing five or more dwelling units, and new mixed-use developments. This review process consists of three steps: Sketch Review, Preliminary Review, and Final Review.

These changes are intended to provide applicants with a clear framework for the development review process and improve administrative efficiency.

Town Code Section 12-9-2 Major Land Use Development Review Procedures and Submittal Requirements

Proposed amendments to this section modernize and streamline application submittal and review procedures.

Key changes include:

- Removal of the requirement to submit application materials on compact disc (CD).
- Simplification of submittal requirements while maintaining the same application materials currently required.
- Removal of document scaling requirements that were primarily applicable to paper submissions.
- Revision of the application process to designate Town Staff as the primary application facilitator, rather than the Planning Commission.

Under the proposed process, applications would be submitted to Town Staff rather than directly to the Planning Commission. Staff would coordinate referral agency review, consolidate comments, provide



feedback to the applicant, and schedule applications for public hearings once comments have been addressed.

Additional changes include:

- Removal of certified mail notification requirements, with notice being provided through standard mail.
- Retention of Planning Commission authority for Preliminary Review, with the ability to forward applications to the Board of Trustees when appropriate. Maintain Final Review by Planning Commission recommendation to the Board of Trustees.
- Addition of a referral review process during Final Review to allow referral agencies to verify that previously identified concerns have been adequately addressed.
- Addition of public notice requirements for Final Review to improve transparency and allow neighboring property owners and community members to follow the development review process.
- Establishment of a lapse-of-approval provision stating that approved development plans expire two years after approval unless otherwise extended.

Town Code Section 12-9-4 Minor Development Submission Requirements

The title of this section is proposed to be amended from **Minor Development Submission Requirements** to **Minor Development Review Procedures and Submittal Requirements**. The revised section incorporates review procedures for Minor Land Use Development applications and references the procedures and submittal requirements contained in Section 12-9-2, ensuring consistency between the Major and Minor Land Use Development Review processes.

Town Code Section 12-9-5 Failure to Begin Development or Show Substantial Progress and Review

The proposed amendments to this section are intended to align with the lapse-of-approval provisions added to Section 12-9-2. All other provisions remain substantially unchanged. The Planning Commission would continue to have the authority to grant extensions of up to six months to development projects.

Town Code Section 12-9-7 Amendments to Land Use Developments

This section is proposed to be changed to **Section 12-9-7 Reserved**. The amendment process previously contained in this section is now incorporated into the Minor Land Use Development Review process.

Town Code Section 12-9-10 Standards

This section is proposed to be amended to **Section 12-9-10 Reserved**. Existing standards are relocated to a new article dedicated exclusively to land development standards, improving code organization and accessibility. Standards that duplicate submittal requirements or provisions contained elsewhere in the Code are removed.

Creation of Article 11. Land Development Standards

Article 11 would consolidate all standards previously contained in Section 12-9-10 into a stand-alone article. The purpose of this amendment is to improve code organization and increase the visibility and accessibility of development standards. No substantive changes to the standards are proposed, the standards are generally being relocated and reorganized.

The proposed outline of Article 11 is as follows:

- 12-11-1 Purpose
- 12-11-2 Dedications and Public Improvements
- 12-11-3 Block and Lot Standards
- 12-11-4 Conversions of Leased or Rented Space
- 12-11-5 Mobile Home and Townhome Developments
- 12-11-6 Bridges



- 12-11-7 Improvements within Rights-of-Way
- 12-11-8 Bike Paths and Walking Paths
- 12-11-9 Parking and Loading
- 12-11-10 Snow Storage and Solar Orientation
- 12-11-11 Alley and Easement Standards
- 12-11-12 Utilities
- 12-11-13 Environmental Protection
- 12-11-14 Fencing
- 12-11-15 Outdoor Lighting
- 12-11-16 Open Space
- 12-11-17 Land Dedication
- 12-11-18 Landscaping

Creation of Article 12. Definitions

Article 12 would consolidate definitions currently dispersed throughout multiple code sections into a single location. This amendment eliminates repetitive definitions and improves code usability. No substantive changes to existing definitions are proposed.

Planning Commission Discussion and Determination

The Planning Commission is asked to review the proposed amendments and forward a recommendation to the Board of Trustees to:

1. Approve the proposed amendments as presented;
2. Approve the proposed amendments with conditions or modifications; or
3. Deny the proposed amendments.

Attachments

1. Resolution 08-2026
2. Redlines for Section 12-2-6 Definitions
3. Redlines for Section 12-2-29 Shoreline and Surface Water Regulations
4. Redlines for Section 12-2-31 Special and Conditional Use Regulations
5. Redlines for Section 12-5-2 Definitions
6. Redlines for Section 12-6-5 Definitions
7. Redlines for Creation of Section 12-6-11 Certifications
8. Redlines for Section 12-7-3 Definitions
9. Redlines for Section 12-8-2 Definitions
10. Redlines for Section 12-9-1 Definitions
11. Redlines for Section 12-9-2 Major Land Use Development Review Procedures and Submittal Requirements
12. Redlines for Section 12-9-4 Minor Development Submission Requirements
13. Redlines for Section 12-9-5 Failure to Begin Development or Show Substantial Progress and Review
14. Redlines for Section 12-9-7 Amendments to Land Use Developments
15. Redlines for Section 12-9-10 Standards
16. Redlines for Creation of Article 11. Land Development Standards
17. Redlines for Creation of Article 12. Definitions

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 08-2026**

**A RESOLUTION RECOMMENDING APPROVAL OF PROPOSED AMENDMENTS TO
THE TOWN OF GRAND LAKE LAND USE CODE**

WHEREAS, pursuant to Town Code Section 12-2-34, amendments to the Town Code are approved by the Board of Trustees following receipt of an advisory recommendation from the Planning Commission; and

WHEREAS, the Planning Commission directed Town Staff to amend various sections of the Town Code to improve administrative procedures and ensure consistency throughout the Land Use Code; and

WHEREAS, the Planning Commission held a workshop during its regularly scheduled public meeting on June 3, 2026, at which Staff and Commissioners reviewed existing code provisions, discussed opportunities to simplify procedures and improve clarity, and provided direction for drafting updated review procedures; and

WHEREAS, the proposed amendments include revisions to Sections 12-2-6, 12-2-29, 12-2-31, 12-5-2, 12-6-5, 12-7-3, 12-8-2, 12-9-1, 12-9-2, 12-9-4, 12-9-5, 12-9-7, and 12-9-10 of the Town Code; the creation of Section 12-6-11 Certifications; and the creation of Article 11 Land Development Standards and Article 12 Definitions, as shown in the redlined amendments included in the Planning Commission packet dated August 19, 2026, and incorporated herein by this reference; and

WHEREAS, the Planning Commission reviewed the proposed amendments and associated redlined documents at its public meeting on August 19, 2026; and

WHEREAS, after reviewing the proposed amendments and considering the public health, safety, and welfare, the Planning Commission finds that the amendments improve the organization, clarity, consistency, and administrative efficiency of the Town's Land Use Code and are in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO,

1. Recommendation of Approval: The Planning Commission hereby recommends that the Board of Trustees approve the proposed amendments to the Town of Grand Lake Land

Use Code, including the amendments and additions described in the Planning Commission packet dated August 19, 2026.

2. Severability: If any section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Planning Commission declares that it would have passed this Resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
3. Repeal: Existing resolutions or parts of resolutions covering the same matters as embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO THIS 19TH DAY OF AUGUST 2026.

(S E A L)

ATTEST:

TOWN OF GRAND LAKE

Alayna Carrell
Town Clerk

James Shockey,
Planning Commission Chairman

Votes Approving: 0
Votes Opposed: 0
Absent: 0
Abstained: 0

Chapter 12 – Land Use Regulations

ARTICLE 2. ZONING REGULATIONS

12-2-6 ~~Definitions.~~Reserved.

For the purpose of this Article certain terms and words are hereby defined and shall have the following meanings unless it shall be apparent from the context that a different meaning is intended:

~~Access.~~ That location on a public road where a driveway or private road connects and is accessible for routine ingress and egress traffic circulation.

~~Accessory Dwelling Unit (ADU).~~ One (1) additional dwelling unit within or in addition to, and not legally subdivided from, the principal structure. The Accessory Dwelling Unit must function as a Dwelling Unit and may be attached to or detached from the principal structure.

~~Accessory Uses and Structures.~~ A use naturally and normally incidental to a use by a right, and complying with all of the following conditions:

- (a) — Clearly incidental and customary to and commonly associated with the operation on the use by right;
- (b) — Is operated and maintained under the same ownership as the use by right;
- (c) — Includes only those structures or structural features consistent with the use by right;
- (d) — The gross land area utilized by all accessory uses of all uses by right on the same property shall not exceed ten percent (10%) of the Building Area of the property and the gross land area utilized by all accessory uses of all uses by right shall not exceed the gross land area utilized by all uses by right;
- (e) — May include home occupations, as defined by this Article or;
- (f) — Overnight camping on private residential property, by the owner or guest, for a period not exceeding seven (7) consecutive days.

~~Adult Arcade.~~ Any commercial establishment to which the public is permitted or invited where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, or similar machines, or other image or virtual reality producing machines for viewing by persons are used regularly to show films, motion pictures, video cassettes, DVDs, slides, or other photographic, digital, or electronic reproductions describing, simulating, or depicting "specified sexual activities" or "specified anatomical areas."

~~Adult Cabaret~~ means a nightclub, bar, restaurant, concert hall, auditorium or other commercial establishment that features:

- (a) — Persons who appear nude or in a state of nudity or semi nudity; or
- (b) — Live performances that are characterized by the exposure of "specified anatomical areas" or by the exhibition of "specified sexual activities."

~~Adult Motel~~ means a hotel, motel or similar commercial establishment that offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other media productions, however produced, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and which commercial establishment has a sign visible from the public right-of-way which advertises the availability of this adult type of media production.

~~Adult Motion Picture Theatre~~ means a commercial establishment that is distinguished or characterized by the showing, for any form of consideration, of films, motion pictures, video cassettes, slides, or similar

photographic reproductions that have an "X" rating or that have an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

Adult Theatre. means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by an emphasis on exposure of "specified anatomical areas" or by "specified sexual activities."

Alley. A public, dedicated right-of-way used primarily as a service or secondary means of access and egress to the service side of abutting property.

Apartment. A room or suite of rooms in a multiple dwelling used or designed for occupancy by a single family.

Application Form. An approved form used when making an application.

Basement. A story having part, but not more than one-half (½) of its height below grade. A basement is counted as a story for the purposes of height regulations if subdivided and used for dwelling purposes.

Bed and Breakfast. An owner-occupied single family residence with no more than ten (10) guest rooms which provides overnight accommodations and breakfast, provided from a single kitchen on the premises, to registered Transient Guests. The use of a Bed and Breakfast in a single-family residence shall be considered an accessory use to the primary use.

Board. The Board of Adjustment of the Town of Grand Lake as duly created by this Article.

Boathouse. An accessory structure for sheltering boats and other aquatic equipment, with one (1) boathouse that meets applicable design standards allowed per existing single family residence with lake frontage; to be used primarily for storage of equipment and not for human habitation. Recreation facilities such as decks may be made a part of a boathouse structure, but no facilities such as lavatories, toilets, showers, sinks, cooking equipment (other than charcoal type cookers) and sleeping accommodations may be included.

Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

Building Area. That portion of the lot that can be occupied by the principal use, excluding the front, rear and side yards.

Building Inspector. The Building Code Administrator of the Town of Grand Lake, Colorado or designee thereof.

Building Official. The officer or other designated authority, or designee, charged with the administration and enforcement of Municipal Code Chapter 9: Building.

Building Set-Back. An imaginary line extending across the full width or side of a lot, parallel with the street right-of-way line or property line and outside of which no building or structures shall be constructed.

Carport. A structure built primarily for covering a motor vehicle which has a roof and is not fully enclosed by walls.

Central Reservation Facility. Any office and associated desks, counters, and space used for the business of renting and scheduling time share condominium units, exchange transactions, storage of maintenance and cleaning supplies, and the like. No over-the-counter real estate sales or other business transactions not associated with the operation of the building or complex may take place in this facility.

City. See Town.

Cluster Developments. A development pattern in which uses or lots grouped together allowing a transfer of density which is normally spread out across a development site to a specific area on the site where the overall gross density remains the same but net density may increase.

Commercial Space. Uses permitted by right in the Commercial District and the Commercial Transitional District excluding single family, multi-family attached rental units, condominiums, townhouses, condo/hotels, and parking lots.

Conditional. Use Those uses allowed in a district in addition to the uses by right where so authorized when and if a conditional use permit is granted in accordance with special procedures and requirements.

Condo/Hotel. Condominium or townhouse units which are not intended for residency by the owners of said units for more than two (2) months per year. Restrictions of residency by the owners of said units shall be expressly stated in the Condominium Declarations, Articles of Incorporation, and/or restrictive covenants. Condo/Hotels shall have a Central Reservation Facility as defined by this Article, and shall in all other ways comply with the rules and regulations contained within this Article regarding condominiums and townhouses.

Construction Documents. Drawings, Plans Specifications, etc., associated with the construction of a project.

Craft Shop. A business establishment devoted solely to the arts and crafts which conforms to the following requirements:

- (a) — Sells, produces or makes items that by their nature; are designed or made by an artist or craftsman by using hand skills;
- (b) — Employs not more than five (5) persons; and
- (c) — It is conducted in such a fashion that:
 - (i) — No more dust, fumes, gases, odors, smoke, or vapors escape from the premises than that which is usual in the neighborhood.
 - (ii) — All by products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution other than that which is usual in the neighborhood; and
 - (iii) — No noise or disturbance of adjoining premises takes place other than that which is usual in the neighborhood.

Deck. An exterior floor supported on at least two (2) opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

District. A section of the Town for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of the use are uniform as outlined on the adopted Zoning Map of the Town of Grand Lake, Colorado.

Drainage. The action or a method of draining; something that is drained off.

Dwelling. Any building or portion thereof which is designed and used exclusively by one (1) family.

Dwelling, Multiple. A single building designed for and occupied exclusively by two (2) or more families.

Dwelling, Single Family. A building having accommodations for and occupied exclusively by one (1) family.

Dwelling, Two (2) Family. A building having accommodations for and occupied exclusively by two (2) families.

Dwelling Unit. Any room or group of rooms in a multi-family building designed for or used as a dwelling by one (1) family as an independent housekeeping unit including toilet and kitchen facilities, but not including hotels, motels, clubs, boarding houses, or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint. The term dwelling unit shall also include a modular or manufactured home which has been attached to a permanent foundation; and which has been added to the ad valorem tax rolls to be considered as a taxable property. The arrangement of rooms in each dwelling unit shall be such as to prohibit the division of one (1) dwelling unit into two (2) or more dwelling units.

Emergency Access. That location on a public road where a driveway or private road connects and is only accessible for vehicles in time of an emergency. Such access shall be sized to adequately accommodate emergency response vehicles.

Enclosed. Surrounded, or partially surrounded, by walls whether windows, doors, screens, or any other openings exist.

Exterior Design Material Samples. Those material items (including lighting fixtures), or clear photographs or representations of materials, submitted to the Town of Grand Lake for the Design Standards Review portion of the building permit application review process. Items include, but are not limited to, paint color chips.

Exterior Wall Covering. A material or assembly of materials applied on the exterior side of exterior walls for the purpose of providing a weather resistant barrier, insulation, or aesthetics, including but not limited to, veneers, siding, exterior insulation and finish systems, architectural trim and embellishments such as cornices, soffits and facias.

Factory Built. Meets IBC (International Building Code).

Family. One (1) or more persons related by blood, marriage or adoption occupying a dwelling unit as members of a single housekeeping organization. A family may include not more than two (2) persons not related by blood, marriage or adoption.

First Story. Defined as the lowest story in a building that qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty percent (50%) of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.

Frontage. All property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the property line of the street, or if the street is dead ended, then all of the property abutting on one side between the intersecting street and the dead end of the street. Corner lots shall have only one (1) frontage. Frontage for a single use which may extend for more than one (1) platted lot shall be the total linear distance of all lots of the use along one side of a street and shall be considered as a single frontage.

Garage, Private. An accessory building or portion of a main building on the same lot and used for the storage of private, passenger motor vehicles, not more than two (2) of which are owned by others than the occupants of the main building.

Garage, Public. A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire, in which any sale of gasoline, oil and accessories is only incidental to the principal use.

Garage, Repair. A building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.

Grade (Adjacent Ground Elevation). Defined as the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

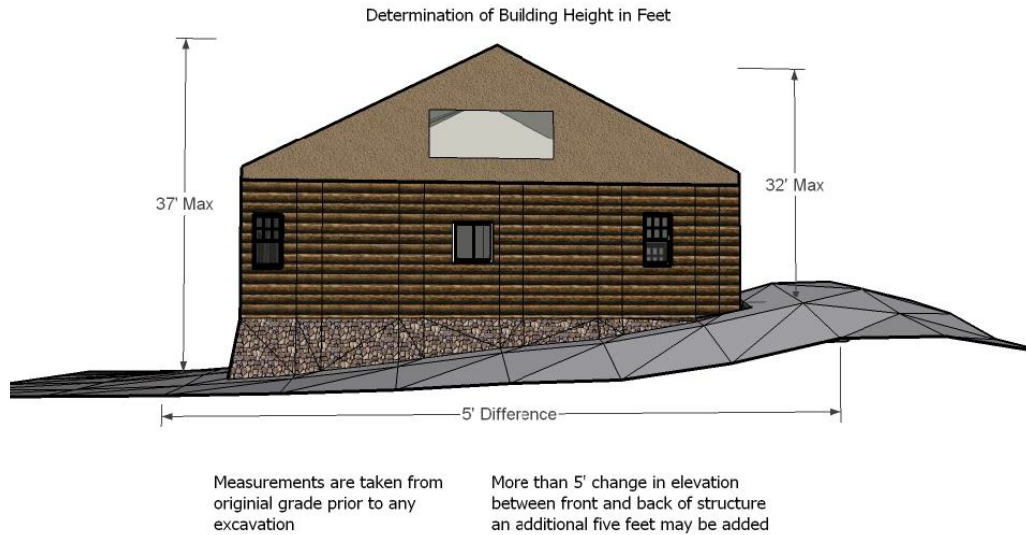
Grade Level. The average of the ground levels of a lot, prior to construction thereon, measured at the center of all walls of a building.

Gross Density. The number of dwelling units per acre of total land area involved in a development project in a zone district.

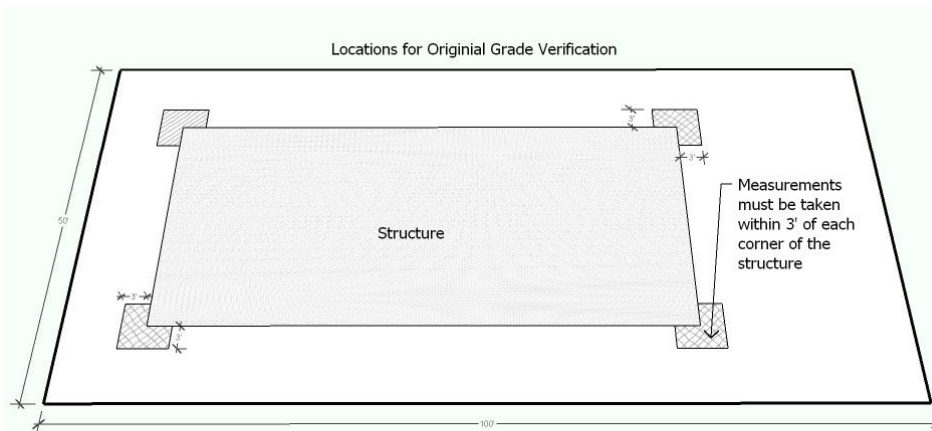
Gross Leasable Area. The total non-residential floor area designated for the exclusive or primary use of the owner or occupant. Basements, mezzanines, balconies, lobbies, open or enclosed decks, platforms at grade, and upper floors shall be included in all gross leasable area calculations. Storage areas, hallways, stairways, and halls shall be excluded from all gross leasable area calculations. Gross leasable area shall be expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Guest Room. A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.

Height, Building means the vertical distance measured from the original grade or finish grade whichever is more restrictive to the highest point of the roof surface, exclusive of chimneys, ventilators, pipes, spires or similar items. If the footprint of the structure has an elevation difference of five (5) feet or greater an additional five (5) feet may be added to the lower elevation. The height of a stepped or terraced building is the maximum height of any segment of the building.



- Original grade must be determined prior to any human disturbance. Measurements must be taken within three (3) feet of each corner of the proposed structure.



Home Occupation. Any non-residential use conducted entirely within a dwelling unit and carried on solely by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and does not occupy more than twenty percent (20%) of the total floor space of the dwelling unit or accessory structure and which use does not require more than two (2) customers per twenty-four (24) hour day.

Hotel and Motel. Any unit intended for rental on a less than monthly basis. Each unit shall have a minimum two hundred seventy-five (275) square feet and shall contain a bathroom within the unit.

Junk Yard. An area two hundred (200) square feet or more, or any area not more than fifty (50) feet from any street, used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.

Kennel. A kennel is any establishment designed for the permanent or temporary boarding or keeping of pet animals.

Limit of Disturbance. That area that is proposed to be subject to any modification to a natural landform including contouring, excavation and removal of vegetative cover.

Lodge. Any unit intended for rental on at least a monthly basis. Each unit shall have kitchen facilities, a bathroom and shall have a minimum of four hundred (400) square feet unless otherwise specified.

Lot or Parcel. A piece, plat or area of land, of contiguous assemblage as established by survey, plat or deed, occupied or to be occupied by a building, or a unit group of buildings, and/or accessory buildings thereto or for other use, together with such open spaces as may be required under these regulations and having its frontage on a street or officially approved place.

Lot Line Agreement. An Agreement signed by a property owner indicating understanding that two (2) or more lots are to be considered one (1) building site and may never be sold separately or mortgaged separately unless all provisions of the Town of Grand Lake's zoning regulations then in effect are complied with. This Agreement shall be recorded with the Grand County Records Office.

Manufactured. Meets HUD (Housing and Urban Development) Code; Any non-portable, wood-sided, pitched-roof structure, on a permanent foundation and meeting snow load requirements, which is equal to or greater than twenty four (24) feet wide by thirty-six (36) feet long. If less than twenty four (24) feet wide by thirty-six (36) feet, only permitted in trailer parks.

Mean Identifiable High Water Mark. In the case of creek or stream, these terms shall mean the waterline at the point of bankful discharge, or the point of the high discharge with a recurrence interval of two years. In the case of a lake, the lowest level at which upland vegetation will grow and have historically sustained growth. In the case of fluctuating and manmade reservoirs, the highest level or maximum designed capacity level of said reservoir.

Mitigate. To neutralize or compensate for the physical impacts of a man-made development upon a particular land area or piece of land such that the undeveloped land will function as it did before the development took place.

Mixed-Use Developments. Developments that contain a variety (two (2) or more) of uses that are integrated and/or connected either horizontally or vertically or both.

Mobile Home. Any vehicle or similar portable structure originally constructed to have no foundation other than wheels, jacks or skirtings and so designed or constructed to permit occupancy as living or sleeping quarters and shall have been issued a manufacturer's statement of origin.

Mobile Home Park. Any lot or parcel of land on which a mobile home is parked.

Mobile Home Space. A parcel of land within a mobile home park designed for the accommodation of one (1) mobile home.

Neighborhood Business. Small commercial and business establishments operated and intended to serve the daily or frequent trade or service needs of the surrounding neighborhood. Such establishments include but are not limited to: food stores, pharmacies, barber shops, beauty shops, shoe repairs, craft shops, business offices, professional offices, florists, photo shops, and tailor shops. The determination of qualification of a 'neighborhood business' may, from time to time, be brought by Town Staff to the Planning Commission for review. Prior to

making a decision, the Planning Commission will weigh the size of the business, hours of operation, potential traffic generation, and other items deemed necessary pertinent to the proposed use.

Net Density. The ratio of total floor area (excluding basements) to total buildable land area, excluding public streets and street rights-of-way, required open space areas or other public use areas, and open parking areas.

Net Residential Area. The land area devoted to residential uses, not including streets, parking areas, or required useable open space areas.

Nightly Rental. A structure, dwelling or dwelling unit that is rented for periods of time of less than thirty (30) consecutive days. The term "Nightly rental" shall not include hotel, motel, or bed and breakfast establishments.

Non-Conforming Building. A building or portion thereof, legally built prior to the effective date of this Section or any amendment thereto, which does not conform with the regulations of the district in which it is located.

Non-Conforming Use. Land or a building lawfully occupied prior to the effective date of this Article or any amendment thereto, by a use which does not conform with the regulations of the district in which it is located.

Nudity or State of Nudity.

- (a) — The appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or
- (b) — A state of dress which fails opaquely and fully to cover human buttocks, anus, male or female genitals, pubic region, or areola or nipple of the female breast.

Off-Street Parking Space. An off-street, hard-surfaced, dust-free space designed and intended to be occupied by a parked automobile which is up to two hundred (200) square feet in area exclusive of maneuvering and roadway space.

For purposes of this Section, off-street parking shall be of two (2) classifications, (1) Surface off-street parking; and (2) covered underground off-street parking. An off-street parking space shall consist of the following area requirements:

- (a) — A surface off-street parking space shall consist of at least two hundred (200) square feet (10 feet x 20 feet) of parking — for the vehicle. In addition, adequate space shall be provided to allow for proper ingress, egress and vehicle maneuvering.
- (b) — A covered or underground off-street parking space shall consist of at least one hundred eighty (180) square feet (10 feet x 18 feet) of area for parking of the vehicle. In addition, adequate space shall be provided to allow for proper ingress, egress, and vehicle maneuvering.
- (c) — Additional parking standards are found in Section 12-2-28 Parking Regulations.

Open. See Unenclosed.

Open Space (Public). Undisturbed, revegetated or improved land dedicated to the common use of the public to provide visual openness and recreational use. Changes in the open space utilization must be approved by the Commission and Board of Trustees of the Town of Grand Lake.

Open Space (Private). Undisturbed, revegetated or improved land dedicated to the common use of all residents of a subdivision, condominium, townhouse, or mixed-use development which is intended to provide visual openness and recreational use for that development. Open space, once created, can only be otherwise utilized by the concurrence of the owners, according to provisions in ownership declaration documents, which said open space was created to benefit. Changes in the open space utilization must be approved by the Commission and Board of Trustees of the Town of Grand Lake. Permitted and Non-Permitted Uses for Open Space (Private) land will be compliant with uses for Open Space (Public) land. Uses listed below include but are not limited to the following:

-PERMITTED (May be used in the Private Open Space Land Area Requirement)		NOT PERMITTED (May not be included in the Private Open Space Land Area Requirement)	
1.	Uncovered swimming pools	1.	Covered swimming pools
2.	Sports field*	2.	Bleachers
3.	Pathways, trails	3.	Driveways, parking and loading areas
4.	Tennis courts (open air)	4.	Tennis courts (enclosed or covered)
5.	Volleyball courts	5.	Racquetball courts
6.	Playgrounds	6.	Handball courts
7.	Picnic grounds	7.	Bandstands, theaters
8.	Shuffleboard, horseshoes, badminton	8.	Club houses
9.	Unenclosed basketball courts	9.	Saunas, hot tubs
10.	Ponds, lakes, creeks	10.	Balconies***
11.	Pedestrian bridges	11.	Greenhouses
12.	Gardens	12.	Decks***
13.	Horse corrals	13.	Streets
14.	Patios and plazas**	14.	Buildings/Other accessory structures
15.	Walkways	15.	Recreation center buildings
16.	Fences and walls	16.	Gazebos
17.	Snow Storage****	17.	Boathouses
			Animal stables and shelters
		18.	
		19.	Golf Courses
*Includes baseball, soccer, football, rugby, etc.			
**Independent of structure and at grade			
***Connected to structures and at or above grade			
****No more than 50% may be counted and only if placed on pervious landscaped areas that have been designed to connect to an adequate drainage system, as approved by the Town			

Original Grade (Preconstruction Elevation) means the ground level before any human disturbance in the last five (5) years. Soil tests may be required if the Town can not determine if human disturbance has occurred in the last five (5) years.

Patio. An at-grade, paved area adjoining a house, for outdoor lounging, dining, etc.

Permit. A document issued by the Town of Grand Lake, Colorado, or designee thereof, granting permission to perform an act or service which is regulated by the Town.

Planned Development. Development of land in a manner which allows, in conformance with the provisions of this Article, the following: A variety of uses and/or densities in addition to those ordinarily allowed by right or by condition in the designated zone district, for which land may be developed in order to allow for uniqueness and overall flexibility of development in special instances as may be approved by Town.

Planned Development Plan. The provision for the general development of a Planned Development which may include and need not be limited to easements, covenants and restrictions relating to use, location and bulk of buildings and other structures, intensity of use or density of development, utilities, private and public streets, ways, roads, pedestrian areas and parking facilities, common open space and other public and private facilities. "Provisions of the Plan" means the written and graphic materials referred to in this definition, also referred to as a "General Development Plan."

Planning Commission. The Grand Lake Town Planning Commission.

Portable shed/garage. Any portable facility which utilizes a canvas, vinyl, rubber or similar type cover over a framework which is not permanently secured to the ground by means of concrete, asphalt or similar type material.

Projection. Cornices, exterior balconies, chandeliers, including exterior wall coverings, and similar projections extending beyond the exterior wall.

Public Hearing. A legally advertised meeting held by the Planning Commission or Town Board of Trustees at which time citizens' opinions may be voiced concerning the subject of the hearing.

Recreational Unit. Unit designed as temporary dwelling for recreational purposes. The following shall be considered as a recreational unit:

- (a) — **Pickup Coach.** A vehicle designed to be mounted on or loaded into a truck chassis for use as a temporary dwelling for travel and recreation.
- (b) — **Tent.** Protective fabric erected and designed as a temporary dwelling to provide protection from elements.

Recreational Vehicle Lot or Recreational Vehicle Space. Any unit of land provided by an RV Park/Resort for the purpose of placing thereon a recreational vehicle or recreational unit which is used or intended to be used for living or sleeping purposes, for private use within an RV Park/Resort.

Recreational Vehicle. Vehicle eligible of being registered as a motor vehicle in the State of Colorado. The following shall be considered a recreational vehicle:

- (a) — **Camping Trailer.** A canvas, or other type of material, folding vehicle of rigid construction, mounted on wheels and designed as a temporary dwelling for travel and recreation.
- (b) — **Motorized Home, Motor Home and/or Recreational Bus or Van.** A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
- (c) — **Travel Trailer.** A towable vehicle designed as a temporary dwelling for travel and recreation.
- (d) — **Travel Trailer, Self-Contained.** Trailer designed as a temporary dwelling which can operate independently of connections to sewer, water and electric systems. It contains a water flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewer holding tanks located within the trailer.

Recreational Vehicle Park. A tract or unit specifically developed for locating only recreational vehicles or recreational units on a short-term basis.

Resort. A commercial place designed and intended primarily to accommodate tourists and vacationers with recreational facilities and may or may not include a lodge or motel with food and drink.

Right-of-way. The entire dedicated tract or strip of land.

Road. See Street.

Seminude. A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breasts, as well as portions of the body covered by supporting straps or devices, which supporting straps or devices are used to support or enable the wearing of such clothing.

Set-Back. The required distance, and the land resulting there from, between the closest edge of the public right-of-way, or some other designated line, and the nearest possible line, including projections, of a conforming structure, portable shed/garage or temporary facility.

Sexually Orientated Business (SOB).

- (a) — A business that has as one of its principal business purposes a substantial or significant portion (20% or more) of its stock and trade, books, magazines, other periodicals, videos, or DVDs on matter depicting, describing or relating to "specified sexual activities," or "specified anatomical areas", or
- (b) — An establishment with a substantial or significant portion (20% or more) segment or section devoted to the rental, sale or display of materials, instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities", or
- (c) — "Adult" arcades, cabarets, motels, motion picture theatres or theatres where:
 - (i) — Persons appear in a state of nudity, or
 - (ii) — There are live performances which are characterized by the exposure of "specified anatomical areas," by "specified sexual activities," or physical contact in the form of wrestling or tumbling between persons of the opposite sex or activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude.

Sign. Any device, whether free-standing or attached to a vehicle, building, or fence that is visible from the public right-of-way and whose purpose is for identification, information or advertising.

Snow Storage. That area required to be designated for the storage of snow.

Specified Anatomical Areas. As used herein means and includes any of the following:

- (a) — Human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, that are not completely and opaquely covered; or
- (b) — Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities. Includes any of the following:

- (a) — The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
- (b) — Any sex act, whether actual or simulated, including, but not limited to, intercourse, oral copulation, or sodomy;
- (c) — Masturbation, whether actual or simulated;
- (d) — Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- (e) — Excretory functions as part of or in connection with any of the activities set forth in subsections a through d of this definition.

Story. Defined as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six (6) feet above grade, as defined herein, for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade, as defined herein, at any point, such usable or unused under floor space shall be considered as a story.

Street. The entire dedicated public right-of-way, providing for pedestrian and vehicular movement of people and goods that is to be used by the public for circulation and service.

Structure. See Building.

Temporary Facilities. Facilities (including construction trailers, uninhabitable storage facilities, approved food/beverage service units) that are placed onto a parcel, complaint with the Regulations set forth herein, for temporary use for no greater than six months, unless allotted a greater time period by Planning Commission Resolution.

Theatre Scenery Loft. A place for the storing, lowering, and raising of theatre scenery.

Time Share or Interval Ownership Unit. Condominium or townhouse units that have been further subdivided into a stated number of additional interests in the unit, defined by the period of time during which the owner of the share may occupy it. Shares may be of two types: first, "fee time shares" or "interval estates", wherein diverse owners each own a present estate for years terminating on a date certain coupled with a future remainder interest in the unit as a tenant in common with the other diverse owners; and second, "time span estates" operating on a tenancy in common principle coupled with an exclusive right to use and occupy the unit during a fixed annual recurring period of time.

Total Floor Area. The total number of square feet of floor space within the exterior walls of a building, not including space in cellars, carports or garages.

Town. The Town of Grand Lake, Colorado.

Town Board of Trustees. The Town Board of Trustees of the Town of Grand Lake, Colorado.

Transient Guest. A person who stays for a period not to exceed two (2) weeks.

Unenclosed. Not enclosed.

Use by Right. A use which is listed as a use permitted by right in any given zone district in this Article. Uses permitted by right are not required to show need for their location.

Useable Open Space (Public or Quasi-Public). Open area designed and developed for uses including, but not limited to recreation, courts, gardens, parks and walkways. The term shall not include space devoted to streets and parking and loading areas.

Wall. A vertical element with a horizontal length used to enclose space.

Yard, Front. A yard extending across the front of a lot between the side lot lines and extending from the front lot line to the front of the main building or any projections thereof. The front yard shall be on the side of the lot which has been established as frontage by the house numbering system.

Yard, Rear. A yard extending across the rear of a lot, measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building including any projections. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Yard, Side. A yard extending from the front yard to the rear yard and being the space between the side lot line and the side of the main building including any projections.

Zoning Code Administrator. The officer or other designated authority charged with the administration and enforcement of this Code; the Town Manager or a duly authorized representative. The Zoning Code Administrator shall be responsible to the Planning Commission and the Town Board of Trustees and shall administer and enforce all zoning and design review laws of the Town of Grand Lake. He shall have all powers conferred upon the Building Official under this Article and all other Articles of the Town of Grand Lake, in order to perform his functions.

Zoning District. A zoned area in which the same zoning regulations apply throughout.

(Ord. No. 12-2020, § 1, 7-27-2020; Ord. No. 02-2023, § 1, 3-27-2023)

Chapter 12 – Land Use Regulations

ARTICLE 2. ZONING REGULATIONS

12-2-29 Shoreline and Surface Water Regulations.

(A) *Stream and Lake Setbacks.*

1. In order to help preserve the environmental quality of the water in the Grand Lake, a thirty (30) foot stream and lake setback from the mean identifiable high water mark shall be maintained for buildings, parking, snow storage areas and other improvements to a site. The setback applies to a stream, creek, river, irrigation ditch (dry or wet), lake, pond, wetland, or any other body of water.
2. When activities are proposed within the thirty (30) foot setback, a variance may be requested by an Applicant. As scheduled by Town Staff and based on agenda availability, The Planning Commission shall review the request at a Public Hearing and make a recommendation to the Town Board of Trustees, who shall make the final determination. Fifteen (15) days prior to the scheduled Public Hearing date, legal notice shall be placed in the local newspaper of general circulation advertising the time, date, and location of the Public Hearing. In addition, ~~certified~~ letters are to be mailed at least fifteen (15) days prior to the Public Hearing to all property owners within two hundred (200') feet of any portion of the property.

The Town Board of Trustees may opt to hold a Public Hearing. The Town Board of Trustees will hold a Public Hearing within forty-five (45) days from receiving a recommendation from the Planning Commission. Fifteen (15) days prior to the scheduled date, legal notice shall be placed in the local newspaper of general circulation advertising the time, date, and location of the public hearing. In addition, ~~certified~~ letters are to be mailed at least fifteen (15) days prior to the Public Hearing to all property owners within two hundred (200') feet of any portion of the property.

During the public hearing the burden of the Applicant shall include but not be limited to, establishing that the activity conforms to one (1) or more of the exceptions set in Section 12-3-5(A)4(a) through (e).

(a) At a minimum, a variance request shall include the following information:

1. A site map that includes locations of all streams, wetlands, floodplain boundaries, slope, topography, and other natural features, as determined by field survey.
2. A description of the size, shape, soils, vegetation and other physical characteristics of the property.
3. A detailed site plan that shows the locations of all existing and proposed disturbances, both inside and outside the setback. The exact area of buffer to be affected shall be accurately and clearly indicated.
4. Documentation of unusual hardship should the setback be maintained. (Refer to Section 12-3-5(A)4(a) through (e))
5. At least one (1) alternative plan, which does not include a setback intrusion, or an explanation of why such a plan is not possible.
6. A calculation of the total area and length of the proposed intrusion.
7. An erosion and sedimentation control plan.
8. A stormwater control plan, if applicable.
9. Proposed mitigation, if any, for the intrusion.

(b) The following factors will be considered in determining whether to issue a variance:

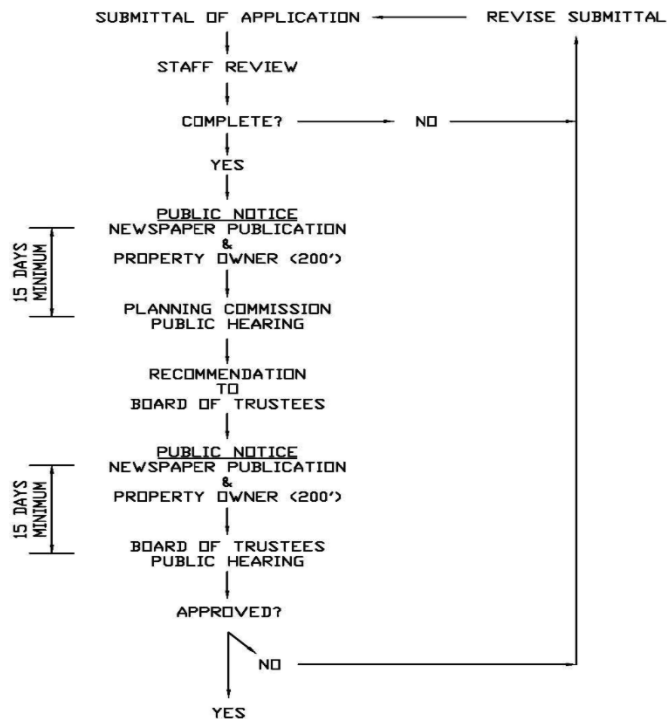
1. The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.
 2. The locations of all bodies of water on the property, including along property boundaries.
 3. The location and extent of the proposed setback intrusion.
 4. Whether alternative designs are possible which require less intrusion or no intrusion.
 5. Sensitivity of the body of water and affected critical habitats.
 6. Intensity of land use adjacent to the body of water proposed to intrusion.
 7. Impact on floodplains and stream functions (a variance shall not be approved when the reduction would result in the setback being narrower than the floodplain)
- (c) The Town of Grand Lake shall not review requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.
3. A setback of greater than thirty (30) feet may be required if one (1) of the following is present on the site:
- (a) Slope equals or exceeds thirty percent (30%);
 - (b) Highly erodible soils are present;
 - (c) The proposed use of the property presents a special hazard to water quality (e.g., storage or handling of hazardous or toxic materials);
 - (d) Floodplains or floodways;
 - (e) Riparian vegetation within a designated habitat;
 - (f) Wetlands are present.

