

Posted: _____



**TOWN OF WIGGINS
PLANNING & ZONING COMMISSION MEETING
AGENDA**

January 09, 2024 AT 7:00 P.M.

**304 CENTRAL AVENUE
WIGGINS, CO 80654**

***NOTE: DUE TO THE LIMITED SEATING CAPACITY, THE PUBLIC IS HIGHLY
ENCOURAGED TO ATTEND THE MEETING VIA ZOOM***

GO TO <https://us06web.zoom.us/j/89282044351> FOR THE MEETING LINK

MEETING AGENDA

I. INTRODUCTIONS

1. Call the Meeting to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda

II. Approval of Minutes

1. Approval of the Minutes from the meeting held on November 14, 2023

III. Final Plat Hearing

1. Northridge Minor Subdivision
 - a. Request for Hearing Continuation to February 13, 2024

IV. ADJOURNMENT:

1. Closing Remarks by Vice Chairman and/or Commissioners, and Meeting Adjournment.

Posted: _____



TOWN OF WIGGINS

**PLANNING & ZONING COMMISSION MEETING
JANUARY 9, 2024 AT 7:30 P.M.**

**304 CENTRAL AVENUE
WIGGINS, CO 80654**

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WORK SESSION AGENDA

<u>AGENDA TOPIC</u>	<u>ESTIMATED TIME</u>
1. Discussion on Land Development Code Amendments – Fences, Parking, Landscaping, etc	60 minutes
2. Other Items / Updates	5 minutes
3. Future Agenda Topics	

CHILDCARE

- Due to changes in State Statutes, we are required to add Childcare to all residential zonings as a use by right and not a special review item

LAND DEVELOPMENT CODE - CHILDCARE

1.14 Definitions

Child Care Home. A child care home is a facility for child care operated in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under the age of eighteen years who are not related to the head of such home. ~~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 Early Childhood Social Services.~~

Child Care Center. A child care center means a facility that is maintained for the whole or part of a day for the care of five or more children who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, including but not limited to child care centers, school-age child care centers, before- and after-school programs, kindergartens, preschools, day camps, and summer camps; except that the term does not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades. ~~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.~~

2.04 Rural Residential District (RR)

B. Uses-By-Right

10. Licensed child care homes

2.05 Estate Residential District (ER)

B. Uses-By-Right

8. Licensed child care homes

2.07 Residential District (R-2)

B. Uses-By-Right

6. Licensed child care homes

2.08 Mobile Home Park District (MHPD)

D. Uses-By-Right

8. Licensed child care homes

E. Special Review Uses

~~6. Childcare homes and childcare center~~

RV Parks

- A last review of our last draft with changes discussed from last meeting.
- If the commissioners desire to move forward, this draft is set a commercial zone special review item

LAND DEVELOPMENT CODE – RV PARK DEVELOPMENT

1.14 BASIC DEFINITIONS AND INTERPRETATIONS

Campground:

"Campground" means real property made available to person(s) for temporary camping stays, whether by tent, trailer, camper, cabin, recreational vehicle, or similar device. "Campground" does not include a mobile home park or RV Park as defined in this code.

Recreational Vehicle:

"Recreational vehicle" means vehicles used for recreational occupancy to include motor homes and travel trailers designed and constructed to permit sleeping or housekeeping or both, for one (1) or more persons which does not require for its use a hookup to permanent utility services (water, sewer, gas) and is mobile or can be transported on public rights-of-way.

Recreation Vehicle Park:

"Recreational vehicle park" means any area or tract of land where one or more spaces or lots are rented, let, or held out for rent or lease, to owners or users of recreational vehicles for the purposes of lodging, dwelling, or sleeping. This is not a Mobile Home Park District or "Campground".

APPENDIX 13

Appendix 13 RECREATIONAL VEHICLE PARK DEVELOPMENT GUIDELINES

A. Purpose.

The purpose of this section is to minimize potential negative impacts of recreational vehicle parks, while promoting the quality of life in the Town of Wiggins.

B. General

1. The RV Park, is intended to provide commercial rental parking spaces and sites for recreational vehicles (RVs), including motor homes and travel trailers to provide goods and services customarily needed by occupants of the park; and for the occupancy of recreational vehicles on a temporary basis, ranging from short overnight stops to longer destination-type stays.
 - a. Pick-up campers, tents, tent trailers and tiny homes are prohibited.
2. RV park owners and RV park operators are responsible for ensuring compliance with the provisions of this section and all federal, state, and local laws and regulations.

C. Where established; criteria for approval.

A recreational vehicle park may be established on a tract of land in the Commercial Zone District by Special Review. Such land shall be held in single ownership or unified control.

D. Application of Lodging Tax and Town Licenses.

1. The Town's lodging occupation tax shall apply to the furnishing of lodging in a recreational vehicle park as provided in Ordinance No. 09-2017 or as amended.
2. Owner of the approved RV Park shall be required to apply for a Town Business License as per the Town Ordinance prior to the commencement of over-night stays.

E. Operational Standards.

Operational standards in the RV Park are as follows:

1. All RVs within the RV Park must be occupied.
2. RV parks must maintain an on-site manager or must provide alternative security and maintenance measures for RV Park residents provided in a security plan that is reviewed and approved by the Town at the time of development or permitting.
3. *Structural Additions.* Temporary structures such as canvas awnings, screened enclosures, or platforms, which are normal camping equipment, may be erected but must be removed when the rental space is vacated. No other structural additions shall be built onto or become a part of any RV.
4. *Storage Sheds, buildings and Storage Bins.* RV Park management may provide small storage bins to be permanently placed at each RV pad. No additional storage sheds or structures shall be allowed by the tenants.
 - a) Storage bins may not exceed 5' in height, 4' deep, and 6' wide.
5. *Fires.* Fires shall be made only in stoves, and other equipment intended for such purposes and placed in safe and convenient locations, where they will not constitute fire hazards to vegetation, undergrowth, trees and RVs. No open fires are allowed.

F. Development Standards.

1. *Minimum Park Area.* The minimum size of an RV Park shall be two (2) acres.
2. *Rental Space Size.* Minimum rental space size shall be fifteen (15) feet by sixty-five (65) feet. Minimum rental space size shall not include any area required for access roads, off-street parking, service buildings, recreation areas, office, and similar RV park needs. Rental space shall include rental pad and attached living space.
3. *Rental Pads.* Surfacing shall consist of gravel, asphalt, or concrete. Where gravel surfacing is used, the design of the gravel pad shall be approved by the Town Manager, or his/her designee, and shall be designed to maintain proper drainage and to minimize dust. Each RV unit shall be parked entirely on the surfaced area so that no part thereof obstructs any roadway or walkway within the RV park.
4. *Setback Requirements.* Each rental space shall meet the following setback requirements:

