



# Woodland Park Unified Development Code

## Chapter 6: Administration

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### 6.01 Purpose

This Chapter provides regulations for the administration of the UDC, including identification of decision-making bodies and associated roles as they pertain to this UDC, details of review procedures that are common to all applications, and detailed procedures for each of the City's development application types.

### 6.02 Applicability

The provisions of this Chapter are applicable to all development applications.

### 6.03 Duties of Review and Decision-Making Authorities

#### 6.03.010 City Council

##### A. Membership and Term.

1. The City of Woodland Park Charter, Article III describes the appointment, composition, qualifications, and terms for establishment of the City Council.

##### B. Powers and Duties Related to this UDC.

1. Decisions on Applications.
  - a. The City Council shall have review and decision-making authority on applications related to this UDC as shown in Table 6.01-1: Development Review Procedures Summary pursuant to standards and criteria included in this UDC.
2. Additional Powers and Duties.



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- a. Appoint the members of the Planning Commission, Board of Adjustment, Historical Preservation Board, and Parks and Recreation Advisory Board; and
- b. Appoint the City Manager.

### 6.03.020 Planning Commission

#### A. Membership and Term.

1. The City of Woodland Park Charter, Article V, describes the appointment, composition, and terms for establishment of the Planning Commission as appointed by the City Council.

#### B. Powers and Duties.

1. Comprehensive Plan. The Planning Commission is responsible for the development and adoption of the Comprehensive Plan and any amendments to that Plan, pursuant to C.R.S. §31-23-206 and 207.
2. Recommendations and Decisions on Applications.
  - a. The City Council hereby delegates to the Planning Commission the authority to make those decisions and recommendations related to the administration of this UDC as shown in Table 6.01-1: Development Review Procedures Summary pursuant to standards and criteria included in this UDC.
3. Additional Statutory Powers.
  - a. The Planning Commission may exercise those additional powers described in C.R.S. Title 31, Article 23.

### 6.03.030 Board of Adjustment

#### A. Membership and Terms.

1. The City of Woodland Park Charter, Article V describes the right of the City Council to appoint the Board of Adjustment.
2. The Board of Adjustment shall consist of five (5) members appointed by City Council for a term of three (3) years. Initial term may be lesser than three (3) years to achieve overlapping terms.
3. No member of the Board of Adjustment shall be a member of any other City board, commission, or council.
4. At least two alternate members shall be appointed to the Board of Adjustment for the term and qualifications listed in subsections A.1-3 above.



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- a. In the absence of a member, the chairman of the board shall, at the commencement of the meeting, designate an alternate member to serve as, and fulfill the responsibility of, the absent member.
  - b. Once so designated the alternate member shall not be replaced by a returning member other than at the commencement of an individual agenda item.
5. No compensation will be provided for Board of Adjustment members.
6. A member or alternate member may be removed from the Board of Adjustment for unexcused absence from three (3) consecutive meetings. Removal requires two-thirds majority vote of the City Council.
7. In the event of the death, resignation, or removal of any member or alternate member before the expiration of said member's term, a successor shall be appointed for the unexpired portion of their term.
- B. Rules of Procedure and Bylaws.**
1. The procedures followed by the board of adjustment shall be set forth in the official Rules of Procedure adopted by the Board of Adjustment and pursuant to C.R.S. 31-23-307.
- C. Meetings and Quorum.**
1. The board shall annually elect a chair person at the first meeting of the calendar year. The chair person or designee may administer oaths and conduct the meeting.
  2. There shall be a fixed place of meeting and all meetings shall be open to the public.
  3. The presence of four (4) members shall be necessary to constitute a quorum.
  4. The concurring vote of four (4) members of the board shall be necessary to approve an appeal or variance. The concurring vote of three (3) members shall be necessary on all other matters brought before the Board of Adjustment.
  5. The City Clerk or their designee shall serve as secretary of the Board of Adjustment and in their absence the Board of Adjustment may appoint one member as the secretary pro-tem for the meeting. The secretary shall have the following duties:
    - a. Keep minutes of meeting proceedings;
    - b. Show the vote of each member upon each item on the agenda; and
    - c. Keep records of the meetings and all other official actions on file in the City Clerk's office as public record.
  6. Conflict of Interest.



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- a. Any member of the board who has a financial interest in any property or in the decision relating to such property shall notify the chair person in advance of any discussion of the agenda item, and shall be disqualified from participating in the discussion, decision, or proceedings of the Board of Adjustment in connection therewith.
- b. An alternate member shall be appointed by the chair person to serve in place of the member having a conflict of interest, for only the purpose and time of resolving the agenda item in which the conflict of interest exists.

### D. Powers and Duties.

1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made in the administration of this UDC. The Board of Adjustment may, reverse or affirm, wholly or in part, or amend or modify, the order, requirement, decision, or determination under appeal.
2. To authorize variances from the terms of this UDC.
3. To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made in the enforcement or administration of Title 20 – Flood Damage Prevention Regulations.
4. To hear and decide requests for variances from the requirements of Title 20 – Flood Damage Prevention Regulations.
5. The Board of Adjustment may exercise those additional powers described in State Statute or by this UDC.
6. The Board of Adjustment shall have the power to call on the City Manager and City Attorney for assistance in performance of duties.

### **6.03.040 Historical Preservation Committee**

#### A. Membership and Terms.

1. The City of Woodland Park Municipal Code Section 2.44.020 – Establishment of a Historical Preservation Committee, describes the appointment, composition, and terms for the establishment of the Historical Preservation Committee (HPC) as appointed by the City Council.

#### B. Powers and Duties.



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1. General powers and duties of the HPC are prescribed in City of Woodland Park Municipal Code Chapter 2.44.020.

### 6.03.050 Parks and Recreation Advisory Board

#### A. Membership and Terms.

1. The City of Woodland Park Charter, Article V, describes the authority of the City Council to appoint advisory boards.
2. The Bylaws and Rules of Procedure for the City of Woodland Park Parks and Recreation Board define the membership and terms for the Parks and Recreation Advisory Board (PRAB).

#### B. Powers and Duties. General powers and duties for the PRAB are enumerated in Bylaws and Rules of Procedure for the City of Woodland Park. As it relates to this UDC, the PRAB shall have the authority to:

1. Review and provide recommendations regarding parks, trails, and open space dedications for proposed subdivisions;
2. Provide general policy guidance on matters of parks, trails, and open space planning in the City;
3. Assist City Staff in developing and implementing the Woodland Park Parks, Trails, and Open Space Master Plan and evaluate the need for park, trail, and open space acquisitions.