The increased setback to be required in such cases shall be determined by the Board of Trustees upon recommendation of the Planning Commission. In these cases, a setback of greater than thirty feet (30') may be required in order to protect the public health, safety and welfare.

Should this increased minimum setback, in combination with other setbacks outlined in the various zone districts, cause a previously platted lot or parcel to become unbuildable, the Planning Commission and Town Board of Trustees may allow encroachments into this or other setbacks in order to relieve the hardship without requiring a variance proceeding before the Board of Adjustment. The priority of encroachments allowed will be lot setbacks first and stream and lake setbacks second in order to relieve the hardship. Provisions for channeling runoff to retention areas will need to be provided in any drainage plans for the development.

4. The first five (5) feet of this setback shall be a non-disturbance zone, except in the cases of bridges, irrigation structures, flood control devices, boathouses, commercial marinas, boat rentals, boat repair and maintenance facilities and walkways and stairways less than four (4) feet in width leading directly from the shoreline to the principal structure.
5. In addition to these required stream and lake setbacks, properties contiguous to any stream, creek, river, irrigation ditch, lake, pond, or wetland area, shall be required to abide by the Erosion and Sediment Control Regulations as then in effect for Grand County, for construction projects involving ground disturbance. This requirement applies to single family, multiple family, commercial, and all other construction involving ground disturbance.

VARIANCE TO 30' WATER QUALITY SETBACK LAND USE APPLICATION



(B) *Boathouse and Covered Boat Docks Construction.*

1. *General.* In Grand Lake, construction of boathouses and covered boat docks is a unique case and requires a public hearing before the issuance of a Building Permit. Boathouse construction and covered boat dock construction does not require a special use or conditional use permit, but any conditions placed on the construction of said boathouses and covered boat docks will constitute conditions for a Building Permit.

Uncovered boat docks are not subject to the provisions of this Section so long as the placement of said uncovered dock meets the provisions of this Section and so long as said uncovered dock does not extend more than thirty-five (35') feet into the lake. Such docks shall be handled administratively through the issuance of a Building Permit.

2. *Boathouse and Boat Dock Design Standards.* In addition to the Grand Lake Design Review Standards and any other applicable agency's regulations, all boathouses and covered boat docks shall comply with the following Design Standards unless a site-specific exception is allowed:

Height Limit: No structure shall exceed sixteen feet (16') from the mean water line to the highest point of the structure.

Width Limit: No structure shall exceed thirty feet (30') in width. This width excludes any uncovered dock or decking that is physically attached to the structure. Side setbacks must be satisfied.

Setbacks: All structures, including uncovered boat docks, shall meet the side setback requirements of the zoning district. Notwithstanding any other provision of this zoning code, freestanding uncovered docks, or docks attached to the sides of boathouses shall be allowed to encroach five (5') feet into the side setback requirements of the zoning district.

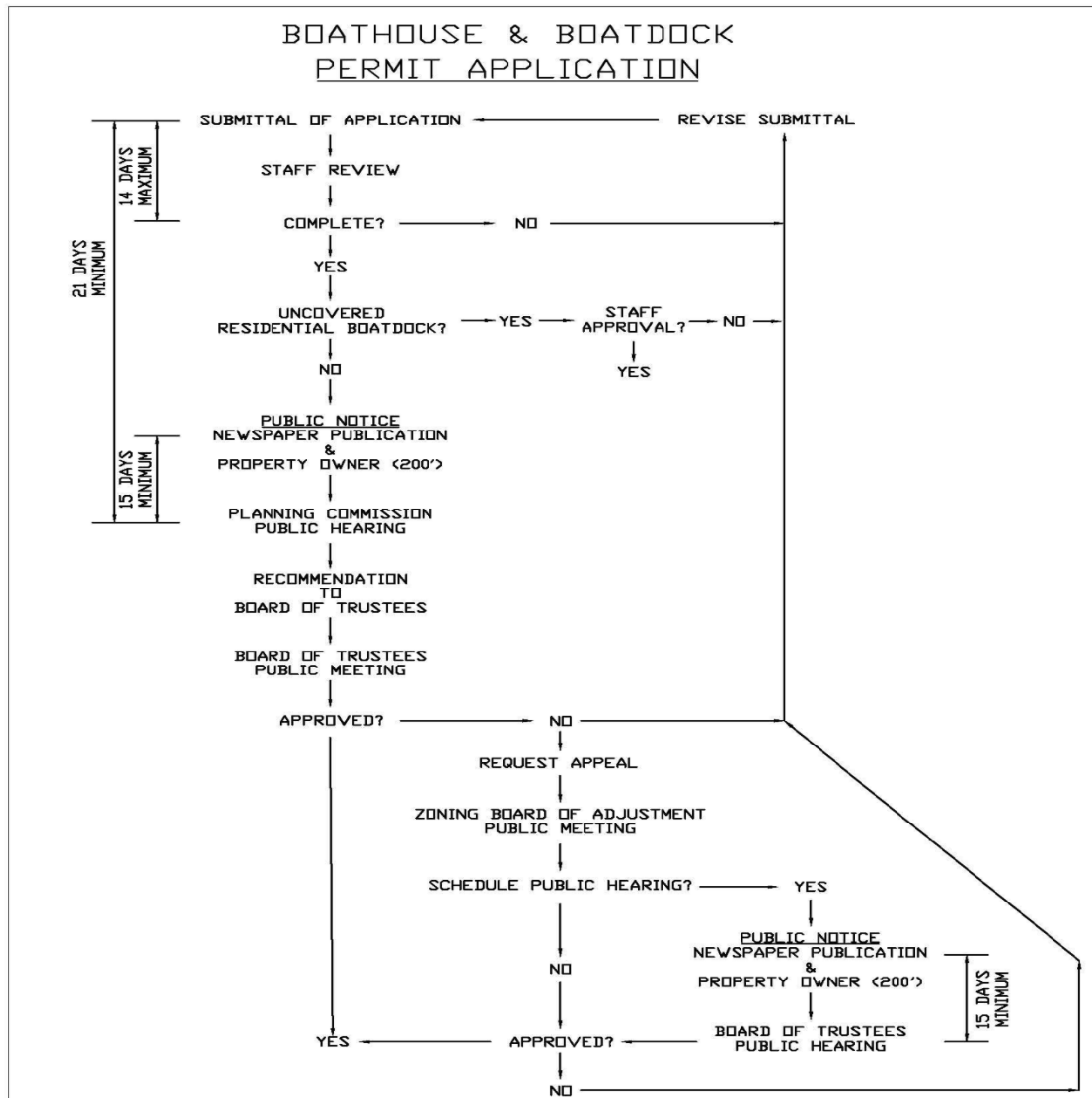
Extension Beyond Shoreline: No structure may extend more than thirty-five feet (35') beyond the natural shoreline, including any uncovered dock or decking that is physically attached to the structure. There may be site-specific cases where boathouses and covered boat docks may be dug into the shoreline, with approval of the applicable agency having jurisdiction, to preserve the natural character of the surrounding area.

Notwithstanding any other provisions contained in this section, property within the Town and which borders Shadow Mountain Lake is subject to the jurisdiction of the United States Government as regards the installation of boathouses, covered and uncovered boat docks into Shadow Mountain Lake.

3. *Commercial Marinas.* In Grand Lake, construction of Commercial Marinas are a unique case and requires a Public Hearing before the issuance of a building permit. To the extent possible, Commercial Marinas shall conform to the Boathouse and Boat Dock Design Standards. The Planning Commission may grant greater height, as well as a greater extension beyond the shoreline, given the commercial considerations.
4. *Submission Requirements.* Complete applications include a site plan and supplemental information. All proposals must adhere to Boathouse and Boat Dock Design Standards, as identified in the previous Section of this Article.
 - (a) *Site Plan.* The minimum site plan data required includes:
 1. Name of property owner and applicant.
 2. Location of property: Legal Description and Street Address.
 3. Lots and blocks numbered consecutively.
 4. Date of preparation, map scale, and north sign.
 5. High water line.
 6. The existing topography of the site shall be shown.
 7. Abutting property lines.
 8. Existing structure(s) — with labels.
 9. Proposed structure(s) — with labels.
 - (i) Dimensions of proposed structure(s) including height.
 - (ii) Setbacks from property lines.
 - (iii) Square footage of decks.
 10. *Supplemental Information.* The following information does not have to be addressed on the site plan but must be included with building permit application. The minimum supplemental information required includes:
 - (i) Description of materials (including color samples) for siding, roof, window trim, decks, docks, railings, etc.
 - (ii) Erosion and sediment control practices. Silt fencing or equivalent is required on any site adjacent to a body of water or on a steep hillside. Erosion control will be required to insure sedimentation does not leave the site. Town officials have the right to require erosion control on any site.

- (iii) Identify existing landscaping that will be disturbed. Identify landscaping material(s) to be placed on the site after construction.
 - (iv) H.O.A. approval, if applicable.
 - (v) U.S. Forest Service approval if the proposed development is located on Shadow Mountain Lake.
 - (vi) Indemnification Agreement.
- 5. *Submission.* One (1) complete building permit application, including a site plan, and supplemental information with the appropriate fee/or deposit, as set by resolution by the Town Board of Trustees, must be received twenty-one (21) days prior to the next regularly-scheduled Planning Commission meeting. Staff will have fourteen (14) days to determine completeness. Upon determination of completeness, the applicant must submit an additional ten (10) copies, a CD of all drawings in PDF format, of supplemental information to Town Staff.
 - (a) The Town of Grand Lake shall not review requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.
- 6. *Review Process.* The public hearing will be held before the Planning Commission, and such factors as size, lake bed disturbance, surrounding property owners' concerns and other relevant factors will be considered. The date of the hearing will be set by Town Staff and notice of said hearing will be placed in the newspaper of public record for the Town at least fifteen (15) days prior to the hearing. The Town shall notify by ~~certified~~ mail all property owners within two hundred (200) feet of the property boundary on which the boathouse or covered boat dock will be placed of the date of the hearing, fifteen (15) days in advance of the hearing. After taking evidence in relation to said boathouse or covered boat dock, the Planning Commission shall recommend approval, approval with conditions or denial of the Building Permit application to the Board of Trustees. The Planning Commission may recommend, based on site-specific conditions, approval of a design that exceeds specified parameters of the Boathouse and Boat Dock Design Standards and of applications for multi-family residences with lake frontage, lakefront properties without a residence, and commercial marinas. No recommendation shall be considered grounds for the recommended approval of subsequent applications. The Board of Trustees shall act on the application at their next regularly scheduled meeting.
- 7. *Appeals.* Appeals to the Board of Trustees decision may be considered by the Zoning Board of Adjustment.
 - (a) Applicants appealing the Board of Trustees denial of the boathouse/covered boat dock building permit application shall file with Town Staff a request for hearing. The form of the appeal shall be in the manner as is prescribed by Town Staff. All appeals shall be accompanied by a non-refundable processing fee set, by resolution, by the Town Board of Trustees. The matter shall be scheduled for the Zoning Board of Adjustment. At that meeting the Board shall determine if the denial is to be sustained or whether a public hearing shall be required. The sustaining of the appeal is a final decision.
 - 1. The Town of Grand Lake shall not review or continue to process requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.
 - (b) If the Board determines a public hearing is appropriate, then at least fifteen (15) days prior to the scheduled date, Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the public hearing. In addition, at least fifteen (15) days prior to the scheduled date, Town Staff shall cause ~~certified~~ letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed indicating the time, date, and location of the public hearing.

8. *Permit Approval.* The applicant shall comply with all conditions, as are imposed by the Board, as a condition of issuance. One such condition, applicable to all boathouse and/or covered boat dock building permit applications, is Army Corps of Engineers approval.



Chapter 12 – Land Use Regulations

ARTICLE 2. ZONING REGULATIONS

12-2-31 Special and Conditional Use Regulations.

(A) *Special Use Permits.*

1. *Special Use General Information.* The Special Use Permit (SUP) review process prescribed herein is intended to assure compatibility and harmony between the proposed special use with both the surrounding properties and the town at large.
 - (a) The Special Use Permit Process shall not be used for the purpose of granting the use of mobile homes for the purpose of temporary living quarters.
 - (b) The Town of Grand Lake shall not review requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.
2. *General SUP.* A permit for the temporary use (six (6) months or less) of private property.
 - (a) For Residential and Resort-Zoned parcels and neighborhoods, the permit shall be utilized for the approval of proposed uses not listed as a Use-by-Right or a Conditional Use.
 - (b) For Commercial/Mixed Use, the permit shall be utilized for the approval of proposed accessory uses, not incidental to the primary use of the property, or when there are two (2) or more businesses present, with at least one (1) business that is proposed to be located in a non-fixed structure, or a temporary facility; or when the total square footage of the unit/structure does not meet the minimum floor area for the zoning district where it is located.
 - (c) The permit may be utilized for the approval of uses proposed on Public and Open Space-Zoned lands not owned by the Town of Grand Lake.
 - (d) Application and Required Information for a General SUP:
 1. Applications must be submitted at least ninety (90) days prior to the date(s) of the proposed use.
 - (i) Any significant changes to the application must be made at least thirty (30) days prior to the proposed use unless caused by an emergency, as determined by Town Staff.
 - (e) The SUP Application, supporting documentation, and a CD of all supporting documentation in PDF format, shall be submitted to Town Staff in accordance with the above listed schedule. Town staff will have fourteen (14) days to determine whether or not the application is complete. Once determined complete, the request will be placed on the next regularly-scheduled Planning Commission meeting. The application shall be supported by documents, maps, plans and other material containing the following information, if applicable:
 1. Name and permanent address of applicant.
 2. Name and address of property owner and the legal description, street address and other identifying data concerning the proposed Special Use site.
 3. Authorization by the property owner for the proposed use.
 4. A description of the precise nature of the Special Use and a site plan showing its operating characteristics, including but not limited to: dimensions and locations of specific activities, off-street parking, ingress and egress points, traffic circulation, utilities and drainage

features, and measures proposed to make the use compatible with other properties in the vicinity.

5. Copy of a current and valid:

- (i) Colorado Sales Tax License,
- (ii) Grand Lake Sales Tax License,
- (iii) Grand Lake Business License.

6. Any other information deemed by Town Staff to be reasonably necessary to carry out the provisions and the fair administration of this Article.

7. An affidavit signed by the applicant stating that the information contained on the application is true and correct to the applicant's knowledge and further stating that knowing submission of false information shall be cause for the SUP to be immediately revoked without notice or hearing.

(f) Commission Processing and Review Criteria for a General SUP:

1. The Planning Commission shall review the SUP application in a Public Hearing to receive testimony and comment of interested citizens, businesses, and adjoining property owners prior to making a recommendation to the Town Board of Trustees.

- (i) At least fifteen (15) days prior to the scheduled Public Hearing date, Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the SUP Public Hearing, and Town Staff shall cause **certified** letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the SUP indicating the time, date, and location of the SUP Public Hearing.

2. In making determination of a recommendation of approval or denial of the SUP application, the Commission shall consider the following factors:

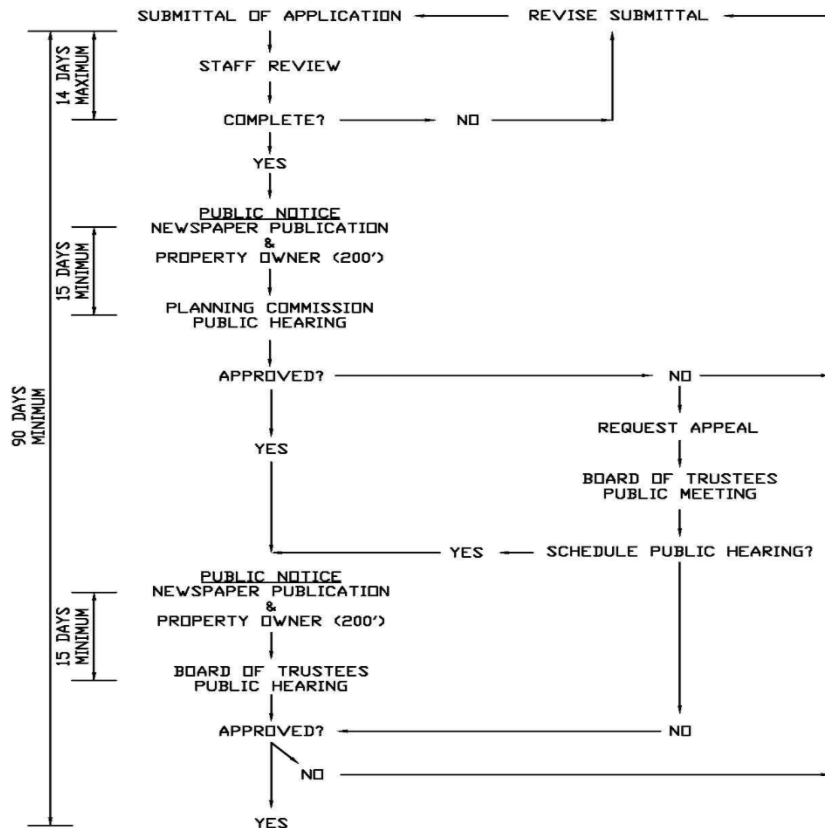
- (i) Relationship of the proposed Special Use to the economic development objectives of the Town and the anticipated impact of the SUP on existing businesses.
- (ii) Effect upon traffic, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability, and (if applicable) snow removal from the streets and parking areas.
- (iii) Effect upon the character of the area in which the proposed Special Use is to be located, including the scale and bulk of the proposed Special Use in relation to surrounding uses and neighborhood.
- (iv) Such other factors and criteria as the Commission deems applicable to the proposed Special Use including but not limited to: proposed length of use; specific businesses, land owners or other interested parties to be notified; or proposed conditions of SUP issuance.

3. At the Public Hearing, after receiving comment and testimony, the Commission shall make a recommendation to the Board of Trustees in the form of a Resolution. Nothing in this Section shall preclude the Commission from tabling or continuing the Public Hearing to another time and place. If the Resolution is to approve the request, it shall contain the following findings:

- (i) That the proposed location of the use is in accord with the purposes of this Chapter and the purposes of the district in which the SUP site is located.
 - (ii) That the proposed location of the Special Use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor will the proposed use be materially injurious to nearby land uses, properties, or improvements.
 - (iii) That the proposed use will comply with all of the applicable provisions of the Code of Ordinances.
 - (iv) That the applicant shall comply with such terms and conditions as the Commission determines are necessary to carry out the letter and intent of the Special Use Permit process.
 - (v) That the SUP shall be valid for a specific duration of time, citing specific dates.
 - 1. In the case of reoccurring applications, the Planning Commission may make recommendation to the Town Board of Trustees for the Board's approval of an annually-reoccurring Special Use Permit not to exceed three (3) years.
4. The applicant may appeal the Commission's decision to deny the SUP request to the Board of Trustees, in accordance with the procedure outlined in part Section 12-2-31(A)2(g)1.
- (g) Board of Trustees Processing and Review Criteria for a General SUP:
- 1. Appeal of Commission Denial:
 - (i) Applicants appealing the Commission denial of the SUP application shall file with Town Staff a request for hearing. The form of the appeal shall be in the manner as is prescribed by Town Staff. All appeals shall be accompanied by a non-refundable processing fee, set by resolution by the Town Board of Trustees. The matter shall be scheduled for the next regular Board meeting. At that meeting the Board shall determine if the denial is to be sustained or whether a Public Hearing shall be required. The sustaining of the denial is a final decision.
 - (ii) If the Board determines a Public Hearing is appropriate, then at least fifteen (15) days prior to the scheduled date, Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the SUP Public Hearing, and ~~certified~~ letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the SUP indicating the time, date, and location of the SUP Public Hearing.
 - 2. Recommendation of Commission Approval or Conditional Approval:
 - (i) Upon adoption and transmittal of the Commission's Resolution, Town Staff shall set a date for a Public Hearing on the application before the Board of Trustees. At least fifteen (15) days prior to the scheduled date, Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the SUP Public Hearing and ~~certified~~ letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the SUP indicating the time, date, and location of the SUP Public Hearing.

- (ii) Final action on the Special Use Permit is to be taken by the Board of Trustees at the Public Hearing; except that the Board may continue the Public Hearing to another time before taking final action.
- (h) Permit Issuance of Approval or Conditional Approval.
 - 1. A Special Use Permit shall not grant variances. Variances shall be granted in accordance with the procedures prescribed in the Municipal Code.
 - 2. The SUP shall be valid for a maximum period of six (6) months unless a different time period is authorized by the Board.
 - (i) Approved annually-reoccurring permits shall be deemed to be invalid if any provisions of the approval have changed from previous years.
 - 3. The SUP applicant shall also be subject to all other procedures, permits and requirements of this and other applicable Ordinances, regulations and agreements of the Town. In the event of any conflict between the provisions of a Special Use Permit and any other permit, requirement, or agreement, the more restrictive provision shall prevail.
 - 4. Authorization of a change or waiver in any condition previously imposed in the authorization of a special use shall be subject to the same procedures as a new special use.
 - 5. The SUP applicant shall comply with all such other conditions as are imposed by the Board as a condition of issuance.
 - 6. Failure to adhere to the General Conditions shall be cause for Town Staff to either suspend or revoke the SUP without notice or hearing.

SPECIAL USE PERMIT – (SUP) LAND USE APPLICATION



(B) Conditional Use Permits (CUP).

1. Types of Conditional Use Permits.

(a) *General Conditional Use Permits (CUPs).* Permitted uses allowed in a district, in addition to the uses by right, where so authorized, are designated by individual zoning districts. Please refer to Sections 12-2-81 through 12-2-25 for individual zone listing.

(b) *Nightly Rental Conditional Use Permits.*

2. *General CUP General Information.* Conditional Uses are those uses allowed in a district, in addition to the uses by right, where so authorized, when and if a Conditional Use Permit (CUP) is granted, in accordance with special procedures and requirements. The CUP review process herein is intended to assure compatibility and harmony between the proposed conditional use with both the surrounding properties and the town at large.

(a) The Town of Grand Lake shall not review requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.

3. *Processing and Review Criteria.* Unless identified in Section 12-2-31(B)4 Nightly Rental Conditional Use Permits, requests for Conditional Use Permits will be processed and reviewed according to the following criteria:
- (a) Procedure Before the Planning Commission. The applicant may propose a Conditional Use Permit request by submitting, to Town Staff, written material outlining the proposed use.
- Included in this narrative should include (but not be limited to: operational hours and functions, management responsibilities, assessed neighborhood compatibility and impact). Written material must be accompanied by supporting documentation, including (if applicable) but not limited to:
1. A site plan depicting the layout of the structure with the proposed use, ingress and egress point, parking and vehicular ingress and egress points, snow storage, trash receptacles, and any other item that may be pertinent to the site plan of the property and proposed use.
 2. *Landowner or Homeowners Association approval.*
- (i) Application and supporting materials, including a CD of all drawings in PDF format, must be submitted at least twenty-one (21) days prior to the next regular Planning Commission meeting. Within fourteen (14) days, staff will determine if the submitted application, and supplemental materials, are complete and schedule the Conditional Use Permit request for the next Planning Commission. The Planning Commission shall either:
1. Formulate a recommendation concerning the Conditional Use including such terms and conditions as it may deem necessary and appropriate. The recommendation shall be placed on the next agenda of the Board of Trustees, or
 2. Schedule a Public Hearing for a later date but no sooner than twenty-eight (28) days from receipt of the application. At least fifteen (15) days prior to the scheduled date, Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the CUP Public Hearing and ~~certified~~ letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the SUP indicating the time, date, and location of the CUP Public Hearing.
3. After taking evidence in relation to said Condition Use application, the Planning Commission shall formulate a recommendation, including such terms and conditions as it may deem necessary and appropriate. The recommendation shall be placed on the next agenda of the Board of Trustees.
- (i) The Planning Commission shall take the following factors into consideration prior to making recommendation to the Town Board of Trustees:
- (ii) Relationship of the proposed Conditional Use to the economic development objectives of the Town and the anticipated impact of the Conditional Use on existing businesses and neighborhood residences.
- (iii) Effect upon the character of the area in which the proposed Conditional Use is to be located, including the scale and bulk of the proposed Conditional Use in relation to surrounding uses and neighborhood.
- (iv) Such other factors and criteria as the Commission deems applicable to the proposed Conditional Use including but not limited to: hours of operation; signage; specific

businesses, land owners or other interested parties to be notified; or proposed conditions of CUP issuance.

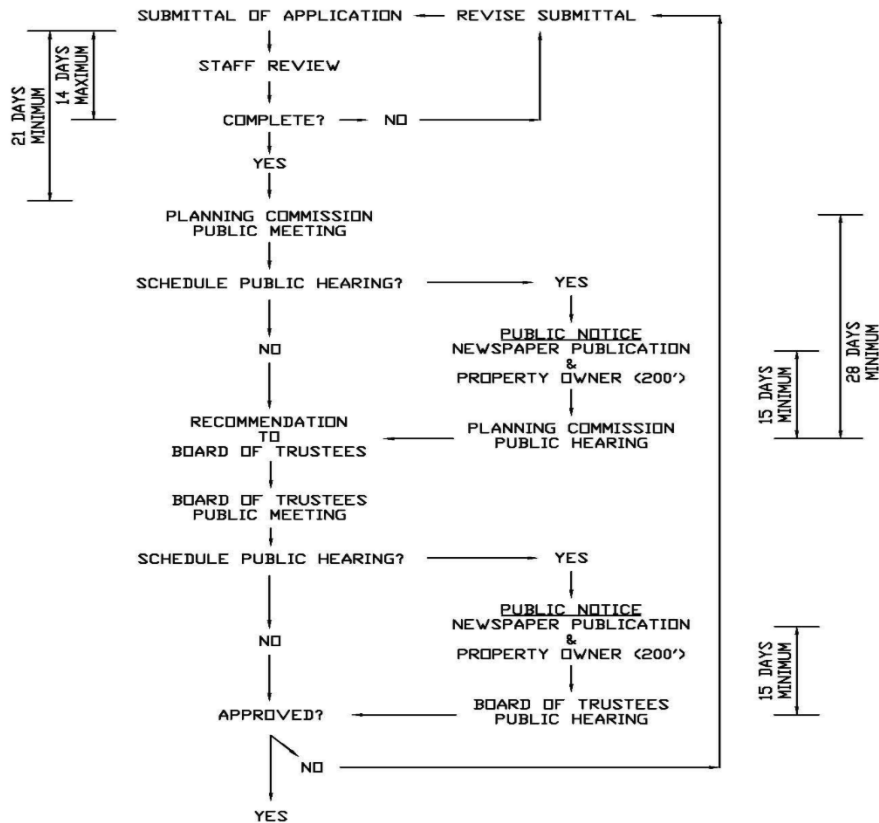
(b) *Procedure before the Board of Trustees.*

1. The Board of Trustees shall vote to approve, modify or disapprove the recommendation of the Planning Commission by Resolution. The Board of Trustees may also request a Public Hearing. Should the Board of Trustees choose so, at least fifteen (15) days prior to the scheduled date, Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the CUP Public Hearing and **certified** letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the SUP indicating the time, date, and location of the CUP Public Hearing.
2. In the Public Hearing, the Town Board of Trustees may move to approve, modify or disapprove the recommendation of the Planning Commission by Resolution.

(c) *Submittal of New Materials.*

1. The applicant may not alter an application or submit additional materials to the Town Board of Trustees for review. Submittal of new materials shall constitute a new application and shall be reviewed by the Planning Commission prior to going before the Town Board of Trustees.

CONDITIONAL USE PERMIT – (CUP) LAND USE APPLICATION



4. *Nightly Rental Conditional Use Permits.* Nightly Rental Conditional Use Permits depend on the zoning district which the proposed rental is located. In addition to other Town requirements, no person shall rent or advertise to rent a Single Family structure, dwelling, dwelling unit, or lock-off unit for nightly rental purposes, except in accordance with the provisions of this Article. Nightly Rental CUP applications and renewals will be exempt from the Conditional Use Permitting deposit but may be assessed other fees, as defined within the provisions of this Article.

(a) *Nightly Rental Conditional Use Permits by Zone.*

1. The following shall apply only to the following districts: Open, Residential Estate, Single Family Residential High Density, Single Family Residential Medium Density, Single Family Residential Low Density, Multiple Family Residential Medium Density, and Multiple Family Residential High Density.

(i) *Town Action.*

1. If Town Staff determines that the application satisfies the requirements of Section 12-2-31(B)4., Town Staff shall issue the Nightly Rental License administratively.

2. Once approved, the Town shall notify the county in writing that the subject property's use now includes nightly rentals
3. Once approved, the Town will send notice to all adjoining property owners or all owners within one hundred (100) feet, whichever threshold is greater, with the name and 24-hour contact number(s) of the person in charge of the management of the subject property.

(ii) *Renewal.*

1. If zero complaints have been filed in the previous twelve (12) months, and the applicant is current on all taxes, fees and other charges owed the Town, the applicant must only repurchase their Nightly Rental License. For purposes of Section 12-2-31(B)4, a complaint must be either an official police citation or a letter signed by the complaining party.
2. If one (1) or more complaints have been filed in the previous twelve (12) months, the applicant must pay the appropriate application fee, as set by Resolution by the Town Board of Trustee and Nightly Rental License fee. The Town shall provide notice to all adjoining property owners or all owners within one hundred (100) feet, whichever includes the largest number of properties, and the application shall be treated as a conditional use as outlined Section 12-2-31(B)4.

2. The following shall apply only to the following districts: COMMERCIAL TRANSITIONAL, COMMERCIAL, and RESORT DISTRICTS.

(i) *Town Action.*

1. If Town Staff determines that the application satisfies the requirements of Section 12-2-31(B)4, the Nightly Rental License will be issued.
2. Once approved, the Town shall notify the county in writing that the subject property's use now includes nightly rentals. Should the county elect to assess the property at a commercial rate, the owner has the option of purchasing a business license in lieu of the Nightly Rental License.
3. Once approved, the Town will send notice to all adjoining property owners or all owners within one hundred (100) feet, whichever threshold is greater, with the name and 24-hour contact number(s) of the person in charge of the management of the subject property.

(ii) *Renewal.*

1. If the applicant is current on all taxes, fees and other charges owed the Town, the applicant must only repurchase their Nightly Rental License.

3. The following shall apply only to the following districts: PD and PUD.

- (i) Planned Developments/Planned Unit Developments—Are considered one (1) in the same; PD's that have no underlying zoning or are zoned PD or PUD shall be governed under Section 12-2-31(B)4(a)1.

- (b) *Nightly Rental Conditional Use Permit Regulations.* Nightly rentals of such units shall only be authorized if all of the following conditions are met:

1. Applicant must provide two (2) copies of a site plan that displays conformance with the following criteria, the appropriate application fee for all units listed in Section 12-2-

31(B)4(a)1, and the appropriate Nightly Rental License fee. No person shall rent or advertise for rent their structure, dwelling or dwelling unit unless a Nightly Rental License has been granted by Town Staff. A nightly Rental License must be obtained for each structure, dwelling, or dwelling unit. If an application is subsequently denied, the applicant shall be refunded the Nightly Rental License fee.

2. All fees, dues, debts to the Town of Grand Lake, and taxes must be current before a license will be issued.
3. The fee for a Nightly Rental License is set by Resolution and shall be based upon occupancy categories. All Nightly Rentals shall be issued for twelve (12) months, from the date that the application is approved. The Nightly Rental License for a unit is transferable to a new owner of that unit upon completion of a complete and approved application.
4. No person shall be granted a Nightly Rental License unless a state sales tax number has been received to provide for the collection of state, local sales and lodging taxes. If the structure, dwelling, or dwelling unit is operated by a third party as defined in Section 12-2-31(B)4(b)5, the third party may use a pre-existing sales tax number for purposes of this paragraph.
5. At the time an application for a license is submitted, the licensee shall provide to Town Staff the name, address and telephone number of any current management company, rental agency or other person employed or engaged by the licensee to manage, rent or supervise the nightly rental. It shall be the duty of the licensee to update such information throughout the term of the license so that Town Staff always has the correct and current information.
6. At the time of the application of the license the licensee shall provide to Town Staff the name, address and telephone number of a local contact person who is authorized by the licensee to receive communications from the Town concerning the nightly rental. The local contact person may be a management company, rental agent or other person employed or engaged by the licensee to manage, rent or supervise the nightly rental. The local contact person shall maintain a residence or permanent place of business within forty-five (45) minutes driving distance to the Town and must be available twenty-four (24) hours per day, seven (7) days per week, during periods in which the structure is being rented. The designated local contact person may be changed by the licensee from time to time throughout the term of the license. To effect such change, the licensee shall notify Town Staff of the change in writing in advance of the change and shall, at the same time, provide Town Staff with the name, address, and telephone number of the licensee's replacement contact person. Any replacement contact person shall meet the requirements of this subparagraph. Contact information for the local contact person shall be posted in a conspicuous location inside of the nightly rental unit.
7. *Site Plan Criteria.*
 - (i) Adequate parking shall be shown on the site plan, as outlined in Section 12-228. Parking requirements for nightly rentals shall be calculated from Group II. The motor vehicles of all occupants of the nightly rentals shall be parked only on the site of the nightly rental, or in a Town-designated parking area located off of the site of the nightly rental. No motor vehicles shall be parked on the lawn or landscaped areas of a nightly rental, or in the public street or right-of-way adjacent to the nightly rental. No person shall be permitted to stay overnight in any motor vehicle which is parked at a nightly rental. All advertisements for the nightly rental unit shall specify the number of parking spaces available on the property in the description of the unit.

- (ii) There is a clearly-defined trash storage area and an adequate number of trash containers provided and the trash company hired for regular pick-up must be identified. The owner or property manager may use the Pay As You Throw (PAYT) trash program in lieu of hiring a trash company for regular pick-up. All trash containers, regardless of size, that receive trash that is attractive to bears or other wildlife shall be either: (1) an approved wildlife-resistant refuse container; or (2) a refuse container that is stored within a building, house, garage or approved wildlife-resistant enclosure, both which shall be secured with a locking mechanism at all times except when empty or when refuse is being deposited.
- (iii) The Single Family Dwelling Unit to be used as a nightly rental shall provide on-site snow storage that is equivalent to one-third ($\frac{1}{3}$) of the designated parking area and shall be in addition to and not part of the required parking area.
- (iv) The location of the Single Family Dwelling unit, Accessory Dwelling Unit, and all other buildings must be depicted and labeled accordingly. The scale, building materials and colors of the building shall be consistent with the neighborhood and shall not be used to draw attention to the structure.
- (v) The applicant shall obtain HOA sign-off if the property resides within an HOA.

8. *Additional Criteria.*

- (i) While occupying or visiting a nightly rental, no person shall make, cause or permit unreasonable noise to be emitted from the nightly rental that is in violation of Section 7-1-15, Disturbing the Peace or Section 7-1-16, Unnecessary Noise. The text of sections 7-1-15 and 7-1-16 of the Grand Lake Municipal Code shall be posted in a conspicuous location inside the nightly rental unit.
- (ii) At no time shall a nightly rental qualify for a sign permit. If more than one (1) property is accessed by a shared driveway, written permission to access the drive must be obtained from each affected property owner.
- (iii) Nightly Rental units must pass annual fire and life safety inspections. Such fire and life safety inspections shall include, but not be limited to: determining that each nightly rental unit has sufficient numbers of adequately maintained smoke, carbon monoxide, and other required detectors; that each nightly rental unit has sufficient numbers of adequately maintained and rated fire extinguishers; that each nightly rental unit has sufficient and adequately maintained means of egress; and, such inspection shall determine the allowable occupancies for each nightly rental unit.
 - (a) The standards for sufficiency, adequacy, and occupancy as referenced in this requirement shall be determined using the applicable criteria from the most recently adopted versions of the Primary Codes as defined in Grand Lake Town Code Chapter 9: Building Regulations.
 - (b) All nightly rental units shall complete a fire and life safety inspection within twelve (12) months of applying for the initial nightly rental license. No renewal of a nightly rental license shall be issued unless the nightly rental unit has passed the fire and life safety inspection within the previous twelve (12) months.
 - (c) The cost of the fire and life safety inspection shall be set by the agency conducting such inspections.

- (iv) All advertisements for the nightly rental unit must list the allowable occupancy of the unit in the description of the unit. Any person advertising a nightly rental unit at a higher occupancy than that identified in the most recent fire and life safety inspection or knowingly renting at a higher occupancy than that identified in the most recent fire and life safety inspection shall be in violation of this Section 12-2-31(B)4.
- (v) Compliance with the conditions set forth in Section 12-2-31(B)4(b) shall be the non-delegable responsibility of the owner of the nightly rental; and each owner of a nightly rental shall be strictly liable for complying with the conditions set forth in this Section or imposed by the Board of Trustees.
- (vi) Licensee to Receive Conditions. At the time of the issuance of a license, Town Staff shall provide the licensee with a copy of the special conditions set forth in Section 12-2-31(B)4(b) or imposed by the Board of Trustees.
- (vii) Licensee to Post License and Conditions. The licensee shall post a copy of the license and the conditions set forth in Section 12-2-31(B)4.(b) or imposed by the Board of Trustees in a conspicuous location in the nightly rental. The license and the conditions shall remain continuously posted in the nightly rental throughout the term of the license. All advertisements for the nightly rental unit shall include the Grand Lake nightly rental license number in the description of the unit.
- (viii) Licensee to Provide Management Company with Conditions. The licensee shall provide any management company, rental agency or other person employed or engaged by the licensee to manage, rent or supervise the nightly rental with a copy of the conditions set forth in Section 12-2-31(B)4(b) or imposed by the Board of Trustees.

(c) *Nightly Rental Conditional Use Permit Penalties.*

1. Any person found to be advertising a Nightly Rental without a license to rent that property will be notified by ~~certified~~-mail to cease and desist all advertisements. Upon receipt of that notice, the offending party shall have ten (10) days to remove the offending advertisement. After this grace period has ended, or upon a second or further violation, the offending party shall be determined to be in violation of this Ordinance and shall be ticketed for each offense.
2. A violation of any part of Section 12-2-31(B)4. is punishable by a fine not to exceed one thousand five hundred dollars (\$1,500.00) for each occurrence. Each day such violation persists or continues shall constitute a separate and distinct offense.
3. If over the annual term of the nightly rental license a licensee commits three (3) or more violations of Section 12-2-31(B)4., it shall result in a six-month suspension of the nightly rental permit. If over the annual term of the nightly rental license a licensee commits five (5) or more violations of Section 12-2-31(B)4., it shall result in the permanent revocation of the nightly rental permit
4. The Town may also seek an injunction in addition to all other remedies and penalties provided for by local ordinance or available law.
5. All these remedies shall be in addition to all other remedies and penalties provided for by local ordinance or available at law.

(Ord. No. 01-2020, §§ 1, 2, 1-27-2020; Ord. No. 07-2020, § 1, 6-8-2020; Ord. No. 16-2022, § 1(Att.), 12-12-2022)

Chapter 12 – Land Use Regulations

ARTICLE 5. FLOOD DAMAGE PREVENTION

12-5-2 **Definitions.**Reserved.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

100-year floodplain. The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-year flood. A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years.

500-year floodplain. The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Addition. Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Alluvial fan flooding. A flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Area of shallow flooding. A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood elevation (BFE). The elevation shown on a FEMA Flood Insurance Rate Map for Zones A, AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.

Basement. Any area of the building having its floor sub-grade (below ground level) on all sides.

Channel. The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization. The artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations (CFR). The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into fifty (50) titles that represent broad areas subject to Federal regulation.

Community. Any political subdivision in the State of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

Conditional Letter of Map Revision (CLOMR). FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical facility. A structure or related infrastructure, but not the land on which it is situated, as specified in article 5, section h, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Article 5, Section H.