- a) Fifty (50) feet when abutting a state or federal highway or designated major arterial roadway;
 - b) Twenty-five (25) feet when abutting a public right-of-way other than subsection F.4.a of this section;
 - c) Fifteen (15) feet when abutting any property line other than subsection F.4.a or F.4.b of this section;
 - d) There shall be a minimum distance of ten (10) feet provided between RV units parked side-by-side;
 - e) There shall be a minimum distance of ten (10) feet between RV units parked end-to-end;
 - f) There shall be a minimum distance of twenty (20) feet between any RV space and any building.
5. *Frontage.* All rental spaces shall have a minimum frontage of fifteen (15) feet wide along an interior roadway.
6. *Streets, Pedestrian Walkways, and Sidewalks.* Streets or roadways and parking areas within the RV park shall be designed to provide safe and convenient access to all spaces and to facilities for common use by park occupants, and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times, and shall be graded to drain, and surfaced with gravel, asphalt, or concrete.
- a) There shall be a pedestrian walkway or pathway every six (6) RV rental spaces that shall be a minimum of five (5) feet wide and surfaced with gravel, asphalt, or concrete.
 - b) Streets or roadways within the RV Park shall be maintained by the RV Park owner in compliance with the Wiggins Health and Safety Ordinance as amended.
7. *Street Sign, Traffic Signs, and Striping:* Developer shall install, at the Developer's expense, striping, street name signs, stop signs, speed limit signs and other signs within the RV Park development. Signs and striping shall be installed in a manner reasonably approved by the Town in a Site Plan in accordance with the Model Traffic Code and Land Development Codes, as amended, and any other applicable legal requirements.
8. *Service Facilities.* Every RV Park shall be provided with one or more service buildings equipped with flush toilets, lavatories, showers and laundry facilities meeting minimum State Health Department standards. Such facilities shall be conveniently located at a distance of not more than three hundred (300) feet from any RV served. Such facilities shall be kept in a clean and sanitary condition, and plumbing fixtures shall be maintained in good working order. All such facilities shall be adequately lighted at all times of the day and night and shall be well ventilated. Portable fire extinguishers of a type approved by the Uniform Fire Code shall be kept in the service buildings and at all locations designated by the Wiggins Rural Fire Protection District, and shall be maintained in operating condition.
9. *Sanitary Disposal Stations.*

- a) Every RV Park shall contain at least one sanitary disposal station for the sole purpose of removing and disposing of wastes from all holding tanks in a clean, efficient and convenient manner.
- b) Each sanitary station shall consist of a drainage basin constructed of impervious material, containing a disposal hatch and self-closing cover, and related washing facilities.
- c) The disposal hatch of sanitary station units shall be connected to the town's wastewater disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the RV park water supply system.
- d) Each sanitary station shall have a sign posted stating "Danger—Not to be used for drinking or domestic purposes" and any other signs that may be required in accordance with the Land Development Code, the State Department of Health, and any other applicable legal requirements, as amended.
- e) Sanitary stations shall be approved by the State Department of Health.

10. *Water Lines and Taps.* All utilities shall be placed underground.

- a) Upon approval of the Development Plan, the Developer shall be required to obtain the appropriate water taps from the Town at the current rate.
- b) All water mains, lines, and appurtenances thereto shall be constructed and installed by the Developer, at the minimum, pursuant to Town approved plans and specifications and in compliance with the State Health Department.
- c) All of the water lines, fire hydrants, valves, fittings, and appurtenances as shown on the approved utility plans shall be installed by the Developer and approved by the Town prior to the issuance of any building permits or business licenses for the property. This shall also include all the water services for all the RV pads shown on the approved site plan.
- d) Each RV pad must be equipped with a minimum of one (1) water outlets, to provide connection for the Recreational Vehicle. A two-way valve may be implemented to allow garden hose usage.
- e) The RV Park and each RV pad must be equipped with a backflow prevention method or as current with Town or State of Colorado code requirements. Each appurtenance must be installed and inspected as per Town and State regulations.

11. *Sewer Lines and Taps.* All utilities shall be placed underground.

- a) Upon approval of the Development Utility Plan, the Developer shall be required to obtain the appropriate sewer taps from the Town at the current rate.
- b) All water mains, lines, and appurtenances thereto shall be constructed and installed by the Developer, at the minimum, pursuant to Town approved plans and specifications and in compliance with the State Health Department.
- c) All of the water lines, fire hydrants, valves, fittings, and appurtenances as shown on the approved utility plans shall be installed by the Developer prior to the issuance of any building permits or business licenses on the property. This shall include all the water services for all the lots shown on the approved site plan.
- d) All rental spaces shall be equipped with a hookup to a public wastewater system by way of a branch line and riser pipe at least four (4) inches inside diameter. The riser

pipe shall be capped with a water-tight cap or plug when not in use. Sanitary wastewater systems shall be installed in compliance with the State Health Department standards and Town rules and regulations. All plumbing in the RV park shall comply with state and local plumbing laws and regulations.

12. *Other Utilities.*

- a) *Electricity.* All electrical lines must be placed underground. All rental spaces shall be equipped with an electrical outlet supplying at least one hundred ten (110) volts, or one hundred ten (110)/one hundred twenty (120) volts, installed in accordance with applicable state electrical codes.
- b) *Propane Tanks.* No more than two (2) – 30-pound propane tanks or one (1) 100-pound bottle and one (1) 20-pound bottle to be allowed at any one RV pad or site for the purpose of providing heat and propane gas for grilling purposes.
 - i. Extra propane tanks or bottles shall not be stored at the RV pads.
 - ii. Large propane storage tanks, for the purpose of refilling smaller propane tanks shall not be permitted within the RV Park.

13. *Refuse Disposal.* The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions. All refuse shall be stored in durable, washable and nonabsorbent metal or plastic containers with tight-fitting lids. Such containers shall be provided at the rate of at least one (1) thirty (30) gallon container, secured in a rack or holder, for each rental space, or an equivalent storage capacity in enclosed centralized storage facilities. Adequate refuse collection and removal shall be the responsibility of the park owner.

14. *Landscaping.* A landscape plan, to be approved by the Town Manager, or his/her designee, shall be required for all RV parks. Landscaping shall be designed to perform the following functions:

- a) Screen the RV park visually and audibly from adjacent properties as completely as possible. The RV Park shall be screened by means of fences or walls or by means of hedges or other landscaping not to exceed the requirements stated in the Land Development Code Fence requirements unless otherwise approved by the Board of Adjustments;
 - i. Property lines adjacent to a street shall maintain line of site into the RV Park. Fences shall be see-through and not higher than 4' in height.
- b) Provide an attractive entrance and street frontage;
- c) Provide dust and erosion control; Provide a neat, attractive, and aesthetically pleasing appearance.

15. *Open Space.* Open space for common areas, playgrounds and other recreational uses shall be provided at the rate of at least six (6) percent of the gross area of the RV Park, and shall be of sufficient size and distribution as to be a functional part of the entire development plan. Open space shall not include any area designated as a roadway, RV rental space, storage area, laundry area, swimming pool, yard area surrounding the caretaker's or manager's residence, or any area required for setbacks. This may include a playground, dog

park, or picnic / shelter area. Open space will be maintained by the RV Park owner and used only by RV Park residents.

16. *Fire Protection.* A fire protection plan shall be submitted to be reviewed by the local fire protection agency and such agency shall approve, such plan prior to the beginning of any site development. The local fire official may require any and all improvements deemed necessary to meet the International Fire Code or other adopted code and provide adequate fire safety measures for the property.

17. *Swimming Pools.* Swimming pools and natural swimming areas shall be operated, maintained and used in compliance with recommendations and requirements of the Colorado Department of Health's Regulations, Town Building Codes, and Standards Governing Swimming Pools and Swimming Areas.

18. *Other Improvements:*

a) *Street / Roadway Lights:* The total cost of street light installation shall be the owner/developer's obligation. Owner / Developer shall cause, at its own expense, the provider of electric and power service to install all required street lighting pursuant to Town-approved plans and specifications. Said street lights shall be installed concurrently with the streets on which they are located and within the development to provide adequate lighting to the park's tenants.

b) *Drainage Improvements:* Drainage improvements for the development shall be constructed by the Developer and, at the minimum, in accordance with plans and specifications approved by the Town. All storm drainage facilities shall be so designed and constructed by the Developer as to protect downstream and adjacent properties against injury and adequately serve the Development. No over-lot grading shall be initiated by the Developer until the Town issues written approval of the over-lot grading and erosion control plans.

