

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

6.1. GENERAL PROVISIONS

6.1.1. PURPOSE

This Section includes standards that must be followed when developing property or establishing new uses of property within the boundaries of Pagosa Springs, to ensure the protection of the health, welfare, safety, and quality of life for local citizens, visitors, and business owners. The development and design standards in this chapter shall apply to the physical layout and design of all development, unless exempted by this Land Use Code. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the comprehensive plan vision for a more attractive, efficient, and livable community.

6.1.2. ALTERNATIVE EQUIVALENT COMPLIANCE

A. Purpose and Scope

To encourage creative and unique design, “alternative equivalent compliance” allows development to occur in a manner that meets the intent of this Land Use Code, yet through an alternative design that does not strictly adhere to the Code’s standards. This is not a general waiver of regulations. Rather, this authorizes a site-specific plan that is equal to or better than the strict application of the standard.

B. Applicability

The alternative equivalent compliance procedure is available only for the following sections of this Land Use Code:

1. Section 6.3: *Site Development Standards*;
2. Section 6.4: *Sensitive Area Protection*;
3. Section 6.6: *Access and Circulation*;
4. Section 6.7: *Commercial and Mixed-Use Design Standards*;
5. Section 6.8: *Multi-Family Residential Design Standards*;
6. Section 6.9: *Parking and Loading*;
7. Section 6.10: *Landscaping and Buffers*;
8. Section 6.11: *Exterior Lighting*;
9. Section 6.12: *Sign Code*; and
10. Section 7.3: *Subdivision Design*.

C. Pre-Application Conference Required

An applicant proposing alternative equivalent compliance shall request and attend a pre-application conference prior to submitting application materials for the applicable permit(s) to discuss the project, the applicable Code standards, and the proposed method of alternative compliance. The application should include sufficient explanation and justification, in both written and graphic form, for the requested alternative compliance.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.2 FLOOD DAMAGE PREVENTION REGULATIONS

SUBSECTION 6.2.1 PURPOSE

D. Decision-Making Responsibility

Final approval of any alternative compliance proposed under this Section shall be the responsibility of the decision-making body responsible for deciding upon the application. Administratively approved projects proposing alternative compliance shall receive written approval of the alternative compliance from the Director.

E. Criteria

Alternative equivalent compliance may be approved if the applicant demonstrates that following criteria have been met by the proposed alternative:

1. Achieves the intent of the subject standard to the same or better degree than the subject standard;
2. Advances the goals and policies of the Comprehensive Plan and this Land Use Code to the same or better degree than the subject standard;
3. Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; and
4. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance.

F. Effect of Approval

Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

6.2. FLOOD DAMAGE PREVENTION REGULATIONS

6.2.1. PURPOSE

The purpose of this Section is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume the risks of locating in such areas.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.2 FLOOD DAMAGE PREVENTION REGULATIONS

SUBSECTION 6.2.2 AUTHORIZATION AND APPLICABILITY

6.2.2. AUTHORIZATION AND APPLICABILITY

A. Statutory Authorization

Article 23, Title 31, of the Colorado Revised Statutes delegates the responsibility to local governments to adopt regulations designed to promote the public health, safety, and general welfare of the general public.

B. Applicability

This Section shall apply to all areas of special flood hazard and areas removed the flood plain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the Town. (Amended By Ordinance 799)

C. Findings of Fact

1. The Town's areas of special flood hazard are periodically subject to flooding, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief that impairs the tax base, all of which adversely affect the public health, safety, and general welfare of the Town's residents.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

6.2.3. GENERAL PROVISIONS

A. Methods of Reducing Flood Losses

Methods proven effective in reducing flood losses include, but are not limited to:

1. Restricting or prohibiting uses that are dangerous to health, safety, and property because they create water or erosion hazards, which lead to increases in flood heights or velocity;
2. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers that accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development that may increase flood hazards;
5. Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards in other areas; and

Preventing or regulating construction within areas of special flood hazard to prevent restriction of flood flows, damage to the structures and reduction in the flow capacity.

B. Basis for Establishing Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Archuleta County, and Incorporated areas", dated September 25, 2009, with

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.2 FLOOD DAMAGE PREVENTION REGULATIONS

SUBSECTION 6.2.4 ADMINISTRATION

accompanying Flood Insurance Rate Maps dated September 25, 2009 and any revisions thereto are hereby adopted by reference and declared to be a part of this Section. These documents are on file at the Pagosa Springs Town Hall. (Amended By Ordinance 799)

C. Abrogation and Greater Restrictions

This Section is not intended to repeal or abrogate any existing easements, covenants, or deed restrictions. However, where this Article and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

D. Interpretation

In the interpretation and application of this Section, all provisions shall be:

1. Considered as minimum requirements; and
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

E. Warning and Disclaimer of Liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based upon scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the area of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This Section shall not create liability on the part of the Town, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this Section or any administrative decision lawfully made hereunder.

6.2.4. ADMINISTRATION

A. Establishment of Development Permit

A development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the Director and may include, but not be limited to: (i) plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; and (ii) existing or proposed structures, fill, storage of material, and drainage facilities; and (iii) the location of the foregoing. Specifically, the following information shall be provided:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria set forth below; and

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.2 FLOOD DAMAGE PREVENTION REGULATIONS

SUBSECTION 6.2.4 ADMINISTRATION

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

B. Designation and Duties of the Floodplain Administrator

The Floodplain Administrator is hereby appointed to administer and implement this Section by granting or denying development permit applications in accordance with the provisions set forth herein. Additional duties and responsibilities of the Floodplain Administrator include, but are not be limited to:

1. Review of all Development Permits to determine:
 - a. That the permit requirements of this Section have been satisfied.
 - b. That all necessary permits have been obtained from any federal, state and local governmental agencies from which prior approval is required.
 - c. Whether the proposed development is located in an area of special flood hazard, and if so, ensure that the development adheres to the encroachment provisions set forth below.
2. Use of Other Base Flood Data
When base flood elevation data has not been provided, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to ensure that the development adheres to the building standards set forth herein.
3. Information to be Obtained and Maintained
 - a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including the basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - b. For all new and substantially improved flood-proofed structures:
 - (i) Verify and record the actual elevation of the lowest floor structure (in relation to mean sea level); and
 - (ii) Maintain the required flood-proofing certifications.
 - c. Maintain for public inspection all records pertaining to the provisions of this Section.
4. Alteration of Watercourses
 - a. Notify Archuleta County and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency ("FEMA").
 - b. Require that an altered or relocated portion of said watercourse be maintained so that the flood carrying capacity is not diminished.
 - c. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance,

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.2 FLOOD DAMAGE PREVENTION REGULATIONS

SUBSECTION 6.2.5 STANDARDS

including proper elevation of the structure. (New Addition By Ordinance 799)

- d. For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:
 1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and property mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed appropriate, to assist in determining the most appropriate design.
 2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
 3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.
 4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
 5. All activities within the regulatory floodplain shall meet all applicable Federal, State and Town of Pagosa Springs, Colorado, floodplain requirements and regulations.
 6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section D of Article V of the Colorado Floodplain Damage Prevention Ordinance.
 7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished. (New Addition By Ordinance 799)
5. Interpretation of FIRM Boundaries
Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard and actual field conditions. Any person contesting the location of boundaries shall be given a reasonable opportunity to appeal the interpretation as set forth below.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.2 FLOOD DAMAGE PREVENTION REGULATIONS

SUBSECTION 6.2.5 STANDARDS

6.2.5. STANDARDS

A. General Standards

In all areas of special flood hazard, new construction and substantial improvements must be built consistent with the following construction standards:

1. Anchoring

- a. All structures shall be anchored to prevent flotation, collapse, or lateral movement and to withstand hydrodynamic loads.
- b. All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors as follows:
 - (i) Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring four additional ties per side;
 - (ii) Frame ties shall be provide at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
 - (iii) All components of the anchoring system be capable of carrying a force of 4,400 pounds; and
 - (iv) Any structural additions to the manufactured home shall be similarly anchored.

2. Construction Materials and Methods

- a. All structures shall be constructed with materials and utility equipment resistant to flood damage.
- b. All structures shall be constructed using methods and practices that minimize flood damage.
- c. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and are at or below the base flood elevation and therefore subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.2 FLOOD DAMAGE PREVENTION REGULATIONS

SUBSECTION 6.2.5 STANDARDS

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding; and
- d. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Subdivision

All subdivision proposals shall:

- a. Be consistent with the need to minimize flood damage;
- b. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. Have adequate drainage provided to reduce exposure to flood damage; and
- d. Provide base flood elevation data.

B. Specific Standards

In all areas of special flood hazard, the new and substantial improvements must comply with the following standards:

1. Residential Construction

Any residential structure shall have the lowest floor, including the basement, and electrical, heating, ventilation and plumbing facilities elevated to at least one foot above the base flood elevation. (Addition By Ordinance 799)

2. Nonresidential Construction

Any nonresidential structure shall either have the lowest floor, including the basement utilities, elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities, shall:

- a. Be flood-proofed to at least one foot above the base flood elevation and consistent with construction standards set forth in Section 6.2.5.A.2. above;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.2 FLOOD DAMAGE PREVENTION REGULATIONS

SUBSECTION 6.2.5 STANDARDS

- c. Provide that where the structure is intended to be made watertight below the base flood level:
 - (i) A registered professional engineer or architect shall develop and/or review structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this Section; and
 - (ii) A record of such certifications shall be maintained in the records of the Floodplain Administrator.

3. **Manufactured Homes**

All new manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system.

4. **Recreational Vehicles**

Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM shall either:

- a. be on the site for fewer than 180 consecutive days;
- b. be fully licensed and ready for highway use; or
- c. meet the permit requirements of Section 6.2.4.A, and the elevation and anchoring requirements for "manufactured homes" in paragraph 3 of this Section 6.2.5.B. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

C. **Floodways**

Located within areas of special flood hazard are areas designated as floodways. A floodway is an extremely dangerous area due to the velocity of flood water that carries debris and potential projectiles, and the potential for harmful buildup of erosion-related sediment. Therefore, the Town shall:

- 1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, in a floodway unless a technical evaluation prepared by a registered professional engineer demonstrates that such encroachments will not result in any increase in flood level during the base flood discharge.
- 2. If an engineer's evaluation determines that an encroachment will not increase the flood level, such encroachments shall comply with all general and specific standards of this Section.

D. **Standards for Areas of Shallow Flooding (AO and AH Zones)**

Located within the areas of special flood hazard established in Section 6.2.3.B, are areas designated as shallow flooding. These areas have special flood hazards

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.2 FLOOD DAMAGE PREVENTION REGULATIONS

SUBSECTION 6.2.5 STANDARDS

associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of **residential** structures have the lowest floor (including basement and utilities) elevated above the highest adjacent grade one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). (Amendment By Ordinance 799)
2. All new construction and substantial improvements of **non-residential** structures
 - a. have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified); or
 - b. together with attendant utility and sanitary facilities be designed so that below the one foot above base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. (Amendment By Ordinance 799)
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 6.2.5.B.2. are satisfied.
4. Within Zones AO and AH adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures must be provided.
5. A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:
 - a. **Residential Construction**
The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.
 - b. **Non Residential Constructiton**
The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.2 FLOOD DAMAGE PREVENTION REGULATIONS

SUBSECTION 6.2.5 STANDARDS

together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. (New Addition By Ordinance 799)

6. A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, 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.
- CLASSIFICATION OF CRITICAL FACILITIES: It is the responsibility of the Town of Pagosa Springs, Colorado Town Council to identify and confirm that specific structures in their community meet the following criteria: Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.
- a. **Essential services facilities** include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines. These facilities consist of:
- i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
 - ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);
 - iii. Designated emergency shelters;
 - iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
 - v. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
 - vi. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions,

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.2 FLOOD DAMAGE PREVENTION REGULATIONS

SUBSECTION 6.2.5 STANDARDS

and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Some exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Town of Pagosa Springs, Colorado, Town Council, that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town of Pagosa Springs, Colorado, Town Council, on an as-needed basis upon request.

- b. **Hazardous materials facilities** include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:
- i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - iii. Refineries;
 - iv. Hazardous waste storage and disposal sites; and
 - v. Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.2 FLOOD DAMAGE PREVENTION REGULATIONS

SUBSECTION 6.2.5 STANDARDS

lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation “Designation, Reportable Quantities, and Notification,” 40 C.F.R. § 302 (2010) and OSHA regulation “Occupational Safety and Health Standards,” 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations

Specific exemptions to this category include:

- i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
- iii. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Article.

- c. **At-risk population facilities** include medical care, congregate care, and schools. These facilities consist of:
 - i. Elder care (nursing homes);
 - ii. Congregate care serving 12 or more individuals (day care and assisted living);
 - iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.3 SITE DEVELOPMENT STANDARDS

SUBSECTION 6.3.1 EXCAVATION, GRADING, AND EROSION CONTROL

- d. **Facilities vital to restoring normal services** including government operations. These facilities consist of:
- i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
 - ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Town of Pagosa Springs, Colorado, Town Council, that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town of Pagosa Springs, Town Council, on an as-needed basis upon request. (New Addition By Ordinance 799)

6.3 SITE DEVELOPMENT STANDARDS

6.3.1 EXCAVATION, GRADING, AND EROSION CONTROL

A. Excavation and grading

Excavation and grading shall comply with the adopted building code.

B. Erosion Control

The prevention of soil erosion and transport of sediments during construction is of paramount importance. Therefore, the developer will be responsible for creating an erosion control plan consistent with the State of Colorado's requirements for Stormwater Management Plans (SWMP), and providing to the Director a copy of the stormwater discharge permit obtained from the State of Colorado.

6.3.2 SITE DRAINAGE

A. General

The standards of this Section are intended to protect properties, both private and public, against flooding, erosion, sedimentation, and other encroachment due to storm waters.

1. Peak discharge control is required when post-development runoff rates exceed historic 100-year base storm runoff rates due to the change in site conditions as a result of the development. Post-development peak discharge for the minor storm event shall not exceed the historic or pre-development conditions for the minor storm event.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.3 SITE DEVELOPMENT STANDARDS

SUBSECTION 0 6.3.2 SITE DRAINAGE

2. The major drainage system that conveys off-site drainage through the development and/or serves as the primary drainage channel for the development and all drainage structures therein must safely convey the base storm peak discharge and maintain them within the confines of public rights-of-way and easements. There is no requirement to provide peak discharge control for the base storm peak discharge.
3. The minor drainage system that collects on-site drainage and conveys it through the development to primary drainage channels and consists of curb, gutter, inlets, storm drains, culverts, swells, ditches and detention facilities shall be designed to convey flows from the minor storm event and maintain their integrity if overtopped by flows from a base storm event.
4. Determination of storm runoff shall be made by the methods defined in the following table:

Area of Basin for which Peak Flow or Hydrograph is being Calculated	Specific Applications and/or Basin Characteristics	Determination Method
Less than 25 acres	To determine storage volume for peak discharge control where basin characteristics are applicable to the rational method	Modified rational method
Zero to 5 acres	Area characteristics not applicable to rational method	NRCS WinTR-55
More than 5 & less than 25 acres	If on one main tributary, if there are multiple tributaries	NRCS WinTR-55, TR-20
More than 25 & less than 640 acres	All circumstances	TR-20
More than 640 acres	All circumstances	Army Corps of Engineers HECRAS

5. Waivers from peak discharge control requirements must be requested in writing and must include supporting engineering documentation. Waivers may only be granted when:
 - a. Residential development is occurring that does not require new subdivision of land. Supporting engineering documentation is not required.
 - b. Subdivision will result in a gross residential density of two dwelling units per acre or less. Supporting engineering documentation is not required.
 - c. The increase in peak discharge for the minor storm from the subdivision is less than ten percent over historic levels.
 - d. It has been determined and can be demonstrated that natural or manmade detention facilities exist downstream, there is adequate capacity to handle the increased peak discharge, and the subdivider has obtained legal right to utilize the required capacity of the existing facility.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.3 SITE DEVELOPMENT STANDARDS

SUBSECTION 0 6.3.2 SITE DRAINAGE

- e. It has been determined that detention will cause a deleterious impact relative to base storm drainage and peak discharge.
- f. Additions to existing structures will not result in a net increase of impervious area of a basin by more than 25 percent.

B. Drainage Study

Unless waived by the Town Engineer, the project engineer shall conduct a drainage study of the area to be developed and adjacent areas that affect the development. The subdivision of a single, previously subdivided lot into no more than two new lots shall be exempt from drainage studies. The results of the study shall be presented in a drainage plan. The plan should implement the drainage design and construction in the format described below. Drainage plans/reports shall include:

1. Off-site Flows

Describe the effect of off-site flow rates on the development and how they are affected by the development. Determine the necessary control measures or the proper method of conveyance.

2. On-site Flows

Define the system that will convey the on-site flows (both historic and developed) throughout the development and describe how the flows will be dispersed off-site, based on the methodology shown in the most recent version of the Urban Storm Drainage Criteria Manual, published by the Urban Drainage and Flood Control District.

3. On-site Detention

On-site detention or retention facilities are required to store run-off that represents the difference between the 100-year historic run-off and developed storm runoff, and shall limit the rate of runoff from the site to the 100-year historic flow rate.

4. Storm Drain System

The design of the interior storm drain system shall follow the standards set forth in the most recent version of the Urban Storm Drainage Criteria Manual, published by the Urban Drainage and Flood Control District. The 10-year storm shall be the criteria for the design of all interior drain systems. The design of cross culverts and bridges of major drainage ways shall accommodate the 100-year storm frequency.

C. Methodology

1. Rainfall and Runoff Analysis

The analysis of storm runoff shall be based on the rainfall data taken from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Atlas 2, "Precipitation Frequency Atlas of the Western United States, Volume III – Colorado". The Storm Run-Off Rates Determination Method Table No. 5-8 shall be used for determining the quantity of storm runoff.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.3 SITE DEVELOPMENT STANDARDS

SUBSECTION 6.3.3 SNOW STORAGE

2. Storage (Detention/Retention)

Requisite detention facility volumes can be determined from the criteria found in the Urban Drainage and Flood Control District detention volume estimating workbook. These volumes are minimum requirements.

3. Storage Release Mechanism

The release mechanisms from retention/detention ponds shall accommodate recurrence intervals of 10-year and 100-year storms by utilizing a structure which employs both orifice and weir flow control. Other methods of release can be specified as approved by the Town Engineer.

D. Procedures

Developments shall be required to submit drainage design plans in conjunction with any application that requires submittal of a drainage report/plan per the User's Manual.

1. Design Review Stage

Drainage design plans may be submitted at the design review stage as set forth in Section 2.4.6. Such drainage plans shall meet the requirements set forth in the user's manual.

2. Building Permit Stage

Drainage design plans may be submitted at the building permit stage only when subdivision and zoning for the property have already been approved. Such drainage plans shall meet the requirements set forth in the user's manual and adopted building code.

6.3.3 SNOW STORAGE

Adequate space for snow storage shall be provided. For planning purposes, one square foot of snow storage space is generally necessary for each two square feet of area to be cleared. This ratio may be somewhat greater or lesser depending on individual circumstances. On-site snow storage space shall be encouraged, but removal of snow may be allowed if planning considerations so dictate.

6.3.4 SANITARY SEWER

- A. All residential, commercial, and industrial uses shall have sanitary sewer facilities designed by a registered professional engineer in accordance with the regulations and standards of the Colorado Department of Public Health and Environment and any sanitation district having jurisdiction over the property.
- B. The Town will require the sewage collection system to be conveyed to Pagosa Area Water and Sanitation District or the Pagosa Springs Sanitation General Improvement District.
- C. The sanitary sewer system shall be connected to an existing public sanitary sewer system and consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot upon which a structure is to be built.
- D. Sanitary sewer lines are to be of sufficient size and design to collect all sewage from all proposed or portable structures within the subdivision or development.
- E. On a case-by-case basis, the Town Council may approve on-site wastewater systems that comply with the San Juan Basin Health Department standards. However, no new

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.4 SENSITIVE AREA PROTECTION

SUBSECTION 6.3.5 POTABLE WATER

addition, upgrade or major repair to an individual sewage disposal system will be permitted if the property is located within 400 feet of an established municipal or sanitation district collection line, measured through existing sewer easements or utility rights-of-way, unless connection is infeasible or has been denied by the Town or a sanitation district with jurisdiction over the property.

- F. Where on-site wastewater systems are proposed for any property, the use of the system must be approved by the San Juan Basin Health Department, who shall provide a written opinion concerning the suitability of the proposed subdivision or development for individual systems, before the Town Council approves the on-site wastewater system.

