

TABLE OF CONTENTS

Section 1 – General Provisions

- 1.01 Title
- 1.02 Short Title
- 1.03 Authority
- 1.04 Jurisdiction
- 1.05 Intent
- 1.06 Effective Date
- 1.07 Relationship to Existing Ordinances
- 1.08 Relationship to Comprehensive Plan
 - A. Requirement for Comprehensive Plan Amendment
 - B. Criteria for Evaluating Amendment Proposals
- 1.09 Application - No Use or Sale Except in Conformity with Ordinance
- 1.10 Fees
- 1.11 Severability
- 1.12 Computation of Time
- 1.13 Miscellaneous
- 1.14 Definitions and Interpretations
- 1.15 Zoning Administrator – Duties
- 1.16 Building Permits
- 1.17 Certificates of Occupancy
- 1.18 Enforcement and Review
 - A. Complaints Regarding Violations
 - B. Persons Liable

- C.** Procedures Upon Discovery of Violations
- D.** Penalties and Remedies for Violations
- E.** Permit Revocation
- F.** Judicial Review

Section 1

General Provisions

- 1.01 Title.** This Ordinance establishes the regulations and standards governing the use and development of land within the Town of Wiggins. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of application, administrative and public reviews, and appeals. Also included are Town standards for site design, landscaping, parking and public infrastructure.
- 1.02 Short Title.** This Ordinance shall be known and may be cited as the Wiggins Land Development Code. Within this Ordinance the Wiggins Land Development Code shall simply be referred to as “this Ordinance”.
- 1.03 Authority.** This Ordinance is adopted pursuant to the authority contained in the Colorado Revised Statutes (CRS). Authority is granted to municipalities to establish a planning commission and regulate subdivisions (CRS 31-23-202, 214), to enforce building and fire regulations (CRS 31-15-601), to regulate land use through zoning (CRS 31-23-301), to prohibit or regulate nuisances and enforce its major street plan within three miles of its boundaries (CRS 31-15-401-601 and CRS 31-23-212, 213), as well as to adopt a comprehensive plan and generally plan for and regulate the use of land. Whenever a section of the Colorado Revised Statutes that is referred to in this Ordinance is later amended or superseded, this Ordinance is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.
- 1.04 Jurisdiction.** This Ordinance shall apply to all land and buildings within the incorporated limits of the Town of Wiggins, Colorado. The Town's planning jurisdiction includes all land within the Town of Wiggins, and where applicable the land within three miles of the Town's boundaries. For purposes of zoning and subdivision, this Ordinance only applies to lands within the Town's corporate boundaries. A copy of a map showing the boundaries of the Town and the area within the three-mile planning jurisdiction shall be available for public inspection in the Town Offices.
- 1.05 Intent.** It is the intent of this Ordinance to ensure the orderly, efficient and integrated development of the Town in a way that both promotes the health, safety and general welfare of its residents and that is compatible and protective of the natural environment. Specifically, the Town seeks to:
- A.** Implement its adopted Comprehensive Plan;
 - B.** Provide for the adequate and concurrent provision of public infrastructure and

services with the development and use of land in the Town, and in a manner consistent with the public improvements plans of the Town;

- C. Ensure well-planned subdivisions by establishing adequate standards for design, improvements and review;
- D. Avoid traffic congestion and the overcrowding of land while providing adequate light and fresh air to residents;
- E. Prevent loss of life and property from fire, flooding, geologic hazards and other natural or man-made dangers;
- F. Conserve significant environmental features and integrate a high-quality natural environment into the developed portions of the community;
- G. Develop a well-balanced land use pattern that will facilitate the development of an integrated community offering a diversity of housing and employment opportunities;
- H. Establish a Town Center area as the central business district, economic focal point and identity area for the Town.

1.06 Effective Date. The provisions of this Ordinance became effective and were originally adopted on 199__. Development plans approved under previous regulations that received vested property rights through a Site-Specific Development Plan (SSDP) shall be valid for the duration of that vested property right provided that all terms and conditions of the SSDP are complied with. Existing uses that may become nonconforming by adoption of this Ordinance are grand fathered, and under the provisions of this Ordinance.

1.07 Relationship to Existing Ordinances. To the extent that the provisions of this Ordinance are the same in substance as the previously adopted provisions in the Town's Code, they shall be considered as continuations thereof. It is not the intention of this Ordinance to repeal, but rather to reenact and continue in force the Town's powers and authority in land use regulation. In particular, situations not lawful and conforming under previous ordinances do not become lawful merely by repeal of those ordinances. The adoption of this Ordinance shall not adversely affect the Town's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect. In cases where the provisions of this Ordinance substantially differ from existing ordinances, the provisions of this Ordinance supersede and replace the existing ordinances at the effective date of this Ordinance.

1.08 Relationship to Comprehensive Plan. It is the intention of the Town that this Ordinance implement the planning policies recommended by the Wiggins Planning Commission and adopted by the Board for the Town and its extraterritorial planning area, as reflected in the Comprehensive Plan and other planning documents. While this relationship is reaffirmed, it is the intent of the Town that neither this Ordinance nor

any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

- A. Requirement for Comprehensive Plan Amendment.** Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Land Use Plan maps, Circulation and Transportation Plan map, or Open Space and Parks Plan map in the Comprehensive Plan.
- B. Criteria for Evaluating Amendment Proposals.** Amendments to the Comprehensive Plan resulting from development proposals under this Ordinance shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan.

1.09 Application - No Use or Sale Except in Conformity with Ordinance.

- A.** In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirement for the promotion for the public health, safety, morals, and welfare.
- B.** Where property is affected by the requirements of this Ordinance and by other governmental regulations, those that are more restrictive or which impose the higher standards or requirements shall prevail. No land use or development shall occur or be maintained in the Town in violation of any state or federal regulations.
- C.** Except for situations covered under the " Nonconforming Situations" section of this Ordinance, no person may use, occupy, modify or sell any land or buildings or authorize or permit the use, occupancy, modification or sale of land or buildings under their control except in accordance with all the applicable provisions of this Ordinance.
- D.** For the purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land. In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so used unless governed by an approved development plan.

1.10 Fees. Reasonable fees sufficient to cover the costs of administration, legal fees, inspections, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The fee schedule will be adopted periodically by the Town Board and is available from the Town office.

1.11 Severability. It is hereby declared to be the intention of the Town that the sections,

paragraphs, sentences, clauses, and phrases of this Ordinance are severable; and that if anyone of these is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, the remainder of this Ordinance shall not be affected and will remain valid and in effect.

1.12 Computation of Time. Unless specifically provided, all time references in this Ordinance will be calendar days and be computed by excluding the first day and including the last. Where the last day falls on a Saturday, Sunday or holiday, the next general working day will be used. When the period of time prescribed is less than seven days, the intermediate Saturdays, Sundays and holidays shall be excluded.

1.13 Miscellaneous. As used in this Ordinance, words used in the singular include the plural and words used in the plural include the singular. The words "must," "shall" and "will" are mandatory; "may," "can" and "might" are permissive.

1.14 Basic Definitions and Interpretations. The words and phrases used in this Ordinance shall have the meanings defined below unless otherwise specifically provided or unless clearly required by the context. Questions of definition or working usage shall be interpreted by the Town Administrator based on the context of their usage and the intention of the section of this Ordinance in which they occur.

Abutting Land. A parcel of land which has a common property line with another parcel of land.

Accessory Building. A detached subordinate building, the use of which is incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use.

Accessory Use. A use customarily associated with, but subordinate to the principal use on the same lot.

Adult Amusement, Entertainment, or Business Establishment. An establishment from which minors are absolutely excluded. Such establishments shall include adult bookstores, adult X-rated motion picture theaters, adult cabarets, topless bars or restaurants, massage parlors, and any other uses of the same general character from which minors are absolutely excluded as a prevailing practice or legal requirement.

Alley. A minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on the street. Its use is for secondary access to the lot and/or service purposes. An alley shall not be considered to be a street.

Apartment House. A building containing dwelling units used and/or arranged for rental occupancy, or cooperatively owned by its occupants, with a yard and compound, and which has one or more utilities in common. See also: Dwelling, Multi-Family.

Appeal. A request for review by the Board of Adjustment for a variance to this Ordinance.

Applicant. Any individual, partnership, corporation, association, company, or public body, including the federal government, or any political subdivision, agency, corporation or instrumentality of the state applying for a development permit pursuant to this Ordinance.

Architectural Projection. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, including, within limitation, cornices, eave belt courses, sills, box or bay windows, fireplaces, roof overhangs, mansards, unenclosed exterior balconies, marquees, canopies, pilasters and fascias, but not including signs.

Automobile, abandoned. Unsheltered old, unused, stripped, junked and other automobiles and trucks not in good and safe operating condition. Notwithstanding the foregoing definition, a motor vehicle stored within a permitted building or structure shall not be considered to be an abandoned automobile.

Automotive, Mobile Home, Trailer, and Farm Implement Sales. The sale or rental of new and used motor vehicles, mobile homes, trailer, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

Automotive Wrecking Business. The dismantling or wrecking of used motor vehicles, motor homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Awning. A fixed or movable shelter supported entirely from the exterior wall or a building that can be retracted, folded or collapsed against the face of the supporting building.

Basement House. A dwelling or structure constructed partly or wholly below the grade level of any property.

Basement. Any level of a building where more than one half of the vertical distance between the floor and the ceiling is below the grade of the site.

Bed and Breakfast. A residential building in which rooms are rented on a daily basis to short-term guests. The building typically is similar in character to the surrounding neighborhood and meets all the requirements of the zoning district in which the facility is to be located.

Block. A group of lots existing within well-defined and fixed boundaries within a subdivision and usually being an area surrounded by street or other features such as parks, right-of-ways, or municipal boundary lines.

Board of Adjustment. A special review board operating under the authority of this Ordinance for purposes of hearing and deciding appeals or variances to this Ordinance.

Boarding and Rooming House. A building or portion thereof which is used to provide lodging and may include meals for five or more boarders for compensation; not including members of the occupant's immediate family who might be occupying such building. The word "compensation" can mean money, services, or other things of value.

Buffer Zone. A strip of land established to separate and protect one type of land use from another, to screen from objectionable noise, odor, smoke or visual impact, or to provide for future public improvements or additional open space.

Building Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building. A building is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, and where separated by a fire wall, each such separated portion of such structure shall be deemed a separate building.

Child Care Center. A child care center offers each client less than 24-hour care but may operate for 24 hours in a day including a Large Child Care Center, Small Child Care Center, School-age Child Care Center, Infant Nursery and Toddler Nursery as defined by the Colorado Department of Social Services.

Campground. Any plot of improved property utilized for camping and parking of camping units as herein defined for a period not to exceed 30 days.

Camping Unit or Recreational Vehicle (RV). A wheeled vehicle intended to provide temporary living accommodations. It is either self-propelled, hauled, or towed by a non-commercial vehicle. Included are units commonly referred to as travel-trailers, camper trailers, trailer-coaches, motor homes, and pickup campers. It is not a mobile home.

Cemetery. Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Child Care Home. A child care home is a type of family care home in which children are received for less than 24-hour care. This is a facility receiving two or more children not related to each other or children from more than one family. Children received for care are not related to the caretaker and the care provided by the caretaker is for more than two full consecutive days on a regular weekly basis. A full day is seven or more hours. The number of children in a child care home shall not exceed program requirements established by the Colorado Department of Social Services.

Club. Any membership organization including a lodge, catering exclusively to members and their guests and whose facilities are limited to meeting, eating and

recreational uses, and further, whose activities are not connected principally for monetary gain.

Communication Facility. Consisting primarily of communication towers and/or antennas (including antennas mounted on existing structures), an appurtenant facilities housing electrical equipment for cellular telephone, television, radio and other broadcasting facilities. Does not include places of business where people work on a regular basis (e.g., radio or TV studios).

Corner Lot. A lot situated at the junction of a front street and a side street. A 25 feet set back is required from both streets.

Correctional Facility. Any facility under the supervision of the Colorado Department of Corrections in which persons are or may lawfully be held in custody as a result of conviction of a crime, specifically including any private correctional facility (or private contract prison facility) which contracts with the Colorado Department of Corrections pursuant to Part 2 of Article 1, Title 17, C.R.S., or with the County of Morgan pursuant to C.R.S. 16-11-308.5, as amended, or which holds inmates from states other than Colorado with the express approval of Executive Director of the Colorado Department of Corrections pursuant to C.R.S. 17-1-104.5. Correctional Facility, but no Correctional Facility shall be constructed within three (3) miles of any public or private school, kindergarten, pre-school, or child care facility.

Court. An unoccupied space on a lot other than a yard designated to be partially surrounded by group dwellings.

Curb Cuts. A cut in the curb line for passage of vehicles, not to exceed 12 feet in width for single drive and 20 feet for double drive.

Density. A unit of measurement; the number of dwelling units per acre of land.

Gross Density. The number of dwelling units per acre of total land to be developed.

Net Density. The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Domestic Livestock. Limited to cattle, horses, swine, sheep and mules.

Driveway. Private access for a vehicle to a single building site or lot not to exceed 12 feet in width for a single drive and 20 feet in width for a double drive.

Dwelling, Multifamily. A building, or portion thereof, designed for or occupied by three (3) or more families living independently of each other, which may include public housing, condominiums, townhouse units, or apartments.

Dwelling, Single-Family. A building consisting of a single dwelling unit only, for the occupancy of one (1) family; separated from other dwelling units by open space, built

or assembled on a foundation on site.

Dwelling, Two-Family. Also called duplex, a detached building designed exclusively for the occupancy of two (2) families living independently of each other; such dwellings may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

Dwelling Unit. One (1) room or a combination of two (2) or more rooms designed for living and sleeping purposes for one (1) person or family, and its household employees, and having a kitchen or kitchenette and a bathroom with a toilet, lavatory and bathtub or shower, all connected to potable water and a sanitary sewer system. Does not include motel, trailer (mobile home), or hotel lodging.

Family. One (1) or more persons occupying a dwelling unit and related by marriage, blood or adoption, or one (1) or more persons occupying a dwelling unit and living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, motel, or hotel.

Front Yard. That portion of a yard between the street right-of-way and the building, and between two (2) side lot lines, the depth of which shall be the least distance between the building and the front lot line.

Frontage Street. Street on which the lots of a block, or subdivision thereof, generally front.

Gable. That portion of roof which forms a triangle at the building end and extends from the ridge to the eaves.

Greenhouse, Recreational. A non-business greenhouse of not more than 150 square feet.

Home Occupation. Any use conducted entirely within a dwelling unit or accessory building and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part, which creates no additional traffic, requires no additional parking space, where no persons are employed other than residents in connection with the home occupation. Provided further that no mechanical equipment is installed or used except such that is used for domestic purposes; and that there is no outdoor storage of materials, equipment and/or supplies other than that necessary for domestic purposes. For the purposes of this code, child care homes and child care centers are not considered home occupations. See also Home Occupations Supplement for criteria.

Hotel. A building containing sleeping rooms designed to be rented for short-term occupancy, and which may or may not have eating or drinking facilities as an accessory use.

Junk Yard. A building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of rags, scrap metal or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials and including the sale of whole or parts thereof.

Kennel. Any building, structure or open space devoted wholly or partly to the raising, boarding, or harboring of three (3) or more animals that are over four months old.

Loading Area. A parking space other than a public street or alley for the parking of commercial vehicles for the purpose of loading or unloading materials or merchandise.

Lot Area. Total square footage or acreage contained within lot lines.

Lot Depth. The mean distance from the street right-of-way line at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot. Where a right-of-way is not established or dedicated, it shall be assumed to be 60 feet. Where a major thoroughfare or collector street is designated on the major Thoroughfare Plan, then the lot depth shall be measured from the proposed right-of-way line.

Lot Length. The average distance from the street to the rear of the lot, measured perpendicularly from the street line upon which the lot faces.

Lot Line. A property line bounding a lot, excluding any dedicated street or alley.

Lot of Record. A lot which is part of a subdivision, a plat of which has been legally recorded or a lot described by metes and bounds, the description of which has been so recorded.

Lot Width. Lot width is the width measured along the minimum building setback line.

Lot. Land occupied or to be occupied by a building and its accessory building together with such open spaces as are required under this Ordinance and having its principal frontage on a street or officially approved place.

Major Facility of a Public Utility. Central office buildings of telephone utilities, transmission lines, power plants, electrical utilities substations, and pipelines and storage area of utilities providing natural gas or other petroleum derivatives.

Manufactured Home. A single-family dwelling unit which is partially or entirely manufactured in a factory and is not less than 24 feet in width and 36 feet in length and is no more than seven (7) years old, based on its year of manufacture, when placed on any lot or space within the Town. It is installed on an engineered permanent foundation and has brick, wood, or cosmetically equivalent exterior siding, and a pitched roof. It is certified to the National "Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401, et seq., as amended (which is commonly known as HUD code) and displays the HUD certification label.

Mobile Home. A detached, transportable, one-family dwelling unit intended for year-round occupancy that is at least 12 feet in width and 70 feet in length and 840 square feet or more, and is no more than seven (7) years old, based on its year of manufacture, when placed on any lot or space within the Town. At a minimum, it must contain sleeping accommodations, flush toilet, a tub or shower bath, kitchen facilities with plumbing and electrical connections intended for attachment to outside systems. All mobile homes must be certified to the National "Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401, et seq., or its equivalent, as amended (which is commonly known as the HUD code) and shall display HUD certification label. These homes are made to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit(s) without a permanent foundation and which unit or units are not licensed as a recreational vehicle or park model. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner.

Mobile Home Park. Any plot of ground zoned MHPD upon which two or more mobile homes, occupied or intended to be occupied for dwelling, are located for any period of time, regardless of whether or not a charge is made for such accommodations, and whether or not the mobile homes and/or the land are owned by the occupants. A license is required.

Modular Home. A single-family dwelling unit which is partially or entirely manufactured in a factory for installation, or assembly and installation, on the building site and is no more than seven (7) years old, based on its year of manufacture, when placed on any lot or space within the Town. A modular home shall be installed on an engineered permanent foundation and shall be constructed in compliance with all applicable Town-adopted building codes, including but not limited to, the International Building Code and International Residential Code.

Motel. A building or groups of buildings containing individual rooms for sleeping or living, designed and used for temporary rental occupancy and with automobile parking space adjacent to or within the proximity of each rental unit.

Noise Level Reduction (NLR). Construction techniques utilized for the purposes of reducing interior noise levels of structures to acceptable levels as may be determined by the Board of Trustees.

Nonconforming Structure. A building, structure or portion thereof which lawfully existed at the time of the adoption of this Ordinance but which does not conform to the height, yard or area regulations of the zone in which it is located, or which is so designed, erected or altered that it could not reasonably be occupied by a use permitted in the zone in which it is located.

Nonconforming Lot. A "lot" which was lawfully created but which does not conform to the minimum lot size specifications of the zone in which it is located.

Nonconforming Use. A use which lawfully occupied a building or lot at the time of the adoption of the Ordinance or any amendment thereto, and which does not conform with the use regulations of the zone in which the building and/or lot is located.

Parking Area. An open space or an enclosed structure or building used exclusively for the temporary storage of registered automobiles.

Parking Space. That part of a parking area, exclusive of drives, turning areas or loading spaces, devoted to parking for one automobile or vehicle.

Parking, Off Street. Any parking area located wholly within the limits of one or more lots.

Permanent Foundation (Manufactured Housing). Wall construction shall be at a minimum, six inches (6") block or concrete on a concrete footer with proper pylon and pads for blocking. There must be a minimum 42-inch crawl space in all zoning districts except MHPD.

Planning Commission. The Planning Commission appointed by the Board of Trustees of the Town of Wiggins.

Porch. A roofed or unroofed open structure projecting from the front, side or rear wall of a building. For purpose of this Ordinance a porch is considered a part of the principal building and is not permitted to extend into any yard requirements.

Professional Activities. The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers and similar professions.

Public Building or Use. Any building open to the general use, participation or enjoyment of the public and owned by the Town, County, State or Federal government or by a public utility corporation.

Public Utility. For the purpose of this Ordinance only: an electrical substation, a gas regulator station, a telephone exchange, cable TV satellite facility, a water or sewer pumping station, or a water reservoir.

Rear Yard. That portion of a lot between the rear of a building and a rear lot line or from the alley right-of-way, and between two (2) side lot lines, the depth of which shall be the least distance between the building and the rear lot line.

Recycling Center. A building, structure or parcel of land, or portion thereof, used for the collection, temporary storage and transfer of paper, cardboard, plastic, glass, aluminum and similar materials for the purpose of recycling.

Right-of-Way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and

drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Roadside Stand. A temporary structure designed or used for the display or sale of agricultural and related products.

Rooming or Boarding House. A building, or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Seat. An individual chair designed to seat one (1) person, or part of a bench designed to seat one (1) person, but measuring at least 18-inches in width.

Service Station, Automobile. A facility to supply motor fuel and oil to motor vehicles, and including a grease rack, minor tire and battery servicing, and sales of motor vehicle accessories.

Set back Line. A line in the back of and parallel to the street right-of-way line and at such horizontal distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is to be located.

Set back. The minimum horizontal distance between the property line and the front line of the building or any projection thereof, excluding steps. Where angled buildings or lots, curved streets, etc., the setback shall be taken as an average distance.

Side Yard. That portion of a lot that extends from the front set back line to the rear set back line between the side set back line and the side lot line, or that portion of a lot that is between a lot line and a setback line, but is not a front or rear yard.

Signs. Any form of publicity, directing attention to an individual activity, business, service, commodity or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trade marks, or trade names, or other pictorial matter, designed to convey such information and displayed by means of panels, posters, paints or other devices erected on an open framework or attached or otherwise applied to posts, stakes, poles, trees, buildings or other structures or supports. Flags and banners of any country, state, city, or non-profit organization shall not be included.

Story. That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

Street. A public thoroughfare 60 feet or more in width and not less than 40 feet between curbs.

Structural Alteration. Any addition to, or subtraction of parts of a building, including walls, columns, beams, girders, foundations, doors and windows.

Structure. Anything constructed or made, the use of which requires permanent location on the ground, or attached to something having more or less permanent location on the ground, except utility poles, flag poles, or walls and fences less than four feet (4') high. The word "structure" shall include the word "building."

Subdivision. Division of a lot, tract or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or territory resubdivided.

Town. For purposes of this Ordinance, shall mean the Town of Wiggins, State of Colorado.

Town Administrator. The Town Administrator or other duly authorized staff personnel of the Town of Wiggins empowered to enforce the requirements of this Ordinance.

Trailer Court. Any plot of ground upon which two (2) or more occupied trailer homes are located. Also known as a mobile home park.

Trailer Home. A mobile home as defined by this Ordinance.

Trucking Terminal. Any lot, structure or premises used for the parking or storage of capital equipment such as trucks, trailers, or other similar equipment over three-fourths (3/4) ton capacity.

Use. The purpose for which any land, structure or building is designed, maintained, or occupied.

Variance. A variance is a relaxation of the terms of the zoning ordinance where such relaxation will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

Yard. An open space unoccupied and unobstructed from the ground upward, which is on the same lot with a building, except as otherwise provided herein; this excludes street and alley right-of-ways.

Zoning Administrator. The Town Administrator of Wiggins, Colorado or an authorized representative.

1.15 Zoning Administrator - Duties. This Ordinance shall be administered and enforced

by the Town Administrator, who shall be appointed by the Board of Trustees. He or his deputy shall have the authority to issue building permits, certificates of occupancy, and special review use permits after such permits have been finally approved by the Board of Trustees. He shall have authority to make inspections and to make all decisions necessary for the proper enforcement of this Ordinance. No oversight or dereliction on the part of the Town Administrator shall legalize, authorize, or excuse the violation of any of the provisions of this Ordinance. The Town Administrator or his deputy shall perform all the duties of the Building Inspector.

1.16 Building Permits.

- A.** No Building shall be erected, moved (mobile or manufactured home), remodeled (exterior or interior) or structurally altered and no fence erected, roof replaced, or new driveways or walkways constructed unless a permit thereof has been issued by the Zoning Administrator, and no permit shall be issued unless the building or structure proposed is in full conformance with the ordinance.
- B.** All applications for building permits must be accompanied by drawings showing plot plan and location, floor plan, height and size of all proposed buildings, proposed surface drainage, distance from property boundary lines, ADA accessibility when applicable, and the location and dimensions of fences, signs and parking and loading areas.
- C.** A fee for the examination and administration of this permit shall be payable to the Town of Wiggins, such a fee shall include an inspection fee pursuant with Morgan County or such other entity authorized by the Board of Trustees to perform inspections on the Town's behalf or to recover cost incurred by the Town for inspections. This fee schedule is available at Wiggins Town Hall.
- D.** Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violated any of the provisions of the section, including but not limited failing to obtain a building permit, shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine of not more than \$2,650.
- E.** Without limiting any other remedy provided for herein, whenever the Zoning Administrator finds any work being performed contrary to the provisions of this Section, he or she is authorized to issue a written stop work order to the owner of the property involved, to the owner's agent, or to the person doing the work. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Failure to obey the order shall result in a minimum fine of \$150 per day, per occurrence, with each day the violation continues constituting a separate offense. Payment of a fine does not mitigate the requirement for building permit under this section.

1.17 Certificates of Occupancy.

- A.** No land or building shall hereafter be changed in use, nor shall any new structure, building or land be occupied or used without first having obtained a Certificate of Occupancy from the Zoning Administrator.
- B.** Such certificate shall be issued within five (5) days of the time notification that the building is completed and ready for occupancy.
- C.** Violation of this section is a misdemeanor with a possible fine of up to \$1,000 and 12 months in jail.

1.18 Enforcement and Review.

- A. Complaints Regarding Violations.** Whenever the Administrator receives a written, signed complaint alleging a violation of this Ordinance, a Town official shall investigate the complaint within 10 days, and take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken
- B. Persons Liable.** The owner, tenant, or occupant of any building or land or part thereof as well as any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.
- C. Procedures Upon Discovery of Violations.**
 - 1.** If the Administrator finds that any provision of this Ordinance is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and suggesting the action necessary to correct it. The first written notice will also contain an invitation to discuss the violation and the Town's concerns, and the opportunity to negotiate a reasonable solution to the violation that meets these concerns. Additional written notices may be sent at the Administrator's discretion, and may order the action necessary to correct the violation.
 - 2.** The final written notice shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the administrator's decision or order may be appealed to the Board of Adjustment. In all cases an agreement or other enforcement action to end the violation shall be reached within 90 days of the violation being recognized by the Town.
 - 3.** Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Administrator may seek enforcement

without prior written notice by invoking any of the penalties or remedies authorized below.

D. Penalties and Remedies for Violations.

1. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special - use or conditional-use permits, shall constitute a misdemeanor, punishable by a fine of up to \$1,000, or a maximum 12 months imprisonment, or both.
2. Any agreement to sell or transfer of lots in a subdivision before the final plat is approved by the Town will constitute a separate violation for each lot sold or agreed to be sold. Each day of violation will constitute a separate offense.
3. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special-use or conditional-use permits, shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation and did not take an appeal to the Board of Adjustment within the prescribed time.
4. This Ordinance may also be enforced by any appropriate equitable action.
5. Each day that any violation continues after notification by the Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
6. In addition to any other penalty imposed by this Ordinance for a violation of the provisions of this Ordinance, the Town reserves and maintains the continued right to abate violations of this Ordinance.
7. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

E. Permit Revocation.

1. A zoning, sign, special-use, conditional-use or other permit may be revoked by the Town if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed by the Town or if the information on which the permit approval was based is found to be

false or inaccurate

2. Before a conditional-use or special-use permit may be revoked, all of the notice, hearing and other requirements of this Ordinance shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.
 - a. The burden of presenting evidence sufficient to convince the Town to revoke a permit for any of the reasons set forth in this Ordinance shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.
 - b. Revocation of a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the revocation.
3. Before a zoning or sign permit may be revoked, the Administrator shall give the permit recipient 10-day notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefor.
4. No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, special-use or conditional-use permit after such permit has been revoked in accordance with this section.

F. Judicial Review.

1. Every decision of the Town Board granting or denying a conditional-use permit and every final decision of the Board of Adjustment shall be subject to review by the District Court by proceedings in the nature of certiorari under Rule 104, Colorado Rules of Civil Procedure.
2. The petition for the writ of certiorari must be filed with the Clerk of District Court within 30 days after the later of the following occurrences:
 - a. A written copy of the board's decision has been filed in the office of the planning department, and
 - b. A written copy of the board's decision has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.
3. A copy of the writ of certiorari shall be served upon the Town of Wiggins.

TABLE OF CONTENTS

Section 2 – Zoning

- 2.01** General Provisions
 - A.** Uniformity of Regulations
 - B.** Conflict with Other Provisions of Law
 - C.** Conflict with Private Covenants or Deeds
 - D.** One Principal Building to a Lot
 - E.** Permitted Height Exceptions
- 2.02** Zone Districts
 - A.** General
 - B.** Use Categories
 - C.** Uses-by-Right
 - D.** Accessory Uses and Structures
 - E.** Conditional Use
 - F.** Use by Special Review
 - G.** Temporary Uses
 - H.** Uses not Itemized
- 2.03** Zone District Descriptions
 - A.** Rules of Construction of Language
- 2.04** Rural Residential District (RR)
 - A.** Purpose
 - B.** Uses-by-Right
 - C.** Conditional Uses
 - D.** Special Review Uses

2.05 Estate Residential District (ER)

- A. Purpose
- B. Uses-by-Right
- C. Conditional Uses
- D. Special Review Uses

2.06 Single-Family Residential District (R-1)

- A. Purpose
- B. Uses-by-Right
- C. Special Review Uses
- D. Additional Requirements

2.07 Residential District (R-2)

- A. Purpose
- B. Uses-by-Right
- C. Special Review Uses
- D. Additional Requirements

2.08 Mobile Home Park District (MHPD)

- A. Purpose
- B. Interpretation
- C. Definitions
- D. Uses-by-Right
- E. Special Review Use

2.09 Business District (BD)

- A. Purpose
- B. Uses-by-Right
- C. Conditional Uses

- D.** Special Review Uses
- 2.10** Commercial District (CD)
 - A.** Purpose
 - B.** Uses-by-Right
 - C.** Special Review Uses
- 2.11** Industrial District (ID)
 - A.** Purpose
 - B.** Uses-by-Right
 - C.** Accessory Uses
 - D.** Special Review Uses
- 2.12** Planned Development District (PD)
 - A.** Purpose
 - B.** PD Requirements
 - C.** PD Approval Process
 - D.** Submission Requirements
 - E.** Enforcement and Modifications of PD Provisions
- 2.13** Conservation District (CON)
 - A.** Purpose
 - B.** Uses-by-Right
 - C.** Special Review Uses
- 2.14** Zone District Schedule of Requirements
 - A.** Zoning Amendments (Rezoning)
 - B.** Requests
 - C.** Petitions
 - D.** Planning Commission Review

- E.** Planning Commission Consideration
- F.** Notice of Hearing Required
- G.** Town Board Action on Amendments
- H.** Protests to Zoning District Changes
- I.** Vesting
- J.** Submission Requirements
- K.** Amendments
- L.** Board of Adjustment Appeals, Variance, Interpretation of Activities
- M.** Nonconforming Situations
- N.** Zoning Map

Section 2

ZONING

2.01 General Provisions. In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.

A. Uniformity of Regulations. The regulations established by this Ordinance within each zone shall apply uniformly to each class or kind of structure or land. Unless exceptions are specified in this Ordinance, the following interpretations shall apply:

1. No buildings, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, changed, constructed moved, or structurally altered unless in conformity with all of the regulations herein specified for the zone in which it is located.
2. No building or other structure shall be erected or altered:
 - a. to exceed the height limitations;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of the area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces;
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building unless specific exception therefore is stated in this Ordinance.
4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
5. Any use not permitted in a zone either specifically or by interpretation by the Planning Commission is hereby specifically prohibited from that zone.

B. Conflict with Other Provisions of Law. Where this Ordinance is in any way more restrictive than other provisions of law or ordinance, the provisions of this Ordinance shall control.

- C. Conflict with Private Covenants or Deeds.** In case of a conflict between this Ordinance and any private restrictions imposed by covenant or deed, the responsibility of the Town Administrator shall be limited to the enforcement of this Ordinance.
- D. One Principal Building to a Lot.** Only one (1) principal building and its customary accessory buildings may hereafter be erected on a lot. No building shall be erected on any lot which does not have at least 50 feet frontage on a publicly dedicated street.
- E. Permitted Height Exceptions.** Except as specifically stated in other parts of this Ordinance, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein after established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, private and utility radio and television aerials or antennas, ham radio masts, water tanks or similar structures may be erected above the height limits herein. No such excepted structures may be erected to exceed by more than 15 feet the height limits of the district in which it is located; nor shall such excepted structures have a total area greater than 25 percent of the roof area of the building; nor shall such excepted structures be used for any residential purpose other than a use incidental to the main use of the building. Private radio, television and ham radio aerials or masts may be erected to any height providing it is acceptable to F.C.C.