### 6.03.060 Planning Director

#### A. The Planning Director shall be appointed by the City Manager. The Planning Director or appointed designee shall act as the land use authority to uphold and enforce all administrative actions required by this UDC.

#### B. Powers and Duties. In addition to the authority and duties that may be conferred upon the Planning Director by other provisions of this UDC and the City Council, the Planning Director shall have the following jurisdiction, authorities, and duties under this UDC:

1. To undertake the current and long range comprehensive planning responsibilities of Woodland Park.
2. To review the Comprehensive Plan and this UDC and recommend to the Planning Commission any amendments necessary to carry out the planning goals of the City, or



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- to comply with any applicable state, federal, or other governmental law or regulation, or to correct errors in the existing Comprehensive Plan or this UDC.
3. To review, consider, and render interpretations of the text of this UDC or the Official Zoning Map.
  4. To receive applications for development permits for processing pursuant to Table 6.01-1: Development Review Procedures Summary.
  5. To render decisions on applications and permits subject to administrative review.
  6. To render recommendations to the City Planning Commissions and City Council regarding applications and permits requiring review and recommendations or decisions.
  7. To ensure that adequate public notice is provided for applications for development permits pursuant to the terms of this UDC.
  8. To serve as the City Floodplain Administrator as it relates to compliance with and administration of Title 20, unless the City Manager has appointed a different individual to serve in that capacity.
  9. To serve as the City Historical Preservation Administrator responsible for administering those standards, unless the City Manager has appointed a different individual to serve in that capacity.
  10. To serve as the enforcement authority assessing violations and appropriate penalties as described in this UDC, unless the City Manager has appointed a different individual to serve in this capacity.
  11. To coordinate other local, regional, state, and federal planning and permitting processes affecting development in the City and to serve as liaison to such local, regional, state, and federal planning agencies having jurisdiction over development in the City.
  12. In the absence of a Planning Director, the City Manager shall act as the Planning Director and assign an interim Planning Director in the case of a vacant position.

### **6.03.070 City Engineer**

- A. The City Engineer shall be appointed by the City Manager.
- B. Powers and Duties. The City Engineer, or appointed designee, is responsible for the review and recommendation to the Planning Director of engineering requirements as specified within this UDC related to proposed permits and applications.

### **6.03.080 City Manager**



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- A. The City of Woodland Park City Charter Sections 4.1 – City Manager Appointment, Qualification and Removal, Section 4.2 – Absence of City Manager, and Section 4.3 – City Manager Powers and Duties, describes the appointment, powers and duties of the City Manager.
- B. Powers and Duties. The City Manager, or appointed designee, is responsible for rendering decisions on applications and permits as specified within this UDC.

## 6.04 Development Review Procedures Summary Tables

### 6.04.010 Purpose.

- 1. This section serves to detail the review and decision-making authority for each application type, including requirements for a pre-application conference and public hearings, and provides a reference to the specific procedures section.

### 6.04.020 Public Hearing Applications Summary

- 1. Procedures for applications requiring public hearings are detailed in Table 6.04-1.

Table 6.04-1 – Development Review Procedures for Applications Requiring Public Hearing

Application Type	Reference Section	Preapplication Conference	Planning Director	PRAB	Historic Preservation Commission	Planning Commission	City Council	Board of Adjustment
X=Required, O=Optional, R=Review, D=Decision, < > = Public Hearing Required								
Sketch Plan	6.06.030	X	R	R				
Preliminary Plat	6.03.040	X	R	R		<R>	<D>	
Final Plat (Major and Minor Subdivisions)	6.06.050	X	R			<R>	<D>	
Condominium Plat	6.06.060	X	R			<R>	<D>	
Townhome Plat	6.06.070	X	R			<R>	<D>	
PUD Concept Plan	6.06.080	X	R	R				
PUD General Development Plan	6.06.080	X	R	R		<R>	<D>	
Conditional Use Permit	6.06.090	X	R			<R>	<D>	



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Application Type	Reference Section	Preapplication Conference	Planning Director	PRAB	Historic Preservation Commission	Planning Commission	City Council	Board of Adjustment	
X=Required, O=Optional, R=Review, D=Decision, < > = Public Hearing Required									
Flood Hazard Development Permit	6.06.100	X	R			<D>			
Historic Landmark Designation	6.06.110	X	R		<R>		<D>		
Special Use Permit	6.06.120	X	R			<R>	<D>		
Vacation of Public Right-of-Way or Easement	6.06.130	X	R			<R>	<D>		
Comprehensive Plan Amendment	6.06.140	X	R			<D>	Endorse <sup>1</sup>		
UDC Text Amendment	6.06.150	X	R			<R>	<D>		
Zone District Change (Re-zone)	6.06.160	X	R			<R>	<D>		
Appeals	6.06.170	X	R					<D>	
Variances	6.06.180	X	R					<D>	
Modification to Previous Approval	6.06.190	Per original approval							

Table 6.04-1 Notes:

1. City Council acknowledgement of Comprehensive Plan and Comprehensive Plan Amendments per CRS §31-23-206.

## 6.04.030 Permits and Administrative Applications Summary

1. Procedures for permits and applications requiring administrative approval are detailed in Table 6.04-2.



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Table 6.04-2 – Development Review Procedures for Permits and Applications Requiring Administrative Approval

Application Type	Reference Section	Preapplication Conference	Planning Director	City Manager	Planning Commission	City Council
X=Required, O=Optional, R=Review, D=Decision, < > = Public Hearing Required						
Exempt Subdivision Plat	6.06.010	X	D			
Grading Permits	6.07.020		D			
Sign Permit	6.07.030		D			
Site Plan	6.07.040	X	D			
Temporary Use Permit	6.07.050	X	D			<D> <sup>1</sup>
Wireless Communication Facility Permit	6.07.060			D	R <sup>2</sup>	<D> <sup>2</sup>
Zoning Development Permit	6.07.070		D			

Table 6.04-2 Notes:

1. Certain applications require City Council decision per procedures in Section 6.07.040 – Temporary Use Permits.
2. Applications may be referred to Planning Commission for Review and City Council for Decision.