6.3.5 POTABLE WATER

- A. All development shall have a potable water system provided by the Pagosa Area Water and Sanitation District or another approved water district. The design of the water system shall have been prepared by a registered professional engineer, in accordance with the regulations of the Colorado Department of Health or any water district having jurisdiction over the property. The water system shall be of sufficient size and design to supply potable water to each structure or lot in the development.
- B. Pursuant to C.R.S. 29-20-303, the Town shall not approve an application for development unless it determines in its sole discretion, after considering the application and all of the information provided, that the applicant has satisfactorily demonstrated that the proposed water supply will be adequate. For purposes of this requirement, "adequate" means a water supply that will be sufficient for build-out of the proposed development in terms of quality, quantity, dependability, and availability to provide a supply of water for the type of development proposed, and may include reasonable conservation measures and water demand management measures to account for hydrologic variability.

6.3.6 FIRE HYDRANTS

The subdivision or development shall be required to install fire hydrants at points per the requirements of any fire district having jurisdiction over the property and in compliance with the adopted fire code.

6.4 SENSITIVE AREA PROTECTION

6.4.1 PURPOSE

The Town contains many natural amenities, including stream corridors, river corridors, natural drainages, wildlife habitat areas, waterways (lakes, rivers, and streams), wetlands, viewsheds, and hillsides, as well as significant amounts of native forest, tree cover, and open space, all of which contribute to the Town's character, quality of life, and property values. The regulations of this Section are intended to ensure that the natural character of the Town is reflected in patterns of development and redevelopment, and significant natural features are incorporated into open space areas.

6.4.2 SLOPES

Steep land (30% or greater slopes), unstable ground, and land subject to hazards such as landslides, rock-fall, ground subsidence, wildfire, or flooding shall not be platted or developed for residential or other uses that may endanger life and limb or improvements, unless

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.4 SENSITIVE AREA PROTECTION

SUBSECTION 6.4.3 NATURAL FEATURES

appropriate provisions, as deemed necessary by the building department, are made to eliminate or control the hazard.

6.4.3 NATURAL FEATURES

Subdivisions and any development shall make every effort to preserve existing waterways (lakes, rivers, and streams), primary vegetation (trees), rock formations, and other natural vistas.

6.4.4 AREAS OF SPECIAL FLOOD HAZARD

The Director shall keep on file and available to the public, a set of maps clearly showing all known and identified areas of special flood hazard in the Town, as such become available. The Town shall not approve any proposed subdivision or development in either an identified area of special flood hazard or in an area suspected of being in an area of special flood hazard, unless the subdivider or developer can submit adequate evidence, prepared by a registered professional engineer, that the proposed subdivision or development is not in an area of special flood hazard or meets the conditions set forth in Section 6.2.

6.4.5 GEOLOGIC HAZARD AREAS

The Town Clerk shall keep on file and available to the public, a set of maps clearly showing all known and identified geologic hazard areas in the Town, as such become available. The Town shall not approve any subdivision plan or site plan if the proposed subdivision or development is either in one of these identified geologic hazard areas or is in an area suspected of being in a geologic hazard area, unless the applicant can submit adequate evidence, prepared by a registered professional geotechnical engineer, that the proposed subdivision or development meets the following conditions:

- A. Provisions have been made for the long term health, welfare, and safety of the public from geologic hazards to life, property, and improvements.
- B. The proposed development will not create an undue financial burden on the existing or future residents of the area or community as a result of damage due to geologic hazards.
- C. Structures designed for human occupancy or use shall be constructed to prevent danger to human life or property.
- D. Permitted land uses, including public facilities serving such use, shall avoid or mitigate geologic hazards at the time of initial construction.
- E. Man-made changes shall not initiate or intensify adverse natural conditions within a geologic hazard area.

6.4.6 WILDFIRE HAZARD AREAS

The Town Clerk shall keep on file and available to the public, a set of maps clearly showing all known and identified wildfire hazard areas in the Town, as such become available. The Town shall not approve any subdivision plan or site plan if the proposed subdivision or development is in an area identified as a wildfire hazard area or is in an area suspected of being in a wildfire hazard area, unless the applicant can submit adequate evidence, prepared by a qualified professional forester, that the proposed subdivision or development meets the following conditions:

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.4 SENSITIVE AREA PROTECTION

SUBSECTION 6.4.7 PERIMETER FENCING

- A. Any development in which residential activity is to take place shall be designed to minimize significant wildfire hazards to public health, safety, and property.
- B. Any development shall have adequate roads for emergency service by fire trucks, fire fighting personnel, and fire breaks or other means of alleviating conditions conducive to wildfire hazard.
- C. Precautions required to reduce or eliminate wildfire hazards shall be provided at the time of initial development.
- D. All subdivision and development shall adhere to the Guidelines and Criteria for Wildfire Hazard Areas published by the Colorado State Forest Service.
- E. Consideration shall be given to recommendations of the State Forest Service resulting from review of a proposed subdivision or development in a wildfire hazard area.

6.4.7 PERIMETER FENCING

If implemented, perimeter fencing shall be no higher than 42 inches, so as not to impede the movement of deer and elk. Recorded covenants or restrictions shall require individual owners to maintain said fence.

6.4.8 RIPARIAN SETBACKS

The following standards are intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that river and stream corridors, associated riparian areas, and wetlands provide.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.5 [RESERVED]

SUBSECTION 6.6.1 PURPOSE

6.5 [RESERVED]

6.6 ACCESS AND CIRCULATION

6.6.1 PURPOSE

The purpose of this Section is to support the creation of a highly connected transportation system within the town in order to provide options for mobility, including vehicles, transit users, bicyclists, and pedestrians; increase effectiveness of local service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; and mitigate the traffic impacts of new development.

6.6.2 CONNECTIVITY

A. Purpose

Street and block patterns should include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoid traffic congestion on principal routes. Within each development, the access and circulation system and a grid of street blocks should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, transit users, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping.

B. Vehicular Access to Public Streets

Any residential development of more than 100 units or commercial or mixed-use development with 100,000 square feet or more of gross floor area, or additions to existing developments such that the total number of units or size exceeds these thresholds, shall be required to provide vehicular access to any adjacent public streets, and a minimum of two street access points, unless such provision is deemed impractical by the Director due to topography, natural features, or the configuration of adjacent developments.

C. Connections to Vacant Land

Where new development is adjacent to land likely to be developed or redeveloped in the future, all streets, bicycle paths, and access ways in the development's proposed street system shall continue through to the boundary lines of the area, as determined by the Director, to provide for the orderly subdivision and development of such adjacent land or the transportation and access needs of the community. In addition, all redevelopment and street improvement projects shall take advantage of opportunities for retrofitting existing streets to provide increased vehicular and pedestrian connectivity.

D. Vehicular Interconnections to Similar or Compatible Adjacent Uses

Every proposed public or private street system shall be designed to provide vehicular interconnections to all similar or compatible adjacent uses (existing and future) when such interconnections would facilitate internal and external traffic movements in the area. Such connections shall be provided during the initial phase of the project

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.3 ROADWAYS

approximately every 1,250 to 1,500 linear feet for each direction (north, south, east, west) in which the subject property abuts similar or compatible uses. If the common property boundary in any direction is less than 1,250 linear feet, the subject property will be required to provide an interconnection if it is determined by the Director that the interconnection in that direction can best be accomplished through the subject property. When the Director deems a vehicular connection impractical, he or she can increase the length requirement and/or require pedestrian connections. The Director may delay the interconnection if such interconnection requires state approval or will result in significant hardship to the property owner.

E. Cul-de-Sacs and Dead-End Streets Discouraged

The design of street systems shall use through-streets. Permanent cul-de-sacs and dead-end streets shall only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical. Where cul-de-sacs or dead-end streets are unavoidable, site and/or subdivision plans shall incorporate provisions for future vehicular connections to adjacent, undeveloped properties, and to existing adjacent development where existing connections are poor.

F. Neighborhood Protection from Cut-through Traffic

Street connections shall connect neighborhoods to each other and to local destinations such as schools, parks, greenbelt trail systems and shopping centers, while minimizing neighborhood cut-through vehicle traffic movements that are non-local in nature. Configuration of local and internal streets and traffic calming measures shall be used to discourage use of the local street system for cut-through collector or arterial vehicle traffic.

6.6.3 ROADWAYS

A. Purpose

This Section sets forth criteria and standards for the design of roadways within the jurisdiction of the Town. The intent is to provide standards and guidelines that will ensure the design and construction of roadways, alleys, and associated elements that will incorporate high engineering qualities and provide the public a safe and durable roadway requiring minimal maintenance.

B. Roadway Design Standards

1. General

- a. All new roadways and roadway improvements shall comply with the standards in this Section. This includes graveling, paving, width of surfaced roadway, grades, shoulders, culverts, bridges, signs, etc.
- b. In determining the design of a new roadway or street improvements, the following shall be considered:
 - i. Projection of future development densities.
 - ii. Traffic volumes to be generated by developments.
 - iii. Environmental impact.
 - iv. Tie-in with existing roadways and the traffic impact created hereby.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.3 ROADWAYS

- v. Proper grades and sight distance.
 - vi. Selected design date from the AASHTO Green Book, which is included in the alignment section of these standards for the designer's quick reference and use. The above manual should be studied for more comprehensive coverage of roadway alignment.
- 2. Roadway Classifications**
- a. Major Highways**
Any right-of-way designated as a numbered state or federal route.
 - b. Major Collector Street**
Any right-of-way designed to carry traffic volumes greater than 2,500 vehicles per day.
 - c. Minor Collector Street**
A street designated to carry traffic volumes in the range of 400 to 2,499 vehicles per day.
 - d. Local Street, Class I, Class II and Class III**
A street designated to directly serve residential areas or less concentrated activities and having traffic volumes in the range of 200 to 399 vehicles per day for a Class I, 100 to 199 vehicles per day for Class II and 99 or fewer vehicles per day for Class III.
 - e. Alley**
A way for service or access to the rear or sides of properties that also abut a street.
 - f. Cul-de-Sac**
A dead end street terminating in a circular turn-around.
- 3. Roadway Basic Design Policies**
- a. Design Period**
Roadway design shall be based on the projected needs 20 years after construction. Projection of development over the design period shall be based on land use regulations, existing land use, proximity to developed areas, historic growth, and other factors expected to influence development.
 - b. Design Controls**
The general design controls cited in the most recent reversion AASHTO Green Book shall be used for the design of all roads in the Town including stopping sight distances, passing sight distances, vertical alignment, crest vertical curves, sag vertical curves, horizontal alignment, and guardrails.
 - c. Roadway Design**
Roadways shall bear a logical relationship to the topography.
 - d. Access**

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.3 ROADWAYS

There shall be no less than two street rights-of-way accessing any subdivision to minimize traffic congestion and/or blockage in times of emergency. Additional access points are required for larger developments pursuant to Section 6.6.2.B.

e. Dead-end Streets and Cul-de-Sacs

- i. Dead-end streets are prohibited, unless they are designed as a cul-de-sac to serve no more than 20 dwelling units or designed to connect with future streets in adjacent land, in which case a temporary turnaround shall be provided.
- ii. Cul de sacs should be no longer than 1,000 feet unless approved by the Town Engineer and the local fire district, and a surfaced turnaround shall be provided at the closed end with a radius of at least 45 feet to the inside edge of the improved road surface and a right-of-way radius of at least 50 feet.

f. Half Streets

Half streets shall not be permitted. When a proposed half street in a subdivision adjoins another property the entire street shall be platted.

g. Right-of-Way

Acquiring right-of-way from the adjoining property owner shall be the responsibility and expense of the development.

h. Subdivision Access

Paved access to the subdivision or development from Town, County or State roads shall be provided by the subdivision or development through public streets and any additionally required permitting.

i. Curb and Gutter

All streets serving subdivisions shall have curb and gutter; however subdivisions with an average density of one dwelling unit per acre or less may, at the discretion of the Planning Commission, substitute grassed swells for curb and gutter.

j. Projected Traffic Volumes

Trip generation should be based on projected ADT as set forth in the most recent edition of the Trip Generation manual, published by the Institute of Traffic Engineers.

- i. If trip generation volumes exceed 1,000 ADT for a given roadway, the developer shall provide a traffic report for the proposed roadway prepared by a registered professional engineer. The traffic report shall present trip generation calculations and level of service calculations based upon actual studies of comparative developments and uses. Traffic safety shall be addressed as well as the need for roadway improvements, such as acceleration/deceleration lanes, left turn lanes, guardrails, signs, and striping. Warrants and design criteria

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.3 ROADWAYS

for acceleration/deceleration lanes shall be required, pursuant to the State Highway Access Code and the AASHTO Green Book.

ii. When unusual conditions exist, the Town may require a traffic study for roadways with a calculated ADT in excess of 500, at the discretion of the Director.

iii. Roadway geometric design should be developed using design hour volume (“DHV”) when adjusted ADT exceeds 1,000. The DHV is the 30th highest hour volume per year and shall be calculated as ten percent of adjusted ADT for roadways with ADT less than 1,000, or shall be as developed by the traffic report required above for roadways with an ADT greater than 1,000.

k. Design Speed

The following are appropriate ranges of design speeds for various conditions:

Terrain	Collector Street (mgh)	Local Street (mph)
Level and Rolling, slopes less than 15%	30-45	20-30
Mountainous, slopes greater than 15%	25-40	20-25

l. Intersections

i. Under normal conditions, roads should be designed so as to intersect at right angles, except where topography or other site conditions justify variations. A minimum angle of intersection of roads generally shall be no less than 75 degrees.

ii. Safe sight distances at all intersections shall be required.

iii. Intersections, including median openings, shall be designed with adequate corner sight distance, and the area shall be kept free of obstacles.

iv. Corner sight distance is measured from a point on the minor road at least 15 feet from the edge of the major road pavement and measured from a height of 3.75 feet on the minor road to a height of 4.5 feet on the major road.

v. No fence, wall, entrance, hedge, shrub, planting, tree or other sight obstruction above 2.5 feet above the road surface elevation shall be located within the triangular area formed by the edge of the road surface or curb lines and a line connecting them at points 35 feet from their point of intersection.

vi. Roads entering a roadway from opposite sides of the road shall either be directly across from each other or offset by at least 125 feet from centerline to centerline or sight distance requirements, whichever is greater.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.3 ROADWAYS

- vii. The gradient within 100 feet of an intersection should not exceed five percent and shall be as flat as reasonably possible.
- viii. Corner radii at all intersections shall be a minimum of 20 feet in residential areas and 40 feet in industrial or commercial areas.
- ix. Private driveways shall not exceed twelve percent in grade.
- m. Public and Private Roadway Surfacing Requirements**
 - i. All new roads having a projected trip generation of 200 or greater ADT shall be paved.
 - ii. Private drives and roadways serving more than three lots accessing onto a paved public road shall have paved aprons approved by the Town Engineer.
 - iii. The minimum surfacing requirement shall be eight inches of Class 3 ABC material with three inches of Class 6 ABC finish material, unless a geotechnical study requires greater.
- 4. Roadway Structure Design**
 - a. Soils testing and pavement design shall be accomplished by a certified testing firm under the supervision of a professional engineer.
 - b. Road structure design shall be in accordance with the criteria and procedures outlined in the current CDOT Road Design Manual and its latest revision subgrade.
 - c. Subgrade materials shall be tested as required by a soils engineer or certified "R" values or CBR values necessary to support selected subbase, base course, and surfacing requirements as outlined in the DOH manual or as required by the Town Engineer. "R" values or CBR values shall be determined by testing of subgrade soils or by comparable design soils conditions, as determined by the project's soil engineer.
 - d. The results of the testing and the road structure design shall be submitted to the Town Engineer during the development review process.
- 5. Horizontal Alignment**
 - a. Horizontal alignments in rural areas are usually dictated in large measure by (i) topography, and (ii) intended or existing land uses on adjacent properties. However, where possible both horizontal and vertical street alignments should relate to the natural contours of the site insofar as practical, while being consistent with safe geometric design.
 - b. Collector roads shall be designed in accordance with the AASHTO Green Book.
 - c. Local and stub road curves shall be designed in accordance with the AASHTO Green Book.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.3 ROADWAYS

- d. Because of snow and ice conditions the maximum super-elevation rate shall be 0.08 ft/ft.
- e. Roadway alignment in commercial and industrial zoned areas should be commensurate with the topography but should be as direct as possible. Alignment in residential areas should fit closely with the existing topography to a reasonable extent without reducing the safety of the roadway.
- f. The alternative compliance procedure in Section 6.1.2 may be used to allow the Town Engineer to approve curve radii less than required for design speeds in special situations where smaller radii can be shown to create less environmental impact without significant reduction in safety. In no case shall any curve radius be less than 50 feet.

TABLE 6.6-2: ROADWAY CLASSIFICATION AND DESIGN STANDARDS

Template Design	Major Collector	Minor Collector	Class I Local Street	Class II Local Street	Class III Local Street
Design Capacity ADT	More than 2,500	400 to 2,499	200 to 399	100 to 199	99 or fewer
Minimum R.O.W.	70'	60'	60'	50'	40'
Pavement Width	30' 3' bikeway	26' 3' bikeway	22'	22'	20'
Driving Lanes No. & Width	2-12' drive lane 2-3' bike lane	2-11' drive lane 2-3' bike lane	2-11' drive lane	2-11' drive lane	2-10' drive lane
Shoulder Lanes No. & Width	2-4' graveled shoulders	2-4' graveled shoulders	2-3' graveled shoulders	2-3' graveled shoulders	2-1' graveled shoulders
Sidewalk	Yes	Yes	Yes	Yes	No
Cross Slope	2%	2%	2%	2%	-
Curb & Gutter	Yes	Yes	Yes	Yes	No
Design Speed	30-45 Mph	20-35 Mph	20-30 Mph	15-30 Mph	15-30 Mph
Max % Grade	8%	8%	8%	10%	10%
Minimum Surface	Asphalt	Asphalt	Asphalt	Asphalt	Gravel
Stabilization	Engineered	Engineered	Engineered	Engineered	Engineered
Drainage	Engineered	Engineered	Engineered	Engineered	Engineered

C. Alleys

- 1. Alleys shall be allowed in residential neighborhoods within the Town core area where practical.
- 2. Alleys or other suitable means of service access shall be allowed in commercial and industrial developments.
- 3. The minimum width of an alley right-of-way shall be 20 feet.

D. Roadway Drainage

Adequate drainage, with no ponding areas, must be provided for all streets and alleys. Gutters, roadside ditches, culverts, and other forms of drainage channels must drain to natural drainage ways or other means of positive removal of runoff

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.3 ROADWAYS

water. Minor drainage shall be designed and installed to carry the flow from a ten-year frequency storm event. Surface drainage structures, road and street configurations and site grading shall be designed and constructed to carry the flow from a base flood with no damage to the drainage system or any adjoining structures.

E. Roadway Utilities

Any utility lines to be located within a platted public right-of-way shall be installed before paving or graveling is commenced.

F. Roadway Naming Guidelines

Street names shall comply with guidelines shown below and shall not duplicate any previously platted street names within the Town, unless the new street is a continuation of an existing alignment. A logical, systematic pattern of street names should be developed for each subdivision or development to assist in locating a desired street. For instance, names starting with progressive letter of the alphabet (i.e. Apple Court, Brookhill Drive, Capricho Street, etc) might be assigned to streets taking off from the principal streets running through a subdivision. Prefixes of North, South, East, and West could be helpful in many circumstances. A name assigned to a street or avenue should not be used for a court or drive. "Mall", "terrace", "lane", and other suffixes not set forth below are generally not appropriate and should not be used. The following table outlines acceptable suffixes for new roadways.

Avenue	This suffix may be used broadly. Generally avenues should run approximately at right angles to streets. Boulevard This suffix should be used sparingly and applied only to principal arterials through subdivisions.
Circle	This suffix should be used for roadways that start and end at the same roadway.
Court*	This suffix should be used for relatively short roadways ending in a cul-de-sac or a turnaround, unless the turnaround or cul-de-sac is temporary and the roadway is expected to be extended in the future.
Drive	This suffix should be used for a minor roadway starting at one roadway and ending at another.
Place*	This suffix should be used for relatively long roadways ending in a cul-de-sac or a turnaround, unless the turnaround or cul-de-sac is temporary and the roadway is expected to be extended in the future.
Road	This suffix should be applied to existing roads comprising the basic network throughout the Town.
Street	This suffix may be used broadly. Generally streets should run approximately at right angles to avenues.