G. Application Requirements and Procedures.

Prior to the development of a RV Park, the developer of a recreational vehicle park must submit a complete and comprehensive development plan and Land Use Application which shall be reviewed by the Wiggins Planning and Zoning Commission and final approved by the Board of Trustees in a special review hearing. The development plan shall include the following:

1. Detailed land use plan, drawn to a scale of one (1) inch equals one hundred (100) feet, unless larger scale is necessary, including the dimensions and location of each RV rental space, service buildings, common and recreation areas;
2. Typical street cross sections;
3. Location and widths of roadways, sidewalks and pedestrian ways;
4. Topography of site, at two (2) foot contours;
5. Grading, Drainage, and Stormwater plans;
6. Soil Report
7. Utility plans;
8. Landscaping, screening and fencing plans;
9. Sign Plan;

10. Fire protection plan;
11. Traffic Study (or other study or memo as approved by the Town Manager)
12. Acreage and percentage of land to be set aside as open space;
13. Density of RV rental spaces per acre;
14. Location of all areas subject to inundation or stormwater overflow and the location, area and direction of flow of all watercourses, including the one hundred (100) year floodplain boundaries;
15. Location and principal dimensions of all existing or proposed easements, water course boundaries, public utilities, monuments, pins, benchmarks and other significant features;
16. Proposed surface treatment and design of all interior roadways and rental pads; and
17. Any other documents or reports that the Town Staff, Planning Commission, or Board of Trustees may deem necessary.

DRAFT

Section 2 & 3

- Updating definitions and zonings. For example: I have 3 sections of mobile home park district definitions. Cleaning this up.
- Also deleting references of R1-Single Family uses by right in the business district

Underlined and red means new verbiage. Strike means deleting context.

Bold Red with question marks are my questions to Commissioners

SECTION 2 – ZONING

Mobile Home Park District

2.08.C. Definitions.

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. See Section 1.14 Definitions.

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. See Section 1.14 Definitions.

Modular Home. See Section 1.14 Definitions.

2.08.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 as described in Section 1.14 Definitions.~~

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.~~

Business District

2.09 Business District (BD)

D.20. Attached Single-family dwelling ~~within~~ above or behind a business establishment ~~for care taking purposes.~~

Do we strike this to allow for space to be lived in by owner or rented out?

D.25. ~~all Uses-By-Right included in the R-1 district~~

SECTION 3 – SUPPLEMENTARY DEVELOPMENT STANDARDS AND REGULATIONS

Section 3 Title amended as ~~Supplementary~~ Development Standards and Regulations

3.02(section title) ~~Commercial and Industrial Use Performance Standards~~ General performance standards for all uses.

3.02.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.

Home Occupations

- Updating Home Occupations. This will remain a special review item in residential districts

3.03 Home Occupations.

- A. Home occupations are permitted special review use in all residential districts, subject to the following standards:
- (1) The use must be conducted entirely within a dwelling. For the purpose of this Section, a dwelling unit may include attached garages and attached accessory buildings.
 - (2) The use may employ a maximum of one (1) person other than those members of the immediate family residing on the premises.
 - (3) The home occupation must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.
 - (4) The total area used for home occupations shall not exceed twenty-five percent (25%) of the total floor area within the lot. The area used for the home occupation shall be considered to include all storage areas and work spaces clearly utilized or essential in the operation of the home occupation.
 - (5) 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 physical address.
 - (6) On-site retail sales are not permitted.
 - (7) Storage on the premises of material or equipment used or serviced as a part of the home occupation must be completely enclosed within a building and lot coverage requirements for accessory uses are met. No storage of hazardous materials is permitted.
 - (8) Home occupations shall not create any glare, fumes, odors or other objectionable conditions detectable to the normal senses beyond the boundaries of the residential zone lot.
 - (9) Persons operating home occupations shall grant the Town reasonable access for the purpose of verifying compliance with this Chapter. The Town shall provide 14 days notice of when such access is required.
 - (a) Notice must be made in writing via email, mail, or in person.
 - (10) 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.
 - (11) Each Home Occupation shall submit a Business License application to the Town Clerk each Calendar year.
- B. Home occupations shall not be interpreted to allow any of the following businesses:
- (1) The onsite display or sale of any merchandise or articles except as may be produced by members of the household residing in the dwelling unit.
 - (2) Service, repair, painting, or modification, for compensation or gain, of any motorized vehicles, or parts or accessories for any motorized vehicles, including, but not limited to, motor vehicles, trailers, boats, personal watercraft, recreation vehicles, and snowmobiles. This prohibition shall not apply to work on a vehicle as a hobby.
 - (3) Animal hospital or kennel.
 - (4) Restaurant.
 - (5) Medical clinic or nursing home.

- (6) Repair of equipment having a combustion engine of the use of any equipment having a combustion engine in the process of conducting any home occupation.

Fences

- Updating fences with changes from the last meeting.

LAND DEVELOPMENT CODE - FENCES

3.05 Fences, Hedges, and Walls.

A. Purpose. The purpose of this chapter is to regulate all fences to protect the character of various areas of the Town and to protect the health, safety and public welfare of the citizens.

B. General Provisions. This section shall be applicable to all fences, hedges, and retaining walls to be erected within the Town, except for those projects with fence standards contained within an approved Planned Unit Development (PUD) Final Development Plan. All fences and walls are subject to the applicable section of the Building Code as adopted by the Town. The provisions of this Section shall be administered by the Town Manager or his or her designee.

C. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure means a detached building or structure located upon the same lot as the principal building or structure to which it is related, which is incidental to and customarily found in connection with such principal building or structure and which is not to be used for human habitation.

Accessory use means a use customarily incidental, related and subordinate to the main use of the lot.

Electric fence means any fence using, carrying or transmitting an electrical current for any purpose, except electric or radio transmission dog or cat fence not meant to detain any person or animal except the dog or cat wearing the transmission collar.

Fence means any artificially constructed barrier of an approved material or combination of materials erected vertically to enclose or screen areas of land.

Home occupation means an occupation, profession, activity or use conducted within a residential dwelling unit that is incidental and secondary to the use of a residential dwelling unit, which does not alter the exterior of the property or affect the residential character of the residential environment.

Home occupation, rural, means an accessory use to a farming operation or a nonfarm household located in a rural area, designed for gainful employment involving the sale of agricultural produce grown on the site, conducted either from within the dwelling and/or from accessory buildings located within 500 feet of the dwelling occupied by those conducting the rural home occupation.

Livestock means animals typically related to agricultural or farming uses, including, but not limited to, chickens, swine, sheep, goats, horses, cattle, yaks, alpacas and emus.

Open fence means a fence that is at least 75 percent transparent. See also Solid fence.

Sidewalk means a paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

Solid fence means a fence that is at least 75 percent opaque. See also Open fence.

C. Permit required.

No person shall erect, alter, construct or reconstruct a fence or retaining wall in any zone district without first obtaining a permit to do so.

Exceptions:

- No permit is necessary for reconstruction or repair of an existing fence which
 - has had a permit; and
 - not replacing more than one section of pickets; and
 - replacing like for like pickets of one section; and
 - the original posts, in good condition, are not being moved or removed.
- Fences that are constructed to protect vital public facilities such as water treatment plants, water storage, water works, etc. may be exempt from this Section by the authority of the Town Manager or his/her designee.

D. Permit fee.

The fee for a permit to erect, alter, construct or reconstruct a fence in the town shall be set by the Town Board of Trustees in the fee schedule as amended from time to time. No permit shall be issued until a complete application is received and approved, the fence building permit fee and the Town's use tax for the construction materials and supplies have been collected.

(a) Exception: Fences intended for decorative purposes only, and which does not include any area to be completely enclosed, may be allowed on any part of a residential parcel, provide that the fence does not exceed 36" in height, is 75 percent open, and remains 18" from the public right-of-way and public sidewalk.



E. Fence types.

The following fence types are permitted (subject to the restrictions in this Ordinance):

- (a) Masonry;
- (b) Ornamental iron;
- (c) Woven wire or chain link;
- (d) Wood picket [more than 50 percent open];
- (e) Solid wood fences ~~[cedar picket wood]~~ or metal, less than 50 percent open; taking metal out to steer people from thinking any type of metal.
- (f) Vinyl, plastic, or composite fence products designed specifically for fencing purposes;
- ~~(g) Corrugated or Sheet Metal Fences, design must be minimally 30% wood or masonry and 70% metal design concept.~~
Suggest we make specialty fences a BOA decision.
- (h) Underground electric fences for the purpose of containing pets within a residential lot.