2.02 Zone Districts.

- A. General.** In order to implement the provisions of this Ordinance, Wiggins, Colorado, is hereby and in the future may be, divided into the following zoning districts:

RR	Rural Residential District
ER	Estate Residential District
R-1	Single-family Residential District
R-2	Residential District
MHPD	Mobile Home Park District
BD	Business District
CD	Commercial District
ID	Industrial District
PD	Planned Development District
CON	Conservation District

- B. Use Categories.** Uses of property are categorized and allowed in each of the zoning districts in the following manner:

C. Use-by-Right.

1. Uses-by-right include the use of land, structures or both which are authorized by the district zoning classification.
2. A use-by-right is the principal use(s) permitted in any given zone district. The design standards of any given zone district comprise the essential site plan requirements for the placement of a use on a parcel or in a structure. To construct a use-by-right on a parcel, a building permit is needed. The building permit will require that the use is properly served by access and utilities and that a plot plan be submitted which is used to check the setbacks and other design standards of the district. Plot plan reviews and approvals are a function of Town staff.

D. Accessory Uses and Structures. These uses are naturally and normally incidental to a use-by-right and comply with all the following conditions:

1. Is clearly subordinate, incidental and customary to and commonly associated with the operation of the use-by-right;
2. Is operated and maintained under the same ownership as the use-by-right on the same zone lot;
3. Includes only those structures or structural features consistent with the use-by-right;
4. The gross floor area utilized by all accessory uses, except a private garage, shall not exceed 10 percent of the total floor area of the use-by-right on the same property or parcel; and
5. May include home occupations, as defined by the zoning regulations and/or by zone district.
6. **Accessory Uses Permitted.** The following accessory uses are permitted in the following districts, provided that they are incidental to and on the same premises as a permitted use. Accessory uses must meet setback and other design standard requirements in each zone district. Construction of accessory uses may or may not require a building permit. If a permit is required, a plot plan showing the location of the accessory use on the zone lot will be required.

a. Residential.

- (1) Garage only for the storage of automobiles, recreational vehicles, and/or two (2) commercial vehicles.
- (2) Automobile parking and loading space, as required in off-street parking requirements.

- (3) Home occupations or professional activities, but conducted only by residents living on the premises and not exceeding 25 percent of the area of one floor of the principal structure.
 - (4) Any accessory buildings, structures or uses required in addition to and in conjunction with a use by right in the district.
 - b. **Commercial (C).** Any building or structure incident to and necessary for the operation of a use by right in the district.
 - c. **Industrial (I).** Any building or structure incident to and necessary for the operation of a use by right in the district.
 - d. **Business (B).** Any building or structure incident to and necessary for the operation of a use by right in the district.
 - e. **Conservation (CON).** Any building or structure incident to and necessary for the operation of a use by right in the district.
- E. **Conditional Use.** Uses normally associated with uses-by-right and permitted in any given zone district upon compliance with certain conditions and after review and approval of a site plan. See Appendix 1.
- F. **Use by Special Review.** A specific use of land or building or both described and permitted within a zone district is subject to special provisions and which, because of its unique characteristics, cannot be properly classified as a use-by-right or conditional use. Special uses require review before the Planning Commission and a public hearing before the Board of Trustees. These uses are usually extraordinary in nature, and a complete site plan and impact mitigation plan will be required to be reviewed and approved. See Appendix 2. Posting notice on property, for which special review application is pending, shall be required. See Appendix 4.
- G. **Temporary Uses.**
 - 1. The intent of this section is to provide for the regulation of temporary structures and uses. This Ordinance shall apply to temporary residences, temporary construction offices and temporary signs. For the purposes of this section, the term "temporary" shall mean a period of up to six (6) months.
 - 2. **General Requirements and Procedures.** Prior to the establishment and use of a temporary structure, the applicant shall be required to provide the following:
 - a. Submit a plot plan showing location of the use, setbacks and any other pertinent information to the Town Administrator for review.

The plan must conform with all applicable zoning requirements of the district in which the use is to be located. See Appendix 3.

- b. Upon favorable review by the Town Administrator, the applicant may obtain a building permit for the requested use.
- c. The permit granted by the Town Administrator shall expire six (6) months from the date of issuance. A maximum of three (3) permits may be granted per use. All temporary uses shall be removed at the expiration of the third permit.
- d. All written requests for renewal shall be submitted to the Town Administrator a minimum of 10 working days prior to expiration date.
- e. The applicant must meet any additional requirements necessary for the health, safety and welfare of the residents of the surrounding area as determined by the Town Administrator.

3. Permitted Temporary Structures.

- a. **Temporary Construction Office.** A temporary structure for the storage of construction materials, and a construction office to be used for managing a construction job may be utilized in all districts with the following restrictions:

- (1) The unit is to be used only during normal construction hours by the construction superintendent, construction workers, contractors, etc.
- (2) While construction is occurring, a temporary construction office may be utilized provided that it is located within the area of a recorded final plat or an approved site plan.
- (3) The temporary construction office shall not be utilized as living quarters for a caretaker, property owner, contractor, or others except in approved cases where security necessitates such occupancy.

- b. **Temporary Offices.**

- (1) **Residential Sales.** Temporary residential sales offices for the sale of units in an area shall be permitted in the residential (R) and PD districts with the following restrictions:
 - (i) Sales shall be limited only to those units within the platted subdivision in which the office is located.

- (ii) The temporary structure shall be located within the area of a recorded final plat.
 - (iii) The use of a temporary residential sales office shall require obtaining a temporary permit with the Town Administrator.
- (2) **Commercial, Business and Industrial Offices.** Temporary nonresidential offices used for sales or business operation purposes shall be permitted in the BD, CD, ID and nonresidential and mixed-use PD zone districts with the following restrictions:
 - (i) Upon obtaining a building permit for a permanent nonresidential structure a permit for utilizing a temporary structure on the premises by the property owner or representative may be obtained.
 - (ii) The temporary office shall be located within the area of a recorded final plat and an approved site plan.
- c. **Temporary Signs.** All temporary signs shall be in conformance with the Town of Wiggins Sign Ordinance. See appendix 11.
- d. **Other Temporary Structures.**
 - (1) Use: Carnival, circus, bazaar, or fair
Zones: Industrial and Conservation
Period: Two (2) weeks
 - (2) Use: Tent meeting or crusade
Zones: Industrial and Conservation
Period: Two (2) weeks.
 - (3) Use: Parking for another temporary use
Zones: Same as temporary use for which it is required
Period: Same as temporary use for which it is required.
 - (4) Use: Non-Commercial concrete batching plant
Zones: Industrial and Conservation
Period: Two (2) months, renewable by Board of Trustees.
 - (5) Use: Roadside stand
Zones: Business and Commercial

Period: Two (2) weeks.

H. Uses Not Itemized.

1. On its own initiative, the Wiggins Planning Commission may, by resolution, recommend to the Board of Trustees additions to the uses permitted and/or uses permitted by special review section of any zoning district, any other similar use which conforms to the conditions set forth in this section. The recommendation of the Planning Commission is then forwarded to the Board of Trustees for their action pursuant to this Ordinance. The criteria to be considered when adding to the zone district use list are:
 - a. Such use is more appropriate in the use group to which it is added;
 - b. Such use conforms to the basic characteristics of the use group to which it is added; and
 - c. Such use does not create any more offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences or more traffic hazards than the minimum amount normally resulting from the other uses listed in the use group to which it is added.
2. Any use not specifically listed or under consideration by the Planning Commission for addition at the time of application must be approved as an addition and/or reviewed as a special use permit within an appropriate zone district.
3. When any use has been added to any use group in accordance with this Ordinance, such use shall be deemed to be listed in the appropriate section of that use group and shall be added thereto in the published text of this Ordinance at the first convenient opportunity, with a notation indicating that the addition was made in accordance with this section.

2.03 Zone District Descriptions.

A. Rules of Construction of Language.

1. The particular controls are general;
2. In the case of any difference of meaning or implication between the text of these regulations and the captions for each section, the text shall control;
3. The word "shall" is always mandatory, and not directory. The word "may" is permissive;
4. Words in the present tense include the future, unless otherwise indicated;

and,

5. Words used in the singular form include the plural, and words used in the plural form include the singular, unless the context clearly indicates the contrary.

2.04 Rural Residential District (RR).

A. Purpose. The RR, Rural Residential District, is designed to accommodate very low density single-family residential uses and country estates on large lots that can possibly accommodate livestock at specified density limits and located on the fringes of Wiggins' Planning Influence Area. These areas must be served by centralized sewer and water utilities.

B. Uses-By-Right.

1. single-family house with a minimum size of 24-feet wide and 36-feet long, or 864 square feet on the ground level, including modular homes (one [1] per parcel; minimum parcel of one [1] acre, but not to exceed five [5] acres)
2. public parks, playgrounds, and other public recreation areas
3. public utility distribution mains, lines, etc., which are underground facilities to service residences
4. domestic livestock, limited to swine, sheep, cattle, horses and mules less than or equal to an animal density of one (1) animal per acre of open lot space
5. satellite dish antennas without towers; ham radio towers
6. open space
7. accessory buildings, not more than 1,000 square feet, and uses such as garages and green houses
8. livestock barns not more than 1,000 square feet each
9. gardens

C. Conditional Uses.

1. golf courses
2. public and private schools

3. churches and church schools
4. fire stations
5. small wind energy conversion systems
6. crop production, orchards, nurseries, and flower production
7. utility service facilities
8. communication facilities not exceeding height limits

D. Special Review Uses.

1. home occupations
2. central collection sewage treatment facilities, exclusive of individual septic system
3. exotic livestock or animals (domestic animal density limits apply)
4. group homes and licensed foster care homes
5. preschools, nursery schools, and child care centers
6. small horse boarding operations of four (4) or less animals not owned by operator; animal densities apply
7. water tanks, water and sewer treatment facilities, utility substations, and regulator stations
8. major facilities of a public utility, as defined in this Ordinance
9. accessory building greater than 1,000 square feet.

2.05 Estate Residential District (ER).

A. Purpose. The ER, Estate Residential District, is designed to accommodate very low density single-family residential uses and country estates on large lots at specified density limits and located on the fringes of Wiggins' Planning Influence Area. These areas must be served by centralized sewer and water utilities.

B. Uses-By-Right.

1. single-family house with a minimum dwelling space of 1,200 square feet

on the ground level, including modular homes (one [1] per parcel; minimum parcel of one [1] acre, but not to exceed five [5] acres)

2. public parks, playgrounds, and other public recreation areas
3. public utility distribution mains, lines, etc., which are underground facilities to serve residences
4. satellite dish antennas without towers; ham radio towers
5. open space
6. accessory buildings, not more than 1,000 square feet, and uses such as garages and green houses
7. gardens

C. Conditional Uses.

1. golf courses
2. public and private schools
3. churches and church schools
4. fire stations
5. small wind energy conversion systems
6. utility service facilities
7. communication facilities not exceeding height limits

D. Special-Review Uses.

1. group homes and licensed foster care homes
2. orchards, nurseries, and flower production
3. home occupations
4. central collection sewage treatment facilities, exclusive of individual septic system
5. water tanks, water and sewer treatment facilities, utility substations, and

regulator stations

6. major facilities of a public utility, as defined in this Ordinance
7. accessory buildings greater than 1,000 square feet
8. preschools, nursery schools, and child care centers

2.06 Single-Family Residential District (R-1).

A. Purpose. The R-1 Single-Family Residential District is designed to accommodate single-family residential development at low density in areas within the Town of Wiggins that are served by public sewer and water facilities. In order to maintain the design integrity of this district, no mobile homes will be allowed in this district.

B. Uses-By-Right.

1. single-family house with a minimum size of 24-feet wide and 3-feet long, or 864 square feet on the ground level, and built or assembled on a permanent foundation on site, including modular homes (one per parcel)
2. public parks, playgrounds, and other public recreation areas
3. public utility distribution mains, lines, etc., which are underground facilities
4. open space
5. gardens
6. non-commercial greenhouses less than 150 square feet
7. satellite dish antennas without towers; ham radio towers
8. accessory buildings, not more than one-thousand 1,000 square feet, and uses such as garages
9. community centers
10. historical structures
11. licensed child care homes

C. Special Review Uses.

1. public and private schools
2. churches and church schools
3. fire stations
4. home occupations
5. communication facilities up to height limit
6. utility service facilities
7. major facilities of a public utility, as defined in this Ordinance
8. nurseries and day care centers
9. convalescent homes and other extended care facilities
10. duplexes
11. golf courses
12. group homes and licensed foster care homes
13. use of portable metal Conex boxes or other portable stage containers by public or private schools, churches and church schools, fire stations, communications facilities, home care facilities and golf courses. Special review shall be taken into consideration the surrounding area and neighborhood as part of the consideration of appropriateness for approval
14. community centers

D. Additional Requirements.

1. all new residential developments must be reasonably landscaped within one year
2. for all multi-family uses, all trash receptacles must be properly screened from adjacent public rights-of-way and adjacent properties. These areas shall be designed and used in a manner that will prevent wind and animal scattering of trash.
3. all roof-mounted equipment shall be properly screened; solar collectors and heaters and television antennas are exempted.

2.07 Residential District (R-2).

- A. Purpose.** This zone district provides areas for low- to moderate-density residential development and allows for two-family housing units.

B. Uses-By-Right.

1. all Uses-By-Right included in the R-1 District
2. two-family dwellings that are framed and constructed on-site
3. accessory buildings and uses
4. duplexes
5. multifamily dwelling

C. Special Review Uses.

1. all Special Review Uses included in the R-1 District
2. apartments and other multiple family dwellings (i.e. boarding houses)
3. multiple family subdivisions (lots or condominiums)
4. central collection sewage treatment facilities
5. group homes and licensed foster care homes

D. Additional Requirements. All Additional Requirements included in the R-1 District.

2.08 Mobile Home Park District (MHPD).

A. Purpose. The Mobile Home (MH) District provides a residential zone for mobile home parks within the Town of Wiggins. This district allows the use/siting of the types of mobile homes and manufactured homes that may not qualify for location in other residential zone districts. For the purposes of the Mobile Home Park District (MHPD), the term “mobile home(s)” shall include “manufactured homes(s)”.

B. Interpretation. In the interpretation and application of the provisions of this Ordinance, they are not intended to abrogate or annul any permits issued before the effective date of this Ordinance or any easement, covenant, or any other private agreement.

C. Definitions. For the purposes of this Zoning District, "MHPD," unless the context otherwise requires, the following terms have the following meanings:
Access Street. Streets designed to carry vehicular traffic from a mobile home park to a public street or highway system.

Access way. A way for vehicular traffic providing access from a mobile home stand to an abutting collector street, cul-de-sac street, or service street.

Collector Street. A private street, within a mobile home park, designed to gather vehicular traffic from abutting mobile home spaces, cul-de-sac streets, and service streets and to carry it to an access street.

License. A written, non-transferable license issued by the Town Council authorizing the operation of a mobile home park under these regulations.

Manufactured Home. A single-family dwelling unit which is partially or entirely manufactured in a factory and is not less than 24-feet in width and 36-feet (24' x 36') in length. It is installed on an engineered permanent foundation and has brick, wood, or cosmetically equivalent exterior siding, and a pitched roof. It is certified to the National "Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401, et seq., as amended.

Mobile Home. A detached, transportable, one-family dwelling unit intended for year-round occupancy that is at least 12 feet in width and 52 feet in length and 624 square feet or more, and to be no more than 20 years old based upon its Year of Manufacture. At a minimum, it must contain sleeping accommodations, flush toilet, a tub or shower bath, kitchen facilities with plumbing and electrical connections intended for attachment to outside systems. All mobile homes must be certified to the National "Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401, *et seq.*, as amended. These homes are made to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit(s) without a permanent foundation and which unit or units are not licensed as a recreational vehicle or park model. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner.

Mobile Home Park. Any plot of ground zoned MHPD upon which two or more mobile homes, occupied or intended to be occupied for dwelling, are located for any period of time, regardless of whether or not a charge is made for such accommodations, and whether or not the mobile homes and/or the land are owned by the occupants. A license is required.

Mobile Home Lot or Space. A plot of ground within a mobile home park designed for the accommodation of one mobile home and its permitted accessory buildings and uses.

Mobile Home Stand. That portion of an individual mobile home space which has been reserved for the placement of a mobile home, and structures or additions appurtenant to the mobile home.

Portable Utility Building. A structure located on a mobile home lot, which is designed and used solely for the storage and use of personal equipment and possessions of the mobile home occupants.

Portable Utility Building Stand. The ground located beneath the portable utility building.

Recreational Vehicle (RV). A wheeled vehicle intended to provide temporary living accommodations. It is either self-propelled, hauled, or towed by a non-commercial vehicle. Included are units commonly referred to as travel- trailers, camper-trailers, trailer-coaches, motor homes, and pickup campers. It is not a mobile home.

Service Building. A building housing laundry facilities, operated by the mobile home park management, recreational facilities, storage and other activities, facilities and uses which may be authorized or approved by the board, pursuant to the procedures delineated in this Ordinance.

Service Street. A private street, within a mobile home park, designed to be used primarily for service vehicles, such as garbage trucks, fire trucks, and mobile home transport vehicles.

Set up Requirements for Mobile Homes. See Section 3

Site. A Mobile Home Park District.

Street Frontage. That side of a mobile home space abutting a street or roadway and ordinarily regarded as the front of the mobile home space. On a corner mobile home space, only one side shall be considered as the front, and the shorter street frontage shall be considered the front of the mobile home space.

Unit. Mobile home space.

D. Uses-By-Right.

1. mobile homes, at least 12-feet in width and 52-feet in length, and 624 square feet or more and be no more than 20 years old based upon its Year of Manufacture.
2. mobile home parks
3. accessory uses, buildings, and structures
4. open space
5. public parks and playgrounds
6. public utility mains, lines, and underground facilities
7. satellite dish antennas without towers

E. Special Review Uses.

1. manufactured homes used as service buildings
2. churches and church schools
3. golf courses
4. communication facilities not exceeding height limits
5. home occupations
6. childcare home and childcare center
7. central collection sewage treatment facilities
8. major facilities of a public utility, as defined in this Ordinance
9. water tanks, water treatment facilities, utility substations and regulator stations, water reservoirs
10. any mobile home less than 12 feet in width and 52 feet in length or more than 20 years old based upon its Year of Manufacture.
11. parking areas and/or facilities for recreational vehicles
12. group homes and licensed foster care homes

2.09 Business District (BD).

A. Purpose. This zone district is designed to accommodate a wide variety of business activities in addition to mixed-use residential, office businesses and the municipal center. The BD zone will serve as the primary business core of the Town and be pedestrian-oriented, resulting in the provision of adequate space for the development of attractive, centralized, people-oriented environments where retail enterprises will provide sales and services responding to the needs of the town, tourists, and the surrounding agricultural community.

B. Uses-By-Right.

1. Retail and business use such as:
 - a. attorney-at-law/legal services
 - b. antique shops
 - c. artist supply stores

- d.** auto and truck parts store
- e.** banks (drive-in facilities are allowed)
- f.** barber and beauty shops
- g.** book and stationery stores
- h.** clothing stores
- i.** communication facilities up to the height limit
- j.** copy centers
- k.** CPA/bookkeeping services
- l.** craft stores
- m.** department stores
- n.** drug stores
- o.** dry cleaning and dyeing establishments
- p.** dry goods and variety stores
- q.** electrical and household appliance stores
- r.** farm equipment sales and repair shops
- s.** florists
- t.** furniture stores
- u.** gift shops
- v.** grocery stores
- w.** hardware stores
- x.** insurance agencies
- y.** jewelry stores
- z.** laundromats
- aa.** libraries
- bb.** medical and dental clinics

- cc.** membership clubs, public or private
- dd.** mortuaries and funeral homes
- ee.** music, radio, television, and video stores
- ff.** newspaper publications
- gg.** newsstands
- hh.** office supply stores
- ii.** offices for business, professional and governmental activities
- jj.** optometrist shops
- kk.** parking lots for customers and employee parking (off-premise lots)
- ll.** package liquor stores
- mm.** paint stores
- nn.** pet shops
- oo.** photographic studios, equipment, and supply stores
- pp.** post offices
- qq.** printers
- rr.** public utility collection offices
- ss.** radio and TV stations and other communication businesses
- tt.** realty/land offices
- uu.** restaurants and other eating and drinking establishments without drive-in facilities
- vv.** senior centers
- ww.** shoe stores
- xx.** sporting goods and athletic equipment stores
- yy.** theaters (indoors)
- zz.** toy stores
- aaa.** travel agencies

bbb. video rentals

ccc. other similar retail establishments not of an industrial or wholesale nature

2. Utility service facilities
3. Accessory buildings and uses
4. Recreational vehicle storage buildings

C. Conditional Uses.

1. auto and truck repair shops
2. bed and breakfast homes
3. car dealerships
4. health club/gym
5. restaurants with drive-in facilities
6. utility service facilities where height limits are exceeded
7. cabinet, wood working or carpentry shops

D. Special Review Uses.

1. builders' supply and lumber yards
2. used car dealers
3. community centers
4. convalescent homes, and other extended care facilities
5. drive-in restaurants
6. frozen food lockers
7. gasoline stations
8. government buildings, police station, or fire station
9. hospitals and nursing homes

10. hotels and motels
11. lounges or clubs
12. multiple family dwellings
13. off-street automobile parking lots
14. public transportation terminals
15. major facilities of a public utility, as defined in this Ordinance
16. recreational vehicle storage yards
17. rooming and boarding houses
18. railroad facilities
19. shopping centers
20. single-family dwelling within a business establishment for care taking purposes
21. warehouses
22. water tanks, water and sewer treatment facilities, and regulator stations
23. communication facilities where height limits are exceeded
24. recycling centers
25. all Uses-By-Right included in the R-1 district
26. Use of portable Conex boxes or other portable storage containers
27. Churches and church schools

2.10 Commercial District (CD).

- A. Purpose.** To provide land for a range of commercial uses including wholesale businesses, services and sales that will respond to both the need of the Town and the surrounding agricultural community.
- B. Uses-By-Right.**
 1. Places for the conduct of commercial and service activities, not of an industrial nature, including, but not limited to, the following:

- a. uses-by-right allowed in the Business District (BD) section of this Chapter
- b. amusement and general recreational facilities
- c. auto and truck repairs
- d. auto and truck sales -new and used
- e. bowling alleys
- f. building materials, farm and ranch materials center
- g. cabinet, wood working or carpentry shops
- h. car washes
- i. contractor's office with outside storage of construction materials or equipment
- j. dry cleaning plants
- k. electrical, heating, painting, plumbing, roofing, or ventilating shops
- l. heavy equipment sales---new and used
- m. feed mills and grain elevators
- n. firewood sales and storage
- o. flea markets; farmers markets
- p. fresh or frozen food lockers
- q. hospitals and nursing homes
- r. lumber yards
- s. machine and blacksmith shops
- t. miniature golf courses, golf driving ranges
- u. motels and hotels
- v. nurseries and greenhouses
- w. printing or publishing establishments
- x. storage facilities -household goods

- y.** sign painting
- z.** radio and TV stations, telephone exchanges and other communications facilities --which may exceed height limits-- such as towers and antennas
- aa.** rental equipment stores
- bb.** restaurants and other eating and drinking establishments with drive-up facilities
- cc.** tack, feed and grain stores
- dd.** theaters (outdoor)
- ee.** tire supply and repair stores
- ff.** full-service truck stores
- gg.** upholstery supply and repair stores
- hh.** veterinary clinics and hospital
- ii.** warehousing
- jj.** water tanks, water and sewer treatment facilities, and regulator stations
- kk.** welding shops

C. Special Review Uses.

- 1.** Special Review uses allowed in the Business District in Section 3.7.4, with the exception of multi-family and single-family dwellings
- 2.** auction houses
- 3.** campgrounds and recreational vehicle (RV) parks
- 4.** chemical and gas (liquid or pressurized) storage businesses
- 5.** commercial storage areas
- 6.** gas stations/food stores
- 7.** mobile home sales areas

8. storage and sale of commercial fertilizer and farm chemicals, and bulk fuel yards
9. trucking terminals and loading docks
10. wholesale animal by-product processing
11. recycling centers
12. other wholesale businesses, storage or sales locations that conform with current local, state, and federal regulations, but are likely to create smoke, dust, noise, fumes, vibrations, or any other deleterious effect such as air or water pollution.
13. use of portable metal Conex boxes or other portable storage containers.

2.11 Industrial District (ID).

- A. Purpose.** Land areas to be used primarily for research and development, warehousing, product assembly and manufacturing and other service, distribution, and industrial uses that conform with local, state, and federal environmental standards.
- B. Uses-By-Right.**
 1. automobile service stations with gasoline pumps and retail gift and sundry sales
 2. bakeries - wholesale and retail
 3. bars and lounges
 4. boats sales and storage
 5. building materials - wholesale and retail
 6. emergency response facilities
 7. general merchandise wholesale; retail sales allowed
 8. heavy equipment, truck and farm implement sales and repair
 9. home repair centers - wholesale and retail
 10. warehouses, with no storage of dangerous or flammable material and no selling of merchandise and other tangible goods or services from any unit

11. motor vehicle and motorized equipment sales, service and repair
12. product distribution and storage facilities (warehouse)
13. public and private parking lots
14. public and private recreation areas
15. recreational vehicle storage yards
16. temporary construction office
17. temporary office
18. oil and gas well drilling service operations, storage yards and offices

C. Accessory Uses.

1. storage buildings for equipment
2. below ground utility mains
3. parking and loading areas to service the industrial operation
4. use of portable metal Conex boxes or other portable storage containers.

D. Special Review Uses.

1. all Special - Review Uses included in the Commercial District Section.
2. utility generation facility
3. above ground utility transmission lines - on or off site
4. water tanks, water and sewage treatment facilities
5. communication facilities where height limits are exceeded
6. utility service facilities where height limits are exceeded
7. adult amusement, entertainment or business establishment
8. commercial airports and heliports
9. crop dusting operations and associated chemical storage and airstrips

10. animal sales yard
11. storage or warehousing of any dangerous or toxic chemicals or products, fertilizers, farm chemicals, etc.
12. concrete, asphalt and mortar batching plants
13. aircraft related recreational facilities
14. manufacturing, assembly, and distribution of secondary and basic goods
15. commercial storage areas and warehouses used to store or distribute goods and commodities (food stuffs, grains, etc.)
16. private and public storage areas
17. public safety facilities
18. truck terminals and loading areas
19. junk, scrap metal, auto wrecking and equipment storage and salvage yards
20. recycling centers
21. commercial synthetic fuel plants
22. assembling and light manufacturing plants
23. food and beverage processing plants
24. bottling plants
25. scientific research facilities

2.12 **Planned Development District (PD).**

- A. Purpose.** The PD, Planned Development district, is established to encourage innovations in residential, commercial, industrial, and recreational development by allowing for mixed land uses, variations in development densities, and variety in the type, design, and layout of buildings in a manner not allowed under traditional zoning. The PD district provides a means for clustering development and allowing for the preservation of open space, more effective land utilization, and for more cost-effective and efficient extensions of infrastructure. The PD district is intended to provide a means for developing large or several different tracts of land into building and use complexes with a continuity of design and development. It shall not be available as a means to develop a single lot or several lots of average size.

B. PD Requirements.

1. The boundaries of the PD are not delineated in this Ordinance but shall be fixed by amendment of the Wiggins Zoning Resolution and Map, at such times in the future as such district may be applied to specific real property in this Town.
2. The PD shall be consistent with the intent and policies of the Comprehensive Plan.
3. The PD shall be designed in a manner such that it protects the environmental assets of the area including considerations of elements such as plant and wildlife, streams and storm drainage courses and scenic vistas.
4. The planned development's relationship to and compatibility with its surroundings shall be considered in order to avoid adverse effects caused by traffic circulation, building height or bulk, lack of screening, or intrusions on privacy.
5. The PD design and construction plans shall take into account characteristics of soils, slopes and potential geological hazards, in a manner intended to protect the health, safety, and welfare of potential users of the PD. These aspects of the plan must be accompanied by a detailed soil engineering report on the suitability of the area for the intended use and the necessary precautions needed to bring the area to a state of structural soundness before building permits may be issued.
6. Design and construction of the PD shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking, and loading space.
7. The mixture of uses and densities in a PD is negotiable. The applicant must demonstrate the positive benefits to the Town of the PD district classification versus a traditional single-district zone classification.
8. The plans for the proposed planned development shall indicate the particular portions of the project that the developer intends to develop under various use categories. Densities, averages, and permitted uses shall be detailed for all development areas within the PD. A summary chart indicating development standards applicable to entire PD and/or separate areas within the PD will be required.
9. The total parking requirements of the PD will not exceed the sum of the parking that would be required for each use. However, all the parking required for each district does not have to be provided within that district, and total parking requirements may be reduced, if the developer demonstrates to the Town using industry standards that the total number of spaces are not needed within the PD.

10. Planned open spaces within the PD, including those spaces being used as public or private recreation sits, shall be protected by adequate covenants running with the land, or by conveyances or dedications.
11. A minimum of 25 percent of the total PD area shall be devoted to open-air recreation or other usable open space (public or quasi- public). "Usable open space" shall be defined as open area designed and developed for use by the occupants of the development or by others for uses including, but not limited to, recreation, courts, gardens, parks and walkways. The terms may include space devoted to streets, parking and loading areas. Open space percentages within separate land use areas of a PD may vary from the 25 percent figure, but the total amount of open area must equal 25 percent of the overall acreage. This amount of open space may include any publicly dedicated land for parks and open space.
12. Traffic circulation shall be determined by review of each Planned Development. The PD must have an adequate internal street circulation system. Public streets must serve all planning areas and meet minimum Town construction standards for use by police and fire department vehicles for emergency purposes. Each nonresidential structure or use in the PD must provide off-street loading spaces, loading berths, service courts, or accesses for delivery and service vehicles.

C. PD Approval Process.

1. **Final PD Plan.** In connection with any request for PD zoning, an application for a Final PD Plan shall be submitted in accordance with the requirements of Appendix 7. Upon completion of staff review of the application materials, the Town Administrator shall schedule the PD proposal for public hearings before the Planning Commission and the Board of Trustees. The Planning Commission shall review the proposed PD Plan and send its recommendations to the Board of Trustees. The Board of Trustees shall approve, approve with conditions, or deny the Final PD Plan in accordance with the criteria set forth in this section 02.12.
2. **Notice.** Prior to the public hearings on the Final PD Plan, notice of the time, place and subject matter of the hearings shall be provided as follows:
 - a. Published once in a newspaper of general circulation in the Town at least 15 days prior to the hearing date of the Board of Trustees.
 - b. Mailed by first-class, certified or registered mail to all owners of legal or equitable interests in the land, and owners of adjoining property within three hundred feet (300') of the outside boundaries of the property as shown by the application at least fifteen (15) days in advance of the hearings.
 - c. Posted on the property at least fifteen (15) days in advance of the

hearing. The specification for such posting shall be as described in Appendix 4.

3. Amendments to the Final PD Plan. An amendment to the Final PD shall follow the same process for approval of the original Final PD Plan, except the Town Administrator may approve minor changes to the Final PD Plan that do not:

- (1) Change the permitted uses;
- (2) Increase the height of buildings or structures;
- (3) Decrease the amount of required off-street parking; or
- (4) Reduce minimum open space or yards required.

4. Effect of the Final PD Plan. After the Final PD Plan has been approved, the use of the land and the construction, modification or alteration of any building or structures within the Planned Development will be covered by the approved Final PD Plan. The approved Final PD Plan shall constitute the zoning document for the planned development and shall govern all land development with such PD area.

D. Submission Requirements. The materials listed in Appendix 5 and 6 must be submitted, at minimum, to the Town for review of the PD. The Town Administrator will detail the submission requirements for each submission stage. Additional items may be requested by the Town at each stage of the process.

E. Enforcement and Modifications of PD Provisions.

1. To further the mutual interest of the residents, occupants, and owners of a planned development and of the public in the preservation of the integrity of the plan, the provisions of the plan relating to the use of land and the location of common open space shall be in the best interests of the Town and shall be enforceable in law or equity by the Town without limitation on any powers or regulation otherwise granted by law.
2. All provisions of the PD shall run in favor of the residents, occupants, and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and, to that extent, said provisions, whether recorded by plat, covenant, easement, or otherwise, may be enforced at law or in equity by residents, occupants, or owners acting individually, jointly, or through an organization designated in the plan to act on their behalf. However, no provisions of the plan shall be implied to exist in favor of residents, occupants, and owners except as to those portions of the plan which have been finally approved.
3. All those provisions of the plan authorized to be enforced by the Town may

be modified, removed, or released by the Town, subject to the following:

- a. No modification, removal, or release of the provisions of the plan by the Town shall affect the rights of the residents, occupants, and owners of the planned development to maintain and enforce those provisions at law or equity as provided above.
- b. No substantial modification, removal, or release of the provisions of the plan by the Town shall be permitted except upon a finding by the Town, following a public hearing called and held in accordance with the provisions of this Ordinance, that the modification, removal, or release is consistent with the efficient development and preservation of the entire planned development, does not affect in a substantially adverse manner either the enjoyment of land adjacent from the planned development or the public interest, and is not granted solely to confer a special benefit upon any person.
- c. Residents and owners of the planned development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove, or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the Town to enforce the provisions of the plan.