G. Roadway Signs

1. All signs, signing, striping, signalization, markers, delineators, signals and other traffic control devices shall conform to the requirements of the Manual on Uniform Traffic Control Devices as published by the U.S. Department of Transportation, Federal Highways Administration.
2. In new developments, all required street name signs, speed limit signs, stop signs and other traffic control devices are to be installed to the satisfaction of the Town Engineer and paid for by the Developer. Street name signs shall be installed at all intersections in the subdivision, according to the street names approved on the Final Plat.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.3 ROADWAYS

3. Non-standard signs or other traffic control devices are subject to the control and approval of the Town Engineer. Requests to install non-standard signs or other devices must be submitted to the Town Engineer along with data required to support the request.

H. Roadway Snow Storage and Removal

1. All roads shall be designed and constructed so as to permit space for snow storage adjacent to the roadway.
2. Snow shall be removed such that sight distance is not impaired.
3. Snow shall not be cleared from private property or public sidewalks onto public rights-of-way or other private property.

I. Procedures for Roadways

All new roads created or modified as part of an application for realignment, development or subdivision shall comply with the procedures set forth in the user's manual.

J. Roadway Construction and Inspection

At least seven working days prior to the commencement of construction within Town rights-of-way, the developer/contractor shall: (i) notify the Town Engineer of their intent to commence construction, (ii) obtain a road construction permit, (iii) submit a proposed schedule of construction activities, and (iv) notify the Town Engineer of any changes in scheduling. Changes in design can be approved only by the Town Engineer. The Town Engineer and/or staff shall inspect the work throughout the construction period to verify that the work complies with Town's general design requirements and regulations. In cases where rights-of-way have not been publicly dedicated, the Town Engineer shall have authority pursuant to an executed development improvements agreement to ensure that construction complies with the approved subdivision or development. Upon completion of construction of a roadway, the developer shall request in writing an inspection of the completed project. Inspections of completed projects during snowy or freezing weather shall be postponed until acceptable weather conditions prevail.

K. Roadway Acceptance

1. Dedicated roads within the Town's jurisdiction are approved for release of security by the Town Council upon recommendation from the Administrative Officer and/or the Town Engineer when the roadways have met the following minimum requirements:
 - a. Streets have been constructed according to Town regulations and standards and have been certified by the project engineer.
 - b. All drainage criteria, as outlined in the Town regulations and standards, have been satisfied and have been certified by the project engineer.
 - c. Adequate easements or rights-of-way for drainage requirements and pedestrian movement, both off-site and on-site, have been identified, are shown on the plans, and have been certified by a registered

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.3 ROADWAYS

surveyor that all improvements are located within established rights-of-way or easements.

- d. The included roads are properly connected to the existing Town road system.
 - e. All necessary road rights-of-way have been conveyed as required.
 - f. All combustible or objectionable material has been cleared from the roadside, and all required signing is properly installed. All areas requiring seeding and/or foliage shall have been planted as prescribed by the plans.
2. The Town will not completely release the performance guarantee for roads until after a three year warranty period following the completion and inspection pursuant to the development improvement agreement.

L. Road and Alley Cuts

1. Permit Required

- a. A permit shall be required for any curb cut or excavation or opening in or under the surface of any street, alley, sidewalk, right-of-way or other public place, or to install repair or perform miscellaneous work on any underground utility service in or under such areas, or to bore in or under such areas.
- b. All permits shall be issued in the name of the owner of the property being serviced by the utility or service in the trench for which the permit is issued, except permits for extensions of mains or service lines being installed by utility companies, which may be issued in the name of the utility company if the facility in the trench is to remain the property of the utility company.

2. Bond Required

- a. Bonding shall be required for all work that impacts any roadway surface, curb, gutter or sidewalk, and road bores. The bonding amount shall be determined by the lineal foot, and the bond shall include provisions for up to three feet in opening width. Openings larger than three feet will incur additional bonding charges.
- b. The applicant for a permit shall be required to post a bond in an amount to be determined by the Town Council by resolution.
- c. Bonding can be secured with cash for escrow, check or other acceptable bonding instruments. Letters of credit are not acceptable.
- d. All bonds will be held until release is granted, upon a determination that the work has been completed in accordance with subsection 3, herein, following submission and approval of all test results, or expiration of the three-year warranty period and repair of any deficiencies noted by Town Engineer to the satisfaction of the Town.
- e. The Town may grant special bonding exceptions, so long as the exceptions assure adequate protection of the Town's property and the

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.3 ROADWAYS

public safety, and compliance with standards and permit requirements. Such special exceptions may include bonding several projects at less than the total aggregate cost of the work for each project if the bonded amount is reasonably adequate relative to the number and scope of the projects permitted at one time and the frequency of payment remittance under previous bonds for similar work by the applicant.

3. Standards and Requirements

a. General

- i. All work requiring a permit under this Article shall be conducted in a manner that does not unduly impede traffic, create any public hazards or damage any private property.
- ii. All openings must be properly protected and secured from the public at all times. Openings that remain overnight must be secured with safety tape, temporary covers, barricades, warning devices and appropriate signage.
- iii. No opening is allowed for more than three days unless special exceptions or conditions exist, and are noted on the permit.
- iv. Permittees shall notify Town staff when roads are expected to be closed or traffic affected. Permittees shall comply with Town directives on acceptable procedures for road closures, opening security, detour and signage requirements and any other necessary provisions.
- v. All work that effects traffic circulation must incorporate traffic control in accordance with standards identified in the most recent addition of the "Manual for Uniform Traffic Control Devices."
- vi. All permittees and their personnel or subcontractors working within the right-of-way must be properly trained and exercise all safety precautions associated with traffic control and below ground excavation.
- vii. Appropriate shoring and other safety measures must be incorporated when conditions warrant the use of such equipment.
- viii. Upon completion of the work, the site (including road bore access locations) must be restored to original or better condition and all excess debris removed.
- ix. All work must be guaranteed for a one-year period and all necessary repairs as defined by the Town Engineer are the responsibility of the permit holder.

b. Utilities

- i. All utility locates must be completed before road cut work commences and is the responsibility of the permittee.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.4 PRIVATE DRIVEWAYS

- ii. All known utility failures must be reported to the Director and repaired by the permittee in a timely manner to avoid unnecessary road subgrade and surface damage. Any resulting road damage shall be repaired at the expense of the permittee and to the satisfaction of the Town Engineer.
- iii. Failure to correct identified deficiencies in the trenches within two days of written notification from the Town shall result in forfeiture of the bond, at which time the Town is authorized to repair the trench and assess any costs in excess of the bond amount against the permittee.

c. Asphalt Roadway Requirements

- i. Work under paved roadways must begin with saw cuts on all affected paved surfaces. Following completion of work and acceptable bedding of affected utilities, openings must be backfilled with flowable fill (flo-fill) up to the lowest level of adjoining asphalt surfaces.
- ii. All flo-fill must be provided by a source approved by the Town.
- iii. All edges must be coated with tack oil. The opening must be topped with hot asphalt and with the same thickness of surrounding asphalt surfaces.
- iv. Asphalt patches may need to be installed in lifts. A cold asphalt patch must be installed to the top of the opening during winter seasons and maintained until a hot asphalt patch can be installed and completed satisfactorily. Flo-fill may be filled to the top of the opening and maintained until a hot asphalt patch can be installed; however, the Town Engineer must approve use of and completion of this temporary surface.

d. Gravel Road or Alley Requirements

- i. Following completion of work and acceptable bedding of affected utilities, openings must be backfilled with three-quarter inch minus gravel and compacted in eight-inch lifts.
- ii. All openings must transition evenly to adjoining surfaces.
- iii. Compaction must meet 95 percent of a modified proctor test for the backfill material and be verified by engineer test results.
- iv. The permittee must repair any failures or settling in the opening before the bond is returned.

6.6.4 PRIVATE DRIVEWAYS

- A. Unless the Town has entered into an agreement with a property owner to relocate a driveway due to construction of a public road or right-of-way, the expense of the driveway culverts, surface, labor and maintenance are the complete responsibility of the property owner.
- B. All new private driveways shall not exceed a 12 percent maximum sustained grade.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.4 PRIVATE DRIVEWAYS

- C. All private driveways and driveway accesses shall meet the following minimum requirements:
1. Twelve-foot wide traveled way.
 2. Eight-foot wide, 60-foot long turn out areas located no further than 400 feet apart where visibility is less than 400 feet.
 3. Thirty-five-foot radius centerline curves with an appropriately widened travel way.
 4. Stabilized cut and fill slopes or no steeper than 2:1.
 5. Roadside drainage ditches.
 6. Lines and grades as approved by the Town Engineer.
 7. Minimum 20-foot easement width or wide enough to accommodate required physical improvements, if applicable, as well as any necessary drainage easements.
 8. At any intersection of a Town road with another highway, road or street, where right-of-way has been acquired to provide clear sight distance, no driveway approach shall be permitted within the frontage thereof. At any other intersection, a driveway shall be restricted for a sufficient distance from the intersection to preserve the normal safe movement of traffic.
 9. All entrances and exits shall be located and constructed so that vehicles approaching or using them will have adequate visibility in both directions along the roadway to maneuver safely and without interfering with roadway traffic.
 10. All driveways shall be located so that the flared portion adjacent to the traveled way will not encroach upon adjoining property.
 11. No commercial driveway shall have a width greater than 30 feet measured at right angles to the centerline of the driveway, except as increased by permissible radii.
 12. The axis of an approach to the highway shall be at a right angle to the centerline of the roadway and of any angle between 90 degrees and 60 degrees. Adjustments will be made according to the type of traffic to be served and other physical conditions.
 13. Construction of parking or servicing areas on Town right-of-way is specifically prohibited unless approved by the Town Council.
 14. All driveways and approaches shall be constructed so that they do not interfere or overload the existing drainage system adjacent to the street or roadway. Property owners must provide, at their own expense, drainage structures at entrances and exits that will become an integral part of the existing drainage system. The dimensions of all drainage structures must be approved by the Town Engineer or Streets Superintendent, prior to installation.
 15. The property owner shall assume responsibility for the removal or clearance of snow, ice or sleet upon any portion of the driveway approach, despite

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.5 SIDEWALKS, MULTI-USE PATHWAYS, AND TRAILS

that the snow may have been deposited on the driveway in the course of the Town's snow removal operations.

16. In no event shall runoff from a driveway drain onto the Town roadway.
17. Minimum culvert size shall be 12 inches.
18. Minimum cover over culvert shall be eight inches.

6.6.5 SIDEWALKS, MULTI-USE PATHWAYS, AND TRAILS

A. Intent

1. The intent of the standards for sidewalks, multi-use pathways, and trails is to assure a safe, convenient, and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles and pedestrians. Any person who seeks approval of a development activity generating pedestrian or bicycle traffic shall provide sufficient pedestrian traffic improvements as defined in this Land Use Code, including portions of collector or regional street improvements. The improvements shall facilitate or mitigate the pedestrian traffic generated by the development, and allow convenient pedestrian access through or across the development, and join with pedestrian ways on adjacent properties.
2. Any development subject to trail impact fees, as provided in Article 10 of this Land Use Code, shall pay a fee as adopted by town ordinance.

B. General Provisions

1. Interconnected Network

A sidewalk network that interconnects all dwelling units with other dwelling units, non-residential uses, and common open space shall be provided throughout each development. Sidewalks shall be separate and distinct from motor vehicle circulation to the greatest extent possible and may be required to be separated by a vegetated median and/or curb and gutter. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping, and other street furniture where appropriate.

2. Sidewalks Required

In all zone districts, excluding Agricultural/Residential (RA), sidewalks are required along both sides of a street unless otherwise waived through the issuance of a variance as described in Section 2.4.11 or the project meets the alternative compliance requirements as set forth in Section 6.1.2.

3. Sidewalk Width

Sidewalks shall be a minimum of five feet wide along local streets; a minimum of five feet wide along one side and eight feet wide along the other side of collector streets; and a minimum of eight feet wide along both sides of arterial streets. A detached sidewalk is an acceptable sidewalk alternative if it is approved through the alternative equivalent compliance process. Sidewalks adjacent to storefronts in the downtown commercial areas shall be ten to 15 feet in width, or consistent with the average sidewalk width on the block if sidewalks already exist.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.6 PARKING AND VEHICLE ACCESS

4. Sidewalk Location

Sidewalks shall be located within the right-of-way unless otherwise authorized by the Town Council.

5. Sidewalk Materials

The visual and tactile properties of sidewalk paving materials shall be consistent with the proposed functions of pedestrian circulation. Sidewalks shall be constructed of concrete, brick, slate, colored/textured concrete pavers, concrete containing accents of brick, or some combination thereof that is compatible with the style, materials, colors, and details of the surrounding buildings or sidewalks. Asphalt shall not be used for sidewalks. Sidewalks must be constructed of approved materials of sufficient strength to support light maintenance vehicles.

6. Sidewalk Installation

Sidewalks and related improvements shall be installed in accordance with plans and specifications approved by the Town; and after installation or construction, they shall be subject to inspection and approval by the Town Engineer.

7. Accessibility

Sidewalks, walkways, and multi-use trails shall be universally accessible. Refer to the Americans with Disabilities Act (ADA) requirements.

8. Lighting

All sidewalks and other pedestrian walkways shall have lighting that complies with the standards in Section 6.11, *Exterior Lighting*, using poles and fixtures consistent with the overall design theme for the development.

9. Walkways

Walkways through a subdivision block shall be not less than eight feet in width, shall be within a dedicated right-of-way not less than 20 feet in width, and shall be flanked with appropriate landscaping and lighting. Walkways along buildings and within parking lots shall be raised and curbed, where suitable. A direct pedestrian connection from public sidewalks to building entries, public space and parking areas shall be provided. Walkways shall be constructed of the same materials as sidewalks; except that walkways internal to asphalt surfaced parking lots may be of asphalt construction. Walkways crossing driveways in parking lots shall be clearly delineated by a change in pavement color or texture or paint striping.

10. Multi-Use Trails

Multi-use trails shall be provided in the form of a pedestrian easement and construction of a trail to link internal open space areas with peripheral open space areas, and shall connect to multi-use trail routes throughout the community. The trail location, width, and materials shall be consistent with the adopted Regional Parks, Recreation, Open Space, and Trails Master Plan adopted by resolution of the Town Council, or as otherwise required or waived.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.6 PARKING AND VEHICLE ACCESS

6.6.6 PARKING AND VEHICLE ACCESS

A. Purpose

The location of parking lots and driveways should minimize the impact on aesthetics, adjacent properties, pedestrian environment and safety.

B. Vehicle Access

1. The number of driveways and curb cuts should be minimized and/or shared.
2. Driveways should be accessed via alleyways, if available, and should be located so that they are less visually dominant.

6.6.7 ADDITIONAL REQUIREMENTS IN THE HOT SPRINGS BOULEVARD NEIGHBORHOOD (HSB) ZONE DISTRICT

A. Streets In General

Street, block, and alley networks reflecting existing Town patterns shall be observed, to the extent reasonably feasible, providing opportunities for safe and efficient vehicular and/or pedestrian movement within the Hot Springs Boulevard Neighborhood, to the downtown core, and to adjacent natural features. For a network to provide a desirable pedestrian environment, it must be designed to discourage excessive speeding and cut-through traffic. Street widths and corner curb radii shall be as narrow as possible, while still providing safe access for emergency and service vehicles. Frequent, controlled intersections, raised and textured crosswalks, and various other specialized measures may be used to slow and channel traffic without restricting convenient, direct access and mobility.

B. Streets - Dimensional Standards

Hot Springs Boulevard shall consist of an 80-foot right-of-way (R.O.W.), with one 12-foot drive lane in each direction, a center bi-directional left-turn lane 15 feet wide, and a ten-foot parallel parking lane in selected locations, used as a right-turn lane within 50 feet of an intersection. The total paved width will be 59 feet. From the curb to the build-to line will be: a six-foot planting, lighting, and snow loading zone, an eight-foot sidewalk, and a second 6.5-foot planting zone.

1. Collector streets shall consist of a 60-foot R.O.W. with two drive lanes 12 feet each (which includes 1.5-foot curbs and gutters on both sides). Outside the curbline shall be a six-foot snow loading, lighting, and planting area, six-foot sidewalks, and another six-foot wide planting area.
2. Minor and residential streets shall consist of a 50-foot R.O.W. with two drive lanes nine feet each, on-street parking lane eight feet on each side (including 1.5-foot curbs and gutters on each side), a three-foot snow loading and planting area, and a five-foot sidewalk.

C. Pedestrian Network

1. Pedestrian use will be encouraged by the establishment of clear and direct walking routes throughout the Master Plan area and linking this area to the existing downtown core, recreational amenities, and educational facilities. A greenbelt with a walkway within the landscaped area shall be located between the commercial parking blocks and the residential area. Public

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.6 ACCESS AND CIRCULATION

SUBSECTION 6.6.7 ADDITIONAL REQUIREMENTS IN THE HOT SPRINGS BOULEVARD NEIGHBORHOOD (HSB) ZONE DISTRICT

sidewalks shall be constructed by the developer and shall be constructed of poured-in-place concrete, masonry paving units, or the equivalent. Sidewalks will be maintained by the property owner.

2. Pedestrian amenities shall be located along walkways and at areas of concentrated pedestrian use, and may include benches, gazebos, bollards, kiosks, trash receptacles, path lighting, drinking fountains, public art, bicycle racks, and interpretive displays.

D. Crossings

To ensure safety and minimize conflicts, pedestrian crossings on collector streets shall be located at traffic stop points, and/or announced by signage, landscape features, and changes in pavement type or elevation. Rolled curbs shall be constructed at all crossings.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION 6.7.1 PURPOSE

6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

6.7.1 PURPOSE

This Section is intended to promote high-quality commercial and mixed-use building design, encourage visual variety in non-residential areas of the Town, foster a more human scale and attractive street fronts, project a positive image to encourage economic development in the Town, and protect property values of both the subject property and surrounding areas. In addition, this Section intends to create a distinct image for important or highly visible areas of the Town.

6.7.2 APPLICABILITY

Development of any structure that will contain a use categorized in Table 4.1-1, *Table of Allowed Uses*, as a commercial use, or a mix of commercial and other uses, shall comply with the general standards of Sections 6.7.3. In addition, the following supplemental standards are applicable to properties within the listed areas or of the listed types:

- A. Properties with frontage along Highway 160 or Highway 84: Section 6.7.4.
- B. Properties within the MU-TC district (including the ODB and ODE overlay districts): Section 6.7.5.
- C. Properties within the OSHB overlay district: Section 6.7.6.
- D. Buildings of 18,000 square feet or greater: Section 6.7.7.

In case of conflict, the more restrictive standard as determined by the Director shall apply.

6.7.3 GENERAL STANDARDS

A. SITE LAYOUT

1. Siting

The siting of the building shall:

- a. Reflect, rather than obscure natural topography.
- b. Enable significant or important trees to be preserved.
- c. Be compatible with the original structure, when the structure is an addition to an existing structure.

2. Building Orientation

Local climatic conditions shall be considered when orienting buildings. For example, north-facing facades are especially susceptible to winter snow and ice accumulation, and entries may require special treatment. Snow shed from roofs and snowpiling zones along streets shall be considered in arranging building elements on the site. Adequate solar access shall be considered when planning outdoor spaces, with shade and relief from glare provided by landscaping and overhead structures.

3. Development Responsive to Site Conditions

Development shall respond to specific site conditions and opportunities such as odd-shaped lots, location on prominent intersections, unusual topography, the protection of view corridors, significant vegetation, and/or other natural features to the maximum extent feasible.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION A SITE LAYOUT



4. Street Corners

Buildings located on street corners shall recognize the importance of their location by:

- a. Concentrating tallest portions of the building at the intersection where they may “frame” the corner;
- b. Employing architectural features, such as angled façades, prominent entrances, a stepped parapet wall, or other unique building features at the corner; or
- c. Employing a similar technique as approved by the Director.

5. Pedestrian Environment

- a. Site design shall locate pedestrian routes connecting residential, recreational, and commercial uses to minimize contact with normal vehicular traffic. This can be achieved by designing crossings at traffic stop points, and/or by announcing crossings with signage, pavement changes, and landscape features.
- b. Pedestrian use can be increased by the addition of amenities such as benches, drinking fountains, planters, trash receptacles, path lighting, and bicycle racks.
- c. When existing sidewalks, curbs, gutters, or other public improvements have deteriorated, the development shall be required to replace and/or repair the public amenities.
- d. New development required to install sidewalks may be assessed an in lieu fee for pedestrian improvements, as determined appropriate by the Director and Town Engineer, to mitigate the construction of certain pedestrian improvements.
- e. When sidewalks exist or are proposed, new development should be sited and designed to encourage human activity on the street.
- f. Construction of and/or land dedication for pedestrian improvements may be required pursuant to the subdivision/development regulations and/or development improvement agreement.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION A SITE LAYOUT

B. Building Design

1. Building Massing and Form

Unless otherwise provided in this Land Use Code, building form may vary widely, as long as certain features of building form are considered:

- a. Within the development, variability in size and shape of buildings shall occur.
- b. Incorporating human-scaled features at the ground level, referred to as “differentiation of ground level,” will help to encourage pedestrian use. Examples are: articulated entries and windows, canopies, arcades, recessed entries, changes in color, material, or texture.
- c. Façade modulation shall be utilized to reduce the apparent bulk of a large building, where applicable.
- d. Large, unbroken expanses and long, continuous rooflines shall be avoided.