Development. Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM database. Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM). FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated building. A non-basement building:

1. Built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and
2. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of (National Flood Insurance Program 60.3(e)(5)).

Existing construction. For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Register. The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA, Federal Emergency Management Agency. The agency responsible for administering the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. Overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Insurance Rate Map (FIRM). An official map of a community, 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 (FIS). The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary Floodway Map.

Floodplain or flood-prone area. Any land area susceptible to being inundated as the result of a flood; including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator. The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Development Permit. A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood control structure. A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Flood proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard. The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior or;
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR). FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision based on fill (LOMR-F). FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor. 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 non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home. A structure transportable in one (1) 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. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Material Safety Data Sheet (MSDS). A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP). FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New-manufactured-home-park-or-subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

No-rise certification. A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical map revision (PMR). FEMA's action whereby one (1) or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Recreational vehicle. A vehicle which is:

1. — Built on a single chassis;
2. — Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. — Designed to be self-propelled or permanently towable by a light duty truck; and
4. — Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area. The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year, i.e., the one-hundred-year floodplain.

Start of construction. (For other than new construction or substantial improvements under the Coastal Barrier Resources Act, Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either 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 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of

construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. — Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. — Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Threshold planning quantity (TPQ). A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Variance is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see National Flood Insurance Program 60.6).

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 12-5-5 is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Chapter 12 – Land Use Regulations

ARTICLE 6. LAND SUBDIVISION

12-6-5 Definitions Reserved.

For the Purposes of this Article the following terms shall have meaning as cited below:

Access — That location on a public road where a driveway or private road connects and is accessible for routine ingress and egress traffic circulation.

Alley — A minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Apartment House shall mean any single structure containing two (2) or more individual dwelling units occupied on a rental basis.

Board — The Town Board of Adjustment of the Town of Grand Lake, Colorado.

Comprehensive Plan — The Comprehensive Plan as adopted for Grand Lake, Colorado, and which includes any unit or part of such Plan separately adopted and any Amendment to such Plan or parts thereof.

Condominium — A type of ownership which consists of a separate fee simple estate in an individual airspace unit of a multi-unit property together with an undivided fee simple interest in common elements. Use types include residential, commercial and industrial.

- a. **Individual Airspace** — Any enclosed room or rooms occupying all or part of a floor or floors in a building of one (1) or more floors to be used for residential, professional, commercial or industrial purposes.
- b. **Common Element** — Unless otherwise provided in the declaration or by written consent of all the condominium owners, means the land or the interest therein on which a building or buildings are located; the foundations, columns, girders, beams, supports, main walls, roof, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances and exits of such building or buildings; the basements, yards, gardens, parking area and storage spaces; the premises for lodging of custodians or persons in charge of the property; installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, central air conditioning, and incinerating; the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use; such community and commercial facilities as may be provided for in the declaration; and all other parts of the property necessary or convenient to its existence, maintenance, safety, or normally in common use. "Limited Common Elements" are those to be reserved for the use of a certain number of condominium units such as special corridors, stairways, and elevators, sanitary services common to the units of a particular floor, and the like.
- c. **Condominium Unit** — An individual, three-dimensional area or airspace unit of any type together with the interest in the common elements appurtenant to such unit and identified as such in the declarations and on the condominium plat and shall include all improvements contained within the area except those excluded in the declarations.
- d. **Declaration** — An instrument which defines the character, duration, rights, obligations and limitations of condominium ownership.
- e. **Time Share or Interval Ownership Unit** — Condominium or townhouse units that have been further subdivided into a stated number of additional interests in the unit, defined by the period of time during which the owner of the share may occupy it. Shares may be of two (2) types: First, "fee time shares" or "interval estates" wherein diverse owners each own a present estate for years terminating on a date

certain coupled with a future remainder interest in the unit as a tenant in common with the other diverse owners; second, "time-span estates" operating on a tenancy in common principle coupled with an exclusive right to use and occupy the unit during a fixed annual recurring period of time.

f. — **Condominium Conversion** — The development or use of the land and existing structures as a condominium project regardless of the present or prior use of such lands and structures, and regardless of whether substantial improvements have been made to such structures.

g. — **Condominium Hotel/Motel and Condominium Room** — A hotel, motel, boarding house or similar structure that is built or converted into individual airspace units that are fee simple or time share interests. A Condominium Room is an airspace unit without a kitchen and which or may not have a separate bathroom within the unit.

Crosswalk or walkway — A right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block.

Dedication — An appropriation of land to some public use, made by the owner and accepted for such use by or on behalf of the public, and by which the owner reserves to himself no other right than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Disposition means a Contract of Sale resulting in the transfer of equitable title to an interest in subdivided land; an Option to purchase an interest in subdivided land; a Lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one (1) of the foregoing.

Disturbed Area — That area of land to be disturbed or altered in any manner, whether temporarily or permanently, as a result of the subdivision of land and the construction of buildings and improvements thereon. This includes, but is not limited to, temporary and permanent roads, streets and trails, disturbance or removal of vegetation, excavation, and the storage of fill materials.

Drainage and Erosion Control Structures — "Drainage and erosion control structures" are defined as all facilities necessary to control the direction, depth, velocity and volume of water flow within a proposed subdivision, and to mitigate the erosion and related water quality impacts resulting from development. Such facilities are included within the meaning of the term "public improvements," as that term is defined in these Regulations.

Dwelling Unit — Any structure or part thereof, designed to be occupied as the living quarters of a single family or housekeeping unit — complete with a kitchen and bathroom that is not used in common by occupants of other dwelling units. A Dwelling Room is any structure or part thereof designed to be occupied but which does not have a kitchen and may or may not have a separate bathroom.

Easement — A right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

Evidence means any map, table, chart, contract or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider.

Family — An individual or two (2) or more persons related by blood or marriage, or a group of unrelated people not exceeding five (5) persons living together as a single housekeeping unit in a dwelling unit.

Hotel and Motel Unit — Any unit intended for rental on a less than monthly basis. Each unit shall have a minimum two hundred seventy-five (275) square feet and shall contain a bathroom within the unit.

Impervious Cover — Material placed over the surface of the ground, such as pavement, sidewalks, roofs, driveways, which reduced below natural amounts the infiltration of precipitation into the ground.

Improvements — By improvements is meant street grading, street surfacing and paving, curb and gutters, street lights, street signs, sidewalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm

drainage facilities, culverts, bridges, public utilities, or other such installations as designated by the Town Board of Trustees of the Town of Grand Lake or its specified approving authority.

Improvements Agreement Guarantee — Any security which may be accepted by the Town of Grand Lake in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

Land Use Application — Shall include but not be limited to petitions for annexations, subdivision applications, planned development applications, rezoning application, or any other development or land use applications or requests.

Lot — A Lot is a portion of a subdivision intended as a unit for transfer of property ownership or for development.

Lot, Depth of — The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage — A Lot having a frontage on two (2) non-intersecting streets.

Lot or Property Pin — A Lot or Property Pin is a marker establishing by certified land survey and set by a registered land surveyor registered in the State of Colorado to establish accurate location of property lines.

Lot, Reverse Frontage — A Reverse Frontage Lot is one which extends continuously between two (2) parallel (or approximately parallel) streets bounding a block and is abutted along one street frontage by an easement for screen planting. A block containing reverse frontage lots is composed of one (1) tier of lots rather than the standard two (2) tiers.

Lot, Width of — The width of a Lot is the average distance between side lot lines. Side Lot Lines are those which are neither front nor rear lot lines.

Lot Consolidation — The combination of two (2) or more contiguous legal lots under the same ownership into fewer lots.

Lot Line Adjustment — The relocation of one (1) or more boundary lines between contiguous legal lots under the same or separate ownership that does not result in any additional lots.

Master Plan — A plan for guiding and controlling the physical development of land use and circulation in the Town of Grand Lake and any amendment or extension of such a plan.

Mayor — The Mayor, or Mayor Pro Tempore of the Town of Grand Lake, Colorado.

Mobile Home — Manufactured housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreation vehicle.

Multi-Family Dwelling — A building providing separate dwelling units for two (2) or more families.

Municipality — An incorporated city or town.

Official Map — The Official Map as adopted by the Town of Grand Lake.

Off-Street Parking Space — Parking requirements are contained in the Zoning Regulations of the Town of Grand Lake.

Open Space (Private) — Undisturbed, revegetated or improved land dedicated to the common use of all residents of a subdivision, condominium, townhouse, or mixed-use development which is intended to provide visual openness and recreational use for that development. Open space, once created, can only be otherwise utilized by the concurrence of the owners, according to provisions in ownership declaration documents, which said open space was created to benefit. Changes in the open space utilization must be approved by the Planning Commission and Board of Trustees of the Town of Grand Lake. Permitted and Non-Permitted Uses for Private Open Space land will be compliant with uses for Public Open Space land. Uses permitted and not permitted in the Open Space Calculation can be found in Article 2: Zoning Regulations for the Town of Grand Lake.

Open Space (Public) — Undisturbed, revegetated or improved land dedicated to the common use of the public to provide visual openness and recreational use. Changes in the open space utilization must be approved by the Planning Commission and Board of Trustees of the Town of Grand Lake.

Parcel of Land — A parcel of land is a contiguous quantity of land held under separate ownership.

Parking Area — A parking space plus that contiguous driving surface adjacent to each parking space necessary to provide ingress and egress to the parking space.

Permanent Monument — A permanent metal pin placed in the ground for surveying reference. Such monument shall be a steel pin no smaller than five-eighths ($\frac{5}{8}$) inch in diameter and two feet (2') in length and shall be driven at least eighteen (18) inches into the ground, with a permanent cap or tag attached to the top and stamped "RM."

Plan Preliminary — The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this Code, to permit the evaluation of the proposal prior to detailed engineering and design.

Plan Sketch — The sketch map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of these Regulations, to evaluate feasibility and design characteristics at an early stage in the planning of a subdivision.

Planned Development — Deleted from Article 6 by Ordinance #2-1984. Put in Article 2 of Chapter 12 under Section 12-2-25.

Planning Commission — The Planning Commission of the Town of Grand Lake, Colorado.

Plat Final — A "Final Plat" as used in these Regulations means a map or maps of certain described land prepared in accordance with the Town of Grand Lake Subdivision Regulations and which is to be used as an instrument for the recording of real estate interests. Such Final Plat shall be recorded by Town Staff upon approval by the Town of Grand Lake Board of Trustees.

Regulations — Any of the provisions of this Article referred to herein or any other applicable Sections of this Code.

Re-Subdivision — The changing of any existing Lot or Lots of any Subdivision Plat previously recorded by Town Staff.

Roadway — The portion of the street right-of-way designed for vehicular traffic.

Street — Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way for the movement of vehicular traffic which is an existing State, County, or Municipal roadway, or a Street or way shown upon a Plat, heretofore approved, pursuant to law or approved by official action, and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. For the purpose of this Article, streets shall be classified as defined in subsection (1) through (8):

(A) — **Major Highway** — A major regional highway including an expressway, freeway or interstate highway designed to carry vehicular traffic:

1. — Into, out of, or through the regional area (inter-regional) or;
2. — From one political subdivision of the region to another or from an interregional highway (intro-regional).

(B) — **Major or Arterial Street** — A street or road designed to carry vehicular traffic from one part of a town to another part.

(C) — **Collector Street** — A street or road designed to carry vehicular traffic from one (1) or more residential or non-residential areas to and from a Major Street or Major Highway.

(D) *Local Street* — A street or road designed to carry vehicular traffic from one (1) or more individual residential or non-residential units to or from a collector street.

(E) *Cul-de-Sac* — A short dead-end street terminating in a vehicular turn-around area.

(F) *Half Street* — A street parallel and contiguous to a property line and of lesser right-of-way width than is required for minor or major streets.

(G) *Service Road* — A street or road paralleling or abutting major streets to provide access to adjacent property so that each adjacent Lot will not have direct access to the Major Street.

(H) *Stub Street* — A street or road extending to a subdivision boundary and terminating thereat with no permanent vehicular turn-around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

Street Right-of-Way — That portion of land dedicated to public use for street and utility purposes.

Subdivider or Developer — Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision. A subdivider shall provide proof of registration in accordance with the laws of the State of Colorado.

Subdivision. "Subdivision" means the division of property into two (2) or more parcels, separate interest, or interests in common, sites or lots for the purpose whether immediate or future, or transfer of ownership or building development. The granting of easements, rights-of-way or dedication of land for public use shall not be considered a division of land unless the same is made or granted as a part and parcel of proposed subdivision.

A subdivision is the improvement of one (1) or more parcels of land for residential or commercial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, the division or allocation of land as open spaces for common use by owners, occupants or lease holders.

A subdivision is any parcel of land which is to be used for townhouses, condominiums, apartments or any other multiple dwelling units, unless such land was previously subdivided and the filing accompanying such subdivision complied with TOWN regulations applicable to subdivision of substantially the same density.

Exemptions are defined under paragraphs a, b, c, below:

(A) The term "Subdivision" as defined in these Regulations shall not apply to any division of land which creates parcels of land, each of which comprise thirty-five (35) or more acres of land, none of which is intended for use by multiple owners.

(B) Unless the method of disposition is adopted for the purpose of evading this Article, the term "Subdivision" shall not apply to any division of land;

1. Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres per interest; or

2. Which is created by Order of any Court in this State or by the operation of law except that any such division of property created shall be recorded as a Subdivision Exemption Final Plat drawn in the manner required in Municipal Code Chapter 12-10. Such plats shall be signed by the Mayor after approval by the Board of Trustees, which approval shall not unreasonably be withheld. The cost of plat preparation shall be borne by others and not by the Town of Grand Lake; or

3. Which is created by lien, mortgage, deed of trust, or any other security instrument; or

4. Which is created by a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity; or

5. Which creates Cemetery Lots; or

6. — 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; or
 7. — 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 and any such interest shall be deemed for purposes of this Subsection as only one (1) interest.
 8. — Nothing contained in this paragraph 2 shall be construed so as to limit the ability of the Town of Grand Lake to enforce applicable provisions of the Zoning Ordinance, the adopted Building Code or any applicable provision of the Grand Lake Code of Ordinances to any and all divisions of land created under this paragraph.
- (C) — The Town Board of Trustees may, pursuant to Rules and Regulations of Resolution, exempt from this definition of the term "Subdivision", any division of land if the Board of Trustees determines that such division is not within the purposes of this Article.

Subdivision Improvements Agreement means one (1) or more security arrangements which may be accepted by the Town to secure the construction of such public improvements as are required by Town Subdivision Regulations within the Subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds, or other similar surety agreements.

Town — By Town is meant the Town of Grand Lake, Colorado.

Town Auditor — The Town auditor of the Town of Grand Lake, Colorado.

Town Board of Trustees — The Town Board of Trustees of the Town of Grand Lake, Colorado.

Town Clerk — The Town Clerk of the Town of Grand Lake, Colorado.

Town Engineer — The Town Engineer of the Town of Grand Lake, Colorado.

Town Staff — Member or Members employed by the Town of Grand Lake, Colorado.

Town Planning Commission — The Town Planning Commission of the Town of Grand Lake, Colorado.

Town Surveyor — The Town Surveyor of the Town of Grand Lake, Colorado.

Townhouse — A type of ownership which consists of a fee simple interest in an individually deeded lot and dwelling, plus a membership right in homeowners' association which shall own in fee simple the common areas subject to all rights and duties as provided in the declaration of the homeowners' association.

- (A) — The term "Dwelling" as used herein means a single family dwelling constructed on an individually deeded lot, or as part of a series of two (2) or more dwellings, each of which is either attached to the adjacent dwelling or dwellings by party walls or is located immediately adjacent thereto with no visible separation between walls or roof.
- (B) — The term "Common Areas" will be defined in each declaration and will include such items as the following: any open spaces, green belts, yards, parking areas, or storage spaces, located on the property owned and controlled by the homeowners through the homeowners' association, but which are not part of individual townhouse lots, and all community and commercial facilities or other parts of the property necessary or convenient to the existence, maintenance, or safety of all townhouses.
- (C) — The term "Declaration" refers to an instrument which defines the character, duration, rights, obligations, and limitations of the townhouse ownership.

(Ord. No. 3-2019, 4-22-2019)

Chapter 12 – Land Use Regulations

ARTICLE 6. LAND SUBDIVISION

12-6-11 Certifications.

(A) Signature Certificates.

1. NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT ACCEPTANCE OF THIS PLATTED DEVELOPMENT BY THE TOWN OF GRAND LAKE DOES NOT CONSTITUTE AN ACCEPTANCE OF THE ROADS AND RIGHTS-OF-WAY REFLECTED HEREON FOR MAINTENANCE BY SAID TOWN. Until such roads and rights-of-way meet town road specifications and are specifically accepted by this town by recording with the clerk of this town an official "acceptance", THE MAINTENANCE, CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO Or AFFECTING SAID ROADS AND RIGHTS-OF-WAY ARE THE SOLE RESPONSIBILITY OF the OWNERS OF THE LAND EMBRACED WITHIN THIS DEVELOPMENT. TOWN "ACCEPTANCE" OF THE ROADS AND RIGHTS-OF-WAY OF THIS PLATTED DEVELOPMENT SHALL NOT BE GIVEN UNLESS ALL UTILITIES PROPOSED TO BE INSTALLED IN SUCH ROADS HAVE BEEN CONSTRUCTED AND THE ROADS AND RIGHTS-OF-WAY COMPLETED THEREAFTER TO TOWN STANDARDS.

NOTICE IS FURTHER GIVEN THAT NO MORE THAN TEN PERCENT (10%) OF THE BUILDING PERMITS WILL BE ISSUED BY OFFICIALS OF THIS TOWN FOR IMPROVEMENTS OF ANY NATURE ON ANY PROPERTY REFLECTED ON THIS PLATTED DEVELOPMENT UNTIL SUCH TIME AS THE "ACCEPTANCE" AS HEREINABOVE-DESCRIBED HAS BEEN FILED FOR RECORD WITH THE CLERK OF THIS TOWN.

2. DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT (Owner(s) and Lien Holder's Name) is/are the owner and lien holder of that real property situated in the Town of Grand Lake, Colorado, described as follows:

(LEGAL DESCRIPTION)

That the owner(s) and lien holder(s) have caused said real property to be laid out and surveyed as (Development Name), and does hereby dedicate and set apart all of the streets, alleys, and other public ways and places as shown on the accompanying plat to the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements. Also that (Lien Holders Name), who is the lien holder of the property, does not guarantee the accuracy of representations of existing fact set forth hereon.

IN WITNESS WHEREOF (Owner's and Lien Holder's Name has caused its/his/her name(s) to be hereunto subscribed this day of , A.D., 20 .

ATTEST:

(Owner's Name)

(Lien Holder's Name)

STATE OF COLORADO)

) SS

COUNTY OF GRAND)

The foregoing instrument was acknowledged before me this day of , A.D., 20 by (Owner's and Lien Holder's Name)

Witness my hand and official seal.

My Commission Expires: _____ (date)

(SEAL)

_____ (Notary's Name)

NOTARY PUBLIC

3. SURVEYOR'S CERTIFICATE

I, _____ (Surveyor's Name) _____, a duly registered Land Surveyor in the State of Colorado, do hereby certify that this plat of _____ (Development Name) _____ truly and correctly represents the results of a survey made by me or under my supervision, and that said plat complies with the requirements of Title 38, Article 50 and 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statutes and by the Town of Grand Lake Development Regulations have been placed on the ground.

_____ (Surveyor's Name)

_____ (Surveyor's stamp and registration number shall appear with this Certificate)

4. PLANNING COMMISSION CERTIFICATE

APPROVED THIS _____ (Date) _____ day of _____ (Month) _____ A.D., 20 _____ (Year) _____, Town Planning Commission, Grand Lake, Colorado

_____ (Chairman's Name)

Chairman

5. TOWN BOARD OF TRUSTEES CERTIFICATE

APPROVED THIS _____ (Date) _____ day of _____ (Month) _____ A.D., 20 _____ (Year) _____, by the Board of Trustees, Grand Lake, Colorado. This Approval does not guarantee that the size or soil or flooding conditions of any Lot shown hereon are such that a building permit shall be issued. This approval is with the understanding that all expenses involving necessary improvements for all utility services, street improvements, paving, grading, landscaping, curbs, gutters, street lights, street signs, and sidewalks shall be financed by others and not the Town of Grand Lake. Also, that the Town of Grand Lake does not assume any responsibility for the correctness or accuracy of any information disclosed on this plat nor any representations or information presented to the Town which induced the Town to give this certificate.

ATTEST

_____ (Name of Town Clerk)

Town Clerk

_____ (Name of Mayor)

Mayor

6. CLERK'S CERTIFICATE

STATE OF COLORADO _____)

TOWN OF GRAND LAKE _____)

I hereby certify that this Instrument was filed in my Office at (Hour) o'clock (P/A).M., _____ (Month) _____, (Date) _____, 20 _____ (Year) _____, A.D., and is duly recorded.

_____ (Name of Town Clerk)

Town Clerk

7. OWNER'S STATEMENT

An owner's statement in the form that follows:

I, _____, owner of the above-described property do hereby plat this parcel, and it will be known as _____.

This plat represents a true and accurate division of this property and that this plat is for the purposes as set forth in the declaration dated _____ and recorded in book _____ at page _____ in Grand County, Colorado records.

Owner's Signature

STATE OF COLORADO)

COUNTY OF GRAND)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____.

Witness my hand and official seal.

My commission expires:

(SEAL)

Notary Public

(B) Declarations and Covenants.

1. When any division of property creates a condominium or townhouse that is an individual airspace together with an interest in common elements, a Condominium/Townhome/HOA Declaration shall be executed by the fee title owners and lien holders which shall include as a minimum the following:
 - (a) The legal description of the real property submitted to condominium or townhouse ownership.
 - (b) Defining the general and limited common elements and rights of owners thereto.

In time share or interval ownership projects, maintenance and improvement periods shall be interspersed between the time interval shares and outlined herein.
 - (c) Provide for the condominium and as-built plats.
 - (d) Provide for the legal description of the individual units.
 - (e) Non-terminable assessments for costs of maintenance, improvement and upkeep of common areas.
 - (f) Provide for written permission from the Board of Trustees of Grand Lake prior to dissolution of any homeowner's association.

Chapter 12 – Land Use Regulations

ARTICLE 7. DESIGN REVIEW STANDARDS

12-7-3 ~~Definitions.~~Reserved.

The definitions for this Municipal Code Article shall be consistent with the definitions of the Municipal Code Zoning Regulations and Land Use Development Procedures and Standards unless otherwise stated herein.

Accent Exterior Material — Classification of building material that may be used in limited capacity at no more than thirty percent (30%) of the total of each exterior wall of the building, not including the roof. Any individual exterior elevation can contain up to thirty percent (30%) of an accent material. By way of example and not limitation, a building may not be constructed of three (3) walls of approved material with a fourth wall consisting solely of Accent Exterior Material.

Approved Base Color Palette — The selection of appropriate exterior colors for structures located in the Town of Grand Lake. White will not be included in the Approved Base Color Palette. White wash shall be included in the Approved Base Color Palette.

Central Business District — Commercially zoned, or commercial transitionally zoned lots located on or between Hancock Street and Haskell Street, on Grand Avenue, and between Hancock Street and Vine Street on Park Avenue, and between Hancock Street and Ellsworth Street on Lake Avenue.

Dumpster — A large metal refuse container of standardized dimensions with a capacity of one (1) cubic yard or greater.

Human Scale — A reasonable size and shape for an average person to use. It is the proportion of space in relation to human dimension.

Muted colors — Refer to all colors that have low saturation (or chrome). These are subtle colors that are not bright or have been subdued, dulled, or grayed.

Portable shed/garage — Any portable facility which utilizes a canvas, vinyl, rubber or similar type cover over a framework which is not permanently secured to the ground by means of concrete, asphalt or similar type material.

Primary Exterior Material — Classification of building material that shall be used on at least seventy percent (70%) of the exterior walls of the building, not including the roof.

Refuse, Rubbish, or Trash — Any waste materials including, but not limited to, grass clippings, leaves, hay, straw, manure, shavings, glass, cans, bottles, garbage, paper, food, grease and any other waste material of any kind or nature commonly known to as refuse, rubbish or trash.

Refuse Container — A fully enclosed container for the purpose of temporary storage of refuse.

Refuse Enclosure — A fully enclosed area used for the storage of Refuse or Refuse Containers.

Step-back — A step-like form of a wall or other building frontage, also termed a recession or recessed story.

Street Wall — The public space adjacent to the sidewalk and/ or street as a result of buildings being constructed to or near the front and side property lines of a site.

Zoning Code Administrator — The officer or other designated authority charged with the administration and enforcement of this Code; the Town Manager, or a duly authorized representative. The Zoning Code Administrator shall be responsible to the Planning Commission and the Town Board of Trustees and who shall administer and enforce all zoning and design review laws of the Town of Grand Lake. He shall have all powers conferred upon the Building Official under this Article and all other Articles of the Town of Grand Lake, in order to perform his functions.

(Ord. No. 9-2020, § 1, 6-22-2020; Ord. No. 06-2021, § 1, 5-24-2021; Ord. No. 08-2021, § 1, 6-14-2021; Ord. No. 04-2022, § 1, 2-28-2022; Ord. No. 02-2024, § 1, 2-12-2024)

Chapter 12 – Land Use Regulations

ARTICLE 8. VESTED PROPERTY RIGHTS

12-8-2 ~~Definitions.~~ Reserved.

~~**Landowner** shall mean the equity owner of record of the property to be subdivided, or to be developed in accordance with the Planned Development process.~~

~~**Site Specific Development Plan** shall mean the final approval step by the Board of Trustees for Final Plat for all subdivisions and re-subdivisions of property or the final approval step by the Board of Trustees for the Final Development Plan Map for all Planned Developments; provided, however, that if the landowner wishes said approval to have the effect of creating vested rights pursuant to C.R.S. Title 24, Article 68, 1973, as amended, the landowner must so request in writing at least thirty (30) days prior to the date said approval is to be considered by the Board of Trustees. Failure to so request renders the approval not a "site specific development plan" and no vested rights shall be deemed to have been created.~~

~~**Town** shall mean the Town of Grand Lake, Colorado.~~

~~**Vested Property Right** shall mean the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.~~

Chapter 12 – Land Use Regulations

ARTICLE 9. LAND DEVELOPMENT REGULATIONS

12-9-1 Definitions.Land Use Development Review Thresholds.

The definitions for this Municipal Code Article shall be consistent with the definitions of the Municipal Code Zoning Regulations and Land Development Regulations.

(A) Administrative Land Use Development Review

1. Purpose. Administrative Land Use Development Review is intended for routine, low-impact development proposals that require only administrative confirmation of land use compliance prior to issuance of a building permit. These applications involve no change in land use intensity, no expansion of public infrastructure, and no potential for off-site impacts.
2. The following land use development activities may be processed administratively, provided the proposal complies with all applicable standards of the Municipal Code:
 - (a) Exterior finish work, repair, or replacement, including but not limited to decks, patios, sheds, windows, doors, roofing, siding, painting, and similar improvements.
 - (b) Single-family residential building permit plans, including additions and accessory structures associated with an existing single-family residential dwelling.
 - (c) Interior or exterior commercial remodels to existing non-residential buildings.

(B) Minor Land Use Development Review

1. Purpose. Minor Land Use Development Review is intended for development proposals that represent modest changes to existing or previously approved development plans, or for small-scale new development that may generate limited impacts. Minor Development Review follows the procedures of Section 12-9-4 and includes a two-step review process of Sketch Plan and Final Plan.
2. The following land use development activities may be processed through Minor Development Review:
 - (a) Amendments to approved development plans.
 - (b) Additions and accessory structures to existing multi-family, mixed-use, or non-residential buildings.
 - (c) New multi-family residential development containing four (4) or fewer dwelling units.

(C) Major Land Use Development Review

1. Purpose. Major Land Use Development Review is intended for development proposals with the potential for significant community impacts, including larger-scale construction, increased density or intensity, or new public infrastructure. Major Development Review includes a three-step review process, including Sketch Plan, Preliminary Plan, and Final Plan, and follows the procedures outlined in Section 12-9-2.
2. The following land use development activities require Major Land Use Development Review:
 - (a) New non-residential development.
 - (b) New multi-family residential development containing five (5) or more dwelling units.
 - (c) New mixed-use development.

- (D) Upon review of a proposal, Town staff may elevate any Administrative or Minor Land Use Development Review application to the Major Land Use Development Review process when necessary to address potential community impacts, ensure adequate public review, or comply with the intent of this Code.
- (E) A change in use that does not involve or require new development, physical expansion, additional dwelling units, or modifications subject to development review is exempt from the Land Use Development Review process. Such changes remain subject to all applicable provisions of the Municipal Code.

Chapter 12 – Land Use Regulations

ARTICLE 9. LAND DEVELOPMENT REGULATIONS

12-9-2 Major Land Use Development Review Procedures and Submittal Requirements.

- (A) The application for a Land Use Development shall be subject to a three-phased review process composed of the following:
1. Sketch Plan.
 2. Preliminary Development Application.
 3. Final Development Application.

These processes may be combined for Subdivisions and Planned Developments at the applicant's request. Town ~~Staff~~ staff, the Planning Commission, and the Board of Trustees shall not review or take action on this application unless the applicant (its constituents or members) ~~are~~ is current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.

- (B) *Pre-Application Conference.* Applicants are ~~strongly encouraged~~ required to have a Pre-Application Conference with Town staff prior to Sketch Plan submittal. The Pre-Application conference with Town staff will help outline the process for review and submittal, as well as allow the opportunity for ~~the~~ developer to receive adequate information from Town staff about development projects.
- (C) *Sketch Plan.* Prior to actual submission of the Preliminary Development Application, and prior to constructing any site improvements, each applicant shall confer with the Planning Commission at a regular meeting, ~~and other appropriate governmental departments and agencies in connection with the preparation of said application in order to obtain and exchange information.~~ The Sketch Plan will enable the Town Planning Commission to render an informal preliminary review of the project and determine conditions which might affect ~~Preliminary Development Applications~~ subsequent application submission requirements. ~~The Applicant may request to have their sketch plan presented at a Board of Trustees meeting for further consideration and informal feedback. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered.~~
1. Any materials prepared by the applicant to be used in discussions with the Planning Commission are to be submitted, by noon, to Town staff ~~at least~~ twenty-one (21) days in advance of the requested meeting date. ~~Eleven (11) copies of all materials, including a CD of all submitted drawings in PDF format, and in addition to all submitted drawings in PDF format,~~ a deposit check payable to the Town of Grand Lake, as ~~established~~ set by Resolution by the Town Board of Trustees, ~~need to~~ shall be submitted in order to have a complete submission.
 2. The sketch plan should include the following items:
 - (a) Land Use Development Application Deposit.
 - (b) Written consent of each landowner whose properties are located within the development. The application shall be made by a person or ~~entity having~~ entity who has an interest in the property to be in the development and shall include the consent of all owners ~~of~~ or corporate interests in such property who are party to the development.
 - (c) A map showing the general location of the development, the property boundaries of the proposed development, and the direction of True North.
 - (d) A block, lot, street, and (if applicable) building layout indicating general scaled dimensions to an appropriate scale.

(e) ~~The sketch plan shall include a conceptual layout of proposed water and sewer infrastructure and estimates of anticipated water use and wastewater generation.~~

(e) ~~The sketch plan shall contain a description of the water distribution system contemplated for the proposed development, as well as the estimated total number of gallons per day of water to be required.~~

(f) ~~The sketch plan shall contain a description of the sewer collection system contemplated for the proposed development, as well as the estimated total number of gallons per day of sewage to be required.~~

(g) The acreage and square footage of the entire tract.

(h) The scale of the Sketch Plan shall be not less than one inch (1") equals two hundred (200) feet. Some variations from this will be acceptable in the case of large developments, provided the plans and design are clearly legible. The sketch plan shall include the name of the proposed development, and block and lot numbers. In the case of large developments requiring more than two (2) sheets at such a scale, an area plan showing the total area on a single sheet and at an appropriate scale shall also be submitted.

3. ~~At the time of review of the Sketch Plan, the Planning Commission shall discuss and establish requirements for public sites for schools, parks and other public uses.~~

4. ~~Either staff or the Planning Commission may furnish the applicant with written comments regarding said conference, to inform and assist the applicant prior to the preparation of the Preliminary Development Application.~~

53. Within twelve (12) months of approval of the Sketch Plan, the developer shall officially submit ~~one (1) copy of a complete Preliminary Development Application~~, together with all supporting documents, to the Grand Lake Planning Commission.

(D) *Preliminary Development Application.* The Preliminary Development Application is intended to ~~determine the suitability of the development proposal prior to extensive site planning and to eliminate major design concept problems prior to detailed architectural and engineering plans for the building site, generate site plan information in the form of written statements and/or plats in order to provide adequate information for review by the Town and the general public.~~ The completed application shall be known as the Preliminary Development Application.

1. *Purpose.*

(a) The purpose of this preliminary review is to ~~check/evaluate~~ the proposed development ~~against for consistency with~~ the applicable design standards and improvement requirements stated herein. The Preliminary Development Application ~~shall embrace~~ must include all properties ~~which are to be included in~~ within the proposed development and shall provide enough detail for be sufficiently detailed ~~to allow for an effective review.~~

~~(b) Preliminary data should be prepared in graphic form avoiding time consuming final drafting techniques and detailed calculations. The degree of refinement for preliminary data is determined by the sensitivity of the design elements to changes in design constraints. It is advisable to build in "slack" in the preliminary design phase by not "pushing" minimum and maximum standards. Thorough analysis of the problems at this stage will expedite the review process of the Final Development Application and will prevent the repetition of expensive calculations and drafting required for the Final Development Application.~~

2. *Submission Requirements.*

(a) In addition to a completed land use application form and applicable fees, the applicant shall submit the following written materials for a Preliminary Development Application: The written Preliminary Development Application shall contain the following in the following order:

Commented [EW1]: Because this point is already implied above, I recommend removing it for clarity and simplicity.

Commented [EW2]: This statement conflicts with the submittal requirements for a Preliminary Development Plan and I don't recommend using the term "expedite" to create false sense of approval.

1. ~~One (1)~~ A copy of title work including a statement of present and proposed ownership. This statement shall include the address of the applicant, all the property owners in the development, development ~~signers~~ signers for all public and/or private parcels, and any lien holders for all public and/or private parcels.
2. Summary Statement of Proposal including the following:
 - (i) Total acres and square feet to be developed.
 - (ii) Total number of proposed dwelling units.
 - (iii) Total number of square feet of non-residential floor space.
 - (iv) Total number of off-street parking spaces, including those associated with single family residential use.
 - (v) Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other facilities as may be necessary to complete the development plan. Description of proposed infrastructure and public improvements necessary to serve the development, including streets, water, wastewater, stormwater, and other utility facilities.
3. A preliminary drainage memo indicating how increased drainage at concentration points and any internal drainage pattern changes will be managed. The report shall include preliminary calculations for runoff, time of concentration, and flow capacity. narrative of the proposed handling of the increased drainage at the concentration points or of internal pattern changes. The drainage report shall include the supporting calculations for runoffs, times or concentration and flow capacity with all assumptions clearly stated and with proper justification when needed or requested.
4. Statement of compliancy ~~to with~~ the AFFORDABLE HOUSING REQUIREMENTS found in Municipal Code Section 12-10-3, ~~including, but not limited to, number of proposed units, unit size, type and amenities, as well as a Local Employee Residence schedule for the development.~~
5. Conversion Report, if applicable.
6. Solar Orientation statement as outlined in Section 12-9-10(F)5(b) Solar Orientation.
7. Open Space and Land Dedication statement, if applicable.
8. Any additional information as may be required by the Planning Commission, the Town Board of Trustees, or staff to evaluate the character and impact of the proposed Development suggested at the time of Sketch Plan.
9. A Project Narrative that describes the following:
 - (i) A description of the proposed development, its purpose, and how it is consistent with the Town's Comprehensive Plan.
 - (ii) A development schedule identifying proposed phases, anticipated construction timelines, and timing of public improvements.
 - (iii) A description of proposed open space, including its function, relationship to adjacent properties and developments, and proposed ownership and maintenance responsibilities.
 - (iv) A description of proposed easements, covenants, or other land use restrictions affecting the development.

- (v) Site analysis information sufficient to evaluate existing environmental and physical conditions, including topography, soils, geology, water resources, wildlife, and other relevant site constraints.
- (vi) A traffic impact study or traffic analysis, when required by the Town.
- (vii) Documentation demonstrating the availability of water and wastewater service to support the proposed development.

9.—Additional Written Documents for Developments: If a project is of minimal impact in the view of the Planning Commission, any of the following requirements may be waived. The applicant shall submit written statement which shall include, at a minimum, the following information, submitted in sequential order as listed:

- (i) A description of the character of the proposed development, the goals and objectives of the project, an explanation of the rationale behind the assumptions and choices made by the applicant, and an explanation of the manner in which it has been planned to conform to the Town's Comprehensive Plan.
- (ii) A development schedule indicating any sub-division platting sequences, the type of construction and approximate date(s) when construction of the Development or phases of said development can be expected to begin and to be completed, and the timing and construction of any public improvements.
- (iii) A description of the proposed open space to be provided at each stage of development; an explanation of how said open space shall be coordinated with surrounding developments; a statement explaining anticipated legal treatment of common ownership and maintenance of said open space areas.
- (iv) A description of proposed covenants, grants of easements or other restrictions to be imposed upon the use of the land, including common open spaces, buildings and other structures within the development.
- (v) A statement of the applicant's intentions with respect to the nature of future sales and/or leases of all portions of the Development.
- (vi) Quantitative data for the following: total number and type of dwelling units; number of bedrooms in each unit; parcel size; proposed lot coverage of buildings and structures; gross and net residential, commercial and industrial densities; total amount of open space (including a separate figure for usable or improved open space); and the total amount of non-residential construction (including a separate figure for commercial, institutional, or industrial facilities) with the amount of open space associated with these developments.
- (vii) Physiographic and environmental studies of the proposed site prepared and attested to by qualified professional authorities in the following fields: soil quality, slope and topography, geology, water rights and availability, surface and ground water conditions, and any impact on wildlife.
- (viii) A report detailing the traffic impact of the Development on the Town street system is to be represented in conjunction with this information.
- (ix) The proposed maximum height of all buildings within the Development.
- (x) Proof of legal, appropriated private water rights and/or source of proposed public water service. Proof of sewer service availability.

- (b) The applicant shall submit a Preliminary Development Application prepared by a licensed professional, as applicable. Plans shall be drawn to a scale and format acceptable to the Town and shall contain sufficient information to evaluate compliance with this Code and applicable Town standards. At a minimum, the Preliminary Development Plan shall include:
1. Vicinity and Property Information
 - (i) A vicinity map showing the location of the development and adjacent property boundaries within one-half (1/2) mile of the subject site.
 - (ii) Property boundaries, acreage, and legal description.
 - (iii) Adjacent streets, properties and existing land uses.
 - (iv) The names of the owner, applicant, engineer, surveyor, and architect. Any professional shall be licensed by the State of Colorado and their stamp included.
 - (v) Date of preparation, scale, and north arrow.
 - (vi) A current survey of the property prepared by a licensed Colorado surveyor, dated within the last 12 months.
 2. Existing Conditions Plan
 - (i) A site plan showing existing conditions of the site, including:
 1. Topography
 2. Watercourses, wetlands, drainageways, and flood hazards
 3. Significant vegetation and natural features
 4. Existing easements and rights-of-ways
 5. Adjacent property lines and surrounding development patterns
 3. Preliminary Site Plan
 - (i) A site plan showing the proposed layout, including:
 1. Lots, blocks, tracts, and development phases
 2. Building locations and envelopes
 3. Residential unit counts and densities
 4. Nonresidential uses and building areas
 5. Open space areas
 6. Access points and circulation patterns
 4. Transportation Plan
 - (i) A site plan showing streets, access, and circulation patterns, including:
 1. Streets and rights-of-way
 2. Pedestrian and bicycle facilities
 3. Parking and loading areas
 4. Access and circulation systems
 5. Traffic control measures
 - (ii) A traffic impact study may be required by the Town based on the size, location, or anticipated impacts of the development.
 5. Drainage and Stormwater Plan
 - (i) A preliminary drainage and stormwater management plan, including:
 1. Existing drainage patterns and drainage basins
 2. Proposed drainage facilities
 3. Location of all waterways and areas subject to flooding by a 100-year storm
 4. Measures to manage stormwater runoff and protect adjacent properties
 - (ii) Additional drainage or slope stability analysis may be required for sites containing significant slopes or other physical constraints.