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## 6.05 Common Review Procedures

### 6.05.010 Purpose.

A. This section provides the foundation for the review and approval procedures that are common to all applications for development. See Section 6.04 – Development Review Procedures Summary Tables to determine which of these procedures apply to an individual application for development review.

### 6.05.020 Pre-application Conference

A. Purpose.

1. The purpose of a pre-application conference is to provide an opportunity for informal evaluation of the applicant's proposal and to familiarize the applicant and City Staff with the applicable provisions of this UDC, infrastructure requirements, and any other issues that may affect the applicant's proposal.

B. Applicability.

1. For all application types identified in Section 6.04 – Development Review Procedures Summary Tables, a pre-application conference is required unless waived by the Planning Director. These types of applications shall not be accepted until after the pre-application conference is completed. The conference should take place prior to any substantial investment, such as land acquisition for a proposed development, site and engineering design, or the preparation of other data.
2. For all other applications under this UDC not identified within Section 6.04 – Development Review Procedures Summary Tables, a pre-application conference prior to submission of an application is optional, upon the request of either the applicant or the Planning Director.

C. Procedure.

1. Applicant shall schedule a pre-application conference with Planning Director. The request for the conference shall be submitted in writing and include at a minimum:
  - a. A sketch plan or conceptual site plan; and
  - b. A general project narrative.



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2. The Planning Director shall schedule the pre-application conference to include all relevant City staff and referral agencies. At the conference, the project will be discussed, any potential issues will be highlighted, and formal review process will be outlined.
3. The Planning Director shall provide a written summary of the meeting to the applicant.

### 6.05.030 Application Submittal and Processing

#### A. Purpose.

1. The purpose of the application submittal is to receive a proposed development application and ensure that the submission includes all required material for review by staff and referral agencies.

#### B. Applicability.

1. These requirements shall be applicable to all development application submissions as identified in table 6.01-1.

#### C. Procedure.

##### 1. Application Submittal.

- a. Unless expressly stated otherwise in this UDC, a development application shall be submitted by:

- i. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed;
- ii. A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person; or
- iii. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

- b. Electronic submission of the completed application form and accompanying information are required unless otherwise waived by the Planning Director.

Generally, all applications include:

- i. An application in the format provided by the Planning Department.
- ii. The corresponding fee as established in the City Fee Schedule as adopted by the City Council.



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- iii. A submittal checklist as provided for each application type.
- iv. All required submittal documents.
- c. Submittal deadlines are per the schedule published by the Planning Department.
2. Application Fees.
  - a. All applications require a non-refundable processing fee at the time of application unless otherwise specified herein. Any property owner submitting a land development application shall be responsible for paying all costs and fees incurred by the City in reviewing and processing such application, including, but not limited to: attorney fees; engineering fees; surveying fees; consulting fees; recording fees; and legal publications and notice expenses.
  - b. Final approval of any application submitted shall be contingent upon payment of all fees and expenses to the City.
3. Completeness Review.
  - a. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with application requirements and contains all required supporting documents.
  - b. An application completeness review will be conducted for all applications to determine that all required submittal materials are included in the submission.
  - c. The Planning Director shall make a determination of application completeness and only initiate the review and processing of complete applications.
  - d. If the application is determined to be complete, the Planning Director shall communicate with the applicant, in writing, the timeframe for application review, the application shall then be processed according to the procedures set forth in this Chapter.
  - e. If an application is determined to be incomplete, the Planning Director shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur, and the application shall be considered inactive until such time as deficient submittals are provided.
4. Application Review and Referral
  - a. After an application has been determined to be complete, the Planning Director shall review the application and determine if it meets the standards and requirements within this UDC. If adjustments are needed to meet approval, these will be



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communicated to the applicant in writing. The applicant will have the opportunity to amend the application and resubmit for subsequent review.

- b. As part of the initial review, the Planning Director shall refer the development application to the appropriate referral review agencies and applicable boards and commissions and specify the timeframe for comments to be due back to the Planning Director per Section 6.03.050 – Parks and Recreation Advisory Board.
  - c. Upon an application’s resubmittal for a subsequent review, it shall be reviewed by the agencies who requested revisions.
  - d. Once the application has been amended to meet the approval of the Planning Director, the initial hearing shall be scheduled, if required, and a staff report prepared. The staff report shall be made available to the applicant and the public prior to any scheduled public hearing(s).
  - e. The staff report shall indicate whether, upon determination by the Planning Director, the development application complies with all applicable standards of this UDC and recommendation for approval, approval with conditions, or denial.
  - f. If the approval authority lies with Staff, an application may be approved upon the finding that all necessary revisions have been made and the application is compliant with the regulations of this UDC.
  - g. No application shall be scheduled for a public hearing without a full review for compliance with this UDC and other applicable regulations.
- D. Concurrent Applications.
1. Applicants may request, and the Planning Director may permit, the simultaneous submission and review of all necessary development applications for the project. The Planning Director may waive any overlapping application submission requirements in the concurrent review.
  2. Building permits shall not be submitted concurrently with associated development applications unless written approval for concurrent submittal is provided by the Planning Director.
  3. Review and decision-making bodies considering applications submitted concurrently shall make separate recommendations and decisions on each application based on the specific standards applicable to each approval.



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4. If one or more decisions related to concurrent applications is to be made by the Planning Director, and another decision is to be made by an appointed or elected board or commission, the Planning Director's approval or approval with conditions shall not become final unless and until an approval or approval with conditions is issued by the highest appointed or elected body required to make a decision on any of the concurrent applications pursuant to Table 6.01-01: Development Review Procedures Summary.

### E. Withdrawal of an Application.

1. The applicant may withdraw an application at any time upon submittal of a written request to the planning department, but no portion of the application fees paid in connection with the application shall be returned to the applicant. If the applicant submits a new or revised application concerning the same property, a new application fee must be paid.

### F. Abandoned Applications.

1. If a complete application has been reviewed and comments provided to the applicant for correction but a resubmittal addressing staff-noted deficiencies has not been received within one hundred and eighty (180) days of staff providing the applicant with comments, nor an applicant request for an extension to address comments, the application shall be deemed abandoned and application fees paid in connection with the application shall not be returned.
2. If the applicant submits a new or revised application concerning the same property, a new pre-application meeting may be required, and a new application fee must be paid.