2. Building Materials

- a. Unless otherwise provided in this Land Use Code, a wide range of exterior building materials is acceptable, including but not limited to wood, brick, stone, and stucco. Materials appearing to derive from local natural settings, such as timber and native stone, are encouraged.
- b. Metal-sided buildings are prohibited, although metal roofing is acceptable. Metal wainscot treatments not exceeding four feet in height is acceptable.
- c. Plastic may be considered for sign letters only.

3. Architectural Style

The architectural character of new buildings or additions shall complement the architectural character of adjacent existing buildings.



All building facades shall be designed with a similar level of design detail on all sides not directly adjacent to a development.

4. Four-sided Design

All building facades shall be designed with a similar level of design detail. Blank walls void of architectural detailing shall not be permitted. Exceptions may be granted for those areas of the building envelope that the applicant can

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION 6.7.4 ADDITIONAL STANDARDS: PROPERTIES WITH HIGHWAY 160 OR HIGHWAY 84 FRONTAGE

demonstrate are not visible from adjacent development, public rights-of-way, trails, or the San Juan River.

5. Entrance Visibility

Entrances shall be clearly delineated and visible from the street.

- a. Buildings should be designed with delineated and unobstructed entries accessible from adjacent streets, as opposed to entries accessible only from parking lots.
- b. When entries cannot be located adjacent to the street, delineated and unobstructed pathways using building and landscape elements should enhance building entries.

6.7.4 ADDITIONAL STANDARDS: PROPERTIES WITH HIGHWAY 160 OR HIGHWAY 84 FRONTAGE

A. Applicability

Development of any structure that will contain a use categorized in Table 4.1-1, *Table of Allowed Uses*, as a commercial use, or a mix of commercial and other uses, and that has frontage along either Highway 160 or Highway 84, shall comply with the general site layout and building design standards of Sections 6.7.3. above, plus the standards of this Section.

B. Setbacks

1. Highway Landscape Buffer

All development shall be buffered from Highway 160 or Highway 84 by a landscaped area a minimum of 40 feet deep, measured from the property line. Buildings and parking areas shall not be located in this buffer area. On sites with severe topographic constraints, this landscaped buffer may be reduced at the discretion of the Director.

C. Building Orientation

1. Uses with highway frontage shall have a strong internal focus, rather than a highway orientation. Entryways shall face towards the internal road system. A highway orientation will be permitted where lot depths make it difficult to achieve an internal focus.
2. Developers shall carefully consider building orientation to achieve effective overall site planning. Although legibility of signs identifying businesses from the highway is important, buildings shall be oriented towards focal points within the development itself. These focal points may include unique natural features, a building of central importance, internal streets, or planned open space.
3. Adjacent residential land uses shall be considered when orienting buildings on properties with highway frontage. Service and utility entrances, mechanical support facilities, and unimproved building "back sides" shall not be located within view of neighboring residences or visible from highway right-of-way. Service and utility courts or alleys may contain these necessary support functions.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION 6.7.5 ADDITIONAL STANDARDS: MIXED-USE TOWN CENTER DISTRICT (INCLUDING ODB AND ODE OVERLAY DISTRICTS)

D. Access

Coordinated access points along Highway 160 and Highway 84 will be required in accordance with CDOT requirements. Location and design of these highway accesses will be based on projected traffic flows and CDOT guidelines.

6.7.5 ADDITIONAL STANDARDS: MIXED-USE TOWN CENTER DISTRICT (INCLUDING ODB AND ODE OVERLAY DISTRICTS)

A. Purpose

These standards are intended to preserve and enhance the unique character and identity of downtown Pagosa Springs and ensure that future infill and redevelopment is consistent with the Town's Downtown Master Plan. A high-quality appearance will be achieved through requirements for context-sensitive site layouts, architectural detailing, façade articulation, and other features designed to provide a more distinct character and pedestrian scale. Unique characteristics and distinctions in scale and use between the ODB and ODE overlay districts will be achieved through tailored standards as necessary. The alternative equivalent compliance process in Section 6.1.2 is available to help tailor standards for specific sites as necessary.

B. Applicability

Development of any structure that will contain a use categorized in Table 4.1-1, *Table of Allowed Uses*, as a commercial use, or a mix of commercial and other uses, and that is located within the Mixed Use-Town Center district, shall comply with the general site layout and building design standards of Sections 6.7.3. above, plus the standards of this Section.

C. Site Planning

1. Primary Entrances

Primary entrances shall be oriented towards and visible from the primary street frontage, and the San Juan River where applicable.

2. Outdoor Gathering Spaces

Developments of at least 25,000 square feet in size shall incorporate outdoor gathering spaces. Outdoor gathering spaces may include, but are not limited to, plazas, mini-parks, or courtyards that are open to and accessible to the public.

a. Minimum Size

All outdoor gathering spaces shall have a minimum depth and width of 20 feet and a minimum total area of 1,000 square feet.

b. Pedestrian Amenities

Outdoor gathering spaces shall include amenities that encourage pedestrian activity, such as benches, water features, drinking fountains, planters, public art, trash receptacles and bicycle racks.

3. Parking Location

Surface parking shall be located behind buildings. Surface parking will not be permitted between the building and the primary street frontage or to the side of the building where it may be viewed from the primary street frontage.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION 6.7.5 ADDITIONAL STANDARDS: MIXED-USE TOWN CENTER DISTRICT (INCLUDING ODB AND ODE OVERLAY DISTRICTS)

4. Ground-Floor Uses

The incorporation of retail shops and/or restaurants is encouraged at the street level to promote a more active environment for pedestrians and to support residential and office uses located within the same building (on upper floors) or nearby. This configuration of uses is particularly encouraged along Pagosa Street, Lewis Street, San Juan Street, Highway 160, and other downtown street frontages, as well as adjacent to major public spaces, such as along the San Juan River, where a high level of activity and visibility is desirable. If a limited portion of a structure's ground level will be devoted to retail or restaurant space, such space should be located along those facades adjacent to or most visible from primary street frontages or major pedestrian walkways.

5. Build-To Line (ODB Overlay District)

First floors of all buildings within the ODB Overlay District shall "build to" the back of the sidewalk or edge of property. Exceptions to the build-to line may be permitted if:

- a. The space set back from the build-to line is used for an outdoor gathering space, as defined in Section 6.7.5.C.2, above;
- b. The space set back from the build-to line is designed as a protected

Build-To Line (ODB Overlay District)	
	<p>1. and 2. The space set back from the build-to line is used for an outdoor gathering space.</p> <p>3. The space set back from the build-to line is used to provide a mid-block pedestrian connection to an outdoor gathering space.</p> <p>4. The space set back from the build-to line is designed as a protected walkway for pedestrians, with the second floor placed at the build-to line</p>
	
	
	

- c. The space set back from the build-to line is used to provide a mid-block pedestrian connection to an outdoor gathering space provided at the

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

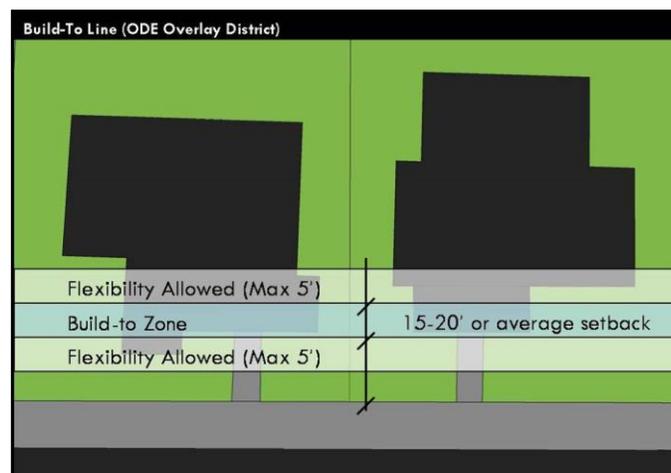
SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION 6.7.5 ADDITIONAL STANDARDS: MIXED-USE TOWN CENTER DISTRICT (INCLUDING ODB AND ODE OVERLAY DISTRICTS)

rear of the building, to the San Juan River, or to an adjacent trail corridor. Mid-block pedestrian connections shall be a minimum of 15-feet in width.

6. Build-To Zone (ODE Overlay District)

- a. A variable setback is typical of the East Village; therefore, placement of the front building façade is guided by a flexible Build-To Zone as set forth below.
 - i. First floors of all buildings within the ODE Overlay District shall build to the “build-to-zone,” which shall be the area located from 15 to 20 feet from the back of sidewalk or property line.
- b. The front building façade may only be located outside of the Build-To Zone to:
 - i. Reflect existing, adjacent development (in which case buildings shall be built to the average setback of the adjacent existing structures);
 - ii. Accommodate an outdoor gathering space, as defined in Section 6.9.5.C.2, above;
 - iii. Reflect the regular rhythm of residential homes interrupted by side yards traditionally found in the East Village;
 - iv. Reflect distinctions in use within the building; or
 - v. Accomplish a similar objective, as approved by the Director and/or Design Review Board.
- c. Portions of the front façade of the building built that are not located within the build-to zone shall:
 - i. Not extend further than 5 feet from the build-to zone; and
 - ii. Be limited to 20 feet in length or 20 percent of the length of the front façade, whichever is less.



ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION 6.7.5 ADDITIONAL STANDARDS: MIXED-USE TOWN CENTER DISTRICT (INCLUDING ODB AND ODE OVERLAY DISTRICTS)

D. Building Considerations

1. Building Articulation

The perceived mass and scale of downtown development shall be reduced to achieve a human scale. This shall be accomplished by incorporating a series of smaller design elements that are consistent with the development's architectural character. Appropriate design elements for every development shall incorporate, but are not limited to, at least four of the following:

- a. Variations in roof form and parapet heights;
- b. Pronounced recesses and projections;
- c. Wall plane off-sets;
- d. Off-sets to accommodate outdoor gathering spaces;
- e. Distinct changes in texture and color of wall surfaces;
- f. Ground-level arcades and second or third-floor galleries/balconies;
- g. Protected and recessed entries; and
- h. Vertical accents or focal points.



2. Building Height/Mass

A single, large, dominant building mass shall be prohibited. In addition to the requirements for building articulation, above, the following shall be required:

- a. **ODB Overlay District**

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION 6.7.5 ADDITIONAL STANDARDS: MIXED-USE TOWN CENTER DISTRICT (INCLUDING ODB AND ODE OVERLAY DISTRICTS)

Building mass and height above the second floor shall be terraced back from the street, and from the San Juan River corridor where applicable.

b. ODE Overlay District

Building mass and height above the second floor shall be terraced back from the street and/or completely contained beneath the slope of the roofline with dormers or sheds.

Building Height and Mass		Building mass and height above the second floor shall be terraced back from the street and/ or completely contained beneath the slope of the roofline with dormers or sheds.
ODB District Overlay	ODB District Overlay	
		
ODE District Overlay	ODE District Overlay	
		

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION 6.7.5 ADDITIONAL STANDARDS: MIXED-USE TOWN CENTER DISTRICT (INCLUDING ODB AND ODE OVERLAY DISTRICTS)

3. Lot Consolidation

The consolidation of existing lots is permitted to enhance infill and redevelopment opportunities; however, the following standards shall apply for developments occupying two or more combined lots.

a. ODB Overlay District

Façade modulation shall be provided to reflect traditional storefront widths within the downtown core, which range from 25 to 50 feet in width.

b. ODE Overlay District

Façade modulation shall be provided to reflect the traditional residential lot widths found in the East Village, which are typically 50

Lot Consolidation		
ODB District Overlay	ODE District Overlay	
		(ODB District Overlay) Façade modulation shall be provided to reflect traditional storefront widths within the downtown core, which range from 25 to 50 feet in width. (ODE District Overlay) Façade modulation shall be provided to reflect the traditional residential lot widths found in the East Village, which are typically 50 feet in width.

feet in width.

4. San Juan River Frontage

Buildings with frontage along a primary street frontage and the San Juan River shall be designed to have two “front” facades in order to promote pedestrian activity in both locations.

San Juan River Frontage		
		Buildings with frontage along a primary street frontage and the San Juan River shall be designed to have two “front” facades in order to promote pedestrian activity in both locations.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION 6.7.5 ADDITIONAL STANDARDS: MIXED-USE TOWN CENTER DISTRICT (INCLUDING ODB AND ODE OVERLAY DISTRICTS)

5. Building Design and Character

a. Roof Form

i. ODB Overlay District

Flat roof forms with parapet walls are traditionally found in the ODB district. Due to Pagosa's varied topography, many roofs will be highly visible at a distance. Large, unbroken expanses and long, continuous rooflines shall be prohibited.

ii. ODE Overlay District

Box-like structures and flat roofs are incompatible with the traditionally residential character found in the East Village. The following standards shall apply:

- (1) A variety of roof forms and surfaces (pitched, shed, and dormers) shall be incorporated into structures to break up large roof planes, provide visual interest, and manage snow loads.
- (2) Flat roof sections shall be limited to a maximum of one-

Roof Form		
ODB Overlay District		
	<p>Flat roof forms with parapet walls are traditionally found in the ODB district. Large, unbroken expanses and long, continuous rooflines shall be prohibited.</p>	
ODE Overlay District		
	<p>Box-like structures and flat roofs are incompatible with the traditionally residential character found in the East Village. Therefore a variety of roof forms and surfaces are encouraged. Flat roof sections shall be limited to one-third of the total roof area.</p>	

third of the total roof area and shall be located where they are not visible from the primary street frontage or public right-of-way.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION 6.7.5 ADDITIONAL STANDARDS: MIXED-USE TOWN CENTER DISTRICT (INCLUDING ODB AND ODE OVERLAY DISTRICTS)

b. Materials

Primary building materials shall be durable and project an image of permanence typical of the Downtown Core's traditional masonry storefronts and many of the East Village's historic residences. Appropriate materials include, but are not limited to:

- i. Brick, stone, or other masonry products;
- ii. Steel (may be used for accents only);
- iii. Stucco;
- iv. Cast concrete;
- v. Split face block;
- vi. Composite siding; or
- vii. Comparable material approved by the Director.

c. Color

- i. The use of historic color schemes in the ODB and ODE Overlay Districts is encouraged. Historic color palettes are provided in Appendix D of the Town's Design Guidelines for the Historic Business District and Local Landmarks.
- ii. Bright colors shall be limited to use for accents and decorative details such as window details, storefronts and entrances.

d. Awnings

Awnings shall be designed as integral elements of the building façade. Material, configuration, dimension, and location of awnings shall be appropriate for the building.

6. Street Level Transparency

A minimum percentage of the total area of each ground-floor building façade that faces a street, plaza, park, or other public space, shall be comprised of transparent window openings to allow views of interior spaces and merchandise, to enhance the safety of public spaces by providing direct visibility to the street, and to create a more inviting environment for pedestrians. Such openings shall be taller than they are wide. Minimum percentages vary by location and use as follows:

a. ODB Overlay District

Non-residential Uses: Fifty percent minimum.

b. ODE Overlay District

Non-residential Uses: Forty percent minimum.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION 6.7.6 ADDITIONAL STANDARDS: OHSB OVERLAY DISTRICT

For the purposes of the above standard, all percentages shall be measured using elevation views of the building plan and “ground floor” shall be measured from floor plate to floor plate.



6.7.6 ADDITIONAL STANDARDS: OHSB OVERLAY DISTRICT

A. Applicability

Development of any structure that will contain a use categorized in Table 4.1-1, *Table of Allowed Uses*, as a commercial use, or a mix of commercial and other uses, and that is located within the OHSB district, shall comply with the general site layout and building design standards of Sections 6.7.3. above, plus the standards of this Section.

B. Build-To Line

First floors of all commercial buildings in this overlay zone shall be placed at the build-to line established at 50 feet from the R.O.W. center line along Hot Springs Boulevard, and at 40 feet from the center line on collector streets intersecting Hot Springs Blvd. Exceptions to the build-to line may be permitted if:

1. The space set back from the build-to line is used for an improved public space such as a courtyard, plaza, patio, or garden between the building and the sidewalk. Such an area shall have landscaping, low walls, fencing, railings, a tree canopy, pedestrian amenities, and/or other similar site improvements designed for pedestrian interest, comfort and visual continuity.
2. The space set back from the build-to line is designed as a protected walkway for pedestrians, with the second floor placed at the build-to line.
3. The space set back from the build-to line is used as a recessed entry.

C. Building Height/Mass

A single, large, dominant building mass is prohibited.

1. Building mass shall be terraced back from the street on second and third stories.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION 6.7.7 ADDITIONAL STANDARDS: BUILDINGS 18,000 SQUARE FEET IN SIZE AND GREATER

2. Variation in mass shall be related to entrances, the integral structure, and/or the organization of interior spaces and activities and not merely for cosmetic effect. False fronts or parapets create an insubstantial appearance and are prohibited.
3. Horizontal mass shall not exceed a height to width ratio of 1:2 without substantial variation in mass that includes a change in height and a projecting or recessed element.

D. Parking Location

1. Parking Lots on Hot Springs Boulevard

Buildings shall be sited so that parking lots are located in interior block locations with no frontage on Hot Springs Boulevard.

2. Parking Lots on Collector and Minor Streets

Parking lots and vehicular use areas on collector and minor streets may occupy no more than 50 percent of the block's street frontage and shall be screened by a landscaped area at least six feet in width.

E. View Corridors

The North Range view corridor from Hot Springs Boulevard is a uniquely valuable attribute of this neighborhood, and shall be preserved to the greatest extent feasible. Views of the San Juan River and the wetlands should be preserved and visual access shall be maintained and enhanced whenever practicable.

6.7.7 ADDITIONAL STANDARDS: BUILDINGS 18,000 SQUARE FEET IN SIZE AND GREATER

A. Applicability

Development of any building that will be 18,000 square feet in size or greater shall comply with the general site layout and building design standards of Sections 6.7.3. above, plus the standards of this Section.

B. Setbacks

The required setbacks shall comply with the setbacks in Article 5 of this Land Use Code. Reduced building setbacks may be approved by the Design Review Board if the overall design of the building reflects an "urban" style building form and site design (e.g., connected sidewalks, on-street parking, benches, display windows, awnings, etc).

C. Building Height, Bulk, Scale

Buildings should be visually harmonious with their surroundings, by considering the scale, proportions and character of adjacent structures and landforms. The design of a new building or addition should incorporate architectural features, elements and details to achieve human scale, if appropriate. Building elements that should be enlisted to achieve a better human scale include:

1. Pedestrian-oriented open space, such as courtyards or other unified landscaped areas, upper story setbacks, a porch or cover entry, awnings, limited signage, and street furniture.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

SUBSECTION 6.7.7 ADDITIONAL STANDARDS: BUILDINGS 18,000 SQUARE FEET IN SIZE AND GREATER

D. Architectural Elements, Materials and Color

1. Architectural Elements

- a. Buildings should be unique and appropriate to the community and should not be recognizable by its architecture as a standard trademark design. Generic franchise architecture shall not be acceptable.
- b. Box-like structures and flat roofs are discouraged.
- c. Roof forms will be highly visible at a distance, and projects shall avoid large, unbroken expanses and long, continuous rooflines by variation in rooflines and height. The addition of dormers, balconies, deep eaves and overhangs may create visual interest.

2. Materials

The use of neon is prohibited for any architectural application, such as building trim. See Section 6.12 for the standards relating to the use of neon in signs.

3. Color

Attention must be paid to the use of color on buildings as it affects the visual aesthetics of the town.

- a. Bright colors should be used minimally and may be considered only for accents and decorative details such as window details and entrances.
- b. Colors should be used to coordinate the entire building façade as a composition.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.8 MULTI-FAMILY AND TOWNHOME RESIDENTIAL DESIGN STANDARDS

SUBSECTION 6.8.1 PURPOSE

6.8 MULTI-FAMILY AND TOWNHOME RESIDENTIAL DESIGN STANDARDS

6.8.1 PURPOSE

The purpose of these standards is to ensure that multi-family and townhome developments exhibit creativity and variety in design features to avoid the creation of bleak, monotonous streetscapes and neighborhoods.

6.8.2 APPLICABILITY

These standards shall be applicable to all multi-family and townhome development.