F. Fences prohibited.

- (a) Electrically-charged fences (excluding underground electric fences for the purpose of containing pets within a residential lot).
- (b) Barbed wire, jagged edge, or sharp materials along the top of the fence or wall, (exception: see Industrial Zone below).
- (c) T-posts or other farm posts
- ~~(d) Corrugated or sheet metal fences, except upon approval of the Town Board of Adjustors.~~
Suggest we make specialty fences a BOA decision.
- (e) Other materials such as snow fencing, string, rope, chicken wire, hog wire, wire fabric and similar welded or woven wire fabrics; chain; netting; cut or broken glass; paper; fiberglass, or plywood in any fence, or use any other materials that are not manufactured specifically as fencing materials, unless approved by the Board of Adjustors.

G. Maintenance.

- (a) Fences, hedges, and retaining walls within any portion of the town shall be kept in good repair and any dilapidated, dangerous or unsightly fence shall be removed or repaired.
- (b) Hedges shall not encroach over sidewalks, streets, or alleyways and shall be trimmed to maintain sight distances.
- (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 property owners to determine agreements and property lines.**

- (e) It shall be the responsibility of the property owner(s) to locate all property lines.

H. General regulations –

1.- All zone districts.

- (a) ~~Nonresidential and multi-family refuse disposal dumpsters shall be screened on three (3) sides by the construction of permanent opaque wooden, brick or masonry screens. Such screening shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height. The fourth side which provides access to the dumpster for refuse collectors shall be gated and situated so that the container is not visible at an angle greater than 45 degrees from adjacent public streets.~~

Would like to relocate this section to Landscaping Section

- (b) ~~Where any drive-in or drive-through facility abuts a residential use, a landscape strip at least ten (10) feet in width shall be provided and maintained along the side and rear lot lines, within which a buffer or a decorative fence or wall and a landscape screen or buffer not less than six (6) feet in height shall be provided.~~

Might pull this to parking requirements. Attempting to place these 2 items where it may be seen first when these types of developments are being developed.

2. - All Residential Districts.

Fences in residential districts and fences enclosing parcels used for dwelling purposes in all districts shall conform to the following requirements:

- (a) Fences installed on the front yard from the front elevations of the structure to the front property line **and fully enclose the front yard property** shall be not less than 50 percent closed and shall not exceed a height of 48 inches above adjoining grade.
- (b) Side yard fences ~~back of the front building line~~ **from the front elevations of the structure to the rear property line and fully enclose the rear property** ~~and rear yard fences may be of any class, but~~ shall not exceed a height of six feet six inches (6'6") above adjoining grade.
- (c) Fences that enclose both the rear and front residential property must drop down in height at the front elevations of the dwelling.
- (d) In case of a fence erected on top of a retaining wall, the height shall be measured from the adjoining grade. The maximum overall height shall not exceed 6'6" above adjoining grade. In case of a fence erected within two feet of and parallel to a retaining wall, but on the low side of such wall, the height of the fence must be measured from the adjoining grade.

Re-written as such that total fence height must not exceed the 6'6" regardless if on top of retaining wall or parallel to a retaining wall.

- (d) On corner lots, no fence, retaining wall, or similar obstruction higher than 42 inches (measured from the ground) and less than 75 percent open shall be erected or maintained within the triangular area formed by the intersecting street lines and a

straight line at points which are 25 feet distance from the point of intersection measured along said street lines.

Current code is 25 feet. Still confirming with resources such as CDOT and Town Engineer.

- (e) All fences must remain a minimum of 18" from all Town public right-of-way sidewalks and roads. It is the property owner's responsibility to maintain that 18" space between the property line and the fence.

3. - Business and Commercial Districts.

- (a) Fences within a front yard setback shall not exceed 36" in height and must remain 50% open.

Something to think about, should a certain setback be required so as to not obstruct public sidewalks? Still investigating with Breckenridge, Brush, and Fort Morgan

- (b) Side yard fences ~~back of the front building line from the front elevations of the structure to the rear property line and fully enclose the rear property and rear yard fences may be of any class, but~~ shall not exceed a height of eight feet inches (8') above adjoining grade.

- (c) In case of a fence erected on top of a retaining wall, the height shall be measured from the adjoining grade. The maximum overall height shall not exceed 8' above adjoining grade. In case of a fence erected within two (2) feet of and parallel to a retaining wall, but on the low side of such wall, the height of the fence must be measured from the adjoining grade.

Re-written as such that total fence height must not exceed the 8' regardless if on tip of retaining wall or parallel to a retaining wall.

- (d) On corner lots, no fence, retaining wall, or similar obstruction higher than 42 inches and less than 75 percent open shall be erected or maintained within the triangular area formed by the intersecting street lines and a straight-line adjoining said street lines at points which are 25 feet distance from the point of intersection measured along said street lines.

Changed to 75 percent open for corner lots so that we do not affect lines of sight for traffic safety

- (e) All fences must remain a minimum of 12" from all Town public right-of-way sidewalks and roads. It is the property owner's responsibility to maintain that 12" space between the property line and the fence.

Might revise this to exempt front yard because they are businesses?

- (f) ~~All open off street parking areas with five (5) or more spaces shall be screened from any adjoining residentially zoned lot by a solid fence or wall at least four (4) feet in height or by a landscape screen at least four (4) feet wide.~~ **Will move this to parking regulations section**

4. - Industrial Districts.

- (a) No fence shall exceed a height of eight feet (8'). The height is measured at the finished adjoining grade.
- (b) Barbed wire is permitted only when installed at a height greater than six feet from the ground and approved by the Town Board of Adjustors.
- (c) All fences must remain a minimum of 18" from all Town public right-of-way sidewalks and roads. It is the property owner's responsibility to maintain that 18" space between the property line and the fence.
- (d) On corner lots, no fence, retaining wall, or similar obstruction higher than 42 inches and less than 75 percent open shall be erected or maintained within the triangular area formed by the intersecting street lines and a straight-line adjoining said street lines at points which are 25 feet distance from the point of intersection measured along said street lines.

Will add language that the fence height may be up to 8 feet if 25 feet set back is met.

I. Fences around public parks, playgrounds, and other recreational uses.

Fences enclosing public parks, playgrounds, ballfields, and other similar uses or portions thereof may be installed without a permit to a height of eight feet (8') when, in the opinion of the Town Manager or his/her designee, no hazard exists and must remain at least 50% open.

J. Temporary Fences.

Temporary fence permits may be approved by the Town Manager or his/her designee for the purpose of construction projects or other events for the safety and protection of the general public.

Do we make the temporary a permit with a fee? A charge? What is the charge?

K. ~~Liquor licensed establishments.~~ Do we need this section since our liquor license establishments would fall under Commercial or Business district anyway?

- ~~(a) All outdoor service areas of a liquor licensed establishment shall be completely enclosed by fencing a minimum of 36 inches in height;~~
- ~~(b) Entrances or exits from outdoor service areas of a liquor licensed establishment shall be provided through a gate or door a minimum of 36 inches in height;~~
- ~~(c) Fencing for outdoor service areas forward of the front building line, or on the side of a building adjacent to a public street, shall be a minimum of 50 percent open and must not exceed 36 42 inches in height;~~
- ~~(d) Fencing for outdoor service areas behind the front building lines, or on the side of a building not adjacent to a public street, may be solid (less than 50 percent open).~~

L. Where Non-Conforming Fences Exist

1. In cases such fence shall have been constructed before, and be in existence at the time of the passage of this Ordinance, shall be considered a non-conforming use. The non-conforming use may remain until:
 - Any minor or major repairs become necessary. The property owner or responsible party will then be required to apply for a building permit.
 - Such use becomes dilapidated, dangerous or unsightly and shall be removed or repaired in accordance to XXXX , at which time the property owner or responsible party shall apply for a building permit.