## 6.05.040 Parks and Recreation Advisory Board Review

### A. Purpose.

1. To provide review criteria for review of applications by the Parks and Recreation Advisory Board, as applicable

### B. Applicability.

1. All applications for subdivision that are required to dedicate land for public bicycle paths, trails, pedestrian easements, parks, and open space use per Chapter 5 – Subdivision Standards, and the provisions of this UDC, shall be reviewed by the PRAB per the following process:

### C. Procedure.



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1. At the option of the applicant, the Sketch Plan may be submitted to the PRAB for review and discussion at a regularly scheduled meeting, not subject to a public hearing, in order to allow the PRAB to assess the proposed approach prior to Preliminary Plat submission.
  2. All Preliminary Plat applications shall be reviewed by the PRAB at a regularly scheduled meeting following staff review and prior to Planning Commission review. Recommendations of the Parks and Recreation Advisory Board shall be submitted to the Planning Commission who will forward recommendation to City Council with Preliminary Plat decision. City Council shall forward the decision to the Planning Commission and the Parks and Recreation Advisory Board for the Board's record.
  3. All Final Plat applications shall be reviewed by the Parks and Recreation Department Director to ensure compliance with the Preliminary Plat
- B. Review Criteria.
1. Proposed parks, open space, and trails shall be in conformance with the adopted Parks, Open Space, and Recreation Plan as amended.
  2. Proposed trails shall be in conformance with the Ring the Park Trail plan as applicable.
  3. Parks and Open Space proposed for dedication shall be in conformance with the Section 5.15.03 – Dedicated Park Land Size and Location Standards.

### 6.05.050 Public Hearing Notice Requirements

- A. Purpose
1. To outline the procedures, timeframes, and requirements for scheduling and providing notice of an application for public hearing.
- B. Applicability
1. These requirements shall be applicable to all planning applications that require a public hearing per the types and timeframes are detailed in Table 6.05-2 – Public Notification.

Table 6.05-2 – Public Notification

Application Type	Publication	Sign Posting	Adjacent Property Owner Letter
	<i>(All listed as calendar days prior to public hearing unless otherwise noted)</i>		
Preliminary Plat	10	20	20
Final Plat	10	20	20



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Application Type	Publication	Sign Posting	Adjacent Property Owner Letter
	<i>(All listed as calendar days prior to public hearing unless otherwise noted)</i>		
Condominium Plat (notice shall be given prior to administrative decision)	NA	20	20
Townhome Plat	NA	20	20
PUD General Development Plan	10	20	20
Conditional Use Permit	10	20	20
Floodplain Permit (Title 20)	7	20	20
Historic Landmark Designation (Title 2)	7	NA	15
Special Use Permit	10	20	20
Vacation of ROW (12.08.080)	7	10	10
Vacation of Easements (processed as Vacation of ROW)	10	20	20
UDC Text Amendment	15	20	NA
Zone District Change (Charter 15.7.B.1)	10	20	20
Appeal (BOA)	10	20	20
Variance (BOA)	10	20	20
Exemption Plat (administrative)	NA	20	20
Temporary Use Permit	NA	20	NA

### C. General Requirements.

1. If an application is subject to public hearing per Table 6.01-01 – Development Review Procedures Summary, the Planning Director shall schedule the public hearing for either a regularly scheduled meeting or special meeting with the applicable review authority.
2. All public hearings required by this UDC shall be preceded by the notices identified in Table 6.05-2 – Public Notification.

### D. Publication.

1. A notice shall be published by the Planning Department in the legal notice section of a general circulation newspaper within the City.
2. A publisher's affidavit shall be submitted to the Planning Department prior to the hearing date to verify the publication of the required notice.
3. Publication shall include the following information at a minimum:
  - a. The street address and legal description of the subject property;
  - b. The type of development and application approval(s) sought and a brief description of the development proposal;



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- c. The name and symbol of the zoning district in which the parcel is located;
  - d. The date, time and location of the hearing and name of the decision-making body conducting the hearing;
  - e. Contact information for the Planning Department; and
  - f. Indication that more complete information about the application is available at the Planning Department.
- E. Sign Posting.
- a. All development review signage shall be supplied by the City.
  - b. A sign shall be posted by the applicant on the property for which the application applies within the number of days of determination of complete application as specified in Table 6.05-2 – Public Notification. The purpose is to alert property owners that an application is under review. The sign shall be a minimum of eighteen (18) inches by twenty-four (24) inches in size and contain the following information:
    - i. Type of development application seeking approval; and
    - ii. Contact information for the Planning Department.
  - c. A new sign shall be posted by the applicant on the property for which the application applies for the number of days prior to hearing or decision as specified in Table 6.05-2 – Public Notification. The sign shall be a minimum of eighteen (18) inches by twenty-four (24) inches in size and contain the following information:
    - i. Type of development application seeking approval;
    - ii. The date, time, and location of the hearing; and
    - iii. Contact information for the Planning Department.
  - d. One sign shall be posted along the street frontage or nearest accessible property line(s) with one sign per each three hundred (300) feet of property frontage.
  - e. Applicant shall submit verification of posting by way of an affidavit with time-stamped image for public record.
- F. Adjacent Property Owner Letter.
- a. At the applicant's expense, staff shall send written notice by mail to all property owners within two hundred (200) feet of the external boundaries of the subject property.



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- b. The Planning Director may require additional mailed notification to property owners beyond the two hundred (200) foot area based upon the scope of the potential external impacts of the proposed project.
- c. Written notice shall include the following information at a minimum:
  - i. The street address and legal description of the subject property;
  - ii. The type of development and application approval(s) sought and a brief description of the development proposal;
  - iii. The date, time and location of the hearing and name of the decision-making body conducting the hearing;
  - iv. A vicinity map which identifies the location of the subject property;
  - v. Contact information for the Planning Department; and
  - vi. Indication that more complete information about the application is available at the Planning Department.
- d. Written notice that is sent by the City but not received by one or more of the property owners shall not constitute breach of public noticing and the hearing may proceed as planned.