6. Utility Plan

(i) A plan showing existing and proposed utility infrastructure, including:

1. Water systems
2. Wastewater systems
3. Storm drainage facilities
4. Electric, gas, and communications infrastructure
5. Easements necessary to serve the development

(ii) Utility plans shall identify the location, size, and capacity of proposed utility improvements.

7. Grading and Erosion Control Plan

(i) A conceptual grading plan showing proposed site elevations.

(ii) An erosion and sediment control plan demonstrating how site disturbance and erosion will be managed during and after construction.

8. Landscaping and Open Space Plan

(i) A landscaping plan showing proposed landscaping and revegetation areas.

(ii) An open space plan identifying open space areas and any land proposed for dedication, including ownership, maintenance responsibilities, and any recreational or public-use facilities.

9. Architectural Elevations

(i) Elevations shall show the proposed building height by indicating the original grade, proposed finished grade, and the highest point of the roof surfaced referenced to USGS elevations.

(ii) Elevations shall include proposed exterior materials and colors.

10. Additional Information

(i) Any additional studies or supporting information reasonably necessary for the Town to evaluate the application and its compliance with Town Code.

(b) The drawn Preliminary Development Application shall include twenty-four inches by thirty-six inches (24" x 36") black-on-white or blue-on-white prints in a minimum scale of a fifty feet (50') equal to one inch (1"). Other smaller scales may be used with the permission of the Planning Commission. Applicants are encouraged to use more than one (1) sheet in order to avoid crowding of information on the sheet. Sheets are to be designated as sheet x of y sheets.

1. The drawings will be contained within a space defined by a one and one-half-inch margin from the left side of the sheet and a one-half (½) inch margin from the other three (3) sheet edges. A two and one-half by three inch (2½" x 3") vertical box in the lower right-hand corner shall be provided for the use of the Grand County Clerk and Recorder.
2. The drawings will contain the Development name, the words "Final Development Plan" or "Final Development Plat" underneath, scale (both numerical and graphical), north sign (north is to point to the top of the plat sheet) and date are required as well as last prior reception number of property transfer, original development name, if any, and the book and page references in the Grand County Records. The name of municipality, township, range, section and quarter-section, block and lot number (of the property under consideration) shall also be included, if applicable.
3. A Development Application may be submitted in Sections covering representative and reasonable portions of the development tract. In such cases, submission shall include a map, indicating the Sections designated for the entire tract, and each sheet numbered

accordingly, including title, legend, matchlines and other appropriate information. Where an entire parcel is not subdivided, if applicable, the developer must indicate his intended plans for disposition of the remainder of the parcel.

4.—The plats referred to herein shall be in conformance with these Regulations and the provisions of C.R.S. § 38-50-101, C.R.S. § 31-23-103, and C.R.S. § 31-23-105, 1973, as amended.

5.—At a minimum, Application Maps shall include:

(i)—*General Location and Vicinity Map* on a scale from 1" = 500' to 1" = 1,000' depicting:

- 1.—A Location and Vicinity Map showing the following information within a one-half (½) mile distance of the perimeter of the proposed plat.
- 2.—Total acreage and square feet of entire proposed development.
- 3.—Location of the development as a part of some larger development or tract of land and by reference to permanent survey monuments (pins, as set by a professional surveyor) with descriptions and ties, dimensions, angles, bearings, and similar data shall be shown on the plat as may be needed to determine boundary and lot closures. Primary control points and monuments shall be as specified by State law and shall actually exist in the field before final approval. Road intersections and ends shall be suitably monumented and ties filed with Town staff for engineering review prior to acceptance for maintenance.
- 4.—Names and addresses of the developer, the designer of the development, and the engineer and surveyor, both of whom shall be licensed by the State of Colorado Board of Registration for Professional Engineers and Land Surveyors.
- 5.—Date of preparation, map scale, and north sign.
- 6.—A traverse map of the monumented perimeter of the proposed development along with all survey notes of development perimeter and copies of all monument records. The traverse shall have an error of closure of not greater than one (1) part in ten thousand (10,000). A survey tie to the State co-ordinate system or other permanent marker established by the Town Surveyor is required if practical.
- 7.—Plan drawing shall also include items listed in Chapter 12-10 of the Town of Grand Lake's Municipal Code following the format for owner's and surveyor's signature blocks and dedication blocks.

(ii)—*Existing Features Map*.

- 1.—Location by survey of streams, washes, canals, irrigation laterals, private ditches, culverts, lakes, or other water features, including direction of flow, water level elevations, and typical depths and location and extent of areas subject to inundation by a 100-year storm.
- 2.—Information on land areas adjacent to the proposed development including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape.
- 3.—The existing site conditions, including contours at two-foot (2') or less intervals, water courses, flood plains (i.e., 100-year), unique natural features, and vegetation cover; and
- 4.—Abutting property lines within three hundred feet (300') of the development boundaries.

(iii) ~~Proposed Preliminary Site Plan Map.~~

1. ~~Preliminary Lot, Block, and Unit layout by reference to permanent survey monuments (pins, as set by a professional surveyor) with a tie to a section corner or a quarter-section corner, and with dashed lines for any portion or parcel outside of the proposed development;~~
2. ~~Lots and blocks numbered consecutively and scaled to the nearest foot;~~
3. ~~Units, buildings, structures, and other improvements scaled to the nearest square foot including written documentation of:~~
4. ~~Types of dwelling units; and~~
5. ~~Density per type; and~~
6. ~~Non-residential structures and non-residential facilities including shopping centers, community facilities, etc.; and~~
7. ~~Local employee residences.~~

(iv) ~~Preliminary Street Plan Map on a scale 1" = 50' with two-foot contours depicting:~~

1. ~~The plan must show alignment and graphic dimensions of right-of-way lines and widths, street name, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths, stationing at all PC's and PT's intersection, structures, skew angles, curb lines, cross pans, drive cuts, curb returns and radii, location, type and size of appurtenant structures, such as bridges, culverts, traffic control devices (islands, striping, signs, etc.), and all other design features to enable construction in accordance with approved standards should be displayed. Where streets are to be temporarily stubbed at site or plat boundaries, the profiles should extend sufficiently beyond the boundary to assure the feasibility of a future extension that can conform to standards.~~
2. ~~Pedestrian and bicycle paths, on and off-street parking areas, loading areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development) should all be shown. Notations of proposed ownership—public or private—should be included where appropriate.~~

(v) ~~Preliminary Drainage Plan Map utilizing two-foot contour intervals in areas where the predominant ground slope is less than ten percent (10%). A five-foot contour interval shall be used in areas where the predominant ground slope exceeds ten percent (10%). In cases where predominantly level topography occurs throughout a development a one-foot contour interval may be required. Elevation data shall be referenced to U.S.G.S. datum. The mapping accuracy shall be as specified by the American Society of Photogrammetry. The drainage system shall be designed for the Development by a registered professional engineer and shall be constructed in accordance with such design.~~

~~The Preliminary Drainage Plan should contain the following minimum data:~~

1. ~~Location by survey of streams, washes, canals, irrigation laterals, private ditches, culverts, lakes, or other water features, including direction of flow, water level elevations, and typical depths and location and extent of areas subject to inundation by a 100-year storm; and~~

2. A basin contour map defining the drainage basins and illustrating the existing drainage patterns and concentration points with rough estimates of contributory acreage and runoff amounts; and
3. A sketch of the proposed land development showing the consequent changes in the drainage patterns, concentration points and flooding limits with estimates of acreage, runoff coefficients and runoff amounts for the areas to be developed both now and in the future within each basin; and
4. A drainage plan indicating general on-site facilities and proposed treatment and abatement of drainage to adjoining properties.

(vi) Existing Utility Map.

The Existing Utility Map should contain the following minimum data:

1. The location and principal dimensions and identification of all existing utility systems and public and private easements including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines.

(vii) Preliminary Utility Plan Map.

1. Preliminary Development Applications and profiles of the proposed water and sewer facilities should be provided showing the location of all existing and/or proposed water and sewer and other utilities relative to the development. Indicate the size, type and other pertinent data for all existing and proposed utility improvements, including meter bank(s); and
2. In the case of Townhouses and Condominiums all individual utility service lines (including) but not limited to: water; sewer; electric; telephone; and cable television must be separate to each unit within the development unless an acceptable alternative is approved by the Planning Commission.

(viii) Preliminary Grading and Soil Erosion Plan Map.

1. Such control plans and specifications shall be prepared by a registered professional engineer, using the State Conservation Standards.

(ix) Preliminary Landscaping and Revegetation Plan Map.

(x) Preliminary Open Space and Land Dedication Plan Map.

1. Location and size in acres and square feet of sites to be reserved, conveyed or dedicated for parks, playgrounds, schools, or other public uses except streets and utility easements. The Planning Commission, upon consideration of Town circulation and facilities and the future requirements of the development, shall require the dedication of areas or sites of a character, extent, and location suitable for public use for public uses; and
2. Location, function, size, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.

(xi) Preliminary Snow Storage Plan Map.

(xii) Preliminary Elevations.

(xiii) Such other preliminary information as may be required by the Planning Commission in order to adequately review the plat as determined at the time of Sketch Plan.

(c) *Submission Deadline and Determination of Completeness.*

1. The applicant shall submit ~~one (1)~~^a complete, electronic copy of the Preliminary Development Application ~~documents by noon to Town staff at least twenty-one (21) days prior to the Commission meeting.~~ Town Planning, Public Works and Water Departments will have fourteen (14) days to review and determine ~~whether or not~~^{whether} the application is complete.

Commented [EW3]: I recommend removing this timeline as it's impossible to meet with the completeness check timeline and noticing requirements.

- (i) If deemed incomplete, Town staff will notify the applicant of any inadequacies. An incomplete submittal shall not be processed. Once determined complete, the applicant must submit an additional nineteen (19) copies, including a CD of all submitted drawings in PDF format, to Town staff. Staff may ask for additional copies if needed.
 - (ii) If deemed complete, Town staff will notify the applicant of the determination and prepare the Application for referral review. If an application is deemed incomplete, after the deadline for submission, the application will not be presented to the Planning Commission.

2. All development applications may be submitted to Town departments and other review agencies for review and comment if the agency may be affected by the application or if comments by the agency will ensure a thorough analysis of the application. A list of referral agencies is maintained by Town staff and available at Town Hall.

3. Referral agencies shall comment in writing within twenty-one (21) days of receiving the referral packet. Failure of any agency to respond within the stated timeframe shall be considered no comment on the plan by that agency. The applicant is encouraged to meet with Town staff, referral agencies, and other interested parties to address any concerns.

Commented [EW4]: This process makes the referral stage an administrative facilitation rather than presenting referral comments directly to the Planning Commission. It also allows the applicant to address any code deficiencies prior to the Planning Commission hearing, resulting in a smoother and more efficient public review process.

4. Town staff shall consolidate all referral comments and provide them to the applicant. The applicant shall address each issue identified by the referral agencies and revise the plan as necessary. The revised plan must comply with all applicable technical and regulatory requirements of the referral agencies. Referral agencies shall provide written comments within fifteen (15) days of receiving the revised plan.
5. Once all issues have been satisfactorily addressed, or if the applicant elects to present the plan without further revisions, Town staff shall notify the applicant of the scheduled meeting date and time and prepare the staff report and required notices for the Planning Commission meeting.
2. A receipt shall be issued to the developer for the Preliminary Development Application submission when it has been determined that the submission includes all the requirements set forth in these regulations. A poorly drawn or illegible plat is sufficient cause for its rejection. The date of the Planning Commission meeting to review the plans shall be specified on the receipt.
3. Town Staff shall cause letters, advertising the time, date and location of the development public hearing, as well as copies of the Preliminary Development Application Maps and supporting documents, provided by the developer, to be distributed as follows:

Arapaho National Forest, Sulphur Ranger District (USFS)

Century Link of Colorado

Colorado Headwaters Land Trust

Colorado Parks and Wildlife (CPW)

Colorado River Water Conservancy District

Comcast of Colorado
Grand County Housing Authority
Grand County Library District
Grand County Planning and Zoning Department
Grand Lake Area Historical Society
Grand Lake Fire Protection District
Grand Lake Metropolitan Recreation District
Headwaters Trails Alliance
Mountain Parks Electric, Inc.
Northern Colorado Water Conservancy District
Rocky Mountain National Park (NPS)
Three Lakes Water and Sanitation District
Town of Grand Lake Water Department
U.S. Army Corps of Engineers
Western Area Power Administration
Xcel Energy

All other applicable entities as determined by the Planning Commission or Town Staff.

4. Any entities to be excluded from this list of reviewing entities shall be specific to each application, and as determined by the Planning Commission or Town Staff.
5. In order to be considered, all recommendations from the preceding listed entities shall be submitted to the Grand Lake Planning Commission no later than twenty-one (21) days from receipt of the plat.

3. *Planning Commission Review.*

- (a) When a Preliminary Development Application has been officially submitted, ~~and received, and reviewed~~ by the ~~Town Planning Commission~~ Town staff, it shall be placed on the agenda of the Town Planning Commission meeting next scheduled for development review. ~~At this time, the Planning Commission shall set a Public Hearing for review of the development, provided that a minimum of twenty-eight (28) calendar days has elapsed between the official receipt of the material by the Planning Commission and the scheduled date of the Public Hearing.~~
 1. At least fifteen (15) days prior to the scheduled Public Hearing date, Town staff shall cause legal notice to run in a local newspaper of general circulation advertising the time, date and location of the development public hearing.
 2. At least twenty-one (21) days prior to the scheduled Public Hearing date, Town staff shall cause ~~certified~~ letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the development indicating the time, date, and location of the development public hearing and the deadline to make written comment.
 3. At least twenty-one (21) days prior to the scheduled Public Hearing date, Town staff shall cause ~~certified~~ letters to be mailed to all other parties identified by the Town as having a direct interest in the development, development signors and lien holders for all public and/or private parcels of the real property within the development boundary, if applicable,

indicating the time, date and location of the development public hearing and the deadline to make written comment.

~~(i) Town staff shall also make written comments to the Planning Commission five (5) days in advance of both meeting dates.~~

- (b) The Town Planning Commission shall only approve those Preliminary Development Applications which it finds to be in accordance with the intent, standards and criteria specified in these Regulations and Grand Lake Municipal Code.

1. The Planning Commission shall consider the application at the Public Hearing, and after weighing all evidence presented. ~~The Planning Commission may approve as presented, approve with specified conditions, or deny with stated findings of fact. to it, shall either, in writing, approve said application as presented, approve said application subject to specified conditions, or disapprove it citing desired specific changes.~~ The Planning Commission may continue the hearing to a later date to obtain additional information or allow further study, a time that is sufficient for the developer to amend the application.

- (i) Where specific changes in the Preliminary Development Application are required by the Planning Commission, a description of such changes shall be given in writing to the developer by Town ~~S~~staff, as recommended by the Planning Commission, and notation of the required changes shall be entered in the official minutes of the Planning Commission.

- (ii) ~~If the Planning Commission approves the application, either as submitted or with conditions, the applicant may proceed with preparation of the Final Development Plan. If the application is approved as presented or approved subject to conditions by the Planning Commission, said application may be submitted to the Board of Trustees for their review if the Planning Commission considers it necessary.~~

1. ~~The Planning Commission may refer the Preliminary Development Plan to the Board of Trustees for review when it determines such review is warranted, or upon request of the Board of Trustees, Town staff, or Applicant. If it is determined not necessary to submit the application to the Board of Trustees, the applicant may begin preparation of the Final Development Plan.~~
 2. ~~Approval of the Preliminary Development Application shall be good is valid for twelve (12) months from the date of approval. If a Final Development Application is not submitted within this period, the approval shall expire unless the Planning Commission grants an extension. Thereafter, approval of the Preliminary Development Application will have expired unless a Final Development Application has been submitted or a mutually agreed upon extension has been granted by the Town Planning Commission. Any plat submitted for which Preliminary Development Application approval has been given in excess of twelve (12) months previous and for which no time extension has been granted shall be considered as a new Preliminary Development Application by the Planning Commission.~~
 3. ~~The Planning Commission shall notify the Board of Trustees of its decision. Within five (5) days after review of the Preliminary Development Application at a public meeting, the Town Planning Commission shall send written notification to the Board of Trustees of its action.~~

- (iii) Upon denial of a Preliminary Development Application by the Planning Commission, the reasons for such denial shall be provided to the Applicant given to the developer in writing.

(E) *Final Development Application.* The Final Development Application is intended to provide the specific-final design components of the Preliminary Development Application and for the review of additional items not required by the Preliminary Development Application. The completed application shall be known as the Final Development Application.

1. No development shall be approved until such data, surveys, analyses, studies, plans, and designs have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the Town of Grand Lake and the conditions contained in these regulations and all other applicable Sections of the Code of the Town.
2. Final Development Application Submission Requirements. The Final Development Plan shall include a land use application form, applicable fees, and all of the drawn and graphic information required in the Preliminary Development Application in its finalized, detailed form. In addition, the following items shall be submitted:
 - (a) Any new items not submitted with the Preliminary Development Application; and
 - (b) Any required dedication documentation and/or bonds; and
 - (c) Final engineering plans for public roads:

1. Profiles showing ground lines, grade lines, vertical curves, curve lengths, calculated grades, elevations at PIVCs, BVCs, EVCs, intersections, structures, and other features necessary for construction in accordance with approved standards.
2. Roadway design details including orientation, line and grade, cross sections, dimensions, reinforcement schedules, materials, quality standards, and specifications.
3. Curb return profiles where required to demonstrate modifications necessary to eliminate grade irregularities and drainage deficiencies at intersections.

Any structural section design report required where a roadway section other than the Town standard is proposed.

4.

- 1.—The profiles are to include ground lines, grade lines, vertical curves, curve lengths, calculated grades, elevation at PIVCs, BVCs, EVCs, intersections and other critical points, structures, and all other features required to enable construction in accordance with approved standards. The scale to be 1" = 50' horizontal and 1" = 1' to 1" = 5' vertical in flat and rolling terrain. The horizontal to vertical distortion is to be chosen to best depict the critical elevation aspects of the design. Where centerline grades at intersections are steep, curb return profiles are to be submitted showing necessary modifications to eliminate unsightly bumps or water retaining depressions that many times result.
- 2.—Detail should include orientation, line and grade, cross sections, dimensions, reinforcement schedules, materials, quality, specifications, etc.
- 3.—A structural section design report shall be submitted if a section other than the Town standard structure section is to be used. The design criteria set forth by the Town of Grand Lake shall be used in the preparation of the street construction plans and profiles.

- (d) Final engineering plans for utility systems:

1. Plans and specifications based upon the approved Preliminary Development Application and associated reports are to be submitted detailing the design of final water, sanitary sewer, natural gas, telephone, electric and cable television facilities to be installed in the area included in the Final Development Application. In addition, final design is required of any off-site facilities related to the above-described utilities which may be considered an integral part of the utilities plan for the development.
 2. Water utility facilities design shall conform to the criteria set forth by the Town of Grand Lake.
- (e) Final engineering plans for storm drainage control systems:
1. Plans and specifications based upon the approved Preliminary Development Application and associated reports are to be submitted detailing design of the final storm drainage system, including construction details and alignment of storm sewers, catch basins, manholes, ditches, slope protection, dams, energy dissipaters, etc.
 2. Flow line profiles and layout elevations shall be at minimum 100-foot stations, and natural ground elevations shown to indicate any significant irregularities for all proposed conduits, channels, structures, etc.
 3. Cross-sections of each water carrier shall be shown showing high water elevations and adjacent features which may be affected thereby.
 4. Construction details of curb, curb and gutter, valley gutter, driveway apron and ditch culvert, shall be included. Written approvals as may be required from other agencies or parties that may be affected by the drainage proposal shall also be submitted.
 5. The final drainage plan shall be prepared in conformance with the design criteria set forth by the Town of Grand Lake.
- (f) Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new development, proof of the dedication of the existing easement or right-of-way; and
- (g) An exact copy of a certificate of a title insurance company or abstract of title suitably certified or certificate of title or title opinion submitted by an attorney which shall set forth the names of all owners of property included in the Plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record, which shall affect the property covered by such plats; and
- (h) Master Declarations for each Local Employee Residence; and
- (i) A draft Improvement Agreement; and
- (j) Where a ~~Home Owners~~Homeowners Association or other entity is to be used for the administration and maintenance of private roads or open space and recreational ~~facilities~~facilities, a binding and perpetual agreement in regard to maintenance and access control shall be submitted with the Final Development Application. Such agreement shall include provisions for:
1. Adequate funding and self-enforcement by the ~~Home Owners~~Homeowners Association of the terms contained in the agreement.
 2. Continuous safety inspections and immediate follow-up maintenance to correct unsafe conditions.
 3. Receiving and processing complaints by authorized users of the private roads or open space and recreational facilities.

4. Requiring written permission from the Board of Trustees of the Town of Grand Lake before the Association can be dissolved.
- (k) Any additional information as may be required by the Planning Commission or Board of Trustees necessary to evaluate the character and impact of the proposed Development.
3. *Submission Deadline and Determination of Completeness.*
 - (a) The applicant shall submit one ~~(1)~~a complete, electronic copy of the ~~Preliminary-Final~~ Development Application documents, ~~by noon, to Town staff, and within twenty-one (21) days prior to the Planning Commission meeting.~~ Town Planning, Public Works and Water Departments will have fourteen (14) days to review and determine whether or not the application is complete.
 1. If deemed incomplete, Town staff will notify the applicant of inadequacies. An incomplete submittal shall not be processed. Once determined complete, the applicant must submit an additional thirteen (13) copies, including a CD of all submitted drawings in PDF format, to Town staff. Staff may ask for additional copies if needed.
 2. If deemed complete, Town staff will notify the applicant of the determinations and prepare the Application for referral review. If an application is deemed incomplete, the application will not be presented to the Planning Commission.
 - (b) All development applications may be submitted to Town departments and other review agencies for review and comment if the agency may be affected by the application or if comments by the agency will ensure a thorough analysis of the application. A list of referral agencies is maintained by Town staff and available at Town Hall.
 - (c) Referral agencies shall comment in writing within twenty-one (21) days of receiving referral packet. The failure of any agency to respond within the stated timeframe shall be considered no comment on the plan by that agency. The applicant is encouraged to meet with the planning staff, referral agencies and other interested parties to address any concerns.
 - (d) Town staff shall consolidate all referral comments and provide them to the applicant. The applicant shall address each issue identified by the referral agencies and revise the plan as necessary. The revised plan must comply with all applicable technical and regulatory requirements of the referral agencies. Referral agencies shall provide written comments within fifteen (15) days of receiving the revised plan.
 - (e) Once all issues have been satisfactorily addressed, or if the applicant elects to present the plan without further revisions, the staff planner shall notify the applicant of the scheduled meeting date and time and prepare the staff report and required notices for the Planning Commission and Board of Trustees meetings.
 - (b) ~~A receipt shall be issued to the developer for the Final Development Application submission when it has been determined that the submission includes all the requirements set forth in these regulations. A poorly drawn or illegible plat is sufficient cause for its rejection. The date of the Planning Commission meeting to review the plans shall be specified on the receipt.~~
4. *Planning Commission Review and Recommendation.*
 - (a) When a Final Development Application has been officially submitted and received by Town staff, it shall be placed on the agenda of the Town Planning Commission meeting next scheduled for development review and the subsequent Board of Trustees meeting. The Town Planning Commission shall review the Final Development Application at a regularly scheduled public meeting.

1. At least fifteen (15) days prior to the first scheduled Public Hearing date, Town staff shall cause legal notice to run in a local newspaper of general circulation advertising the time, date and location of the development public hearings.
 2. At least twenty-one (21) days prior to the first scheduled Public Hearing date, Town staff shall cause letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the development, indicating the time, date, and location of the development public hearings and the deadline to make written comment.
 3. At least twenty-one (21) days prior to the first scheduled Public Hearing dates, Town staff shall cause letters to be mailed to all other parties identified by the Town as having a direct interest in the development, indicating the time, date and location of the development public hearings and the deadline to make written comment.
 - (b) The Final Development Application submission shall conform in all major aspects to the Preliminary Development Application as previously reviewed and approved by the Planning Commission and shall incorporate all ~~modifications-conditions~~ required in its review. The Planning Commission, however, may approve a Final Development Application which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of Preliminary Development Application review and approval.
 - (c) Unless the Planning Commission or Board of Trustees requires significant changes as conditions of approval, the Final Development Plan shall be in substantial compliance with the approved Preliminary Development Plan. For purposes of this section, substantial compliance means that modifications of the Plan do not include more than one (1) of the following:~~The Planning Commission may require or recommend changes or modifications to the Final Development Application in the public interest. The Final Development Plan may be deemed in substantial compliance with the Preliminary Development Application, provided modification by the applicant does not involve one (1) or more of the following:~~
 1. Violation of any provision of these Regulations;
 2. Varying the lot area requirement by more than ten percent (10%);
 3. A reduction of more than ten percent (10%) of the areas reserved for the common open space and/or usable open space;
 4. Increasing the floor areas proposed for non-residential use by more than ten percent (10%);
 - ~~and~~
 5. Increasing the total ground area covered by buildings by more than ~~five-ten~~ percent (~~510~~%);
 - ~~or~~
 6. Changes in use or increases in height or density.
 - (d) After consideration of the application, the Planning Commission shall either, in writing ~~and or~~ by resolution, ~~recommend that the Board of Trustees approve said the~~ application as presented, approve ~~said the~~ application subject to specified conditions, or ~~disapprove it-deny the~~ application.
 1. The application shall be scheduled for consideration at the next available Board of Trustees meeting. Within five (5) days after review of the Final Development Application at the public meeting, the Town Planning Commission shall send written notification to the Board of Trustees.
5. *Board of Trustees Review.*
- (a) The Board of Trustees shall review the Final Development Application at a public meeting following a recommendation from the Planning Commission.

(b) If the Board of Trustees determines that the Final Development Application complies with this Code, the approved Preliminary Development Application, and any conditions of approval, the Board shall approve the application and authorize the execution of the final approval documents.

(c) Approval may be conditioned upon submission of the following:

1. Financial assurances, in a form acceptable to the Town, that guarantee completion of required public improvements and open space requirements.
2. Addressing and mapping information required by the Town and Grand County.
3. Final plat, development plan, or other recordable documents in a format acceptable to the Town for recording.

(d) Upon satisfaction of all conditions of approval and submission requirements, the Town shall execute the final approval documents.

(a) After receipt of recommendation from the Planning Commission, but prior to any final action by the Board of Trustees, the developer shall submit all of the following items to Town staff in a form and manner acceptable as applicable:

1. All Dedications, Reservations, or agreements concerning parks, school sites, and access roads are subject to Grand Lake Board of Trustees approval. Where such action involves another public agency, a letter of clearance from that agency shall accompany the Final Development Application.
2. A signed warranty deed conveying seven percent (7%) of such land designated for public use or, at the discretion of the Board of Trustees, a certified check for an amount as may have been agreed to at the time the Preliminary Development Application was approved. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear of all taxes, liens or other encumbrances.
3. In the case of a Development an official signed deed dedicating or reserving certain tracts or the development rights to such tracts for local use as may have been agreed to at the time the Preliminary Development Application was approved. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear of all taxes, liens or other encumbrances.
4. A bond acceptable to the Town of Grand Lake, or in the alternative, a certified or suitable check equal to the total estimated construction cost of all required development improvements for the area included in the Final Development Application and all off-site improvements designated as an integral part of the improvements related to the Final Development Application shall accompany the Final Development application. Such improvements shall include but not necessarily be limited to streets, roads, paving, curb and gutter, sidewalks, storm sewers, sanitary sewers including collectors and outfall lines, water distribution and transmission lines, fire hydrants, street lights, street signs, traffic control devices, survey monuments, culverts, bridges and landscaping features.
5. An executed copy of the Improvements Agreement and a signed agreement for inspection costs if required by the Town.
6. When a new street will intersect with State Highway 34, a copy of the State Highway Permit shall be submitted.

(b) The Town Board of Trustees shall review the Final Development Application within thirty-five (35) days of receipt of transmittal from the Planning Commission at a regularly scheduled public meeting. Failure of the Board of Trustees to review the application within thirty-five (35) days of

Commented [EW5]: These are covered in submittal materials.

such request shall be deemed a favorable approval of the Final Development Application and a Certificate shall be issued immediately thereafter to that effect, unless directed by the applicant to extend the 35-day requirement.

1.— If the Board of Trustees determines that the Final Development Application submission complies with the applicable requirements of these regulations, the Board of Trustees shall authorize the Mayor to endorse the Board of Trustees' Certification Block on the Plat.

(i) —The signing will be contingent on applicant submittal of:

1. — Development Assurances: The Planning Commission and Board of Trustees may require adequate assurance in a form and manner which it approves, that any public open space and any other public improvements shown in the Final Development Plan will be provided and developed. The Town may accept a bond, letter of credit, or other acceptable financial guarantee, in a form which complies with the provisions of the improvements agreement and in an amount sufficient to construct the public open space and improvements shown in the Final Development Application.
2. — The applicant shall provide a fourteen inches by eighteen inches (14" x 18") black line address mylar that includes the following: address(es) as assigned by the Town of Grand Lake, north arrow, name of the development, identification of legal description (lot & block, parcel, unit, etc.), road names and adjoining developments, for the Grand County Department of Planning and Zoning.
3. — The original reproducible drawing of the Final Development Application prepared in accordance with the requirements of this Article, and:
 - — In the form of a black India ink Mylar or linen cloth that is capable of reproducing clear and sharp reproductions of all details, signatures, and notary seals.
 - — No plats using sepia ink or pencil or containing stick-ons will be accepted.
 - — All signatures on the plat are to be in black, permanent ink.
4. — The applicant shall provide a Compact Disc (CD) in AutoCAD.dwg or AutoCAD.dxf which includes the following as determined by administrative staff and/or Planning Commission: a north arrow, address(es) as assigned by the Town of Grand Lake, lots with dimensions and ties to monumentation, roads, easements, drainage and detention ponds, fire hydrants, sewer and water line layouts, water courses, legal description, bearings and distances, utility layouts, open space, building envelopes and topography for the Grand County GIS Department.

(ii) —The Board of Trustees shall not approve any major change or addition in the Final Development Application recommended by the Planning Commission until the proposed major change or addition has been referred to the Planning Commission for recommendations and a copy of said recommendations has been filed with the Board of Trustees. Failure of the Planning Commission to file said recommendations to the Board of Trustees within sixty (60) days after the reference shall be deemed to be approval of the proposed changes or additions. It shall be necessary for the Planning Commission to hold a public hearing on such major change or addition.

2.— If the Final Development Plan is approved subject to conditions, the formal acceptance and recording of such approval shall not be made until the applicant has obtained the signature

of the Mayor of the Town on the Plat or Plan face. All conditions must be satisfied before any Town signatures are affixed thereto.

3. The only basis for rejection of a final Development Application shall be its non-conformance to adopted rules, regulations and Sections of the Municipal Code currently in force and effect and the lack of conformance with the approved Preliminary Development Application.

(c) The Board of Trustees shall record the Final Development Application with the Town Clerk within five (5) working days of approval of the Final Development Application by the Board of Trustees. The Town Clerk shall endorse the Clerk's Certificate on the Plat and immediately record the Plat with the appropriate County Clerk and Recorder. 6. *Lapse of Approval.*

(a) Approval of a Final Development Application shall remain valid for two (2) years from the date of approval by the Board of Trustees, subject to the requirements below. If the development has not substantially commenced within this period, the approval shall expire unless an extension is granted by the Board of Trustees.

1. The applicant shall submit a complete application for a building permit within six (6) months of Final Development Application approval. Failure to do so may constitute grounds for expiration of the approval, unless an extension is granted by the Board of Trustees.
2. For the purposes of this section, "substantial commencement" is at the discretion of the Board of Trustees and may include, but is not limited to, issuance of building permits, installation of required public improvements, or footings installed.
3. The applicant may request an extension prior to expiration, subject to approval by the Board of Trustees.
4. Upon expiration, any subsequent application shall be treated as a new application and shall be subject to all regulations in effect at the time of resubmittal.

Land Use Procedure Flow Chart for Major Land Use Applications

The amount of time that it takes the Town to process a Major Land Use Application is determined by the amount of time it takes the applicant to prepare and submit information. The application process may take as little as six (6) months but may take much longer depending upon the pace of the applicant.

Commented [EW6]: Recommend removing based on the proposed text changes - this can be updated and provided as an application checklist

<u>1. Pre-Application Conference</u> (Town Staff) To determine the scope of the project, outline the process for review as well as determine any staff-foreseen issues that may arise.	<u>8. Final Application Review</u> (Planning Commission) Review of Final submission. Final recommendation of approval or denial of application.
<u>2. Sketch Plan</u> (Planning Commission) Discussion of project, determination of any additional requirements and conceptual approval or denial of application. Valid for twelve (12) months	<u>9. Final Application Review</u> (Board of Trustees) Planning Commission recommendation forward at next regularly-scheduled Board meeting. Review of project and Planning Commission recommendation and determination of approval or denial of application.
<u>3. Preliminary Application Acceptance</u> (Town Staff) Determination of application completion and agency notification.	<u>10. Recording</u> (Town Staff) Approved Final Plats and Plans must be submitted for recording within six (6) months of approval by the Town Board. Failure to do so will result in a Planning Commission special review.
<u>4. Preliminary Application Acceptance</u> (Planning Commission) Opportunity for Planning Commission to set a Public Hearing for the application.	<u>11. Building Permit Submittal</u> (Town Staff and Planning Commission) Building permit applications for recorded Final Plats and Plans must be submitted within six (6) months of recording for review of applicable Town development, zoning and design guidelines. Failure to do so will result in a Planning Commission special review.
<u>5. Preliminary Application Review</u> (Town Staff) Legal notice publishing, neighborhood and development signors/lien holders certified notification.	<u>12. Exterior Finish Completion</u> (Town Staff) Exterior finishes applicable to the approved building permit must be completed within nine (9) months of building permit issuances. Failure to do so will result in a Planning Commission special review.
<u>6. Preliminary Application Review</u> (Planning Commission) Review of Preliminary submission with notation given to staff and agency comments. Preliminary approval or denial of application. Valid for twelve (12) months	<u>13. No Progress</u> (Town Staff and Planning Commission) The determination of 'no progress' by Town staff or the Planning Commission will result in a Planning Commission special review.
<u>7. Final Application Acceptance</u> (Town Staff) Determination of application completion and submittal to the Planning Commission.	

(Ord. No. 06-2019, 8-26-2019)

Chapter 12 – Land Use Regulations

ARTICLE 9. LAND DEVELOPMENT REGULATIONS

12-9-4 Minor Development, Review Procedures and Submission Requirements.

Minor ~~developments~~ Developments shall follow all data submission requirements, procedures and drawing requirements required of this Article except as follows:

- (A) Minor Developments shall be reviewed through a two-phase process consisting of a Sketch Plan and a Final Development Application. The Preliminary Development Application phase is not required.
- (B) Applicants are required to have a Pre-Application meeting with Town Staff prior to Sketch Plan submittal.
- (C) A Sketch Plan submittal is required and shall comply with the requirements set forth in Section 12-9-2 for Sketch Plan Review. The Sketch Plan shall be reviewed by the Planning Commission for informal feedback prior to submission of the Final Development Application. The Applicant may request to have their Sketch Plan presented at a Board of Trustees meeting for further consideration and informal feedback.
- (D) The Final Development Application shall include all applicable materials required for final approval and shall follow the review procedures, including all referral review, noticing, and public hearing requirements, consistent with Section 12-9-2 for Final Development Applications, and shall incorporate any relevant feedback received during the Sketch Plan phase.
- ~~(A) A Sketch Plan submittal is not required. Applicants are strongly encouraged to have a Pre-Application conference with Town staff prior to Preliminary Development Application submittal.~~
- ~~(B) The information required in Section 12-9-2 shall be submitted at the time of Preliminary Development Application.~~
- ~~(C) The Planning Commission or staff shall ask for comments from any entity listed in Section 12-10-2 as it deems appropriate.~~
- ~~(D) The public hearing required in Section 12-9-2 for Preliminary Development Application will be required at Final Development Application Stage.~~

Chapter 12 – Land Use Regulations

ARTICLE 9. LAND DEVELOPMENT REGULATIONS

12-9-5 Failure to Begin Development or Show Substantial Progress and Review.

- (A) ~~Each approved Development shall include a development schedule, where applicable. At the developer's request, the Planning Commission may grant extensions not to exceed six (6) months. Town staff shall monitor compliance with the approved schedule. Failure to substantially adhere to the schedule may result in a Development Special Review by the Planning Commission and may also constitute grounds for lapse of approval pursuant to Town Code Section 12-9-2 (E)(6). A Special Review shall be initiated if one (1) or more of the following occur: Each approved Development overlay must contain a detailed development schedule, if applicable. At the developer's request, the Planning Commission may allow for an extension of the timeline. The Planning Commission may grant an extension for a period of time not to exceed six (6) months. The Town staff shall monitor this schedule, and failure of the developer to substantially adhere to it shall be cause for a Development Special Review by the Planning Commission. The Commission Special Review shall be commenced if one (1) or more of the following situations exist:~~
1. Failure to record with the Grand County Recorder's Office within six (6) months of the Final Development Application Approval date by the Town Board of Trustees;
 2. An application for building permit has not been received within six (6) months after filing of the Final Development Application;
 3. The exterior finishes are not completed within nine (9) months of building permit issuance;
 4. In-activity or documented "no progress" as determined by either Town staff or the Planning Commission on any stage of the project for more than one (1) year after the last completed benchmark in the approved development.
- (B) Periodic Review of all On-going Developments - The Planning Commission may conduct an annual review of each project on or about the anniversary date of the Development approval. No fees will be charged to the developer for these reviews. Developers of projects may be asked by the Commission or staff to appear at this review and make a progress report. The commission will make a determination and note in the minutes as to whether adequate progress has been made by the developer. This periodic review may constitute a Land Use Development Special Review.
1. The Land Use Development Special Review will be undertaken by the Planning Commission to determine if the developer can verify to the Commission that the original assumptions and plans of the Development are still appropriate.
 - (a) In order to cover the Town's expenses for conducting a Land Use Development Special Review, the developer shall pay a deposit equivalent to eighty percent (80%) of the original deposit. In addition to direct collection, failure to pay fees will trigger other methods of securing payment, such as the denial of new building permits, or placing a stop-work order on existing building permits, may be utilized.
 - (b) At this review, the development schedule shall be recommended to be formally amended and shall be forwarded to the Town Board of Trustees for their review of the amended development schedule. No development may proceed until these formal amendments and approvals are made.
 - (c) After the Special Review has been undertaken and the Board of Trustees has found, determined, and declared that there is no realistic possibility that the Development can or will proceed as approved in the Final Development Application, the Board of Trustees may revoke the Final Plat

or Plan by Resolution. Said Revocation may trigger penalty provisions of the Zoning Code due to non-conformance with the original base zoning.

Chapter 12 – Land Use Regulations

ARTICLE 9. LAND DEVELOPMENT REGULATIONS

12-9-7 ~~Amendments to Land Use Developments~~Reserved.

~~Amendments may be made to previously approved plats and plans by the Board of Trustees with recommendation by the Planning Commission. Amendments shall be constituted as a new development application and shall follow the provisions for standards and specifications set forth in this Section.~~

Commented [EW1]: Removing this section as it is now covered under Minor Development Application.