6.8.3 SITE PLANNING

A. Building Orientation

The primary entrance and façade of individual buildings within a multi-family or townhome development shall be oriented towards:

1. Primary internal or perimeter streets, or
2. Common open space, such as interior courtyards, parks, or on-site natural areas or features with a clearly defined and easily accessible pedestrian circulation system.

Primary entrances and facades shall not be oriented towards parking lots, garages, or carports. No primary access shall be located more than 200 feet from public right-of-way including a street or sidewalk.

B. Pedestrian Connections

An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

1. The primary entrance or entrances to each multi-family or townhome building;
2. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family or townhome development;
3. Any sidewalk system along the perimeter streets adjacent to the multi-family or townhome development;
4. Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or personal service establishments; and
5. Any adjacent or on-site public park, trail system, open space area, greenway, or other public or civic use including but not limited to schools, places of worship, public recreational facilities, or government offices.

C. Garage Placement and Design

1. General

The use of alley or side-loaded garages, or the use of a combination of garage orientations is encouraged where practicable.

2. Freestanding Common Garages, Carports, Parking Lots

- a. To the maximum extent feasible, garage entries, carports, and parking lots, shall be internalized in building groupings or located away from street frontages.
- b. Parking lots and freestanding common garages and carports shall not occupy more than 30 percent of each perimeter public street frontage.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.8 MULTI-FAMILY AND TOWNHOME RESIDENTIAL DESIGN STANDARDS

SUBSECTION 6.8.4 BUILDING DESIGN

- c. To the maximum extent practicable, freestanding common garages and carports that are visible from perimeter public streets shall be sited perpendicular to the perimeter street in order to reduce visual impacts on the streetscape.
- d. Freestanding common garages and carports shall be limited to 60 feet in length unless second-floor residential units are incorporated above them, in which case they shall be limited to 80 feet in length.
- e. Detached common garages and carports shall incorporate compatible materials, scale, colors, architectural details, and roof slopes similar to those of the primary multi-family or townhome buildings.

3. Front-Loading Garages

- a. Garages that protrude towards the street in front of the primary façade of the primary structure shall not be permitted. Garage doors on all front-loading (street-oriented) garages shall be either:
 - i. Recessed a minimum of four feet behind the front façade of the dwelling portion of the structure (including side-loading garages), or a front porch that is at minimum of five feet wide by eight feet long; or
 - ii. Recessed a minimum of two feet beneath a second floor bay.
- b. A straight run of more than two garage doors (street-oriented) is not permitted. Banks of more than two garage doors must be interrupted by an entry to the building.

4. Garage Door Color

Darker accent colors shall be utilized on garage door surfaces to minimize their visual prominence—particularly for hillside and riverfront properties. White or other highly reflective colors shall not be permitted on garage doors.

6.8.4 BUILDING DESIGN

A. Four-sided Design

All sides of a multi-family building shall display a similar level of quality and architectural detailing. The majority of a building's architectural features and treatments shall not be restricted to a single façade. Building details, including roof forms, windows, doors, trim, and siding materials, shall reflect the architectural style of the building.

B. Façade Articulation

Blocky, uniform facades are prohibited. The facades of all multi-family buildings shall be articulated through the incorporation of three or more of the following:

- 1. Balconies,
- 2. Bay or box windows,
- 3. Insets or other relief in the wall plane,
- 4. Porches,
- 5. Dormers,
- 6. Variations in materials; or

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.9 PARKING AND LOADING

SUBSECTION 6.9.1 INTENT

7. Variations in roof forms.

C. Roof Form

The incorporation of a variety of roof forms is strongly encouraged. Generally, multi-family buildings shall incorporate roof pitches of between 3:12 and 12:12; however, alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.

D. Multi-Building Developments

Multi-family developments with more than three buildings shall incorporate more than one distinction among building designs. Distinct building designs shall be easily distinguished through a minimum of two of the following:

1. A variation in length of 30 percent or more;
2. A variation in the footprint of the building of 30 percent or more;
3. A distinct variation in color and use of materials;
4. A variation in the type of dwelling unit contained in the building that results in a significantly different scale and mass (i.e., apartments vs. townhomes or duplexes); or
5. A distinct variation in building height and roof form.

6.9 PARKING AND LOADING

6.9.1 INTENT

These requirements are intended to establish orderly, safe, and efficient vehicular parking, circulation and access on adjoining thoroughfares within developments.

6.9.2 APPLICABILITY

A. Generally

1. The off-street parking and loading standards of this Section shall apply to all parking lots and parking structures accessory to any building constructed and to any use established in every district.
2. The requirements of this Section shall apply to all temporary parking lots and parking lots that are the principal use on a site.

B. Expansions and Enlargements and Changes in Use

The off-street parking and loading standards of this Section shall apply when an existing structure or use is expanded or enlarged, or when there is a change in use. Additional off-street parking and loading spaces shall be required to serve the enlarged or expanded area or the new use, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) must equal 100 percent of the minimum ratio established in this Section.

6.9.3 OFF-STREET PARKING REQUIREMENTS

A. Schedule A

Unless otherwise expressly stated in this Land Use Code, off-street parking spaces shall be provided in accordance with Table 6.9-1, Off-Street Parking Schedule A.

TABLE 6.9-1: OFF-STREET PARKING SCHEDULE A
("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.9 PARKING AND LOADING

SUBSECTION 6.9.3 OFF-STREET PARKING REQUIREMENTS

Use Category	Use Type	Number of Spaces Required
RESIDENTIAL USES		
Household Living	All use types not listed below	2/du
	Dwelling, multi-family	1.5/du for one-bedroom units 2 /du for all other units All projects shall provide 0.25 guest spaces per unit.
Group Living	Group living facility, large/special	1 per two beds plus 1 per 100 sf of assembly area
	Group living facility, small	
	Intermediate care home	1 per four beds, based upon maximum capacity
	Nursing care home	
	Nursing care facility	
PUBLIC, INSITUTIONAL, AND CIVIC USES		
Community and Cultural Facilities	Government administration and civic buildings	1/300 sf
	Social, fraternal lodges	
	Public assembly	
	Public safety facility	
Child Care Facilities	Child care center	1 per 400 sf, and 1 additional space, reserved for pickup and delivery of children, per 800 sf gfa (plus requirement for principal use if approved as accessory use)
	Day care home	
Health Care Facilities	Hospital	1 per two beds, based on maximum capacity, plus 1 per 300 sf of office and administrative area, plus required parking for supplemental uses
	Immediate care facility	1/300 sf
	Medical or dental office or clinic	
Parks and Open Space	All use types	See Schedule C. Playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field.
Educational Facilities	College or university	1 per 300 sf of enclosed floor space
	Elementary or secondary school	1 per six seats in the main auditorium or assembly room, based on maximum capacity, or 1.25 per classroom, whichever is greater
	Trade or vocational school	1 per 300 sf of enclosed floor space
COMMERCIAL USES		
Agriculture	All use types	See Schedule C.
Animal-Related Services	All use types	1/300 sf
Financial Services	All use types	1/300 sf (plus stacking spaces if drive-through is provided)

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.9 PARKING AND LOADING

SUBSECTION 6.9.3 OFF-STREET PARKING REQUIREMENTS

TABLE 6.9-1: OFF-STREET PARKING SCHEDULE A ("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)		
Use Category	Use Type	Number of Spaces Required
Food and Beverage Services	All use types not listed below	1/200 sf
	Restaurant with drive-thru	1/300 sf
Lodging Facilities	B&B or inn	1 per guestroom
	Campground, guest ranch, or RV park	1 per 2 beds, or 1 per cabin, sleeping unit, or tent site, whichever is greater
	Hotel, motel, or lodge	1 per guestroom, plus 1 per 90 sf of meeting or lounge area, plus any supplemental uses
	Vacation rental	1 stall per 1 or 2 bedroom unit; 2 stalls per 3 or more bedrooms
Offices, Business and Professional	All use types	1/300 sf
Personal Services	All use types	1/300 sf
Recreation and Entertainment, Indoor	Adult entertainment	1/300 sf
	Art gallery	1/300 sf
	Movie theater	1 per four seats of principal room. If no fixed seating, then based on maximum capacity under provisions of the adopted building code.
Recreation and Entertainment, Outdoor	General outdoor recreation, commercial	1 per 5,000 sf of land area, or 1 per 3 persons capacity (maximum), whichever is greater; playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field
	Golf course or driving range	Golf course: 4 per green Driving range: 1 per tee
Retail Sales	Greenhouse or nursery, commercial	See Schedule B
	Grocery store	See Schedule B
	All other uses	1/300 sf
Vehicles and Equipment	Parking lot/structure	N/A
	Gasoline sales	See stacking space requirements
	Vehicle sales and rental	See Schedule B
	Vehicle service and repair	See Schedule B
INDUSTRIAL USES		

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.9 PARKING AND LOADING

SUBSECTION 6.9.3 OFF-STREET PARKING REQUIREMENTS

TABLE 6.9-1: OFF-STREET PARKING SCHEDULE A ("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)		
Use Category	Use Type	Number of Spaces Required
Industrial Service	All use types	See Schedule C
Manufacturing and Production	All use types	See Schedule C
Warehouse and Freight Movement	Mini-storage	1 per 50 units, plus 1 per 300 sf of office area, plus vehicle stacking spaces for security gate. Aisles suitable for temporary loading and unloading may be counted as required parking stalls in accordance with Table 6.9-4 as determined by the traffic engineer.
	All other uses	See Schedule B
Telecommunications	Tower/antenna of any height	None
Waste and Salvage	Salvage, junk yard	See Schedule C
ACCESSORY USES		
Accessory dwelling units		1/du in addition to spaces required for the dwelling
Home occupation		1/du in addition to spaces required for the dwelling

B. Schedule B

Uses subject to Off-Street Parking Schedule B, as indicated in Table 6.9-1 shall provide the minimum number of off-street parking spaces listed in Table 6.9-2 below. Unless otherwise approved, lots containing more than one activity shall provide parking and loading in an amount equal to the total of the requirements for all activities.

TABLE 6.9-2: OFF-STREET PARKING SCHEDULE B	
Activity	Number of Spaces Required
Offices	1 per 300 square feet
Indoor sales area	1 per 250 square feet
Outdoor sales or display area (3,000 square feet or less)	1 per 750 square feet
Outdoor sales or display area (over 3,000 square feet)	1 per 2,000 square feet
Indoor storage/warehousing/vehicle service/manufacturing area	
1–3,000 square feet	1 per 300 square feet
3,001–5,000 square feet	1 per 650 square feet
5,001–10,000 square feet	1 per 750 square feet
10,001–50,000 square feet	1 per 1,250 square feet
50,001 square feet+	1 per 1,500 square feet

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.9 PARKING AND LOADING

SUBSECTION 6.9.3 OFF-STREET PARKING REQUIREMENTS

C. Schedule C

Uses that reference “Schedule C” in Table 6.9-1 have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Upon receiving a development application for a use subject to Schedule C standards, the Building Official and the Director shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates as approved by the Director, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

D. Maximum Number of Spaces Permitted

1. General Maximum Requirement

For any use categorized as a “Commercial” or “Industrial” use in Table 4.1-1, *Table of Allowed Uses*, off-street vehicle parking spaces shall not be provided in an amount that is more than 125 percent of the minimum requirements established in Table 6.9-1, *Off-Street Parking Schedule A*.

2. Exceptions

- a. If application of the maximum parking standard would result in less than six parking spaces, the development shall be allowed six parking spaces.
- b. For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement, but shall count toward the minimum requirement:
 - i. Accessible parking;
 - ii. Vanpool and carpool parking;
 - iii. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

For the purpose of calculating parking requirements, fleet vehicle parking spaces shall not count against either the minimum or maximum requirements.

- c. Exceptions to the maximum parking requirement may be allowed in situations that meet all of the following criteria as determined by the Director:
 - i. The proposed development has unique or unusual characteristics such as high sales volume per floor area or low parking turnover, which create a parking demand that exceeds the maximum ratio and which typically does not apply to comparable uses; and,

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.9 PARKING AND LOADING

SUBSECTION 6.9.3 OFF-STREET PARKING REQUIREMENTS

- ii. The parking demand cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio; and,
- iii. The request is the minimum necessary variation from the standards; and,
- iv. If located in a mixed-use district, the uses in the proposed development and the site design are highly supportive of the mixed-use concept and support high levels of existing or planned transit and pedestrian activity.

E. Computation of Parking and Loading Requirements

1. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction shall be rounded up to the next higher whole number.

2. Multiple Uses

Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.

3. Area Measurements

Unless otherwise specified, all square footage-based parking and loading standards shall be computed on the basis of gross floor area of the use in question. Structured parking within a building shall not be counted in such measurement.

4. Computation of Off-Street Parking

Required off-street loading space shall not be included as off-street parking space in computation of required off-street parking space.

5. Parking for Unlisted Uses

Parking requirements for uses not specifically listed in Table 6.9-1 shall be determined by the Director based on the requirements for the closest comparable use, as well as on the particular parking demand and trip generation characteristics of the proposed use. The Director may alternately require the submittal of a parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Transportation Engineers, and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.9 PARKING AND LOADING

SUBSECTION 6.9.4 PARKING AREA LAYOUT AND DESIGN

6.9.4 PARKING AREA LAYOUT AND DESIGN

A. Stall Dimensions

1. Parking stall and aisle dimensions shall be measured from the middle of the stall stripe of a parking stall to the middle of the adjacent stall stripe. Aisles for two-way flows shall be a minimum of 24 feet, except when no spaces are backing onto the aisle, in which case width shall be 20 feet.
2. One universally accessible, ADA-compatible, space shall be provided in each parking lot in compliance with the adopted building code, and as set forth in the above table:
3. In parking lots of 20 spaces or more, special considerations will be made for compact car spatial dimensions.
4. The following standards may be used as guidelines for the design of indoor and outdoor parking stalls:

Total Parking Spaces Provided	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
More than 500	2% of total

TABLE 6.9-4: DESIGN OF PARKING STALLS

Type of Stall	Parking Angle (A)	Stall Width (B)	Stall to Curb (C)	Aisle Width (D)	Curb Length (E)
Passenger Vehicle	0°	8'*	8'*	12' (one-way)	24'
Passenger Vehicle	45°	9'	19'	13' (one-way)	12'8"
Passenger Vehicle	60°	9'	20'	13' (one-way)	12'8"
Passenger Vehicle	90°	9'	18'	24'	9'
Handicapped Space	90°	8' with 5' adjacent access area	18'	24'	9'
Handicapped Van Space	90°	8' with 8' adjacent access area	18'	24'	9'

*--7.0' on local roads may be acceptable with approval by Town Engineer.

B. Parking Area Layout

1. Surface

All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or other similar materials, unless otherwise approved by the Town Engineer. Accent paving is recommended to indicate pedestrian linkages.

2. Integrate Parking Lots with Surroundings

Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian routes, or negatively impact surrounding

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.9 PARKING AND LOADING

SUBSECTION 6.9.4 PARKING AREA LAYOUT AND DESIGN

neighborhoods. The pedestrian character of streets and building shall be maximized through continuity of building and landscape frontage.

3. Design Standards

All parking lot placement and design shall comply with the applicable standards in Sections 6.7, *Commercial and Mixed-Use Design Standards*, and 6.8, *Multi-Family Residential Design Standards*.

4. Lot Size

Required parking shall be broken into component parking lots, avoiding large, unrelieved expanses of paving.

C. Landscaping

A landscaped buffer zone of five to ten feet may be required between the actual parking area, major arterial, or major pedestrian route. Additionally, in areas that provide parking for more than ten vehicles, at least ten percent of the total area of the parking lot shall be used for landscaping and/or aesthetic treatment. The following landscaping standards shall be met:

1. A minimum of one tree (generally planted in landscaped islands) for every five parking spaces shall be located within the parking area/lot.
2. Tree islands shall be installed intermittently and have a length equal to the adjacent parking stalls, contain sufficient area to protect plantings from vehicles and foot traffic and accommodate a tree root system with a clear area of earth not less than three feet in width.
3. All unimproved earth areas shall be planted, restored, or otherwise protected from erosion.
4. Ongoing maintenance, including the replacement of dead or unhealthy plants, shall be provided by the parking area owner/leaseholder.

D. Parking for Single-Family Residential Dwelling Units

This Land Use Code requires two parking spaces per single-family residential dwelling unit. The on-street parking lane at each lot's street frontage may fulfill the requirement for one parking space, with driveway and garage meeting the additional requirement. Driveways and garage entrances from interior block alleys are preferred.

E. Shared Access

Wherever feasible, parking lots shall share access lanes.

F. Circulation Area Design

Circulation for parking areas intended to accommodate 20 vehicles or more shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area. Parking lots that accommodate twenty or more vehicles must maintain continuous circulation patterns, with no dead-ends, and safe access to public streets.

G. Lighting and Maintenance

All parking area lighting shall comply with the Town's lighting requirements and provide adequate lighting for safety if night use is intended. Parking lots should provide adequate security and should limit visual clutter, parking lot signs, and equipment.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.9 PARKING AND LOADING

SUBSECTION 6.9.5 PARKING ALTERNATIVES

H. Drainage

All parking areas shall have adequate drainage as determined by a drainage report.

I. Loading/Unloading Areas

The Town requires all new and substantially remodeled commercial and industrial developments to provide adequate loading and unloading zones. The loading/unloading zones must be illustrated on the parking plan submitted for approval. Loading and unloading areas shall not impede major roads, highways, intersections, or other paths of travel. Also, these zones must be located away from areas where there is heavy pedestrian travel unless such areas cannot be avoided, as in the Mixed-Use Town Center district.

6.9.5 PARKING ALTERNATIVES

The Director may approve alternatives to providing the number of off-street parking spaces required by Table 6.9-1, in accordance with the following standards.

A. Shared Parking

The Director may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards:

1. Location

Every shared parking space shall be located no farther than 600 feet from the entrance to each building for which the shared parking is provided (measured along the shortest legal pedestrian route).

2. Zoning Classification

Shared parking areas shall be located on a site with the same or a more intensive zoning classification than required for the primary uses served.

3. Shared Parking Study

Those proposing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the Town that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Director and shall be made available to the public. It shall address, at a minimum, the size and type of the proposed development, location of required parking, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. The applicant shall also demonstrate that any parking reduction requested as part of the shared parking study will not result in the spillover of parking onto other properties. The study shall utilize the Urban Land Institute shared parking methodology to calculate temporal and locational parking reductions.

4. Agreement for Shared Parking

The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the Director as to form and content. The agreement shall

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.9 PARKING AND LOADING

SUBSECTION 6.9.5 PARKING ALTERNATIVES

provide for the maintenance of jointly used facilities. The Director may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement. Recordation of the agreement shall take place before issuance of a building permit for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of this Land Use Code.

B. Off-Site Parking

The Director may approve the location of required off-site parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:

1. Location

No off-site parking space may be located more than 600 feet from an entrance to the use being served (measured along the shortest legal pedestrian route). Off-site parking spaces shall be connected to the use by acceptable pedestrian facilities. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway, a traffic signal, a shuttle bus, or other traffic control device or remote parking shuttle bus service is provided.

2. Control of Site

Required parking spaces for residential uses must be located on the site of the use or within a tract owned in common by all the owners of the properties that will use the tract.

3. Ineligible Activities

Required parking spaces for persons with disabilities may not be located off-site.

4. Agreement for Off-Site Parking

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required, approved by the Director as to form and content. The agreement shall guarantee the use of the off-site parking area for a minimum period of at least 20 years. The Director may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement. An attested copy of the agreement between the owners of record shall be submitted to the town for recordation in a form acceptable by the Town Attorney. Recordation of the agreement shall take place before issuance of a building permit for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of this Land Use Code.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.9 PARKING AND LOADING

SUBSECTION 6.9.5 PARKING ALTERNATIVES

C. On-street Parking

On-street parking spaces in the right-of-way along the property line, between the two side lot lines of the site, may be counted to satisfy the minimum off-street parking requirements, if approved by the Director.

D. District Parking

Minimum required off-street parking spaces may be waived or reduced for properties within the boundaries of a public parking or local improvement district that provides district-wide parking facilities, based on the projected parking demand to be addressed by the district-wide facility.

E. Stacked, Tandem, and Valet Parking

Stacked, tandem, or valet parking for nonresidential uses is allowed if an attendant is present to move vehicles. In addition, a guarantee acceptable to the town shall be filed with the town ensuring that a valet parking attendant shall always be on duty when the parking lot is in operation. For residential uses, tandem or stacked vehicle parking may be allowed.

F. Structured Parking

1. Maximum Parking Waiver

Where 75 percent or more of the parking accessory to a use is in structured parking, there shall be no maximum cap on the number of parking spaces.