2.13 Conservation District (CON).

- A. Purpose.** The Conservation District is established to preserve the environment and natural character of the landscape within the district. Land within the district may be protected from development, but may also be used for trails, buffering between developed land uses, and preserving valuable natural features. In addition, this district is to provide open space areas for passive, active, and developed recreation activities.
- B. Uses-By-Right.**
 1. agricultural uses with the exception of animal feeding operations, provided no structures are necessary
 2. golf courses
 3. playgrounds
 4. public and private parks, open space areas and natural features
- C. Special Review Uses.**

1. recreation facilities, ballfields, etc.
2. fairgrounds
3. fishing ponds
4. parking areas for all uses in this district
5. trails
6. public utility distribution mains, lines, etc., which are underground facilities
7. campground areas for tourists used for camper units, camp trailers, and tents
8. cemeteries
9. outdoor theaters
10. schools
11. water and sewer treatment facilities
12. water storage reservoirs
13. other recreation uses, with or without accompanying structures
14. concession stands, club houses, and commercial sales related to recreational uses locate inside or attached to club houses, fairgrounds buildings, and other similar uses
15. correctional facility
16. major facilities of a public utility, as defined in this Ordinance

2.14 District Schedule of Requirements. The Schedule of Requirements includes basic bulk, setback, density, intensity, and open space requirements for each zone district. Additional requirements are listed for uses permitted by special review.

SCHEDULE OF REQUIREMENTS

RESIDENTIAL DISTRICTS (SEE NOTE #1)

STANDARD	E-R	R-1	R-2	R-R	MHPD
Minimum lot area (square feet)	43,560	8,750	8,750	43,560	5,000
Minimum dwelling space (square feet) (see note #2)	1,200	864	864	864	480
Max building or structure height (ft) (see notes #3, 4)	40	40	40	40	30
Maximum height of accessory uses (ft)	25	20	20	25	20
Maximum number of stories	3	3	3	3	1
Minimum lot width (ft)	150	70	70	150	50

YARD REQUIREMENTS (feet) Front yard setback from all roads: (See Notes #5,6)					
Local	25	25	25	25	25
Side Yard (accessory use)	3	3	3	3	3
Side Yard (principal use): (see note #6)	25	7	7	25	7
Rear Yard (Principal uses)	50	3	3	50	15
Rear Yard	50	3	3	50	3
Rear Entry Garages	50	15	15	50	15
Maximum Lot Area	5 acres	---	---	5 acres	---
Maximum Lot Coverage	20%	---	---	20%	---
Minimum Landscaped Open Space	---	20%	30%	---	30%

NOTES:

- 1) All requirements subject to Uniform Building Code standards for specific type of construction.
- 2) Dwelling space as measured by interior walls.
- 3) Number of stories does not include a crawlspace nor a basement.
- 4) Subject to Uniform Building Code restrictions regarding type of construction.
- 5) Where lots comprising 25% or more of the frontage of any block are developed with buildings having a predominate setback, no building hereafter erected shall project beyond the predominate setback so established; provided that no setback shall be greater than 50 feet.
- 6) For all residential corner lots, the front and the street-facing side of the building shall comply with the setback requirement of the street upon which the front of the building faces.

SCHEDULE OF REQUIREMENTS

COMMERCIAL & BUSINESS DISTRICTS (see note #1)

Standard	BD	CD
Minimum Lot Area (square feet):		
•Nonresidential	3,125	9,375
•Residential (see note #2)	8,750	8,750
Maximum Building or Structure Height (feet)	50	50
Minimum Lot Width	25	75
Maximum Number of Stories	4	4

Yard Requirement (feet)		
Front Yard Set Back		
•Arterial (Through Street)	10	30
Side Yard (see note #3)	0	10
Rear Yard	20	25

NOTES:

- 1) All requirements subject to Uniform Building Code standards for specific type of construction.
- 2) Residential minimum lot sizes in both the BD and the CD shall conform to the requirements of the R-2 District.
- 3) In the CD, the minimum side yard shall be 10-feet for the first 25-feet of the building height. Buildings in excess of 25-feet shall increase the side yard setback one foot (1') for each two feet (2') of building height over 25-feet to a maximum of 25-feet.

SCHEDULE OF REQUIREMENTS

INDUSTRIAL DISTRICT

Standard	ID
Minimum Lot Area (square feet)	14,000
Maximum Building or Structure Height (feet)	50
Maximum Number of Stories	4
Minimum Lot Width (feet)	125
Yard Requirements (feet)	
Minimum setback from residential zone district boundaries (shall include landscaping as determined by the Zoning Administrator including a minimum of six [6] conifer trees per 100-feet with a minimum four-inch [4"] base caliper for each tree.)	100 feet
Minimum setback from residential zone district boundaries (shall include landscaping as determined by the Zoning Administrator including a minimum of four [4] conifer trees per 100-feet with a minimum four-inch [4"] base caliper for each tree.)	50 feet
Side Yard Setback (feet)	20
Rear Yard Setback (feet)	30

SCHEDULE OF REQUIREMENTS

CONSERVATION DISTRICT

Standard	CON
Minimum Lot Area (square feet)	8,750
Maximum Building or Structure Height (feet)	30
Maximum Number of Stories	2
Minimum Lot Width (feet)	70
Maximum Lot Coverage	35%

Yard Requirements (feet):

Front Yard Setback (feet)	30
Side Yard Setback (feet)	10
Rear Yard Setback (feet)	25

- A. Zoning Amendments (Rezoning).** Amendments to the text of this Ordinance or to the zoning map are made according to the provisions of this section.
- 1. Initiation of Amendments.** Amendments, supplements, changes or repeal of this Ordinance or any section thereof, or to the official zoning map may be initiated by application of:
 - a. Any citizen, group of citizens, firm or corporation owning property in the Town;
 - b. The Planning Commission; or
 - c. The Board of Trustees of the Town.
- B.** Requests to amend this Ordinance initiated by the Town Board or Planning Commission, or by Town staff, will be prepared as a draft ordinance by the Town attorney and planning staff, after review and recommendation by the Planning Commission and presented to the Town Board for the scheduling of a public hearing.
- C.** Any citizen of the Town who owns property may petition the Town Board to amend this Ordinance by filing a petition with the Administrator. If the petition is to amend the text of this Ordinance, then one (1) typewritten copy of the text is to be submitted to the Administrator. If the petition is to amend the zoning district classification, the petitioner must be the owner of the affected property or accompany the amendment request with a petition signed by owners of a majority of the land affected by the amendment request. This petition shall include items listed in Appendix 7 as well as other information deemed relevant by the Administrator or required by this Ordinance.
- D.** Upon receiving said application, the Administrator shall schedule a date for Planning Commission review at a public meeting and a date for a public hearing before the Town Board.
- E. Planning Commission Consideration.**
- 1.** All applications for changes to the Zoning Ordinance or Map shall be referred by the Town Administrator to the Planning Commission. The Planning Commission will review the proposed amendment ordinance within a period of 30 days so as to have recommendations to present to the Board at the public hearing. However, the Planning Commission can also ask the Board to delay its final decision if the Commission is not ready to make recommendations at the public hearing.
 - 2.** The Town Board is required to have the recommendations of the Planning Commission before making a decision, but it is not bound by any

recommendation of the Commission.

3. The Planning Commission shall review the proposed amendment relative to the goals and policies of the Town Comprehensive Plan, and any other appropriate approved plans. In particular the Planning Commission shall advise the Town Board if the adoption of the proposed amendment would necessitate a comprehensive plan amendment, and evaluate the amendment according to the criteria and procedure outlined in the comprehensive plan.

F. Notice of Hearing Required.

1. No amendment to this Ordinance may be adopted until a public hearing has been held on the proposal.
2. All amendments shall follow the public notice requirements of Appendix 4. If the amendment request was initiated by the Town, the Town shall be responsible for meeting the public notice requirements, but not any mailing requirements. The newspaper notice period is 15 days; mailing notice period is 15 days; sign posting period is 10 days.

G. Town Board Action on Amendments.

1. The Town Board is not required to take final action on a proposed amendment within any specific period of time, but shall proceed as expeditiously as practicable.
2. In deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Town Board is whether the change promotes the public health, safety and welfare. The Board must consider all potential uses that may result from a change in zoning and whether these uses are more appropriate than the range of uses allowed in the existing classification.

H. Protests to Zoning District Changes.

1. The adoption of any amendment, supplement, change, modification, or repeal shall require the favorable vote of a majority of the Board of Trustees, except that under the following circumstances is favorable vote of not less than three-fourths (3/4) of the voting members shall be required.
 - a. Whenever a protest against such changes is filed with the Town Clerk the protest shall be signed by the owners of 20 percent or more either of the lots included in such proposed change, or of those immediately adjacent extending one hundred 100-feet in any direction; or
 - b. Whenever the Planning Commission has not recommended approval of such change.

I. Vesting. Properties that are rezoned and have an approved site-specific development plan (SDP), the substance of which is outlined in Section 6 of this Ordinance, are eligible for vesting of property rights as specified in this Section. Submission requirements for SDPs are found in Appendix 8.

J. Submission Requirements. Submission requirements for zoning amendments are found in Appendix 2.

K. Zoning Map.

1. Official Zoning Map.

- a. There shall be a map known and designated as the Official Zoning Map which shall be boundaries of all zoning districts within the Town's planning jurisdiction. The map shall be drawn or acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the planning department.
- b. The Official Zoning Map dated _____ is adopted and incorporated herein by reference. Amendments to this map shall be made and proposed in accordance with Subsection 3 below.
- c. Should the Official Zoning Map be lost, destroyed, or damaged, the administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further Town Board authorization or action is required so long as no district boundaries are changed in this process.

2. Interpretations of the Zoning Map. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the centerline of alleys, streets, highways, streams, or railroads shall be construed to follow such centerline;
- b. Boundaries indicated as approximately following lot lines, town limits or extraterritorial boundary lines, shall be construed as following such lines, limits, or boundaries;
- c. Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map; and
- d. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added

thereto by virtue of such vacation or abandonment.

3. Amendments to Official Zoning Map.

- a.** Amendments to the Official Map are accomplished using the procedures that apply to other amendments to this Ordinance. Map areas changed to PD shall be numbered sequentially and identified by their case reference number on the map.
- b.** The Administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Town. Upon entering any such amendment on the map, the Administrator shall change the date of the map to indicate its latest revision. New prints of the update map may then be issued.
- c.** No unauthorized person may alter or modify the Official Zoning Map.
- d.** The Town shall keep copies of superseded prints of the zoning map for historical reference.

L. Board of Adjustment Appeals, Variances Interpretations of Activities Administered by Staff.

1. Board of Adjustment.

- a.** The Board of Adjustment shall consist of either the Board of Trustees or five (5) citizen appointees. Each of the three citizen appointees shall serve terms of three (3) years, with a new member appointed every year. Any member of the Board of Adjustment may be removed for cause by the Board of Trustees upon written charges and after public hearing.
- b.** The members of the Board of Adjustment shall receive such compensation as the Board of Trustees may provide.
- c.** The Board of Trustees may appoint associate members of the Board of Adjustment and shall approve a schedule providing for alternating service of such alternate members in the event that any regular member is temporarily unable to act owing to absence from the Town, illness, interest in a case before the Board, or any other cause.
- d.** Meetings of the Board of Adjustment shall meet at the call of the Chairperson, and at such other times as specified by the Board of Adjustment in its Rules of Procedure. All meetings of the Board of Adjustment shall be open to the public. The Chairperson or in his/her absence, the acting Chairperson, may administer oaths and

compel the attendance of witnesses. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member on each question and showing any absences or abstentions on each vote. The Board of Adjustment shall keep records of its examination and other official actions.

- e. The Board of Adjustment may adopt supplemental by-laws not inconsistent herewith.

2. Appeals.

- a. Any aggrieved person may appeal a final order or decision of the Administrator to the Board of Adjustment when there is an alleged error in the resulting requirement, decision or approval determination appropriate for the Board of Adjustment review. An appeal is made by filing with the Town a written notice of appeal specifying the reasons for the appeal. A notice of appeal shall be considered filed with the Administrator and the Board of Adjustment when delivered to the Town offices, and the date and time filing shall be entered on the notice by the Town staff.
- b. An appeal must be made within 30 days after the date of the decision or order appealed from.
- c. Whenever an appeal is filed, the Administrator shall forthwith transmit to the Board of Adjustment all records relating to the action appealed from.
- d. An appeal stays all actions by the Administrator seeking enforcement of or compliance with the order or decision appealed from, unless the Administrator certifies to the Board of Adjustment the belief that due to the facts contained in the certification, a stay would cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, and after notice to the Administrator.
- e. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the appellant.
- f. The Board shall hold a public hearing on all appeals after providing notice in an official paper or newspaper of general circulation in the Town of Wiggins in not less than one (1) issue to be published at least one (1) week in advance of the regular or special meeting of the Board of Adjustment at which the appeal is to be considered. Notice shall specify the meeting agenda and location of the parcel

of land which shall be the subject of the hearing and shall decide the appeal within 60 days of the date of the appeal.

- g.** All appeals shall follow the public notice requirements outlined in Appendix 4.
- h.** A written notice of such hearing shall be sent to adjacent property owners, at least 15 days prior to the hearing. In the event that adjacent property held in common ownership, the notice shall be sent to the appropriate homeowners or condominium association. The appellant shall supply the names of the adjacent property owners at the time of filing the application.
- i.** In accordance with the fee schedule contained in this Ordinance, a fee shall be charged for each appeal to cover administrative costs of processing. The appellant shall also be required to reimburse the Town for the cost of any published notices required in consideration of his/her appeal under the provisions hereof.
- j.** The Board of Adjustment may reverse, affirm or modify the order, requirement, decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion out to be made in the case before it. To this end, the Board shall have all the powers of the officer from whom the appeal is taken.

3. Variances.

- a.** An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator. Applications shall be complete. A staff report shall accompany the application to the Board.
- b.** A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the Ordinance would result in practical difficulties or unnecessary hardship for the applicant and that, by granting the variance, the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:
 - (1)** If the applicant complies strictly with the provisions of the Ordinance, he can make no reasonable use of his property; or
 - (2)** The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public; or
 - (3)** The hardship relates to the applicant's land, rather than the

personal circumstances; or

- (4) The hardship is unique and unusual, or nearly so, rather than one shared by many surrounding properties; or
 - (5) The variance requested is the minimum that will afford relief and the least possible modification of the requirements of this Ordinance; and
 - (6) The hardship is not the result of the applicant's own actions; and/or
 - (7) The variance will neither result in the extension of a nonconforming situation in violation nor authorize the initiation of a nonconforming use of land, nor conflict with the goals and policies of the Comprehensive Plan.
- c. In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.
 - d. A variance may be issued for an indefinite duration or for a specified duration only.
 - e. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Ordinance.

4. Map Interpretations.

- a. The Administrator interprets the Official Zoning Map. The Board of Adjustment is authorized to hear appeals on zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions.
- b. An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator. The application shall contain sufficient information to enable the Board to make the necessary interpretation.
- c. Interpretations of the zoning map shall follow the guidelines of this Ordinance.

5. Requests to be Heard Expeditiously. The Board of Adjustment shall

hear and decide all appeals, variances requests, and requests for interpretations consistent with the need to follow regularly established agenda procedures, provide notice and obtain the necessary information to make sound decisions.

6. Burden of Proof in Appeals and Variances.

- a. When an appeal is taken to the Board of Adjustment, the Administrator shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision under appeal. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
- b. The burden of presenting evidence sufficient to allow the Board of Adjustment to reach any conclusions, as well as the burden of persuasion on relevant issues, remains with the applicant seeking the variance.

7. Board of Adjustment Action of Appeals or Variances.

- a. The Board of Adjustment, before deciding requests for appeals or variances, shall hold a public hearing following standard hearing procedures.
- b. All motions to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, to the extent practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four votes necessary for adoption, then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the board's decision if supported by a majority of the board's membership present.
- c. Before granting a variance, the Board must take a separate vote and vote affirmatively by four (4) of the regular Board members.
- d. A motion to deny a variance may be made on the basis that more than one of the criteria set forth in this Ordinance are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the board's decision if supported by a majority of the board's membership present.

M. Nonconforming Situations.

- 1. **Intent.** Within the districts established by this zoning code or amendments

thereto that may be adopted, there exists lots, structures, and uses of land structures, which were lawfully established before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this section to permit the non-conformities to continue until they are removed, but not to encourage their survival. It is the further intent of this Ordinance that the non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2. **Definitions.** Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this section.

Dimensional Nonconformity. A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other building or lot lines does not conform to the regulations applicable to the district in which the property is located.

Effective Date of this Ordinance. Whenever this article refers to the effective date of this Ordinance, the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, created a nonconforming situation.

Expenditure. A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

Nonconforming Sign. A sign that, on the effective date of this Ordinance does not conform to one or more of the regulations set forth in this Ordinance.

Nonconforming Situation. A situation when, on the effective date of this Ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum square footage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance. Nonconforming signs shall not be regarded as nonconforming situations for purposes of this Ordinance.

3. Continuation of Nonconforming Situations and Completions of Nonconforming Projects.

- a.** Where at the time of the passage of this zoning ordinance, or amendment thereof, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

 - (1)** No such non-conforming situation shall be enlarged or increased, nor extended to occupy greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
 - (2)** No such non-conforming situation shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;
 - (3)** If any such non-conforming situation ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;
 - (4)** No additional structures not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
 - (5)** A non-conforming use shall not be changed to a use of lower or less restrictive classification, but such non-conforming use may be changed to another use of the same or higher classification.
- b.** Unless otherwise specifically provided in this Ordinance and subject to the restrictions and qualifications listed below, nonconforming situations that were otherwise lawful on the effect date of this Ordinance may be continued.
- c.** Nonconforming projects may be completed only in accordance with the provisions listed below.

4. Undeveloped Nonconforming Lots.

- a.** When a nonconforming lot can be used in conformity with all the regulations applicable to the intended use, except for the required lot minimums, then the lot may be used as proposed. However, no use (e.g., a two-family residence) requiring a lot size greater than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

- b. When the use proposed for a nonconforming lot is one that is conforming in all respects but the applicable setback requirements, then the Town may allow deviations from the applicable setback requirements if it finds that:
 - (1) The property cannot reasonably be developed for the use proposed without such deviations.
 - (2) These deviations are necessitated by the size or shape of the nonconforming lot, and
 - (3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.
- c. Compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.
- d. An adjacent nonconforming lot under the same ownership at the date this Ordinance becomes effect may not utilize the provisions of this subsection, nor may the successors in interest of these lots. The interest of this section is to require undeveloped nonconforming lots to be combined with adjacent like lots to create conforming lots.

5. Extension or Enlargement of Nonconforming Situations.

- a. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activities results in:
 - (1) An increase in the total amount of space devoted to a nonconforming use, or
 - (2) Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.
- b. A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to

accommodate such use. However, (authorizing the completion of nonconforming project in certain circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.

- c. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use involving the removal of natural materials from the lot (e.g., a sandpit) may be expanded to the limits of its existing permit within the lot.
- d. Whenever: (i) there exists a lot with one or more structures involving nonconforming uses on it, and (ii) a change to a conforming use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking or loading requirements that would be applicable as a result of the proposed change cannot be satisfied on such lot because insufficient area is available on the lot practicably be used for parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land and shall also be required to obtain satellite parking if: (i) parking requirements cannot be satisfied on the lot with respect to which permit is required; and (ii) such satellite parking is reasonably available.

6. Repair, Maintenance and Reconstruction.

- a. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovations may be done only in accordance with a zoning permit issued pursuant to this Ordinance.
- b. If a structure located on a lot where a nonconforming situation exists, then the damaged structure may be repaired or replaced only in accordance with a zoning permit issued pursuant to this section.
- c. For purposes of sections (a) and (b) above:
 - (1) The “cost” of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement, as reflected in the plans submitted for a building permit, or other materials supplied by the applicant.
 - (2) The “cost” of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may

seek to avoid the intent of sections (a) or (b) above by doing such work incrementally.

- (3) The “appraised valuation” shall mean the valuation determined by a professionally recognized property appraiser.
- d. The Administrator shall issue the zoning permit authorized by this section if he finds that, in completing the renovation, repair, or replacement work:
 - (1) No violation will occur; and
 - (2) The permittee will comply to the extent reasonably possible with all provisions of this Ordinance applicable to the existing use (except that the permittee shall not lose his right to continue a nonconforming use). Reasonably possible compliance does not include increasing the size of a lot or moving a substantial structure sited on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

7. Change in Use of Property Where a Nonconforming Situation Exists.

- a. A change in use of nonconforming situation sufficiently substantial to require a new zoning, special-use, or conditional-use permit may only be made in accordance with sections (2) through (4) below.
- b. If the intended change in use is to a principal use permissible in the district where the property is located, and all other requirements of this Ordinance can be complied with.
- c. If the intended change in use is to a principal use permissible in the district where the property is located, but not all requirements of this Ordinance can reasonably be complied with, provided that the proposed change does not add additional nonconformities or increases the extent of nonconformity.
- d. If the intended change in use is to another principal use that is also nonconforming, then the permit issuing board must find that the propose development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the current use.

8. Discontinuation and Termination of Nonconforming Situation.

- a. When a nonconforming use is discontinued or abandoned for a

consecutive period of one (1) year, future uses may be for conforming purpose only.

- b.** Nonconforming uses must meet all the requirements of this Ordinance except those specific to that particular nonconformity if it cannot be reasonably eliminated. The permit shall specify which nonconformities need not be corrected.
- c.** For the purposes of this selection, all of the buildings, activities, and operations maintained on a lot are generally considered as a whole. For example, failing to rent one apartment in a nonconforming apartment building for one (1) year shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. However, discontinuing an accessory nonconforming use for the required period shall terminate the right to maintain it thereafter.
- d.** When a structure or operation made nonconforming by this Ordinance is vacant or discontinued at the effective date of this Ordinance, the one (1) year period for purposes of this section begins to run on the effective date of this Ordinance.

9. Completion of Nonconforming Projects.

- a.** Only nonconforming projects which have received vested property rights by the effective date of this Ordinance may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this subsection shall apply only to the particular phase under construction or with vested rights.
- b.** Except as provided in above, all projects may begin or may be continued only pursuant to a variance, zoning, special-use, conditional-use, or signed permit issued in accordance with this Ordinance by the Town.
- c.** The Administrator shall send copies of this section to the person listed as owners for tax purposes (and developers, if different from owners) of all properties to which permits have been issued for nonconforming projects or in regard to which a nonconforming project is otherwise known to be in some state of development. This notice shall be sent by mail not less than 15 days before the effective date of this Ordinance.

TABLE OF CONTENTS

Section 3 – Supplementary Development Standards and Regulations

- 3.01** Mobile Home Parks
 - A.** Exceptions
 - B.** Required Data for Application
 - C.** District Boundaries and Requirements
 - D.** Procedures for Application for Amendment
 - E.** Contents of Application, Notice, Objections, Building Permit
 - F.** Deposit of fees and Forfeitures
 - G.** State Statutes and Regulations
 - H.** Rules and Regulations
 - I.** Saving Clause
 - J.** Service Lines
 - K.** Setback Requirements
 - L.** Common Facilities and Uses
 - M.** Storage
 - N.** Landscaping
 - O.** Tie-Downs and Blocking
 - P.** Blocking
 - Q.** Ground Anchorage
 - R.** Tie-Downs
 - S.** Mobile Home or Manufactured Home Subdivisions
- 3.02** Commercial and Industrial Use Performance Standards
 - A.** Glare and Heat

- B.** Vibration
- C.** Light
- D.** Smoke
- E.** Odors
- F.** Noise
- G.** Fugitive Dust
- H.** Electromagnetic, Electrical Interference
- I.** Industrial and Commercial Wastes

- 3.03** Home Occupations
- 3.04** Renting of Rooms
- 3.05** Fences, Hedges, Trees, and Walls
- 3.06** Off-Street Parking and Loading
- 3.07** Streets, Sidewalks, and Bicycle Lanes
- 3.08** Fire Hydrants
- 3.09** Sites for Screening of Dumpsters
- 3.10** Drainage
- 3.11** Building Code
- 3.12** Sign Code
- 3.13** Utilities
- 3.14** Trees
- 3.15** Landscaping
- 3.16** Major Activity Notice

Section 3

Supplementary Development Standards and Regulations

3.01 Mobile Home Parks.

A. Exceptions.

- 1. Existing Mobile Home Parks.** Whenever a mobile home park was in existence in the Town of Wiggins on the effective date of the adoption of this Ordinance; or was annexed to the Town after the effective date, and such mobile home park complied with all applicable codes then in effect, the mobile home park shall be legally nonconforming in terms of these development standards.
- 2. Existing Individual Mobile Home Not Within A Mobile Home Park.** Whenever a mobile home was in existence in the Town of Wiggins on the effective date of this Ordinance, or the property on which the mobile home is located was annexed to the Town after the effective date, and such mobile home complied with all applicable codes and ordinances then in effect, the mobile home shall be considered to be legally nonconforming and shall not be subject to the provisions of this section. Any permit not being used for a period of one (1) year (i.e., no mobile home is in place for a permit that was issued) shall be void and the use of the property shall be subject to the terms of this Ordinance.

B. Required Data for Application.

1. Name and permanent address of the applicant.
2. Location and legal description of the proposed Mobile Home Park.
3. Topographic map, drawn to scale, of the proposed park showing entrances, exits, driveways, walkways, and the design and arrangement of the mobile home spaces and permanent structures.
4. Plans and specifications of the proposed buildings.
5. Additional information may be required by the Planning Commission.

- C. District Boundaries and Requirements.** The boundaries of the MHP District are not delineated in this Ordinance but shall be fixed by amendment of the Wiggins Zoning Resolution and Map, at such times in the future as such district may be applied to specific real property of this Town. Provided, however that:

1. General District Selection Criteria. MHP Districts shall be located in areas where the effect on surrounding property shall be minimized, where the health, safety and general welfare of the MHP residents and others will be protected, and where the topography is suitable for MHP development.

2. Special District Requirements.

a. Density and Space.

- (i) The MHP shall have a gross density of not more than five and one-half (5 ½) units per acre.
- (ii) The minimum area of a mobile home space shall be 5,000 square feet with a minimum width of 50 feet.
- (iii) The space between the lower edge of the mobile home unit and the mobile home stand shall be completely enclosed (skirted) with suitable and uniform material.
- (iv) Upon the determination of the Board of Trustees that terrain or aesthetic conditions require it, groups or clusters of mobile homes shall be placed on a combined lot where the area of the combined lot is equal to the minimum lot area required for an equal number of mobile homes on standard lots and where the minimum setbacks are honored on the combined lots perimeter line.

b. Site Conditions.

- (i) The condition of the soil, groundwater level, drainage and topography within a mobile home park shall not be such as to create hazards to the property of the health or safety of the occupants of the mobile home park.
- (ii) The site of a mobile home park shall not be exposed to health and safety hazards such as objectionable smoke, noxious odors, unusual noise, sudden flooding, subsistence or erosion, or the probability of insect or rodent infestation.
- (iii) The entire ground surface within the mobile hoe park shall be graded and equipped in such a manner as to provide diversion of water away from buildings, patios and mobile home stands; to prevent standing water and soil saturation, which would be detrimental to structures; and to provide adequate and safe surface drainage.
- (iv) For the purpose of preventing soil erosion and unusual and objectionable dust, exposed ground surfaces within a mobile

home park, except planting beds and areas preserved in their natural state for scenic reasons, shall be paved; surfaced with gravel, crushed rock, or like material; or planted in a vegetation growth capable of preventing such erosion and dust.

- (v) Storage facilities for vehicles, boats, and recreational vehicles other than private passenger vehicles shall be designed in such a manner that the view of such storage facilities from property adjoining the mobile home park and from public roads shall be obscured.

c. Streets and Lighting.

- (i) A mobile home park shall be serviced by a private street system constructed and maintained in compliance with this Resolution and providing safe and convenient access from abutting public streets or roads to all mobile home spaces.
- (ii) The alignment and grade of all such streets shall be properly adapted to the topography of the mobile home park and shall provide for safety of traffic movement, satisfactory surface and groundwater drainage, and the proper functioning of sanitary and storm sewer systems.
- (iii) All such streets shall be paved, shall be curbed and guttered, and shall be constructed to Town specifications.
- (iv) The paved surface of such streets, excluding curb and gutter, shall be of adequate width to accommodate anticipated traffic within the mobile home park and in any case shall meet the following requirements:
 - (1) Access streets and collector streets --- 32 feet minimum width.
 - (2) All other service streets and cul-de-sac streets --- 32 feet minimum width.
 - (3) Streets designated as one-way streets --- 32 feet minimum width.
- (v) Cul-de-sacs shall be a minimum of 80 feet in diameter and shall serve access to no more than 20 mobile home spaces.
- (vi) Cul-de-sac streets shall not exceed 500 feet in length.
- (vii) Minimum and maximum grades on all streets within a mobile

home park shall be as follows:

- (1) Access streets --- 12 percent maximum in a maximum distance of 150 feet.
 - (2) Service streets---eight percent (8%) maximum.
 - (3) All streets---one-half of a percent (0.5%) minimum.
- (viii) Street intersections shall generally be at right angles, and for a distance of 75 feet from the point of intersection and along the center lines of intersecting streets at a right angle shall be maintained as nearly as possible with consideration for topography and the mobile home park design.
- (ix) Where the center lines of intersecting streets are offset to form a jog, a minimum distance between the points of intersection of the center lines of the offset intersecting streets shall be 100 feet.
- (x) All service access roads and pedestrian walkways serving more than two (2) mobile home spaces shall be lighted for the safe movement of vehicles and pedestrians at night with a minimum illumination of one-foot (1') candles.
- (xi) All walkways shall be paved or concrete.
- (xii) The site shall have at least one direct access to public street by a roadway.
- (xiii) The mobile home park shall be so designed that all mobile home spaces and accessory buildings abut an interior roadway.
- (xiv) All access streets shall be designed so as to provide adequate access to and from the mobile home park site. All access streets shall be designed so as to minimize impact on existing roads and highways and to maximize integration with existing transportation facilities in the area. All access streets shall provide for adjacent or non-adjacent pedestrian walkways, paths, or trails.

d. Parking of Motor Vehicles.

- (i) A minimum of two (2) paved, off-street parking spaces, having a minimum area of 320 square feet, shall be maintained for each mobile home space.

- (ii) Off-street automobile parking spaces shall have access to a paved street, driveway, or parking area over an access way of sufficient width to accommodate an automobile.
- (iii) A minimum of one (1) paved, off-street space, having a minimum area of 160 square feet, shall be maintained for every two (2) mobile home spaces for the purpose of guest parking. No mobile home space shall be more than 300 feet from such a guest parking space.

e. Utilities.

- (i) All utility services shall be available in a park, and shall be installed in a workman-like manner, and in compliance with all applicable codes and standards. Mobile homes in such parks shall have adequate means of heating and lighting, installed in accordance with applicable codes and standards.
- (ii) All mobile homes, service buildings, and other facilities shall be provided at all times with an adequate supply of water, and shall be connected to the public water supply of the Town of Wiggins.
- (iii) All utility easements shall be a minimum of 10 feet in width and shall provide convenient ingress and egress for construction and maintenance vehicles.
- (iv) The water distribution system shall be so constructed that no more than 25 mobile home lots will be without water as a result of water service line breakages or repairs with the park.
- (v) Where the water supply is subject to service interruption, the occupants shall be notified in advance of such interruptions if possible.
- (vi) Where the cause of water service interruption occurs within the park and the interruption exceeds a period of 12 hours, standby or auxiliary equipment shall be used to provide temporary emergency water supply for the occupants.
- (vii) Water service lines, including valves, riser pipes, connections, and meters shall be installed in compliance with the Colorado Technical Plumbing Code. Every mobile home lot shall be provided with an individual water service pipe and a riser pipe in conformance with the Colorado Technical Plumbing Code. The riser pipe shall extend at least four inches (4"), vertically, above ground unless it is shielded by a riser protector and casement extending above ground and

fitted with a lid. The riser shall terminate with two (2) threaded valve outlets which provide connections for the mobile home water piping and for a garden hose. The mobile home water outlet shall be securely capped when a mobile home does not occupy the lot.

- (viii) All plumbing fixtures, building sewers, and mobile home park sewers shall be connected to the public sewer system.
- (ix) Sewage collection lines shall be laid in trenches of sufficient depth to be free of breakage from traffic, ground movement, or freezing.
- (x) Sewer lines shall be constructed of approved materials with adequate vents, water-tight joints, and sufficient clean outs.
- (xi) Sewers shall be at a grade sufficient to ensure mean velocity of two feet (2') per second when flowing full. The system shall be designed for a minimum flow rate of at least 300 gallons per day per mobile home lot. Horizontal and vertical drainage lines connecting with other horizontal drainage lines shall enter through 45 degrees "y" branches or other combinations of equivalent sweep. Manholes or clean outs shall be provided at the upper end of each main sewer line and manholes shall be provided at intersections of two (2) or more sewer lines, at changes in grade or alignment more than 45 degrees and at intervals of not more than 400 feet.
- (xii) Each mobile home lot shall be provided with a sewer branch line and a riser pipe at least four inches (4") inside diameter. The branch line shall be installed with a uniform slope of at least one-fourth ($\frac{1}{4}$ ") inch per linear foot and shall be properly trapped and vented. The branch line shall terminate at a riser pipe of at least four inches (4") inside diameter, which extends vertically at least four inches (4") above ground elevation, or has the ground graded from the riser pipe rim. When necessary, the riser pipe shall be protected by a concrete collar four inches (4") thick and 12-inches in diameter.
- (xiii) The sewer service connection shall be equipped with standard screw, ring, or clamp-type fittings or adapters so that water-tight, and tamper-proof connections can be obtained at the mobile home drain outlet and sewer riser pipe. The connection shall be of approved semi-rigid, non-collapsible, corrosion-resistant pipe having a smooth interior surface and an inside diameter of not less than three inches (3").