Will be seeking Town Attorney assistance to revise the non-conformed use clauses.

M. Board of Adjustments and Variance Requests

1. Application for a variance shall follow the Land Development Code 2.14.L.

N. Penalties and Fines

I will work with Melinda on getting this defined.

DRAFT

Parking Requirements

- Did a bit of different draft from the last one that you saw. It's a bit simpler but covers a bit more surface.

3.06 Off Street Parking and Loading Requirements

A. Parking space requirements.

- (1) Unless otherwise provided, land uses are required to have off-street vehicle parking spaces in accordance with the standards of this Division. The number and type of spaces is determined by the use of the property. Table 2.13 identifies the number of off-street parking spaces required with the construction of or addition to any building, or the implementation or expansion of the use of a site. The Planning and Zoning Administrator may also consider the availability of on-street parking when determining the requirements.

**Table 2.13
Off-Street Parking Requirements**

Use	Parking Spaces Required
Residential	
Single-family dwelling	2.0 per dwelling unit
Multifamily dwelling:	
Studio	1.25 per dwelling unit
1 bedroom	1.5 per dwelling unit
2 or more bedrooms	2.0 per dwelling unit
Assisted living facility	0.5 per room
Motel or hotel	1.25 per guest room, plus 1 per 100 square feet of restaurant/lounge, plus 2.5 per 100 square feet of meeting/banquet room
Group or nursing home	1 per room
Hospital	1 per 3 beds, plus 1 per 5 average daily outpatient treatments, plus 1 per 4 medical staff, plus 1 per student/faculty/staff
Food and Beverage	
Restaurant (without bar)	12 per 1000 square feet of gross floor area
Restaurant (with bar)	15 per 1000 square feet of gross floor area
Fast food restaurant	10 per 1000 square feet of gross floor area
Retail/Service	
Animal hospital/veterinary clinic	1 per 300 square feet of gross floor area
Furniture, appliance or building material store	1 per 300 square feet of gross floor area
General retail (not in shopping center)	1 per 300 square feet of gross floor area
Grocery stores and discount superstores/clubs (freestanding)	1 per 250 square feet of gross floor area

Home improvement superstores	1 per 200 square feet of gross floor area
Shopping center	1 per 250 square feet of gross floor area
Motor vehicle sales and service	1 per 500 square feet of gross floor area, plus 1 per 6,000 square feet of outdoor vehicle display area, plus 2 per service bay
Vehicle wash facility	1 per employee max shift plus vehicle stacking
Personal service	1 per 300 square feet of gross floor area
Office/Business Services	
Bank	1 per 250 square feet of gross floor area
Business or professional office	1 per 300 square feet of gross floor area
Medical office, dental office or clinic	1 per 200 square feet of gross floor area
Wholesale establishment or warehouse	1 per 400 square feet of retail, wholesale and office area, plus 1 space per 1,000 square feet of other floor area
Industrial use (excluding office) not mentioned specifically under another use in this Section	1 per 500 square feet of gross floor area
Cultural/Recreational/Entertainment	
Public assembly	.50 per person in permitted capacity or principal place of assembly
Library	1 per 225 square feet of gross floor area; plus 1 for every employee
Museum	1 per 300 square feet of gross floor area
Religious institutions	0.6 per seat in permitted capacity or principal place of assembly
Cinemas	Single screen: 0.5 per seat; up to 5 screens: 0.33 per seat; 5 to 10 screens: 0.3 per seat; over 10 screens: 0.27 per seat
Theaters (live performance)	0.4 per seat
Arenas and stadiums	0.33 per seat
Recreational facilities and health clubs	1 per 3 persons permitted capacity
Educational	
Day care center or preschool	1 per classroom, plus 1 space per employee
Elementary or secondary school	0.35 per student, plus 1 space per employee
College or university	Determined by parking study

Governmental	As determined by Planning & Zoning Administrator
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Note(s)—When determining the number of parking spaces to be required, fractions of spaces shall be rounded to the nearest whole number.

(2) Accessible (ADA) Parking Requirements.

a. Residential Uses.

- i. Handicapped-accessible parking for residential uses shall be provided pursuant to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Federal Fair Housing Act.

b. Non-Residential Uses.

- i. Handicapped-accessible parking spaces shall be provided pursuant to the ADAAG.

(3) When one (1) 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.

(4) Off-street parking areas may be located to jointly serve two (2) 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.

(a) 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.

(b) 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.

(5) For specific land uses not listed, the Planning & Zoning Administrator shall determine the appropriate number of parking spaces required, based upon the type of activity, similarity to listed uses, expected parking demand to be generated and other information from appropriate traffic engineering and planning criteria.

B. Loading requirements.

(1) Each required off-street loading space shall be of a size not less than that required for an off-street parking space, as set forth in Section 16-2-640(e) (I need to place correct reference here), but scaled larger to delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled; provided that for industrial uses, the off-street area required for the off-street loading space shall be a twelve-foot by forty-five-foot loading space with a fourteen-foot height clearance; provided further that if more than one (1) berth is provided the minimum dimensions are held to be ten (10) feet by forty-five (45) feet with a fourteen-foot height clearance.

(2) The number of off-street loading spaces required for each use is set forth in Table 2-14. Where the use of the premises is not specifically mentioned, loading requirements shall be determined by the Zoning Administrator based upon requirements for similar uses, expected demand generated by the proposed use, temporal factors and other information from appropriate traffic engineering and planning criteria.

**Table 2.14
Loading Zone Standards**

Use	Square Feet of Gross Floor Area	Required Off-Street Loading Berths
Commercial		
Retail or wholesale	10,000—25,000	1
	25,000—50,000	2
	50,000—100,000	3
	For each additional 50,000 or major fraction thereof	1 additional
Mortuary	For each 5,000	1
Hospital (In addition to space for ambulance)	For 10,000—300,000	1
	For each additional 300,000 or major fraction thereof	1 additional
Hotel	For each 10,000	1
Office	For each 10,000	1
Industrial		
Manufacturing or warehousing	10,000—25,000	1
	25,000—40,000	2
	40,000—60,000	3
	60,000—100,000	4
	For each additional 50,000 or major fraction thereof	1 additional
Educational		
School	For each 15,000	1

C. Stacking requirements.

The purpose of stacking space requirements is to promote public safety by alleviating on-site and off-site traffic congestion that might otherwise result from the operation of a drive-up or drive-through facility. For all applicable drive-up or drive-through uses, the following off-street stacking requirements shall apply:

- (1) At a minimum a stacking space shall be eight and one-half (8.5) feet wide and eighteen (18) feet long.
- (2) A stacking space at a drive-in or drive-through window, menu board, order station, designated drop-off zone, or service bay is considered to be a stacking space.
- (3) An area reserved for stacking spaces may not double as a circulation driveway, maneuvering area, or off-street parking space.

- (4) Stacking spaces may be located anywhere on the building site, provided that traffic impacts on and off site are minimized and the location does not create negative impacts on adjacent properties due to noise, light or other factors.
- (5) A minimum of four (4) stacking spaces per one thousand (1,000) square feet of gross floor area plus two (2) stacking spaces for the first drive through window and two (2) stacking spaces for each additional window shall be provided.
- (6) For uses that have drive-through bays or stalls, a minimum of two (2) stacking spaces per bay or stall shall be provided.