2. Credit for Nearby Public Structured Parking

Spaces available in public parking structures located within 1,000 feet of the subject use may be counted toward the total amount of required off-street parking.

3. Density Bonus for Underground Parking in the Commercial and Mixed-use Districts

A density bonus shall be granted for underground parking structures in the commercial and mixed-use districts. The bonus shall be granted at a ratio of 0.01 du/gross acre of additional bonus density for each 100 square foot of structured parking that is underground.

G. Sites in Mixed-use Districts

In the mixed-use districts, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately, subject to the modifications set forth below.

1. All uses within MU districts shall be eligible for a 20 percent parking reduction to reflect the reduced automobile use associated with mixed-use developments.
2. A 10 percent parking reduction for multifamily residential dwellings may be allowed if the proposed use is located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction.
3. For non-residential uses, the minimum parking requirement may be reduced 10 percent if the use incorporates a transit stop that meets minimum design standards established by the Town to ensure ready access to users and is

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.10 LANDSCAPING AND BUFFERS

SUBSECTION 6.10.1 PURPOSE

compatible with the design and materials of the non-residential use of which it is associated.

4. A 10 percent parking reduction for developments that include bicycle parking at a minimum ratio of five bicycle rack spaces to one parking space. (maximum two spaces).
5. The total number of parking spaces required of a use or uses in a MU District may be further reduced by the Director if the applicant prepares a parking evaluation that demonstrates a reduction is appropriate based on the expected parking needs of the development, availability of mass transit, and similar factors and the Town Engineer accepts such study as an accurate reflection of parking demand. The parking evaluation shall be prepared in a form and manner prescribed by the Director.

H. Other Eligible Alternatives

The Director may approve any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Director that the proposed plan will protect surrounding neighborhoods, maintain traffic circulation patterns, and promote quality urban design to at least the same extent as would strict compliance with otherwise applicable off-street parking standards.

I. Parking In-Lieu Fees

[RESERVED]

6.10 LANDSCAPING AND BUFFERS

6.10.1 PURPOSE

This Section is intended to ensure that new landscaping and the retention of existing vegetation is an integral part of all development and that it contributes added high quality to development, retains and increases property values, conserves water, and improves the environmental and aesthetic character of the community. It is also the intent of this Section to provide flexible requirements that encourage and allow for creativity in landscape design.

6.10.2 APPLICABILITY

All landscaping, buffering, and screening provided pursuant to this Land Use Code shall comply with the standards in this Section. A minimum landscaped area is required for development in certain zoning districts, as identified in the tables of dimensional requirements in Article 5.

6.10.3 DESIGN STANDARDS

A. General

Developments shall incorporate a variety of landscape elements to enhance the building or site, add privacy or shade, screen obtrusive or objectionable features, and take advantage of special site conditions. Landscape elements may include, but not be limited to:

1. Living plant material;
2. Decorative pavement;
3. Screening walls;
4. Planters; or

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.10 LANDSCAPING AND BUFFERS

SUBSECTION 6.10.3 DESIGN STANDARDS

5. Site furniture or similar details to enhance the project.
All unimproved earth areas shall be planted, restored, or otherwise protected from erosion. No more than 30 percent of any landscaping provided to meet the requirements of this Land Use Code shall consist of inorganic materials.

B. Protection of Existing Vegetation

The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing vegetation and trees whenever possible.

1. Incentive

The owner shall receive credit against the percentage of landscaped area otherwise required by this Land Use Code for each healthy mature tree over two-and-one-half inches diameter at breast height (DBH) preserved on the site. The credit for preserved trees is determined based on the size of the preserved tree, as shown in Table 6.10-1 below. Credit for preserved trees must not result in any reduction of trees planted in street frontage landscaping unless the preserved trees are located within 20 feet of the front lot line.

TABLE 6.10-1: TREE PRESERVATION CREDITS		
Caliper of Preserved Tree (in inches)	Credit Landscaping <i>(Subtract this percentage from overall required landscaped percentage.)</i>	Against Required Percentage
Over 12 inches	0.75%	
8 inches to 11.9 inches	0.50%	
2.5 inches to 7.9 inches	0.20%	

2. Designation, Protection, and Replacement

The owner must indicate trees intended to be preserved with a special symbol on the landscaping plan and must protect the designated trees during construction through use of a fence around the drip line. If any preserved trees for which credit has been given are lost to damage or disease within two years after the credit is awarded, the owner must replace with the number of trees that would otherwise have been required if credit had not been given.

C. Maintenance

Landscaping shall be watered and maintained by the property owner/leaseholder as necessary to preserve the intent of any approved landscape plan. Ongoing maintenance shall include the replacement of dead or unhealthy plants. Violations of this Section shall be subject to penalties pursuant to Section 1.6 of this Land Use Code.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.10 LANDSCAPING AND BUFFERS

SUBSECTION 6.10.4 BUFFERING AND SCREENING

D. Plant Materials

Plant materials shall be adaptable to local conditions. Naturalized planting schemes using native or drought-tolerant plant materials with a mountain character theme are encouraged. Lawn areas shall be kept to a minimum.

E. Street Trees

Street trees shall be organized in a formal architectural fashion to reinforce, define, and connect the spaces and corridors created by buildings and other features along a street.

1. Location

Street trees shall be planted in the area between the curb and sidewalk or a location most appropriate for street tree planting.

2. Spacing

Spacing of street trees shall not exceed two times the tree's mature crown diameter.

3. Type

Street trees shall consist of a mixture of canopy shade trees.

4. Additional Landscaping

Additional landscaping within the area between the curb and sidewalk may consist of shrubs, annuals, perennials, ground cover and turf, and shall be planted and maintained by the adjacent property owners at the approval of the appropriate jurisdiction.

F. Visibility and Security

1. Intersections shall be landscaped with plant materials of a shape and size that will not impede visibility of motorists, cyclists, or pedestrians.

2. At no time may the security of a building, specifically the entryway and parking area, be compromised by creating visual barriers or hiding places.

G. Landscape Plan Required

A landscape plan shall be submitted for developments as required in the user's manual. Plant materials shall be installed prior to issuance of a Certificate of Occupancy.

6.10.4 BUFFERING AND SCREENING

A. Intent

To integrate adjacent land uses and provide seamless transitions from one use to another through the use of building orientation and access, landscaping, and appropriate architectural elements.

B. General Provisions

1. Special consideration shall be given to adjacent land uses of different intensities. It shall be the responsibility of the more intensive use to ensure that the transition from one use to another is attractive, functional, and minimizes conflicts between the current and planned uses.

2. It is the responsibility of the higher intensity use to demonstrate that the uses will be compatible. This can be accomplished through the effective use of shared access and parking, appropriate building orientation and setbacks,

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.11 EXTERIOR LIGHTING

SUBSECTION 6.11.1 PURPOSE

landscaping, architectural treatment and limited use of fencing and screening walls. Special consideration shall be given to the impact of aesthetics, noise, lighting, and traffic.

3. Buffering may be required between any development and adjacent natural or environmentally sensitive areas. This will be determined on a case-by-case basis.
4. Under no circumstances shall a fence be the only screening material used as a buffer between land uses.

C. Loading and Service Areas

1. Location

Loading docks, solid waste facilities, recycling facilities and other service and utility areas shall be placed to the rear or side of buildings in visually unobtrusive locations.

2. Screening and Landscaping

Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from public rights-of-way. Screening and landscaping shall also prevent spill-over glare, noise, or exhaust fumes. Screening and buffering shall be achieved through walls, architectural features, and landscaping, and shall be visually impervious. Recesses in the building or depressed access ramps may be used.

D. Mechanical Equipment

Mechanical equipment antennas, rooftop appurtenances, and outdoor storage areas should be screened. Rooftop appurtenances, such as mechanical equipment and antennas shall be screened from view.

E. Dumpsters and Trash Storage Areas

Every development that is required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:

1. Trash storage areas shall be screened from view and secure from animals.
2. Adjacent properties shall combine trash areas when feasible.
3. Located to facilitate collection and minimize any negative impact on persons occupying the site, neighboring properties, or public rights-of-way; and
4. Constructed to allow for collection without damage to the site or the collection vehicle; and
5. Screened to prevent them from being visible to:
 - a. Any dwelling unit on residential property, other than the property on which the dumpster is located;
 - b. Occupants, customers, or other invitees to any building on nonresidential property, other than the property on which the dumpster is located; and
 - c. Persons traveling on any public street, sidewalk, or other public way.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.11 EXTERIOR LIGHTING

SUBSECTION 6.11.1 PURPOSE

6.11 EXTERIOR LIGHTING

6.11.1 PURPOSE

The general purpose of this Section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant night environment.

6.11.2 APPLICABILITY

A. General

All exterior lighting for any type of residential or nonresidential development shall comply with the standards of this Section, unless exempted in subsection D. below.

B. Existing Lighting

All lighting existing prior to the adoption of this Section shall be brought into compliance with this Section upon reconstruction or remodeling of more than a cumulative 50 percent of floor area of such building or facility.

C. Lighting Plan Requirement

The submission of an exterior lighting plan is required prior to the approval of any subdivision or planned unit development, or site plan, or the issuance of a building permit, to promote a standard of illumination that is unified in design, color, intensity, and fixtures. The plan shall describe such things as the light source, level of illumination, hours of illumination, the orientation, and the effects the illumination has on adjoining properties and roadways.

D. Exempt Lighting

The following types of lighting are exempt from the requirements of this Section.

1. Soffit or wall-mounted luminaires that are permanently attached to single-family residential dwellings, not to exceed the height of the eave.
2. Public street and right-of-way lighting.
3. Temporary decorative seasonal lighting provided that individual lamps have a light output of 200 lumens or less.
4. Temporary lighting for emergency or nighttime work and construction.
5. Temporary lighting for theatrical, television, and performance areas, or for special events authorized by the Town.
6. Lighting required and regulated by the Federal Aviation Administration.
7. Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:
 - a. Maximum permitted light post height: 80 feet.
 - b. Maximum permitted illumination at the property line: two footcandles.
 - c. Limits on hours of illumination: Exterior lighting shall be extinguished no later than 11:00 pm. An exception may be granted by the Town Council at their discretion.
 - d.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.11.3 GENERAL REVIEW STANDARD

6.11.3 GENERAL REVIEW STANDARD

If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this Section, properties that comply with the design standards of Section 6.11.4 shall be deemed to not adversely affect adjacent properties or the community.

6.11.4 DESIGN STANDARDS

Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards:

- A. All light sources shall be concealed or shielded with luminaries with cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. For purposes of this provision, "cutoff angle" is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.
- B. Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare.
- C. In no case shall exterior lighting add any footcandle illumination at any point off-site.
- D. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
- E. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
- F. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roof line.
- G. No flickering or flashing lights shall be permitted.
- H. Street lighting and associated underground street lighting supply circuits shall be installed. The spacing shall be determined by a lighting professional for local streets.
- I. Arterial streets and commercial areas may have a higher level of lighting if determined by the Town Council to be appropriate.
- J. Any light used for illumination of signs, parking and security area, or for any purpose other than street lighting shall be arranged to direct and confine all light beams to the subject property and away from nearby properties and the vision of passing motorists.
- K. Internally illuminated signs are discouraged.
Visible light sources will be permitted with motion detecting devices so long as such lights, once activated, remain lit for no more than five minutes before deactivating.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.12.1 PURPOSE AND OBJECTIVES

6.12 SIGN CODE

6.12.1 PURPOSE AND OBJECTIVES

A. General Purpose

The purpose of the Pagosa Springs Sign Code is to regulate noncommercial, commercial and event signage with a comprehensive system of reasonable, effective, consistent and nondiscriminatory sign standards and requirements. The Sign Code will identify sign regulations that detail specifics for signs identifying non-commercial and commercial establishments and events, while maintaining public safety and overall community welfare.

B. Objectives

With these purposes in mind, the Town Council hereby declares that the enactment of this comprehensive Sign Code is necessary to achieve the above stated purposes and to accomplish the following objectives:

1. To preserve and enhance the Town as an aesthetically attractive environment that promotes residential, business and vacation activities.
2. To preserve the historically and architecturally unique character of the Town, and maintain scenic views when possible.
3. To encourage signage that is compatible and appropriate with surrounding buildings, landscaping and other site features.
4. To establish signs that aid residential and business uses while not concealing or obstructing adjacent land uses or signs.
5. To establish sign size in relation to the scale of the lot and building frontage along which the sign is to be placed.
6. To lessen the confusion and visual clutter caused by proliferation, improper placement, illumination, animation, and excessive height and area of all signs that also compete for the attention of pedestrian and vehicular traffic.
7. To curtail the size and number of signs to the minimum reasonably necessary to convey the desired message or identify a commercial or non-commercial establishment or event.
8. To protect the public from the dangers of unsafe signs and require signs to be located, constructed, installed, and maintained in a safe and satisfactory manner.

6.12.2 EXEMPT SIGNS

The following signs are exempt from permit requirements, but shall otherwise be in conformance with all requirements contained in the Sign Code.

- A. Artistic murals
- B. Construction signs not exceeding nine square feet in size. Such signs shall be removed prior to the issuance of a certificate of occupancy.
- C. Flags-governmental, which are limited to no more than two per parcel.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.12.2 EXEMPT SIGNS

- D. Flags-nongovernmental, which are limited to no more than one per parcel and shall not contain any advertising. For purposes of this provision, signs containing “open” and “welcome” are considered advertising.
- E. Holiday decorations, which may be erected for no more than 45 consecutive days per holiday.
- F. Non-profit signs
 1. On-site signs ten square feet or smaller may be displayed for up to 30 days before the sponsored event, and must be removed no more than three days following the event.
 2. On-site signs exceeding ten square feet, and any off-site non-profit signs are not exempt from permitting requirements and must be reviewed and approved in accordance with Section 2.4.9 and comply with the remaining provisions of the Sign Code.
- G. Political Signs
 1. Signs six square feet or smaller may be displayed for up to 45 days before the sponsored political event or election, and must be removed no more than three days following the event or election. Only one sign per candidate per lot is allowed and shall be placed on private property with permission. Signage within the right-of-way is prohibited.
 2. Signs exceeding six square feet are not exempt from permitting requirements and must be reviewed and approved in accordance with Section 2.4.9 and comply with the remaining provisions of the Sign Code.
- H. Real Estate Signs
 1. **Residential**

One per street frontage, no more than nine square feet, including riders.
 2. **Commercial**

One per 400 feet of street frontage, no more than 32 square feet in size.
 3. **Temporary, Off-Site ‘Open House’ Signage**

A sign identifying an attended open house event for property that is listed for sale or lease. A permit is required. For new construction, open house signs shall not be permitted until the Building Official has issued a certificate of occupancy.

 - a. One on-site ‘Open House’ sign, non-illuminated, not exceeding six square feet in area and no more than three feet high measured from the top of the sign to the ground or snow level, may be permitted on the premise that is holding an ‘Open House’.
 - b. One off-site ‘Open House’ sign, non illuminated, not exceeding six square feet in area and no more than three feet high measured from the top of the sign to the ground or snow level, may be permitted off-site under the provisions as established below. A maximum of two additional off-site signs are permitted for each ‘Open House’ as directional signage to the property.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.12.3 PROHIBITED SIGNS

- i. Off-site signage shall be limited to one sign per intersection at any given time (daily permits issued on a first come first serve basis by code administrator);
 - ii. Any permitted off-site signage shall be placed at the nearest intersection or closest proximity to the 'Open House'.
 - c. Such signs shall be displayed only when the unit is actually open and attended by a representative, for a time period not to exceed ten hours per day, and in all cases shall be removed by night. Such signs shall be limited to private property for which written permission has been obtained and to public rights-of-way that meet the following criteria:
 - i. Placement of signage within Highway 160 right-of-way, any sidewalk, street travel lane or parking lane is prohibited;
 - ii. Signage shall not be placed any closer than three feet from the edge of sidewalk or seven feet from the edge of asphalt, curb & gutter (note: roadways are not always situated in the center of the right-of-way and therefore seven feet from edge of pavement may be private property);
 - d. 'Open House' signs require a permit, issued by the code administrator after an application for such sign is completed. A permit sticker will be issued and must be affixed to the 'Open House' sign. Applicants are allowed a total of 14 days per application, per location.
 - e. All regulations as stated above are subject to the code administrator's review and approval. Appeals to this Section are processed under Section 2.4.13.
- I. Vehicle signs, provided they are permanently attached to a vehicle and incidental to the primary use of the vehicle.
 - J. Window signs occupying no more than 50 percent of window area attached to the inside of the glass.
 - K. Yard/garage sale signs not exceeding six square feet in area and two feet in overall height, which shall be removed within three days of the yard/garage sale.

6.12.3 PROHIBITED SIGNS

The following signs are prohibited within the Town:

- A. Billboards.
- B. Inflatable figures, shapes or mascots used for advertising purposes, unless otherwise permitted herein.
- C. Flashing signs with lights or illumination that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations.
- D. Nongovernmental flags used for advertising purposes.
- E. Offsite signs, unless otherwise permitted under a specific provision in the Sign Code.
- F. Pennants and streamers, excluding those under the provisions of Section 6.12.4.(B)(5).
- G. Search lights or beacons.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.12.4 REGULATIONS AND STANDARDS

H. Signs in the public right-of-way, except authorized traffic control devices.

6.12.4 REGULATIONS AND STANDARDS

A. Permanent Sign Standards

The following standards apply to all permanent signs unless specifically exempted in other parts of the Sign Code or by a variance granted by the Design Review Board. In many instances, the following standards are minimum requirements and the sign(s) may be subject to additional requirements elsewhere in the Sign Code.

1. Area

The area of a sign shall be equivalent to the total exposed surface devoted to a sign message, including ornamentation, embellishment and symbols, but excluding supporting structures. Listed below are additional area definitions and specifications:

a. Aggregate Area

The following rules shall apply in determining the aggregate area of all signage on a single parcel of land:

- i. The aggregate area shall not exceed one square foot of signage per linear foot of lot frontage.
- ii. Parcels with more than one frontage may calculate maximum allowable aggregate area as the total of one frontage plus 50 percent of any additional frontage.

b. Maximum Area

The maximum area of any one sign shall be determined by the following formulas:

- i. Wall-mounted signs shall not exceed five percent of the façade in Zone 1 or ten percent of the façade in Zone 2, on which it is mounted, up to a maximum of 100 square feet, in total.
- ii. Projecting signs shall not exceed one-half square foot per linear foot of building frontage to a maximum of 24 square feet.
- iii. Freestanding (pole, monument) signs shall not exceed 75 square feet in Zone 1, and 100 square feet in size in Zone 2, and shall not exceed one freestanding sign per lot.
- iv. Signs in a manufactured home park or on a subdivision site on which there is construction shall not exceed total area of 200 square feet.
- v. In residential areas, no permanent sign of any type shall exceed twenty-four (24) square feet.

c. Single-Faced Signs

The area of a sign with one sign face shall be calculated as the total area of the face. In the case of cutout letters, displays, symbols, statuary or logos, the area will be calculated as that area which can be enclosed within a rectangle, series of attached rectangles, or other geometric shapes.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.12.4 REGULATIONS AND STANDARDS

d. Double-Faced Signs

The area of a sign with two sign faces shall be calculated as one sign face only as long as the sign faces are identical and parallel.

e. Angled Signs

If the angle between the two faces is greater than 30 degrees, the sign area shall be calculated by adding the areas of the two faces. If the angle is less than 30 degrees, the sign area shall be calculated in the same manner as for double-faced signs. Angled signs may be used for real estate signs only.

f. Multi-faced (Three or More) Signs

The sign area shall be computed as the sum of the area of all sign faces.

g. Multiple Signs

Whenever more than one sign is hung continuously or placed on a freestanding or projecting structure, the combination of signs shall be considered as one sign for the purpose of computing sign area and determining the number of signs on a parcel.

2. Height

The maximum height for any freestanding sign and supporting structure is not to exceed 15 feet in Zone 1 and 20 feet in Zone 2. Height is measured from the average grade at the base of the sign to the top of the highest point of the sign. In no case shall any sign exceed the height of any building for which signage is provided.

a. Freestanding signs in residential zones shall not exceed five feet in height.

b. Roof-mounted signs shall not extend beyond the roofline.