- (xiv) The sewer service connection shall be installed and maintained with a uniform grade not less than one-quarter inch (1/4") per foot and shall be no longer than necessary to connect the mobile home drain and sewer riser pipe. Mobile homes with drain outlets of less than three inches (3") inside diameter shall be connected with reducers and screw or clamp-type fittings.
- (xv) When a mobile home does not occupy the mobile home stand, the sewer riser pipe shall be capped with a water-tight cap or plug.

f. Refuse.

- (i) The storage, collection and disposal of refuse in a mobile home park shall be so conducted as to control odors, rodents, insects, accidents, fire hazards, air pollution, or other nuisance conditions.
- (ii) Durable, washable, and non-absorbent metal or plastic containers with tight-fitting lids shall be provided at each mobile home lot or at a central storage area conveniently located not more than 200 feet from any mobile home lot. Refuse containers shall be provided at the rate of at least one 30-gallon (4 cubic feet) container for each mobile home lot or an equivalent storage capacity in centralized storage facilities.
- (iii) The number of containers used and the frequency of collection shall be sufficient to prevent over-filled containers. Refuse shall be routinely collected and removed from the premises not less than once weekly. Refuse shall be disposed of at a lawful disposal site in accordance with local and state requirements.

g. Insect and Rodent Control. Rodents and insects shall be controlled by approved sanitary practices, vermin-proofing of buildings extermination, and other control methods.

h. Water Supply.

- (i) The mobile home park shall connect to the Town of Wiggins water system.
- (ii) Where the public water system is determined to be inadequate, the proposed mobile home park may either be denied or the net density reduced to prevent exceeding the system capacity. Private individual water wells shall not be permitted.

- (iii) A minimum of 1,000 gpd (gallons per day) shall be provided for each mobile home space in the mobile home park for domestic and individual lot irrigation needs at graduating pressures of not less than 20 not more than 80 pounds per square inch to all fixtures. The number of mobile home spaces to be occupied in a mobile home park shall be limited to the quantity of water available to supply each such mobile home space with the minimum requirements.
- (iv) Adequate water supply shall be provided to any additional structures, such as service building(s), office building, etc. where such service may be required.
- (v) Provision of irrigation of proposed landscaped areas within the mobile home park but excluding individual lots shall be made in determining water needs.

i. Sanitation System.

- (i) Mobile home parks shall be served by the public sewer system of the Town of Wiggins.
- (ii) All sewage disposal apparatus, including appurtenances thereto, shall be provided, maintained, and operated so as not to create a nuisance or health hazard.
- (iii) Mobile home drains, sewer stand pipes, and connections thereto shall conform to standards as required by the utility serving the mobile home park. The mobile home drain shall be water-tight and self-draining. This drain shall be constructed of smooth plastic pipe or of other material approved by the State or local plumbing laws or regulations. All sewer lines will contain devices allowing access and cleaning of said lines at locations separated by no more than 250 feet.

j. Electrical Outlets. An electrical outlet supplying both 110/220 volts capable of providing 100 amperes or more of current, shall be provided for each mobile home space. The installation shall comply with all State and local electrical regulations.

k. Fire Protection. Every mobile home shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number, and is located within the park as prescribed by the local fire prevention authority, or to satisfy fire regulations. No mobile home space shall be located more than 300 feet from a fire hydrant of a quality and design acceptable to the Manager.

- l. Portable Utility Building Stand.** The entire surface of the utility building stand shall be covered with crushed rock, gravel, or other like material, for the purpose of providing surface water drainage. Such stand shall be provided with anchors or tie-downs which, in the discretion of the Commission, will prevent accidental movement of the portable utility building.

- m. Outdoor Recreation Area.**
 - (i)** A mobile home park shall provide an amount not less than 20 percent of the gross mobile home park area for outdoor recreational area or areas.

 - (ii)** Outdoor recreation areas include, but not by way of limitation, adult recreation and child play areas, and swimming pools, but shall not include areas devoted to guest parking, utilities, drying yards, a roadway, mobile home space, storage area nor any area required for setbacks.

 - (iii)** Outdoor recreation areas shall be located in such a manner as to be free from hazards and topography incompatible with the purposes of the recreation areas, and shall be conveniently located, where the topography and traffic of the mobile home park permits.

- n. Setbacks.** The minimum setback along property lines of a mobile home park shall be as follows, and no structures, including mobile homes, shall be erected constructed or located closer to such property lines than the minimum setback distance, unless otherwise specifically provided.
 - (i)** Public street or highway rights-of-way, other than four-lane highways – 100 feet from the centerline of such right-of-way or 30 feet from the property line, whichever distance is greater.

 - (ii)** Public street or highway rights-of-way having four or more traffic lines, excluding frontage roads – 130 feet from the center line of such right-of-way or 75 feet from the property line, whichever distance is greater.

 - (iii)** Private road rights-of-way and easement - 25 feet from the centerline of such right-of-way or easement or 10 feet from the easement boundary, whichever distance is greater.

 - (iv)** All other property lines – 20 feet from the property line; provided, that screening fences and shrubs or trees may be erected or located closer to such property lines than the

minimum setback distance.

- o. Commercial or Business Use.** No commercial or business use shall be made of land within a MHP District.
- p. Sign.** One sign, and only one sign, advertising a mobile home park and displayed to the general public shall be allowed within boundaries of the mobile home park or within 1,000 feet of such boundaries. Such identification sign shall not exceed 40 square feet in area and shall not be of the neon, flashing-light variety, or involve movement.
- q. Compaction.** The entire area of each mobile home park, excluding recreational areas, shall contain soil compacted to a field density of 95 percent.
- r. Schools and School Sites.**
 - (i)** A mobile home park shall not cause a significant adverse impact upon existing surrounding school facilities so as to necessitate over-crowding or double sessions, substantial new equipment, or building expenditures or new school sites.
 - (ii)** If a mobile home park is likely to have a significant adverse impact upon existing school facilities, the Planning Commission and Board of Trustees shall consult the school district before recommending approval or disapproval of the proposed mobile home park.

D. Procedure for Application for Amendment.

1. Any citizen or group of citizens, firm or corporation, residing, owning or leasing property in the Town may apply for an amendment to fix the boundaries of this MHP District.
2. Such application shall be filed with the Zoning Manager.
3. Within 90 days from the date of filing the application with the Zoning Manager, the Planning Commission shall examine the application and recommend to the Board of Trustees the approval or disapproval of the application.
4. The Board of Trustees, prior to certification, shall then proceed in conformity with the provisions of the Zoning Ordinance or Resolution concerning amendment thereof, including notice of hearing requirements and provisions concerning protest to changes contained in the Amendments Section of this Ordinance.

E. Contents of Application for Amendment, Notice, Objections, Building Permit.

1. Applications for an amendment shall be made in writing to the Zoning Manager and shall contain:
 - a. The name and address of the applicant, and, if the applicant is a partnership, association, or corporation, the names and addresses of all managers, partners, and executives directly responsible for operation in Wiggins or in Morgan County.
 - b. An identification of the land to be included in the district to include:
 - (i) The location of the lands by legal subdivision, section, township, range, county, and municipal corporation, if any.
 - (ii) The name, if any, by which such lands or any part thereof are known.
 - (iii) The approximate number of acres to be affected.
 - (iv) The nearest town, village, or city.
 - c. A general description of the land which shall include as nearly as possible its vegetation cover, the annual rainfall, the general directions and average velocities of the winds, endangered species of fish and wildlife, its past and present uses, its present surface waters, and adjudicated water rights and their immediate drainage areas and uses, and the nature and depth of the topsoil, subsoil, mineral seams, or other deposits of commercially valuable quantities and any subsurface waters known to exist.
 - d. A United States Geological Survey topographic map, if available, to the district.
 - e. A Map in such detail as the Manager may specify, showing the boundaries of the land to be affected, its surrounding immediate drainage area, the location and names, where known, of all roads, railroads, public or private right-of-way and easements, utility lines, lakes, streams, creeks, springs, and water wells, and the limits of underground mines and surface mines, whether active or inactive to the land to be affected.

This map will also show:

- (i) The names, last known addresses, and boundary lines of the present surface landowners and occupants on the adjacent land to be affected.

- (ii) The location, ownership, and uses of all buildings on, or on lands adjacent to, the land to be affected.
 - (iii) Any political boundaries of special districts on or near the land to be affected.
- f. A site plan which shall be drawn by a registered land surveyor to scale of one-inch (1") equals 100 feet, bearing contour lines at vertical intervals of two feet upon Mylar or linen and shall contain the following information:
- (i) The legal description of the site; dimensions of the site perimeter; north point; and total land area within the site perimeters.
 - (ii) The proposed name of the mobile home park.
 - (iii) The location and width of all streets, alleys or roads adjacent to or within the site perimeters, together with walks, curbs, pavements, existing structures, existing utility easements, proposed recreational and parking areas, the number, size and location of all mobile home spaces, and proposed utilities such as gas, water, electricity, and sewer.
 - (iv) The size of all proposed or existing water and sewer lines.
 - (v) The location and dimensions of all proposed accessory uses and any other proposed structures.
 - (vi) The existing zoning district of the site and the existing zoning district adjacent to the site for a distance of 600 feet from the site perimeter.
 - (vii) The signature of the owner and surveyor as well as the signature blanks for the signature of the Zoning Manager.
- g. Typical street and walk sections.
- h. **Landscaping plan.** Incorporated into the plot plan or submitted as a separate exhibit there shall be a landscaping plan. In such detail and scope as may be required by the Planning Commission containing such information that is required in the Amendment Section of this Ordinance, and a surface drainage plan showing the proposed grading contours within the mobile home park and the location and dimensions of all tile lines, culverts, catch basins, drain inlets, turf and masonry gutters, all curbs, drainage disposal, and any existing facilities to be used for surface drainage. The applicant may submit a written statement of the provisions to be made for

surface drainage plan. The landscaping plan and surface drainage plan need not be prepared by a registered land surveyor. Landscaping plans shall be produced on tracing paper or velum having outer dimensions of at least 24-inches by 36-inches and drawn to scale of one-inch (1") equals 100 feet and shall contain such information as the following:

- (i)** The outline of mobile home stands, patios, accessory buildings, and other improvements.
 - (ii)** An appropriate landscaping plan.
 - (iii)** The details of all features pertaining to site improvements, such as retaining walls, tree walls, and other site improvements details now shown upon other drawings.
- i.** Connection to the public water supply and sewage system of the Town of Wiggins, and methods to be used for garbage disposal and evidence, satisfactory to the board, of the legal, technical, and natural sufficiency of such supplies and methods.
 - j.** Such further information as may be requested by the Board of Trustees to enable them to determine that the proposed mobile home park will comply with legal requirements.
 - k.** The developer must file a plat of the mobile home park covering the location of all existing and proposed utilities and public lands prior to or at the time of final approval of the mobile home park.
 - l.** A minimum fee as described in the Wiggins Zoning Ordinance and Resolution.
 - m.** Such other information as the Zoning Manager deems necessary or as good faith compliance with the provisions of this ordinance require.
 - n.** Description of the source and adequacy of existing fire protection facilities and an anticipated new facilities.
 - o.** Description of anticipated impact upon surrounding school facilities and any anticipated facility requirements, including projected impact upon school classroom and teacher capacity, school transportation expense and school site necessity.
 - p.** The applicant may have the local conservation district assist in preparation of, provide data for, perform research, review and comment upon the reclamation.

- q.** The applicant shall cause notice of the application to be published in a newspaper of general circulation in the locality of the proposed mobile home park once a week for four (4) consecutive weeks commencing with 15 days after filing of the application. The notice shall contain information regarding the identity of the applicant, the location of the proposed mobile home park, and the location and final date for filing objections to the application. The applicant shall mail a copy of the notice immediately after first publication to all persons having a legal estate which might be affected by the proposed operations. Proof of such notice and mailing shall be attached to and become part of the application.
- r.** A public hearing shall be held pursuant to the Amendment Procedures section of this Ordinance.
- s.** The requested amendment shall be granted if it is established that the application complies with the requirements of this Ordinance, the Standards for Review of Applications for Amendment section of this Ordinance, and all applicable federal and state laws. The board shall not deny an application except for one or more of the following reasons:

 - (i)** The application is incomplete.
 - (ii)** The application is not accompanied by the required fee.
 - (iii)** Any part of the proposed use is contrary to this Ordinance the Standards of Review of Applications for Amendment section of this Ordinance, the law or policy of this state or the United States.
 - (iv)** The proposed mobile home park would irreparably harm, destroy, or materially impair any area that is of a unique and irreplaceable, historical archeological, scenic, agricultural, recreational, or natural value.
 - (v)** The proposed mobile home park endangers the public health and safety.
- t.** When, upon review of the application and the plot plan, the board shall be satisfied that there is compliance with this Ordinance, a building permit for all or a part of the mobile home park, at the determination of the board and subject to the terms of the Zoning Manager section of this Ordinance and other applicable statutes, ordinances, rules and regulations shall be issued for the construction of the mobile home park within the MHP District. Provided however, the board may enact such amendment only in part or for a limited period of time if it shall determine that the

purposes of this Ordinance would be served by time-phased or temporary rezoning of the proposed district.

F. Deposit of Fees and Forfeitures.

1. All forfeiture and other monies collected under the provisions of this Ordinance shall be deposited with the Town Clerk.
2. All fees shall be deposited with the Town Clerk in the general fund.

G. State Statutes and Regulations. Except where not so strict as this Ordinance, all appropriate Colorado Statutes and Regulations of Colorado State agencies are incorporated herein by this reference as if set out verbatim.

H. Rules and Regulations. The Manager may promulgate such rules and regulations, subject to approval by the board, as may be necessary and proper to accomplish the purposes of this Ordinance.

I. Saving Clause. Should any section, clause or provision of this Resolution be declared by a Court or competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any part thereof, other than the part so declared invalid.

J. Service Lines. All utility service lines, including all telephone lines, television signal cables, and electrical lines within the mobile home park, shall be installed underground within Town's specifications for underground services.

K. Setback Requirements.

1. The minimum distance from the line or the corner of any mobile home stand to street pavement, common parking bay or common walk shall be 25 feet.
2. The minimum distance from the line or corner of any mobile home stand to a boundary line of the Mobile Home Park zone district shall be 25 feet.
3. The minimum distance from the line or corner of any mobile home stand to any permanent building or structure for common use shall be 25 feet.
4. Permanent buildings and structures for common facilities and dwelling units other than mobile homes shall be set back from the Mobile Home Park boundaries a minimum distance of 25 feet.
5. The minimum distance from the parking area on the lot to the side yard lot line shall be 10 feet.
6. The setbacks of a mobile home stand on a corner lot shall be a minimum of 25 feet.

7. The minimum distance to the rear yard lot line shall be 15 feet.
8. The minimum set back for accessory buildings shall be three feet (3').

L. Common Facilities and Uses.

1. Not less than 20 percent of the total land area of the Mobile Home Park shall be devoted to space for common facilities and uses, such as a laundry, swimming pool, or recreation and play areas.
2. Laundry, recreation rooms, management offices and other common facilities may be consolidated in a single building if the single location will adequately service all mobile home units in a Mobile Home Park.

M. Storage.

1. Tenant storage facilities shall be provided for materials which cannot be conveniently stored in a mobile home. A minimum of 400 cubic feet of storage space shall be provided for each mobile home unit.
2. Storage facilities may be located adjacent to the mobile homes, or in common compounds within a reasonable distance from the mobile homes. Storage facilities shall be designed in a manner that will enhance the park and shall be constructed of suitable weather-resistant materials appropriate under the use and maintenance contemplated.

N. Landscaping.

1. Lawn and ground cover, which may include aggregates, shall be provided on all common ground areas except those covered by structures, paved or surfaced areas, and except those undisturbed areas, such as watercourses left in their natural state.
2. Screen planting and/or fencing at least six feet (6') high shall be provided where necessary for screening purposes, such as around the Mobile Home Park boundary lines, refuse collection points, common recreation areas and playgrounds, and at such other points as necessary for screening of objectionable views.
3. A complete landscaping plan shall be submitted which shall show existing trees and shrubs which are to be maintained and new trees and shrubs which are to be planted. The plan shall include the size and type of planting proposed, their spacing, and maintenance provisions.
4. The landscaping on the front and both sides of the residence must be landscaped with six (6) months of the issuance of the Certificate of Occupancy. This will include ground cover and a tree in the front yard.

O. Tie-Downs and Blocking. Every mobile home and manufactured home in the Town of Wiggins shall be secured against wind damage by blocking and tie-downs. The specifications for blocking, ground anchorage, and tie-downs are detailed in this Ordinance and shall be considered to be a minimum specification.

P. Blocking.

1. Base:

- a.** For all mobile homes in a MHPD, all piers shall be placed on footings of concrete with a minimum dimension of 16-inch by 16-inch by 4-inch (16" x 16" x 4")
 - b.** For all manufactured homes in all Zoning Districts except MHPD with support walls and crawl space, all piers shall be placed on load bearing pylons of concrete with a minimum dimension of 36-inches deep by 12-inches diameter/square plus a permanent foundation.
 - c.** Mobile homes in a R2 district must meet the above requirements for manufactured homes.
 - d.** For all manufactured homes in a MHPD without support walls and a crawl space, all piers shall be placed on load bearing pylons of concrete with a minimum dimension 36-inches deep by 12-inches diameter/square.
- 2. Piers** – All piers shall be one (1) or more 8-inch by 8-inch by 16-inch (8" x 8" x 16") celled concrete block. All piers shall be placed over the footings with the long dimension crossways to the main frame members and centered under them, with cells vertical. Pier heights shall be such that the mobile home will be located as close to the ground as possible.
- 3. Spacing** – Piers shall be provided under the main frame of the mobile home at intervals of not more than eight feet (8'). End piers shall be placed no more than five feet (5') from the extreme ends of the mobile home.
- 4. Caps** – Piers shall be topped with 8-inch by 16-inch by 4-inch (8"x16"x4") solid concrete.
- 5. Shims** – Hardwood shims shall be driven tightly between the cap and the main frame member to provide uniform bearing. They shall not be more than 4 inches in thickness and of sufficient width to provide bearing
- 6. Permanent Foundation** – Wall construction shall be a minimum of six-inch (6") block or concrete on a concrete footer for manufactured homes.

Q. Ground Anchorage. Each mobile home shall be provided with adequate ground anchorage. Tie pads or anchors may be used, tie pads being preferred.

1. **Tie Pads Construction** – Concrete slab on grade over caissons containing stirrup ties of 5/8" deformed reinforcing rod.
2. **Steel Anchor Construction** – 5/8" x 5' steel anchors with closed eye driven to maximum depth is approved unless unstable soil conditions exist, as determined by the Building Inspector.

R. Tie-Downs – Each tie-down shall be constructed and installed for each mobile home as provided below:

Length of Mobile Home	Required Number of Ground Anchors	Required Tie-Down Sets
Up to 50 feet	4	2 sets
50-70 feet	6	3 sets
Over 70 feet	8	4 sets

1. **Tie- Down Slabs**-Number of tie-down slabs of concrete to correspond to length of mobile home with dimensions to be three foot (3') wide, four foot (4') long, one foot (1') thick and to be place level with ground surface.
2. **Cables** – Shall be galvanized or stainless steel 1/4" diameter or larger (6 x 9 IWRC Wire Rope) or 3/8" diameter or larger (6 x 7 Wire Rope).
3. **Turnbuckles** – Shall be 1/2" galvanized steel or larger 'Eye and Eye' or 'Jaw and Eye'. No hook ends or open 'eyes' are permitted. Turnbuckles shall be adjusted to draw the cables for tight anchorage.
4. **Cable (wire rope) ends** – Shall be secured with at least two (2) U clamps, faces opposed.
5. **Tie-Down Cables** – Shall be placed so that they assume not less than a 45-degree angle from the footing of the piers and at an approximate right angle to the mobile home.

S. Mobile Home or Manufactured Home Subdivisions.

1. Applications for mobile home subdivisions or manufactured home shall adhere to all applicable requirements above for mobile home parks.
2. In addition, applicants shall also conform to the requirements and design standards for subdivision. Should requirements under these two (2) sets of requirements conflict, the stricter of the two shall be applied.

3.02 Commercial and Industrial Use Performance Standards.

- A. Glare and Heat.** Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.
- B. Vibration.** Industrial or commercial operation shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Transportation facilities on temporary construction are excluded from this restriction.
- C. Light.** Exterior lighting, except for overhead street lighting and warning, emergency or traffic signals shall be installed in such a manner that the light source will be sufficiently obscured to prevent glare on public streets and walkways or into any residential area. The installation or erection of any lighting which may be confused with warning, signals, emergency signals or traffic signals is prohibited.
- D. Smoke.** All industrial and commercial uses which produce smoke or any air contaminant shall be subject to the jurisdiction and regulations of the Colorado Air Quality Control Commission and the Colorado Air Quality Control Division. The Town reserves the right, prior to approving any industrial or commercial application under this title, to require from the applicant evidence of compliance with applicable regulations of state government.
- E. Odors.** No industrial or commercial use shall cause or allow the emission of malodorous air contaminants from any single source such as to result in detectible odors which are apparent outside the property boundaries.
- F. Noise.** All industrial and commercial uses shall be conducted such that noise generated from such uses is controlled at its source or so attenuated by the structure from which it radiates that it does not become objectionable outside its property lines.
- G. Fugitive Dust.** No industrial or commercial operation shall be allowed to produce fugitive dust in amounts which are noticeable or appreciable outside of the property boundaries of the use.
- H. Electromagnetic, Electrical Interface.** No commercial or industrial equipment shall be operated in such a manner as to adversely affect the operation of any off-premises electrical, radio, or television equipment.
- I. Industrial and Commercial Wastes.** All industrial and commercial operations shall confine liquid and solid wastes produced in connection with such operation within the property boundaries, and shall further ensure that no such waste, including liquid waste such as drain oil, leave the property or enter any natural stream courses. This shall not apply to the appropriate and proper disposal of

liquid and solid wastes.

3.03 Home Occupations. A home occupation shall be allowed as a permitted accessory use, provided that the following conditions are met:

- A.** The use must be conducted entirely within a dwelling and may employ a maximum of one (1) person other than those members of the immediate family residing on the premises. For the purposes of this Section, a dwelling unit may include attached garages and attached accessory buildings.
- B.** The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.
- C.** The total area used for home occupation uses shall not exceed 25 percent of the total floor area within a dwelling unit. The area used for the home occupation shall be considered to include all storage areas and work space clearly utilized or essential in the operation of the home occupation.
- D.** There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, including advertising signs or displays or advertising that solicits or directs persons to the address.
- E.** There must be no exterior storage on the premises of material or equipment used as a part of the home occupation, unless it is enclosed and lot coverage requirements for accessory uses are met.
- F.** No equipment or process shall be used in such home occupation which creates any glare, fumes, odors, or other objectionable conditions detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.
- G.** No traffic shall be generated by such home occupation in greater volumes than that generated by a single-family use in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met off the street and not in a required yard adjacent to a street.
- H.** Under no circumstances shall any of the following be considered a home occupation: medical clinic, mortuary, nursing home, restaurant, veterinarian's clinic.
- I.** Each home occupation shall annually register with the Town Clerk, which registration shall include a review of compliance with the home occupation standards contained in this Ordinance. The person seeking to register said home occupation shall grant the Town reasonable access to the location of the home occupation for the purpose of verifying compliance with this Ordinance, as may be required by the Town.

3.04 Renting of Rooms.

- A.** The renting of rooms to one (1) or two (2) persons, not members of the family residing in the same dwelling unit, may be permitted as an accessory use, provided that the following conditions are met:
- B.** The total number of unrelated persons, including roomers, in any dwelling unit must not exceed three (3).
- C.** The dwelling unit must have only one electric (1) meter.
- D.** Where the renting of rooms is to two (2) roomers, at least one off-street parking space must be provided, in addition to the number of spaces required by this Ordinance.
- E.** All roomers shall use the main kitchen facilities of the dwelling unit. No separate kitchen facilities are allowed.
- F.** Renting of rooms shall be allowed as an accessory use in the principal building on a lot only, with no renting of rooms allowed in accessory buildings.

3.05 Fences, Hedges, Trees, and Walls.

- A. General Provisions.** Fences, hedges and walls may be permitted in the required yard areas of any district subject to the following conditions and requirements:
- B.** All fences and walls are subject to the applicable sections of the Building Code.
- C.** No fence, hedge or wall may extend beyond or across a property line unless with the joint agreement of the abutting property owners. It shall be the responsibility of the property owner to locate all property lines.
- D.** No fence, hedge or wall shall be placed outside of the property boundary lines or nearer than 12-inches from a public sidewalk.
- E.** No barbed wire, sharp-pointed or electrically charged fence shall be permitted, with the exception of the ER and RR zones and that in the Industrial zones only, up to three (3) strands of barbed wire may be attached to the top of a minimum six foot (6') high fence, for security purposes.
- F.** Fences, hedges or walls shall not exceed six feet six inches (6'6") in height except in the Industrial Districts. The height shall be measured at the finished grade on the side of the fence nearest the street, alley, or abutting property. A property owner desiring to install a fence taller than six feet six inches (6'6") may apply for a variance pursuant to Section 02.14.L.
- G.** Fences located within the required front yard setback shall not exceed four (4) feet in height. In addition, on corner lots, any obstruction of any nature

whatsoever over 30-inches in height shall not be allowed within the height triangle established for the adjacent intersection except for trees with branches and foliage removed to a height of seven feet (7') above the ground and open wire fencing that does not obscure more than 10 percent.

- H.** All trees shall be planted in accordance with Town's Tree Ordinance 2-80.
- I.** Barbed wire fences along public streets prohibited.
- J.** No person shall construct or maintain or cause to be constructed or maintained any barbed wire fence upon or along any public street or upon or along any boundary line of any such street or in any manner next to any such street for the purpose of enclosing any private grounds or premises or public ground or for any other purpose whatever, except in the ER and RR zones.
- K.** No fence shall be constructed out of T-posts or other farm posts except in the ER, RR, and Conservation Districts.
- L.** The use of chicken wire, wafer, particle board, plywood, metal sheeting, corrugated metal, roofing metal, plastic mesh as fencing material is prohibited, except in construction with a construction project where a temporary fence permit may be issued by the Zoning Manager for the safety and protection of the public.
- M.** Fences that are constructed to protect vital public facilities such as water treatment plants, water storage, water works, may be exempt from this Section by the authority of the Zoning Manager.
- N.** All fences shall be constructed in a professional, quality work like manner. The Town Manager is hereby authorized to set minimum standards for construction and materials will be a condition of the building permit.
- O.** In case such fence shall have been constructed before, and be in existence at the time of the passage of this Ordinance, the owner of said fence shall not be liable until notice is given or served by the Town. Such notice may be oral or written and may be given or served by the Manager or any police officer of the Town. Said notice shall notify the person served, or the person to whom the notice shall be given, to remove such fence and thereby abate the nuisance. Such notice, when written, shall be signed by the Manager or any police officer of the Town. Such notice shall direct that the fence be removed with 30 days, but this provision shall not be deemed to apply in the case of a person constructing or causing to be constructed any such fence after the taking effect of this Ordinance and under the requirements of this Ordinance.

3.06 Off-Street Parking and Loading.

- A.** Off-street parking spaces required.

- B.** The following numbers of off-street parking spaces shall be provided with the construction of or addition to any of the buildings and uses listed below. The Zoning Manager may also consider the availability of on-street parking when determining the requirements

PARKING SPACE REQUIREMENTS	
ALL RESIDENTIAL UNITS:	
Use	Parking Requirements
Efficiency or 1-bedroom	1.5 spaces per unit
2-bedroom	2.0 spaces per unit
3-bedroom	2.0 spaces per unit
4 or more bedrooms	2.0 spaces per unit
Additional requirements for multiple-family residential and mobile home parks with six (6) or more units (guest parking)	0.25 spaces for each unit
Multiple-Family housing for the elderly or for the handicapped	0.5 spaces per unit
Motel or Hotel	1 space per unit, plus 2 spaces for the owner's or manager's unit
Temporary Multi-Family or Lodge	1.5 spaces per unit, plus 2 spaces for the owner's or manager's unit
Nursing Homes, Rest Homes	1 space per 4 beds, plus 1 space for every 2 employees
Non-Residential Uses	
Drive-In or Fast Food Restaurant	1 space for every 2 seats or 1 space for every 100 square foot of floor area, whichever is greater, plus 1 space for every employee on the largest work shift
Animal Hospitals	1 space for every 300 square feet of floor area
Hospitals	1 space for every 2 beds, plus 1 space for each staff doctor and employee on the largest work shift
Motor Vehicle Sales	1 space for every 500 square feet of floor area
Motor Vehicle Service and Repair	1 space for every 300 square feet of floor area
Business and Professional Offices	1 space for every 250 square feet of floor area
Medical, Dental Offices and Clinics	1 space for every 200 square feet of floor area
Indoor Restaurants and Bars	1 space for every 3 seats or 1 space for every 200 square feet of floor area, whichever is greater

Retail Business, except furniture stores and appliance stores	1 space for every 300 square feet of floor area
Furniture Stores, Appliance Stores	1 space for every 500 square feet of floor area
Wholesale Business and Warehouse	1 space for every 1,000 square feet of floor area or 1 space for every 2 employees, whichever is greater
Industrial uses (excluding offices) not mentioned specifically under another use in this section	1 space for every 500 square feet or 0.75 spaces for every one (1) employee, whichever is greater
Places of public assembly, such as churches, auditoriums, meeting rooms	1 space for every 4 seats in the principal place of assembly
Libraries	1 space for every 400 square feet of floor area, plus 1 for every 2 employees
Educational Facilities:	
USE	PARKING REQUIREMENTS
Preschool Nurseries or Childcare Centers, Kindergarten and Elementary Schools and Middle Schools	1 space per classroom, plus 1 space per employee
High Schools	1 space per employee, plus 1 space for every four (4) students, plus one (1) space for every four seats on the principal place of assembly (bench capacity is determined as 1 seat per 20 inches)
Recreational Facilities	1 space for every 500 square feet of recreational area

NOTE: When determining the number of parking spaces to be required, fractions of spaces shall be rounded to the nearest whole number with five-tenths (0.5) space being rounded up to one (1) space. For example, if the calculation of parking spaces equals 27.25 spaces, then 27 spaces would be required. If the calculation equals 27.5 spaces, then 28 spaces would be required.

- C. Combination of Uses.** When one building is planned to include a combination of different uses, the minimum parking required will be determined by applying the above requirements based upon the floor area for each use. The maximum number of parking spaces required for the building shall be the sum of the requirements for each separate use. Under special circumstances, parking requirements may be reduced following reduction standards for combinations of uses. Applicants must fully document any requests for parking reductions.
- D. Uses Not Listed.** For specific uses not listed, the Planning Commission shall determine the appropriate number of parking spaces required based upon the type of activity, intensity, number of employees and similarity to listed uses.
- E. Off-Site Parking.** For any commercial or business use, the off-street parking

requirements may also be met utilizing the following alternatives if applicable:

1. Off-street parking spaces may be provided on a site within 300 feet of the use that generates the parking requirements, provided that the site is owned or under the control of the owner of the parking generator.
2. The owner of the use may participate in a parking district or joint venture that assures the Town that the off-street parking requirements will be met. All parking districts or joint ventures shall be subject to the approval of the Town.

F. Parking Area Standards.

1. All off-street parking areas shall be unobstructed and free of all other uses.
2. All off-street parking spaces shall have unobstructed access to and from a street.
3. All off-street parking areas, except those for single-family or two-family dwellings, shall be surfaced with asphalt or concrete. Other dustless surfaces such as washed road base with a chemical dust suppressant may be approved by the Board of Trustees for parking areas in the Industrial District, based on type of use, location, and impact to adjoining properties.
4. Off-street parking areas with six (6) or more spaces shall be adequately screened from any adjoining residentially zoned lot by landscaping or solid fencing.
5. Lighting from any parking area shall not be directed toward any adjacent residential area or public street.
6. Off-street parking areas may be located to jointly serve two or more buildings or uses, provided that the total number of spaces is not less than that required for the total combined number of buildings or uses. However, this number may be reduced based on the results of a shared parking demand analysis based on recognized standards and methodologies.
7. Off-street parking spaces shall be at least 9 feet by 19 feet (9' x 19'), except that up to 20 percent of the required spaces in a parking area with 10 or more spaces may be designated for compact cars with a minimum space of 8 feet by 16 feet (8' x 16'). If compact spaces are approved, designated areas shall be clearly marked by above-grade signage for small or compact cars only.
8. Where off-street parking areas designed for parallel parking are established, the dimensions of such spaces shall be not less than 22 feet by 9 feet (22' x 9').