### **6.05.060 Hearing and Administrative Decision Procedures**

- A. Planning Commission and City Council Approvals.
  - 1. If an application is subject to a final decision or recommendation by the Planning Commission or City Council per Section 6.04 – Development Review Procedures Summary Tables, the Planning Commission or City Council shall make the decision on an application per the following procedures.
  - 2. The decision-making body shall approve, approve with conditions, or deny an application based upon the applicable standards and criteria in this UDC. A decision is final unless appealed.
  - 3. The final decision shall be in writing and include the following information:
    - a. The application materials;
    - a. The minutes of the public hearing(s) and of other related meetings of the recommending and decision-making bodies reviewing the application;
    - b. The recording of the public hearing, if any;
    - c. The staff report;



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- d. Any consultant reports and referral agency comments; and
  - e. Documentation of decisions by the recommending and decision-making bodies including rationale for the decision.
4. Any appeals of a final made by the applicable decision-making authority shall be made to the courts in accordance with state law.
- B. Administrative Decisions
1. If an application is subject to staff review and a final decision by the Planning Director or City Manager per Section 6.04 – Development Review Procedures Summary Tables, the Planning Director shall make the decision in accordance with this Section 6.02.060.B – Administrative Decisions.
  2. The Planning Director shall approve the application, deny the application, or approve it with conditions as appropriate following determination that the following criteria, and any criteria of the specific application type, are met based on the evidence submitted with the application, comments from referral agencies, information on file with the City, and any required approvals from other decision-making bodies:
    - a. The application complies with all applicable provisions of this UDC and other City regulations, as modified by any previously administrative adjustments or variances;
    - b. The property is not subject to a pending notice of violation or legal action as a result of a violation of any federal, state, or town/city land use law or administrative rule;
    - c. The application is consistent with any previous approvals and agreements related to the property; and
    - d. The property is not subject to provisions of a Development Agreement which were required to be performed before the date of the subject application remains unsatisfied.

### 6.05.070 Post Decision Action

#### A. Recordation

1. Upon approval, the following applications shall be recorded with the Teller County Clerk and Recorder:
  - a. Final Plat where an improvement guarantee is not required to be posted for infrastructure
  - b. Development Agreements



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2. Upon approval of Final Plats where an improvement guarantee is not posted, the Plat shall be recorded once infrastructure has received initial acceptance.
- B. Expiration of applications
1. The following applications shall be valid for a period of two (2) years from the date of final approval, unless commencement of the use has begun, a development or building permit has been issued, or an extension has been granted:
    - a. Planned Unit Development
    - b. Preliminary Plat
    - c. Final Plat
    - d. Conditional Use Permit
    - e. Special Use Permit
  2. Subdivision Overall Development Plans shall be valid for a period of five (5) years from the date of final approval.
- C. Extensions
1. A maximum of three (3) extensions may be sought for projects that meet the following criteria:
    - a. The request for an extension is filed prior to the expiration date; and
    - b. The applicant is able to demonstrate substantial progress is being made on the application; and
    - c. The circumstances or conditions existing at the time of the original approval have not materially changed.
  2. Extension period.
    - a. The extension period for Subdivision Overall Development Plans shall be five (5) years for each extension.
    - b. The extension period for other applications shall be two (2) years for each extension.
  3. The first extension shall be reviewed and decided by the Planning Director
  4. A second extension will be reviewed and decided by Planning Commission
  5. A third and final extension will be reviewed by Planning Commission and decided by City Council. In addition to the criteria listed above in subsection C.1, the applicant must demonstrate “good cause” for requiring the third extension.
    - a. For purposes of this subsection, “Good Cause” shall mean justifiable and reasonable reasons why work did not commence within the allotted timeframe. Examples of



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- good cause include delays in available labor or materials, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant's failure to pursue the development with due diligence.
6. If an applicant's approval is extended due to issuance of a building permit or other application approval that is not used, the extension shall expire when the unused building permit or other application approval expires.

### 6.06 Specific Procedures for Applications Requiring Public Hearings

#### 6.06.010 Purpose

To detail the procedures, submittal requirements, and review criteria for each of the application types identified in

#### 6.06.020 Subdivisions Generally

##### A. Purpose.

1. To detail the process for each of the stages required when subdividing land or amending previously recorded subdivision plats. Additional information regarding zone districts, uses, general standards for subdivisions, and site development standards can be found in Chapters 2-5 of this UDC.

##### B. Subdivision Classifications.

1. All subdivisions shall be classified as either Major, Minor, or Exempt.
  - a. Major Subdivisions include proposals to create four (4) or more new lots, parcels, tracts, spaces or interests, or less than four (4) new lots, parcels, tracts, spaces or interests when public infrastructure is proposed or required to be constructed in association with the subdivision. Public infrastructure includes water and sewer lines and stubs, drainage facilities, electrical facilities, gas lines and facilities, whether above or below ground, for telephone, television, internet or any other type or form of data transfer, streets, curb and gutter, sidewalks, trails, common access areas, such as shared driveways, and any other type of facility deemed by the Planning Director to be reasonably necessary to support the residents, users or owners of the subject lots.
  - b. Minor Subdivisions include proposals to create fewer than four (4) new lots, parcels, tracts, spaces, or interests unless such application proposes or requires public



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infrastructure to be dedicated and constructed in association with the subdivision, in which case the subdivision shall be classified as a major subdivision, regardless of size.

- c. Exempt Subdivisions are approved administratively and include the following:
  - i. Correction Plats include corrections of technical error in approved and recorded final plats that do not increase the number of subdivided lots or parcels previously approved or recorded. Technical errors include errors to legal descriptions, acknowledgements, dedication language, plat notes and other items that do not constitute substantial modification of the approved plat.
  - ii. Boundary or Lot Line Adjustments include revisions to boundary lines or lot lines for the purpose of correcting an engineering or survey error in a recorded plat, and that does not increase the number of subdivided lots or parcels previously approved or recorded.
  - iii. Lot Combinations are any consolidation of contiguous parcels or lot merger.

### C. Procedures.

1. See Section 6.06.030 – Sketch Plan, 6.06.040 – Preliminary Plat, and 6.06.050 – Final Plat, for specific procedures for Sketch Plan, Preliminary Plat, and Final Plat.
  - a. All Major Subdivisions shall submit a Sketch Plan, Preliminary Plat and Final Plat.
  - b. All Minor Subdivisions shall submit a Sketch Plan and Final Plat.
  - c. All Exempt Subdivisions shall submit a Sketch Plan and Final Plat. The Planning Director may waive the requirement for Sketch Plan.