- (A) ~~Deposit.~~ Amendment applications will be required to pay a deposit, as set by the Town Board of Trustees.
- (B) ~~Submission Requirements.~~ Submission requirements for each project will vary, depending on the proposed amendment. Town staff will determine the sufficient submission requirements and make recommendation to the Planning Commission and Town Board of Trustees regarding a complete submission.
- (C) ~~Amendments to Final Development Plans.~~
1. ~~Minor changes in the location of buildings, siting, and height of buildings and structures may be authorized by the Planning Commission without additional public hearings if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. No change authorized by this subsection may cause any of the following:~~
 - (a) ~~A change in the use or character of the development;~~
 - (b) ~~An increase in overall coverage of structures;~~
 - (c) ~~An increase in the intensity and density of use;~~
 - (d) ~~An increase in the problems of traffic circulation and public utilities;~~
 - (e) ~~A reduction in approved open space;~~
 - (f) ~~A reduction of off-street parking and loading space;~~
 - (g) ~~A reduction in required pavement widths.~~
 2. ~~All other changes in use, or rearrangements of lots, blocks, and building tracts, or any changes in the provision of common open spaces must be approved by the Board of Trustees after a report from the Town staff and recommendation by the Planning Commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the Final Development Plan was approved or by changes in community policy. Any changes which are approved in the Final Development Plan must be recorded as amendments in accordance with the procedure established for the recording of the initial Final Development Plan documents with the exception that prior to making its recommendation to the Board of Trustees, the Planning Commission shall hold at least one (1) public hearing with the applicant being responsible for publishing notice of said hearing in the official publication of the Town of Grand Lake at least fifteen (15) days in advance of the hearing.~~
- (D) ~~Amendments to Final Development Plats.~~
1. ~~The Planning Commission may recommend to the Board of Trustees amendments to the requirements of these Regulations after giving adequate public notice of a public meeting in a newspaper of general circulation. Town Staff shall set a public hearing date before the Board of Trustees, and notice of said hearing shall be published in the official newspaper of the Town at least fifteen (15) days prior to the time of the hearing. The Town Board of Trustees shall conduct the hearing and either adopt, adopt with modifications, or not approve the proposed~~

amendments. A joint hearing of the two (2) bodies is appropriate. All amendment Ordinances must be authorized using the following form and published immediately upon adoption and included in any subsequent sale of these Regulations to the general public.

APPROVED AFTER PUBLIC HEARING by the Grand Lake Planning Commission the ____ day of _____, 20____.

Chairman

ATTEST:

Secretary

APPROVED BY the Board of Trustees of the Town of Grand Lake the ____ day of _____, 20____.

Mayor

ATTEST:

Town Clerk

Chapter 12 – Land Use Regulations

ARTICLE 9. LAND DEVELOPMENT REGULATIONS

12-9-10 ~~Standards~~Reserved.

- (A) ~~Each new development of land in Grand Lake will, to some extent, affect the character and environmental appeal of the land, the cost of services and maintenance to the purchasers and the Town government, and the interests of investors in the land and surrounding areas. New developments shall provide safe, convenient travel routes to, from and within the development. Each lot or unit must provide a desirable setting for construction so that natural features of the land may be preserved, views and solar access protected, privacy permitted, and screening from traffic ways is possible. Provision must be made to meet area needs for flood and fire protection, sewage disposal and water.~~
- (B) ~~The Planning Commission and the Town Board of Trustees will consider the cumulative impact of the developments of land in the area that have occurred in the past, as well as anticipated developments of land on Town services or any of the Standards described below and herein, and shall make such additional requirements that such impacts necessitate.~~
- (C) ~~General Information.~~
1. ~~Special Site Considerations.~~
- (a) ~~Steep, unstable or swampy land, and land subject to inadequate drainage, avalanche, or rock slides, and geological hazards shall be identified, and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property, such sites shall not be platted for improvements.~~
- (b) ~~The Planning Commission may require the applicant to furnish appropriate technical data and other information necessary to determine the extent to which a proposed development of land is subject to flooding, located in a natural drainage channel, or subject to geological, fire, or other natural hazards. Technical data and other information requested by the Planning Commission will be prepared and certified by a professional qualified in the appropriate field of expertise. If it is determined that a proposed division of land or a portion thereof lies within a natural hazard area, the Planning Commission and Town Board of Trustees may set forth certain conditions, stipulations, standards and prohibitions which must be observed if a development of land is to be permitted.~~
- (c) ~~When the Planning Commission requires review and comment by outside agencies, any fees levied by those agencies for their review will be paid by the applicant either directly to the agency or by remitting an extra fee to the Town to cover the cost.~~
2. ~~Dedications.~~
- (a) ~~Dedication of rights-of-way for streets giving access to adjacent lands and adjoining dedicated streets, and drainage and utility easements, may be required.~~
- (b) ~~Approval of a development of land under these Regulations shall not constitute acceptance by the Town of the roads, streets, or other public lands as indicated for dedication on the Plat or Plan. The dedication of any of these lands for Town use of any nature within the Town shall be accepted by the Town only by specific action of the Town Board of Trustees.~~
- (c) ~~In addition, dedication of land or payment of fees in lieu of land dedications for public purposes as per of these Regulations is required before approval of the Final Plat or Plan by the Town Board of Trustees.~~

3.—*Improvements Required.*

- (a)—In each proposed land development, the applicant and the Planning Commission shall agree on the type, location and extent of necessary public improvements depending on the characteristics of the proposed development and its relationship to the surrounding area. Improvements shall be made by the applicant at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Town Board of Trustees.
- 1.—Permanent survey monuments shall be set as required by C.R.S. Title 38, Article 51, 1973, as amended. In addition, one-half inch (½") steel pins (or larger) shall be set at all lot corners. Affixed securely to the top of each such monument shall be the Colorado Registration number and land surveyor responsible for the establishment of said monument.
- (b)—Improvements not specifically mentioned in these Regulations, but found appropriate and necessary due to unusual conditions found on the site, shall be constructed at the applicant's expense within such time and in conformance with such specifications as deemed necessary and appropriate by the Planning Commission and Town Board of Trustees. No plat or plan shall be signed by the Town Board of Trustees until the improvements required by these Regulations have been constructed and approved by the appropriate Town officials having jurisdiction over such improvements, or until assurance in the form of an acceptable Improvements Agreement with approved guarantees is given to the Town Board of Trustees that the required improvements will be completed.

4.—*Responsibility for Improvements.*

- (a)—*General Requirements.* The following improvements shall be constructed at the expense of the Developer as stipulated in the Development Improvement Agreement in a manner approved by the Town Board of Trustees and in a manner which is consistent with sound construction and local standards. Where specific requirements are spelled out in other Sections of this Article of other applicable Articles the specific requirements shall apply:
- 1.—Road, grading and surfacing.
 - 2.—Curbs, if required.
 - 3.—Boardwalks, Sidewalks and Greenways, if required.
 - 4.—Sanitary sewer laterals where required.
 - 5.—Storm sewers or storm drainage system, as required.
 - 6.—Water distribution system, where applicable.
 - 7.—Street signs at all street intersections.
 - 8.—Permanent reference points.
 - 9.—Landscaping features.
 - 10.—Other facilities as may be specified or required in the Municipal Code, by the Board of Trustees.
- (b)—*Improvement Agreement.* No Final Plat or Plan shall be approved until the developer has submitted a Development Improvement Agreement or a contract approved by the Town, agreeing to construct the required improvements as shown in documents supporting the Preliminary Plan. Suitable collateral, in an amount stipulated in the Development Improvement Agreement, shall accompany the final plat submission, to ensure the completion of the improvements according to design and time specifications.
- 1.—At such time as the various improvements are completed, the developer may apply to the Town for partial or full release of the collateral, subject to approval of the Town upon inspection of the improvement. If the improvements are not constructed in accordance with

all of the specifications the Town shall notify the developers of the non-compliance and discuss with the developers the reasons for the non-compliance and proposed schedules for correcting the non-compliance. Wherever the cost of improvements is covered by a performance bond, the developer and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

2. If the Town determines that the developers will not construct any or all of the improvements in accordance with all of the specifications, the Town shall have the power to withdraw and employ from the bond or deposit as specified, such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.
3. To insure that improvements are constructed in accordance with Town standards, the Board of Trustees shall require the Developer to sign an agreement to reimburse the Town for the costs of inspection of said improvements. If the value of improvements in the Development Improvements Agreement is less than ten thousand (\$10,000.00) dollars the Board of Trustees may elect to waive this provision upon motion of the Board of Trustees. These fees shall be due and upon demand of the Town. Failure of the Developer to pay these fees shall be cause for the Town to deny the issuance of building permits, water taps, or Certificates of Occupancy until all are paid.
4. The Board of Trustees will not accept dedication of required improvements, nor release nor reduce a security agreement, until the Town Staff has submitted a certificate stating that all required improvements have been satisfactorily completed and until the developer's engineer or surveyor has certified to the Town of Grand Lake through submission of detailed "as-built" survey plat of the development, indicating location, dimensions, materials and other information required by the Planning Commission and Board of Trustees that the layout of the line and grade of all public improvements is in accordance with construction plans for the development and that a title insurance policy has been furnished to and approved by the Town Attorney indicating that the improvements shall have been completed, are ready for dedication to the Town, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Board shall thereafter accept the improvements for dedication in accordance with the established procedure.

(c) — *Release of Guarantee.* From time to time as the required improvements in a development are completed, the developer shall apply in writing to the Town for a partial or full release of the bond, credit deposit letter, certified check, or other collateral. Such release requests shall not be made to the Town more frequently than once every month. Upon receipt of such application in writing, the Town or its agent shall inspect that portion of the improvement which has been completed.

1. If the Town determines from such inspection that the improvements thus far completed have been made in accordance with the Final Plat and the requirements of these regulations, a portion of the bond, credit deposit letter, certified check, or other collateral sufficient to cover the improvements thus far completed less ten percent (10%) retainage shall be released.
2. The retainage shall not be released until all required improvements have been made and a final inspection report from the Town Engineer has been received by the Board of Trustees recommending final acceptance of the improvements.

(D) — *Block, Lot, and Additional Setbacks.*

1. ~~Block Standards.~~

- (a) ~~Blocks shall not exceed thirteen hundred twenty feet (1,320') in length nor be less than three hundred sixty feet (360') in length. The length of blocks shall be considered to be the distance from street centerline to opposite street centerline and shall be measured through adjacent back lot lines or through the center of the block. The total design should provide for convenient access and circulation for emergency vehicles. All blocks shall be abutted by a street or streets. Where blocks are longer than three hundred sixty feet (360') pedestrian walkways shall be provided to permit acceptable pedestrian access to abutting streets.~~
- (b) ~~Service access to the interior of blocks may be permitted in certain instances, in which case such alleys must be indicated in the plan and plat.~~
- (c) ~~Blocks shall have sufficient width for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block standard shall be permitted in blocks containing steep slopes or adjacent to major streets or streams and lakes.~~

2. ~~Lot Requirements and Standards.~~

(a) ~~Developments.~~

- 1. ~~Lot Requirements.~~ There shall be no minimum lot width, setbacks, or lot area requirements in a PD. Setbacks and lot widths shall be as required by the Planning Commission to provide adequate access and fire protection and to ensure proper ventilation, light, solar access and air. The stream and lake setback requirements of the Zoning Regulations shall be adhered to the greatest degree possible as a priority item. Deviations from these water setbacks will be judged according to Shoreline and Surface Water Regulations of the Zoning Code.
- 2. ~~Lots created as part of a Development shall conform to the General Requirements and Standards as set forth in this section.~~

(b) ~~Subdivisions.~~

- 1. ~~Lot Requirements.~~ The minimum lot width, setbacks and/or lot area requirements for a development shall conform to the Zoning Regulations of the Municipal Code. The stream and lake setback requirements of the Zoning Regulations shall be adhered to. Deviations from these water setbacks will be judged according to Shoreline and Surface Water Regulations of the Zoning Code.
- 2. ~~Lots created as part of a Development shall conform to the General Requirements and Standards as set forth in this section.~~

(c) ~~General Requirements and Standards.~~

- 1. ~~Lot Standards for Townhouses.~~ Notwithstanding any other provisions contained in the Municipal Code, widths and frontage for townhouses are permitted to vary from the standards imposed by the Grand Lake Zoning Ordinance without requiring a variance proceeding before the Board of Adjustment. In making its recommendation, the Planning Commission shall encourage variations from the minimum lot sizes and widths which provide a variety and diversity in design while still protecting the unique features of the site and protecting the surrounding neighborhood.
- 2. ~~Lot Dimensions.~~ Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow

further development and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with Municipal Code.

- 3.—*Division of Lots.* No lot shall be divided by a municipal or county boundary line, road, alley or other lot.
- 4.—*Wedge-shaped Lots.* In the case of wedge-shaped Lots, no Lot shall be less than forty feet (40') in width where the narrow side of the Lot is at the front property line.
- 5.—*Lot Lines.* Side Lot Lines shall be substantially at right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be indicated.
- 6.—*Frontage on Public Street.* All lots in developments shall front and have access on a public street.
- 7.—*Lot Arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with Municipal Code and in providing driveway access to buildings on such lots from an approved street.
- 8.—*Double Frontage Lots and Access to Lots.*
 - (i)—*Double Frontage Lots.* Double frontage or reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
 - (ii)—*Access From Arterials.* Lots shall not, in general, derive access exclusively from a major arterial street. Where driveway access from a major arterial may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Driveways should not be designed and arranged so as to require vehicles to back into traffic on major arterials.
- 9.—*Corner Lots.* Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.
 - (i)—Lots for residential use on corners shall have extra width to accommodate yard setbacks on both street frontages.
 - (ii)—When corner lots exist along street ROW(s) of greater than sixty (60) feet, the standard setbacks for each properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated as established in the Municipal Code.
- 10.—*Lot Setback.* Minimum building setbacks on the perimeter of such developments shall be in conformance with the Municipal Code.
- 11.—*Lot Drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings and individual lots drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

3.—*Additional Development Setbacks.*

- (a)—Where a development is adjacent to the State Highway 34 right-of-way, a permanent open space at least twenty feet (20') in width shall be required along the property line(s). This area shall be kept free of buildings and structures and contain permanently maintained landscaping, unless

screened or protected by natural features. Parking areas may encroach up to five feet (5') into this setback.

(E) *Structures and other Built Features.*

1. *Building.*

(a) *Height.* The height of buildings shall be governed by the limit defined in the existing zoning overlay. Height in excess of any of these existing limits may be granted, by a Board of Trustees variance. For those height variances outlined in Supplemental Setback, Height and Area Regulations of the Municipal Code the request shall be heard by the Town Board of Trustees with recommendation from the Planning Commission.

(b) *Spacing.*

1. Each Development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walls, barriers, landscaping, and sound reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise. A minimum of twenty (20) feet must be maintained between buildings.

2. All buildings will be located so as to take advantage of any passive or active solar gain as deemed appropriate by the developer in the interests of energy conservation.

(c) *Construction.* The design and construction plans shall take into account characteristics of soils, slopes and potential geological hazards, in a manner intended to protect the health, safety, and welfare of potential users. These aspects of the plan must be accompanied by a detailed soil engineering report on the suitability of the area for the intended use and the necessary precautions needed to bring the area to a state of structural soundness before building permits may be issued.

2. *Additional Standards for Conversions of Leased or Rented Space of Any Type to Townhouses or Condominiums.*

(a) *General.* Due to the special nature of converting existing rental spaces to townhouses, condominiums or other types of airspace ownership arrangements, the following regulations will apply specifically to these types of development projects. Except where otherwise noted herein, all conversion projects will also comply with the design standards of this Section.

1. *Physical Standards for Conversion.* A report on the physical elements of all structures and facilities shall be submitted with the Preliminary Development Application. This report is to be compiled by a licensed professional structural engineer and/or registered architect, as appropriate, and shall include but not be limited to the following:

(i) *Adequate Physical Condition.*

1. A report detailing the structural condition of all elements of the property including foundations, plumbing, utilities, walls, ceilings, windows, recreational facilities, sound transmission of each building, fireplaces, insulation, electrical system, mechanical equipment, space heating devices, and appliances. Regarding each element, the report shall state, to the best knowledge or estimate of the applicant, the current condition of each element and any substantial variation of the physical condition of said element from the current Municipal Code, Health, Fire and Building Electrical and Plumbing Codes in effect in Grand Lake on the date of inspection. The report shall identify any defective or unsafe element and set forth the proposed corrective measures to be employed.

2. —The developer shall provide to the Town and to any buyer of any unit before approval of the As-Built Plat written certification that all appliances, heating equipment and other mechanical equipment provided in the units are in operable working condition. At such time as the Owner's Association takes over management of the development, the developer shall provide written certification to the Town and to the Association that any mechanical equipment to be owned in common by the association is in operable working condition.
3. —A statement of repairs and improvements to be made by the developer necessary to meet the deficiencies in subsections (1) above.
4. —All necessary repairs and improvements will need to be completed before approval of a Certificate of Occupancy Permit is granted.

(ii) Specific Physical Standards.

1. —Each conversion project will conform to the Grand Lake Building Code, the Plumbing and Electrical Codes including any exemptions provided therein, in effect at the date of application, and any other health and fire codes enforced in the Town.
2. —Each conversion project shall meet all the off-street parking requirements of the Municipal Code, unless otherwise provided.
3. —Each water using unit shall have a separate three-quarter (¾) inch (minimum) service line, meter, and curb stop. A plant investment fee is required for each new tap so created. Each dwelling unit shall be separately metered for electrical and other utilities.
4. —Each unit shall have at least two hundred (200) cubic feet of enclosed, weather-proofed and lockable storage space in addition to guest, linen, pantry and clothes closets provided. Such storage space may be located in any portion of the project, and no such space for any one (1) unit may be split between two (2) or more locations.
5. —All main buildings, structures, fences, patio enclosures, carports and garages, accessory buildings, sidewalks, landscaped areas and additional elements as required by the Planning Commission shall be refurbished and restored as necessary to achieve a high degree of appearance, quality and safety.
6. —All conversion projects will conform to minimum floor area and off-street parking requirements of the Municipal Code. In the case of conversions of hotels and motels to condo-hotel/motel rooms, equivalent required off-street parking must be provided within three hundred feet (300') of the project boundaries. The minimum floor area for condo-hotel/motel room projects shall be three hundred fifty (350) square feet.
7. —Open space requirements for each zone district shall apply to each conversion project. Developers of mixed use projects may follow the Mixed Use Open Space Schedule in the Zoning Regulations for the CT, C and RST Districts. Projects in the Town Core Area are eligible for open space negotiations with the Planning Commission.

2. Notification to Residential Tenants.

- (i) —A developer who converts a structure into condominium, townhouse or other individually owned airspace dwelling unit, immediately prior to Final Development Application submittal to the Grand Lake Planning Commission shall notify by certified

receipt mail each residential tenant of the dwelling of such anticipated conversion and the anticipated date when the occupancy grade period as allowed by C.R.S. § 38-33-112 is to begin and end. Evidence of receipt of notice to convert by each tenant must be included with the Final Development Application.

1. — No building permit will be issued for purposes of building construction activity associated with the conversion project until all tenants have vacated the building according to the procedures required under these regulations and C.R.S. § 38-33-112. Evidence that the building is completely vacated will be signed statements of termination of occupancy by the tenants that they were properly notified and that the developer has complied with state law.

3. — *Tenant's Right to Purchase.*

(i) — Any present tenant or tenants of any unit shall be given a non-transferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least forty-five (45) days from the date of notification of the tenant. This requirement shall not, in itself, create a vested right in the tenant.

3. — *Additional Standards for Mobile Home Townhome Developments.*

(a) — *General.*

1. — Generally, the standards pertaining to developments set forth in these Regulations and others of the Town of Grand Lake that apply to development, construction, alteration or extension will apply to a mobile home townhome development. However, standards herein which are more stringent shall control.

(i) — All buildings and utilities to be constructed, altered, or repaired in a mobile home townhome development must comply with all applicable codes adopted by the Town and the state including building, electrical, and plumbing.

(ii) — All mobile home townhome developments must provide for management and maintenance of all common elements through a homeowner's association as per requirements of these Regulations.

(iii) — HUD Seal: All mobile home townhomes must contain the U.S. Department of Housing and Urban Development (HUD) seal or subseal if a mobile home was constructed prior to the adoption of the HUD and Colorado Division of Housing seals. For those mobile home parks existing in the Town of Grand Lake prior to the adoption of these Regulations that wish to convert into a mobile home townhome development, all mobile homes contained within the development must either:

1. — Obtain such a seal or substantially conform to the requirements of said seal within five (5) years after the development is platted; or

2. — Be removed and replaced by a HUD-certified seal mobile home.

(b) — *Minimum Site.* The minimum site for a mobile home townhome development is one (1) acre.

(c) — *Density and Open Space.* These standards are contained in the Municipal Code.

(d) — *Landscaping.* A minimum of ten percent (10%) of the open space area is to consist of landscaped buffers along the perimeter boundaries of the development to act as a visual and privacy screen for the development. Perimeter boundary landscaped setbacks shall be a minimum of fifteen feet

(15') when developments face onto an internal road or cu-de-sac. Developments wishing to face onto a public street must get specific permission from the Planning Commission and conform to the setbacks in the Grand Lake zoning Ordinance. Landscaping in the remainder of the open space may consist of ground cover. The development developer will be responsible for the replacement of revegetation and landscape plantings for two (2) growing seasons after installation. Plants listed in Chapter 13: Urban Forestry Management, are encouraged.

- (e) — *Parking Areas, Drives, and Retaining Walls.* Each unit shall have a minimum of two (2) standard off-street parking spaces available with parking areas defined with cribbing or similar materials and parking stalls clearly defined. Parking areas and drives are to be surfaced with Class C gravel to a depth of two inches (2") as a minimum. Any retaining walls of over four feet (4') in height which are used for slope stabilization, parking and drives shall be engineered and constructed as per the Chapter 9: Building Regulations.
- (f) — A central trash deposit and pick-up area shall be provided for every fifteen (15) units in a development. The trash area shall be screened from public view.
- (g) — The minimum base or pad size upon which mobile homes will be placed is one thousand two hundred (1,200) square feet. The remainder of the land area after open space and pad areas are deducted is to be used for parking, drives, trash areas and appurtenant (attached and detached) structures (screened porches, sheds, etc.) for the mobile home units. Walkways and a maximum of a six foot (6') by four foot (4') outside stair case and landing with canopy may be included as open space.
- (h) — The minimum spacing between units including any appurtenant structures shall be twenty feet (20'). Mobile home townhome developments converting from mobile home parks existing prior to the adoption of these Regulations may have a fifteen foot (15') spacing between units upon specific recommendations of the Planning Commission.

4. — *Bridges.*

- (a) — Bridges of primary benefit to the applicant, as determined by the Planning Commission and Board of Trustees, shall be constructed at the full expense of the applicant without reimbursement from the Town. The sharing of expenses for the construction of bridges not of primary benefit to the applicant as determined by the Planning Commission will be fixed by the improvements agreement between the Board of Trustees and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of his land developed and so served.
 - 1. — If any bridges are to be constructed within the Development on public or private ways (roads, streets, paths, etc.), these are to be built in full compliance with the dredge and fill laws of local, state and federal jurisdictions.

(F) — *Standards and Regulations for Improvements within Rights-of-Way.*

1. — *General Standards and Regulations.*

- (a) — *Street, Sidewalk and Boardwalk Plan.* The arrangements, classification, extent, width, grade and location of all streets, sidewalks and boardwalks shall conform to the street, sidewalk and boardwalk plans and Municipal Code of the Town and shall be designed in relation to existing and planned streets, sidewalks and boardwalks topographical conditions, public convenience and safety, and the proposed uses of the land to be served by such streets, sidewalks and boardwalks. The construction standards are as follows:
 - 1. — All street or highways shall be designed and constructed in accordance with the Street Development Standards of the Town of Grand Lake, adopted as a separate Article to this Code, and as amended from time to time.

(i) — All calculations and coefficients shall conform to requirements set forth in the Chapter 11: Article 2: Street Development Policies, Standards, and Specifications.

2. — All boardwalks and sidewalks shall be designed and constructed in accordance with the Chapter 11: Article 4: Boardwalks, Sidewalks, and Community Greenways.

2. — *Additional Regulations.*

(a) — All public and private streets are to be paved and shall be dedicated to the Town as utility easements where said easements are necessary. All streets are to be completed and paved before a certificate of occupancy (C.O.) is issued on a structure(s). This requirement may be waived for nine (9) months should weather conditions necessitate it. All improvement bonds, escrow funds, etc., are to be held by the Town until paving is complete. A fugitive dust control plan is to be included in the PD documents and implemented during construction.

1. — All private streets shall be conveyed to a private home or property owners association. If the private association or person(s) owning the private streets in the Development should in the future request that any private streets be changed to public streets, the private association or owner(s) will bear the full costs of reconstruction or any other action necessary to make the streets conform to the applicable standards for public streets. The private association or owner(s) shall also agree that these streets shall be made to conform and be dedicated to public use without compensation to the private association or owner(s).

(b) — *Additional Standards.*

1. — *Development Abutting Major Rights-of-Way.* Where a development abuts or contains an existing or proposed primary street or highway, the Planning Commission may require service streets, reverse frontage lots with screen planting in a reservation strip along the rear property line, deep lots with rear service alleys abutting the primary street or highway, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.

2. — *Development Containing Major Rights-of-Way.* Where a development borders on or contains highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such land would be appropriately used for park purposes in residential districts, or for commercial or industrial purposes in non-residential districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.

3. — *Intersections.* Intersections of local streets with major streets shall be kept to a minimum.

4. — *Street Names.* Streets shall have the names of existing streets which are in alignment in the Town or in an adjoining county or municipality. There shall be no duplication of street names.

5. — Streets shall be designed to bear a logical relationship to the topography. All streets in new developments shall be paved with asphalt or concrete.

6. — Whenever streets are not aligned, off-sets shall be at least one hundred thirty-five feet (135'), centerline to centerline.

7. — Cul-de-sacs shall be permitted, provided they are not more than five hundred feet (500') in length and have a turnaround diameter of one hundred feet (100'), with a pavement diameter of ninety feet (90'). If the topography dictates the use of a longer cul-de-sac, the

- approval of the Planning Commission shall be obtained. The drainage easement shall be required between the cul-de-sac and the rear lot line of the lowest lot.
- 8.—A T-shaped and Y-shaped terminus may be provided in mountainside developments as an alternative to the circular turnaround. Where provided, the "wings" of the T or Y shall be at least twenty feet (20') deep, measured from the street boundary, and at least sixteen feet (16') wide exclusive of parking space. Curbs at the intersection of the street and the "wings" of the T or Y shall be rounded with a minimum radius of twenty feet (20').
 - 9.—Dead end streets, with the exception of cul-de-sacs, shall be prohibited.
 - 10.—Half streets shall be prohibited. This requirement supersedes those contained in Chapter 11: Article 2: Street Development Policies, Standards, and Specifications. When a proposed half street in one development is adjacent to another property, the approval of the adjacent owner shall be obtained and the entire street shall be platted and dedicated by the owners. The responsibility for acquiring the additional right-of-way shall be with the developer.
 - 11.—Restriction of access shall be required when a development or portion thereof adjoins an arterial highway. Marginal access streets, reverse frontage with screen planting contained in a non-access reservation, deep lots or similar treatment shall be required to reduce the impact of traffic on residential properties and to avoid interference with the movement of the traffic on arterial highways.
 - 12.—Traffic control and street name signs shall be installed at all intersections in the development, according to the street names approved by the Planning Commission and the Board of Trustees. All signs shall be in conformance with standards established by the Planning Commission and the Board of Trustees of the Town of Grand Lake.
 - 13.—On all areas of land proposed for development whereon the general configuration of the undisturbed surface slopes fifteen percent (15%) or more in any direction, a grading plan showing revised contours for street construction shall be submitted. Such plan shall show the extent and percent slope of cut and fill areas created by street construction. Any proposed retaining structures shall be designed in detail. The Planning Commission may require wider roadbed widths for snow storage and guard rails where it feels these measures are appropriate. All cut and fill slopes and retaining structures shown as a result of street construction shall be located within the dedicated right-of-way proposed. No back slope shall exceed a ratio of one and one-half foot (1½') vertical to one foot (1') horizontal. A revegetation plan shall be submitted for all cut and fill slopes in excess of one foot (1') vertical to three feet (3') horizontal. Such plan shall use native or similar plants and include a cost estimate. The revegetation plan shall be implemented concurrently with street construction.
 - 14.—Development road systems shall be designed with two (2) or more dedicated access roads for separate, multiple ingress and egress.
 - 15.—Private streets shall afford abutting properties reasonably adequate access for entry by private and emergency vehicles and should be designed to standards at least equal to public streets.
 - 16.—All public roads within a development shall be maintained (except for snow removal) by the developer for a period of one (1) year after which the developer may petition to have the Town formally accept the road into its street system for dedication and maintenance purposes. The Trustees will release the final fifty percent (50%) of the collateral required

under the performance agreement when the road is determined to be in substantial compliance with Town road specifications.

17. ~~Widening and Realignment of Existing Roads.~~ Where a development borders an existing narrow road or when the Master Plan, Official Map, or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the development, the applicant shall be required to improve and dedicate at his expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these Development Regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Municipal Code whether the land is to be dedicated to the Town in fee simple or an easement is granted to it.

2. ~~Bike Paths and Walking Paths.~~

(a) ~~Walking paths and/or bicycle path linkages will be required in accordance with the Master Plan pertaining to these amenities and/or in order to link up logically with established or planned ways in the Town or County in open spaces or developed areas. If no such Master Plan requirements or private development plans exist, the development shall include such pathways in development plans along logical routes recommended by the Planning Commission to serve residential, non-residential and recreational facilities provided in or adjacent to the development. Such pathways shall be dedicated via easements to the public or property owner's association and may be included in any open space requirement of these or other regulations.~~

1. ~~Where bicycle paths and walking paths exist side-by-side (closer than ten feet (10')), a clear separation shall define the two (2) either in grade (minimum of six inches (6")) or by other means. If separated by grade, the walking path shall be higher in elevation than the bicycle path.~~

2. ~~Where walking and/or bicycle paths and automobile roadways exist side-by-side (closer than ten feet (10') from the shoulder and/or pavement edge), they shall be separated by a grade elevation of seven inches (7") minimum with the walking and/or bicycle path being higher in elevation than the automobile roadways.~~

3. ~~The minimum width of all pathways is eight feet (8').~~

4. ~~Trails shall be posted with appropriate signage.~~

4. ~~Parking and Loading.~~

(a) ~~Parking shall be provided as per the off-street parking requirements found in the Town of Grand Lake Zoning Regulations. In addition, the Planning Commission may determine that storage areas for boats, trailers, campers and other recreational vehicles shall be required where the necessity for such facilities has been demonstrated and where such facilities will preserve the required off-street parking for the use of automobiles.~~

1. ~~Parking requirements in the Town Core area may be altered by the Planning Commission during its review of the Development Application. Alternative parking measures need to be considered, such as:~~

(i) ~~Availability of future public parking facilities in the Town and their location.~~

5. ~~Snow Storage and Solar Orientation.~~

(a) ~~Snow Storage.~~

- 1.—A snow storage plan designating adequate areas for the storage of plowed snow equivalent to a minimum of one-third ($\frac{1}{3}$) of the uncovered parking area and drive. The Condominium/Townhome/HOA Declarations shall provide for the removal of snow by the owners' association when storage areas are at capacity upon notice by the Town.
- 2.—A snow storage and/or removal plan shall be required for all parking, loading and drive areas. The number of required spaces shall not be reduced in order to store snow.

~~(b) —Solar Orientation.~~

- 1.—All developments subject to these Regulations should, in general, maximize solar access in building site planning in terms of street layouts, orientation of building sites on lots to the streets and avoidance of north facing slopes and windows.
 - ~~(i) —Development shall fit and take advantage of topography and solar orientation to the end that good building sites are provided and utilities can be provided most economically.~~
 - ~~(ii) —When the development abuts an area developed with or specified for high or mid-rise buildings (or, in the case of a Development District, which will be developed with mid or high-rise buildings), the location of open space wherever possible shall be such that it will protect shorter structures from shadows cast by taller buildings.~~
- 2.—In particular, at the time of submission of Preliminary Development Application the developer shall submit an energy statement which shall include the following:
 - ~~(i) —A generalized narrative speaking to the solar aspects of the development either as a whole or discussed in parts. Discussion of such aspects as orientation to the sun, slope, vegetative cover and other relevant solar data is appropriate.~~
 - ~~(ii) —A statement and shadow plan demonstrating that eighty percent (80%) of the lots are sized and designed so as to protect solar access to the base of a south facing wall of a theoretical building on December 21 between 9:00 a.m. and 4:00 p.m. while conforming to the lot sizes and setbacks of these and the Grand Lake Zoning Regulations.
 1. —In the case of townhouses, apartments, condominiums and other mid to high-rise developments, the above solar regulations apply on a building by building basis.~~
 - ~~(iii) —A Statement indicating how the structures in the proposed development will protect snow and ice shed from neighboring structures and adjoining properties.~~
 - ~~(iv) —Statements and clauses protecting solar access to the base of a south facing wall of any building shall be included in the protective covenants of any development. At the time of submission and approval of final development plats, protective covenants including the energy statement required by this Section shall be reviewed by the Planning Commission and Board of Trustees to determine compliance with the approved energy statement.~~

~~6. —Alley and Easement Standards.~~

~~(a) —Alley Standards.~~

- 1.—Alleys in residential developments shall be prohibited unless they are necessary to continue an existing pattern. All alleys shall be a minimum of twenty feet (20') wide.

- 2.—Alleys shall be provided in commercial and industrial areas, except that this provision may be waived when other provisions are made and approve for service.

~~(b)—Easement Standards.~~

- 1.—Plats shall convey easements of sufficient size and width for utility purposes to the Town along all streets, roads, alleys, parking and loading areas.
 - (i)—Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of twenty feet (20') apportioned equally in abutting properties when alleys are not provided.
 - (ii)—Such easements may be provided by ten foot (10') easements on each of the adjoining lots. Utility easements at different locations may be provided upon recommendation by the affected utility companies and approval of the Planning Commission.
 - (iii)—Where front line easements are required, a minimum of fifteen feet (15') shall be allocated as a utility easement. Perimeter easements shall not be less than fifteen feet (15') in width extending throughout the peripheral area of the development.
- 2.—Easements shall be designed so as to provide efficient installation of utilities. Special guying easements may be required at lot corners. Public utility installations shall be so located as to permit multiple installations within the easements. All utilities must be constructed within approved easements (except individual service lines). The developer shall establish final utility grades prior to utility installations.
- 3.—Right of access easements shall be provided in mountainside developments for access to any cut-and-fill slopes outside street rights-of-way.
- 4.—Where a development is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water courses. Parallel streets or parkways may be required in connection therewith.

~~(G)—Utilities.~~

- 1.—*Water Utility Design Standards.* All water utility facilities shall be designed and constructed in accordance with the Water System Design Standards of the Town of Grand Lake.
- 2.—*Sewer Utility Design Standards.* All sewer utility facilities shall be designed and constructed in accordance with the recommendations set forth by Three Lakes Water and Sanitation District.
- 3.—*Telephone and Electric Utilities.* All telephone and electric utility facilities in new developments or in re-subdivided areas shall be placed underground.
 - (a)—The Planning Commission may require the placement of a public phone in the project as a safety precaution for occupants.

~~(H)—Environmental Protection.~~

- 1.—*General Environmental Protection.*
 - (a)—Construction will be in conformance with the Colorado Water Quality Control Act, C.R.S. Title 25, Article 8, 1973, as amended, Air Pollution Control Act, 1970, and C.R.S. Title 25, Article 7, 1973, as amended.
- 2.—*Debris and Waste Standards.*
 - (a)—*General Provisions.*

- 1.—No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a Certificate of Occupancy, and the removal of same shall be required prior to issuance of any Certificate of Occupancy on a development. Nor shall any be left or deposited in any area of the development at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.
- 2.—No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be stored on the Town rights-of-way during or after construction.

3.—*Soils.*

- (a)—The Planning Commission may require a soils test and report for review if, in their opinion, problem soils exist on the site.

4.—*Floodplain.*

- (a)—Any land subject to flooding or located in a natural drainage channel shall not be platted for occupancy until adequate provisions to eliminate or control hazards are made and approved by the Board of Trustees. To ensure the applications of the following regulations regarding development in designated flood plains:
 - 1.—Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a one hundred (100) year storm.
 - 2.—Building construction may occur in that portion of the designated floodway where the return frequency is between a one hundred (100) year and a maximum probable storm, provided all useable floor space is constructed two feet (2') above the designated maximum probable flood level, as indicated by a licensed architect or engineer.
 - 3.—Where floodway velocities are generally determined to be under five feet (5') per second and maximum flood depth will not exceed three feet (3'), such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
 - 4.—Any use of land is prohibited where flooding would create a public health problem. This includes shallow wells, uncased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants, also sewage disposal systems not completely protected from inundation.
 - 5.—Trailer parks, mobile homes and similar uses shall not be permitted in any designated floodway.
 - 6.—Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before it is undertaken. Any construction, dumping, and filling operations in a designated floodway constitute an encroachment.
 - 7.—Any use of land in a designated flood plain shall conform to any special requirements set forth in the Grand Lake Flood Damage section of this Code.

5.—*Storm Drainage and Flood Plain Standards.*

- (a)—Complete drainage systems for the entire development area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage system for each section shall be indicated.

- (b) The drainage and flood plain systems shall be designed to ensure that surface runoff will not be created as a result of the development and be designed to:
 - 1. To permit the unimpeded flow of natural water courses.
 - 2. To ensure adequate drainage of all low points.

6. ~~Drainage Regulations and Standards.~~

- (a) The storm drainage and run-off system is to be designed for sufficient capacity to carry historical flow plus the increased run-off from all areas in its developed state; all drainage construction areas are to be re-landscaped. The Development may not divert historical incoming flows to adjacent properties nor create drainage flows in addition to historical flows to adjacent properties. All buildings will be provided with exterior drainage of run-off water from roofs, decks and snow storage areas in such a way so as not to increase run-off from historic flows onto adjacent properties or live streams.
- (b) The development shall ensure that surface runoff will not be created as a result of the development:
 - 1. The drainage plan shall utilize Best Management Practices (BMP's) wherever possible to avoid taxation to the Town's storm drainage system as well as neighboring property owners.
 - (i) Items such as bio-retention cells, swales and French drains are strongly encouraged for new developments.
 - (ii) Items such as percolation pits, settling ponds, infiltration galleries, sandtraps, grassed waterways and the ultimate maintenance of these items shall be addressed and resolved prior to final plat approval.
 - 2. The developer shall show evidence and plans to ensure that the proposed development will not result in degradation of streams. This condition shall apply both to the proposed development activities as well as the ultimate use of the land. No direct discharges to a creek, stream or river are allowed.
 - (i) The drainage plan shall include techniques and measures to prevent erosion on the site as well as into any lakes and streams during construction.
 - (ii) The drainage plan is to avoid point source drains from the development without design of catchment basins or other suitable means to reduce pollution and sedimentation of streams and lakes in the Grand Lake area.
 - (iii) All proposed surface drainage structures shall be indicated and all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
 - (iv) The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the development area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the development itself, as well as its effects on lands downstream. The drainage plan shall result in a theoretical zero increase over historical levels in run-off volumes and velocities as a result of the development.
 - 3. Drainage and erosion control structures shall be required to direct and control the flow of all permanent and seasonal water courses. Such structures shall be designed by a registered professional engineer with proficiency in the fields of hydrology hydraulics, and soils engineering. Further, such structures shall be designed to prevent heavy sedimentation

within or erosion or overtopping of channels, or damage to the structure. Drainage structures shall be designed in a manner that will not:

- (i) Relocate the point at which channels cross the boundary line of the development.
- (ii) Increase the magnitude, depth, or velocity of flow at the point at which channels cross the boundary line of the development.

- (c) Curbs, gutters and sidewalks may be required where the Planning Commission deems them necessary for the proper drainage of storm water or for the protection of public safety and welfare.

7. — *Steep Slopes.*

- (a) Developments on slopes greater than twenty percent (20%) but less than forty percent (40%) will be required to have engineering studies prepared to determine the suitability of the geologic and soil structures for development and the types of mitigation measures improvements.
- (b) As a general policy, the Planning Commission will discourage developments on slopes over thirty percent (30%).
- (c) Development on slopes over forty percent (40%) is prohibited.