9. No more than 12 parking spaces shall be permitted in a contiguous row without being interrupted by a landscaped area of at least six feet (6') wide and 16 feet long, or unless otherwise stated in the design policies of the Town.
10. In multiple-family areas, areas included in driveways or otherwise required to move cars in and out of parking spaces shall not be considered to meet off-street parking requirements.
11. Minimum Width of Traffic Aisles.
 - a. Schedule:

TRAFFIC AISLES SCHEDULES			
Stall Angle	Direction of Traffic	Minimum Area Width	
		Feet	Inches
0 Parallel	One-Way Traffic	12	0
0 Parallel	Two-Way Traffic	24	0
30	One-Way Traffic	12	0
30	Two-Way Traffic	No Angle Parking Permitted	
45	One-Way Traffic	14	0
45	Two-Way Traffic	No Angle Parking Permitted	
60	One-Way Traffic	18	0
60	Two-Way Traffic	No Angle Parking Permitted	
90	One-Way Traffic	22	0
90	Two-Way Traffic	24	0

- b. All off street parking areas shall be served with paved ingress/egress having minimum width of 12 feet for one-way traffic and 20 feet for two-way traffic.
- G. **Off-street Loading Areas.** For all business and industrial uses, off-street loading spaces containing 500 square feet, with no dimension less than ten feet (10'), shall be required for new construction or major additions involving an increase in floor area as follows:
 1. New floor area between 5,000 and 20,000 square feet: one off-street loading space.
 2. New floor area in excess of 20,000 square feet: one off-street loading space for each 20,000 square feet or fraction thereof.

3.07 Streets, Sidewalks, and Bicycle Lanes.

- A. **Street Plan.** The arrangements, classification, extent, width, grade and location of all streets shall conform to the street plan of the Town and shall be designed in relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by such streets and the Town's drainage study. All classifications streets shall be paved, shall be curbed and guttered, and shall be constructed to Town specifications.
- B. **Street Classification.**
- C. In all new developments and subdivisions, streets that are dedicated to public use shall be classified as provided below, as provided in the Roadway Design Criteria of the Town of Wiggins.
 - 1. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
 - 2. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;
 - 3. Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or is expected to be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
- D. **The Classification of Streets Shall be as Follows:**
 - 1. **Local.** A street which provides direct access to adjacent property, including residential uses. Local streets typically are designed to discourage through traffic from neighborhoods.
 - 2. **Collector.** A street which permits relatively unimpeded traffic movement, collects traffic from the local system, and where traffic demands are relatively high, but where a higher classification street is not warranted. No back-out drives are permitted.
 - 3. **Arterial.** A street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets. Arterials can act as boundaries between neighborhood areas or different land uses.
 - 4. **Freeway.** Completely controlled access highways designed to provide interstate or intercity traffic flow, with grade separations at intersections. No private access.
- E. **Access to Lots.** Every lot shall have access to a public road or street that is

sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

F. Access to Arterial Streets. Whenever a development that involves the creation of one or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this development onto this street.

G. Entrances to Streets.

1. All driveway entrances and other openings onto streets within the Town's planning jurisdiction shall be constructed so that:
 - a. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets, and
 - b. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.
 - c. If driveway entrances and other openings onto streets are constructed in accordance with the specifications and requirements of the Town of Wiggins, if these exist, or the relevant special district, this shall be deemed prima facie evidence of compliance with the standard set forth in this Ordinance.

H. Coordination with Surrounding Streets.

1. The street system of a development or subdivision shall be coordinated with existing, proposed, and anticipated streets outside it or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding streets") as provided in this section.
2. Collector and arterial streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.
3. Local and minor residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
4. Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point

where the connection to the anticipated or proposed street is expected. In addition, the Town may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000 feet may be created unless no other practicable alternative is available.

I. Relationship of Streets to Topography.

1. Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in this Ordinance, and street grades shall conform as closely as practicable to the original topography.
2. Permissible roadway and intersection grades shall be as specified in the Town of Wiggins Roadway Design Criteria or other documents as approved by the Town.

J. Wheelchair Ramps. Whenever curb and gutter construction is used on public or private streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with standards of the Town or appropriate special districts.

K. Street Names.

1. Street names shall be assigned by the developer subject to the approval of the Town. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the Town's planning jurisdiction, regardless of the use of different suffixes.

2. Street names shall include a suffix such as the following:

Cul-De-Sacs: Way, Court or Lane

Short Streets: Way, Place or Lane

Streets: Street, Parkway, Avenue or Drive

Circular Streets (both loops and at same street): Circle

3. Building numbers shall be assigned and/or approved by the Town.

L. Sidewalks.

1. On streets other than local or minor collectors, landscaped parking strips of the following minimum widths must separate sidewalks from street flow line (and edge):

Street Type	Parking Strip Width (Minimum)
Collector	6 Feet
Arterial	12 Feet

2. The sidewalks required by this section shall be at least four feet (4') in width and constructed according to the specifications of the Town if these exist, or of the relevant special district, except that the Town may permit the installation of walkways constructed with other suitable materials when it concludes that:
 - a. Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
 - b. Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.
3. Whenever the Town finds that a means of pedestrian access is necessary from the subdivision to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least 10 feet in width to provide such access.

M. Bicycle Lanes.

1. Where trails or bike ways are shown on the Town Open Space and Parks Plan as crossing a parcel proposed for development, the developer shall work with the Town to establish an alignment through the parcel, and dedicate this alignment to the Town. In general, the width for trail or bike way dedication shall be 30 feet if not associated with a street. Areas dedicated for trails or bikeways may be included in the open space requirements of the development.
2. Where on-street bicycle lanes are shown on the Town Circulation and Transportation Plan, an additional eight feet (8') of street width and right-of-way shall be added to the street to accommodate the bicycle lane.
3. Off-street bikeways should have right-of-way reserved and dedicated per this section.

N. Blocks and Lots.

1. Blocks shall not exceed 1,320 feet in length nor be less than 360 feet in length, unless no practicable alternative is available. The length of blocks shall be considered to be the distance from street centerline to opposite street centerline and shall be measured through adjacent back lot lines or through the center of the block. The total design should provide for convenient access and circulation for emergency vehicles. All blocks shall be abutted by a street or streets. Pedestrian walkways shall be provided to permit acceptable pedestrian access to abutting streets.
2. Service access to the interior of blocks may be permitted in certain instances, in which case such alleys must be indicated in the plan and plat.

3. Lot Standards.

- a. **Division of Lots** - No lot shall be divided by a municipal or county boundary line, road, alley or other lot.
- b. **Wedge-shaped Lots** - In the case of wedge-shaped lots, no lot shall be less than 20 feet in width where the narrow side of the lot is at the front property line.
- c. **Lot Lines** - Side lot lines shall be substantially at right angles or radial to street lines. Where lot lines are not at right angle to the street lines, this shall be indicated.
- d. **Corner Lots** - Corner lots in all subdivisions are required to have the minimum front yard requirements, as required by the zone district, facing both streets.

3.08 Fire Hydrants.

- A. Every development served by a central water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.
- B. The presumption established by this Ordinance is that to satisfy the standard set forth in this Ordinance, fire hydrants must be located so that all parts of every building within the development may be served from a hydrant by laying not more than 500 feet of hose connected to such hydrant.
- C. The Town Manager shall determine the precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six feet (6') behind the curb line of publicly dedicated streets that have curb and gutter. Input will be sought from the fire district.
- D. The fire district shall determine the design standards of all hydrants based on fire

flow needs. Unless otherwise specified by the fire district, all hydrants shall have two - 2 ½" hose connections and one - 4 ½" hose connections. The 2 ½" hose connections shall be located at least 21 ½" from the ground level. All hydrant threads shall be national standard threads.

- E. Water lines that serve hydrants shall be at least six-inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.

3.09 Sites for and Screening of Dumpsters.

- A. Every development that is required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:
 - 1. Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way, and
 - 2. Constructed to allow for collection without damage to the development site or the collection vehicle.
- B. All such dumpsters shall be screened to prevent them from being visible to:
 - 1. Persons located within any dwelling unit on residential property other than that where the dumpster is located.
 - 2. Occupants, customers, or other invited persons located within any building on nonresidential property other than that where the dumpster is located, unless such property is used primarily for purposes permitted exclusively in an MHPD zoning district.
 - 3. Persons traveling on any public street, sidewalk, or other public way.

3.10 Drainage. All grading, road improvements, and other activity affecting the drainage of storm water in the Town of Wiggins shall be done in conformity with the plans, standards, and design criteria specified in the "Storm Drainage Master Plan, Town of Wiggins" (prepared by ARIX Corporation with Foxfire Community Planning and Development, March, 1991).

3.11 Building Code. The Town of Wiggins Building Code shall adhere to U.B.C. Standards.

3.12 Sign Code. Restrictions: No private, or personal signs will be attached to public property. See Appendix 11 for Sign Permit Submission Requirements.

3.13 Utilities.

- A. All water and sewer service within the Town will be connected to the Town's water and sewer systems. Natural gas will be provided by Public Service and

electricity will be provided by Morgan Country Rural Electric Association.

- B.** No permanent propane bottles will be allowed. Only bottles 100 pounds or less being used for temporary portable cooking or heating are allowed.

3.14 **Trees.** Refer to the Town of Wiggins Tree Ordinance 02-80.

3.15 **Landscaping.** The landscaping on all new construction will include ground cover on the front and side yards and a tree in the front yard.

- A.** This will be completed within six (6) months of issuance of Certificate of Occupancy.
- B.** All new construction shall use all practical conservation methods to prevent and control the escape of dirt/dust by natural causes, i.e., wind and water erosion from one lot or parcel onto other lots or parcels within the Town.
- C.** Violations of the provisions of Section 03.15 or failure to comply with any of its requirements, shall constitute a misdemeanor, punishable by a fine of up to \$1,000 or a maximum 12 months imprisonment, or both.

3.16 **Major Activity Notice.** When a subdivision or commercial or industrial activity is proposed within Wiggins, Colorado, which will cover five (5) acres or more, the Board of Trustees shall send notice to the Colorado Land Use Commission, the state geologist, and the Board of County Commissioners of Morgan County prior to the approval of any zoning change, subdivision, special review use permit or building permit application. Such notice shall be on the standard form prescribed by the Colorado Land Use Commission.

TABLE OF CONTENTS

Section 4 – Site Plans

- 4.01** Site Plans
 - A.** When Required
 - B.** Submission Requirements
 - C.** Site Plan / Architectural Review Criteria

Section 4

Site Plans

4.01 Site Plans.

A site plan is a detailed development plan for a property, which generally permits an evaluation of the intended use, and such design elements as circulation, parking and access; open space and landscaping; building location and configuration; grading and drainage; setbacks and screening; public improvements; and other elements, which determine if the proposal has been planned consistently with the intent of the Land Development Code.

- A. When Required.** A site plan shall be submitted with any application for a building permit, except that this requirement shall not apply to any interior remodeling of a structure.

Site Plan/Architectural Review/Approval. The review and approval of site plans shall be done by the Town Administrator, except the Town Board shall review all projects for 6-plex residential structures and larger and all new commercial and industrial buildings that are larger than 10,000 square feet. The Town Administrator may refer unusual or unique architectural features on projects to the Board of Trustees for review and approval at any time. Notice and referral provisions of this Ordinance shall not apply unless the site plan review is combined with an application requiring such review and approval. If a site plan is denied by the Town Administrator, the applicant may appeal the Town Administrator's decision by filing a written notice of appeal with the Town Clerk within 15 days of the Town Administrator's decision. The notice shall state the basis for the appeal and shall be considered by the Board of Trustees at a public meeting.

- B. Submission Requirements.** Submission requirements for the site plans are contained in Appendix 10.

- C. Site Plan/Architectural Review Criteria.** The following criteria shall be used in the review of all site plans:

1. The scale is appropriate to the site and function of the project and/or building.
2. The architecture promotes a harmonious transition in scale and character of the proposed building to surrounding land uses.
3. The quality and design is compatible with the location and proposed use as demonstrated by building elevations.

4. Any diverse architectural treatments are integrated in order to avoid a cluttered appearance.
5. The landscape design has been incorporated into the plan and takes into consideration the function and use of open space and buffering.
6. The overall landscaping treatment of exterior spaces enhances the quality of the project and creates usable open space.
7. The circulation system, including parking lots, contributes to orderly and aesthetic quality of the site.
8. The screening of service yards, rooftop mechanical equipment and other items which tend to be unsightly has been accomplished through the placement of walls, fences, plantings, of a combination thereof; further the screening is effective during all calendar months of the year.
9. The monotony of design in a single or multiple building project has been avoided. Variation of detail, form and siding that provides visual interest shall be included.
10. The building materials are suitable to the type of building and design for which they are to be used. The building exteriors have the same material, or those which contrast in a pleasing way for how they are to be used. The building exteriors have the same materials, or they contrast in pleasing ways as to be architecturally harmonious.
11. The materials selected are of a durable quality and offer protection from rot and/or corrosion through the use of acceptable maintenance procedures.
12. Any design in which the structural frame is exposed to view, the structural materials are durable and compatible within themselves and harmonious to the surroundings.
13. Building articulation and roof lines are varied by the use of architectural and site design.
14. Building components such as windows, doors, eaves and parapets are visually attractive in proportion, scale and relationship to one another in each building.
15. The colors, including accents are harmonious and compatible with the building.
16. The buffering materials used to buffer mechanical equipment, electrical equipment or other utility hardware on the roof, ground, or building are harmonious with the building.

- 17.** Exterior lighting, which is part of the architectural concept, is harmonious with the building design.
- 18.** Refuse and waste removal areas, service yards and exterior work areas are buffered from view with the use of materials that are harmonious to the building.

TABLE OF CONTENTS

Section 5 - Subdivision

- 5.01** Pre-Application Conference
- 5.02** Filing Deadlines and Applications
- 5.03** Sketch Plan
- 5.04** Preliminary Plan
- 5.05** Final Plat
- 5.06** Purpose
- 5.07** Review Procedure
- 5.08** Utility Requirements
- 5.09** Drainage and Storm Sewers
- 5.10** Policies for Development in Flood Plains
- 5.11** Water Facilities
- 5.12** Wastewater Facilities
- 5.13** Other Utilities
- 5.14** Development Agreements
- 5.15** Subdivision Improvements Agreements
- 5.16** Policies for Development in Flood Plains
- 5.17** Annexation Agreements
- 5.18** Cost Recovery Agreements
- 5.19** Recovery Cost Agreement Content
- 5.20** Concurrent Filing for Preliminary and Final Plats
- 5.21** Minor Subdivision
- 5.22** Application

- 5.23** Minor Plat Process
- 5.24** Public Notice Requirements
- 5.25** Limitations on Approval
- 5.26** Submission Requirements
- 5.27** Dedications Required
- 5.28** General Policy
- 5.29** Public Dedications to the Town of Wiggins
- 5.30** Commercial and Industrial (or other non-residential) Subdivisions
- 5.31** Residential Subdivisions
- 5.32** Special Conditions for Dedicated Public Purpose Lands
- 5.33** Recreational Facilities and Open Space
- 5.34** Requirements for Approval by Planning Commission
- 5.35** Penalty
- 5.36** Boundary Line Adjustments
- 5.37** Definitions
- 5.38** Boundary Line Adjustment Review Process

Section 5

Subdivision

5.01 Pre-application Conference. Prior to submitting a formal application, applicants shall confer with the Administrator or the Administrator's representative in order to obtain information and guidance. The Purpose of such a conference is to familiarize the applicant with the Town's requirements, procedures, and Comprehensive Plan prior to substantial commitments of time and money toward the preparation of plans, surveys, and other studies.

5.02 Filing Deadlines and Applications. Unless otherwise specified and agreed to by the Administrator, applications shall be filed with the Planning Department at least 30 days prior to the date of hearing by the Planning Commission or Town Board. Reviews subject to the approval of the Administrator shall be submitted at least 15 days-prior-to the requested date for a decision.

Only complete applications shall be accepted as meeting the above deadlines; partial or incomplete applications shall be accepted, but will not be scheduled for review and hearings until all required elements of the application package have been received by the Planning Department. An application shall be considered complete for processing by the Administrator or designated representative if it includes information sufficient to meet the requirements of the specific application.

Nothing in this regulation shall prevent the Administrator, his representative, the Planning Commission, or the Town Board from requesting additional information in the course of the review if it is deemed necessary to determine compliance with the requirements of this Ordinance or any other regulation governing the application.

5.03 Sketch Plan.

A. Purpose. The purpose of the sketch plan is to allow a review of the concept for development and the overall feasibility of the project. The review at this stage also allows the staff and Planning Commission to judge the level of appropriateness of the proposed use, as well as identify potential problems which must be resolved prior to final approval of the plan. Submission requirements for Sketch Plans are found in Appendix 9.

B. Review Procedure.

1. Zoning Administrator and Staff Review. All applications shall be referred to the Planning Commission by the Zoning Administrator. Copies of proposed plans may be sent to other agencies and utility companies for comment. Within fifteen (15) days following the filing deadline, the Zoning Administrator and Staff shall meet to review the application and

compile written comments and recommendations to the Planning Commission.

If the comments and recommendations reveal that the application has deficiencies which require significant additional work or further discussion between the Zoning Administrator and the applicant, the Administrator may defer sending the matter to the Planning Commission until the outstanding issues have been addressed adequately by the applicant.

2. *Planning Commission.* At the next regular meeting following the filing date for applications, the Planning Commission shall consider the sketch plan and the comments and recommendations of the Zoning Administrator pertaining to the application. The Planning Commission, using criteria established elsewhere in this regulation, the Comprehensive Plan, and the Town Ordinances, shall approve the application, grant approval with modifications, or deny the application.
3. *Appeal to Town Board.* Decisions of the Planning Commission may be appealed to the Board of Trustees. A written appeal of any action by the Planning Commission shall be filed within fourteen (14) calendar days following the Planning Commission decision.
4. **Town Board Action on Sketch Plan.**
 - a. *Appeals to the Town Board.* Decisions of the Planning Commission appealed to the Town Board shall be heard after giving ten (10) day written notice to the applicant at a regularly scheduled meeting. The Town Board shall, using criteria established elsewhere in this regulation, the Comprehensive Plan, and the Town Ordinances, approve the application, grant approval with modifications, or deny the application.
 - b. *Town Board Review.* The Town Board may call up for review any sketch plan acted upon by the Planning Commission. Notice of such review must be requested in writing from three (3) or more Board members, or a majority decision of the Board members at a regularly scheduled Board meeting within fourteen (14) days following the Planning Commission decision.
 - c. Approval of the Sketch Plan does not bind the Planning Commission or Town Board to accept the Preliminary Plan or Final Plat.

5.04 Preliminary Plan.

- A. *Purpose.* The purpose of the preliminary plan is to allow a full review of all technical aspects of the subdivision. Submission requirements for preliminary

plans are found in Appendix 9.

B. Review Procedure.

1. *Zoning Administrator and Staff Review.* All applications shall be referred to the Planning Commission by the Zoning Administrator. Copies of proposed plans may be sent to other agencies and utility companies for comment. Within fifteen (15) days following the filing deadline, the Zoning Administrator and Staff shall meet to review the application and compile written comments and recommendations to the Planning Commission.

If the comments and recommendations reveal that the application has deficiencies which require significant additional work or further discussion between the Zoning Administrator and the applicant, the Administrator may defer sending the matter to the Planning Commission until the outstanding issues have been addressed adequately by the applicant.

2. *Planning Commission.* At the next regular meeting following the filing date for applications, the Planning Commission shall consider the sketch plan and the comments and recommendations of the Zoning Administrator pertaining to the application. The Planning Commission, using criteria established elsewhere in this regulation, the Comprehensive Plan, and the Town

Ordinances, shall approve the application, grant approval with modifications, or deny the application.

3. *Appeal to Town Board of Trustees.* Decisions of the Planning Commission may be appealed to the Board. A written appeal of any action by the Planning Commission shall be filled within fourteen (14) calendar days following the Planning Commission decision. All submissions must be in writing to the Town Clerk.

4. **Town Board Action.**

- a. *Appeals to the Town Board.* Decisions of the Planning Commission appealed to the Town Board shall be heard after giving ten (10) day written notice to the applicant at a regularly scheduled meeting. The Town Board shall, using criteria established elsewhere in this regulation, the Comprehensive Plan, and the Town Ordinances, approve the application, grant approval with modifications, or deny the application.
- b. *Town Board Review.* The Town Board may call up for review any preliminary plan acted upon by the Planning Commission. Notice of such review must be requested in writing from three (3) or more

Board members, or a majority decision of the Board members at a regularly scheduled Board meeting within fourteen (14) days following the Planning Commission decision.

5. Approval of the Preliminary Plan does not bind the Planning Commission or Town Board to accept the Final Plat.

5.05 Final Plat.

- A. *Purpose.* The purpose of the final plan or plat is to provide a legal document that will be a part of the Town and/or County records describing the development rights and land descriptions of the property. The final plan shall include all final agreements between the owner or developer and the Town of Wiggins. Submission requirements for Final Plats are found in Appendix 9.
- B. Review Procedure.
 1. *Planning and Zoning Commission/Town Board Action.* In connection with any request for subdivision, a Final Plat shall be submitted in accordance with the requirements of Appendix 9. On a finding by the Administrator that a complete plan has been submitted, reviewed, and approved by all applicable departments, and after consultations with potentially impacted public agencies, the final plan will be scheduled for consideration at a public hearing before the Planning Commission and the Board of Trustees. The Planning & Zoning Commission / Town Board may then approve the application, approve with modifications or deny the request using the criteria set forth in this chapter, the Comprehensive Plan and the Town Ordinances. If the final plat is an annexation plat, the ordinance for annexation and zoning may be considered concurrently at the time of the first reading of the annexation ordinance. Notice of the public hearing(s) shall be provided in accordance with Section 05.10.
 2. *Recording and Filing Requirements.* The Town Clerk shall cause the final plat and written agreements to be recorded with the County Clerk and Recorder and shall return one executed copy to the applicant. The Clerk shall also file copies of the plats and annexation ordinances as required by State statutes.
 3. *Withdrawal of Subdivision Plat or Annexation Plat Request.* If the subdivider fails to submit to the Administrator a final plat conforming to the approved preliminary plat or any other requested document within 90 days after the advertised public hearing on the preliminary plat or annexation request, all official approval of the Town Board or Planning Commission in regard thereto shall be deemed withdrawn.
 4. *Administrative Requirements.* The Administrator may set reasonable deadlines for the filing of plans for consideration by the Technical Review Committee, the Planning Commission, and the Town Board to allow

adequate time for examination by their members. The Administrator shall also make available at a reasonable cost, copies of these regulations and other related documents, and shall provide a checklist to serve as a guide to the requirements of this chapter for the applicants.

5.06 Utility Requirements.

A. Drainage and Storm Sewers.

- 1.** The developer shall be responsible for the conveyance of all storm water flowing through the site and for the planning, design, and installation of an adequate drainage system in accordance with all applicable Town standards and specifications.
- 2.** Drainage studies of existing and future flows into and out of the subdivision site shall be prepared by a registered engineer, and all studies shall be approved by the Town.
- 3.** The Town shall not approve any subdivision plat which does not make adequate provisions for storm water and flood runoff.
- 4.** The storm water drainage system shall be separate from and independent of the sanitary sewer system.
- 5.** The Town shall allow the use of streets for drainage within the limitations stated in the Town's standards and specifications.
- 6.** When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage easements shall be secured by the developer, indicated on the final plat of subdivision, and shown by an appropriate instrument of grant which shall be recorded with the Morgan County Clerk and Recorder.
- 7.** Drainage, flood, and watercourse areas and flow shall be retained in their natural state to the maximum extent feasible.
- 8.** Drainage construction plans shall be submitted to the Town for approval in accordance with this ordinance and other applicable Town codes and requirements.
- 9.** In general, subdivision drainage facilities shall be located within the proposed subdivision and shall be designed to accommodate the minor and major storms, unless regional detention facilities exist within the subject watershed. The drainage facilities for the proposed subdivision shall be designed to accept the historic flows from areas upstream of the subdivision site and release flows from the subdivision site in a manner which does not adversely affect downstream properties.

B. Policies for Development in Flood Plains.

1. Subdivisions and other development projects shall comply with all applicable Town standards and specifications.
2. The Town may approve the location of lots within a one-hundred-year flood plain under the following conditions.
 - a. The buildable area of the lot shall be raised to a minimum of 12-inches above the elevation of the one-hundred-year flood elevation.
 - b. The subdivision shall provide an overflow zone approved by the Town along the affected stream or watercourse which is sufficient to safely contain or convey storm water in times of flooding.
 - c. The overflow area shall be located in a restricted tract, right-of-way, or easement which permits no structures or fill.
 - d. The developer must secure a approved Letter of Map Revision (LOMR) to revise the Federal Emergency Management Agency Flood plain Map. Such letter shall become a condition of approval for the subdivision.
 - e. The developer must be able to achieve the above requirements within the Town of Wiggins flood plain policies.
3. The Town shall require that drainage and flood plain areas within a proposed subdivision be subdivided into restricted lots or tracts with specific drainage and or flood plain restrictions if the Town determines the following.
 - a. The restrictions for the lots or tracts are necessary for the health, safety, or welfare of the present and/or future residents of the subdivision and of the Town.
 - b. The restrictions are necessary for the conservation of water.
 - c. The restrictions are necessary for the provision of adequate drainage and sanitary facilities.
4. Any lot or tract with drainage and flood plain restrictions shall be subject to the following conditions.
 - a. The lot or tract shall be of such size as to preserve the drainage areas to provide adequate width for maximum potential flow volumes of storm runoff and to permit the practical maintenance of the drainage area.

- b.** The lot or tract shall retain the drainage or waterway vegetation or be improved in accordance with a landscape plan approved by the Town of Wiggins.
- 5.** Flood plains which are required to be in restricted lots or tracts shall be protected from any and all destruction or damage resulting from clearing, grading, or dumping of earth or waste materials.
- 6.** The developer shall maintain, or ensure the maintenance in perpetuity, all restricted lots or tracts which contain flood plains or drainage ways. The perpetual maintenance shall take one of the following forms.
 - a.** If the property is sold or transferred to a new owner, the new owner shall have the maintenance responsibility of the subdivided property.
 - b.** If the all lots in the subdivision are sold to individuals, an owner's maintenance agreement shall be created as a condition of approval and shall become responsible for assuming the required maintenance.
 - c.** The lot or tract may be dedicated to the Town in accordance with, and as a condition of approval of the final plat; whereby, the Town assumes responsibility for maintenance.
- 7.** Should a drainage way, watercourse, or flood plain area within a subdivision be designated for public open space or public park use in the Comprehensive Plan, or designated as public open space of park area by the Town, the following conditions shall apply.
 - a.** A perpetual public drainage easement shall be dedicated or the area conveyed to the Town as determined by the Town, and shall be shown as such on the final plat or other instrument as appropriate.
 - b.** The easement dedicated or conveyed shall conform to the drainage and flood plain requirements of this Ordinance.
- 8.** Where topography or other conditions make the inclusion of drainage facilities within the street rights-of-way impractical, perpetual drainage easements or property dedications and conveyances to the Town shall be provided across the subdivided property outside the street rights-of-way along adequate access to a public street for maintenance purposes.
- 9.** Drainage easements or property conveyances shall be of sufficient width to contain the drainage facility, convey storm runoff for the one-hundred-year storm, and allow for adequate access for maintenance. The easement shall follow the natural watercourse or drainage facility.

10. All drainage easements and rights-of-way shall be shown on the final plat.

C. Water Facilities.

1. The developer shall be responsible for the extension and/or creation of water transmission facilities and mains to and within the subdivision. The water mains shall be of sufficient size and pressure to transmit water for potable use, landscape watering, fire suppression and other uses permitted by the zoning classification of the land.
2. The water system shall be designed and installed by the developer in accordance with the requirements of the Town's standards and specifications.
3. Water mains shall be installed to serve each lot in the subdivision.
4. Water mains shall be located in dedicated street or alley right-of-ways, unless specifically approved on the final plat and by the Town Administrator.
5. If water mains are allowed outside of dedicated right-of-way as described in this Ordinance, all existing and proposed easements for water lines shall be shown on the final plat and dedicated to the Town.
 - a. Easements for water lines shall be a minimum of 20 feet in width for one (1) line and 30 feet in width for two (2) lines, or as required by the Town to accommodate the installation and maintenance of the lines and facilities.
 - b. Easements for water lines shall be dedicated as exclusive easements and no structure or other obstruction other than fences or landscaping shall be allowed within a waterline easement.
 - c. Water line easements acquired in adjoining properties shall be recorded with the County Clerk and Recorder as a condition of final plat approval.
6. All non-tributary groundwater shall be dedicated to the Town.
7. The developer shall install and maintain the exterior fire suppression system, including fire hydrants, for the subdivision in accordance with the requirements of the Town. Such maintenance shall continue until final acceptance of the system by the Town.
8. The fire suppression system shall be detailed in the construction drawings submitted to the Town.

D. Wastewater Facilities.

1. The developer shall be responsible for the extension and/or creation of wastewater transmission facilities and lines to and within the subdivision. The wastewater collection lines shall be sufficient to transmit wastewater for uses permitted by the zoning classification of the land.
2. The wastewater collection system shall be designed and installed by the developer in accordance with the requirements of the Town's standards and specifications.
3. Wastewater collection lines shall be installed to serve each lot in the subdivision.
4. No private sewage disposal systems will be allowed.
5. If a private sewage disposal system exists at the time of this Ordinance, the following conditions will apply. The system shall conform to the requirements of the Town's standards and specifications at the time of replacement or significant repair. They must then connect to the Town's collection system if reasonably possible.
6. All existing and proposed easements for wastewater lines and facilities shall be shown on the final plat and dedicated to the Town and shall be approved by the Town Administrator.
7. Easements for wastewater lines shall be a minimum of 20 feet in width for one (1) line and 30 feet in width for two (2) lines, or as required by the Town to accommodate the installation and maintenance of the lines and facilities.
8. Easements for wastewater lines shall be dedicated as exclusive easements and no structure or other obstruction other than fences or landscaping shall be allowed within a wastewater easement.
9. Wastewater line easements acquired in adjoining properties shall be recorded with the Morgan County Clerk and Recorder as a condition of final plat approval.

E. Other Utilities.

1. All new utility lines, including but not limited to gas, electric power, telephone, and cable television lines, shall be located underground throughout the subdivision. See Appendix.
2. Existing overhead utility lines shall be buried with the exception of major transmission line facilities.
3. Utility appurtenances, where feasible, shall be located underground and away from public activity areas such as parks, playgrounds, and schools

within the subdivision.

4. If utility appurtenances shall be located above ground in public activity areas such as parks, playgrounds, and schools or in areas subject to public assembly, they shall be subject to the following conditions.
 - a. Above ground utilities shall be located in areas where they are visually unobtrusive.
 - b. Above ground utilities shall be located sufficiently away from public rights-of-way to avoid potential danger to the public.
 - c. Above ground utilities shall be screened from view by a method approved by the Town Administrator.
5. Underground service connections to the street property line of each platted lot in a subdivision, and other utility improvement required by the Town and/or utility provider shall be installed and maintained at the developer's expense until such responsibility is assumed in perpetuity by a property owner or homeowner's association.
6. Preparation of all utility plans shall be the responsibility of the developer in coordination with each utility provider and the Town. The plans shall adhere to all requirements of this ordinance, the Town, and the utility provider.
7. Adequate easements shall be provided for all public and private utilities as determined by those utilities. All such easements shall be shown and dedicated on the final plat.
8. Utility easements shall be located along the rear lot line of each lot in the subdivision.
9. Where topographical or other conditions make the location of utility easements along the rear lot lines infeasible, an unobstructed easement shall be provided along the side lot line with appropriate access to a public road or rear lot lines.
10. Utility easements acquired in adjoining properties to provide service to the proposed subdivision shall be recorded with the Morgan County Clerk and Recorder.

5.07 Development Agreements. The Town of Wiggins will execute agreements with property owners to assure each party that the Town and the owner will provide the public services or improvements required for-development. These agreements will cover subdivision improvements, bulk land variances, annexation, and the costs of oversized or off-site improvements.

A. Subdivision Improvements Agreements.

1. After preliminary plat approval, the subdivider can not obtain final subdivision plat approval until he provides for the installation of all public improvements required by the development. Except as otherwise provided in this section of the Ordinance, the subdivider shall be responsible for the cost and construction of all wastewater, water or drainage facilities, streets, alleys, sidewalks, curbs, gutters, fire hydrants, and related appurtenance in and through his property or development.
2. The subdivider may install the improvements for acceptance by the Town before submitting the final plat. He also may obtain the final plat approval before completion of the required infrastructure, if he enters into a subdivision improvements agreement that provides financial guarantees for the completion of the required infrastructure.
3. The Subdivision Improvements Agreement shall identify the required infrastructure improvements, which will be contained in construction documents approved by the Town. It shall provide for the installation of the improvements to the satisfaction of the Town within two (2) years. The Agreement shall require the subdivider to provide a financial guarantee equal to 125% of the estimated cost of constructing the improvements. The guarantee must be irrevocable and may be in the form of a performance bond, letter of credit, cashier's check, escrow deposit, or other pledge of liquid assets. The agreement shall give the Town the right to draw upon the financial guarantee to collect sufficient funds if necessary to complete the improvements in accordance with the approved specifications if the subdivider defaults on the Agreement.