D. Parking area design standards.

- (1) The required number of parking spaces in all off-street parking areas shall be unobstructed and free of all other uses.
- (2) All off-street parking areas and access drives shall be surfaced with asphalt or concrete, except that other dust-free surfaces such as washed road base with a chemical dust suppressant may be approved by the Planning & Zoning Administrator for parking areas in the Industrial Districts, based on type of use, location and impact to adjoining properties.
- (3) Landscaping around off-street parking areas with two (2) or more spaces shall conform to the Town of Wiggins Landscaping Requirements within this Ordinance.
- (4) ~~Lighting from any parking area shall comply with Division 8 of this Article.~~ **May have to strike since our LDC does not have lighting guidelines**
- (5) Off-street parking spaces shall be at least nine (9) feet wide by eighteen (18) feet deep, except that parallel parking spaces shall be not less than ten (10) feet wide by twenty-two (22) feet long.
- (6) Off-street parking spaces for persons with disabilities shall be twelve (12) feet wide, unless the space is parallel to a pedestrian walk. The parallel-handicapped parking space shall be adjacent or close to an ADA approved ramp. Other dimensions shall be the same as those for standard parking spaces. Handicapped parking spaces shall have unimpeded ramp access to a walk. Every handicapped parking stall shall be identified at the head of the parking space with a raised, standard identification sign, centered between three (3) feet and five (5) feet above the parking surface. The sign shall include the international symbol for accessibility and state "reserved," or contain similar wording, in accordance with ADA guidelines.
- (7) The minimum width of traffic aisles in parking lots shall be as listed in Table 2.15.

**Table 2.15
Parking Dimensions**

Parking Angle	Curb Length	Stall Length	Aisle Width		Bay Width	
			One Way	Two Way	One Way	Two Way
A	B	C	D	D	E	E
90 degrees	9 feet 10 feet	19 feet	24 feet	26 feet	64 feet	64 feet
60 degrees	10.5 feet	21 feet	18 feet	22 feet	60 feet	64 feet
45 degrees	13 feet	20 feet	13 feet	20 feet	53 feet	60 feet
30 degrees	18 feet	18 feet	12 feet	20 feet	46 feet	55 feet
Parallel	23 feet	8 feet	12 feet	20 feet	20 feet	36 feet

ADU (Accessory Dwelling Unit)

- First time seeing this. Allows for the mother-in-law type suite to be added to residential lots. Provides regulations and guidelines to prevent multiple ADU's on one lot and prevents multi-family settings from occurring.

3.09 Accessory dwelling units (ADUs).

How do the Commissioners feel about permits or registration required for an ADU? Annually? One time? It may assist in making sure addresses are done properly for ER responses and keeping owner on premises?

Should there be a fine/penalty for the use of ADU without registration? Should there be a fine/penalty for the use of both dwellings being not lived in by the owner?

- A. *Number of ADUs.* One (1) ADU shall be allowed on a residential lot in the R-1 or R-2 zoning district in conjunction with any new or existing detached single-family dwelling. ADU's shall not be permitted with multi-family dwellings.
- B. *Location.*
 - (1) An ADU may be added to or included within a single-family dwelling, or located in a detached accessory structure on the same lot as the principal building.
 - (2) ADUs shall conform to all setback, height, and lot coverage restrictions and any other standards or regulations required in the R-1 or R-2 zoning district.
- C. *Size/scale.*
 - (1) The total square footage of an ADU shall not exceed the smaller of one thousand (1,000) square feet or forty percent (40%) of the total square footage of the principal building excluding any garage area.
 - (2) If an ADU occupies an entire single floor within a principal building, the Zoning Administrator may allow for an increase in the allowed size of the ADU in order to efficiently use all of the floor area, so long as all other standards of this section are met. **I need to investigate this a little more.**
- D. *Subdivision.* An ADU shall not be subdivided or otherwise segregated in ownership from the principal building.
- E. *Occupancy.* Either the principal building or the ADU must be occupied by an owner of the property on which the principal building and ADA are located.
- F. *Parking.* One off-street parking space is required for an ADU in addition to the parking required for the principal building. Parking spaces may include private driveways, garages, carports, or off-street areas reserved for vehicles.
- G. *Exterior Modification.* Only one entrance on the front of the principal building is permitted. Additional entrances are permitted on the side and rear of the principal structure. The Planning & Zoning Administrator may allow both entrances to the principal building and ADU to be located on the front of the structure where design, site layout, and construction considerations significantly hinder other options. Additions to an existing principal structure or the development of a newly constructed detached ADU shall be designed consistent with the existing facade, roof pitch, siding, and windows of the principal building.
 - (1) Proper addressing is required; to be approved by the Planning and Zoning Administrator upon registration of the ADU. **This will only work with a registration requirement set in place.**
- H. *Home Occupations.* Home occupation shall be allowed, subject to the requirements of this Article, in both the ADU and the principal structure. **NOTE: Home Occupations would go through Special Review, Business Licence, AND ADU registration if business is in an ADU.**

Landscaping

- Different from first draft you saw. Took a different more simple approach.

3.15. Landscaping Requirements

A. Purpose and Intent.

1. This section requires and regulates the installation and maintenance of landscaping on property and in adjoining rights-of-way. More specifically the purposes are as follows:
 - (a) To improve, protect and preserve the appearance, character, and value of surrounding neighborhoods;
 - (b) To buffer uncomplimentary or incompatible land uses;
 - (c) To ensure the local stock of trees is replenished;
 - (d) To contribute to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retardation;
 - (e) To aid in abating noise, glare, and heat;
 - (f) To provide landscaped areas within parking lots which are designated to break up large areas of impervious surfaces, provide shade, buffer and screen adjacent properties and promote a safe environment with a pleasing appearance.

B. Applicability

The requirements of this section are minimum requirements and apply to all Zone Districts within the corporate limits of the Town of Wiggins.

- (a) ~~Single-family dwellings. Existing attached and detached single-family dwellings and adjacent rights-of-way, shall be maintained so as not to violate the Health and Safety Code as amended, but are otherwise exempt from the requirements of this article. Common areas, such as open space or clubhouse areas, shall comply with the requirements of this article.~~
- (b) ~~Undeveloped property or portions of property. Undeveloped property or undeveloped portions of property shall be maintained according to the Health and Safety Ordinance as amended.~~
- (c) ~~New development and redevelopment. All new development and the redeveloped portion of an existing development shall comply with the requirements of this ordinance.~~
- (d) ~~Existing development. Existing development, with or without an approved landscape plan, shall be maintained according to the Health and Safety Code as amended.~~

C. Landscape Plan Requirements.

1. A landscape plan prepared in conformance with this Section shall be submitted for:
 - (a) All residential and nonresidential development proposed within the Town requiring approval of a site plan site development plan, or final development plan prior to the issuance of a building permit.
2. A landscaping plan submitted with a site plan, site development plan, or final development plan must comply with the landscaping requirements of this Section.
 - (a) Landscaping plans for single-family residential developments shall be required for common open space areas, adjacent street rights-of-way and parks, but not for individual lots. Landscape plans required by this section shall be prepared by a licensed landscape architect and shall be stamped and signed, unless otherwise waived by the Town Manager. Exception: Non stamped landscaping plans shall be required for site plans of individual building permit applications for single-family, two-family and multi-family dwellings having up to four (4) units.
3. Unobstructed open space and common open space improvements shall include, but are not limited to, landscaping, patios, plazas, arcades, pedestrian and/or bicycle pathways, fences, retaining walls, benches, fountains, statuary, kiosks, light fixtures, picnic shelters and other site amenities.

4. All portions of a site not occupied by structures, water bodies, streets, roads, driveways, sidewalks, plazas, patios, parking areas and other vehicle use areas are required to be landscaped in accordance with these standards.
5. *Corner Lots and Vision Triangle*: Means an area at the intersection of streets and/or drives in which no shrub, tree, fence or structure may be more than 30 inches above the height of the street flowline within the line of sight or vision triangle. No tree limb or branch may be less than ten (10) feet above the height of the street flowline within the line of sight or vision triangle.
 - (a) *Street Corner*. The street corner vision triangle is measured 25 feet along the flowline from the street corner for residential zones and 50 feet from the street corner for nonresidential zones.
 - (b) *Driveway*. For single-family dwellings, the driveway vision triangle is measured eight feet along the edge of the driveway and along the edge of the street from the point where the edge of the driveway meets the edge of the street. For uses other than single-family dwellings, the driveway vision triangle will be determined through the site review process.