3. Location

The following rules and standards shall apply in establishing the location of signs:

a. No sign shall be placed so as to impede the visibility of motorists or pedestrians.

b. Signage may be mounted on any side of a building.

c. Except for approved sandwich board signs, no signs or sign structures shall be built or placed on the sidewalk, curb or area between sidewalk and curb, or public right-of-way except for approved sandwich board signs.

d. Except as provided in this subsection, freestanding signs shall be installed a minimum of six feet from the street right-of-way and five feet from the side lot line. In the Mixed-Use Town Center District from 1st Street to 4th Street, freestanding signs may be installed to within one foot of the sidewalk with approval by the Director. No sign may cross the plane of the property line.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.12.4 REGULATIONS AND STANDARDS

4. **Illumination**

The following rules and standards shall apply in establishing the type of illumination that may be used for signs:

- a. The source of a sign's illumination (bulb or direct lamp image) shall not be visible from any street, sidewalk or adjacent property. This shall not preclude the use of neon sign elements.
- b. Internally illuminated single-sided signs larger than 24 square feet in Zone 1, and 32 square feet in Zone 2, shall have the copy in a lighter color than the background. This includes changeable copy signs.
- c. The light from any illuminated sign shall be shaded, shielded or directed so that the light intensity or brightness will not be disruptive to residential property or create a distraction to a motorist.
- d. No sign shall have or contain blinking, flashing, fluttering or intermittent lights or other devices that create a change in color, brightness, direction or intensity of lighting.
- e. In residential districts, only indirect lighting may of the adjacent lot.
- f. On a corner lot, freestanding signs shall not be placed within a triangle formed by measuring 35 feet along each right-of-way line and connected by a hypotenuse.
- g. Projecting signs located over sidewalks or public ways shall be placed not less than 8.5 feet from the travel way to the base of the sign. The projecting edge of the sign shall be at least two feet back from any curb line. be used.
- h. Neon may be used in sign text only, not as an architectural feature.

5. **Landscaping**

Freestanding signs shall be landscaped at their base extending a minimum of one (1) foot beyond the edges of the sign, in plain view. A landscape plan shall be reviewed and approved by the Administrative Officer or Design Review Board. Landscaping shall consist of shrubs, flowers, small trees or dry landscaping materials including but not limited to, decorative rock, railroad ties, bark chips and other decorative materials. The landscaping plan for permanent freestanding signs shall be approved at the time the sign application is approved.

6. **Structural and Safety Considerations**

- a. All exterior signs shall be designed to withstand a minimum wind load of 80 miles per hour and snow load of 65 pounds per square foot. The Building Official may require structural signs to be designed by a Colorado licensed engineer with plans complete with required information and professional stamps.
- b. All electrical service for sign lighting shall be provided with underground or hidden devices. All such devices, as well as signage using electrical

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.12.4 REGULATIONS AND STANDARDS

devices, must comply with the State Electrical Code, and a permit must be obtained to that effect.

- c. Exposed reflective type bulbs, incandescent lamps or other illuminating devices that exceed 40 watts shall not be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
- d. Guy wires can only be used after special review and approval by the Design Review Board.
- e. All parts of any electric, illuminated or transparent sign shall be of metal or other materials that are not readily combustible.
- f. Freestanding signs must be anchored in concrete unless the structure is sufficiently small to allow alternative means of anchoring.
- g. Wall-mounted and projecting signs shall be directly secured by metal anchors, bolts, supports, stranded cable or braces, in such a manner as to assure that the sign remains securely attached.
- h. All structural components shall be compatible with surrounding design and architectural features.

B. Temporary Sign/Banner Standards

1. All temporary signs require sign permits and payment of a fee and a deposit, unless otherwise exempted under Section 6.12.2.
2. Each temporary sign permit shall be valid for a maximum of two consecutive weeks, unless otherwise approved in the permit. Each business or allowed use determined in the CSP shall be allowed five temporary sign periods per calendar year.
3. Unless otherwise stated herein, the area of a temporary sign shall not exceed ten square feet.
4. Signs permitted in conjunction with a conditional use permit and issued for a temporary use shall not exceed ten square feet unless otherwise reviewed and approved by the Design Review Board.
5. The following types of temporary signs are allowed pursuant to the following additional specifications:

a. Grand Opening Signs

A maximum of one temporary sign per street frontage indicating the grand opening of a business or industry is allowed, by permit, subject to the following requirements:

- i. Maximum area shall not exceed 60 square feet.
- ii. Such signs shall relate to the activity being conducted on the premises where they are placed.
- iii. Such signs shall be displayed for a maximum of four weeks.
- iv. Pennants and inflatable figures may be displayed only in conjunction with grand opening signs for a maximum of 14 days.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.12.4 REGULATIONS AND STANDARDS

b. Holiday Decorations

Decorations that also include advertising shall be erected for no more than 45 days and subject to the provisions of this Section.

c. Non-Profit Signs

When the dimensions exceed ten square feet and/or are off-site, such signs shall require the completion of an application with a detailed plan identifying the type, number and locations of all proposed signage, for review and approval by the Administrative Officer. Signage may be erected 14 days prior to the event and removed within three days following the event.

d. Political Signs

When the dimensions exceed six square feet, such signs must be reviewed and approved by the Administrative Officer in accordance with all provision of the Sign Code. Signage may be erected 45 days prior to the event and removed within three days following the event/election.

e. Real Estate Signs

When the dimensions exceed nine square feet for residential signs or 32 square feet for commercial signs, such signs must be reviewed in accordance with all provisions of the Sign Code and approved by the Administrative Officer.

f. Sandwich Board Signs

Such signs shall be removed daily, upon close of business. Such signs shall not exceed five square feet of surface area per one-sided sign and ten square feet of surface area as a combination of both sides of the sign. One sandwich board (SB) sign is allowed per parcel. Sandwich board (SB) signs may be placed no more than three feet from the primary entrance of the building, and a pedestrian way of at least 42 inches shall be maintained. In addition to the above SB regulations (Amended Per Ordinance No. 764) within the Historic District, SB signs are limited to 24" in width, and shall be placed along the building wall on the sidewalk.

g. Hot Springs Boulevard Banners

The Town reserves the right to refuse to hang any banner across Hot Springs Boulevard determined to be unsafe or unsuitable.

i. Application, Design and Removal

- (1) Application for a banner must be submitted at least two weeks prior to installation.
- (2) Banners must be delivered to the Town Hall one week prior to the installation date.
- (3) The banner must have the proper configuration of grommets to facilitate hanging it. One grommet must be

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.12.4 REGULATIONS AND STANDARDS

placed at each corner. Grommets must be placed along the bottom and top edges, equally spaced and not more than 24 inches apart. Vinyl banners shall have two rows of “U” shaped wind holes (6” x 6”) cut no more than 24 inches apart and equally spaced throughout the banner.

- (4) Banners must be picked up immediately after removal date. Unclaimed banners will be disposed of. The Town is not responsible for damage or loss.

ii. Qualified Organization

- (1) To qualify for a banner permit an organization or entity making application must submit evidence satisfactory to the Town indicating that such organization or entity is and has been for a period of not less than 90 days preceding the date of application:

(a) Incorporated under the laws of Colorado for purposes of social, fraternal, patriotic, or athletic-nature, and not for pecuniary gain, or

(b) A regularly chartered branch, lodge or chapter of a national nonprofit organization or society that is organized for social, fraternal, patriotic, cultural or athletic purposes.

- (2) Banners promoting events sponsored or affiliated with religious organizations may be allowed. Banners intended to promote or inhibit a specific religion shall not be allowed.

iii. Fees

A hanging fee will be assessed for each banner installation and the amount shall be set by Town Council resolution.

C. Additional District-Specific Standards

1. ODE and ODB Districts

Monument signs should be used in ODE and ODB districts, instead of pole-mounted signs.

2. Hot Springs Boulevard District

In the Hot Springs Boulevard Neighborhood, special consideration shall be given to pedestrian-oriented sign programs, clustering of signs for individual establishments, and signs containing historic appeal and/or close association with surrounding architecture. In addition to compliance with the Sign Code, Town staff will review architectural sketches of proposed signs.

3. Historic Districts

All signs in designated historic districts and with historic landmarks shall comply with the standards in Article 8, *Historic Preservation*, and the adopted Historic Design Guidelines, in addition to the standards of the Sign Code.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.12.5 PROHIBITED, ILLEGAL, NONCONFORMING, AND UNUSED SIGNS

4. Buildings 18,000 square feet in size and greater

- a. Monument signs shall be used instead of pole-mounted signs.
- b. Changeable copy signs shall be prohibited on the building and site.
- c. Directory/Marquee signs should be used to reduce the number of signs used in a single location.

D. Sign Maintenance

All signs shall be properly maintained, kept in good repair and condition, and shall be constructed of safe and permanent materials. Failure to abide by this maintenance provision will constitute a violation as specified in Section 1.6.2 of this Land Use Code.

E. Tourist Oriented Directional Signs (TODS) (Addition via Ordinance No. 761 - May 3, 2011)

1. Tourist Oriented Directional Signs (TODS) require an annual approved town sign permit as pre-approval to the Colorado Department of Transportation TODS annual application approval.
2. Only one TODS assembly of 4 business plaques will be allowed at approved intersection locations.
3. TODS are approved only in the following travel directions and intersection locations; North Pagosa Blvd (west bound only) and Piedra Road (west and east bound).
4. TODS locations are prohibited between 1st Street and 10th Street.
5. Eligible tourist oriented businesses for TODS are restricted to Service Businesses (defined as: Gas, Food, Lodging & Camping), Cultural Businesses (defined as Drama, Amphitheater & Galleries) and Commercial Businesses (defined as Antique Shops, Farm Markets & Gift Shops).

6.12.5 PROHIBITED, ILLEGAL, NONCONFORMING, AND UNUSED SIGNS

A. General

In order to achieve the general purpose and objectives of the Sign Code, it is necessary to remove all signs that are illegal, nonconforming, prohibited and unused. Each such classification of signs involves a varying level of impact upon the general purpose and objectives of the Sign Code. The following subsections identify circumstances under which such classifications occur and the method of correction and/or disposition required.

B. Removal

1. Determination of Violation

Any sign and its supporting structure determined to be in violation of the Sign Code shall be removed within 30 days from the date of notice of violation, unless the Administrative Officer or Design Review Board has determined that such sign qualifies as a nonconforming sign. If such signs are not removed from the premises by the owner, user, or property owner following the thirty (30) days notice of violation, such signs shall be subject to removal by the Administrative Officer or his/her designee in accordance with the provisions set forth below. The existence of any prohibited or illegal sign shall also be

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.12.5 PROHIBITED, ILLEGAL, NONCONFORMING, AND UNUSED SIGNS

considered a violation of the provisions of the Sign Code and shall be subject to penalties as stated in Section 1.6, *Enforcement*.

2. **Removal by Authorities**

The Administrative Officer is hereby authorized to remove any sign determined to be in violation of the Sign Code. The Administrative Officer shall mail to the sign permittee or owner by first-class, certified or registered mail a bill for the removal costs. Such costs shall be paid within 30 days of receipt of the bill by the owner, agent or person having the beneficial use of the building, structure or premises upon which the sign is located. If such costs have not been remitted to the Town as directed, such unpaid charge shall constitute a lien upon the real estate. The Town Attorney is hereby authorized to file a notice of lien in the office of the County Clerk to foreclose this lien, and to sue the owner of the real estate or sign permittee, or their agents, to recover the money due, plus all its costs, together with reasonable attorney's fees to be fixed by the court. Included in the expenses recoverable by the Town shall be the costs, together with all office and legal expenses, incurred in connection with collection of the amount due hereunder. Any sign removed by the Administrative Officer, pursuant to the provisions herein contained, shall become the property of the Town and may be disposed of in any manner deemed appropriate by the Town.

C. **Nonconforming Signs**

1. In addition to the provisions in Subsection (c) below, no new permanent sign permits will be issued if nonconforming signage exists on the property.
2. Any nonconforming sign may be brought into conformity with the Sign Code by independent action of the sign owner or user upon review and approval of an application for a sign permit by the Design Review Board or the Administrative Officer. Sign permit fees shall be waived for any nonconforming sign brought into conformity with the Sign Code.
3. If one of the following triggering events occurs and the property contains one or two nonconforming signs, the nonconforming signs shall be brought into conformity with the Sign Code within two years of the triggering event. If the property contains three or more signs, a CSP must be submitted within 60 days of the triggering event and the non-conforming signs brought into conformity within two years of the triggering event. Triggering events are:
 - i. A building permit is sought or required for construction valued at \$50,000 or greater, according to the most recently amended International Code Council Valuation Chart, or
 - ii. A change in business use or activity, or
 - iii. A nonconforming sign is altered, repaired or relocated, which results in a decrease in the sign's nonconforming features.
4. An area and/or height variance of up to ten percent may be issued for an existing non-conforming sign. Only one sign per property may be granted a variance.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.12.6 FEES

D. Unused (Abandoned) Signs

1. All unused signs that are also nonconforming with the provisions of the Sign Code shall be removed from the premises upon which it is located within 30 days from the date of notice of violation.
2. All unused signs that otherwise conform to the provisions of the Sign Code and have a valid sign permit may remain on the premise for six months following the conclusion or termination of the reason for the sign. The unused sign shall have the copy, text, icon or any other message delivering features removed within 30 days from the date of notice of violation.

6.12.6 FEES

The Town Council shall adopt by separate resolution fees for the following actions related to administration of the Sign Code.

A. Sign Permit Application Fee

1. Permanent Sign.
2. Temporary Sign.
3. Signs within a Comprehensive Sign Program.
4. Additional signage to the Comprehensive Sign Program.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.13 INTERNATIONAL BUILDING CODES

SUBSECTION 6.13.1 APPLICATION

6.13 INTERNATIONAL BUILDING CODES

6.13.1 APPLICATION

A. General

Whenever adopted technical codes of the Town specify materials, methods of construction, or other requirements that differ from one another the most restrictive provision shall apply.

B. Avigation Easements within the Airport Influence Area

Where possible, approval of any permit required pursuant to the International Building Code for activities within the Archuleta County Airport Influence Area, as approved by the Board of County Commissioners and depicted on a map on file in the County Planning Office as of March 3, 1998, or as amended, shall be conditioned upon the owners of the property granting to the Town and Archuleta County an avigation easement in a form to be approved from time to time by the Town Council.

6.13.2 VIOLATIONS

No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure within the Town, or cause same to be done, contrary to, or in violation of any provisions of any adopted technical code.

6.13.3 INTERNATIONAL BUILDING CODE

There is hereby adopted by the Town, for the purpose of providing minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town, that certain code known as the International Building Code, 2006 Edition, including Appendix Chapter J, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041-3405. The Code, and the whole thereof, is adopted by reference thereto the same as if set forth in length in this Section with the amendments, deletions, and additions as follows:

Section 105.2 Work Exempt from permit, Exception 11 which is amended to read as follows:

11. Swings and other playground equipment.

Section 108.1 Payment of fees which is amended to read as follows:

All fees associated with plan review must be paid at the time of submission for permit. All other fees prescribed by law must be paid prior to issuance of a Certificate of Occupancy or as established in other sections of this Land Use Code.

Section 305.2 Day Care.

Exception: A Family Child Care Home as defined by Section 7.701.21,B. of the Code of Colorado Regulations, 12 CCR 2509-8 ("Child Care Facility Licensing Rule Manual"), and as further limited in this exception, may be located in a detached single family dwelling unit (R-3) when the head of the household obtains a license through the state of Colorado Department of Human Services prior to occupancy for such use. Use is limited to the following classifications: a family child care home, as further defined in Section 7.707.2,A., an infant/toddler home as defined in Section 7.707.2,B., and a large child care home as defined in Section 7.707.2,C., of the Child Care Facility Licensing Rule Manual. The number of children who occupy the building shall not exceed the lesser number that are allowed by the referenced sections of the Child Care Facility Licensing

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.13 INTERNATIONAL BUILDING CODES

SUBSECTION 6.13.3 INTERNATIONAL BUILDING CODE

Rule Manual, a license issued thereunder, or 12 children. The dwelling unit must comply with all of the provisions of the International Residential Code in accordance with section 101.2 and Appendix M of the International Residential Code. Nothing in this exception is intended to eliminate the requirement that a Family Child Care Home comply with licensing regulations or conditions required under the Child Care Licensing Rule Manual or the Child Care Licensing Act, Sections 26-6-101 to 26-6-119, C.R.S.

Section 308.5.2 Child care facility.

Exceptions:

2. A Family Child Care Home as defined by Section 7.701.21,B. of the Code of Colorado Regulations, 12 CCR 2509-8 (“Child Care Facility Licensing Rule Manual”), and as further limited in this exception, may be located in a detached single family dwelling unit (R-3) when the head of the household obtains a license through the state of Colorado Department of Human Services prior to occupancy for such use. Use is limited to the following classifications: a family child care home, as further defined in Section 7.707.2,A., an infant/toddler home as defined in Section 7.707.2,B., and a large child care home as defined in Section 7.707.2,C., of the Child Care Facility Licensing Rule Manual. The number of children who occupy the building shall not exceed the lesser number that are allowed by the referenced sections of the Child Care Facility Licensing Rule Manual, a license issued thereunder, or 12 children. The dwelling unit must comply with all the provisions of the International Residential Code in accordance with section 101.2 and Appendix M of the International Residential Code. Nothing in this exception is intended to eliminate the requirement that a Family Child Care Home comply with licensing regulations or conditions required under the Child Care Licensing Rule Manual or the Child Care licensing Act, Sections 26-6-101 to 26-6-119, C.R.S.

Section 406.1.1 Classification, is amended to read as follows:

Building or parts of buildings classified as Group U Occupancies because of the use or character of the occupancy shall not exceed 1,000 square feet in area or two (2) stories in height except as provided in Section 406.1.2. Any building or portion thereof that exceeds the limitations specified in this chapter shall be classed in the occupancy group other than Group U that it most nearly resembles.

Section 907.2.1 Group A, Exception, delete.

Section 907.2.2 Group B, Exception, delete.

Section 907.2.3 Group E, Exception 2 & 3, delete.

Section 907.2.4 Group F, Exception, delete.

Section 907.2.7 Group M, Exception, delete.

Section 907.2.8.1 Manual fire alarm system, Exception 2, delete.

Section 907.2.9 Group R-2, Exception 2, delete

Section 3202.2 Encroachments above grade and below 8 ft in height is amended to read:

Section 3202.2 Encroachments above grade. Doors and windows shall not open or project into the public right-of-way. Any other encroachments into the public way shall be reviewed for approval by the Town of Pagosa Springs Planning Commission.

Section 3202.2.1 Steps, delete.

Section 3202.2.2 Architectural features, delete.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.13 INTERNATIONAL BUILDING CODES

SUBSECTION 6.13.3 INTERNATIONAL BUILDING CODE

Section 3202.2.3 Awnings, delete.

Section 3202.3 Encroachments 8 feet or more above grade, delete section in its' entirety.

Section 3202.4 Temporary encroachments, delete.

Chapter 36, is added to read as follows:

Chapter 36

CONSTRUCTION SITE MANAGEMENT

Section 3601 Purpose, Application and Scope. The requirements set forth in this chapter shall apply to the management and maintenance of all construction sites during construction.

Section 3602 Construction Access. Access to construction sites shall not adversely affect existing traffic patterns or access to adjacent properties. Construction access shall be limited to the approved access shown on the development permit or building permit. The construction access shall be installed in accordance with the Town of Pagosa Springs Road Standards and the requirements of the Fire Marshall. At a minimum, the access and any road where emergency access lanes must be maintained shall be built at the onset of construction.

Section 3603 Drainage. Major drainage patterns shall not be interrupted or diverted in a way that would adversely affect the site, surrounding area, or downstream properties. Any temporary diversion shall be of adequate capacity to control a 25-year storm and shall be removed upon completion of construction.

Section 3604 Grading. Massive over lot grading is discouraged. Grading shall be done in a way that minimizes erosion and disturbed areas must be re-vegetated as soon as practical within the same growing season the disturbance occurs. Major retaining walls should be completed in the first development phase to preserve the site. Should work during any development phase be discontinued for a period of ninety (90) days or longer, retaining walls and re-vegetation for the area worked shall be completed before discontinuance.

Section 3605 Storage. Fencing may be required to mitigate the visual impact of storage and construction. Fence specifications and limits shall be approved by the Planning Department and Building Department.

Section 3606 Pedestrian Protection. Protection of pedestrians during construction or demolition shall be provided as required by Section 3303.

Section 3607 Environmental Controls. At a minimum, the following environmental controls shall be provided and maintained during construction:

1. Dust control materials shall be applied to minimize raising dust from construction operations, and provide positive means to prevent airborne dust from dispersing into the atmosphere.
2. Areas under the contractor's control shall be free of extraneous debris. A specific program to prevent accumulation of debris at the construction site, storage and parking areas or along access roads and haul routes shall be developed. Failure to ensure the maintenance of debris may result in the issuance of a stop work order. Covered trash receptacles shall be provided on site.
3. The contamination of soil, water or atmosphere by discharge of noxious substances from effluents, chemicals or other such substances adjacent to

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.13 INTERNATIONAL BUILDING CODES

SUBSECTION 6.13.3 INTERNATIONAL BUILDING CODE

streams or in sanitary or storm sewers shall be prevented. Contaminated earth shall be properly disposed of offsite and replaced with suitable compacted fill and topsoil.