B. Bulk Land Subdivision Agreements.

1. Bulk land subdivisions establish zone and parcel boundaries for planned developments, dedicate rights of way, grant easements, or convey properties to intermediate land holders who will not be the ultimate land developers or end users. Bulk land subdivision plats usually do not result in construction until further subdivision or site plans are prepared.
2. Upon approval of a bulk land subdivision, the subdivider and the Town will execute and record an agreement notifying subsequent purchasers that future subdivision or site plans for the property will require the provisions for the installation of infrastructure improvements before development.

C. *Annexation Agreements.* The Town and owners of land annexed into Town shall enter into annexation agreements concerning the provision of required water, sanitary sewer, drainage, and other public facilities and services required for the development of the property. This agreement shall cover the applicant's acceptance of the Town's land development requirements, the adequacy of

existing public facilities to serve the annexed properties, and provision for required public improvements.

D. Cost Recovery Agreements.

1. Sewer, Water, or Drainage Facilities.

- a.** The Administrator may require a subdivider to construct a larger public facility than required for the development of the subdivider's property in order to serve the needs of adjacent property owners. When this occurs, the Town may enter into an agreement with the subdivider to collect from adjacent landowners a pro-rata share of the construction costs and refund such costs to the subdivider at the time of each connection.

When the subdivider needs to construct sewer and/or water service facilities through or adjacent to un-serviced or undeveloped lands, he shall pay the entire costs of such facilities. However, the Town may agree to charge a pro-rata assessment to each additional owner who connects to the facility. The Town shall collect and refund each assessment to the subdivider at the time of each connection.

- b.** When lift stations or force mains are required, the cost of constructing said stations or mains shall be the responsibility of the property initially served. If the pump station and force mains can serve more area or land or if the Town requires more capacity than necessary to serve the initial development, the Town and the subdivider may enter into a cost recovery agreement that provides for the Town to collect a pro-rata share of the construction costs from adjacent owners at the time of their connection and refund such costs to the subdivider.
- c.** If lift stations and force mains are required, the system shall be designed where possible so as to permit an eventual connection into a gravity system with minimal expense. Where practicable, the subdivider shall grant easements and construct lines to tie into the gravity system. The Town may require deposits, when deemed necessary, to pay for the eventual construction of gravity lines.

- 2. Streets, Alleys, Sidewalks, Curbs, Gutters or Fire Hydrants.** A subdivider shall pay the entire cost of streets, alleys, sidewalks, curbs, gutters, or fire hydrants that he constructs on, through, or adjacent to un-serviced or undeveloped lands. However, the Town may agree in writing to collect a pro rata share of the costs from the owner of property served by such facilities at the time of construction and refund such costs to the subdivider. All streets and related improvements are to be constructed to the specifications adopted by the Town of Wiggins.

E. Recovery Cost Agreement Content.

1. If a subdivider desires to enter into a recovery agreement with the Town, he shall provide a complete detailed summary of all the construction costs to the Administrator within 90 days after completion of construction.
2. The subdivider and the Administrator shall jointly determine the service area of the facilities constructed by the owner or developer, and shall jointly determine a per-front-foot, per-lot, or per-acre recovery charge for said service area based upon the total construction cost submitted by the subdivider and approved by the Administrator. If the subdivider and the Town disagree on the amount, the determination of the Administrator shall be final for the purpose of review by the Board of Trustees.
3. The amount of the unit recovery charge (per-front-foot, per-lot, or per-acre) shall be the total construction cost approved by the Administrator divided by the number of equal or nearly equal units (front-feet, lots, or acres) served by the facilities.
4. The subdivider's right to reimbursement under the provisions of the recovery agreement shall not exceed 20 years unless the Board of Trustees approve a longer period. The subdivider's right to reimbursement is limited to the recovery of his total construction cost. Con-current Filing for Preliminary and Final Plans. For major developments with approved sketch plans, the applicant may file the preliminary and final plans concurrently when authorized by the Administrator. In no case shall an applicant be permitted to file these plans concurrently without a previously approved sketch plan. Applicants making concurrent filings shall be on notice that changes required of the preliminary plans must be made prior to the final plan approval.

5.08 Concurrent Filing for Preliminary and Final Plans. For major developments with approved sketch plans, the applicant may file the preliminary and final plans concurrently when authorized by the Administrator. In no case shall an applicant be permitted to file these plans concurrently without a previously approved sketch plan. Applicants making concurrent filings shall be on notice that changes required of the preliminary plans must be made prior to the final plan approval.

5.09 Minor Subdivision.

A. Application.

1. Applicants for a minor subdivision are required to pay appropriate fees upon requesting sketch review by the Town staff.
2. The Administrator shall determine if the submitted minor subdivision plat application is complete. If the application is not complete, the Administrator may reject the application and inform the applicant of the

materials needed to make the application complete. If the application is complete the Administrator shall initiate processing the plat.

3. A minor subdivision applies to six (6) or less units or lots.

B. Minor Plat Process.

1. *Pre-application/Sketch Plan Review.* Applicants shall submit all materials required for Pre-application/sketch plan review by the Administrator to the Administrator using the submission requirements listed in Appendix 9. Timing of the review will follow the process for preliminary plat of this ordinance.

2. *Final Plat Review.* Applicants shall submit all materials required for final required for final Plat review by Town Board to the Administrator using the submission requirements list of Appendix 9. Timing notification and public hearing requirements of the review will follow the process for final plat of section this ordinance.

3. Review by the Planning Commission.

- a. The Planning Commission shall review, and consider the staff report, any public comments received by the Town, the provisions of this Ordinance, and any other applicable development regulations, standards, or requirements adopted by the Town and shall approve, approve with conditions, or deny the minor subdivision sketch plan.
- b. Minor subdivisions that are approved with conditions shall be revised to reflect the conditions before sealing the final plat application.
- c. Minor subdivisions that are approved with conditions or denied may be appealed to the Board of Trustees.

4. Appeal.

- a. The applicant or any affected party has 10 days within which to appeal the decision of the Planning Commission to the Board. The appeal to the Board shall be a complete review of the minor subdivision application.
- b. Any affected party is defined as:
 - (i) Any person who was notified in writing because they were within 300 feet of the subject property; or
 - (ii) an individual who is harmed or negatively impacted by the

actions of the Commission's decision.

- c. The Board shall consider the minor subdivision appeal at a public hearing.
 - d. In hearing an appeal, the Board shall, at a public meeting, review the record of the Commission action. No new testimony may be heard, except staff may be asked to interpret materials contained in the public record.
 - e. The Board may overturn or amend the Commission's actions upon a finding that the Commission erred in the application of performance standard or criteria contained in this Ordinance or other written documents or plans adopted by the Town. Further, the Board may remand for additional evidentiary findings or for an additional public hearing to obtain new evidence.
 - f. The Board shall make explicit its rationale for overturning a decision of the Commission. Staff shall, in the case of Board approvals and conditional approvals, make them a part of the approved minor plat.
5. Review by the Town Board.
- a. The Town Board shall consider the final plat at a public hearing as required in this Ordinance.
 - b. The Board will finalize any subdivision improvements agreement as negotiated by the Administrator and as required to implement the subdivision.
 - c. Upon approval of a minor subdivision plat, the Town Board shall cause the Administrator to record the plat as per this ordinance.

5.10 Public Notice Requirement. For all actions under this Section 5 requiring a public hearing, the following public notices are required (see Appendix 4):

- A. Notice shall be sent by first class mail to all real property owners owning property located within 300 feet of the property in question at least 10 days prior to the public hearing, however, the failure to send or receive this notice shall not be deemed to deprive the Town Board, Planning Commission or Board of Adjustment of jurisdiction.
- B. Notice of the hearing shall be published in a newspaper of general circulation within the Town at least 10 days prior to the public hearing.
- C. Notice shall be posted on the subject property at least 10 days prior to the public hearing. (See Appendix 4)

D. All notices shall include

1. a statement of the nature of the matter to be considered;
2. the time, date and place of the public hearing; and
3. the agency or office and phone number where further information may be obtained.

5.11 Limitations on Approval. Following approval of an application, all property described in the application must be developed in accordance with the approval, including, but not limited to, the written documents, site plans and development schedules. It is unlawful for the owner, developer or applicant to use or develop the property for any other use or in a manner not consistent with the approved plan. Each day of violation shall be considered a separate violation of the provisions of this Chapter. Modification or amendments to an approved application shall be permitted by following the same procedures as required for approval of the original application, except as follows:

- A.** For minor variations in the location of structures, improvements or open space areas caused by engineering or other unforeseen difficulties, the Administrator may authorize a modification to an approved site plan. Such changes authorized by this section shall not exceed 10% of any measurable standard or modify the use, character, or density of an approved application. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.
- B.** The Administrator may authorize an extension of the time scheduled for the completion of the improvements for a period not to exceed one year. An extension beyond one (1) year must be approved by the Planning Commission.
- C.** The Planning Commission shall be notified in writing of all actions of the Administrator authorizing changes to approved applications or for time extensions.

5.12 Submission Requirements. Submission requirements for subdivisions are detailed in Appendix 9.

5.13 Dedications Required.

- A. General Policy.** The Planning Commission and Town Board, upon consideration of the Town's Comprehensive Plan and the particular type of development proposed in the subdivision, shall require the dedication or reservation of areas or sites of a character, extent and location suitable for public use for roadways, schools, open spaces, parks, public safety and maintenance facilities, historic sites, scenic areas, and other necessary public purposes. All dedications and reservations for parks and open spaces must meet the requirements of the Zoning Ordinance for these uses.

- B.** *Public Dedications to the Town of Wiggins.* Reference shall be made to the Wiggins Comprehensive Plan to determine general locations for various public facilities. Dedication of such sites and land areas shall be made at the time of final platting in one or any combination of the following ways:
1. By dedicating to the Town of Wiggins, Colorado, in fee simple on the final plat;
 2. By granting the land areas in fee simple on general Warranty Deeds to the Town of Wiggins; or
 3. By payment of fees in lieu of land dedications.
- C.** *Commercial and Industrial (or other nonresidential) Subdivisions.* In the case of nonresidential subdivisions (less than 10% residential use), an exaction of two percent (2%) and/or equivalent fees for public facilities will be required by the Commission and Board at the time of subdivision. The allocation of land and/or fees for public facilities will be made at the discretion of the Board of Trustees upon recommendation of the Planning Commission. For mixed-use subdivisions, exactions for residential and nonresidential uses will be based on the proportion of the land associated with residential use.
- D.** *Residential Subdivisions.* The subdivider shall provide sites and land areas for public facilities to serve the proposed subdivision and the future residents thereof. Such provisions include:
1. For linear subdivision (linear subdivisions as used herein refers to the traditional subdivision of land not previously subdivided by official plat filing and does not refer to such subdivisions as condominiums and townhouses), the Commission shall require the dedication of land areas or sites suitable for public purposes defined above of six percent (6%) of the total area of the subdivision.
 2. In the case of a subdivision of land into multiple dwelling units on land which has not been previously approved as a linear subdivision or on land where no previous public facilities dedications was made or fees-in-lieu paid, the subdivider shall dedicate six percent (6%) of the gross area of the land to the Town for public facilities. Said requirement may be waived in whole or in part by the Commission if there is sufficient park space already provided for the future residents of the proposed subdivision.
 3. With the approval of the Planning Commission and the Board Trustees the subdivider will be required, to pay fees in lieu of the equivalent land areas which would have been dedicated to public facilities. Fees are to be calculated in the following manner:
 - a. Fees shall be calculated based on the full market value of the land immediately prior to the platting, but with the zoning district

- (iii) Purchase of materials, including but not limited to trees, shrubs, benches, and equipment to be used in public parks or recreation facilities as approved by the Board.
- (iv) Physical improvements made to existing public parks or recreational facilities as approved by the Board.
- (v) Construction of all types of public facilities.
- (vi) Direct transfer of funds to the school district serving the Town of Wiggins for capital improvements and land acquisition of an amount no greater than one-third (1/3) of the six percent (6%) total dedication. Thus, the maximum public dedication exaction of land or fees-in-lieu for schools is two percent (2%) and other public purposes is four percent (4%) for a total of six percent (6%).

5. Special Conditions for School Districts.

- a. All residential, mixed-use, commercial and industrial subdivisions shall provide for public school sites or fees-in-lieu to serve the proposed subdivision and the future residents thereof and in accordance with these Regulations. The public facility dedication requirements of this Ordinance may be allocated in whole or in part to the appropriate school district upon approval of the Board of Trustees for any approved subdivision.
- b. Land dedications must conform to the appropriate school district's master school site location plan in the school district where the subdivision is located. Where no such plan exists, site locations will be decided by the Town and/or in conjunction with the school district where appropriate.
- c. Fees-in-lieu and payments under the requirements of this Ordinance shall be made payable to the Town of Wiggins which may, in turn, deposit such monies in any Town approved and designated financial institution in separate or pooled accounts in accordance with the provisions of Colorado Revised Statutes.
 - (i) Such monies shall be recorded to a special interest-bearing fund to be held for the school district serving the subdivision. Each deposit shall be credited to the name of the subdivision for which the payment was made and shall be recorded in the above fund. The status of this fund shall be reported annually to the Board of Trustees and shall be made available to the school district pursuant to stipulation in joint agreements (as they may exist) between the two.

(ii) Monies may be withdrawn from the special fund by the Board for the specific purpose of acquiring land for school sites within the school district serving the subdivision or transferred directly to the school district.

d. Land conveyed to the Town for public school sites may be transferred and conveyed to the school district pursuant to stipulations in joint agreements between the Town and school district.

E. Special Conditions for Dedicated Public Purpose Lands. Land areas that shall not be acceptable in determining the fulfillment of the requirements for the provision of land areas for public purpose facility sites shall include the following:

1. Natural drainage ways, streams, gullies, and rivers including all lands within the 100-year flood plain. (Note: Unless the Board specifically accepts a certain portion for a reasonable use.)
2. Rights-of-way and/or easements for irrigation ditches and aqueducts.
3. Steep, rugged, and hazardous geological land areas, and such other areas as are not conducive for use as public purpose sites.

F. Recreational Facilities and Open Space.

1. Required Reservations for Parks and Open Space.
 - a. All residential developments or developments that include a residential component shall provide through dedication, in-lieu fees or private reservation toward the expected recreational needs of their future residents as required by these zoning regulations.
 - b. The decision on park contribution requirements shall occur at the preliminary plan review, and the requirements for either land dedication or in-lieu fee for public dedication decided at the final approval stage. Land dedication will generally be required only if a proposed park facility shown on the Town's open space and parks plan is located on or near the proposed development, and if land dedication could logically contribute to the development of the proposed park.
 - c. Dedications to the town of Wiggins can be proposed to be up to the six percent (6%) requirements for public purpose dedications as approved by the Planning Commission and Board. Additional open space set-aside requirements of the zone district may be dedicated and reserved for private home-owners associations or operated by special districts as appropriate. The Town reserves the right to

accept or reject park and open space dedications as these proposed dedications may relate to the Town's park development and maintenance plans.

2. Mini-parks: Purpose and Standards.

- a.** The purpose of the mini-parks to provide adequate active recreational facilities to serve the residents of the immediately surrounding neighborhood within the development. The following are illustrative of the types of facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the mini-park requirements of this section: tennis courts, racquetball courts, ball diamonds, swimming pools, sauna and exercise rooms, meeting or activity rooms within clubhouses, basketball courts, swings, slides, play apparatus, and open areas for volleyball, badminton and other games.
- b.** Each development may satisfy up to half of its open space contribution requirement by installing the types of active recreational facilities that are most likely to be suited to and used by the age bracket of persons likely to reside in that development.
- c.** Mini-parks shall be attractively landscaped and shall be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences.
- d.** Each mini-park shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve.
- e.** Each mini-park shall be constructed on land that is relatively flat, dry, and capable of serving the purposes intended by this article.

3. Usable Open Space.

- a.** Except as provided in this Ordinance, every development shall be developed so that a land area as specified by the zone district and as may be identified by the Comprehensive Plan remains permanently as usable open space.
- b.** For purposes of this section, usable open space means an area that:
 - (i)** Is not encumbered with any substantial structure;
 - (ii)** Is not devoted to use as a roadway or parking area;
 - (iii)** Is left (as of the date development began) in its natural or undisturbed state if wooded, except for the cutting of trails for

walking or jogging, or, if not wooded at the time of development, is landscaped for ball fields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other recreation area;

- (iv) Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation; and
- (v) Is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required pursuant to this Ordinance.

- c. All developments are required to provide a trail or sidewalk system to accommodate pedestrian and bicycle circulation.
- d. Subdivided residential developments of less than 25 dwelling units are exempt from the requirements of this section unless the Town agrees that it will accept an offer of dedication of such open space, and in that case the offer of dedication shall be made.

4. Ownership and Maintenance of Recreational Areas and Required Open Space.

- a. Except as provided in below, recreation facilities and usable open space required to be provided by the developer in accordance with this Ordinance shall not be dedicated to the public but shall remain under the ownership and control of the developer (or his successor) or a home-owners association or similar organization that satisfies the criteria established in this Ordinance.
- b. The person or entity identified in this section as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

5. Dedication of Open Space.

- a. If any portion of a lot proposed for residential development lies within an area designated on the officially adopted recreation master plan as a neighborhood park or part of the greenway system or bikeway system, the area so designated (not exceeding six percent [6%] of the total development area parcel) shall be included as part of the area set aside to satisfy the requirement of this section. This area shall be dedicated to public use.
- b. If more than six percent (6%) of a development parcel proposed for

residential development lies within an area designated as provided in this section, the Town may attempt to acquire the additional land in the following manner:

- (i) The developer may be encouraged to dedicate the common open space thereby created to the Town; or
- (ii) The Town may purchase or condemn the land.

6. Homeowners Associations. Homeowners Associations (HOAs) or similar legal entities that, pursuant to this section, are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

- a. Provision for the establishment of the association or similar entity according to state law, is to be made before final subdivision approval is made or any lot in the development is sold; legal documents are to be forwarded to the Town prior to final approval.
- b. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;
- c. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.
- d. The Town retains the legal authority to compel HOAs to maintain their properties in proper condition.

7. Flexibility in Administration Authorized.

- a. The requirements set forth in this section concerning the amount, size, location, and nature of recreational facilities and open space to be provided in connection with residential developments are established by the Board as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted Town plans. The Board recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this section may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Town is authorized to permit minor deviations from these standards, whenever it determines that:

- (i) the objectives underlying these standards can be met without

strict adherence to them; and

- (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

- b. Whenever the Town Board authorizes some deviation from the standards set forth in this section pursuant to this section, the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

- 8. *Streets, Roads, Pathways, and Easements.* All public streets, roads, pathways and easements for utilities are to be offered for dedication to the Town or special district as appropriate at the time of Final Plat approval. Final plats are to allow for these dedications; however, the actual transfer of dedications of such streets, road, pathways and easements shall not occur until such improvements are "accepted" by the Town or special district through their normal improvement acceptance procedure. The dedicated rights-of-way and easements are to be shown on the final plat along with the dedication endorsement.

5.14 *Requirement for Approval by Planning Commission.* No plat of a subdivision of land within the territorial limits of the Town or within the territory within the subdivision control of the Planning Commission, or any part thereof, shall be filed or recorded until it has been approved by the Planning Commission and such approval entered in writing on the plat by the Chairman and Secretary of the Planning Commission.

5.15 *Penalty.* Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells, or agrees to sell or negotiates to sell any land by reference to or exhibition of or by use of a plat of a subdivision within the Town before such plat has been approved by the Planning Commission and recorded or filed in the office of the Morgan County Clerk and Recorder shall pay a penalty of \$1,000.00 to the Town of Wiggins, Colorado for each lot or parcel so transferred, or sold, or agreed or negotiated to be sold.

The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction.

5.16 **Boundary Line Adjustments.**

A. Definitions.

Boundary line adjustment means either a lot merger or minor changes in the boundary lines of two or more adjacent platted lots of record (or parcels) where such adjustment does not create additional lots.

Lot merger means the merging of two or more contiguous lots into one lot for the purpose of building on that lot.

B. Boundary Line Adjustment Review Process.

1. *Purpose.* The purpose of this Section is to permit a lot merger or minor changes in the boundary lines of adjacent lots or parcels without requiring the processing of an entire subdivision plat application.
2. *Approval Required.* Before any boundary line adjustment shall be legally effective for any purpose, whether immediate or future, including but not limited to any sale, transfer of ownership or building development of the affected or resulting lots or parcels, the procedures prescribed by this section shall be followed.
3. *Application.* The boundary line adjustment review process is commenced by filing with the Town an application including the following information.
 - a. The application and review fee as established from time to time by resolution of the Board of Trustees;
 - b. Written consent to the proposed boundary line adjustment signed by the owners of all of the properties affected or by their duly authorized agents;
 - c. A vicinity map showing the general locations of the affected properties;
 - d. An 11-inch by 17-inch (11" x 17") or larger scaled site plan drawing showing the existing and proposed boundary lines, dimensions and bearings of the properties to be affected by the adjustment; the locations, dimensions and setbacks for all existing and proposed improvements, structures, easements and utilities; and the current zoning of the properties;
 - e. The legal descriptions of the properties affected by the adjustment, describing such properties before and after the proposed adjustment, and a legal description of the area subject to the adjustment;
 - f. The proposed deeds or other instruments of conveyance to be used to effectuate the adjustment, together with legal descriptions;
 - g. A current title report in the form of a title commitment indicating

the current ownership and the encumbrances, in any, on the affected properties. The report shall have been issued within three months prior to submission of the application, and updated commitments shall be provided upon request;

- h.** A certificate of taxes due or other evidence demonstrating that there are no overdue taxes on the affected property.
 - i.** Certified mail return receipts and copies of the letters from the owners to the holders of any mortgages or deeds of trust upon the properties evidencing the fact that the owners have sent a copy of the application to such holders and notified the holders of the requested boundary line adjustment; and
 - j.** Such other data and information Town staff reasonably determine necessary to conduct a review of the application. The applicant shall promptly comply with any requests to provide additional or supplemental information. The deadline for action on an adjustment application shall be automatically extended to reflect the submittal date of any additional or supplemental information.
- 4.** *Staff Review.* Upon receipt of a complete boundary line adjustment application, the Zoning Administrator shall review the request to determine whether it complies with the requirements of this Section and the Land Development Code. The application may be referred to other Town departments and to other appropriate agencies and persons, and referral comments and consultation regarding the application may be received from such departments, agencies and persons. The applicant shall be provided with copies of any written referral comments.
- 5.** *Approval or Denial of Application.* Within 30 days of a complete boundary line adjustment application, the Zoning Administrator shall determine whether the proposed boundary line adjustment complies with the requirements of this Section and Land Development Code and shall approve, approve with conditions, or deny the application. Notice of the approval or denial shall be in writing and shall be provided to the applicant. If the boundary line adjustment is approved the applications shall be finalized and the appropriate documents shall be recorded.
- 6.** *Right to Appeal.* Within 15 days after the date of the Zoning Administrator's denial of an application for a boundary line adjustment, the applicant may appeal the decision to the Board of Trustees with the Town Clerk. The notice shall state the basis for the appeal. Upon receipt of such notice of appeal, the requested boundary line adjustment shall be scheduled for de novo review before the Board of Trustees pursuant to the public hearing notice procedures in Section 05.10. Upon the completion of such public hearing process, the Board of Trustees may approve, deny, or

approve with conditions the requested boundary line adjustment, and the Board of Trustees decision shall be final.

7. Conditions of approval may be imposed on any boundary line adjustment as may be necessary to conform the application to the requirements of this Section or the Land Development Code.
8. *Boundary Line Adjustment Review Standards.* The decision to approve or deny a proposed boundary line adjustment shall be based upon whether the applicant has demonstrated that the proposed adjustment meets all of the following standards:
 - a. The adjustment involves adjacent lots or parcels;
 - b. No new lot or parcel is created;
 - c. The resulting lots or parcels comply with the applicable subdivision standards and zoning standards unless the applicant has first obtained approval for a zoning variance pursuant to Section 02.14.L;
 - d. The lots or parcels, as approved, will not conflict with existing structures or utilities on the surrounding property;
 - e. The lot or parcels, as approved, will not be deprived of access or have nonconforming access as a result of the adjustment;
 - f. The adjustment does not create, or mitigates to the extent possible, negative impacts on the surrounding property;
 - g. If applicable, the adjustment does not materially impair the purposes, intent or development contemplated under the planned unit development plan affecting that property;
 - h. The resulting lots or parcels allow the efficient use of property;
 - i. The adjustment involves only lots or parcels with identical zoning;
 - j. All owners and record title interest holders have consented to the adjustment;
 - k. The properties subject to the proposed adjustment are not owned by persons who, within the preceding six months, have submitted one or more boundary line adjustments for properties adjacent to within the same block as the properties subject to the application.
 - l. The adjustment does not dedicate rights-of-way or easements; and

subdivision or a lot merger combining all lots, or upon the determination of the Zoning Administrator that the purpose for such the deed restriction was given is no longer served. The Zoning Administrator shall have the authority to execute any such deed restriction and any release of a deed restriction on behalf of the Town.

TABLE OF CONTENTS

Section 6 – Vested Rights

- 6.01** When Development Rights are Vested
 - A.** Definition of Site-Specific Development Plan
 - B.** Notice and Hearing
 - C.** Approval Conditions
- 6.02** Waiver or Forfeiture of Vested Rights
- 6.03** Duration
- 6.04** Subsequent Regulation Prohibited
- 6.05** Extension and Amendments
- 6.06** Other Provisions
 - A.** Other Requirements Remain
 - B.** Limitations
 - C.** Development Agreement

Section 6

Vested Rights

6.01 When Development Rights are Vested.

This vested rights section provides the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., which establishes a vested property right to undertake and complete development of real property under the terms and conditions of a Site-Specific Development Plan (hereinafter SSDP). No vested rights shall be created within the Town of Wiggins except through a SSDP.

A. Definition of Site-Specific Development Plan. A SSDP within the Town of Wiggins may be established at the final approval of a development by the Town which occurs prior to a building permit application. If a landowner wishes the approval of any of the following plans to have the effect of creating vested property rights pursuant to state law, the landowner must so request at least 20 days prior to the date said approval is to be considered and pay the applicable fee. Failure to so request approval of an SSDP and pay the fee therefor renders the approval not an "SSDP," and no vested rights shall be deemed to have been created. An SSDP may not be approved prior to the approval of any of the following by the Town; however, an SSDP may be approved concurrently with the following plan approvals.

1. For all property zoned PD under the Wiggins Development Code, a Final Development Plan described in this Ordinance.
2. For all other properties within the Town of Wiggins, the Final Plat for single- family detached residences defined in this Ordinance.
3. An approved Site Development Plan (SDP).
4. An approved Site Plan for a Special or Conditional Use Permit.
5. Notwithstanding anything above to the contrary, an SSDP may be defined in a development agreement between the Town and the landowner to supersede the definition of this Ordinance. Submission requirements for an SSDP or Site Development Plan are found in Appendix 8.

B. Notice and Hearing. No SSDP shall be approved until after public notice and a public hearing before the Town Board of Trustees.

- C. **Approval-Conditions.** An SSDP shall be deemed approved upon the effective date of the action of the Town Board. The approval of the Board shall be accompanied by any terms or conditions imposed on the SSDP.

6.02 Waiver or Forfeiture of Vested Rights.

- A. Failure to abide by any terms or conditions of the approval of any SSDP imposed by the Town shall constitute a forfeiture by the landowner of any vested right created by the Plan unless otherwise specifically agreed by the Town in writing.
- B. Any petition for annexation to the Town shall describe all vested property rights approved by any local government in effect at the time of the Petition, if any, and be accompanied by all SSDPs approved by any local government. Failure to so identify any previously approved vested property right and provide all approved SSDPs shall constitute a waiver of the vested right(s) created by any other local government upon annexation to the Town unless specifically provided otherwise in the ordinance of annexation adopted by the Town of Wiggins.
- C. The landowner shall be required to include with any Plan submitted for approval as an SSDP notice of any natural or manmade hazards on or in the immediate vicinity of the subject property which are known to the landowner or could reasonably be discovered at the time of submission of the Plan. Should a hazard on or in the immediate vicinity of the property be discovered subsequent to the approval of a SSDP which would impose a serious threat to the public health, safety, and welfare and is not corrected by the landowner, the vested property right created by such SSDP shall be forfeited by the landowner.
- D. A new SSDP submitted by a landowner and approved by the Town forfeits any pre-existing vested rights for the property.
- E. Failure of the landowner to publish the notice required by six (6) below constitutes a waiver by the landowner of the vested right created by the approval of the SSDP.
- F. Each SSDP, upon approval by the Town, shall contain a statement as follows: "This plan constitutes a site-specific development plan as defined in § 24-68-101, et seq., C.R.S. and the Town of Wiggins Land Development Code." [and, if applicable] "The terms and conditions of such approval are contained in Resolution No.____ adopted by the Town on _____ and available at the Wiggins Town Hall, _____, Wiggins, Colorado." In addition, a notice describing the type and intensity of use proposed, the specific parcel or parcels of property affected, the terms and conditions of any approval and stating that a vested property right pursuant to Article 68 of Title 24, C.R.S., has been created shall be published once, no later than 14 days after approval of the SSDP, in a newspaper of general circulation within the Town of Wiggins by the landowner at the expense of the landowner. The period of time permitted by law for the exercise of a vested right shall not begin to run until the date of such

publication. Failure to publish this notice constitutes a forfeiture of the vested right.

6.03 Duration. A property right which is vested as provided herein shall be vested for a period of three (3) years from the date of approval of the SSDP upon compliance with all terms and conditions of such approval. This vesting period shall not be extended by any amendments to the SSDP, unless expressly authorized in writing by the Town.

6.04 Subsequent Regulation Prohibited. Any vested property right, once established, precludes any zoning or land use action by the Town or pursuant to an initiated measure which would alter, impair, prevent, diminish, impose a moratorium on development, or otherwise delay the development or use of the property as set forth in a SSDP, with the following exceptions:

- A. With the consent of the affected landowner;
- B. Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of vesting plan approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety, and welfare; or
- C. To the extent that the affected landowner receives just compensation for all costs expenses, and liabilities incurred by the landowner that would be negated by the change in regulation. These may include but are not limited to, fees paid in consideration of financing, and architectural, planning, and marketing, legal, and other consultants' fees incurred after approval of the SSDP by the Board, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action.

6.05 Extension and Amendments. No extension or amendment of the vesting period or the rights that are vested shall be granted unless such extension or amendment is approved by the Board following a public hearing. Such request for extension or amendment shall be filed by the landowner together with all materials and fees required by this Ordinance to be submitted for original approval. No extension shall be granted by the Board for a period greater than one (1) year. Vested rights amendments shall be the same as the original or the extension in terms of duration.

6.06 Other Provisions.

- A. **Other Requirements Remain.** Approval of an SSDP shall not constitute an exemption from or waiver of any other provisions or requirements of the Town of Wiggins pertaining to the development and use of the property adopted or applicable before or after the approval of an SSDP, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.
- B. **Limitations.** Nothing in this Section is intended to create a vested property right,

but only to implement the provisions of 24-68-101, et seq., C.R.S. In the event of a repeal of said statute or a judicial determination invalidating or declaring unconstitutional part or all of said statute, this Section shall be deemed repealed and the provisions hereof no longer effective, or in the event only a portion of said statute is declared void or constitutional, then the portion of this Section corresponding thereto shall be deemed repealed and no longer effective.

- C. Development Agreement.** Nothing herein shall be construed to limit the authority of the Town and a landowner to enter into a development agreement vesting property rights in the landowner. Such agreement shall be construed in accordance with the terms and conditions of said agreement and not be limited or expanded by the provisions of this Ordinance. Such development agreements shall be adopted by ordinance subject to referendum.
- D. Compliance.** Following approval or conditional approval of a SSDP, nothing in this Section shall exempt the SSDP from subsequent reviews and approvals by the Town to ensure compliance with the terms and conditions of the original approval, if such reviews and approvals are not inconsistent with said original approval.