D. Landscape design criteria.

All landscaping plans shall comply with the applicable design standards of this Section.

- (1) Plant materials.
 - a. The following ratios apply for commercial/industrial development: One (1) tree and ten (10) shrubs, or an acceptable combination of trees and shrubs, for every one thousand (1,000) square feet of landscaped area.
 - b. The following ratios apply for residential development: One (1) tree and ten (10) shrubs, or an acceptable combination of trees and shrubs, for every two thousand (2,000) square feet of landscaped area.
 - c. Within a required landscaped area, ornamental clump grasses may be exchanged for up to fifty (50) percent of the required shrubs at a ratio of three (3) ornamental clump grasses for one (1) shrub if one (1) gallon clump grasses are selected.
 - d. Regardless of the minimum plant requirements, all planting beds must have seventy-five percent (75%) minimum coverage in plant materials at maturity.
- (2) Parking areas:
 - a. Interior coverage: At least five percent (5%) of the interior area of a parking lot shall be landscaped if the lot contains fifteen (15) or more parking spaces. At least seventy-five (75%) of the required landscaped area shall include living plant material.
 - b. Islands: Landscaped parking lot islands must be delineated by a clear physical barrier such as concrete curbs or landscaping timbers to protect the plant material from vehicular damage. Interior parking lot islands must be a minimum width of eight (8) feet and contain a minimum of one (1) canopy shade tree. At least seventy-five percent (75%) of the island shall be covered in living plant material at maturity. A minimum of twenty-five percent (25%) of plant material shall be evergreen.
 - c. Parking lot screening: Berms, walls, fences, plants, planters or combinations thereof shall be used to screen the parking lot from view from surrounding public rights-of-way and from all dissimilar adjacent uses. All perimeter areas of the parking lot shall be landscaped to provide visual relief to large expanses of paving and to provide ample shading to reduce heat build-up. Whenever structures such as walls or fences are used to create a screen, plants shall be located on the sides of the structure which is visible from adjacent public rights-of-way. The top of the landscape screen around the parking area shall be at least three (3) feet higher than the surface of the parking area, except where clear visibility must be maintained as provided in [Section 16-2-770 of this Chapter](#), or due to traffic or pedestrian safety considerations.

- (3) Use of nonliving materials: Nonliving landscaping such as decorative or pattern concrete, brick pavers, wood chips, decorative rock or other similar materials may be used to meet the requirements for landscaping but shall not exceed twenty-five percent (25%) of the total required landscaped area.
- (4) Public rights-of-way and street trees:
 - a. Public rights-of-way: Landscaping shall be provided in the street right-of-way adjacent to the property in the area between the property line and the curb (when there is a detached sidewalk or no sidewalk); or from the back of sidewalk to the property line (when the sidewalk is attached to the curb).
 - b. Street trees: Street trees shall be required unless the Planning & Zoning Administrator determines they are unnecessary for the area. The number of street trees required for each property shall be an average of one (1) tree for each thirty (30) feet of street frontage. The location of street trees shall be within the public right-of-way or, in the event that they encroach upon existing or planned utility lines, they will be located as close as practical to the right-of-way.
- (5) *Existing landscaping:*
 - a. The owner or developer shall incorporate existing healthy trees and shrubs into the landscape design. Existing trees and other plants in reasonably healthy condition may be removed only if the owner or developer has satisfactorily demonstrated to the Town that site design restrictions necessitate their removal.
 - b. All existing trees and plants that are incorporated into the landscape design must be adequately protected by means of temporary fencing and be properly maintained during construction to ensure their survival.
- (6) *Public and private open space, stormwater detention areas and drainage channels.* All public and private open space, stormwater detention areas and drainage channels not designated as natural areas in accordance with **Section 16-5-640 of this Chapter** must be designed and landscaped in such a manner as to blend properly with the property and adjacent areas. **Slopes shall not exceed the design standards for detention areas located in open space as specified in the Town of Bennett Storm Drainage Criteria Manual.** ~~Wetlands on public and private property shall be maintained in their natural state, and the property owner may receive a credit, in kind, to a portion of the open space, public land dedication or floodplain requirements.~~
- (7) *Seeding.* All future development phases within a site that are stripped of vegetation shall be seeded with an appropriate seed mixture to prevent wind and water erosion during the time the site remains undeveloped, in accordance with an approved grading plan. A financial guarantee may be required for seeding in stormwater detention areas, and future development phases shall not be released until the grass required to comply with these standards has become established in a manner which prevents erosion. **I will be working with Town Attorney to develop this a bit more.**

E. Screening of site.

Outside trash receptacles, loading docks, open storage areas and utility boxes shall be screened from view from public rights-of-way and from all adjacent uses other than industrial. Screening for such areas shall be provided for by means of walls or solid fences ~~or evergreen plantings~~. The following are special requirements for utility boxes and trash receptacles:

- (1) Utility boxes: All above-ground utility boxes, which include electric transformers, switch gearboxes, cable television boxes and telephone pedestals and boxes shall be screened on the sides visible from the public rights-of-way that are not used for service access. **Do the Commissioners want to keep this in?**
- (2) Trash receptacles: Trash receptacles and dumpsters shall be entirely screened from view and enclosed by a solid, gated wall or fence (trash enclosure) at least six (6) feet in height. The trash enclosure shall use materials compatible with the building structure and designed to be visually harmonious with the

overall building architecture. The trash enclosure shall be sited so the service vehicle can conveniently access the enclosure and maneuver without backing onto a public right-of-way.

F. Xeriscape.

- (a) Water conservation. It is the intent of the Town to encourage attractive landscape development which creates a pleasing and enjoyable environment. In recognition of its dry climate, the Town encourages the conservation of water by using plants with low to moderate water requirements, using efficient irrigation systems zoned so that similar exposures and plants are grouped together and avoiding over-spraying walks, drives and buildings.
- (b) The owner or developer and designer submitting the landscape plan are encouraged to review informational literature regarding Xeriscape methods. This literature may provide specific details on Xeriscape design, methods of irrigation, preparation of soils and mulches and appropriate landscape materials.

G. Zeroscape.

- (a) Zeroscape is considered the use of materials such as dirt/gravel and basically zero plants.
- (b) Zeroscape landscape plans may be used as a last resort but must be approved by the Town Manager.

Will develop this a bit more before final approval.

H. Plant selection.

Except for designated natural areas and wetlands, landscaping materials shall be placed or planted according to the provisions of this Ordinance. Only those species which are healthy and compatible with the local climate and the site soil characteristics, drainage and water supply shall be planted. The following criteria are applicable to both traditional and Xeriscape plans:

- (1) *Type of material:* Irrigated sod area shall be limited to a maximum area of three thousand five hundred (3,500) square feet for residentially zoned lots or parcels in the R-1 and R-2 Districts.
- (2) *Plants prohibited near sidewalks, streets and utility lines:*
 - a. Plants selected shall not by their growth habits obstruct, restrict or conflict with the safe use or maintenance of any roadway, sidewalk, alley or utilities.
 - b. Plants which have thorns or spines shall not be planted upon public rights-of-way or be closer than two (2) feet from walks or other pedestrian areas.
- (3) *Minimum landscape material sizes:* Trees and shrubs shall at a minimum be the following sizes at the time of planting:
 - a. Large deciduous trees (shade trees): Two and one-half (2.5) inches in caliper.
 - b. Ornamental deciduous trees: Two (2) inches in caliper.
 - c. Coniferous (evergreen) trees: Five (5) feet in height.
 - d. Shrubs (evergreen and deciduous): Five-gallon container.
- (4) *Mulch installation.* All rock and stone or woody mulch used in the landscape shall be installed to a minimum depth of two (2) inches over a water-permeable landscape fabric.
- (5) *Recommended plant material.* For a list of plant material and species recommended by the Town, please inquire with the Planning & Zoning Administrator.