8. — *Revegetation and Erosion Control.*

- (a) Erosion control and revegetation plans are required for all developments. These plans will be designed to retain all soil on the construction site which is generated by the twenty-five (25) year, twenty-four (24) hour storm. All drainage from the site during construction must go through an erosion control device. Erosion can be controlled in a number of ways such as keeping the disturbed area small, quickly reestablishing disturbed areas, keeping storm water velocities low by minimizing disturbed and cut slope lengths and gradients, diversion of clean off-site water around the site or pipe through the site and retention of sediment within disturbed area.
 - 1. All graded and disturbed areas are to be reseeded and/or revegetated with native or drought-resistant plant species. Topsoil shall be saved and protected from erosion during construction and used for revegetation of disturbed areas. Revegetation must be guaranteed by performance agreement to be successful for two (2) growing seasons. Native or drought-resistant plants are to be used wherever possible.
- (b) A landscaping plan shall be submitted which shall indicate the treatment and materials used for all open spaces of the development. At a minimum, the landscape plan shall depict:
 - 1. The location, type of plant species, height and spacing of existing vegetation to be preserved; and
 - 2. The location, type of plant species, height and spacing of revegetation of disturbed areas; and
 - 3. The location, type of plant species, height and spacing of any other proposed plantings; and
 - 4. The proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences and walls; and
 - 5. The location for the placement and storage of trash on the site. All trash storage areas are to be completely screened from public view and readily accessible for pick-up; and
 - 6. Location of drip irrigation lines and water connection.
- (c) A landscape plan shall be required detailing the landscape design, plant species choices, and permanent maintenance provisions for open space of a minimum of fifteen percent (15%) of the gross land area of the site.

- (d) — The developer will be responsible for the replacement of revegetation and landscape plantings for two (2) growing seasons after installation. Drought-resistant plant species are encouraged.

(I) — *Other Development Improvements.*

1. — *Fencing.*

- (a) — Each developer and/or developer shall be required to furnish and install fences wherever the Planning Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the Town Staff and shall be noted as to height and material on the development plan.
- (b) — Large linear or multi-family developments (greater than eight (8) lots or units) of over two (2) acres in size shall not be bordered by exterior opaque fences greater than three feet (3') in height.
- (c) — Development boundary fences of any kind surrounding more than one (1) building are not encouraged in the Town of Grand Lake.

2. — *Street Lights.*

- (a) — The Planning Commission may require the placement of street and security lights in the development as a safety precaution.
 - 1. — Installation of street and security lights shall be required in accordance with design and specification approved by the Planning Commission.
 - 2. — Lighting shall be pedestrian-scaled, down-cast and be 'Dark Sky' compliant.

3. — *Open Space.*

- (a) — *Residential Development.* It is preferred that open space in residential developments be as provided by and consistent with the base overlay(s). Should the open space requirement be desired to be reduced, no more than five percent (5%) reduction from the base overlay will be allowed.
- (b) — *Commercial Developments.* Open space in commercial developments shall, at a minimum, be provided by and as consistent with the Zoning Regulations or a minimum of fifteen percent (15%) of the gross commercial land area. This amount of open space may be further negotiated with the Planning Commission for developments located in the Town Core area, as defined by Comprehensive Plan Future Land Use Map.
- (c) — *Mixed Use Developments.* Open space in a mixed use (must include residential in the mix) development shall, at a minimum, be provided and consistent with the Town of Grand Lake Zoning Regulations.
- (d) — If the sequence of construction of various portions of the Final Development Plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction.
- (e) — *Natural Environmental Characteristics.*
 - 1. — Streams, lakes, other bodies of water, slopes in excess of twenty percent (20%), and flood plains may be included as open space. This calculation may not exceed one-third (⅓) of the total Open Space required. Land areas containing identified geologic hazards may not be included in the open space requirement.
 - 2. — Any amount of common or public open space may be left in its natural state except where landscaping plans are required as long as the recreational needs of the residents of the

development and the general public are being met in the opinion of the Planning Commission.

3. The development shall be designed in a manner such that wherever possible it protects the environmental assets of the area including considerations of elements such as plant and wildlife, streams and lakes, scenic vistas, and other natural features.

(f) ~~Land Dedication.~~ At the time of submission of the preliminary plan, the developer shall submit proposal for the dedication of land for public parks and school sites. Said proposal shall outline:

1. Seven percent (7%) of the gross land area which shall be dedicated to the Town of Grand Lake for schools, parks, police and fire stations, or other public uses. This shall include the total size of the area to be dedicated.
2. In the case of a multi-family development on land previously annexed to the Town and subdivided for multi-family use where land was dedicated or payment of fees in lieu of dedicated lands (proof of dedication or payment must be provided) was made to the Town, whether or not such dedication was required at the time of previous development, no additional dedications or payment of fees need to be made unless the density has increased through rezoning. In areas previously subdivided for multi-family use in Grand County where dedications or fees in lieu were paid for schools, a fee of three and one-half percent (3.5%) or equivalent dedicated land will be made to the Town for public purposes. If the density has been increased through rezonings, then the difference needs to be dedicated or paid as the case may be.

(i) If such circumstance is desirable to the developer, the developer shall provide a written request to the Town Board of Trustees for negotiation. A request for payment of cash does not guarantee seven percent (7%) land will not be required.

3. At the discretion of the Board of Trustees the developer may provide a combination of subsections (1) and (2) above to satisfy the (Public) Open Space site requirement.
4. Seven percent (7%) of the gross land area will not apply to developments that do not increase the density of the development.
5. At the option of the Board of Trustees, the developer may, in lieu of such conveyance of land, pay to the Town of Grand Lake in cash or terms acceptable to the Board of Trustees, an amount equal to seven percent (7%) of the fair market value of the land as determined by an accepted appraisal on the date of the approval of the development, or determined by negotiation between the developer and the Board of Trustees. If the Town of Grand Lake and the developer fail to agree on the fair market value of the land, the fair market value shall be fixed and established by a qualified appraiser selected by the Town and the Developer.

(g) ~~Administration and Maintenance.~~ The following provisions shall govern the administration of the common improvements and open space in all developments approved pursuant to these Regulations:

1. A development shall be approved subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of all common improvements, open space, and other facilities provided by the Final Plat or Plan. No such instrument shall be accepted until approved by the Town Attorney as to legal form and effect, and the Planning

~~Commission as to suitability for the proposed use of the common facilities open space and subject recreation facilities.~~

- ~~2.—The common open space and other facilities provided may be conveyed to a public agency or private association. If the common improvements, open space or recreational facilities are conveyed to a private association, the developer shall file as a part of the aforementioned instruments, a declaration of covenants and restrictions that will govern the association. Developers unfamiliar with these legal instruments should consult an attorney familiar with them.~~

~~(h)—Open space areas required by the Grand Lake Zoning Ordinance shall be established by dedication, reservation or conveyance. No such dedication, reservation or conveyance of open space shall be to the public or the Town of Grand Lake without specific written acceptance of such open space from the Board of Trustees of the Town of Grand Lake. If any dedication, reservation or conveyance is for the use of owners of units within the apartment house, condominium or townhouse area, then applicant shall provide for the creation of an owner's association with binding and perpetual powers of assessment for maintenance, improvements and upkeep of such areas. Articles of Incorporation, by-laws and other necessary documentation establishing the homeowner's association are to be submitted to the Planning Commission by the time it reviews the application. The owners of an apartment house shall be responsible for the upkeep in the apartment house area.~~

~~4.—Signs. All signs are to conform to the Sign Code with the following exception.~~

~~(j)—Elevations. Building elevation drawing shows the exterior views of the building, for each building face. Building elevation drawings show height relationships and exterior finish information. A building elevation drawing is required for each building face. Minimum information requirements for building elevations include, but are not limited to, the following: Title and scale; Height dimensions; Exterior finishes and materials; Roof slope/pitch; Window types; Roof venting; Exterior building components (walls, roof, doors, windows, etc.); and Attachment/relationship of existing buildings (where applicable).~~

~~(K)—Signature Certificates.~~

~~1.—NOTICE~~

~~PUBLIC NOTICE IS HEREBY GIVEN THAT ACCEPTANCE OF THIS PLATTED DEVELOPMENT BY THE TOWN OF GRAND LAKE DOES NOT CONSTITUTE AN ACCEPTANCE OF THE ROADS AND RIGHTS-OF-WAY REFLECTED HEREON FOR MAINTENANCE BY SAID TOWN. Until such roads and rights-of-way meet town road specifications and are specifically accepted by this town by recording with the clerk of this town an official "acceptance", THE MAINTENANCE, CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO Or AFFECTING SAID ROADS AND RIGHTS-OF-WAY ARE THE SOLE RESPONSIBILITY OF the OWNERS OF THE LAND EMBRACED WITHIN THIS DEVELOPMENT. TOWN "ACCEPTANCE" OF THE ROADS AND RIGHTS-OF-WAY OF THIS PLATTED DEVELOPMENT SHALL NOT BE GIVEN UNLESS ALL UTILITIES PROPOSED TO BE INSTALLED IN SUCH ROADS HAVE BEEN CONSTRUCTED AND THE ROADS AND RIGHTS-OF-WAY COMPLETED THEREAFTER TO TOWN STANDARDS.~~

~~NOTICE IS FURTHER GIVEN THAT NO MORE THAN TEN PERCENT (10%) OF THE BUILDING PERMITS WILL BE ISSUED BY OFFICIALS OF THIS TOWN FOR IMPROVEMENTS OF ANY NATURE ON ANY PROPERTY REFLECTED ON THIS PLATTED DEVELOPMENT UNTIL SUCH TIME AS THE "ACCEPTANCE" AS HEREINABOVE DESCRIBED HAS BEEN FILED FOR RECORD WITH THE CLERK OF THIS TOWN.~~

~~2.—DEDICATION~~

~~KNOW ALL MEN BY THESE PRESENTS:~~

~~THAT _____ (Owner(s) and Lien Holder's Name) _____ is/are the owner and lien holder of that real property situated in the Town of Grand Lake, Colorado, described as follows:~~

(LEGAL DESCRIPTION)

That the owner(s) and lien holder(s) have caused said real property to be laid out and surveyed as (Development Name) _____, and does hereby dedicate and set apart all of the streets, alleys, and other public ways and places as shown on the accompanying plat to the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements. Also that _____ (Lien Holders Name) _____, who is the lien holder of the property, does not guarantee the accuracy of representations of existing fact set forth hereon.

IN WITNESS WHEREOF (Owner's and Lien Holder's Name has caused its/his/her name(s) to be hereunto subscribed this ____ day of _____, A.D., 20 ____.

ATTEST:

_____(Owner's Name)

_____(Lien Holder's Name)

STATE OF COLORADO _____)

_____) SS

COUNTY OF GRAND _____)

The foregoing instrument was acknowledged before me this ____ day of _____, A.D., 20 ____ by (Owner's and Lien Holder's Name) _____.

Witness my hand and official seal.

My Commission Expires: _____ (date)

(SEAL)

_____(Notary's Name)

____ NOTARY PUBLIC

3. _____ SURVEYOR'S CERTIFICATE

I, _____ (Surveyor's Name) _____, a duly registered Land Surveyor in the State of Colorado, do hereby certify that this plat of _____ (Development Name) _____ truly and correctly represents the results of a survey made by me or under my supervision, and that said plat complies with the requirements of Title 38, Article 50 and 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statutes and by the Town of Grand Lake Development Regulations have been placed on the ground.

_____(Surveyor's Name)

_____(Surveyor's stamp and registration number shall appear with this Certificate)

4. _____ PLANNING COMMISSION CERTIFICATE

APPROVED THIS ____ (Date) ____ day of ____ (Month) ____ A.D., 20 ____ (Year) ____, Town Planning Commission, Grand Lake, Colorado

_____(Chairman's Name)

____ Chairman

5. _____ TOWN BOARD OF TRUSTEES CERTIFICATE

APPROVED THIS ____ (Date) ____ day of ____ (Month) ____ A.D., 20 ____ (Year) ____, by the Board of Trustees, Grand Lake, Colorado. This Approval does not guarantee that the size or soil or flooding conditions of any Lot shown hereon are such that a building permit shall be issued. This approval is with the understanding that all expenses involving necessary improvements for all utility services, street improvements, paving, grading, landscaping, curbs, gutters, street lights, street signs, and sidewalks shall be financed by others and not the Town of Grand Lake. Also, that the Town of Grand Lake does

not assume any responsibility for the correctness or accuracy of any information disclosed on this plat nor any representations or information presented to the Town which induced the Town to give this certificate.

ATTEST

_____(Name of Town Clerk)

Town Clerk

_____(Name of Mayor)

Mayor

6. _____CLERK'S CERTIFICATE

STATE OF COLORADO _____)

TOWN OF GRAND LAKE _____)

I hereby certify that this Instrument was filed in my Office at (Hour) o'clock (P/A).M., _____(Month)_____,
(Date)_____, 20_____(Year)_____, A.D., and is duly recorded.

_____(Name of Town Clerk)

Town Clerk

7. _____OWNER'S STATEMENT

An owner's statement in the form that follows:

I, _____, owner of the above-described property do hereby plat this parcel, and it will be known
as _____.

This plat represents a true and accurate division of this property and that this plat is for the purposes
as set forth in the declaration dated _____ and recorded in book _____ at page _____ in
Grand County, Colorado records.

Owner's Signature

STATE OF COLORADO _____)

COUNTY OF GRAND _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by
_____,

Witness my hand and official seal.

My commission expires:

{SEAL}

Notary Public

(L) _____Declarations and Covenants:

1. _____When any division of property creates a condominium or townhouse that is an individual airspace together with an interest in common elements, a Condominium/Townhome/HOA Declaration shall be executed by the fee title owners and lien holders which shall include as a minimum the following:

(a) _____The legal description of the real property submitted to condominium or townhouse ownership.

(b) _____Defining the general and limited common elements and rights of owners thereto.

In time share or interval ownership projects, maintenance and improvement periods shall be interspersed between the time interval shares and outlined herein.

- ~~(c) — Provide for the condominium and as-built plats.~~
- ~~(d) — Provide for the legal description of the individual units.~~
- ~~(e) — Non-terminable assessments for costs of maintenance, improvement and upkeep of common areas.~~
- ~~(f) — Provide for written permission from the Board of Trustees of Grand Lake prior to dissolution of any homeowner's association.~~

Chapter 12 – Land Use Regulations

ARTICLE 11. LAND DEVELOPMENT STANDARDS.

12-11-1 Purpose.

The purpose of this Article is to establish standards for land development that protect the public health, safety, and welfare while preserving the character and environmental quality of the Town of Grand Lake.

(A) (A)—New development of land in Grand Lake affects, to varying degrees, community character, environmental resources, the cost of public services and maintenance, and the interests of property owners and investors both within and adjacent to the development. Development shall be designed to:

1. Provide safe and convenient travel routes to, from, and within the development;
2. Ensure that each lot or unit offers a suitable site for construction that respects the natural characteristics of the land;
3. Preserve natural features to the extent practicable;
4. Protect views, solar access, and privacy;
5. Provide appropriate buffering and screening from adjacent roadways and uses; and
6. Ensure adequate provision for essential services, including flood and fire protection, water supply, and wastewater disposal.

Each new development of land in Grand Lake will, to some extent, affect the character and environmental appeal of the land, the cost of services and maintenance to the purchasers and the Town government, and the interests of investors in the land and surrounding areas. New developments shall provide safe, convenient travel routes to, from and within the development. Each lot or unit must provide a desirable setting for construction so that natural features of the land may be preserved, views and solar access protected, privacy permitted, and screening from traffic ways is possible. Provision must be made to meet area needs for flood and fire protection, sewage disposal and water.

(B) (B)—It is the intent of this Article that land development be evaluated in the context of its cumulative effects on Town infrastructure, services, and community character. The Town seeks to ensure that development adequately mitigates impacts and remains consistent with the standards and objectives established herein. The Planning Commission and the Town Board of Trustees will consider the cumulative impact of the developments of land in the area that have occurred in the past, as well as anticipated developments of land on Town services or any of the Standards described below and herein, and shall make such additional requirements that such impacts necessitate.

(C) —General Information.

1. —Special Site Considerations.

- (a) —Steep, unstable or swampy land, and land subject to inadequate drainage, avalanche, or rock slides, and geological hazards shall be identified, and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property, such sites shall not be platted for improvements.
- (b) —The Planning Commission may require the applicant to furnish appropriate technical data and other information necessary to determine the extent to which a proposed development of land is subject to flooding, located in a natural drainage channel, or subject to geological, fire, or other natural hazards. Technical data and other information requested by the Planning Commission will be prepared and certified by a professional qualified in the appropriate field of expertise. If it is

determined that a proposed division of land or a portion thereof lies within a natural hazard area, the Planning Commission and Town Board of Trustees may set forth certain conditions, stipulations, standards and prohibitions which must be observed if a development of land is to be permitted.

- (c) When the Planning Commission requires review and comment by outside agencies, any fees levied by those agencies for their review will be paid by the applicant either directly to the agency or by remitting an extra fee to the Town to cover the cost.

12-11-2 Dedications and Public Improvements.

(A) Dedications.

1. The Town may require dedication of rights-of-way for streets providing access to adjacent lands, connections to existing streets, and necessary drainage and utility easements.
2. Approval of a land development application does not constitute Town acceptance of any streets, roads, or other public lands shown for dedication. Dedications are accepted only by formal action of the Town Board of Trustees.
3. When required by these Regulations, dedication of land or payment of fees in lieu of dedication for public purposes shall be completed at time of approval of the Final Plat or Plan by the Board of Trustees.

2. Dedications.

- (a) Dedication of rights-of-way for streets giving access to adjacent lands and adjoining dedicated streets, and drainage and utility easements, may be required.
- (b) Approval of a development of land under these Regulations shall not constitute acceptance by the Town of the roads, streets, or other public lands as indicated for dedication on the Plat or Plan. The dedication of any of these lands for Town use of any nature within the Town shall be accepted by the Town only by specific action of the Town Board of Trustees.
- (c) In addition, dedication of land or payment of fees in lieu of land dedications for public purposes as per of these Regulations is required before approval of the Final Plat or Plan by the Town Board of Trustees.

(B) Public Improvements Required.

1. The applicant shall construct all required public improvements at their expense. The type, location, and extent of improvements shall be determined based on the proposed development and its relationship to surrounding areas, subject to approval by the Board of Trustees.
- (a) Permanent survey monuments shall be installed in accordance with C.R.S. Title 38, Article 51, as amended. A minimum of one-half inch (1/2") steel pins shall be set at all lot corners and stamped with the responsible surveyor's Colorado registration number.
2. The Town may require additional improvements not specifically listed in these Regulations when necessary due to site conditions. Such improvements shall be constructed at the applicant's expense in accordance with Town requirements.

3. Improvements Required.

- (a) In each proposed land development, the applicant and the Planning Commission shall agree on the type, location and extent of necessary public improvements depending on the characteristics of the proposed development and its relationship to the surrounding area. Improvements shall be made by the applicant at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Town Board of Trustees.
- 1. Permanent survey monuments shall be set as required by C.R.S. Title 38, Article 51, 1973, as amended. In addition, one-half inch (1/2") steel pins (or larger) shall be set at all lot corners. Affixed securely to the

Commented [EW1]: Proposed change: instead of prior to approval, made at the same time.

Commented [EW2]: Proposed change: Board of Trustees instead of PC (based on process code)

top of each such monument shall be the Colorado Registration number and land surveyor responsible for the establishment of said monument.

- (b) Improvements not specifically mentioned in these Regulations, but found appropriate and necessary due to unusual conditions found on the site, shall be constructed at the applicant's expense within such time and in conformance with such specifications as deemed necessary and appropriate by the Planning Commission and Town Board of Trustees. No plat or plan shall be signed by the Town Board of Trustees until the improvements required by these Regulations have been constructed and approved by the appropriate Town officials having jurisdiction over such improvements, or until assurance in the form of an acceptable Improvements Agreement with approved guarantees is given to the Town Board of Trustees that the required improvements will be completed.

(C) Responsibility for Improvements.

1. General Requirements. The applicant is responsible for constructing required improvements at their expense in accordance with the Improvement Agreement. Required improvements may include:

- (a) Roads, grading, and surfacing
- (b) Curbs
- (c) Boardwalks, sidewalks, and greenways
- (d) Sanitary sewer laterals
- (e) Storm drainage systems
- (f) Water distribution systems
- (g) Street signage
- (h) Survey reference points
- (i) Landscaping
- (j) Other facilities per Town Code or specified by the Board of Trustees

4. Responsibility for Improvements.

- (a) General Requirements. The following improvements shall be constructed at the expense of the Developer as stipulated in the Development Improvement Agreement in a manner approved by the Town Board of Trustees and in a manner which is consistent with sound construction and local standards. Where specific requirements are spelled out in other Sections of this Article of other applicable Articles the specific requirements shall apply:

- 1. Road, grading and surfacing.
- 2. Curbs, if required.
- 3. Boardwalks, Sidewalks and Greenways, if required.
- 4. Sanitary sewer laterals where required.
- 5. Storm sewers or storm drainage system, as required.
- 6. Water distribution system, where applicable.
- 7. Street signs at all street intersections.
- 8. Permanent reference points.
- 9. Landscaping features.
- 10. Other facilities as may be specified or required in the Municipal Code, by the Board of Trustees.

(D) Improvement Agreement.

1. Approval. The Improvement Agreement shall be approved in conjunction with a proposed Final Plat or Final Plan. At time of approval, the applicant shall provide acceptable financial security to guarantee completion of improvements.
2. Release of Security. The applicant may request partial or full release of financial security upon completion of improvements. The Town will inspect completed work prior to release. If improvements do not meet specifications, the Town will notify the applicant and establish a correction schedule. The application and any surety are jointly responsible for completion.
3. Town Completion Authority. If the applicant fails to complete improvements as required, the Town may draw on financial security to complete the work.
4. Inspection Costs. The applicant shall reimburse the Town for inspection costs. This requirement may be waived for improvements valued under ten thousand dollars (\$10,000). Failure to pay inspection fees may result in withholding permits, water taps, or Certificates of Occupancy.
5. Acceptance of Improvements. The Town will not accept improvements or release security until Town staff certifies satisfactory completion, the applicant submits as-built drawings certified by an engineer or surveyor, and title documentation confirms the improvements are free of liens.
 - (b) Improvement Agreement. No Final Plat or Plan shall be approved until the developer has submitted a Development Improvement Agreement or a contract approved by the Town, agreeing to construct the required improvements as shown in documents supporting the Preliminary Plan. Suitable collateral, in an amount stipulated in the Development Improvement Agreement, shall accompany the final plat submission, to ensure the completion of the improvements according to design and time specifications.
 1. At such time as the various improvements are completed, the developer may apply to the Town for partial or full release of the collateral, subject to approval of the Town upon inspection of the improvement. If the improvements are not constructed in accordance with all of the specifications the Town shall notify the developers of the non-compliance and discuss with the developers the reasons for the non-compliance and proposed schedules for correcting the non-compliance. Wherever the cost of improvements is covered by a performance bond, the developer and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.
 2. If the Town determines that the developers will not construct any or all of the improvements in accordance with all of the specifications, the Town shall have the power to withdraw and employ from the bond or deposit as specified, such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.
 3. To insure that improvements are constructed in accordance with Town standards, the Board of Trustees shall require the Developer to sign an agreement to reimburse the Town for the costs of inspection of said improvements. If the value of improvements in the Development Improvements Agreement is less than ten thousand (\$10,000.00) dollars the Board of Trustees may elect to waive this provision upon motion of the Board of Trustees. These fees shall be due and upon demand of the Town. Failure of the Developer to pay these fees shall be cause for the Town to deny the issuance of building permits, water taps, or Certificates of Occupancy until all are paid.
 4. The Board of Trustees will not accept dedication of required improvements, nor release nor reduce a security agreement, until the Town Staff has submitted a certificate stating that all required improvements have been satisfactorily completed and until the developer's engineer or surveyor has certified to the Town of Grand Lake through submission of detailed "as-built" survey plat of the development, indicating location, dimensions, materials and

other information required by the Planning Commission and Board of Trustees that the layout of the line and grade of all public improvements is in accordance with construction plans for the development and that a title insurance policy has been furnished to and approved by the Town Attorney indicating that the improvements shall have been completed, are ready for dedication to the Town, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Board shall thereafter accept the improvements for dedication in accordance with the established procedure.

(E) Release of Guarantee.

1. The applicant shall apply in writing to the Town for a partial or full release of the financial guarantee. Such release requests shall not be made to the Town more frequently than once every month.
2. For a partial release, if improvements are completed in accordance with approved plans, the Town shall release a portion of the financial guarantee sufficient to cover the improvements, retaining a minimum of ten percent (10%).
3. For a final release, the financial guarantee shall be released only after all improvements are completed and Town staff recommends final acceptance.
 - (c) Release of Guarantee. From time to time as the required improvements in a development are completed, the developer shall apply in writing to the Town for a partial or full release of the bond, credit deposit letter, certified check, or other collateral. Such release requests shall not be made to the Town more frequently than once every month. Upon receipt of such application in writing, the Town or its agent shall inspect that portion of the improvement which has been completed.
 1. If the Town determines from such inspection that the improvements thus far completed have been made in accordance with the Final Plat and the requirements of these regulations, a portion of the bond, credit deposit letter, certified check, or other collateral sufficient to cover the improvements thus far completed less ten percent (10%) retainage shall be released.
 2. The retainage shall not be released until all required improvements have been made and a final inspection report from the Town Engineer has been received by the Board of Trustees recommending final acceptance of the improvements.

12-11-3 Block and Lot Standards.

(A) Block Standards.

(D) ~~Block, Lot, and Additional Setbacks.~~

1. ~~Block Standards.~~

1. (a) Blocks shall not exceed thirteen hundred twenty feet (1,320') in length nor be less than three hundred sixty feet (360') in length. The length of blocks shall be considered to be the distance from street centerline to opposite street centerline and shall be measured through adjacent back lot lines or through the center of the block. The total design should provide for convenient access and circulation for emergency vehicles. All blocks shall be abutted by a street or streets. Where blocks are longer than three hundred sixty feet (360') pedestrian walkways shall be provided to permit acceptable pedestrian access to abutting streets.
2. (b) Service access to the interior of blocks may be permitted in certain instances, in which case such alleys must be indicated in the plan and plat.

3. ~~(c)~~ Blocks shall have sufficient width for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block standard shall be permitted in blocks containing steep slopes or adjacent to major streets or streams and lakes.

(B) Lot Requirements and Standards.

2. ~~Lot Requirements and Standards.~~

1. ~~(a)~~ Developments.

- (a) ~~1.~~ *Lot Requirements.* There shall be no minimum lot width, setbacks, or lot area requirements in a PD. Setbacks and lot widths shall be as required by the Planning Commission to provide adequate access and fire protection and to ensure proper ventilation, light, solar access and air. The stream and lake setback requirements of the Zoning Regulations shall be adhered to the greatest degree possible as a priority item. Deviations from these water setbacks will be judged according to Shoreline and Surface Water Regulations of the Zoning Code.

- (b) ~~2.~~ Lots created as part of a Development shall conform to the General Requirements and Standards as set forth in this section.

2. ~~(b)~~ Subdivisions.

- (a) ~~1.~~ *Lot Requirements.* The minimum lot width, setbacks and/or lot area requirements for a development shall conform to the Zoning Regulations of the Municipal Code. The stream and lake setback requirements of the Zoning Regulations shall be adhered to. Deviations from these water setbacks will be judged according to Shoreline and Surface Water Regulations of the Zoning Code.

- (b) ~~2.~~ Lots created as part of a Development shall conform to the General Requirements and Standards as set forth in this section.

3. ~~(c)~~ General Requirements and Standards.

- (a) ~~1.~~ *Lot Standards for Townhouses.* Notwithstanding any other provisions contained in the Municipal Code, widths and frontage for townhouses are permitted to vary from the standards imposed by the Grand Lake Zoning Ordinance without requiring a variance proceeding before the Board of Adjustment. In making its recommendation, the Planning Commission shall encourage variations from the minimum lot sizes and widths which provide a variety and diversity in design while still protecting the unique features of the site and protecting the surrounding neighborhood.

- (b) ~~2.~~ *Lot Dimensions.* Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further development and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with Municipal Code.

- (c) ~~3.~~ *Division of Lots.* No lot shall be divided by a municipal or county boundary line, road, alley or other lot.

- (d) ~~4.~~ *Wedge-shaped Lots.* In the case of wedge-shaped Lots, no Lot shall be less than forty feet (40') in width where the narrow side of the Lot is at the front property line.

- (e) ~~5.~~ *Lot Lines.* Side Lot Lines shall be substantially at right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be indicated.

- (f) ~~6.~~ *Frontage on Public Street.* All lots in developments shall front and have access on a public street.

- (g) ~~7.~~ *Lot Arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in

compliance with Municipal Code and in providing driveway access to buildings on such lots from an approved street.

~~(h) 8.—Double Frontage Lots and Access to Lots.~~

~~1. (i) Double Frontage Lots.~~ Double frontage or reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

~~2. (ii) Access From Arterials.~~ Lots shall not, in general, derive access exclusively from a major arterial street. Where driveway access from a major arterial may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Driveways should not be designed and arranged so as to require vehicles to back into traffic on major arterials.

~~(i) 9.—Corner Lots.~~ Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets.

~~1. (i) Lots for residential use on corners shall have extra width to accommodate yard setbacks on both street frontages.~~

~~2. (ii) When corner lots exist along street ROW(s) of greater than sixty (60) feet, the standard setbacks for each properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated as established in the Municipal Code.~~

~~(j) 10.—Lot Setback.~~ Minimum building setbacks on the perimeter of such developments shall be in conformance with the Municipal Code.

~~(k) 11.—Lot Drainage.~~ Lots shall be laid out so as to provide positive drainage away from all buildings and individual lots drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

~~3.—Additional Development Setbacks.~~

~~(a) Where a development is adjacent to the State Highway 34 right-of-way, a permanent open space at least twenty feet (20') in width shall be required along the property line(s). This area shall be kept free of buildings and structures and contain permanently maintained landscaping, unless screened or protected by natural features. Parking areas may encroach up to five feet (5') into this setback.~~

~~(E) Structures and other Built Features.~~

~~1.—Building.~~

~~(a) Height.~~ The height of buildings shall be governed by the limit defined in the existing zoning overlay. Height in excess of any of these existing limits may be granted, by a Board of Trustees variance. For those height variances outlined in Supplemental Setback, Height and Area Regulations of the Municipal Code the request shall be heard by the Town Board of Trustees with recommendation from the Planning Commission.

~~(b) Spacing.~~

Commented [EW3]: This is repetitive to Section 12-2-27

1. ~~Each Development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walks, barriers, landscaping, and sound reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise. A minimum of twenty (20) feet must be maintained between buildings.~~
2. ~~All buildings will be located so as to take advantage of any passive or active solar gain as deemed appropriate by the developer in the interests of energy conservation.~~

Commented [EW4]: Suggest to remove this because it is not feasible in all zone districts.

~~(c) **Construction.** The design and construction plans shall take into account characteristics of soils, slopes and potential geological hazards, in a manner intended to protect the health, safety, and welfare of potential users. These aspects of the plan must be accompanied by a detailed soil engineering report on the suitability of the area for the intended use and the necessary precautions needed to bring the area to a state of structural soundness before building permits may be issued.~~

Commented [EW5]: Repetitive of submittal requirements

12-11-4 Conversions of Leased or Rented Space.

~~2. **Additional Standards for Conversions of Leased or Rented Space of Any Type to Townhouses or Condominiums.**~~

~~(A) (a) **General.** Due to the special nature of converting existing rental spaces to townhouses, condominiums or other types of airspace ownership arrangements, the following regulations will apply specifically to these types of development projects. Except where otherwise noted herein, all conversion projects will also comply with the design standards of this Section.~~

1. ~~**Physical Standards for Conversion.** A report on the physical elements of all structures and facilities shall be submitted with the Preliminary Development Application. This report is to be compiled by a licensed professional structural engineer and/or registered architect, as appropriate, and shall include but not be limited to the following:~~

~~(a) (i) **Adequate Physical Condition.**~~

1. ~~A report detailing the structural condition of all elements of the property including foundations, plumbing, utilities, walls, ceilings, windows, recreational facilities, sound transmission of each building, fireplaces, insulation, electrical system, mechanical equipment, space heating devices, and appliances. Regarding each element, the report shall state, to the best knowledge or estimate of the applicant, the current condition of each element and any substantial variation of the physical condition of said element from the current Municipal Code, Health, Fire and Building Electrical and Plumbing Codes in effect in Grand Lake on the date of inspection. The report shall identify any defective or unsafe element and set forth the proposed corrective measures to be employed.~~
2. ~~The developer shall provide to the Town and to any buyer of any unit before approval of the As-Built Plat written certification that all appliances, heating equipment and other mechanical equipment provided in the units are in operable working condition. At such time as the Owner's Association takes over management of the development, the developer shall provide written certification to the Town and to the Association that any mechanical equipment to be owned in common by the association is in operable working condition.~~
3. ~~A statement of repairs and improvements to be made by the developer necessary to meet the deficiencies in subsections (1) above.~~
4. ~~All necessary repairs and improvements will need to be completed before approval of a Certificate of Occupancy Permit is granted.~~

(b) (iii) ~~Specific Physical Standards.~~

1. Each conversion project will conform to the Grand Lake Building Code, the Plumbing and Electrical Codes including any exemptions provided therein, in effect at the date of application, and any other health and fire codes enforced in the Town.
2. Each conversion project shall meet all the off-street parking requirements of the Municipal Code, unless otherwise provided.
3. Each water using unit shall have a separate three-quarter (¾) inch (minimum) service line, meter, and curb stop. A plant investment fee is required for each new tap so created. Each dwelling unit shall be separately metered for electrical and other utilities.
4. Each unit shall have at least two hundred (200) cubic feet of enclosed, weather-proofed and lockable storage space in addition to guest, linen, pantry and clothes closets provided. Such storage space may be located in any portion of the project, and no such space for any one (1) unit may be split between two (2) or more locations.
5. All main buildings, structures, fences, patio enclosures, carports and garages, accessory buildings, sidewalks, landscaped areas and additional elements as required by the Planning Commission shall be refurbished and restored as necessary to achieve a high degree of appearance, quality and safety.
6. All conversion projects will conform to minimum floor area and off-street parking requirements of the Municipal Code. In the case of conversions of hotels and motels to condo-hotel/motel rooms, equivalent required off-street parking must be provided within three hundred feet (300') of the project boundaries. The minimum floor area for condo-hotel/motel room projects shall be three hundred fifty (350) square feet.
7. Open space requirements for each zone district shall apply to each conversion project. Developers of mixed use projects may follow the Mixed Use Open Space Schedule in the Zoning Regulations for the CT, C and RST Districts. Projects in the Town Core Area are eligible for open space negotiations with the Planning Commission.

2. 2. ~~Notification to Residential Tenants.~~

(a) (i) ~~A developer who converts a structure into condominium, townhouse or other individually owned airspace dwelling unit, immediately prior to Final Development Application submittal to the Grand Lake Planning Commission shall notify by **certified receipt** mail each residential tenant of the dwelling of such anticipated conversion and the anticipated date when the occupancy grade period as allowed by C.R.S. § 38-33-112 is to begin and end. Evidence of receipt of notice to convert by each tenant must be included with the Final Development Application.~~

1. No building permit will be issued for purposes of building construction activity associated with the conversion project until all tenants have vacated the building according to the procedures required under these regulations and C.R.S. § 38-33-112. Evidence that the building is completely vacated will be signed statements of termination of occupancy by the tenants that they were properly notified and that the developer has complied with state law.

3. 3. ~~Tenant's Right to Purchase.~~

(a) (i) ~~Any present tenant or tenants of any unit shall be given a non-transferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least forty-five (45) days from the date of notification of the tenant. This requirement shall not, in itself, create a vested right in the tenant.~~

12-11-5 Mobile Home Townhome Developments.

3.—Additional Standards for Mobile Home Townhome Developments.

(A) (a)—General.

1. Generally, the standards pertaining to developments set forth in these Regulations and others of the Town of Grand Lake that apply to development, construction, alteration or extension will apply to a mobile home townhome development. However, standards herein which are more stringent shall control.

(a) (i)—All buildings and utilities to be constructed, altered, or repaired in a mobile home townhome development must comply with all applicable codes adopted by the Town and the state including building, electrical, and plumbing.

(b) (ii)—All mobile home townhome developments must provide for management and maintenance of all common elements through a homeowner's association as per requirements of these Regulations.

(c) (iii)—HUD Seal: All mobile home townhomes must contain the U.S. Department of Housing and Urban Development (HUD) seal or subseal if a mobile home was constructed prior to the adoption of the HUD and Colorado Division of Housing seals. For those mobile home parks existing in the Town of Grand Lake prior to the adoption of these Regulations that wish to convert into a mobile home townhome development, all mobile homes contained within the development must either:

1. Obtain such a seal or substantially conform to the requirements of said seal within five (5) years after the development is platted; or
2. Be removed and replaced by a HUD certified seal mobile home.

(B) (b)—*Minimum Site*. The minimum site for a mobile home townhome development is one (1) acre.

(C) (c)—*Density and Open Space*. These standards are contained in the Municipal Code.

(D) (d)—*Landscaping*. A minimum of ten percent (10%) of the open space area is to consist of landscaped buffers along the perimeter boundaries of the development to act as a visual and privacy screen for the development. Perimeter boundary landscaped setbacks shall be a minimum of fifteen feet (15') when developments face onto an internal road or cu-de-sac. Developments wishing to face onto a public street must get specific permission from the Planning Commission and conform to the setbacks in the Grand Lake zoning Ordinance. Landscaping in the remainder of the open space may consist of ground cover. The development developer will be responsible for the replacement of revegetation and landscape plantings for two (2) growing seasons after installation. Plants listed in Chapter 13: Urban Forestry Management, are encouraged.

(E) (e)—*Parking Areas, Drives, and Retaining Walls*. Each unit shall have a minimum of two (2) standard off-street parking spaces available with parking areas defined with cribbing or similar materials and parking stalls clearly defined. Parking areas and drives are to be surfaced with Class C gravel to a depth of two inches (2") as a minimum. Any retaining walls of over four feet (4') in height which are used for slope stabilization, parking and drives shall be engineered and constructed as per the Chapter 9: Building Regulations.

(F) (f)—A central trash deposit and pick-up area shall be provided for every fifteen (15) units in a development. The trash area shall be screened from public view.

(G) (g)—The minimum base or pad size upon which mobile homes will be placed is one thousand two hundred (1,200) square feet. The remainder of the land area after open space and pad areas are deducted is to be used for parking, drives, trash areas and appurtenant (attached and detached) structures (screened porches, sheds, etc.) for the mobile home units. Walkways and a maximum of a six foot (6') by four foot (4') outside stair case and landing with canopy may be included as open space.

(H) (h)—The minimum spacing between units including any appurtenant structures shall be twenty feet (20'). Mobile home townhome developments converting from mobile home parks existing prior to the adoption of

these Regulations may have a fifteen foot (15') spacing between units upon specific recommendations of the Planning Commission.

12-11-6 Bridges.

(A) 4.—Bridges.

1. ~~(a)~~ —Bridges of primary benefit to the applicant, as determined by the Planning Commission and Board of Trustees, shall be constructed at the full expense of the applicant without reimbursement from the Town. The sharing of expenses for the construction of bridges not of primary benefit to the applicant as determined by the Planning Commission will be fixed by the improvements agreement between the Board of Trustees and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of his land developed and so served.

~~(a) 1.~~ —If any bridges are to be constructed within the Development on public or private ways (roads, streets, paths, etc.), these are to be built in full compliance with the dredge and fill laws of local, state and federal jurisdictions.

12-11-7 Improvements within Rights-of-Way.

(F) —Standards and Regulations for Improvements within Rights-of-Way.

(A) 1.—General Standards and Regulations.