TABLE OF CONTENTS

Section 7 - Annexation

- 7.01** Purpose
- 7.02** Responsibilities
- 7.03** Eligibility for Annexation
- 7.04** Who May Petition for Annexation
- 7.05** Required Annexation Impact Reports
- 7.06** Required Dedications
- 7.07** Pre-Annexation Agreement
- 7.08** Annexation Agreement
- 7.09** Proposed Zoning
- 7.10** Standards for Annexations
- 7.11** Planning Commission Action
- 7.12** Town Board Action
- 7.13** General Development Plan

Section 7

Annexation

- 7.01 Purpose.** All annexations to the Town of Wiggins utilizing the petition method will follow the following process and standards to ensure that petitions are processed in an orderly manner, that municipal services are adequate and available to the property, and that all requirements of Article 12 of Title 31, Colorado Revised Statutes, as amended, are fulfilled.
- 7.02 Responsibilities.** Responsibilities. The applicant is required to prepare all necessary documents in a professional manner and submit all documents as required. General Development Plan submission requirements are the same as Rezoning Requirements and are found in Appendix 7. The Planning Commission shall make recommendations to the Town Board. In addition, the Town Clerk will publish the resolution and the public notice of hearing for four (4) successive weeks in the Town's official newspaper. The first publication shall be at least 30 days prior to the public hearing before the Town Board. The Town Clerk will also send a copy of the notice to the Morgan County land use department, and to any special district or school district having territory within the area to be annexed at least 25 days prior to the date fixed for such hearing.
- 7.03 Eligibility for Annexation.** Properties proposed for annexation must meet the following requirements:
- A.** Owners of more than 50 percent of the area to be annexed including streets and alleys shall sign the petition for annexation.
 - B.** Not less than one-sixth (1/6) the outside perimeter of the area to be annexed shall be contiguous to existing Town limits.
 - C.** No land held in identical ownership shall be divided by the boundary of the proposed annexation without consent of such property owner.
- 7.04 Who May Petition for Annexation.** Only owners of the land or their legal representatives may petition the Town for annexation. Only the landowners may sign the petition.
- 7.05 Required Annexation Impact Reports.**
- A.** An annexation impact report is required for parcels larger than ten acres, unless the Board of County Commissioners of Morgan County, Colorado and the Town agree that the report may be waived. If a report is required, it must be completed at least 25 days before the hearing date and filed with the County 20 days before the hearing date. While it is the responsibility of the Town to prepare this report,

the assistance of the petitioners will be necessary to complete the report. Information from the petitioners for the report would include:

1. The existing and proposed land use pattern in the areas to be annexed;
 2. the identity of existing districts within the area to be annexed;
 3. the effect of the annexation upon the local public-school district including the estimated number of students generated and the capital construction required to educate such students;
 4. a statement of the Town's plans for extending, financing and providing municipal services within the area to be annexed;
 5. a statement identifying all existing special districts within the area to be annexed;
 6. a map of the Town and adjacent area showing:
 - a. Present and proposed boundaries of the Town in the vicinity of the proposed annexation; and
 - b. The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation;
 7. the annexation impact report shall also include a statement setting forth the Town's plans for financing the extension of municipal sewer lines into the area to be annexed.
- B.** The Town may also require that a fiscal impact report be prepared under its direction at the petitioner's expense. This report should provide the information needed by the Town to evaluate the fiscal costs and benefits of the proposed annexation over a multi-year period.
- C.** Town staff must also review the proposed annexation and provide their evaluation and recommendations to the Board prior to the scheduled public hearing.
- D.** Town staff shall refer the annexation impact report to relevant review agencies.

7.06 Required Dedications.

- A.** The petitioners shall dedicate or agree to dedicate sufficient land and rights-of-way to the Town for public streets and alleys as set forth in the standards and specifications of the Town, and the Town's Master Plan for Transportation.

- B. The petitioners shall dedicate or agree to dedicate sufficient and unobstructed rights- of-way for utility easements and storm drainage to serve the proposed development. Petitioners also agree to pay utility development fee and tap fees as determined by the Town.
- C. The petitioners shall dedicate or agree to dedicate to the Town, or pay cash in lieu of at the time of platting, land to be used for public purposes of at least six percent (6%) of all residential and two percent (2%) of all nonresidential property proposed for annexation.
- D. The petitioners shall assign to the Town all rights, title and interest in any water rights associated with the property or in any and all water located beneath the property to be annexed.
- E. The petitioners shall be required to construct all roads, utilities, and other improvements at their sole expense and according to the requirements, standards and specifications of the Town. Connection of such improvements to existing Town systems and/or the dedication of such improvements to the Town shall be at the Town's convenience.

7.07 Pre-Annexation Agreement. Petitioners will enter into a Pre-Annexation Agreement to establish the amount of deposit fees required to process and review the annexation petition, annexation agreement and General Development Plan.

7.08 Annexation Agreement. Petitioners and the Town shall engage in negotiations to develop a formal Annexation Agreement that addresses timing and requirements of dedications outlined in this Ordinance and tied to the General Development Plan requirements. The Town will begin this process using a model annexation agreement of its own design. Although annexation petitions may be accepted by the Town prior to conclusion of negotiations of an Annexation Agreement, no zoning of the property will occur until the Annexation Agreement is complete. Petitioners may include clauses regarding the de- annexation of property should the negotiations for an Annexation Agreement be terminated and/or the property not zoned to the satisfaction of the petitioners.

7.09 Proposed Zoning. The proposed zoning for the area to be annexed shall be included in the annexation agreement, and final annexation of the property contingent on the subsequent adoption of zoning. Processing of annexation petitions, findings of eligibility, annexation agreements and zoning may proceed concurrently through the review process, but approvals must be sequenced in order and according to this Ordinance and state law.

7.10 Standards for Annexation. In considering a petition for annexation, the Town Board shall make findings of facts and conclusions on the following standards for annexation.

- A. A community of interest exists between the area proposed to be annexed and the Town; the property to be annexed is a reasonable and logical extension of the Town; and the annexation is compatible with the goals of the Town's

Comprehensive Plan.

- B.** Areas proposed for annexation shall not divide tracts in order to prevent further annexation of adjoining parcels.
- C.** Areas proposed for annexation which due to their configuration cause excessive police, fire, utility, and street cost may not be accepted.
- D.** Zoning of the area proposed for annexation shall be reasonable in terms of existing Town zoning classifications and consistent with the Town Comprehensive Plan.
- E.** The area proposed for annexation shall be located where street extensions and water and sewer utility services are possible without expense to the Town. Where exceptional costs may be required in serving the area proposed for annexation, financial arrangements to extend streets, water or sewer mains shall be agreed upon prior to annexation.
- F.** Problems of storm drainage shall be considered prior to annexation to ensure that flooding problems within and adjoining the area proposed for annexation will not be increased by development of the tract.
- G.** Adequate water rights are provided to serve the proposed development on the property proposed for annexation and/or fees-in-lieu of water rights transfer shall be paid.
- H.** Petitioner has deposited with the Town of Wiggins monies in an amount determined by the Town Board upon a preliminary review of the petition for annexation according to the Pre-Annexation Agreement. The amount of monies to be deposited shall be solely in the discretion of the Town Board and shall be intended to cover all costs to the Town resulting from the petition for annexation. No petition for annexation shall be deemed complete until such time as petitioner has deposited the amount of money so determined by the Town Board and petitioner has agreed to pay such additional sums to the Town as may be required to cover unexpected costs.
- I.** Any additional conditions or requirements which the Town Board deems necessary for the proper evaluation of the petition.

7.11 Planning Commission Action.

- A.** The Wiggins Planning Commission shall review staff comments and the results of staff negotiations with the applicant concerning:
 - 1.** accuracy of annexation petitions and maps;
 - 2.** land use allocations, circulation plans, and proposed utility systems proposed in the General Development Plan;

3. proposed dedications;
 4. proposed zoning;
 5. completeness and accuracy of submission documents; and
 6. referral comments concerning the annexation and annexation impact report.
- B.** The Planning Commission shall hold a public meeting on the annexation focusing on issues surrounding the General Development Plan and the proposed zoning of the property. The Planning Commission will make recommendations concerning the Standards for Annexation in the Annexation Ordinance.
- C.** The Planning Commission will make recommendations to the Staff and Town Board concerning issues to be covered in the Annexation Agreement, but the Planning Commission is not required to be part of formal Annexation Agreement negotiations.
- D.** The Planning Commission will make a complete record of its recommendations concerning the annexation and forward them to the Town Board at least 15 days prior to the Town Board's review of the petition for Annexation.

7.12 Town Board Action. The Town Board, after receiving all necessary recommendations, shall follow the procedure required by the state enabling statutes to include the following:

- A.** Following receipt of the Planning Commission recommendations, the Town Board, if appropriate, will adopt a resolution finding the petition to be in substantial compliance with the statutory requirements. If the petition is signed by the owners of one hundred percent of the area proposed for annexation, the Board may annex the territory by ordinance after notice and a public hearing and, further, without an election unless additional terms and conditions are to be imposed. The Board shall set the date, time and place for a public hearing to determine if the annexation meets the requirements of C.R.S. 31-12-104 and 105. This hearing will be held not less than 30 days nor more than 60 days after the effective date of the Resolution setting the hearing.
- B.** On the appointed date and time, the Town Board shall hold the public hearing. The petitioners shall present evidence in support of the petition. Town staff shall present information concerning:
1. surveys, legal descriptions and the map of Annexation;
 2. the one-sixth (1/6) boundary contiguity requirement;
 3. no land held in identical ownership shall be divided, except with the consent of the land owner;

4. the entire width of perimeter streets or alleys shall be annexed;
5. no proceedings are pending to annex the land to another municipality; and
6. this annexation will not result in extending the Town's boundaries more than three miles in any direction in any one (1) year.

Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the Town Board. All proceedings shall be recorded.

C. Upon completion of the hearing, the Town Board shall adopt a Resolution setting forth findings of facts and its conclusions based thereon with reference to the following matters:

1. Whether or not the requirements of the applicable parts of C.R.S. 31-12-104 and 105, and of this Ordinance have been met;
2. whether or not additional terms and conditions are to be imposed; and
3. whether or not an election is required either as a result of a petition for election or the imposition of additional terms and conditions.

A finding that the area proposed for annexation does not comply with the applicable provisions of CRS 31-12-104 and 31-12-105, of this Ordinance shall terminate the annexation proceeding.

D. If the Resolution of the Town Board determines that the annexation is in compliance with the items above, and further determines that an election is not required, and does not determine that additional terms and conditions are to be imposed, the Town Board may thereupon annex the area proposed to be annexed by ordinance. If additional terms and conditions are to be imposed which are not agreed to voluntarily and in writing by the land owners, an election shall be held.

E. After passage of the annexation ordinance, the area is annexed as of the effective date of the ordinance. The effective date for taxation shall be the ensuing January 1.

F. After passage of the annexation ordinance, the Town will file one copy of the Map of Annexation with an original copy of the annexation ordinance in the office of the Town Clerk and file for recording two certified copies of the annexation ordinance and the Map of Annexation containing a legal description of such area with the Morgan County Clerk and Recorder. The Town shall request that the County Clerk forward one copy of the Map of Annexation and annexation ordinance to the Division of Local Government in the Colorado Department of Local Affairs.

G. After final passage of the annexation ordinance, the Town may zone the property

either at the same meeting or within 90 days after the effective date of the annexation ordinance.

- 7.13 General Development Plan.** A General Development Plan must be prepared describing the desired use of the property after annexation. Annexations that have no General Development Plan will be zoned Conservation unless determined otherwise by the Town Board. The General Development Plan is required to determine the development intentions of the petitioners, to use as a basis for the negotiation of an Annexation Agreement, and to properly zone the property after annexation. Requirements for processing and preparing the General Development Plan are the same as for Rezoning and are found in this Ordinance and Appendix 7. Petitioners who desire PD zoning will follow the Planned Development District zoning requirements in preparing the General Development Plan.
- 7.14 Zoning of Newly Annexed Land.** The Town may institute the procedure outlined in State Statutes and this Ordinance to make newly annexed land subject to zoning at any time after a Petition for Annexation on a Petition of Annexation Election has been found to be valid. The proposed Zoning Ordinance shall not be passed prior to the date when the annexation ordinance is passed. Any area annexed shall be brought under the Zoning Ordinance and Zoning Map within 90 days after the effective date of the annexation ordinance. During such 90 day period, the Town may refuse to issue any building or occupancy permits for any portion or all of the newly annexed land.
- 7.15 Subdivision of Newly Annexed Land.** The Town may institute the procedures outlined in this Ordinance to subdivide land in the area to be annexed at any time after a Petition for Annexation or Petition for Annexation Election has been found to be valid. The ordinance accepting the proposed subdivision shall be passed prior to the date when the annexation ordinance is passed.

APPENDIX 1

CONDITIONAL USE PERMIT SUBMISSION REQUIREMENTS

- A. An application for a conditional use permit shall include the following items.
1. The name, address, and phone number of the applicant on a completed application form supplied by the Town.
 2. Narrative description of the proposal.
 3. Names and addresses of all property owners adjacent to the subject property, disregarding any intervening public right-of-way. The source of such list shall be the records of the Morgan County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the Morgan County Clerk and Recorder.
 4. Legal description of the property affected.
 5. Vicinity map.
 6. Site development plan drawing, 24 inches by 36 inches (24" x 36") with two foot (2') contours, as applicable.
 7. Any other information deemed appropriate by the Administrator for complete review of the application.

APPENDIX 2

SPECIAL USE PERMIT SUBMISSION REQUIREMENTS

- A. An application for a special use permit shall include the following items.
1. The name, address, and phone number of the applicant on a completed application form supplied by the Town.
 2. Narrative description of the proposal.
 3. Names and addresses of all property owners adjacent to the subject property, disregarding any intervening public right-of-way. The source of such list shall be the records of the Morgan County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records or from the records of the Morgan County Clerk and Recorder.
 4. Legal description of the property affected.
 5. Vicinity map.
 6. Site development plan drawing, 24 inches by 36 inches (24" x 36") with two foot (2') contours, as applicable. The plan (scale: 1 inch = 50 feet) shall show the location of all proposed buildings, fences, parking areas, ingress and egress, waste disposal areas, other construction features and landscaping, and measured distances to adjoining property lines, and improvements, including those across a road, street, right-of-way, easements or other narrow strip of property.
 7. Certified boundary survey, monumented with legal descriptions.
 8. Performance guarantee (as applicable).
 9. A written discussion explaining conformance with special use criteria, water and sewer system contemplated, and the street and circulation system contemplated and connections to off-site streets.
 10. Any other information deemed appropriate by the Administrator for complete review of the application.
 11. Appropriate filing fee amount.
 12. When required, a soil survey of the particular site.
 13. All plans or plat plans, supplemental information, as required, and fee must be submitted to the Zoning Administrator and Board of Trustees for study and recommendations at least 20 days prior to the public meeting of the Planning

Commission.

14. Any person who wishes to alter a structure or change a use or method of operation of any activity in a manner inconsistent with or not provided for by the original special review use permit shall first apply to the Town of Wiggins, Colorado, for a new special review use permit.
15. In addition, all applications must adhere to all state and federal land use or developmental regulations.

APPENDIX 3

TEMPORARY USE PERMIT SUBMISSION REQUIREMENTS

- A. The following information shall be required to accompany an application for a temporary permit.
 - 1. The name, address, and phone number of the applicant on a completed application form supplied by the Town.
 - 2. A description of the proposal, including a discussion of hours of operation, potential noise impacts, parking accommodation, impacts on adjacent property, any associated signs or lighting, and provision for temporary utility services, as applicable.
 - 3. Appropriate filing fee amount.
 - 4. Any other information deemed appropriate by the Administrator for complete review of the application.

APPENDIX 4

PROPERTY POSTING PROCEDURE

- A. Posting notice on property for which an annexation, special use or rezoning application is pending shall be required. Such notice shall be posted by the applicant at least (15) days prior to a public hearing before the Planning Commission and/or Town Board. Preliminary Planned Development (PD) Plans and major PD amendments are included under this requirement.
- B. **Sign Format** - The required notice shall consist of at least one (1) sign facing the prominent adjacent right-of-way. Such sign(s) shall measure not less than three feet by four feet (3' x 4') and shall be erected on posts no less than four feet (4') above the ground level. Such sign shall read as follows:

NOTICE OF PUBLIC HEARING BEFORE THE
PLANNING COMMISSION (OR TOWN BOARD OF TRUSTEES)

Notice is hereby given that the property upon which this sign is posted shall be considered for (nature of request) pursuant to the Town of Wiggins Land Development Code. For further information contact the Town of Wiggins at _____. The public hearing is to be held on (date), in the Wiggins Town Hall at (time), or as soon thereafter as possible.

Name of Proposal: _____

Case Number: _____ Date of Posting: _____

- C. **Additional Requirements.** An affidavit verifying the date of the sign posting is required at least 10 days prior to the scheduled Planning Commission or Town Board hearing date. Such affidavit shall be submitted to the Town for the applicant's file as per the following form:

Town of Wiggins Planning Commission
Wiggins, Colorado

RE: PROPERTY NOTICE SIGN POSTING

Case No(s) _____

Property Name (if applicable): _____

Property Location: _____

Hearing Date: _____

(Before:) Planning Commission _____ Town Board _____

This letter is to certify that a sign giving notice of a public hearing was posted for the above case(s) on or before _____ per the requirements of the Town of Wiggins Land Development Code.

Signature of applicant/Representative:

Date: _____

(Please print or type)

Name: _____

Address: _____

D. Other Requirements.

1. Town of Wiggins staff will verify by on-site inspection that the required sign has been posted as certified by the applicant.
2. The posted sign shall be removed by the applicant within two (2) weeks following the final decision by the Town Board.

NOTIFICATION REQUIREMENTS

TYPE OF USE	POSTING RQMTS	PUBLICATION RQMTS	MAIL ADJOINING LANDOWNERS
SPECIAL REVIEW USE:			
Planning Commission	15 Days		
Board of Trustees		15 Days	15 Days
AMENDMENT TO ZONING ORDINANCES:			
Planning Commission	10 Days	15 Days	
Board of Trustees	10 Days	15 Days	15 Days - Special Districts
ANNEXATION:			
Board of Trustees	10 Days	1 week, 4 successive wks starting at least 30 days prior to hearing.	25 Days - Special Districts
APPEALS & VARIANCES:			
Board of Adjustments	15 Days	1 Week	15 Days

ALL REQUIREMENTS LISTED ABOVE ARE PRIOR TO MEETINGS OR HEARINGS OF THE GOVERNING BODIES

APPENDIX 5

SUBMISSION REQUIREMENTS FOR PLANNED DEVELOPMENT DISTRICT AMENDMENTS

- A. The applicant shall submit ten hard copy (large format) and one digital copy of graphic documents similar in format for PD Plans with specific approval signature blocks for ownership of the PD amendment area, Planning Commission approval, Board of Trustees approval and Clerk and Records Certificate, plus the legal description of the amendment area and the dates when the original Preliminary PD Plans or ODPs were recorded and the particular file, map, and recording page numbers. The word "amendment" shall appear under the PD title at the top of the page. The staff will indicate the level of detail necessary for the graphic and narrative submissions.
- B. The proposed amendment(s) shall be clearly indicated on a site plan and a written narrative explaining in detail the changes from the original Preliminary or ODP approval must accompany the site plan.
- C. A list of property owners both within and external to the PD amendment area and up to three hundred (300) feet from the boundary of the PD amendment area for proper hearing notification as reflected in section 5.10. The applicant shall provide a list of property owners with application documents in an excel spreadsheet format. The Planning Director will determine which properties within the entire or original planned unit development would be affected by the proposed change, and all owners of such property shall also receive notice
- D. A land use chart showing all originally approved residential densities, numbers of units, nonresidential densities or Floor Area Ratio's (FARs), and nonresidential square footage compared to the new densities, unit numbers, FARs and square footage.
- E. Development Plan Sheet showing:
 - 1. Use list for all planning areas and maximum heights of uses
 - 2. Major circulation system
 - 3. Planning area acreage and densities
 - 4. Open space areas/trails/parks/ recreation facilities
 - 5. Utility facilities (water, sewer, drainage, etc., on a generalized engineering level)
 - 6. Public facilities and proposed dedication areas
 - 7. Initial development phasing Timetable
 - 8. Legal descriptions of amendment area tied to original boundary survey
 - 9. Title insurance commitment or policy dated a maximum of 15 days prior to the date of application.

APPENDIX 6

FINAL PLANNED DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

- A. The submission requirements for a Final PD Plan shall contain the following material:
1. An application for approval of a Final PD Plan must be filed by a person having an interest in the property to be included in the planned development and must include a consent by the owners of all property to be included in the planned development.
 2. A complete site plan showing the major details of the proposed planned development prepared at a scale of not less than 1" = 100' shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the final planned development, if applicable. The site plan and supporting documents shall also indicate:
 - a. A listing of all permitted uses within the PD and/or each separate planning area.
 - b. The location of all existing and proposed buildings, structures, and improvements, separated into planning areas, if applicable.
 - c. The maximum height of all buildings.
 - d. The density and type of dwellings. Gross square footage and ground coverage of all nonresidential structures (Floor Area Ratio).
 - e. The internal traffic and circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.
 - f. The location, height, and size of proposed signs, lighting and advertising devices.
 - g. The areas which are to be conveyed, dedicated or reserved as general open space, common park areas, including public parks and recreational areas, and as sites for schools or other public buildings.
 - h. The proportion of land to be left in a natural condition as major open space, stated in terms of acreage or square footage, as well as the ratio of open space in areas to be developed stated on a square feet per unit basis
 - i. An explanation of the objectives to be achieved by the planned development, including building descriptions, sketches or elevations as may be required to describe the objectives.
 - j. A refined development phasing schedule indicating the approximate date when construction of the planned development or stages of the planned development can be expected to begin and be completed.

- k. A description of snow removal methods or techniques to be utilized, as appropriate.
- l. A description of the proposed method of providing ongoing (permanent) maintenance of all commonly owned or publicly dedicated buildings, facilities, areas and thoroughfares.
- m. Copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance, and continued protection of the planned development and any of its common areas. Such documents shall be in conformance with the requirements of 24-67-101, et. seq. C.R.S. 1963, as amended and commonly referred to as the Planned Unit Development Act of 1972.
- n. Sections (a), (c), (d), and (h) should be combined into a chart/table.

APPENDIX 7

REZONING (ZONING AMENDMENT) SUBMISSION REQUIREMENTS

- A. A petition for rezoning shall include copies of the following items:
1. The name, address, and phone number of the petitioner on a completed application form supplied by the Town.
 2. A general description of all land area to be rezoned, and requested new classification along with a sketch to scale of one (1) inch = 100 feet, bearing contour lines at vertical intervals of two (2) feet, as well as boundaries of area requested to be rezoned, including an indication of the existing zoning on all adjacent sides of the area:
 3. Appropriate filing fee amount.
 4. A statement of justification for the rezoning, including one of the following conditions:
 - a. Changing area conditions;
 - b. Error in original zoning;
 - c. Conformance to comprehensive plan for areas; or
 - d. Peculiar suitability of the site to a specific use.
 5. Legal description of the property effected.
 6. Description and sketches of buildings or uses proposed if rezoning is granted, along with a description of land and building uses adjacent to the boundary of the proposed area of change, in all directions.
 7. Proof of ownership in the form of a Title Policy or Title Commitment, including a schedule of exceptions to title, dated within 60 days of the application, showing that the applicant is the fee title owner of all subject property.
 8. A list of all property owners (names and addresses) adjacent to the subject property, disregarding any intervening public right-of-way. The source of such a list shall be the records of the Morgan County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the Morgan County Clerk and Recorder.
 9. Evidence that the property can be served by public sewer and water services. Such evidence shall be in the form of a written commitment by the appropriate provider stating that such service will be available to the property (“commitment to serve” letter).

10. A map showing the location of the property at an appropriate scale.
11. A description of proposed methods to accommodate changes in traffic patterns on existing and proposed public and private roadways.
12. A statement from local school board concerning the adequacy or additional needs of the school system to accommodate the proposed rezoning.
13. A description of all proposed parks, playgrounds, and other public facilities.
14. Time schedule for any contemplated new construction or uses.
15. Justification for nay new business or industrial zoning.
16. Statement of the effect that new zoning would have on adjacent uses.
17. Application for rezoning to the mobile home park shall conform to all submission requirements set forth in the Mobile Home Park District.
18. Any other information deemed appropriate by the Administrator for complete review of the application. Such information may include, but is not limited to, a certified boundary survey and/or a site plan.

APPENDIX 8

SITE DEVELOPMENT PLAN (SDP) SUBMISSION REQUIREMENTS

A. The SDP Sketch Plans

1. A brief narrative of the project's purpose and general intent concerning land uses, circulation, open space, design concepts of buildings, proposed heights, densities, utility connections, drainage concept plan, and any other relevant information deemed important by the applicant to explain the project.
2. Sketch map of the proposed site layout at a scale of one-inch equals fifty feet (1" = 50') or larger; a bar scale shall also be included.
 - a. The date, a bar scale, a north arrow, site topography lines (two foot [2'] contours preferred), major physical features, and existing vegetation should be noted.
 - b. The zoning and general landscaping schemes for all property within 300 feet.
 - c. The general planning theme as well as general architectural and signage standards and materials for the project.
 - d. An illustration of the general location, character, square footage, height and use of all proposed structures.
 - e. The location and function of adjacent streets as well as vehicle circulation, parking areas, pedestrian and transit facilities, drainage facilities, and landscaping for the site.

B. Site Development Plans/Formal Submission - The following information shall be required on all drawings of SDPs, landscape plans and grading and drainage plans.

1. General Requirements.

- a. The name of the proposed development and submission phase (centered at the top of the sheet).
- b. A north arrow and a scale of 1-inch equals 50 feet (1" = 50') or larger.
- c. Sheet size of 24 inches by 36 inches (24" x 36") with the long dimension horizontal; the title block located in the lower portion of the sheet with the date of preparation.
- d. Development phasing lines.
- e. Topography at two foot (2') intervals.

- f. The name, address and telephone number of the individual or firm who prepared the plans.
- g. Approved plans shall be black line Mylar. No sepia ink or pencil drawings will be accepted. No sticky backs, stick-ons, or press-type letters or symbols will be allowed on the final Mylar that are to be recorded. All signatures are to be in black, permanent ink. Mylar shall be in duplicate for the county and town permanent files.

C. **Site Development Plan Submission Requirements** - The site development plan will contain a narrative including a general description of:

1. The scope of the project and its principal features and attributes;
2. Overall impacts of the proposed development on the adjoining properties;
3. Relationship to the Wiggins Comprehensive Plan;
4. Zoning of property;
5. Name and address of the property owner, the developer if different than the property owner and the person(s) preparing the site plan;
6. Proof of ownership (deed, current title policy or endorsement up to 120 days old);
7. Legal description or lot and block number, subdivision name, name of project, and address of site, when applicable.
8. Description of the proposed development schedule and phases of development when construction will not be in one phase;
9. Include any other pertinent descriptive information relevant to the project.
10. In addition to the above, a traffic study by a professional traffic engineer which describes the impacts of the proposed development on the existing or proposed street system and measures and means for dealing with these impacts. This requirement may be waived by the Administrator based on the size and scope of the project.
11. A drainage plan and study prepared by a professional engineer detailing the analysis and method for directing and containing the run-off over and above the historical flow from the site. This requirement may be waived by the Administrator based on the size and scope of the project.
12. A soils report and geological and subsidence investigation report prepared by a professional engineer must be submitted for the site.
13. A fiscal impact report may be required.
14. Accompanying the narrative exhibit will be a graphic map that shows existing site

characteristics including:

- a. The zoning, easements of record, existing structures, other improvements, and vegetation on the site as well as view corridors to and from the site. Structures to be removed should be indicated as such.
- b. For all surrounding property within 300 feet, this study shall indicate as-built density and name of subdivision(s). It shall also include the existing structures, parking areas, public and private streets (including dimensions and median and curb cuts), pedestrian and transit facilities, drainage facilities and landscaping, and fire hydrant locations.
- c. The names and addresses of the property owners, developers, and adjacent property owners, including those across transportation rights-of-way, alleys, and waterways or bodies.

D. Site Development Plan Drawings - The plan drawings are suggested to be on at least four (4) separate sheets. Sheet information may be combined depending on the scope and scale of the project with the concurrence of the Administrator. Certain drawing requirements may be waived by the Administrator depending on the scope and scale of the project.

1. Sheet # 1 shall be a Cover Sheet including:
 - a. Name of the development at the top of the sheet.
 - b. A general vicinity map at an appropriate scale and including all existing or proposed freeways, arterials and major collector streets within one mile of the site.
 - c. Legal description of the property being planned including section, 114 section, township and range.
 - d. Any special notes listed by the plan sheet they refer to.
 - e. Signature blocks for the Town Board, Planning Commission, and Owners or their representatives.
 - f. Names and addresses of Plan Sheet preparers.
2. Sheet #2 shall be a Site Plan showing all proposed improvements, in detail, including:
 - a. Property dimensions, including lot lines and lot design.
 - b. Dimensions and location of all proposed structures, their footprints and height, the number of floors, number of dwelling units, all overhangs or protrusions into the public or private access routes, location of entrances and loading points. All structures must be dimensioned and their locations must be tied out, meaning sufficient information to determine the coordinates of any corner of any structure. Any structure within 10 feet of an easement must show the distance between the

closest point of the structure to the nearest point of the easement. Note total building coverage -- percent and square footage. Include setback dimensions from property lines.

- c. Name and dimension of all public and private road rights-of-way, points of access on or adjacent to the proposed site and surface materials.
 - d. Location, dimension and surface materials of required off-street parking and loading areas. (Note total number of parking spaces provided, the percentages of small car spaces and lighting arrangements).
 - e. The structure's use (for parking calculations), the gross floor area, and the number of vehicle trips generated by the various uses on the site. Vehicle trip generation charts by use may be included in the traffic study.
 - f. Dimensions and locations for all curb cuts, driving lanes, bicycle lanes, pedestrian ways, garages, carports, public transportation pick-up points, and mail box kiosks. All public improvements should be labeled, with dimensions, and tied out to property lines.
 - g. Various notes, as necessary, shall be included.
 - h. Dimensions and location of all walls, fences, and screen plantings adjacent to public rights-of-ways and on the site, particularly around recreational vehicle and equipment storage areas and trash disposal facilities.
 - i. Location and dimensions of all existing and proposed drainage, utility, and other easements, water and sewer lines, water meters, and fire lanes and hydrants. Location and size of drainage facilities, and the direction of flow.
3. Sheet #3 shall be a Landscape Plan showing all landscaping and buffering details.
- a. Dimensions, square footage, percent of site and location of open space and common areas shall be shown on the plan.
 - b. Open space as required for a zone district as specified in this ordinance. Percentage calculations for open space shall be shown.
 - c. Note all building entrances, pedestrian walks or paths, pedestrian oriented areas, and vehicular drives and exterior parking areas (including dimensions, materials, and type of surface finish). All recreation areas, use and general equipment locations, as well as all fences, garden structures, and plazas shall be shown. Construction details showing methods of construction, materials, finishes, colors, and the type and location of the irrigation system shall be included.
 - d. All slopes and mound areas within the site shall be called out.
 - e. The plan shall identify and locate plant masses and type of plants.

- f. All lawn areas and ground cover areas shall be identified including the square footage of the area and the living and non-living plant materials to be used.
- g. Various notes, symbols, and general information shall be placed on all landscape plans as necessary. The following conditions shall apply:
 - (1) Landscape installation shall be completed prior to issuance of Certificate of Occupancy.
 - (2) A statement or note concerning quantity and method of application of suitable soil preparation as determined by soil type. Soil type shall be stated in the note.
 - (3) General description of the automatic landscape irrigation system. If the type of system varies on the site it shall be so stated.
- 4. Sheet #4 shall show architectural elevations for all structures. It shall be 24 inches by 36 inches (24" x 36") and be drawn at a scale of one-eighth inch to one inch (1/8" - 1') or larger. All sides of the structures shall be shown. Descriptions of all materials and colors shall be included. Depending on the scale of the project, elevations may or may not be required at the discretion of the Administrator.

APPENDIX 9

SUBMISSION REQUIREMENTS FOR SUBDIVISIONS

- I. **MINOR SUBDIVISION REQUIREMENTS**- is defined as six (6) or less units or lots.
 - A. Applicants should submit three (3) copies of the following preliminary plan materials to the Administrator:
 1. A title insurance commitment or policy including a schedule of exceptions to title, or an attorney's title opinion addressed to the Town, dated or endorsed to a date no more than 15 days prior to the date of application, showing that the applicant is the fee title owner of all subject property. If such property is encumbered, it shall be required that such lien holder join in the dedication. It is the responsibility of the applicant to keep title policies current.
 2. Documented proof of availability of central sewer and potable water utility services.
 3. Documented proof of legal access if the subject property does not have direct contiguous access to a public road or street.
 4. Any other special reports required by Staff or the Planning Commission.
 5. Any proposed Subdivision Improvements Agreement.
 6. Legal documents pertaining to the organization of any homeowners association for the maintenance of private roads, open space, etc., and other documents as required.
 7. Label the current zoning on the subject and adjoining properties.
 8. Location of trash pick-up area, if required by the Commission.
 - B. The Plat shall contain the following information:
 1. Title of plat and the phrase: "Minor Subdivision - Final Plat" underneath.
 2. Legal descriptions of property location by subdivision.
 3. Prior reception number of previous property transfer; original subdivision name, if any, and book/page reference in Morgan County records.
 4. Basis of bearing and description and location of primary control points of monuments both found and set and ties to such control points to which all dimensions, angles, bearings and similar data on plat shall be referred.