4. Mud, dirt, sand, concrete, and building debris shall not be allowed to accumulate in or impact the public right-of-way during construction. Contractor shall take measures necessary to keep public rights of way in a safe and clean manner.
5. Trees and plants shall be protected as follows:
 - 5.1 Existing trees and plants which are designated to remain shall be protected by temporary barriers.
 - 5.2 Root zones of trees and plants shall be protected from vehicular traffic, parking, stored materials, and dumping of refuse or chemically injurious materials or liquids.
 - 5.3 Excavating, grading and filling and subsequent construction operations shall be supervised to prevent damage.
 - 5.4 Trees designated to remain which are damaged or destroyed due to construction operations shall be replaced or repaired.

Section 3608 Temporary Construction Facilities. Temporary utilities required for construction shall be installed on site, out of the right-of-way and shall removed on completion of work. Materials may be new or used but must be adequate in capacity for required usage, must not create unsafe conditions and must not violate requirements of applicable codes and standards.

Adequate sanitary facilities for the convenience of all workmen shall be provided. These facilities shall be kept in a clean and sanitary condition throughout the duration of the work. The temporary facility shall be enclosed, screened and weatherproofed. If connected to a sewer, upon removal of the temporary facilities, the sewer connection shall be removed and the sewer capped. In lieu of connecting to a sewer, the temporary facility may be a portable, enclosed, chemically treated, tank-tight unit. Temporary facilities for use by workmen during building construction shall consist of at least one water closet or chemical toilet and one urinal for each thirty (30) workmen.

Temporary field offices may be new or used but must not violate the provisions of applicable codes and standards.

Section 3609 Construction Site Cleanup. Periodic cleaning shall be done to keep the site and adjacent properties free from accumulations of waste materials and windblown debris.

Upon completion of the project or any phase of a project, temporary materials, equipment, facilities and services shall be removed. This shall occur no later than ten (10) days after issuance of the Certificate of Occupancy. Damage caused by installation or use of temporary facilities shall be repaired as follows:

1. Foundations and underground installations for construction facilities shall be removed.
2. Areas of the site affected by temporary installations shall be filled and graded to required elevations and slopes.

Appendix Section J103.3 Grading fees, is added to read as follows:

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.13 INTERNATIONAL BUILDING CODES

SUBSECTION 6.13.4 INTERNATIONAL ENERGY CONSERVATION CODE

When plans or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. A grading permit fee shall be paid at permit issuance. Said plan review and grading permit fees shall be as set forth in the adopted fee schedule.

Copies of the 2006 International Building Code are available for public inspection in the office of the Town of Pagosa Springs Building Department.

6.13.4 INTERNATIONAL ENERGY CONSERVATION CODE

There is hereby adopted by the Town, for the purpose of regulating and controlling the design and construction of buildings for the effective use of energy within the Town, that certain code known as the International Energy Conservation Code, 2006 Edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041-3405. The Code, and the whole thereof, is adopted by reference thereto the same as if set forth in length in this Section.

6.13.5 INTERNATIONAL RESIDENTIAL CODE

There is hereby adopted by the Town, for the purpose of providing minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of one and two-family dwellings within the Town, that certain code known as the International Residential Code, 2006 Edition, including Appendices Chapters E and M, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041-3405. The Code, and the whole thereof, is adopted by reference thereto the same as if set forth in length in this Section with the amendments, deletions and additions as follows:

Section R108.1 Payment of fees, is amended to read as follows:

All fees associated with plan review must be paid at the time of submission for permit. All **other fees prescribed by law must be paid prior to issuance of a Certificate of Occupancy**.

Section R202 Definitions, is amended to read as follows:

TOWNHOUSE. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

Table R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA, is completed as follows:

- Roof Snow Load – 65 psf
- Wind Speed – 90 MPH
- Seismic Design Category – B
- Subject to Damage by Weathering – Severe
- Subject to Damage by Frostline Depth – 42 inches
- Subject to Damage by Termite – Slight to Moderate
- Subject to Damage by Decay – Slight to Moderate
- Winter Design Temperature - -15°F (-26°C)
- Ice Shield Underlayment Required – Yes
- Flood Hazards – FIRM, Community Panel #0800190005C & LOMR to this FIRM dated January 1996

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.13 INTERNATIONAL BUILDING CODES

SUBSECTION 6.13.6 INTERNATIONAL FIRE CODE (IFC) (REPEALED AND READOPTED VIA ORDINANCE NO. 795 – SEPTEMBER 2013)

- Air Freezing Index – 1634 °F
- Mean Annual Temperature – 42.2 °F

Section R305.1 Minimum height. Exception 2, delete

Section R317.2.1 Continuity is amended as follows:

The fire-resistance-rated wall or assembly separating townhouses shall be continuous from the foundation to the underside of the roof sheathing, deck or slab and the fire-resistance rating shall be for exposure from both sides of each wall. The fire-resistance rating shall extend the full length of the wall or assembly, including the wall extensions through and separating attached enclosed accessory structures. An eave of 18" max (measured from finish wall surface to finish fascia) may be constructed with the following requirements which must extend the entire length of the wall or walls: The lower roof and the upper roof shall have a minimum of Class C roof covering and roof decking or sheathing of noncombustible materials or approved fire-retardant-treated wood for a distance of 4 feet on each side of the walls or wall. The soffit and the fascia framing shall be noncombustible materials or approved fire-retardant-treated wood. The underside of the soffit framing shall be protected with 5/8" type "X" exterior gyp or noncombustible materials or approved fire-retardant treated wood. The soffit shall be without openings or penetrations.

Section N1101.1 Scope, is amended to read as follows:

This chapter sets forth energy-efficiency related recommendations for the design and construction of buildings regulated by this code.

Section G2445 (621) Unvented Room Heaters, is amended to read as follows:

Section G2445.1 (621.1) General. Unvented room heaters shall be prohibited.

Section G2445.2 through G2445.7, delete.

Section P2904.4.1 Water service installation, is amended to read as follows:

Water service pipe and the building sewer shall be separated as required by policy established by authority having jurisdiction. No exceptions.

6.13.6 **INTERNATIONAL FIRE CODE (IFC) (REPEALED AND READOPTED VIA ORDINANCE NO. 795 - SEPTEMBER 2013)**

There is hereby adopted by the Town, for the purpose of regulating and governing and safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Town; providing for the issuance of permits and collection of fees therefore; that certain code known as the International Fire Code, 2009 Edition, including Appendices Chapters A, B, C, D, F, H and I published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041-3405. The Code, and the whole thereof, is adopted by reference thereto the same as if set forth in length in this Section with the amendments, deletions and additions as follows:

- a. IFC Section 103.1, General, is hereby amended to read as follows: The Town's Department of Building Safety as defined in the International Building Code section

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.13 INTERNATIONAL BUILDING CODES

SUBSECTION 6.13.7 INTERNATIONAL MECHANICAL CODE

103.1, shall serve as the Department of Fire Prevention for the implementation, administration and enforcement of the provisions of the 2009 IFC.

b. IFC Section 202, General Definitions, Fire Code Official, is hereby amended to read as follows: The Town's Building Official is hereby designated as the Fire Code Official charged with the implementation, administration and enforcement of the construction and design provisions of the 2009 IFC.

c. IFC section 401, General, shall be amended to include the following language: All Final decisions shall be determined by the Town's Fire Code Official.

d. IFC Section 510-Emergency Responder Radio Coverage, is hereby deleted.

e. IFC Section 903.2.7, Group M-Mercantile, is hereby amended to include the following language: As applied to Existing Buildings and Change of Use Permit Applications, on a case by case basis, if the requirements of IFC Section 903.2.7 are found to be impractical, the final decision shall be determined by the Fire Code Official per Section 104.8 of the IFC.

f. The Town of Pagosa Springs, Colorado, is not adopting the 2009 IRC Enforcement of Residential Sprinklers, nor will it be enforcing the January 1, 2011 IRC provision requiring residential sprinklers. However, if someone chooses to install residential sprinklers, it shall be installed as per the 2009 IFC.

g. The Town of Pagosa Springs adopts Appendices Chapters A, B, C, D, F, H, and I to the 2009 IFC, with the blanket provision that on a case-by-case basis, if the situation is found to be impractical the decision shall be determined by the Fire Code Official, per Section 104.8 of the 2009 International Fire Code.

6.13.7 INTERNATIONAL MECHANICAL CODE

There is hereby adopted by the Town, for the purpose of regulating and controlling the design, construction, installation, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances in the City, that certain code known as the International Mechanical Code, 2006 Edition; published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041-3405. The Code, and the whole thereof, is adopted by reference thereto the same as if set forth in length in this Section.

6.13.8 INTERNATIONAL FUEL GAS CODE

There is hereby adopted by the Town, for the purpose of regulating and controlling the installation of fuel-gas piping systems, fuel-gas utilization equipment and related accessories within the Town, that certain code known as the International Fuel Gas Code, 2006 Edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.13 INTERNATIONAL BUILDING CODES

SUBSECTION 6.13.9 SNOW LOAD REQUIREMENTS

22041-3405. The Code, and the whole thereof, is adopted by reference thereto the same as if set forth in length in this Section with the amendments, deletions and additions as follows:

Section 303.3, Prohibited locations, Exception 3, delete.

Section 303.3, Prohibited locations, Exception 4, delete.

Section 621 Unvented Room Heaters, is amended to read as follows:

Section 621.1 General. Unvented room heaters shall be prohibited

Section 621.2 through 621.7, delete

6.13.9 SNOW LOAD REQUIREMENTS

Snow loads must meet the specifications in Table 6.13-1.

Districts		Residential/Commercial Structures	Manufactured Structures
All districts, unless specified below		65 lbs	N/A
Districts allowing Manufactured Structures	R-A, R-T, R-, R-12, R-18, MU-R	65 lbs	60 lbs

* HUD homes on temporary foundations may have roofs designed to 30psf when pre-approved by the Building Official.

6.13.10 FOUNDATION REQUIREMENTS

- A. All construction of commercial and residential properties shall require a foundation pursuant to standards set out in the current adopted edition of the International Building Code. In addition to conventional housing, the requirements of this Section are applicable to previously constructed houses that are moved to a different location within the Town and to remodeling projects if such remodeling project requires a new foundation.
- B. Manufactured homes in all zoning districts, with the exception of the C District if approved by the Building Official, shall have permanent foundations.

6.13.11 MANUFACTURED HOUSING REQUIREMENTS

- A. **Design**
Each manufactured housing units ("unit") must be designed to meet all roof load specifications as set forth in the International Building Code. Where necessary, additional structural elements may be required to meet the roof load specifications, as determined by the Town Building Official.
- B. **Energy Conservation**
All units allowed under this Article shall comply with the current adopted edition of the International Energy Conservation Code.
- C. **Securing**
Temporary and permanent manufactured homes must have foundations designed and built in accordance with the manufacturer's installation instructions and State of Colorado Manufactured Home Installation Program pursuant to §§ 24-32-3301, et seq., C.R.S.
- D. **Foundations**

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.14 SCHOOL FEES IN LIEU OF PUBLIC LAND DEDICATION

SUBSECTION 6.13.12 SURVEY REQUIREMENTS

Temporary and permanent manufactured homes must have foundations designed and built in accordance with the manufacturer's installation instructions and State of Colorado Manufactured Home Installation Program pursuant to §§ 24-32-3301, et seq. C.R.S.

E. Skirting of HUD Homes

1. Skirting must be structurally capable of withstanding local weather conditions.
2. Materials used may include rock, wood, block, or reinforced metal siding.
3. Skirting must be fabricated to be rigid in form and constructed in a craftsman like manner.
4. Skirting design and construction must be approved by the Town Building Official.
5. Construction shall be completed within six (6) months following issuance of a required building permit. This timeframe can be extended with the permission of the Town Building Official.

6.13.12 SURVEY REQUIREMENTS

- A. Prior to the issuance of a building permit for commercial or residential new construction, the owner shall submit to the Town a survey plat prepared by a licensed land surveyor that shows:
 1. The exterior boundaries of the lot marked by steel pins;
 2. The legal setbacks, front, side and rear;
 3. The location of the proposed building in relation to the boundaries and setback lines; and
 4. The flood plain and flood way boundaries as delineated on the FIRM, Community Panel #0800190005C and LOMR to this FIRM dated January 1996 or any update thereto.
- B. Prior to the issuance of a building permit for the construction of an accessory structure or additions to existing structures, the owner shall submit to the Town a plat/site plan, describing the location of the proposed building on the plat, including the setbacks. The Building Official may also require, in his or her discretion, submission of a survey plat prepared by a licensed land surveyor. Accessory structures are required to meet all other provisions as established in the Code.

6.14 SCHOOL FEES IN LIEU OF PUBLIC LAND DEDICATION

6.14.1 PURPOSE

The Town requires that areas chosen for development shall be capable of being provided within a reasonable period of time with an adequate level of public school facilities. This Section is intended to:

- A. Provide a rational system for identifying and mitigating costs associated with growth and development and the expansion of public school facilities made necessary by residential land development activities.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.14 SCHOOL FEES IN LIEU OF PUBLIC LAND DEDICATION

SUBSECTION 6.14.2 USE OF FEES

- B. Ensure that the fees in lieu of public land dedication established by this Article are based on, and do not exceed, the cost of providing additional capital facilities necessitated by new development.
- C. Regulate the use and development of land to ensure that new residential development pays no more nor less than its fair share of the cost of capital expenditures necessary to provide adequate public school facilities to developments within the Town.
- D. Assure that the system of fees in lieu of public land dedication implemented in this Article is linked to a capital facilities program designed to provide the facilities and equipment for which the fees in lieu of public land dedication are imposed.
- E. Ensure that the fees in lieu of public land dedication established by this Article are not used to offset existing deficiencies in capital facilities necessary to serve preexisting development.
- F. Ensure that new development that adequately mitigates or reduces the impact it creates on public school facilities through site-specific dedications or improvements receives offsetting credit against its fees in lieu of public land dedication obligation.

6.14.2 USE OF FEES

- A. All fees collected pursuant to this Article shall be accounted for as required by law. Fees shall be deposited in an interest-bearing account which clearly identifies the lot, development activity and development approval for which the fee in lieu of public land dedication was collected and the associated category, account or fund of capital facility, by either aggregate or individual land development. Each such category, account, or fund shall be accounted for separately. Any interest or any income earned on moneys deposited in said interest-bearing account shall be credited to the account.
- B. Revenues from fees in lieu of public land dedication shall be used exclusively for capital facilities.
- C. No fees shall be used for periodic or routine maintenance, personnel costs or operational expenses.
- D. In the event that bonds or similar financing instruments are used for the advanced provision of any capital facilities for which fees in lieu of public land dedication are required, fee revenues may be used to pay debt service on such bonds or similar financing instruments.
- E. The Town may enter into an intergovernmental agreement with Archuleta School District 50 Joint Public School District ("School District") or any local government to jointly fund and provide capital facilities needed to provide public school services to the development for which the fees in lieu of public land dedication were imposed. To the extent such intergovernmental agreements utilize revenues from the fees imposed by this Article, they shall include such terms requiring compliance with this Article as deemed appropriate by the Town Council. Such intergovernmental agreements may provide that once paid to the School District, the fees in lieu of public land dedication may be used in the sole discretion of the School District so long as the other requirements of this Article are met.
- F. In the event this Ordinance is repealed or any intergovernmental agreement entered into pursuant to this Section is terminated, any fees previously paid to the School

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.14 SCHOOL FEES IN LIEU OF PUBLIC LAND DEDICATION

SUBSECTION 6.14.3 PAYMENT OF FEES

District or other local government and capital facilities purchased by the School District or other local government with such fees shall remain the property of the School District or other local government for use for the purposes contemplated by this Article.

6.14.3 PAYMENT OF FEES

School fees in lieu of public land dedication shall be paid as a condition of subdivision approval and in lieu of land dedication requirements for school purposes. Fees shall be paid prior to recording the subdivision approval in the records of the County Clerk and Recorder.

6.14.4 ALTERNATIVE FEE CALCULATION

- A. In lieu of paying the school fee in lieu of public land dedication set forth in this Article, the developer may prepare and submit to the Director a site-specific fee calculation study for the subdivision or development approval that is requested. The site-specific fee study shall follow the prescribed methodologies and formats established by the Administrative Officer. The study submitted shall show the basis upon which the site-specific fee calculation was made. The site specific fee calculation study shall be prepared and presented by professionals qualified in their respective fields. The Director shall consider the documentation submitted by the developer, but is not required to accept such documentation reasonably deemed to be inaccurate or not reliable, and may, in the alternative, require the developer to submit additional or different documentation for consideration. If an acceptable site-specific fee calculation study is not presented, the developer shall pay the fee set forth in this Article. Determinations made by the Director pursuant to this paragraph may be appealed to the Board of Adjustment by filing a written request with the Town Manager within ten days of the Director's determination. Following the submittal of such request, the Board of Adjustment shall hold a public hearing to determine the amount of the fee. The decision of the Board of Adjustment shall be a final quasi-judicial decision for purposes of Rule 106(a)(4) and (b), C.R.C.P.
- B. As an alternative to paying school fees in lieu of public land dedication, the developer may dedicate sites and land areas for schools that are acceptable to the Town and School District. Such dedication shall only be effective if approved by the Town during subdivision approval.

6.14.5 CREDIT FOR IMPROVEMENTS

Upon approval by the Town Council, any developer obligated to pay a fee in lieu of public land dedication shall receive a credit against the amounts due or to become due for any site-specific dedication or improvement provided by the developer to meet the same need for capital facilities for which the fee in lieu of public land dedication is imposed.

6.14.6 REFUND OF PAID FEES

- A. If a subdivision approval expires without commencement of construction or development, the developer shall be entitled to a refund, without interest, of the fee in lieu of public land dedication paid as a condition for subdivision approval, except when the fee has been expended or encumbered in advance of and in anticipation of development. The developer must submit an application for such refund to the Town Manager within 30 days of the expiration of the development approval. The Town shall have no obligation to refund any fee that has been expended or encumbered in advance of and in anticipation of the development.

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.15 RESERVED

SUBSECTION 6.14.7 LIEN FOR UNPAID FEES

- B. Any fee not expended or encumbered by the end of the calendar quarter immediately following ten years from the date the fee was paid by a developer shall, upon application of the then current landowner to the Town Manager, be returned to the landowner with interest earned on the fee, within 180 days of the expiration of such ten-year period. Provided, however, that the Town Council, in its discretion, for good cause shown, may extend such period of time for an additional period as the Town Council deems reasonable and necessary.
- C. Any fee received by the Town and paid to the School District or another local government to provide for public school facilities pursuant to an intergovernmental agreement entered into pursuant to this Article, will be deemed expended and not subject to subsections (A) and (B) of this Section.

6.14.7 LIEN FOR UNPAID FEES

All fees in lieu of public land dedication shall constitute a prior, perpetual lien upon each lot or parcel subject to the subdivision approval for which the fees are imposed from the due date thereof, until paid. If such fee is not paid when due, in addition to any other means provided by law, the Town Clerk shall certify such delinquent fee to the Treasurer of Archuleta County, and the fee shall be collected in the same manner as though it were part of the taxes. The Town may withhold or revoke any development approval, including certificates of occupancy, for which payment of fees is delinquent.

6.14.8 EXEMPTION FROM PAYMENT OF FEES

The Town Council may, by resolution, grant an exemption from all or any part of the fee in lieu of public land dedication on the development of low- or moderate-income housing or affordable employee housing. The costs of capital facilities necessary to serve development for which the Town Council grants an exemption from fees in lieu of public land dedication shall be funded by other available revenues and shall not be imposed upon other development either directly or through a general impact fee increase.

6.14.9 FEE SCHEDULE

The fee in lieu of public land dedication that has been established and imposed is maintained on a schedule by the Director, and is deemed to fairly, equitably, and proportionately mitigate the impacts on public school facilities created by development within the Town.

6.14.10 ANNUAL ADJUSTMENT

The fee in lieu of public land dedication shall be reviewed and may be administratively adjusted without further Town Council action annually for inflation, beginning January 15, 2007, and annually on each anniversary date thereafter. Any such adjustment shall be based upon the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Denver-Boulder, all items, all urban consumers, or its successor index, or an equivalent index applicable to Archuleta County.

6.15 RESERVED

Reserved for future standards:

- Transfer of Development Rights
- Energy-Efficiency Standards