1. ~~(a)~~ —*Street, Sidewalk and Boardwalk Plan.* The arrangements, classification, extent, width, grade and location of all streets, sidewalks and boardwalks shall conform to the street, sidewalk and boardwalk plans and Municipal Code of the Town and shall be designed in relation to existing and planned streets, sidewalks and boardwalks topographical conditions, public convenience and safety, and the proposed uses of the land to be served by such streets, sidewalks and boardwalks. The construction standards are as follows:

~~(a) 1.~~ —All street or highways shall be designed and constructed in accordance with the Street Development Standards of the Town of Grand Lake, adopted as a separate Article to this Code, and as amended from time to time.

1. ~~(i)~~ —All calculations and coefficients shall conform to requirements set forth in the Chapter 11: Article 2: Street Development Policies, Standards, and Specifications.

~~(b) 2.~~ —All boardwalks and sidewalks shall be designed and constructed in accordance with the Chapter 11: Article 4: Boardwalks, Sidewalks, and Community Greenways.

(B) 2.—Additional Regulations.

1. ~~(a)~~ —All public and private streets are to be paved and shall be dedicated to the Town as utility easements where said easements are necessary. All streets are to be completed and paved before a certificate of occupancy (C.O.) is issued on a structure(s). This requirement may be waived for nine (9) months should weather conditions necessitate it. All improvement bonds, escrow funds, etc., are to be held by the Town until paving is complete. A fugitive dust control plan is to be included in the PD documents and implemented during construction.

~~(a) 1.~~ —All private streets shall be conveyed to a private home or property owners association. If the private association or person(s) owning the private streets in the Development should in the future request that any private streets be changed to public streets, the private association or owner(s) will bear the full costs of reconstruction or any other action necessary to make the streets conform to the applicable standards for public streets. The private association or owner(s) shall also agree that these

streets shall be made to conform and be dedicated to public use without compensation to the private association or owner(s).

2. ~~(b)~~ *Additional Standards.*

- (a) ~~1.~~ *Development Abutting Major Rights-of-Way.* Where a development abuts or contains an existing or proposed primary street or highway, the Planning Commission may require service streets, reverse frontage lots with screen planting in a reservation strip along the rear property line, deep lots with rear service alleys abutting the primary street or highway, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.
- (b) ~~2.~~ *Development Containing Major Rights-of-Way.* Where a development borders on or contains highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such land would be appropriately used for park purposes in residential districts, or for commercial or industrial purposes in non-residential districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.
- (c) ~~3.~~ *Intersections.* Intersections of local streets with major streets shall be kept to a minimum.
- (d) ~~4.~~ *Street Names.* Streets shall have the names of existing streets which are in alignment in the Town or in an adjoining county or municipality. There shall be no duplication of street names.
- (e) ~~5.~~ Streets shall be designed to bear a logical relationship to the topography. All streets in new developments shall be paved with asphalt or concrete.
- (f) ~~6.~~ Whenever streets are not aligned, off-sets shall be at least one hundred thirty-five feet (135'), centerline to centerline.
- (g) ~~7.~~ Cul-de-sacs shall be permitted, provided they are not more than five hundred feet (500') in length and have a turnaround diameter of one hundred feet (100'), with a pavement diameter of ninety feet (90'). If the topography dictates the use of a longer cul-de-sac, the approval of the Planning Commission shall be obtained. The drainage easement shall be required between the cul-de-sac and the rear lot line of the lowest lot.
- (h) ~~8.~~ A T-shaped and Y-shaped terminus may be provided in mountainside developments as an alternative to the circular turnaround. Where provided, the "wings" of the T or Y shall be at least twenty feet (20') deep, measured from the street boundary, and at least sixteen feet (16') wide exclusive of parking space. Curbs at the intersection of the street and the "wings" of the T or Y shall be rounded with a minimum radius of twenty feet (20').
- (i) ~~9.~~ Dead end streets, with the exception of cul-de-sacs, shall be prohibited.
- (j) ~~10.~~ Half streets shall be prohibited. This requirement supersedes those contained in Chapter 11: Article 2: Street Development Policies, Standards, and Specifications. When a proposed half street in one development is adjacent to another property, the approval of the adjacent owner shall be obtained and the entire street shall be platted and dedicated by the owners. The responsibility for acquiring the additional right-of-way shall be with the developer.
- (k) ~~11.~~ Restriction of access shall be required when a development or portion thereof adjoins an arterial highway. Marginal access streets, reverse frontage with screen planting contained in a non-access reservation, deep lots or similar treatment shall be required to reduce the impact of traffic on residential properties and to avoid interference with the movement of the traffic on arterial highways.
- (l) ~~12.~~ Traffic control and street name signs shall be installed at all intersections in the development, according to the street names approved by the Planning Commission and the Board of Trustees. All

signs shall be in conformance with standards established by the Planning Commission and the Board of Trustees of the Town of Grand Lake.

(m) ~~13.~~—On all areas of land proposed for development whereon the general configuration of the undisturbed surface slopes fifteen percent (15%) or more in any direction, a grading plan showing revised contours for street construction shall be submitted. Such plan shall show the extent and percent slope of cut and fill areas created by street construction. Any proposed retaining structures shall be designed in detail. The Planning Commission may require wider roadbed widths for snow storage and guard rails where it feels these measures are appropriate. All cut and fill slopes and retaining structures shown as a result of street construction shall be located within the dedicated right-of-way proposed. No back slope shall exceed a ratio of one and one-half foot (1½') vertical to one foot (1') horizontal. A revegetation plan shall be submitted for all cut and fill slopes in excess of one foot (1') vertical to three feet (3') horizontal. Such plan shall use native or similar plants and include a cost estimate. The revegetation plan shall be implemented concurrently with street construction.

(n) ~~14.~~—Development road systems shall be designed with two (2) or more dedicated access roads for separate, multiple ingress and egress.

(o) ~~15.~~—Private streets shall afford abutting properties reasonably adequate access for entry by private and emergency vehicles and should be designed to standards at least equal to public streets.

(p) ~~16.~~—All public roads within a development shall be maintained (except for snow removal) by the developer for a period of one (1) year after which the developer may petition to have the Town formally accept the road into its street system for dedication and maintenance purposes. The Trustees will release the final fifty percent (50%) of the collateral required under the performance agreement when the road is determined to be in substantial compliance with Town road specifications.

(q) ~~17.~~—Widening and Realignment of Existing Roads. Where a development borders an existing narrow road or when the Master Plan, Official Map, or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the development, the applicant shall be required to improve and dedicate at his expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these Development Regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Municipal Code whether the land is to be dedicated to the Town in fee simple or an easement is granted to it.

12-11-8 Bike Paths and Walking Paths.

2. —Bike Paths and Walking Paths.

(A) ~~(a)~~—Walking paths and/or bicycle path linkages will be required in accordance with the Master Plan pertaining to these amenities and/or in order to link up logically with established or planned ways in the Town or County in open spaces or developed areas. If no such Master Plan requirements or private development plans exist, the development shall include such pathways in development plans along logical routes recommended by the Planning Commission to serve residential, non-residential and recreational facilities provided in or adjacent to the development. Such pathways shall be dedicated via easements to the public or property owner's association and may be included in any open space requirement of these or other regulations.

1. Where bicycle paths and walking paths exist side-by-side (closer than ten feet (10')), a clear separation shall define the two (2) either in grade (minimum of six inches (6")) or by other means. If separated by grade, the walking path shall be higher in elevation than the bicycle path.

2. Where walking and/or bicycle paths and automobile roadways exist side-by-side (closer than ten feet (10') from the shoulder and/or pavement edge), they shall be separated by a grade elevation of seven inches (7") minimum with the walking and/or bicycle path being higher in elevation than the automobile roadways.
3. The minimum width of all pathways is eight feet (8').
4. Trails shall be posted with appropriate signage.

12-11-9 Parking and Loading.

4.—Parking and Loading.

(A) ~~(a)~~—Parking shall be provided as per the off-street parking requirements found in the Town of Grand Lake Zoning Regulations. In addition, the Planning Commission may determine that storage areas for boats, trailers, campers and other recreational vehicles shall be required where the necessity for such facilities has been demonstrated and where such facilities will preserve the required off-street parking for the use of automobiles.

Commented [EW6]: This should eventually be compared/consolidated with 12-2-28.

1. Parking requirements in the Town Core area may be altered by the Planning Commission during its review of the Development Application. Alternative parking measures need to be considered, such as:

(a) ~~(i)~~—Availability of future public parking facilities in the Town and their location.

12-11-10 Snow Storage and Solar Orientation.

5.—Snow Storage and Solar Orientation.

(A) ~~(a)~~—Snow Storage.

1. A snow storage plan designating adequate areas for the storage of plowed snow equivalent to a minimum of one-third ($\frac{1}{3}$) of the uncovered parking area and drive. The Condominium/Townhome/HOA Declarations shall provide for the removal of snow by the owners' association when storage areas are at capacity upon notice by the Town.
2. A snow storage and/or removal plan shall be required for all parking, loading and drive areas. The number of required spaces shall not be reduced in order to store snow.

(B) ~~(b)~~—Solar Orientation.

1. All developments subject to these Regulations should, in general, maximize solar access in building site planning in terms of street layouts, orientation of building sites on lots to the streets and avoidance of north facing slopes and windows.

(a) ~~(i)~~—Development shall fit and take advantage of topography and solar orientation to the end that good building sites are provided and utilities can be provided most economically.

(b) ~~(ii)~~—When the development abuts an area developed with or specified for high- or mid-rise buildings (or, in the case of a Development District, which will be developed with mid- or high-rise buildings), the location of open space wherever possible shall be such that it will protect shorter structures from shadows cast by taller buildings.

2. In particular, at the time of submission of Preliminary Development Application the developer shall submit an energy statement which shall include the following:

(a) ~~(i)~~—A generalized narrative speaking to the solar aspects of the development either as a whole or discussed in parts. Discussion of such aspects as orientation to the sun, slope, vegetative cover and other relevant solar data is appropriate.

~~(b) (iii)~~—A statement and shadow plan demonstrating that eighty percent (80%) of the lots are sized and designed so as to protect solar access to the base of a south facing wall of a theoretical building on December 21 between 9:00 a.m. and 4:00 p.m. while conforming to the lot sizes and setbacks of these and the Grand Lake Zoning Regulations.

1. In the case of townhouses, apartments, condominiums and other mid- to high-rise developments, the above solar regulations apply on a building by building basis.

~~(c) (iii)~~—A Statement indicating how the structures in the proposed development will protect snow and ice shed from neighboring structures and adjoining properties.

~~(d) (iv)~~—Statements and clauses protecting solar access to the base of a south facing wall of any building shall be included in the protective covenants of any development. At the time of submission and approval of final development plats, protective covenants including the energy statement required by this Section shall be reviewed by the Planning Commission and Board of Trustees to determine compliance with the approved energy statement.

12-11-11 Alley and Easement Standards

~~6.—Alley and Easement Standards.~~

~~(A) (a)—Alley Standards.~~

1. Alleys in residential developments shall be prohibited unless they are necessary to continue an existing pattern. All alleys shall be a minimum of twenty feet (20') wide.
2. Alleys shall be provided in commercial and industrial areas, except that this provision may be waived when other provisions are made and approve for service.

~~(B) (b)—Easement Standards.~~

1. Plats shall convey easements of sufficient size and width for utility purposes to the Town along all streets, roads, alleys, parking and loading areas.

~~(a) (i)~~—Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of twenty feet (20') apportioned equally in abutting properties when alleys are not provided.

~~(b) (iii)~~—Such easements may be provided by ten foot (10') easements on each of the adjoining lots. Utility easements at different locations may be provided upon recommendation by the affected utility companies and approval of the Planning Commission.

~~(c) (iii)~~—Where front line easements are required, a minimum of fifteen feet (15') shall be allocated as a utility easement. Perimeter easements shall not be less than fifteen feet (15') in width extending throughout the peripheral area of the development.

2. Easements shall be designed so as to provide efficient installation of utilities. Special guying easements may be required at lot corners. Public utility installations shall be so located as to permit multiple installations within the easements. All utilities must be constructed within approved easements (except individual service lines). The developer shall establish final utility grades prior to utility installations.
3. Right-of-access easements shall be provided in mountainside developments for access to any cut-and-fill slopes outside street rights-of-way.
4. Where a development is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water courses. Parallel streets or parkways may be required in connection therewith.

12-11-12 Utilities.

~~(G) — Utilities.~~

- (A) ~~1.~~ — *Water Utility Design Standards.* All water utility facilities shall be designed and constructed in accordance with the Water System Design Standards of the Town of Grand Lake.
- (B) ~~2.~~ — *Sewer Utility Design Standards.* All sewer utility facilities shall be designed and constructed in accordance with the recommendations set forth by Three Lakes Water and Sanitation District.
- (C) ~~3.~~ — *Telephone and Electric Utilities.* All telephone and electric utility facilities in new developments or in re-subdivided areas shall be placed underground.
- (D) ~~(a)~~ — The Planning Commission may require the placement of a public phone in the project as a safety precaution for occupants.

12-11-13 Environmental Protection.

~~(H) — Environmental Protection.~~

(A) ~~1.~~ — *General Environmental Protection.*

1. ~~(a)~~ — Construction will be in conformance with the Colorado Water Quality Control Act, C.R.S. Title 25, Article 8, 1973, as amended, Air Pollution Control Act, 1970, and C.R.S. Title 25, Article 7, 1973, as amended.

(B) ~~2.~~ — *Debris and Waste Standards.*

1. ~~(a)~~ — *General Provisions.*

- (a) ~~1.~~ — No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a Certificate of Occupancy, and the removal of same shall be required prior to issuance of any Certificate of Occupancy on a development. Nor shall any be left or deposited in any area of the development at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.
- (b) ~~2.~~ — No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be stored on the Town rights-of-way during or after construction.

(C) ~~3.~~ — *Soils.*

1. ~~(a)~~ — The Planning Commission may require a soils test and report for review if, in their opinion, problem soils exist on the site.

(D) ~~4.~~ — *Floodplain.*

1. ~~(a)~~ — Any land subject to flooding or located in a natural drainage channel shall not be platted for occupancy until adequate provisions to eliminate or control hazards are made and approved by the Board of Trustees. To ensure the applications of the following regulations regarding development in designated flood plains:
- (a) ~~1.~~ — Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a one hundred (100) year storm.
- (b) ~~2.~~ — Building construction may occur in that portion of the designated floodway where the return frequency is between a one hundred (100) year and a maximum probable storm, provided all useable floor space is constructed two feet (2') above the designated maximum probable flood level, as indicated by a licensed architect or engineer.

- (c) ~~3.~~—Where floodway velocities are generally determined to be under five feet (5') per second and maximum flood depth will not exceed three feet (3'), such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
- (d) ~~4.~~—Any use of land is prohibited where flooding would create a public health problem. This includes shallow wells, uncased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants, also sewage disposal systems not completely protected from inundation.
- (e) ~~5.~~—Trailer parks, mobile homes and similar uses shall not be permitted in any designated floodway.
- (f) ~~6.~~—Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before it is undertaken. Any construction, dumping, and filling operations in a designated floodway constitute an encroachment.
- (g) ~~7.~~—Any use of land in a designated flood plain shall conform to any special requirements set forth in the Grand Lake Flood Damage section of this Code.

~~(E) 5.~~ *Storm Drainage and Flood Plain Standards.*

- 1. ~~(a)~~—Complete drainage systems for the entire development area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage system for each section shall be indicated.
- 2. ~~(b)~~—The drainage and flood plain systems shall be designed to ensure that surface runoff will not be created as a result of the development and be designed to:
 - (a) ~~1.~~—To permit the unimpeded flow of natural water courses.
 - (b) ~~2.~~—To ensure adequate drainage of all low points.

~~(F) 6.~~ *Drainage Regulations and Standards.*

- 1. ~~(a)~~—The storm drainage and run-off system is to be designed for sufficient capacity to carry historical flow plus the increased run-off from all areas in its developed state; all drainage construction areas are to be re-landscaped. The Development may not divert historical incoming flows to adjacent properties nor create drainage flows in addition to historical flows to adjacent properties. All buildings will be provided with exterior drainage of run-off water from roofs, decks and snow storage areas in such a way so as not to increase run-off from historic flows onto adjacent properties or live streams.
- 2. ~~(b)~~—The development shall ensure that surface runoff will not be created as a result of the development.
 - (a) ~~1.~~—The drainage plan shall utilize Best Management Practices (BMP's) wherever possible to avoid taxation to the Town's storm drainage system as well as neighboring property owners.
 - 1. ~~(i)~~—Items such as bio-retention cells, swales and French drains are strongly encouraged for new developments.
 - 1. ~~(ii)~~—Items such as percolation pits, settling ponds, infiltration galleries, sandtraps, grassed waterways and the ultimate maintenance of these items shall be addressed and resolved prior to final plat approval.
 - (b) ~~2.~~—The developer shall show evidence and plans to ensure that the proposed development will not result in degradation of streams. This condition shall apply both to the proposed development

activities as well as the ultimate use of the land. No direct discharges to a creek, stream or river are allowed.

~~1. (i)~~ The drainage plan shall include techniques and measures to prevent erosion on the site as well as into any lakes and streams during construction.

~~1.~~

~~2. (ii)~~ The drainage plan is to avoid point source drains from the development without design of catchment basins or other suitable means to reduce pollution and sedimentation of streams and lakes in the Grand Lake area.

~~2.~~

~~3. (iii)~~ All proposed surface-drainage structures shall be indicated and all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

~~3.~~

~~4. (iv)~~ The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the development area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the development itself, as well as its effects on lands downstream. The drainage plan shall result in a theoretical zero increase over historical levels in run-off volumes and velocities as a result of the development.

~~3. 3.~~ Drainage and erosion control structures shall be required to direct and control the flow of all permanent and seasonal water courses. Such structures shall be designed by a registered professional engineer with proficiency in the fields of hydrology hydraulics, and soils engineering. Further, such structures shall be designed to prevent heavy sedimentation within or erosion or overtopping of channels, or damage to the structure. Drainage structures shall be designed in a manner that will not:

~~(a) (i)~~ Relocate the point at which channels cross the boundary line of the development.

~~(a)~~

~~(b) (ii)~~ Increase the magnitude, depth, or velocity of flow at the point at which channels cross the boundary line of the development.

~~(b)~~

~~(c) (e)~~ Curbs, gutters and sidewalks may be required where the Planning Commission deems them necessary for the proper drainage of storm water or for the protection of public safety and welfare.

(G) 7. ~~Steep Slopes.~~

~~1. (a)~~ Developments on slopes greater than twenty percent (20%) but less than forty percent (40%) will be required to have engineering studies prepared to determine the suitability of the geologic and soil structures for development and the types of mitigation measures improvements.

~~1.~~

~~2. (b)~~ As a general policy, the Planning Commission will discourage developments on slopes over thirty percent (30%).

~~2.~~

~~3. (c)~~ Development on slopes over forty percent (40%) is prohibited.

(H) 8. ~~Revegetation and Erosion Control.~~

1. ~~(a)~~ — Erosion control and revegetation plans are required for all developments. These plans will be designed to retain all soil on the construction site which is generated by the twenty-five (25) year, twenty-four (24) hour storm. All drainage from the site during construction must go through an erosion control device. Erosion can be controlled in a number of ways such as keeping the disturbed area small, quickly reestablishing disturbed areas, keeping storm water velocities low by minimizing disturbed and cut slope lengths and gradients, diversion of clean off-site water around the site or pipe through the site and retention of sediment within disturbed area.

~~1.~~

2. ~~1.~~ — All graded and disturbed areas are to be reseeded and/or revegetated with native or drought-resistant plant species. Topsoil shall be saved and protected from erosion during construction and used for revegetation of disturbed areas. Revegetation must be guaranteed by performance agreement to be successful for two (2) growing seasons. Native or drought-resistant plants are to be used wherever possible.

~~(b)~~ — A landscaping plan shall be submitted which shall indicate the treatment and materials used for all open spaces of the development. At a minimum, the landscape plan shall depict:

- ~~1.~~ — The location, type of plant species, height and spacing of existing vegetation to be preserved; and
- ~~2.~~ — The location, type of plant species, height and spacing of revegetation of disturbed areas; and
- ~~3.~~ — The location, type of plant species, height and spacing of any other proposed plantings; and
- ~~4.~~ — The proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences and walls; and
- ~~5.~~ — The location for the placement and storage of trash on the site. All trash storage areas are to be completely screened from public view and readily accessible for pick-up; and
- ~~6.~~ — Location of drip irrigation lines and water connection.

~~(c)~~ — A landscape plan shall be required detailing the landscape design, plant species choices, and permanent maintenance provisions for open space of a minimum of fifteen percent (15%) of the gross land area of the site.

~~(d)~~ — The developer will be responsible for the replacement of revegetation and landscape plantings for two (2) growing seasons after installation. Drought-resistant plant species are encouraged.

~~(t)~~ — *Other Development Improvements:*

12-11-14 Fencing.

~~(A)~~ ~~1.~~ — *Fencing.*

- ~~1.~~ ~~(a)~~ — Each developer and/or developer shall be required to furnish and install fences wherever the Planning Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the Town Staff and shall be noted as to height and material on the development plan.
- ~~2.~~ ~~(b)~~ — Large linear or multi-family developments (greater than eight (8) lots or units) of over two (2) acres in size shall not be bordered by exterior opaque fences greater than three feet (3') in height.
- ~~3.~~ ~~(c)~~ — Development boundary fences of any kind surrounding more than one (1) building are not encouraged in the Town of Grand Lake.

12-11-15 Outdoor Lighting.

~~(A)~~ ~~2.~~ — *Street Lights.*

Commented [EW7]: Moved to landscaping.

1. ~~(a)~~—The Planning Commission may require the placement of street and security lights in the development as a safety precaution.

~~(a) 1.~~—Installation of street and security lights shall be required in accordance with design and specification approved by the Planning Commission.

~~(b)~~ Lighting shall be pedestrian-scale, down-cast and be 'Dark Sky' compliant.

~~2.—Lighting shall be pedestrian-scaled, down-cast and be 'Dark Sky' compliant.~~

12-11-16 Open Space.

~~3.—Open Space.~~

~~(A)~~ ~~(a)~~—*Residential Development.* It is preferred that open space in residential developments be as provided by and consistent with the Zoning Regulations or a minimum of fifteen percent (15%) of the gross commercial land area. Should the open space requirement be desired to be reduced, no more than five percent (5%) reduction from the base overlay will be allowed.

~~(B)~~ ~~(b)~~—*Commercial Developments.* Open space in commercial developments shall, at a minimum, be provided by and as consistent with the Zoning Regulations or a minimum of fifteen percent (15%) of the gross commercial land area. This amount of open space may be further negotiated with the Planning Commission for developments located in the Town Core area, as defined by Comprehensive Plan Future Land Use Map.

~~(C)~~ ~~(c)~~—*Mixed Use Developments.* Open space in a mixed use (must include residential in the mix) development shall, at a minimum, be provided and consistent with the Town of Grand Lake Zoning Regulations.

~~(D)~~ ~~(d)~~—If the sequence of construction of various portions of the Final Development Plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction.

~~(E)~~ ~~(e)~~—*Natural Environmental Characteristics.*

1. Streams, lakes, other bodies of water, slopes in excess of twenty percent (20%), and flood plains may be included as open space. This calculation may not exceed one-third ($\frac{1}{3}$) of the total Open Space required. Land areas containing identified geologic hazards may not be included in the open space requirement.
2. Any amount of common or public open space may be left in its natural state except where landscaping plans are required as long as the recreational needs of the residents of the development and the general public are being met in the opinion of the Planning Commission.
3. The development shall be designed in a manner such that wherever possible it protects the environmental assets of the area including considerations of elements such as plant and wildlife, streams and lakes, scenic vistas, and other natural features.

12-11-17 Land Dedication.

~~(A)~~ ~~(f)~~—*Land Dedication.* At the time of submission of the preliminary plan, the developer shall submit proposal for the dedication of land for public parks and school sites. Said proposal shall outline:

1. Seven percent (7%) of the gross land area which shall be dedicated to the Town of Grand Lake for schools, parks, police and fire stations, or other public uses. This shall include the total size of the area to be dedicated.
2. In the case of a multi-family development on land previously annexed to the Town and subdivided for multi-family use where land was dedicated or payment of fees in-lieu of dedicated lands (proof of dedication or payment must be provided) was made to the Town, whether or not such dedication was required at the time of previous development, no additional dedications or payment of fees need to be made unless the density has increased through rezoning. In areas previously subdivided for multi-family use in Grand County where dedications or fees in lieu were paid for schools, a fee of three and one-half

percent (3.5%) or equivalent dedicated land will be made to the Town for public purposes. If the density has been increased through rezonings, then the difference needs to be dedicated or paid as the case may be.

~~(a) (i)~~—If such circumstance is desirable to the developer, the developer shall provide a written request to the Town Board of Trustees for negotiation. A request for payment of cash does not guarantee seven percent (7%) land will not be required.

3. At the discretion of the Board of Trustees the developer may provide a combination of subsections (1) and (2) above to satisfy the (Public) Open Space site requirement.
4. Seven percent (7%) of the gross land area will not apply to developments that do not increase the density of the development.
5. At the option of the Board of Trustees, the developer may, in lieu of such conveyance of land, pay to the Town of Grand Lake in cash or terms acceptable to the Board of Trustees, an amount equal to seven percent (7%) of the fair market value of the land as determined by an accepted appraisal on the date of the approval of the development, or determined by negotiation between the developer and the Board of Trustees. If the Town of Grand Lake and the developer fail to agree on the fair market value of the land, the fair market value shall be fixed and established by a qualified appraiser selected by the Town and the Developer.

~~(B) (e)~~—*Administration and Maintenance.* The following provisions shall govern the administration of the common improvements and open space in all developments approved pursuant to these Regulations:

1. A development shall be approved subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of all common improvements, open space, and other facilities provided by the Final Plat or Plan. No such instrument shall be accepted until approved by the Town Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the common facilities open space and subject recreation facilities.
2. The common open space and other facilities provided may be conveyed to a public agency or private association. If the common improvements, open space or recreational facilities are conveyed to a private association, the developer shall file as a part of the aforementioned instruments, a declaration of covenants and restrictions that will govern the association. Developers unfamiliar with these legal instruments should consult an attorney familiar with them.

~~(C) (h)~~—Open space areas required by the Grand Lake Zoning Ordinance shall be established by dedication, reservation or conveyance. No such dedication, reservation or conveyance of open space shall be to the public or the Town of Grand Lake without specific written acceptance of such open space from the Board of Trustees of the Town of Grand Lake. If any dedication, reservation or conveyance is for the use of owners of units within the apartment house, condominium or townhouse area, then applicant shall provide for the creation of an owner's association with binding and perpetual powers of assessment for maintenance, improvements and upkeep of such areas. Articles of Incorporation, by-laws and other necessary documentation establishing the homeowner's association are to be submitted to the Planning Commission by the time it reviews the application. The owners of an apartment house shall be responsible for the upkeep in the apartment house area.

12-11-18 Landscaping.

~~(A)~~ A landscaping plan shall be submitted which shall indicate the treatment and materials used for all open spaces of the development. At a minimum, the landscape plan shall depict:

1. The location, type of plant species, height and spacing of existing vegetation to be preserved; and

2. The location, type of plant species, height and spacing of revegetation of disturbed areas; and
3. The location, type of plant species, height and spacing of any other proposed plantings; and
4. The proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences and walls; and
5. The location for the placement and storage of trash on the site. All trash storage areas are to be completely screened from public view and readily accessible for pick-up; and
6. Location of drip irrigation lines and water connection.

(B) A landscape plan shall be required detailing the landscape design, plant species choices, and permanent maintenance provisions for open space of a minimum of fifteen percent (15%) of the gross land area of the site.

(C) The developer will be responsible for the replacement of revegetation and landscape plantings for two (2) growing seasons after installation. Drought-resistant plant species are encouraged.

4. Signs. All signs are to conform to the Sign Code with the following exception:

(J) Elevations. Building elevation drawing shows the exterior views of the building, for each building face. Building elevation drawings show height relationships and exterior finish information. A building elevation drawing is required for each building face. Minimum information requirements for building elevations include, but are not limited to, the following: Title and scale; Height dimensions; Exterior finishes and materials; Roof slope/pitch; Window types; Roof venting; Exterior building components (walls, roof, doors, windows, etc.); and Attachment/relationship of existing buildings (where applicable).

(K) Signature Certificates.

1. NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT ACCEPTANCE OF THIS PLATTED DEVELOPMENT BY THE TOWN OF GRAND LAKE DOES NOT CONSTITUTE AN ACCEPTANCE OF THE ROADS AND RIGHTS-OF-WAY REFLECTED HEREON FOR MAINTENANCE BY SAID TOWN. Until such roads and rights-of-way meet town road specifications and are specifically accepted by this town by recording with the clerk of this town an official "acceptance", THE MAINTENANCE, CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO OR AFFECTING SAID ROADS AND RIGHTS-OF-WAY ARE THE SOLE RESPONSIBILITY OF THE OWNERS OF THE LAND EMBRACED WITHIN THIS DEVELOPMENT. TOWN "ACCEPTANCE" OF THE ROADS AND RIGHTS-OF-WAY OF THIS PLATTED DEVELOPMENT SHALL NOT BE GIVEN UNLESS ALL UTILITIES PROPOSED TO BE INSTALLED IN SUCH ROADS HAVE BEEN CONSTRUCTED AND THE ROADS AND RIGHTS-OF-WAY COMPLETED THEREAFTER TO TOWN STANDARDS.

NOTICE IS FURTHER GIVEN THAT NO MORE THAN TEN PERCENT (10%) OF THE BUILDING PERMITS WILL BE ISSUED BY OFFICIALS OF THIS TOWN FOR IMPROVEMENTS OF ANY NATURE ON ANY PROPERTY REFLECTED ON THIS PLATTED DEVELOPMENT UNTIL SUCH TIME AS THE "ACCEPTANCE" AS HEREINABOVE DESCRIBED HAS BEEN FILED FOR RECORD WITH THE CLERK OF THIS TOWN.

2. DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT _____ (Owner(s) and Lien Holder's Name) _____ is/are the owner and lien holder of that real property situated in the Town of Grand Lake, Colorado, described as follows:

(LEGAL DESCRIPTION)

That the owner(s) and lien holder(s) have caused said real property to be laid out and surveyed as (Development Name) _____, and does hereby dedicate and set apart all of the streets, alleys, and other public ways and places as shown on the accompanying plat to the use of the public forever, and does

Commented [EW8]: Included in submittal requirements.

Commented [EW9]: Moved to Land Subdivision

hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements. Also that _____ (Lien Holders Name) _____, who is the lien holder of the property, does not guarantee the accuracy of representations of existing fact set forth hereon.

IN WITNESS WHEREOF (Owner's and Lien Holder's Name has caused its/his/her name(s) to be hereunto subscribed this ____ day of _____, A.D., 20____.

ATTEST:

_____(Owner's Name)

_____(Lien Holder's Name)

STATE OF COLORADO—)

_____) SS

COUNTY OF GRAND—)

The foregoing instrument was acknowledged before me this ____ day of _____, A.D., 20____ by
(Owner's and Lien Holder's Name) _____.

Witness my hand and official seal.

My Commission Expires: _____(date)

(SEAL)

_____(Notary's Name)

____NOTARY PUBLIC

3. SURVEYOR'S CERTIFICATE

I, _____(Surveyor's Name)_____, a duly registered Land Surveyor in the State of Colorado, do hereby certify that this plat of _____(Development Name)_____ truly and correctly represents the results of a survey made by me or under my supervision, and that said plat complies with the requirements of Title 38, Article 50 and 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statutes and by the Town of Grand Lake Development Regulations have been placed on the ground.

_____(Surveyor's Name)

_____(Surveyor's stamp and registration number shall appear with this Certificate)

4. PLANNING COMMISSION CERTIFICATE

APPROVED THIS ____ (Date) ____ day of ____ (Month) _____, A.D., 20____ (Year) _____, Town Planning Commission,
Grand Lake, Colorado

_____(Chairman's Name)

____Chairman

5. TOWN BOARD OF TRUSTEES CERTIFICATE

APPROVED THIS ____ (Date) ____ day of ____ (Month) _____, A.D., 20____ (Year) _____, by the Board of Trustees,
Grand Lake, Colorado. This Approval does not guarantee that the size or soil or flooding conditions of any Lot shown hereon are such that a building permit shall be issued. This approval is with the understanding that all expenses involving necessary improvements for all utility services, street improvements, paving, grading, landscaping, curbs, gutters, street lights, street signs, and sidewalks shall be financed by others and not the Town of Grand Lake. Also, that the Town of Grand Lake does not assume any responsibility for the correctness or accuracy of any information disclosed on this plat nor any representations or information presented to the Town which induced the Town to give this certificate.

ATTEST

_____(Name of Town Clerk)

Town Clerk

_____(Name of Mayor)

Mayor

6. CLERK'S CERTIFICATE

STATE OF COLORADO _____)

TOWN OF GRAND LAKE _____)

I hereby certify that this Instrument was filed in my Office at (Hour) o'clock (P/A), M., _____ (Month) _____,
(Date) _____, 20____ (Year)____, A.D., and is duly recorded.

_____(Name of Town Clerk)

Town Clerk

7. OWNER'S STATEMENT

An owner's statement in the form that follows:

I, _____, owner of the above-described property do hereby plat this parcel, and it will be known
as _____.

This plat represents a true and accurate division of this property and that this plat is for the purposes
as set forth in the declaration dated _____ and recorded in book _____ at page _____ in
Grand County, Colorado records.

Owner's Signature

STATE OF COLORADO _____)

COUNTY OF GRAND _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by
_____.

Witness my hand and official seal.

My commission expires:

(SEAL)

Notary Public

~~(L) Declarations and Covenants:~~

1. _____ When any division of property creates a condominium or townhouse that is an individual airspace
together with an interest in common elements, a Condominium/Townhome/HOA Declaration shall be
executed by the fee title owners and lien holders which shall include as a minimum the following:

(a) _____ The legal description of the real property submitted to condominium or townhouse ownership.

(b) _____ Defining the general and limited common elements and rights of owners thereto.

In time share or interval ownership projects, maintenance and improvement periods shall be
interspersed between the time interval shares and outlined herein.

(c) _____ Provide for the condominium and as-built plats.

(d) _____ Provide for the legal description of the individual units.

- (e) ~~Non-terminable assessments for costs of maintenance, improvement and upkeep of common areas.~~
- (f) ~~Provide for written permission from the Board of Trustees of Grand Lake prior to dissolution of any homeowner's association.~~

Chapter 12 – Land Use Regulations

ARTICLE 12. DEFINITIONS.

In this Chapter, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

100-year floodplain. The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-year flood. A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years.

500-year floodplain. The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Accent Exterior Material. Classification of building material that may be used in limited capacity at no more than thirty percent (30%) of the total of each exterior wall of the building, not including the roof. Any individual exterior elevation can contain up to thirty percent (30%) of an accent material. By way of example and not limitation, a building may not be constructed of three (3) walls of approved material with a fourth wall consisting solely of Accent Exterior Material.

Access. That location on a public road where a driveway or private road connects and is accessible for routine ingress and egress traffic circulation.

Accessory Dwelling Unit (ADU). One (1) additional dwelling unit within or in addition to, and not legally subdivided from, the principal structure. The Accessory Dwelling Unit must function as a Dwelling Unit and may be attached to or detached from the principal structure.

Accessory Uses and Structures. A use naturally and normally incidental to a use by a right, and complying with all of the following conditions:

- (a) Clearly incidental and customary to and commonly associated with the operation on the use by right;
- (b) Is operated and maintained under the same ownership as the use by right;
- (c) Includes only those structures or structural features consistent with the use by right;
- (d) The gross land area utilized by all accessory uses of all uses by right on the same property shall not exceed ten percent (10%) of the Building Area of the property and the gross land area utilized by all accessory uses of all uses by right shall not exceed the gross land area utilized by all uses by right;
- (e) May include home occupations, as defined by this Article or;
- (f) Overnight camping on private residential property, by the owner or guest, for a period not exceeding seven (7) consecutive days.

Addition. Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Adult Arcade. Any commercial establishment to which the public is permitted or invited where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, or similar machines, or other image or virtual reality producing machines for viewing by persons are used regularly to show films, motion pictures, video cassettes, DVDs, slides, or other photographic, digital, or electronic reproductions describing, simulating, or depicting "specified sexual activities" or "specified anatomical areas."

Commented [EW1]: Add relocation notes

Adult Cabaret means a nightclub, bar, restaurant, concert hall, auditorium or other commercial establishment that features:

- (a) Persons who appear nude or in a state of nudity or semi nudity; or
- (b) Live performances that are characterized by the exposure of "specified anatomical areas" or by the exhibition of "specified sexual activities."

Adult Motel means a hotel, motel or similar commercial establishment that offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other media productions, however produced, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and which commercial establishment has a sign visible from the public right-of-way which advertises the availability of this adult type of media production.

Adult Motion Picture Theatre means a commercial establishment that is distinguished or characterized by the showing, for any form of consideration, of films, motion pictures, video cassettes, slides, or similar photographic reproductions that have an "X" rating or that have an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

Adult Theatre means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by an emphasis on exposure of "specified anatomical areas" or by "specified sexual activities."

Alley. A public, dedicated right-of-way used primarily as a service or secondary means of access and egress to the service side of abutting property.

Alluvial fan flooding. A flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apartment House shall mean any single structure containing two (2) or more individual dwelling units occupied on a rental basis.

Apartment. A room or suite of rooms in a multiple dwelling used or designed for occupancy by a single family.

Application Form. An approved form used when making an application.

Approved Base Color Palette. The selection of appropriate exterior colors for structures located in the Town of Grand Lake. White will not be included in the Approved Base Color Palette. White-wash shall be included in the Approved Base Color Palette.

Area of shallow flooding. A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood elevation (BFE). The elevation shown on a FEMA Flood Insurance Rate Map for Zones A, AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.

Basement. A story having part, but not more than one-half (½) of its height below grade. A basement is counted as a story for the purposes of height regulations if subdivided and used for dwelling purposes.

Bed and Breakfast. An owner-occupied single family residence with no more than ten (10) guest rooms which provides overnight accommodations and breakfast, provided from a single kitchen on the premises, to registered Transient Guests. The use of a Bed and Breakfast in a single-family residence shall be considered an accessory use to the primary use.

Commented [EW2]: Two definitions. "**Alley** — A minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street."

Commented [EW3]: There are two "Basement" definitions. "**Basement.** Any area of the building having its floor sub-grade (below ground level) on all sides."

Board. The Board of Adjustment of the Town of Grand Lake as duly created by this Chapter.

Boathouse. An accessory structure for sheltering boats and other aquatic equipment, with one (1) boathouse that meets applicable design standards allowed per existing single family residence with lake frontage; to be used primarily for storage of equipment and not for human habitation. Recreation facilities such as decks may be made a part of a boathouse structure, but no facilities such as lavatories, toilets, showers, sinks, cooking equipment (other than charcoal type cookers) and sleeping accommodations may be included.

Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

Building Area. That portion of the lot that can be occupied by the principal use, excluding the front, rear and side yards.

Building Inspector. The Building Code Administrator of the Town of Grand Lake, Colorado or designee thereof.

Building Official. The officer or other designated authority, or designee, charged with the administration and enforcement of Municipal Code Chapter 9: Building.

Building Set-Back. An imaginary line extending across the full width or side of a lot, parallel with the street right-of-way line or property line and outside of which no building or structures shall be constructed.

Carport. A structure built primarily for covering a motor vehicle which has a roof and is not fully enclosed by walls.

Central Business District. Commercially zoned, or commercial transitionally zoned lots located on or between Hancock Street and Haskell Street, on Grand Avenue, and between Hancock Street and Vine Street on Park Avenue, and between Hancock Street and Ellsworth Street on Lake Avenue.

Central Reservation Facility. Any office and associated desks, counters, and space used for the business of renting and scheduling time-share condominium units, exchange transactions, storage of maintenance and cleaning supplies, and the like. No over-the-counter real estate sales or other business transactions not associated with the operation of the building or complex may take place in this facility.

Channel. The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization. The artificial creation, enlargement or realignment of a stream channel.

City. See Town.

Cluster Developments. A development pattern in which uses or lots grouped together allowing a transfer of density which is normally spread out across a development site to a specific area on the site where the overall gross density remains the same but net density may increase.