5. A scale drawing of tract boundary lines, right-of-way lines of streets, easements and other rights-of-ways and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves with long chord bearings and distances.
6. Names and right-of-way width of each street or other rights-of-way together with block and lot numbers.
7. Location, dimensions and purpose of any easement, including reference by book and page to any preexisting recorded easements.
8. All dimensions necessary to establish the boundaries in the field.
9. Planned locations (with dimensions) of all improvements (building footprints, parking, etc.) on the site for airspace subdivision plats (condos, town homes, etc.)
10. Dimensions of improvements.
11. Notation of scale of drawing or representative fraction of the drawing(s), a bar-type graphical scale, north arrow (north is to point to the top of the plat sheet) and date of drawing.
12. Notation of which areas, other than residential lots, are dedicated or reserved, such as for open space.
13. Dedications and certifications by the owner and lien holder platting the property dedicating the streets, rights-of-way, easements and any sites for the Town of Wiggins' public uses or open spaces.
14. Certification by a surveyor ensuring the accuracy of the survey and plat and certifying compliance with the requirements of C.R.S. Title 38, Article 51, and the requirements of these Regulations in the preparation of the final plat.
15. Certificate of approval by the Planning Commission and Town Board.
16. A general vicinity map showing the location of the subdivision being platted and the name of any underlying subdivision.
17. Location of sewer and water service lines and mains.
18. Contour lines at two-foot (2') intervals after any grading is completed.
19. Statements describing improvements to the site such as revegetation measures, means of defining parking, surface material of parking and drives, etc.
20. Show by the use of dashed lines the required front, rear and side setbacks on typical lots or state setbacks by use type in a chart.
21. Ownership title description reference.

22. Planned drainage areas for accommodating historic flows plus any increased runoff on the property resulting from development.

MAJOR SUBDIVISION SUBMISSION REQUIREMENTS – is defined as seven (7) or more units or lots.

II. Sketch Plan Submission Requirements – Developers should submit 10 copies of the sketch plan to the Administrator. The sketch plan should include the following items:

1. A map showing the general location of the proposed subdivision, its property boundaries, and the direction of True North;
2. The name and address of the developer;
3. The proposed name and location of the subdivision;
4. The approximate total acreage of the proposed subdivision;
5. The tentative street and lot arrangement;
6. Topographic contours from available data, such as United States Geological Survey topographic maps;
7. A lot and street layout indicating general scaled dimensions of lots to the nearest foot.
8. Evidence that prior to the subdivision of any unsubdivided land or the re-subdivision of any land within the corporate limits of the Town of Wiggins or prior to the annexation of any land to the Town for the purpose of subdividing, the developer shall be able to convey, transfer or assign to the Town adjudicated water rights of sufficient priority that the rights will yield annually to the Town a quantity of water equal to 1.5 times the water required to serve the proposed development.
 - a) In lieu of the conveyance of such water to the Town of Wiggins, the developer, with the consent of the Board of Trustees, shall be prepared to pay to the Town the money equivalent of such water. The money equivalent shall be that amount determined by the Board of Trustees as being equal in value to the water required herein.
 - b) This evidence shall be provided by the developer to the Planning Commission at the sketch plan stage to prove that the water rights described above are available for conveyance and sufficient in terms of quality, quantity, and dependability to satisfy the requirements of this Ordinance. Such evidence may include, but shall not necessarily be limited to:
 - (1) evidence of ownership or rights of acquisition of or use of existing or proposed water rights.

- (2) historic use and estimated yield of claimed water rights.
 - (3) amenability of existing rights to a change in use.
 - (4) evidence concerning the potability of the claimed water rights.
9. The sketch plan shall contain a description of the water distribution system contemplated for the proposed development.
10. The sketch plan shall contain a description of the sewer collection system contemplated for the proposed development.
11. A report and map showing all the significant natural and man-made features on the site and within one-half mile of any portion of the site. This report will include streams, canals, lakes, -vegetation and geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision. Specific emphasis should be placed on those portions of the site located in designated flood plain or undermined areas.
12. A map showing soil types and their boundaries, as shown on Soil Survey Maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, and also a table of all interpretations for the soil types shown on the soil map prepared by the Soil Conservation Service. (Requests for these maps and tables are made to the local Soil Conservation District; the subdivision does not need to be in a soil conservation district to obtain the map and table or have them prepared).
13. The scale of the Sketch Plan shall be not less than one inch (1") equals two hundred feet (200'). Some variation from this will be acceptable in the case of large subdivisions provided the plans and design are clearly legible. The sketch plan shall include the name of the subdivision, and block and lot numbers. In the case of large subdivisions requiring more than two sheets at such a scale, an area plan showing the total area on a single sheet and an appropriate scale shall also be submitted.
14. Any other information the developer believes necessary to obtain the informal opinion of the planning staff as to the proposed subdivision's compliance with the requirements of this chapter.

III. Preliminary Plat Submission Requirements - The Preliminary Plat application shall contain the following:

- A. One copy of an Application for Approval of a Preliminary Plat and all required supporting documents.
- B. Certified check payable to the Town for filing fees as established by the Town Clerk.

- C. A minimum of ten (10) black on white or blue on white prints of the Preliminary Plat and required supporting documents.
- D. One additional set of materials is required when the property being subdivided abuts a state highway.
- E. Summary Statement of Proposal including the following:
 - 1. Total acres to be subdivided.
 - 2. Total number of proposed dwelling units.
 - 3. Total number of square feet of non-residential floor space.
 - 4. Total number of off-street parking spaces, including those associated with single family residential use.
 - 5. Estimated total number of gallons of water per day required.
 - 6. Estimated total number of gallons per day of sewage to be treated.
 - 7. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other facilities as may be necessary to complete the development plan.
- F. List prepared by a licensed title or abstract company of all owners of record of property adjacent to and within 300 feet of the area of the proposed subdivision, including their addresses. This information will be utilized for notification of meeting time and date.
- G. Such other preliminary information as may be required by the Planning Commission in order to adequately review the plat. Preliminary data should be prepared in graphic form avoiding time consuming final drafting procedures and detailed calculations.
- H. The minimum data required for preliminary review are as follows:
 - 1. Location Map - Select a scale from 1" = 500' to 1" = 1000', sufficient to show the proposed internal and the existing external road systems. Significant topographic features should be shown.
 - 2. Preliminary Street Plans - 1" = 50' with two (2) foot contours with alignment, graphic dimensions of right-of-way widths, curve radii, and tangent lengths. The proposed typical structural and geometric cross sections, location, type and approximate size of appurtenant structures, such as bridges, culverts, traffic control devices, lot lines and other design features should all be shown.
 - 3. Preliminary Street Profile Preliminary profiles based upon the contours and the

sketched alignments should be provided showing graphic grades, proposed lengths of vertical curves, limits of horizontal curves, and locations of bridges and major culverts. Where streets are to be temporarily stubbed at site or plat boundaries, the profiles should extend sufficiently beyond the boundary to assure the feasibility of a future extension that can conform to standards.

4. Preliminary Drainage Plan and Report - The preliminary plan and report should contain the following minimum data. A basin contour map defining the drainage basins and illustrating the existing drainage patterns and concentration points with rough estimates of contributory acreage and runoff amounts. A sketch of the proposed land development showing the consequent changes in the drainage patterns, concentration points and flooding limits with estimates of acreage, runoff coefficients and runoff amounts for the areas to be developed both now and the future within each basin. A narrative of the proposed handling of the increased drainage at the concentration points or of internal pattern changes.
5. Preliminary Design of Utilities - Preliminary plans and profiles of the proposed water and sewer facilities should be provided showing the location of all existing and/or proposed water and sewer and other utilities relative to the development. Indicate the size, type and other pertinent data for all existing and proposed utility improvements.
6. Preliminary Landscaping Plan - A preliminary landscaping plan shall be submitted which shall show the approximate size and types of proposed planting and the location of the planting and its spacing. The plan shall also show the approximate location, type, height, spacing, and physical health of existing vegetation. A statement will be required explaining the intent of the preliminary landscaping plan, as for screening purposes and specimen tree plantings.
7. Letter from the fire district concerning fire protection and fire flow requirements for the proposed subdivision.

IV. Preliminary Plat Drawing Requirements - The accuracy and location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed to practice in the State of Colorado. A poorly drawn or illegible plat is sufficient cause for its rejection. The following data shall be included as part of the Preliminary Plat submission:

- A. Name of proposed subdivision.
- B. Location of subdivision as a part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or a quarter-section corner.
- C. Names and addresses of the subdivider, the designer of the subdivision, and the engineer and surveyor both of whom shall be licensed by the State of Colorado Board of Registration for Professional Engineers and Land Surveyors.
- D. Date of preparation, map scale, and north sign.

- E. Location by survey of streams, washes, canals, irrigation laterals, private ditches, culverts, lakes, or other water features, including direction of flow, water level elevations, and typical depths and location and extent of areas subject to inundation by a 100-year storm.
- F. A traverse map of the monumented perimeter of the proposed subdivision along with all survey notes of subdivision perimeter and copies of all monument records. The traverse shall have an error of closure of not greater than one part in 10,000. A survey tie to the State coordinate system or other permanent marker established by the Town is required if practical.
- G. The existing topography of the proposed development site shall be shown. A two-foot (2') contour interval shall be used in areas where the predominant ground slope is less than five percent (5%). A five-foot (5') contour interval shall be used in areas where the predominant ground slope exceeds five percent (5%). In cases where predominately level topography occurs throughout a subdivision a one-foot (1') contour interval may be required. Elevation data shall be referenced to U.S.G.S. datum. The mapping accuracy shall be as specified by the American Society of Photogrammetry.
- H. Lot and street layout.
- I. Scaled dimensions of all lots to nearest foot and the area of each lot to the nearest square foot.
- J. Total acreage of entire proposed subdivision.
- K. Lots and blocks numbered consecutively.
- L. Location and principal dimensions and identification of all existing and proposed public and private easements and rights-of-way.
- M. Existing and proposed street names.
- N. The plat shall be drawn to a scale of one inch (1") equals 100 feet (1" = 100'), and shall indicate the basis of bearings, true north point, name of the subdivision, name of municipality, township, range, section and quarter section, block and lot number (of the property under consideration).
- O. An affidavit or valid title commitment that the applicant is the owner or equitable owner or authorized by the owner, in writing, to make application for the land proposed to be subdivided.
- P. Location of sites to be reserved or dedicated for parks, playgrounds, schools, or other public uses except streets and utility easements. The Planning Commission, upon consideration of Town circulation and facilities and the future requirements of the subdivision, shall require the dedication of areas or sites of a character extent and location suitable for public use for schools and parks.

1. At the time of submission of the preliminary plan, the developer shall submit an agreement for the dedication of land for public parks and school sites according to one of the following alternatives. Said proposal shall outline the conveyance of said lands or the payment of monies in lieu of land subject to the following guidelines:
 - a) Six percent (6%) of the gross land area shall be dedicated to the Town for schools, parks, open space, police and fire stations, or other public uses.
 - b) At the option of the Board of Trustees, the developer shall; in lieu of such conveyance of land, pay to the Town in cash or terms acceptable to the Board of Trustees, an amount equal to six percent (6%) of the fair market value of the land as determined by appraisal on the date of the approval of the subdivision. If the Town of Wiggins and the developer fail to agree on the fair market value of the land, the fair market value shall be fixed and established by a qualified appraiser selected by the Town and the developer.
 - c) At the discretion of the Board of Trustees, the subdivider may provide a combination of (a) and (b) above to satisfy the public site requirements.

- Q. Sites, if any, for multifamily dwellings, shopping centers, community facilities, industrial or other uses, exclusive of single-family dwellings.

- R. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use. Information other than location of these areas is to be provided in a separate document.

- S. A separate location and vicinity map showing the following information within a one-half (½) mile distance of the perimeter of the proposed plat.
 1. Names and outlines of abutting subdivisions.
 2. Related existing and planned streets and highway systems.
 3. Subdivision boundary lines.
 4. Zoning districts, taxing districts and other special districts, if any.
 5. Water courses.
 6. Significant vegetation patterns.

- T. The subdivision street layout showing the following:
 1. Proposed future street layout in dashed lines for any portion or parcel of the plat which is not being subdivided at the present time.

V. **Final Plat Submission Requirements** - The Final Plat shall conform to and include the

following:

- A. The Final Plat submission shall conform in all major respects to the Preliminary Plat as previously reviewed and approved by the Planning Commission and shall incorporate all modifications required in its review. The Planning Commission, however, may approve a Final Plat which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the Preliminary Plat review and approval.
- B. A Final Plat may be submitted in sections or filings covering representative and reasonable portions of the subdivision tract. In such cases submission shall include a map, indicating the sections designated for the entire tract, and each sheet numbered accordingly, including title, legend, match lines, and other appropriate information. Where an entire parcel is not subdivided, the subdivider must indicate his intended plans for disposition of the remainder of the parcel.
- C. One (1) copy of the application form for review of a Final Plat.
- D. Three (3) black on white or blue on white prints of the Final Plat.
- E. Three (3) copies of the engineering plans and all required supplemental material.
- F. The original reproducible drawing of the Final Plat prepared in accordance with the requirements of this Ordinance. Submit after final approval of Town Board within seven (7) days.
- G. A certified check payable to the Town of Wiggins review and filing fees for a final plat as established by the Town.
- H. All dedications, reservations, or agreements concerning parks, school sites, and access roads are subject to Wiggins Town Board approval. Where such action involves another public agency, a letter of clearance from that agency shall accompany the Final Plat application.
- I. A signed warranty deed conveying six percent (6%) of such land designated for public use or, at the discretion of the Board of Trustees, a certified check for an amount as may have been agreed to at the time the Preliminary Plat was approved. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear of all taxes, liens, or other encumbrances.
- J. In the case of a planned unit development an official signed deed dedicating or reserving certain tracts or the development rights to such tracts for local use as may have been agreed to at the time the Preliminary Plat was approved. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear of all taxes, liens or other encumbrances.
- K. An official signed document conveying the water rights required by this Ordinance to the Town, or, at the discretion of the Board of Trustees, a certified check for an

amount as may have been agreed to at the time the Preliminary Plat was approved. The document shall be accompanied by a title insurance policy or other evidence that the water is free and clear of all taxes, liens, or other encumbrances.

- L. A bond acceptable to the Town of Wiggins, or in the alternative, a letter of credit, or a certified or suitable check equal to the total estimated construction cost of all required subdivision improvements not yet completed at the time of application for final plat approval. Such improvements shall include but not necessarily be limited to streets, roads, paving, curb and gutter, sidewalks, storm sewers, sanitary sewers including collectors and outfall lines, water distribution and transmission lines, fire hydrants, street lights, street signs, traffic control devices, survey monuments, culverts, bridges and landscaping features. Bonds or letters of credit may be negotiated based on development phases of the subdivision.
- M. An executed copy of the Subdivision Improvements agreement.
- N. An exact copy of a certificate of a title insurance company or abstract of title suitably certified or certificate of title or title opinion submitted by an attorney which shall set forth the names of all owners of property included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record, which shall affect the property covered by such plats. If the title opinion or commitment discloses any of the above, then at the option of the Planning Commission, the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the Planning Commission.
- O. Where a homeowners association or other entity is to be used for the administration and maintenance of private roads or open space and recreational facilities, a binding and perpetual agreement in regard to maintenance and access control shall be submitted with the Final Plat. Such agreement shall be in a form acceptable to the Town Attorney and the Planning Commission and shall include provisions for:
 - 1. Adequate funding and self-enforcement by the homeowners association of the terms contained in the agreement.
 - 2. Continuous safety inspections and immediate follow-up maintenance to correct unsafe conditions.
 - 3. Receiving and processing complaints by authorized users of the private roads or open space and recreational facilities.
 - 4. Requiring written permission from the Board of Trustees before the association can be dissolved.
- P. Where a portion of an existing easement is contiguous to a proposed easement for right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Town Planning Commission must be submitted.

- Q. When a new street will intersect with a State Highway, a copy of the State Highway permit shall be submitted
- R. If a plat is revised, a copy of the old plat shall be provided for comparison purposes.
- S. A summary statement shall be submitted which shall include the following:
1. Total development area.
 2. Total number of proposed dwelling units.
 3. Estimated total number of gallons per day of water system requirements.
 4. Estimated total number of gallons per day of sewage to be treated.
 5. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, flood plain protection, storm drainage facilities, and such other facilities as may be necessary. If improvements are not to be completed prior to approval of the Final Plat, the cost estimates included in this statement shall be identical to those included in the improvement agreement.
- T. Certification of inclusion of the land represented by the Final Plat in any municipal or quasi-municipal district(s) formed for the purpose of providing sanitary sewer service and which has jurisdiction in the area platted.
- U. Certification from any special district having jurisdiction that all applicable fees have been paid relative to the Final Plat including sewer connection fees and/or plant investment fees or that an agreement has been executed acceptable to the District for such payment.
- V. A certified or suitable check payable to the Town of Wiggins for the applicable water tap fees and/or plant investment fees represented by the area being platted. In the alternative, the developer shall submit a contract for payment of said fees in a manner and form acceptable to the Town.
- W. No subdivision shall be approved until such data, surveys, analysis, studies, plans and designs have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the Town and the conditions contained in these subdivision regulations and all other applicable Ordinances of the Town. The minimum data required for Final Plat review are as follows:
1. Street Construction Plans and Profiles.
 - a) The typical street geometric and structural cross section is to be shown on each plan sheet. The plan must show right-of-way lines and widths, street name, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths, intersections, structures, skew angles, curb lines, cross

pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards. Scale 1" = 50'.

- b) The profiles are to include ground lines, grade lines, vertical curves, curve lengths, calculated grades, elevations, intersections and other critical points, structures, and all other features required to enable construction in accordance with approved standards. The scale to be 1" = 50' horizontal and 1" = 1' to 1" = 5' vertical in flat and rolling terrain. The horizontal to vertical distortion is to be chosen to best depict the critical elevation aspects of the design. Where centerline grades at intersections are steep, curb return profiles are to be submitted showing necessary modifications to eliminate unsightly bumps or water retaining depressions that many times result.
- c) Sufficient data should be given to construct major structures and road appurtenances, such as bridges, large culverts, curbs, drives, walks, cross pans, etc. Detail should include orientation, line and grade, cross sections, dimensions, reinforcement schedules, materials, quality, specifications, etc.
- d) A structural section design report shall be submitted if a section other than the Town standard structure section is to be used. The design criteria set forth in the Street Standards and Specifications Ordinance of the Town of Wiggins provided such ordinance exists, shall be used in the preparation of the final street construction plans and profiles.

2. Final Drainage Plans and Reports.

- a) Plans and specifications based upon the approved Preliminary Plat and associated reports are to be submitted detailing design of the final storm drainage system, including construction details and alignment of storm sewers, catch basins, manholes, ditches, slope protection, dams, energy dissipators, etc.
- b) Flow line profiles and layout elevations shall be at minimum 100-foot stations, and natural ground elevations shown to indicate any significant irregularities for all proposed conduits, channels, structures, etc.
- c) Cross-sections of each water carrier shall be shown showing high water elevations and adjacent features which may be affected thereby.
- d) Construction details of curb, curb and gutter, valley gutter, driveway apron and ditch culvert, shall be included. Written approvals as may be required from other agencies or parties that may be affected by the drainage proposal shall also be submitted.
- e) The drainage report shall include the supporting calculations for runoffs, times of concentration and flow capacity with all assumptions clearly stated and with proper justification when needed or requested.

- f) The final drainage plan shall be prepared in conformance with the design criteria set forth in the Street Standards and Specifications Ordinance of the Town of Wiggins, provided such exists.
3. Final utility plans and profiles.
- a) Plans and specifications based upon the approved Preliminary Plat and associated reports are to be submitted detailing the design of final water, sanitary sewer, natural gas, telephone, electric and cable television facilities to be installed-in-the area included in the final plat. In addition, final design is required of any off-site facilities related to the above described utilities which may be considered an integral part of the utilities plan for the subdivision.
 - b) Water utility facilities design shall conform to the criteria set forth in the Water System Design and Construction Standards Ordinance of the Town of Wiggins, provided such Ordinance exists.
 - c) Sewer utility facilities design shall conform to the criteria set forth in the Sewer System Design and Construction Standards adopted by the Town or any special district of competent jurisdiction.

VI. Final Plat Drawing Requirements

- A. The Final Plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to practice in the State of Colorado. A poorly drawn or illegible plat is sufficient cause for its rejection.
- B. The following will be required of final plats:
 - 1. Said plat shall be in the form of a black India inked Mylar that is suitable for recording in Morgan County and capable of reproducing clear and sharp reproductions of all details, signatures, and notary seals.
 - 2. No plats using sepia ink or pencil or containing stick-ons will be accepted.
 - 3. All signatures on the plat are to be in black permanent ink.
 - 4. The plat sheet shall have outer dimensions of 24-inch by 36-inch. The plat drawing will be contained within a space defined by a one and one-half inch (1½") margin from the left sheet edge and a one-half inch (½") margin from the other three sheet edges.
 - 5. Applicants are encouraged to use more than one sheet to avoid the crowding of information on one sheet. Sheets are to be designated as sheet x of y sheets.
 - 6. The scale of the plat drawing shall be 100 foot = 1-inch (100' = 1"). Other scales may be approved by the Administrator.

- C. Good draftsmanship shall be required in order for all of the following information to be shown accurately and legibly. It shall contain the following:
1. Title, scale, north sign, and date.
 2. Primary survey control points, monuments, descriptions and ties, dimensions, angles, bearings, and similar data shall be shown on the Plat as may be needed to determine boundary and lot closures. Primary control points and monuments shall be as specified by State law and shall actually exist in the field before Final Plat approval. Road intersections and ends shall be suitably monumented and ties filed with the Town Clerk for engineering review prior to acceptance for maintenance.
 3. Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or angles, and radii, arcs or chords, and central angles of all curves.
 4. Name and right-of-way width of each street or other rights-of-way.
 5. Location, dimensions, and purpose of any easements.
 6. Number to identify each lot or site and each block.
 7. Location and description of monuments.
 8. Certificate of Acceptance, as outlined below.

NOTICE

Public Notice is hereby given that acceptance of this platted subdivision by the Town of Wiggins does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said Town.

Until such roads and rights-of-way meet Town Road Specifications and are specifically accepted by this Town by recording with the Clerk of this Town an official "acceptance", the maintenance, construction, and all other matters pertaining opposed to be installed in such roads have been constructed and the roads and rights-of-way completed thereafter to Town standards.

Notice is further given that no more than ten percent (10%) of the building occupancy certificates will be issued by officials of this Town for improvements of any nature on any property reflected on this platted subdivision until such time as the "acceptance" as herein described has been filed for record with the Clerk of this Town.

9. Excepted parcels shall be marked "Not included in this subdivision" and the boundary completely indicated by bearings and distances. A tie shall be provided to indicate the relationship of such a parcel to the area platted.

10. All land within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys or excepted parcels.
11. Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgment.
12. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.
13. Block and lot permanent reference points shall be set.
14. The surveyor preparing the plat shall certify on the plat that it conforms to these regulations and to all applicable State laws and that the monuments described in it have been placed as described. He shall affix his name and seal.

APPENDIX 10

SITE PLAN SUBMISSION REQUIREMENTS

- A. The site plan shall include a plan drawn to scale with the following information:
1. Topography of the land to be developed with a minimum five-foot (5') contour interval, but two-foot (2') intervals are encouraged.
 2. Proposed access to the existing street system and proposed improvements to the street system including driveway access points and widths.
 3. Existing development on the property and improvements to be made to the property including new buildings, landscaping, parking and proposed sign locations.
 4. The location of any known natural hazard which may affect the property.
 5. Detailed architectural drawings showing the color, exterior materials, screening of outside storage areas, lighting fixtures, and buffering or screening of mechanical equipment.
 6. Signed forms showing recommendations on placement of all new utility lines that all utility companies have been contracted for. (See appendix 12)

APPENDIX 11

SIGN PERMIT SUBMISSION REQUIREMENTS

- A. Name, address, and telephone number of the applicant.
- B. A map showing the location of the building, structure, or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings and thoroughfares: such a map must be to scale.
- C. A plan showing design of sign, materials used, and method of construction and means of attachment to the building or the ground; such plans must be to scale.
- D. Name of person, firm, corporation or association erecting, altering, or moving said sign.
- E. Written consent of the owner of the land on which the sign is to be erected, altered, or relocated.
- F. Any electrical or building permit required and issued for said sign under Town ordinances.
- G. Any other information as the Building Inspector shall require in order to show full compliance with this and all other applicable laws of the Town.
- H. **Intent.** The intent of this Chapter is to provide standards for the regulation of signs in order to protect property values; create and attractive business climate; enhance and protect the physical appearance of residential, commercial and industrial areas; encourage well-designed signs that are compatible with their surroundings; and in general, to promote a desirable community environment. These regulations are further intended to reduce potential traffic hazards from signs that are distracting and obstructing driver's vision.
- I. **Signs Permitted.** Signs shall be permitted in the various zoning districts as accessory uses in accordance with the regulations contained in this chapter.
- J. **General Regulations.** The following regulations shall apply to all signs in all zoning districts:
 - 1. Signs shall not be illuminated by or contain rotating, pulsating or oscillating beacons of light. Signs which simulate or resemble visual signals of authorized emergency vehicles and authorized service vehicles as defined by the Model Traffic Code are prohibited.
 - 2. Signs contributing to confusion of traffic control devices or which hide or interfere with the effectiveness of such devices are prohibited.

3. Unpainted signs, broken signs and signs on vacated buildings or property shall be removed from the premises or repaired or renovated by the owners of the premises.
 4. No sign shall be erected or maintained on or over any land or public right-of-way belonging to the Town of Wiggins without the permission of the Town Board.
 5. Signs along highways as defined in section 43-2-101(1) CRS and signs along the Interstate system of highways as defined in section 32-2-101(2) are prohibited unless such signs conform with all the requirements of the Outdoor Advertising Act, Part 4 of Article 1 of Title 43, CRS, as amended, any rules and regulations promulgated by the State of Colorado Department of Highways, pursuant thereto and any applicable federal law, rules and regulations.
 6. On-premises parking and traffic directional signs shall not exceed four feet (4') in height and six (6) square feet in area.
 7. Roof signs which project above the highest point of the building shall be permitted.
- K. Regulations in Residential Districts.** The following types of signs shall be permitted in residential districts, including PHPS and R districts:
1. No more than one (1) identification sign per detached single-family or two-family dwelling, provided such sign does not exceed three (3) square feet and has no illumination except for identification of house numbers.
 2. No more than one (1) identification sign per multi-family dwelling not to exceed two (2) square feet in area, and more than one (1) identification sign per multi-family building not to exceed two (2) square feet in area. Identification signs shall have indirect illumination only.
 3. No more than one (1) low profile sign per main street entrance to a subdivision or mobile home park indicating the name of the subdivision or mobile home park, provided such sign does not exceed 50 square feet in area, 10 feet in height and has indirect illumination only.
 4. No more than one (1) identification sign per institutional or quasi-public use, provided such sign does not exceed 50 square feet in area, eight feet (8') in height and has indirect illumination only.
- L. Regulations in Commercial and Industrial Districts.** The following types of signs shall be permitted in commercial and industrial districts:
1. Such signs as are permitted in residential uses.
 2. Flush wall signs, projecting wall signs or window signs, provided such signs do not exceed one (1) square foot of area per lineal foot of exterior wall. The sign or

signs shall be placed on the side of the building or structure from which it draws its allowed square footage.

3. No more than one (1) low profile sign per business or industrial establishment shall be allowed, provided such sign does not exceed six feet (6') in height, 50 square feet in area and shall be set back a minimum of three feet (3') from any property line.
 4. No more than one (1) freestanding sign no to exceed 150 square feet in area shall be permitted for each legal lot of record; except, when development is located on more than one (1) legal lot, but constitutes a commercial or industrial complex through common use arrangements, only one freestanding sign shall be permitted for the complex. However, in centers with three (3) or more acres, one (1) additional freestanding sign not to exceed 150 square feet in area shall be allowed for each street frontage exceeding 600 lineal feet in length. All freestanding signs shall not exceed 30 feet in height and shall be setback a minimum of 10 feet from any property line.
 5. The maximum aggregate sign area per business or industrial establishment shall not exceed 300 square feet.
 6. Signs containing flashing, blinking, chasing or other animation effects are permitted in commercial and industrial districts, provided that such signs are not within 200 feet of a residential district measuring perpendicular thereto and visible from such district.
- M. **Temporary Signs.** Temporary signs in all zoning districts shall be subject to the following specific requirements:
1. **Real Estate Signs.** Non-illuminated signs which advertise for sale, rental or lease the particular building or property upon which said signs are located. Real estate signs shall not be more than five (5) square feet in area for residential property and 20 square feet in area for commercial and industrial property. Signs shall be removed after the sale or lease of the building or property.
 2. **Construction Signs.** Non-illuminated signs advertising the development, construction or other improvements or a property. Each sign shall not exceed 50 square feet in area with no more than a total of two (2) such signs permitted on any one (1) parcel. Signs shall be removed after issuance of a certificate of occupancy.
 3. **Subdivision Directional Signs.** Non-illuminated signs informing the public as to routes or changes in direction of travel in order to arrive at a subdivision of similar development. No more than one (1) sign per parcel not to exceed 20 square feet in area. Signs shall be removed after the sale or lease of the lots or buildings.
 4. **Political Signs.** Non-illuminated signs pertaining to a national, state or local

election. No more than one (1) sign per parcel not to exceed six (6) square feet in area for residentially zoned lots and 32 square feet for commercially or industrially zoned lots. Signs shall be removed within 10 days after the election for which the signs pertain.

5. Garage Sale Signs. No more than one (1) sign per street may be used to advertise a garage sale, provided such sign does not exceed three (3) square feet in area and is used only during the duration of the garage sale.
6. Banners. Banners not exceeding 100 square feet in area shall be allowed for maximum period of 120 days per calendar year. Banners shall be kept in good repair and remain firmly attached to the building or structure.

N. **Off-Premises Sign.** The following regulations shall apply to off-premises signs:

1. Off-premises signs shall be permitted only those areas zoned commercial and industrial.
2. Off-premises signs shall not exceed 500 square feet in area per sign.
3. Off-premises signs shall not exceed the maximum structural height requirement of the zoning district in which the off-premises sign is to be located.
4. Off-premises signs shall be spaced apart no closer than 1,000 feet.

O. **Sign Plan Required.**

1. Prior to displaying, erecting, relocating or altering any sign, a sign plan shall be submitted to and approved by the Zoning Administrator under the regulations set forth in this Section. The sign plan shall include as a minimum the following information:
 - a. Building locations and dimensions.
 - b. Size, height and location of existing and proposed signs.
 - c. Existing zoning.
 - d. Name, address and telephone number of applicant and sign installer.
2. The following types of signs shall not require a sign plan:
 - a. Temporary signs.
 - b. Identification signs.
 - c. Parking and traffic directional signs.
 - d. Public signs authorized for a public purpose by any governmental law, statute

or ordinance.

- e. Customer information signs which identify, as a courtesy to customers, items such as "credit card accepted", "menus" or "prices".
- f. Change of copy or message on legally established signs.
- g. Hand-held signs.

APPENDIX 12

SUPPLEMENTAL STANDARDS FOR UTILITIES

- A. **Applicability.** This Appendix is applicable to all new construction and renovations that occur after this Appendix is adopted.
- B. **General.**
1. All new utility service lines will be underground.
 2. All customer service lines must be a minimum of 30-inches deep in the public right-of-way.
 3. All lines and cables crossing drainage ditches, culverts or street crossings shall be encased in a conduit type material and buried from right-of-way to right-of-way to the minimum depth from the lowest point of such ditch, culvert or street crossing.
- C. **Telephone and Cable TV.**
1. Telephone and cable TV lines shall be on the west side of the alley at a point three feet (3') from the property line. On east/west streets cable shall be located on the south side of the street at a point 20 feet from the property line. On north/south streets cable shall be located on the east side of the street at a point 20 feet from the property line. Cable shall be buried underground at least 36-inches in depth.
- D. **Electric (REA).**
1. Electric service lines shall be on the east side of the alley at a point three feet (3') from the property line. On east/west streets lines shall be located on the north side of the street at a point 20 feet from the property line. On north/south streets lines shall be located on the west side of the street at a point 20 feet from the property line. All lines shall be buried underground at least 42 inches in depth.
- E. **Natural Gas (Public Service).**
1. Natural gas service on east/west streets shall be located on the south side of the street at a point 15 feet from the property line. On north/south streets lines shall be located on the east side of the street at a point 15 feet from the property line. Lines shall be buried underground at least 36-inches in depth.
- F. **Water.**

1. Water lines on east/west streets lines shall located on the north side of the street at a point 15 feet from the property line. On north/south streets lines shall be located on the west side of the street at a point 15 feet from the property line. All lines shall be buried underground at least 60 inches in depth. All taps stubbed in at the time of construction shall be centered on the front property line of the lot at a minimum depth of 60 inches in depth.
- G. **Sewer.**
1. Sewer lines shall be centered in the alley at a depth and grade approved by the Zoning Administrator. All taps stubbed in at the time of construction shall be 10 feet north of the south property line.
- H. **Responsibility.** New service lines installed after the adoption of this Ordinance which are found not in conformance with this Appendix will be replaced or brought into compliance and the cost will be borne by the Utility company doing the installation. New service lines installed in conformance but due to grading, excavating or any other means of cover removal shall not be deemed not in conformance.
- I. Any variation from the above standards must be approved by the Zoning Administrator in writing.
- J. All new construction costs of utility lines shall be the responsibility of the developer.
- K. All professional fees shall be the responsibility of the developer.