### **6.06.030 Sketch Plan**

#### A. Purpose.

1. The purpose of a Sketch Plan is for the applicant to make known their intentions to the Planning Director and to discuss any development plans or standards that may affect the proposed development. This is an initial informal review of the proposed development at an early stage in the planning process. The City shall not formally approve or disapprove a Sketch Plan. Comments and suggestions may be offered to the applicant during this phase to provide guidance or clarify City rules, regulations or policies.
2. This section outlines the general procedure, submittal requirements, and review criteria for a Sketch Plan submission.



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### B. Procedure.

1. The Sketch Plan submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.

### C. Submittal Requirements.

1. The sketch Plan shall be prepared at an appropriate scale, extending at least one-quarter mile beyond the proposed subdivision.
2. The sketch plan shall indicate the area of an Overall Development Plan as applicable. The Overall Development Plan shall be submitted with the Preliminary Plat.
3. The sketch plan shall show the proposed subdivision at a scale sufficient to show the following details of the proposed subdivision:
  - a. Existing and proposed streets and highways;
  - b. Proposed open spaces, trail connections, including proposed method to meet the required public land dedication;
  - c. Natural drainage courses, and similar major natural or manmade features of the area;
  - d. General areas and types of vegetation;
  - e. Existing and proposed major uses for residential, commercial, industrial, and public purposes;

### D. Review Criteria.

1. The Sketch Plan shall be reviewed for general feasibility and design.

## 6.06.040 Preliminary Plat

### A. Purpose.

1. The purpose of the preliminary plat is to provide the City with an Overall Development Plan for the proposed subdivision. It is more detailed than the Sketch Plan and should incorporate the comments and guidance provided during the Sketch Plan process. The City will take formal action on a preliminary plat application.
2. The purpose of this section is to outline the general procedure, submittal requirements, and review criteria for a Preliminary Plat submission.

### B. Procedure.

1. Preliminary Plat submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.



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### C. Submittal Requirements.

1. Completed application and filing fee.
2. A title insurance commitment or policy issued by a licensed Colorado title insurance company showing that the applicant is the lawful owner of all lands to be included within the proposed development and showing all recorded liens affecting such lands. All title insurance commitments or policies shall be updated with the Final Plat submittal.
3. Vicinity map showing the location and boundaries of the subdivision as a part of some larger subdivision or tract of land. Scale should be no smaller than one (1) inch equals two thousand feet.
4. A Preliminary Plat document be prepared at a size of twenty-four (24) by thirty-six (36) inches with a scale no less than one (1) inch equals three hundred (300) feet and containing the following:
  - a. The words "Preliminary Plat" in letters approximately one-half (1/2) inch in height at the top middle of the page;
  - b. The proposed name of the subdivision;
  - c. Names, mailing addresses and phone numbers of the applicant and owner, the applicant, the designer of the subdivision (if applicable), and the surveyor (who shall be a registered land surveyor in the state of Colorado);
  - d. Date of plat preparation, scale, and north sign (designated as true north);
  - e. Location and principal dimensions of all existing streets (including their names), alleys, easements of record (including book and page), watercourses, park, trails and open space, and other important features within and adjacent to the tract to be subdivided;
  - f. Location and principal dimensions for all proposed streets (including their names and proposed grades), alleys, easements, lot lines (including lot areas) and areas to be reserved or dedicated for parks, open space, schools, or other public or private use;
  - g. Proposed changes to existing zoning boundaries;
  - h. Proposed location of bicycle rights-of-way, trails or trail connections where required by the Parks, Trails and Open Space Master Plan or ordinance or other plans adopted by the City;
  - i. Topography at two-foot contour intervals referenced to USGS datum;



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- j. Designation of areas subject to inundation and perpetual drainage easements and specific designation of areas subject to five- and one-hundred-year flood;
  - k. The names of abutting subdivisions or the names of owners of abutting unplatted property;
  - l. The location of all existing buildings to be retained on the plat;
  - m. The location of all portions of lots and tracts with slopes between thirty (30) percent and forty (40) percent, and the location of all portions of lots with slopes in excess of forty (40) percent, to be shown by appropriate shading and cross-hatching, and the area thereof in square feet;
  - n. Identification of all hillside lots;
  - o. The location and size of existing water and sewer lines within and adjacent to the property;
  - p. Proposed layout of the water and sewer system;
  - q. A preliminary drainage plan as described in the City engineering specifications;
  - r. Proposed streets and street grades;
  - s. A land use table identifying the total area of lots by land use type (residential versus commercial), the area of streets and alleys, the area of proposed park sites or open spaces, and other lands to be dedicated to the City; and
  - t. A minimum of four (4) inch by four (4) inch space for comments and suggestions from the City Staff, the reviewing agencies and the Planning Commission.
5. A project narrative containing the following:
- a. A brief description of the tract, i.e. general location, physical features of the land, total acreage
  - b. Existing and proposed zoning;
  - c. Proposed number of building sites and typical lot size;
  - d. Proposed structures;
  - e. A statement detailing how and when the applicant proposes to provide and install all required sewers, water mains, pavement, streets, sidewalks, drainage ways, trails and other utilities, i.e., electric, gas, telephone, as required;
  - f. Any proposed variances from the subdivision regulations;
  - g. Any additional information deemed necessary by the City staff; and
  - h. Signature of the applicant(s);



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6. Preliminary landscaping plans when requested by the City.
7. Letters of intent for utility providers to serve the property.
8. A written proposal explaining the project intent with regards to the dedication of parks, recreation areas, and open spaces and/or fee-in-lieu of land.
9. A list of all property owners within the distance specified by Section 6.05.050 – Public Hearing Notice Requirements, to include accurate names and mailing addresses as they appear on the County tax record.
10. If evidence of a geological hazard is presented by the City with the Sketch Plan, the applicant shall present geologic hazard information.
11. Applications for any proposed variances from the subdivision regulations.
12. A petition for annexation where applicable.
13. A PUD or other zoning change application where applicable.
14. One copy of a preliminary utilities report as described in the City engineering specifications (if required).
15. Completed checklist of Woodlad Park School District, as approved by the City.
16. Building envelopes and a driveway plan shall be submitted for all hillside lots showing the lot area from the street to the minimum building setback line at a scale of at least one (1) inch equals one hundred (100) feet and showing a driveway location which conforms to City engineering specifications.
17. Detailed, verifiable, and authenticated documentation of the availability to connect to a water source that is sufficient and adequate to service the needs of the proposed lots, uses, and structures.
18. Overall Development Plan. When the Preliminary Plat covers only a part of the applicant's contiguous holdings, a proposed Overall Development Plan of said contiguous holdings shall be furnished. An Overall Development Plan need only be submitted with the first Preliminary Plat submitted for the area and shall be processed along with the first Preliminary Plat, if not previously processed. The Overall Development Plan shall be prepared at a size of twenty-four (24) by thirty-six (36) inches with a scale no less than one (1) inch equals three hundred (300) feet and contain the following:
  - a. Date of preparation, scale and north sign;