Code of Federal Regulations (CFR). The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into fifty (50) titles that represent broad areas subject to Federal regulation.

Commercial Space. Uses permitted by right in the Commercial District and the Commercial Transitional District excluding single family, multi-family attached rental units, condominiums, townhouses, condo/hotels, and parking lots.

Community. Any political subdivision in the State of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

Comprehensive Plan. The Comprehensive Plan as adopted for Grand Lake, Colorado, and which includes any unit or part of such Plan separately adopted and any Amendment to such Plan or parts thereof.

Conditional. Use Those uses allowed in a district in addition to the uses by right where so authorized when and if a conditional use permit is granted in accordance with special procedures and requirements.

Conditional Letter of Map Revision (CLOMR). FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Condo/Hotel. Condominium or townhouse units which are not intended for residency by the owners of said units for more than two (2) months per year. Restrictions of residency by the owners of said units shall be expressly stated in the Condominium Declarations, Articles of Incorporation, and/or restrictive covenants. Condo/Hotels shall have a Central Reservation Facility as defined by this Article, and shall in all other ways comply with the rules and regulations contained within this Article regarding condominiums and townhouses.

Condominium. A type of ownership which consists of a separate fee simple estate in an individual airspace unit of a multi-unit property together with an undivided fee simple interest in common elements. Use types include residential, commercial and industrial.

- a. Individual Airspace — Any enclosed room or rooms occupying all or part of a floor or floors in a building of one (1) or more floors to be used for residential, professional, commercial or industrial purposes.
- b. Common Element — Unless otherwise provided in the declaration or by written consent of all the condominium owners, means the land or the interest therein on which a building or buildings are located; the foundations, columns, girders, beams, supports, main walls, roof, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances and exits of such building or buildings; the basements, yards, gardens, parking area and storage spaces; the premises for lodging of custodians or persons in charge of the property; installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, central air conditioning, and incinerating; the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use; such community and commercial facilities as may be provided for in the declaration; and all other parts of the property necessary or convenient to its existence, maintenance, safety, or normally in common use. "Limited Common Elements" are those to be reserved for the use of a certain number of condominium units such as special corridors, stairways, and elevators, sanitary services common to the units of a particular floor, and the like.
- c. Condominium Unit — An individual, three-dimensional area or airspace unit of any type together with the interest in the common elements appurtenant to such unit and identified as such in the declarations and on the condominium plat and shall include all improvements contained within the area except those excluded in the declarations.
- d. Declaration — An instrument which defines the character, duration, rights, obligations and limitations of condominium ownership.
- e. Time Share or Interval Ownership Unit — Condominium or townhouse units that have been further subdivided into a stated number of additional interests in the unit, defined by the period of time during which the owner of the share may occupy it. Shares may be of two (2) types: First, "fee time shares" or "interval estates" wherein diverse owners each own a present estate for years terminating on a date certain coupled with a future remainder interest in the unit as a tenant in common with the other diverse owners; second, "time-span estates" operating on a tenancy in common principle coupled with an exclusive right to use and occupy the unit during a fixed annual recurring period of time.
- f. Condominium Conversion — The development or use of the land and existing structures as a condominium project regardless of the present or prior use of such lands and structures, and regardless of whether substantial improvements have been made to such structures.
- g. Condominium Hotel/Motel and Condominium Room — A hotel, motel, boarding house or similar structure that is built or converted into individual airspace units that are fee simple or time share

interests. A Condominium Room is an airspace unit without a kitchen and which or may not have a separate bathroom within the unit.

Construction Documents. Drawings, Plans Specifications, etc., associated with the construction of a project.

Craft Shop. A business establishment devoted solely to the arts and crafts which conforms to the following requirements:

- (a) Sells, produces or makes items that by their nature; are designed or made by an artist or craftsman by using hand skills;
- (b) Employs not more than five (5) persons; and
- (c) It is conducted in such a fashion that:
 - (i) No more dust, fumes, gases, odors, smoke, or vapors escape from the premises than that which is usual in the neighborhood.
 - (ii) All by-products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution other than that which is usual in the neighborhood; and
 - (iii) No noise or disturbance of adjoining premises takes place other than that which is usual in the neighborhood.

Critical facility. A structure or related infrastructure, but not the land on which it is situated, as specified in article 5, section h, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Article 5, Section H.

Crosswalk or walkway. A right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block.

Deck. An exterior floor supported on at least two (2) opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

Dedication. An appropriation of land to some public use, made by the owner and accepted for such use by or on behalf of the public, and by which the owner reserves to himself no other right than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Development. Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM database. Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM). FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Disposition means a Contract of Sale resulting in the transfer of equitable title to an interest in subdivided land; an Option to purchase an interest in subdivided land; a Lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one (1) of the foregoing.

District. A section of the Town for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of the use are uniform as outlined on the adopted Zoning Map of the Town of Grand Lake, Colorado.

Disturbed Area. That area of land to be disturbed or altered in any manner, whether temporarily or permanently, as a result of the subdivision of land and the construction of buildings and improvements thereon.

This includes, but is not limited to, temporary and permanent roads, streets and trails, disturbance or removal of vegetation, excavation, and the storage of fill materials.

Drainage. The action or a method of draining; something that is drained off.

Drainage and Erosion Control Structures — "Drainage and erosion control structures" are defined as all facilities necessary to control the direction, depth, velocity and volume of water flow within a proposed subdivision, and to mitigate the erosion and related water quality impacts resulting from development. Such facilities are included within the meaning of the term "public improvements," as that term is defined in these Regulations.

Dumpster. A large metal refuse container of standardized dimensions with a capacity of one (1) cubic yard or greater.

Dwelling. Any building or portion thereof which is designed and used exclusively by one (1) family.

Dwelling Unit. Any room or group of rooms in a multi-family building designed for or used as a dwelling by one (1) family as an independent housekeeping unit including toilet and kitchen facilities, but not including hotels, motels, clubs, boarding houses, or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint. The term dwelling unit shall also include a modular or manufactured home which has been attached to a permanent foundation; and which has been added to the ad valorem tax rolls to be considered as a taxable property. The arrangement of rooms in each dwelling unit shall be such as to prohibit the division of one (1) dwelling unit into two (2) or more dwelling units.

Dwelling, Multiple. A single building designed for and occupied exclusively by two (2) or more families.

Dwelling, Single Family. A building having accommodations for and occupied exclusively by one (1) family.

Dwelling, Two (2) Family. A building having accommodations for and occupied exclusively by two (2) families.

Easement. A right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

Elevated building. A non-basement building.

1. Built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and
2. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of (National Flood Insurance Program 60.3(e)(5)).

Emergency Access. That location on a public road where a driveway or private road connects and is only accessible for vehicles in time of an emergency. Such access shall be sized to adequately accommodate emergency response vehicles.

Enclosed. Surrounded, or partially surrounded, by walls whether windows, doors, screens, or any other openings exist.

Evidence means any map, table, chart, contract or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider.

Commented [EW4]: Two definitions. "**Dwelling Unit** — Any structure or part thereof, designed to be occupied as the living quarters of a single family or housekeeping unit — complete with a kitchen and bathroom that is not used in common by occupants of other dwelling units. A Dwelling Room is any structure or part thereof designed to be occupied but which does not have a kitchen and may or may not have a separate bathroom. "

Existing construction. For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Exterior Design Material Samples. Those material items (including lighting fixtures), or clear photographs or representations of materials, submitted to the Town of Grand Lake for the Design Standards Review portion of the building permit application review process. Items include, but are not limited to, paint color chips.

Exterior Wall Covering. A material or assembly of materials applied on the exterior side of exterior walls for the purpose of providing a weather resistant barrier, insulation, or aesthetics, including but not limited to, veneers, siding, exterior insulation and finish systems, architectural trim and embellishments such as cornices, soffits and facias.

Factory Built. Meets IBC (International Building Code).

Family. One (1) or more persons related by blood, marriage or adoption occupying a dwelling unit as members of a single housekeeping organization. A family may include not more than two (2) persons not related by blood, marriage or adoption.

Federal Register. The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA, Federal Emergency Management Agency. The agency responsible for administering the National Flood Insurance Program.

First Story. Defined as the lowest story in a building that qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty percent (50%) of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. Overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood control structure. A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood Insurance Rate Map (FIRM). An official map of a community, 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.

Commented [EW5]: Two definitions. "Family — An individual or two (2) or more persons related by blood or marriage, or a group of unrelated people not exceeding five (5) persons living together as a single housekeeping unit in a dwelling unit."

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Flood proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodplain or flood-prone area. Any land area susceptible to being inundated as the result of a flood; including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator. The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Development Permit. A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodway (regulatory floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard. The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Frontage. All property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the property line of the street, or if the street is dead ended, then all of the property abutting on one side between the intersecting street and the dead end of the street. Corner lots shall have only one (1) frontage. Frontage for a single use which may extend for more than one (1) platted lot shall be the total linear distance of all lots of the use along one side of a street and shall be considered as a single frontage.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Garage, Private. An accessory building or portion of a main building on the same lot and used for the storage of private, passenger motor vehicles, not more than two (2) of which are owned by others than the occupants of the main building.

Garage, Public. A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire, in which any sale of gasoline, oil and accessories is only incidental to the principal use.

Garage, Repair. A building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.

Grade (Adjacent Ground Elevation). Defined as the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

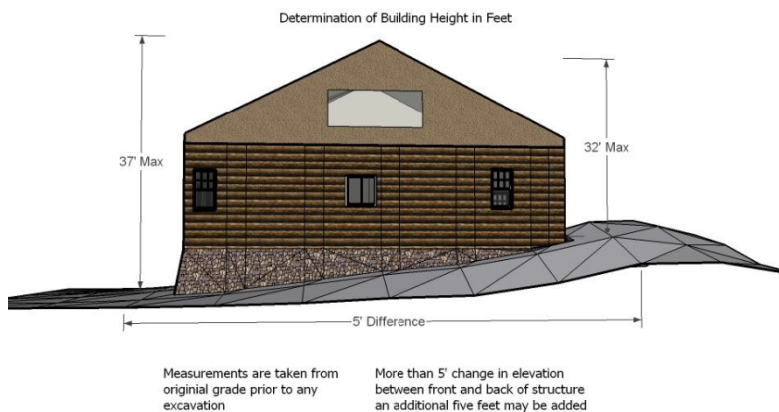
Grade Level. The average of the ground levels of a lot, prior to construction thereon, measured at the center of all walls of a building.

Gross Density. The number of dwelling units per acre of total land area involved in a development project in a zone district.

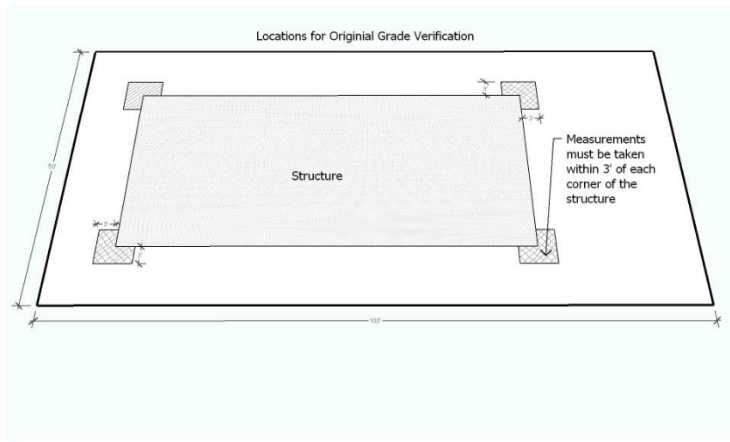
Gross Leasable Area. The total non-residential floor area designated for the exclusive or primary use of the owner or occupant. Basements, mezzanines, balconies, lobbies, open or enclosed decks, platforms at grade, and upper floors shall be included in all gross leasable area calculations. Storage areas, hallways, stairways, and halls shall be excluded from all gross leasable area calculations. Gross leasable area shall be expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Guest Room. A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.

Height, Building means the vertical distance measured from the original grade or finish grade whichever is more restrictive to the highest point of the roof surface, exclusive of chimneys, ventilators, pipes, spires or similar items. If the footprint of the structure has an elevation difference of five (5) feet or greater an additional five (5) feet may be added to the lower elevation. The height of a stepped or terraced building is the maximum height of any segment of the building.



- Original grade must be determined prior to any human disturbance. Measurements must be taken within three (3) feet of each corner of the proposed structure.



Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior or;
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Home Occupation. Any non-residential use conducted entirely within a dwelling unit and carried on solely by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and does not occupy more than twenty percent (20%) of the total floor space of the dwelling unit or accessory structure and which use does not require more than two (2) customers per twenty-four (24) hour day.

Hotel and Motel. Any unit intended for rental on a less than monthly basis. Each unit shall have a minimum two hundred seventy-five (275) square feet and shall contain a bathroom within the unit.

Human Scale. A reasonable size and shape for an average person to use. It is the proportion of space in relation to human dimension.

Impervious Cover. Material placed over the surface of the ground, such as pavement, sidewalks, roofs, driveways, which reduced below natural amounts the infiltration of precipitation into the ground.

Improvements. By improvements is meant street grading, street surfacing and paving, curb and gutters, street lights, street signs, sidewalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm

drainage facilities, culverts, bridges, public utilities, or other such installations as designated by the Town Board of Trustees of the Town of Grand Lake or its specified approving authority.

Improvements Agreement Guarantee. Any security which may be accepted by the Town of Grand Lake in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

Junk Yard. An area two hundred (200) square feet or more, or any area not more than fifty (50) feet from any street, used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.

Kennel. A kennel is any establishment designed for the permanent or temporary boarding or keeping of pet animals.

Landowner shall mean the equity owner of record of the property to be subdivided, or to be developed in accordance with the Planned Development process.

Land Use Application. Shall include but not be limited to petitions for annexations, subdivision applications, planned development applications, rezoning application, or any other development or land use applications or requests.

Letter of Map Revision (LOMR). FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision based on fill (LOMR-F). FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Limit of Disturbance. That area that is proposed to be subject to any modification to a natural landform including contouring, excavation and removal of vegetative cover.

Lodge. Any unit intended for rental on at least a monthly basis. Each unit shall have kitchen facilities, a bathroom and shall have a minimum of four hundred (400) square feet unless otherwise specified.

Lot or Parcel. A piece, plat or area of land, of contiguous assemblage as established by survey, plat or deed, occupied or to be occupied by a building, or a unit group of buildings, and/or accessory buildings thereto or for other use, together with such open spaces as may be required under these regulations and having its frontage on a street or officially approved place.

Lot Consolidation. The combination of two (2) or more contiguous legal lots under the same ownership into fewer lots.

Lot Line Adjustment. The relocation of one (1) or more boundary lines between contiguous legal lots under the same or separate ownership that does not result in any additional lots.

Lot Line Agreement. An Agreement signed by a property owner indicating understanding that two (2) or more lots are to be considered one (1) building site and may never be sold separately or mortgaged separately

Commented [EW6]: Two definitions. “**Lot** — A Lot is a portion of a subdivision intended as a unit for transfer of property ownership or for development.”

unless all provisions of the Town of Grand Lake's zoning regulations then in effect are complied with. This Agreement shall be recorded with the Grand County Records Office.

Lot, Depth of. The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage. A Lot having a frontage on two (2) non-intersecting streets.

Lot, Reverse Frontage. A Reverse Frontage Lot is one which extends continuously between two (2) parallel (or approximately parallel) streets bounding a block and is abutted along one street frontage by an easement for screen planting. A block containing reverse frontage lots is composed of one (1) tier of lots rather than the standard two (2) tiers.

Lot, Width of. The width of a Lot is the average distance between side lot lines. Side Lot Lines are those which are neither front nor rear lot lines.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or 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 non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured. Meets HUD (Housing and Urban Development) Code; Any non-portable, wood-sided, pitched-roof structure, on a permanent foundation and meeting snow load requirements, which is equal to or greater than twenty-four (24) feet wide by thirty-six (36) feet long. If less than twenty-four (24) feet wide by thirty-six (36) feet, only permitted in trailer parks.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Manufactured home. A structure transportable in one (1) 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. The term "manufactured home" does not include a "recreational vehicle."

Master Plan. A plan for guiding and controlling the physical development of land use and circulation in the Town of Grand Lake and any amendment or extension of such a plan.

Material Safety Data Sheet (MSDS). A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

Mayor. The Mayor, or Mayor Pro-Tempore of the Town of Grand Lake, Colorado.

Mean Identifiable High Water Mark. In the case of creek or stream, these terms shall mean the waterline at the point of bankful discharge, or the point of the high discharge with a recurrence interval of two years. In the case of a lake, the lowest level at which upland vegetation will grow and have historically sustained growth. In the case of fluctuating and manmade reservoirs, the highest level or maximum designed capacity level of said reservoir.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mitigate. To neutralize or compensate for the physical impacts of a man-made development upon a particular land area or piece of land such that the undeveloped land will function as it did before the development took place.

Mixed-Use Developments. Developments that contain a variety (two (2) or more) of uses that are integrated and/or connected either horizontally or vertically or both.

Mobile Home. Any vehicle or similar portable structure originally constructed to have no foundation other than wheels, jacks or skirting and so designed or constructed to permit occupancy as living or sleeping quarters and shall have been issued a manufacturer's statement of origin.

Mobile Home Park. Any lot or parcel of land on which a mobile home is parked.

Mobile Home Space. A parcel of land within a mobile home park designed for the accommodation of one (1) mobile home.

Multi-Family Dwelling. A building providing separate dwelling units for two (2) or more families.

Municipality. An incorporated city or town.

Muted colors. Refer to all colors that have low saturation (or chrome). These are subtle colors that are not bright or have been subdued, dulled, or grayed.

National Flood Insurance Program (NFIP). FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

Neighborhood Business. Small commercial and business establishments operated and intended to serve the daily or frequent trade or service needs of the surrounding neighborhood. Such establishments include but are not limited to: food stores, pharmacies, barber shops, beauty shops, shoe repairs, craft shops, business offices, professional offices, florists, photo shops, and tailor shops. The determination of qualification of a 'neighborhood business' may, from time to time, be brought by Town Staff to the Planning Commission for review. Prior to making a decision, the Planning Commission will weigh the size of the business, hours of operation, potential traffic generation, and other items deemed necessary pertinent to the proposed use.

Net Density. The ratio of total floor area (excluding basements) to total buildable land area, excluding public streets and street rights-of-way, required open space areas or other public use areas, and open parking areas.

Net Residential Area. The land area devoted to residential uses, not including streets, parking areas, or required useable open space areas.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Nightly Rental. A structure, dwelling or dwelling unit that is rented for periods of time of less than thirty (30) consecutive days. The term "Nightly rental" shall not include hotel, motel, or bed and breakfast establishments.

Non-Conforming Building. A building or portion thereof, legally built prior to the effective date of this Section or any amendment thereto, which does not conform with the regulations of the district in which it is located.

Non-Conforming Use. Land or a building lawfully occupied prior to the effective date of this Article or any amendment thereto, by a use which does not conform with the regulations of the district in which it is located.

No-rise certification. A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Nudity or State of Nudity.

(a) The appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or

Commented [EW7]: Two definitions. "**Mobile Home** — Manufactured housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreation vehicle."

Commented [EW8]: Repetitive of "dwelling, multiple"

- (b) A state of dress which fails opaquely and fully to cover human buttocks, anus, male or female genitals, pubic region, or areola or nipple of the female breast.

Official Map. The Official Map as adopted by the Town of Grand Lake.

Off-Street Parking Space. An off-street, hard-surfaced, dust-free space designed and intended to be occupied by a parked automobile which is up to two hundred (200) square feet in area exclusive of maneuvering and roadway space.

For purposes of this Section, off-street parking shall be of two (2) classifications, (1) Surface off-street parking; and (2) covered underground off-street parking. An off-street parking space shall consist of the following area requirements:

- (a) A surface off-street parking space shall consist of at least two-hundred (200) square feet (10 feet x 20 feet) of parking — for the vehicle. In addition, adequate space shall be provided to allow for proper ingress, egress and vehicle maneuvering.
- (b) A covered or underground off-street parking space shall consist of at least one hundred eighty (180) square feet (10 feet x 18 feet) of area for parking of the vehicle. In addition, adequate space shall be provided to allow for proper ingress, egress, and vehicle maneuvering.
- (c) Additional parking standards are found in Section 12-2-28 Parking Regulations.

Open. See Unenclosed.

Open Space (Private). Undisturbed, revegetated or improved land dedicated to the common use of all residents of a subdivision, condominium, townhouse, or mixed-use development which is intended to provide visual openness and recreational use for that development. Open space, once created, can only be otherwise utilized by the concurrence of the owners, according to provisions in ownership declaration documents, which said open space was created to benefit. Changes in the open space utilization must be approved by the Commission and Board of Trustees of the Town of Grand Lake. Permitted and Non-Permitted Uses for Open Space (Private) land will be compliant with uses for Open Space (Public) land. Uses listed below include but are not limited to the following:

PERMITTED (May be used in the Private Open Space Land Area Requirement)		NOT PERMITTED (May not be included in the Private Open Space Land Area Requirement)	
1.	Uncovered swimming pools	1.	Covered swimming pools
2.	Sports field*	2.	Bleachers
3.	Pathways, trails	3.	Driveways, parking and loading areas
4.	Tennis courts (open air)	4.	Tennis courts (enclosed or covered)
5.	Volleyball courts	5.	Racquetball courts
6.	Playgrounds	6.	Handball courts
7.	Picnic grounds	7.	Bandstands, theaters
8.	Shuffleboard, horseshoes, badminton	8.	Club houses
9.	Unenclosed basketball courts	9.	Saunas, hot tubs
10.	Ponds, lakes, creeks	10.	Balconies***
11.	Pedestrian bridges	11.	Greenhouses
12.	Gardens	12.	Decks***
13.	Horse corrals	13.	Streets
14.	Patios and plazas**	14.	Buildings/Other accessory structures
15.	Walkways	15.	Recreation center buildings
16.	Fences and walls	16.	Gazebos
17.	Snow Storage****	17.	Boathouses

Commented [EW9]: Two definitions. “**Off-Street Parking Space** — Parking requirements are contained in the Zoning Regulations of the Town of Grand Lake.”

Commented [EW10]: Two definitions. “**Open Space (Private)** — Undisturbed, revegetated or improved land dedicated to the common use of all residents of a subdivision, condominium, townhouse, or mixed-use development which is intended to provide visual openness and recreational use for that development. Open space, once created, can only be otherwise utilized by the concurrence of the owners, according to provisions in ownership declaration documents, which said open space was created to benefit. Changes in the open space utilization must be approved by the Planning Commission and Board of Trustees of the Town of Grand Lake. Permitted and Non-Permitted Uses for Private Open Space land will be compliant with uses for Public Open Space land. Uses permitted and not permitted in the Open Space Calculation can be found in Article 2: Zoning Regulations for the Town of Grand Lake.”

		<u>18.</u>	<u>Animal stables and shelters</u>
		<u>19.</u>	<u>Golf Courses</u>
<u>*Includes baseball, soccer, football, rugby, etc.</u>			
<u>**Independent of structure and at grade</u>			
<u>***Connected to structures and at or above grade</u>			
<u>****No more than 50% may be counted and only if placed on pervious landscaped areas that have been designed to connect to an adequate drainage system, as approved by the Town</u>			

Open Space (Public). Undisturbed, revegetated or improved land dedicated to the common use of the public to provide visual openness and recreational use. Changes in the open space utilization must be approved by the Commission and Board of Trustees of the Town of Grand Lake.

Original Grade (Preconstruction Elevation) means the ground level before any human disturbance in the last five (5) years. Soil tests may be required if the Town can not determine if human disturbance has occurred in the last five (5) years.

Parcel of Land. A parcel of land is a contiguous quantity of land held under separate ownership.

Parking Area. A parking space plus that contiguous driving surface adjacent to each parking space necessary to provide ingress and egress to the parking space.

Patio. An at-grade, paved area adjoining a house, for outdoor lounging, dining, etc.

Permanent Monument. A permanent metal pin placed in the ground for surveying reference. Such monument shall be a steel pin no smaller than five-eighths (5/8) inch in diameter and two feet (2') in length and shall be driven at least eighteen (18) inches into the ground, with a permanent cap or tag attached to the top and stamped "RM."

Permit. A document issued by the Town of Grand Lake, Colorado, or designee thereof, granting permission to perform an act or service which is regulated by the Town.

Physical map revision (PMR). FEMA's action whereby one (1) or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Plan Preliminary. The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this Code, to permit the evaluation of the proposal prior to detailed engineering and design.

Plan Sketch. The sketch map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of these Regulations, to evaluate feasibility and design characteristics at an early stage in the planning of a subdivision.

Planned Development. Development of land in a manner which allows, in conformance with the provisions of this Article, the following: A variety of uses and/or densities in addition to those ordinarily allowed by right or by condition in the designated zone district, for which land may be developed in order to allow for uniqueness and overall flexibility of development in special instances as may be approved by Town.

Planned Development Plan. The provision for the general development of a Planned Development which may include and need not be limited to easements, covenants and restrictions relating to use, location and bulk of buildings and other structures, intensity of use or density of development, utilities, private and public streets, ways, roads, pedestrian areas and parking facilities, common open space and other public and private facilities. "Provisions of the Plan" means the written and graphic materials referred to in this definition, also referred to as a "General Development Plan."

Commented [EW11]: See lot.

Commented [EW12]: Two definitions. "**Planned Development** — Deleted from Article 6 by Ordinance #2-1984. Put in Article 2 of Chapter 12 under Section 12-2-25."

Planning Commission. The Grand Lake Town Planning Commission.

Plat Final. A "Final Plat" as used in these Regulations means a map or maps of certain described land prepared in accordance with the Town of Grand Lake Subdivision Regulations and which is to be used as an instrument for the recording of real estate interests. Such Final Plat shall be recorded by Town Staff upon approval by the Town of Grand Lake Board of Trustees.

Portable shed/garage. Any portable facility which utilizes a canvas, vinyl, rubber or similar type cover over a framework which is not permanently secured to the ground by means of concrete, asphalt or similar type material.

Primary Exterior Material. Classification of building material that shall be used on at least seventy percent (70%) of the exterior walls of the building, not including the roof.

Projection. Cornices, exterior balconies, chandeliers, including exterior wall coverings, and similar projections extending beyond the exterior wall.

Property Pin. A Property Pin is a marker establishing by certified land survey and set by a registered land surveyor registered in the State of Colorado to establish accurate location of property lines.

Public Hearing. A legally advertised meeting held by the Planning Commission or Town Board of Trustees at which time citizens' opinions may be voiced concerning the subject of the hearing.

Re-Subdivision. The changing of any existing Lot or Lots of any Subdivision Plat previously recorded by Town Staff.

Recreational Vehicle. Vehicle eligible of being registered as a motor vehicle in the State of Colorado. The following shall be considered a recreational vehicle:

- (a) Camping Trailer. A canvas, or other type of material, folding vehicle of rigid construction, mounted on wheels and designed as a temporary dwelling for travel and recreation.
- (b) Motorized Home, Motor Home and/or Recreational Bus or Van. A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
- (c) Travel Trailer. A towable vehicle designed as a temporary dwelling for travel and recreation.
- (d) Travel Trailer, Self-Contained. Trailer designed as a temporary dwelling which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewer holding tanks located within the trailer.

Recreational Unit. Unit designed as temporary dwelling for recreational purposes. The following shall be considered as a recreational unit:

- (a) Pickup Coach. A vehicle designed to be mounted on or loaded into a truck chassis for use as a temporary dwelling for travel and recreation.
- (b) Tent. Protective fabric erected and designed as a temporary dwelling to provide protection from elements.

Recreational Vehicle Lot or Recreational Vehicle Space. Any unit of land provided by an RV Park/Resort for the purpose of placing thereon a recreational vehicle or recreational unit which is used or intended to be used for living or sleeping purposes, for private use within an RV Park/Resort.

Recreational Vehicle Park. A tract or unit specifically developed for locating only recreational vehicles or recreational units on a short-term basis.

Refuse Container. A fully enclosed container for the purpose of temporary storage of refuse.

Refuse Enclosure. A fully enclosed area used for the storage of Refuse or Refuse Containers.

Commented [EW13]: Two definitions. "**Planning Commission** — The Planning Commission of the Town of Grand Lake, Colorado."

Commented [EW14]: Two definitions for Recreational Vehicle: **Recreational vehicle.** A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Refuse, Rubbish, or Trash. Any waste materials including, but not limited to, grass clippings, leaves, hay, straw, manure, shavings, glass, cans, bottles, garbage, paper, food, grease and any other waste material of any kind or nature commonly known to as refuse, rubbish or trash.

Regulations. Any of the provisions of this Article referred to herein or any other applicable Sections of this Code.

Resort. A commercial place designed and intended primarily to accommodate tourists and vacationers with recreational facilities and may or may not include a lodge or motel with food and drink.

Right-of-way. The entire dedicated tract or strip of land.

Road. See Street.

Roadway. The portion of the street right-of-way designed for vehicular traffic.

Seminude. A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breasts, as well as portions of the body covered by supporting straps or devices, which supporting straps or devices are used to support or enable the wearing of such clothing.

Set-Back. The required distance, and the land resulting there from, between the closest edge of the public right-of-way, or some other designated line, and the nearest possible line, including projections, of a conforming structure, portable shed/garage or temporary facility.

Sexually Orientated Business (SOB).

- (a) A business that has as one of its principal business purposes a substantial or significant portion (20% or more) of its stock and trade, books, magazines, other periodicals, videos, or DVDs on matter depicting, describing or relating to "specified sexual activities," or "specified anatomical areas", or
- (b) An establishment with a substantial or significant portion (20% or more) segment or section devoted to the rental, sale or display of materials, instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities", or
- (c) "Adult" arcades, cabarets, motels, motion picture theatres or theatres where:
 - (i) Persons appear in a state of nudity, or
 - (ii) There are live performances which are characterized by the exposure of "specified anatomical areas," by "specified sexual activities," or physical contact in the form of wrestling or tumbling between persons of the opposite sex or activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude.

Sign. Any device, whether free-standing or attached to a vehicle, building, or fence that is visible from the public right-of-way and whose purpose is for identification, information or advertising.

Site Specific Development Plan shall mean the final approval step by the Board of Trustees for Final Plat for all subdivisions and re-subdivisions of property or the final approval step by the Board of Trustees for the Final Development Plan Map for all Planned Developments; provided, however, that if the landowner wishes said approval to have the effect of creating vested rights pursuant to C.R.S. Title 24, Article 68, 1973, as amended, the landowner must so request in writing at least thirty (30) days prior to the date said approval is to be considered by the Board of Trustees. Failure to so request renders the approval not a "site specific development plan" and no vested rights shall be deemed to have been created.

Snow Storage. That area required to be designated for the storage of snow.

Special flood hazard area. The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year, i.e., the one-hundred-year floodplain.

Specified Anatomical Areas. As used herein means and includes any of the following:

Commented [EW15]: See "street ROW"

Commented [EW16]: See road, see street.

(a) Human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, that are not completely and opaquely covered; or

(b) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities. Includes any of the following:

(a) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;

(b) Any sex act, whether actual or simulated, including, but not limited to, intercourse, oral copulation, or sodomy;

(c) Masturbation, whether actual or simulated;

(d) Human genitals in a state of sexual stimulation, arousal, or tumescence; or

(e) Excretory functions as part of or in connection with any of the activities set forth in subsections a through d of this definition.

Start of construction. (For other than new construction or substantial improvements under the (Coastal Barrier Resources Act, Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either 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 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Step-back. A step-like form of a wall or other building frontage, also termed a recession or recessed story.

Story. Defined as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six (6) feet above grade, as defined herein, for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade, as defined herein, at any point, such usable or unused under-floor space shall be considered as a story.

Street. Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way for the movement of vehicular traffic which is an existing State, County, or Municipal roadway, or a Street or way shown upon a Plat, heretofore approved, pursuant to law or approved by official action, and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. For the purpose of this Article, streets shall be classified as defined in subsection (1) through (8):

(A) Major Highway — A major regional highway including an expressway, freeway or interstate highway designed to carry vehicular traffic:

1. Into, out of, or through the regional area (inter-regional) or,

2. From one political subdivision of the region to another or from an interregional highway (intro-regional).

Commented [EW17]: Two definitions. “**Street.** The entire dedicated public right-of-way, providing for pedestrian and vehicular movement of people and goods that is to be used by the public for circulation and service.”

- (B) Major or Arterial Street — A street or road designed to carry vehicular traffic from one part of a town to another part.
- (C) Collector Street — A street or road designed to carry vehicular traffic from one (1) or more residential or non-residential areas to and from a Major Street or Major Highway.
- (D) Local Street — A street or road designed to carry vehicular traffic from one (1) or more individual residential or non-residential units to or from a collector street.
- (E) Cul-de-Sac — A short dead-end street terminating in a vehicular turn-around area.
- (F) Half Street — A street parallel and contiguous to a property line and of lesser right-of-way width than is required for minor or major streets.
- (G) Service Road — A street or road paralleling or abutting major streets to provide access to adjacent property so that each adjacent Lot will not have direct access to the Major Street.
- (H) Stub-Street — A street or road extending to a subdivision boundary and terminating thereat with no permanent vehicular turn-around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

Street Right-of-Way. That portion of land dedicated to public use for street and utility purposes.

Street Wall. The public space adjacent to the sidewalk and/ or street as a result of buildings being constructed to or near the front and side property lines of a site.

Structure. See Building.

Subdivider or Developer. Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision. A subdivider shall provide proof of registration in accordance with the laws of the State of Colorado.

Subdivision. "Subdivision" means the division of property into two (2) or more parcels, separate interest, or interests in common, sites or lots for the purpose whether immediate or future, or transfer of ownership or building development. The granting of easements, rights-of-way or dedication of land for public use shall not be considered a division of land unless the same is made or granted as a part and parcel of proposed subdivision.

A subdivision is the improvement of one (1) or more parcels of land for residential or commercial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, the division or allocation of land as open spaces for common use by owners, occupants or lease holders.

A subdivision is any parcel of land which is to be used for townhouses, condominiums, apartments or any other multiple dwelling units, unless such land was previously subdivided and the filing accompanying such subdivision complied with TOWN regulations applicable to subdivision of substantially the same density.

Exemptions are defined under paragraphs a, b, c, below:

- (A) The term "Subdivision" as defined in these Regulations shall not apply to any division of land which creates parcels of land, each of which comprise thirty-five (35) or more acres of land, none of which is intended for use by multiple owners.
- (B) Unless the method of disposition is adopted for the purpose of evading this Article, the term "Subdivision" shall not apply to any division of land;
1. Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres per interest; or
 2. Which is created by Order of any Court in this State or by the operation of law except that any such division of property created shall be recorded as a Subdivision Exemption Final Plat drawn in the manner required in Municipal Code Chapter 12-10. Such plats shall be signed by the Mayor

Commented [EW18]: Should this be just right-of-way?

Commented [EW19]: Two definitions of structure: **Structure.** A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

after approval by the Board of Trustees, which approval shall not unreasonably be withheld. The cost of plat preparation shall be borne by others and not by the Town of Grand Lake; or

3. Which is created by lien, mortgage, deed of trust, or any other security instrument; or
4. Which is created by a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity; or
5. Which creates Cemetery Lots; or
6. 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; or
7. 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 and any such interest shall be deemed for purposes of this Subsection as only one (1) interest.
8. Nothing contained in this paragraph 2 shall be construed so as to limit the ability of the Town of Grand Lake to enforce applicable provisions of the Zoning Ordinance, the adopted Building Code or any applicable provision of the Grand Lake Code of Ordinances to any and all divisions of land created under this paragraph.

- (C) The Town Board of Trustees may, pursuant to Rules and Regulations of Resolution, exempt from this definition of the term "Subdivision", any division of land if the Board of Trustees determines that such division is not within the purposes of this Article.

Subdivision Improvements Agreement means one (1) or more security arrangements which may be accepted by the Town to secure the construction of such public improvements as are required by Town Subdivision Regulations within the Subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds, or other similar surety agreements.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Temporary Facilities. Facilities (including construction trailers, uninhabitable storage facilities, approved food/beverage service units) that are placed onto a parcel, compliance with the Regulations set forth herein, for temporary use for no greater than six months, unless allotted a greater time period by Planning Commission Resolution.

Theatre Scenery Loft. A place for the storing, lowering, and raising of theatre scenery.

Threshold planning quantity (TPQ). A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Time Share or Interval Ownership Unit. Condominium or townhouse units that have been further subdivided into a stated number of additional interests in the unit, defined by the period of time during which the owner of the share may occupy it. Shares may be of two types: first, "fee time shares" or "interval estates", wherein diverse owners each own a present estate for years terminating on a date certain coupled with a future remainder interest in the unit as a tenant in common with the other diverse owners; and second, "time-span estates" operating on a tenancy in common principle coupled with an exclusive right to use and occupy the unit during a fixed annual recurring period of time.

Total Floor Area. The total number of square feet of floor space within the exterior walls of a building, not including space in cellars, carports or garages.

Town. The Town of Grand Lake, Colorado.

Town Auditor. The Town auditor of the Town of Grand Lake, Colorado.

Town Board of Trustees. The Town Board of Trustees of the Town of Grand Lake, Colorado.

Town Clerk. The Town Clerk of the Town of Grand Lake, Colorado.

Town Engineer. The Town Engineer of the Town of Grand Lake, Colorado.

Town Staff. Member or Members employed by the Town of Grand Lake, Colorado.

Town Planning Commission. The Town Planning Commission of the Town of Grand Lake, Colorado.

Town Surveyor. The Town Surveyor of the Town of Grand Lake, Colorado.

Townhouse. A type of ownership which consists of a fee simple interest in an individually deeded lot and dwelling, plus a membership right in homeowners' association which shall own in fee simple the common areas subject to all rights and duties as provided in the declaration of the homeowners' association.

(A) The term "Dwelling" as used herein means a single family dwelling constructed on an individually deeded lot, or as part of a series of two (2) or more dwellings, each of which is either attached to the adjacent dwelling or dwellings by party walls or is located immediately adjacent thereto with no visible separation between walls or roof.

(B) The term "Common Areas" will be defined in each declaration and will include such items as the following: any open spaces, green belts, yards, parking areas, or storage spaces, located on the property owned and controlled by the homeowners through the homeowners' association, but which are not part of individual townhouse lots, and all community and commercial facilities or other parts of the property necessary or convenient to the existence, maintenance, or safety of all townhouses.

(C) The term "Declaration" refers to an instrument which defines the character, duration, rights, obligations, and limitations of the townhouse ownership.

Transient Guest. A person who stays for a period not to exceed two (2) weeks.

Unenclosed. Not enclosed.

Use by Right. A use which is listed as a use permitted by right in any given zone district in this Article. Uses permitted by right are not required to show need for their location.

Useable Open Space (Public or Quasi-Public). Open area designed and developed for uses including, but not limited to recreation, courts, gardens, parks and walkways. The term shall not include space devoted to streets and parking and loading areas.

Variance is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see National Flood Insurance Program 60.6).

Vested Property Right shall mean the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

Commented [EW20]: Two definitions. "Town — By Town is meant the Town of Grand Lake, Colorado."

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 12-5-5 is presumed to be in violation until such time as that documentation is provided.

Wall. A vertical element with a horizontal length used to enclose space.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Yard, Front. A yard extending across the front of a lot between the side lot lines and extending from the front lot line to the front of the main building or any projections thereof. The front yard shall be on the side of the lot which has been established as frontage by the house numbering system.

Yard, Rear. A yard extending across the rear of a lot, measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building including any projections. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Yard, Side. A yard extending from the front yard to the rear yard and being the space between the side lot line and the side of the main building including any projections.

Zoning Code Administrator. The officer or other designated authority charged with the administration and enforcement of this Code; the Town Manager or a duly authorized representative. The Zoning Code Administrator shall be responsible to the Planning Commission and the Town Board of Trustees and shall administer and enforce all zoning and design review laws of the Town of Grand Lake. He shall have all powers conferred upon the Building Official under this Article and all other Articles of the Town of Grand Lake, in order to perform his functions.

Zoning District. A zoned area in which the same zoning regulations apply throughout.