I. Artificial Turf and Plants.

- (a) *Use of artificial turf.* The use of artificial turf as a landscaping material shall be permitted in all zone districts within the Town when installed in accordance with this Section.
- (b) *Prohibited use.* The use of indoor or outdoor plastic or nylon carpeting or similar material and the use of artificial trees, shrubs, vines, or other plants as landscaping materials are prohibited.

- (c) *Artificial turf standards.* The use of artificial turf shall be subject to the following standards:
- (1) *Materials.* Artificial turf shall be of a type known as cut pile infill and shall be manufactured from polypropylene, polyethylene, or a blend of polypropylene and polyethylene fibers stitched onto a polypropylene or polyurethane meshed or hole-punched backing with a face weight greater than sixty (60) ounces per square yard. Hole-punched backings shall have holes spaced in a uniform grid pattern with spacing not to exceed four (4) inches by six (6) inches on center. The Planning & Zoning Administrator may approve an alternative product if it is of equal or greater quality of product.
 - (2) *Installation.* Artificial turf shall be installed pursuant to the manufacturer's specifications over a compacted and porous road base material and shall be anchored at all edges and seams. Seams shall be glued and not sewn. An infill medium consisting of ground rubber, ground coal slag, clean washed sand and ground rubber, or other approved mixture shall be brushed into the fibers to ensure that the fibers remain in an upright position and to provide ballast that will help hold the turf in place and provide a cushioning effect.
 - (3) *Grading.* Artificial turf areas shall be graded to drain water runoff into an area of living landscaping material or to otherwise provide positive drainage of the artificial turf area in accordance with an approved drainage plan. Standing water and areas of ponding water are prohibited, and any area where standing water occurs shall be remedied.
 - (4) *Slope restrictions.* The installation of artificial turf on slopes greater than six percent (6%) shall be approved by the Town Engineer and the Public Works Department who may impose conditions on such installation including but not limited to type of infill required, grading requirements, and the amount of living landscaping material required to ensure sufficient drainage for runoff.
 - (5) *General appearance.*
 - a. Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn. The Town shall maintain and make available for public inspection a sample of various artificial turf products that meet this standard of appearance.
 - b. Artificial turf shall have a minimum eight (8) year, no-fade warranty as issued by the manufacturer.
 - c. Artificial turf shall be maintained in a green fadeless condition and shall be maintained free of stains, weeds, debris, tears, holes, and impressions. Artificial turf shall be replaced once it is unable to be maintained as required.
 - d. The Planning & Zoning Administrator may require, for areas considered as high traffic, the utilization of artificial turf with spines in the blades or spirochetes in addition to infill in order to ensure the look of a well-maintained lawn.
- (d) *Compliance with other laws, regulations, and standards.* In addition to the requirements of this Section, applicants installing artificial turf within the Town shall obtain a building permit and comply with all federal and state laws and regulations and ASTM International standards concerning artificial turf, including but not limited to any limitations on the maximum lead content in artificial turf products.
- (e) The Planning & Zoning Administrator may grant modifications and waivers to the artificial turf standards set forth in this Section when warranted by new technology or alternative methods for installation and materials.

J. Irrigation. I still need to have our water purveyor review this section.

- (a) Underground automatic irrigation systems are required for all permanent landscaping which cannot survive on natural precipitation. The use of drip, trickle, subterranean and other water-conserving irrigation methods is encouraged, as is the use of organic mulches and other water-conserving design features. The overall irrigation system design should emphasize efficient water use and conservation.
- (b) All irrigation systems shall be contained by the appropriate backflow prevention assembly. Reduced pressure principal assemblies are the minimum irrigation backflow prevention assembly for this system.

- (c) Irrigation service connections (taps) shall not interconnect downstream of the meter. Irrigation mains shall not intersect with other irrigation mains serviced off another service connection.
 - (1) Resilient wedge shut off valve with drain, or stop and waste, is required downstream of the meter.
 - (2) Master valves are required.
 - (3) 'Smart' irrigation controllers (as defined by the Irrigation Association) are required for all irrigation systems that require a dedicated tap.
- (d) All irrigation systems should have an operable rain sensor shut-off device, **excluding systems for single-family dwellings.**

Do the Commissioners desire to require for all zones?

- (e) Irrigation systems shall be programmed to comply with the Town's current Conservation Policies.
- (f) Irrigation zones utilizing spray heads and rotors shall have head-to-head coverage with no overspray on surrounding hardscapes or structures.
- (g) Dual meter installations are allowed for irrigated areas between two thousand five hundred (2,500) and five thousand (5,000) square feet, not exceeding seven and one half (7.5) feet per second through the service connection, and a demand of less than ten (10) gallons per minute (gpm).
- (h) Irrigated areas greater than five thousand (5,000) square feet require a dedicated irrigation tap. This requirement does not apply to single-family lots.
- (i) Maximum velocity shall not exceed seven and one half (7.5) feet per second through the service connection.
- (j) Irrigation shall be hydro zoned, grouping similar water demands by irrigation zone.
- (k) Only drip and sub-surface irrigation systems will be allowed in areas less than six (6) feet in width or smaller.
- (l) Pop-up spray heads shall be equipped with internal check valves, internal pressure regulator, and matched precipitation rate spray or rotor nozzle.
- (m) Rotors shall be equipped with internal check valves.
- (n) Pop-up height shall be six (6) inches for sod areas and twelve (12) inches for native grass areas.
- (o) Drip emitters and sub-surface drip shall be equipped with internal check valves at each emitter.
- (p) Irrigation charts and hydraulic worksheets are required as part of the landscape plan submittal. **Except for Single Family Residential lots.**
- (q) A passing backflow prevention assembly test is required prior to the issuance of a certificate of occupancy. This shall include a mechanical test of the assembly, validation of protection for degree of the hazard present, and proper installation according to manufacturer's recommendations.

K. Maintenance.

- (a) *Maintenance of required landscaping on private property and public rights-of-way.* The property owners or a designated homeowners' association shall be responsible for the proper maintenance of the landscaping and the irrigation systems on their property and on that portion of the public right-of-way adjacent to their property up to the curb (or sidewalk where the walk is attached to the curb). The landscaping shall be maintained to meet the following standards, except for those areas designated as natural areas or large tracts of vacant or agricultural land:
 - (1) Grass shall not exceed six (6) inches in height and shall be kept free of weeds.
 - (2) Rock, mulch or groundcover areas shall be kept free of weeds.
 - (3) Trees and shrubs shall not overhang or encroach upon streets, walkways, drives, parking areas, traffic signs or traffic signals to the extent that they interfere with the intended use of those facilities. Tree

limbs which overhang the public sidewalk shall be kept trimmed to a height of at least ten (10) feet above the sidewalk level. Tree limbs which overhang the public street shall be kept trimmed to a height of at least thirteen (13) feet above the street level.

- (b) *Replacement of materials:* Dead or diseased plant material shall be replaced within one (1) growing season with the same type of plant material and placed in substantially the same location as shown on the approved landscape plan. Substitutions may be allowed as replacement material, provided that the material is approved by the Planning & Zoning Administrator.
- (c) *Failure to maintain:* The provisions of **Section 16-1-345** regarding violations shall apply if it is found that adequate maintenance is not being performed according to this Section. Failing to maintain landscaping in accordance with the requirements of this Division shall be declared a public nuisance, and may be abated in the manner provided in Town of Wiggins Health and Safety Code.

L. Completion.

- (a) *Substitutions.* All substitutions of plant material on an approved landscape plan must be approved by the Planning & Zoning Administrator.
- (b) *Inspections.* Landscaping shall be installed and completed in compliance with the approved landscape plan.

M. Penalties and Fines.

I will work on language with Town Attorney for this section.