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- b. The words "Overall Development Plan" in letters approximately one-half (1/2) inch in height at the top middle of the page;
- c. The proposed name of the Subdivision;
- d. Approximate locations of proposed streets, lots, bikeways, streets, sidewalks, trails, trail connections, parks, open space or other features shall be shown, as well as those like features adjacent to this property;
- e. Proposed changes to existing zoning boundaries (any required zoning changes in the Overall Development Plan should be applied for along with the submission of the master plan);
- f. Topography at two or ten-foot contour intervals referenced to USGS datum;
- g. Location and principal dimensions of all existing streets (including their names), alleys, sidewalks, easements of record (including book and page), watercourses, designated flood plain, geologic hazard, or other special planning areas, and any other important features within and adjacent to the tract in accordance to the City's engineering specifications to be subdivided.
- h. Statements of approval by the City Council as follows:

"This Overall Development Plan has been approved with respect to concept by the Woodland Park City Council this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_."

"Approval of this Overall Development Plan with respect to concept does not presuppose the approval of any Preliminary or Final Plats for this parcel. City approval constitutes an acknowledgement that generally this plan conforms to the City's Comprehensive Plan for this area."

19. City Council Overall Development Plan approval shall expire five (5) years from the date of approval.
  20. Extensions shall be processed per Section 6.05.070 – Post Decision Action.
  21. Amendments shall be processed per Section 6.06.190 – Modifications to Previous Approvals.
- D. Review Criteria.
1. The Preliminary Plat complies with any agreements or conditions on development of the property previously approved by the City.



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2. The proposed development project is consistent with the intent of the City Comprehensive Plan goals, objectives, actions, and Future Land Use Map.
3. The subdivision is consistent with the City's Parks, Trails, and Open Space Master Plan as amended and is consistent with the review recommendation from PRAB.
4. The subdivision is consistent with the City's Stormwater Management Plan as amended.
5. The proposed development and use shall conform to the provisions, standards and requirements of this UDC and all other City regulations, in effect at the time of application per the following:
  - a. Each of the lots and parcels resulting from the proposed subdivision shall comply with dimensional requirements and provision of parking, landscaping, lighting, stormwater management, and drainage.
  - b. The proposed development and use shall be designed, constructed and maintained to accommodate the on-site and off-site traffic generated.
  - c. The proposed development and use shall be designed, constructed and maintained with appropriate regard to topography, surface drainage, soil potentials, natural and man-made hazards, streams and environmentally significant features.
  - d. The proposed development and use shall be designed, constructed and maintained with adequate water supply, wastewater disposal, solid waste disposal, air quality protection methods and surface water drainage.
6. The applicant can document the provision of public services including but not limited to water, sanitary sewer, storm drainage, electricity, and communication facilities.
7. The subdivision has mitigated all negative impacts to adjacent properties that were identified throughout the application review process.

### **6.06.050 Final Plat**

#### **A. Purpose.**

1. The purpose of the Final Plat is to complete the subdivision of land in conformance with all the applicable requirements and standards of the City and all recommendations made at earlier stages of major subdivision review. It is the last step in the major subdivision process.
2. A Final Plat is also prepared as part of a subdivision exemption.



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3. The purpose of this section is to outline the general procedure, submittal requirements, and review criteria for a Preliminary Plat submission.
- B. Procedure.
1. Final Plat submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.
- C. Submittal Requirements.
1. Completed application and filing fee.
  2. A Final Plat document prepared at a size of twenty-four (24) by thirty-six (36) inches with a scale no less than one (1) inch equals three hundred (300) feet and contain the following information:
    - a. The proposed name of the subdivision under which it is to be recorded;
    - b. Vicinity map at a scale no smaller than one (1) inch equals two thousand (2,000) feet showing the location and boundaries of the subdivision as a part of some larger subdivision or tract of land;
    - c. Names and addresses of the applicant and owner, the designer of the subdivision (if applicable), and the surveyor (who shall be a registered land surveyor in the state of Colorado);
    - d. Date of plat preparation, scale and north sign (designated as true north);
    - e. An ALTA survey with signature and seal of the registered land surveyor certifying accuracy of survey and drafting of the plat.
      - i. Survey accuracy shall be such as to limit error to not more than one (1) foot in four thousand (4,000) feet.
      - ii. Legal description shall be referred to permanent survey monuments with a tie to a section corner or a quarter-section corner except for minor subdivisions or replats which may be referenced to lot or block corners of the existing subdivision being re-subdivided.
      - iii. The legal description shall include the number of acres to one-hundredth of an acre more or less.
    - f. Names of all adjoining subdivisions with dotted lines of abutting lots. If adjoining land is unplatted, it should be shown as such;
    - g. All boundary survey monuments shall be indicated on the plat as to location and type;



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- h. Filing boundary lines, right-of-way lines of streets, easements, where such easements are not defined on the property lines of platted lots and other sites shall be drawn on the plat. Accurate dimensions, to include length, width, and area measurements, and bearings of curved data shall be included on the plat for the above;
- i. Names for each existing or proposed private and public streets and other rights-of-way;
- j. Purposes of any easements and public or private use areas such as trails, parks and open space;
- k. A systematic method of identification for each lot or site, and each block as appropriate;
- l. Any and all special conditions or terms relating to the subdivision of land that have been imposed on the subject property by City Council;
- m. The following general statement:

“No building permits shall be issued for building sites within this plat until all required fees have been paid and all required public improvements and utilities have been installed as specified by the City of Woodland Park or alternatively, until acceptable assurances guaranteeing the payment of the fees and the completion of all required public improvements and utilities have been placed on file with the City of Woodland Park. All expenses involved in on-site or required off-site improvements to the water system, sanitary sewer system, gas service, electrical service, drainage system and street system shall be financed by the applicant, not the City. The approval of this plat may be withdrawn if all conditions of approval are not met.”

- n. Statement of owner dedications for public uses as follows:

“The undersigned owners have caused said property to be platted into lots, blocks, tracts, streets, and easements as shown on the plat. The undersigned does hereby grant unto the City of Woodland Park those tracts, easements, rights-of-way and areas for public use shown on the plat. The sole right and authority to release or convey all or any such tract, easement, right-of-way, and areas for public use shall



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remain exclusively vested in the City of Woodland Park. All street rights-of-way are hereby dedicated to the City of Woodland Park for public use. All easements shall retain the right of ingress and egress for construction and maintenance of improvements. No permanent structures except fencing upon City approval shall be allowed on any easement.

WITNESS MY (OUR) HAND(S) THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
OWNER(S)

THE ABOVE AND FOREGOING STATEMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_. WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES \_\_\_\_\_  
NOTARY PUBLIC”

- o. Approval certificates as follows:

Approved by the Planning Commission for the City of Woodland Park, Colorado this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairman  
Planning Commission

ATTEST:

\_\_\_\_\_  
Recording Secretary

The certificate of the City Council shall be in substantially the following form:

This plat, and the dedication to the public of any street rights-of-way or tracts, trails, sidewalks and other public ways shown hereon, and the public utility easements as shown are hereby accepted and approved by the City Council of the City of Woodland Park, Colorado this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:



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\_\_\_\_\_  
City Clerk

p. Notarized certificates of filing as follows:

“I hereby certify that this instrument was filed for record in my office at \_\_\_\_\_ M. this \_\_\_\_\_ day of A.D., 20 \_\_\_\_\_ and is duly recorded in plat book \_\_\_\_\_ at page \_\_\_\_\_ under reception number \_\_\_\_\_.

Fee: \_\_\_\_\_

\_\_\_\_\_  
Clerk and Recorder”

STATE OF COLORADO	
	SS
COUNTY OF TELLER	

“All taxes assessed and due on the property described above have been paid in full.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Treasurer”

STATE OF COLORADO	
	SS
COUNTY OF TELLER	

q. If the plat contains a hillside lot or lots, it shall contain the following statement:

“Lots (indicate lot number or numbers) are hillside lots and shall require proof of a foundation designed by a licensed professional engineer as a requirement for issuance of a building permit.”



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3. A Major Subdivision shall include the following additional material to accompany the Final Plat:
  - a. A list of all property owners within the distance specified by Section 6.05.050 – Public Hearing Notice Requirements, to include accurate names and mailing addresses as they appear on the County tax record;
  - b. One set of engineering plans for all public facilities to be installed, including, but not be limited to, water, sewer, streets and related improvements, bridges, trails, trail connections, sidewalks, parks and storm drainage plans and facilities. Said plans shall conform to City Engineering specifications and shall contain a statement of approval by the City Engineer;
  - c. A drainage report as described in the City Engineering specifications.
  - d. A reduced size map of the proposed subdivision with a scale equal to the scale of the official City map;
  - e. One copy of any proposed private restrictions or covenants affecting the subdivision or any part of it. (For informational purposes only);
  - f. Cost estimates for installation of necessary public improvements;
  - g. Any required deeds or plat dedication of tracts for public or private parks, recreation areas and open space or submission of park capital fees. All land dedicated to the City shall be free and clear of all liens and encumbrances. (No final plat shall be recorded by City Council until all park capital fees are paid);
  - h. A letter from the surveyor of the plat indicating the area of the streets, of the lots by zone, and tracts of park sites being dedicated;
  - i. A proposed subdivision agreement and subdivision improvement guarantee (if necessary) as described in Chapter 5;
  - j. Detailed, verifiable, and authenticated documentation of the availability to connect to a water source that is sufficient and adequate to service the needs of the proposed lots, uses, and structures.
  - k. A title insurance commitment or policy issued by a licensed Colorado title insurance company showing the lawful owner of all lands to be included within the Final Plat and showing all recorded liens affecting such lands. The holders of all liens shall either join in the platting and dedication by appropriate verified signatures on the



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- Final Plat, or shall furnish a separate signed, verified, and recordable lienholder certificate joining in such platting and dedication;
- I. Within sixty (60) days after Final Plat approval, the applicant shall furnish, at their expense, a title insurance commitment insuring the City as the prospective owner of any and all streets and other lands required to be deeded or dedicated under this title. The amount of such title insurance shall be established by multiplying the total land acreage within such streets and other lands required to be deeded or dedicated by twenty-four thousand (24,000) dollars per acre;
  4. A Minor Subdivision shall include the following additional material to accompany the Final Plat:
    - a. A list of all property owners within the distance specified by Section 6.05.050 – Public Hearing Notice Requirements, to include accurate names and mailing addresses as they appear on the County tax record;
    - b. A project narrative containing the following:
      - i. A brief description of the tract, i.e. general location, physical features of the land, total acreage;
      - ii. Existing and proposed zoning;
      - iii. Proposed number of building sites and typical lot size;
      - iv. Proposed structures;
      - v. A statement detailing how and when all required sewers, water mains, pavement, sidewalks, drainage ways, trails and other utilities, i.e., electric, gas, and telephone will be installed, as required;
      - vi. Any proposed variances from the subdivision regulations;
      - vii. Any additional information deemed necessary by the City staff; and
      - viii. Signature of the applicant(s);
    - c. A reduced size map of the proposed subdivision with a scale equal to the scale of the official City map;
    - d. Title insurance commitments or policies;
    - e. Site drainage plan with two-foot contours (if required by the Planning Director).
    - f. Detailed, verifiable, and authenticated documentation of the availability to connect to a water source that is sufficient and adequate to service the needs of the proposed lots, uses, and structures.



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### D. Review Criteria.

1. The Final Plat shall comply with the Preliminary Plat and all associated conditions of approval.
2. Each of the lots and parcels resulting from the proposed subdivision shall conform to the provisions, standards and requirements of this UDC and all other City regulations, in effect at the time of application, including but not limited to dimensional requirements, access, utility standards, parking, landscaping, lighting, stormwater management, and drainage.
3. All Final Plats shall be recorded per procedures in Section 6.05.070 – Post Decision Action, following final approval

### **6.06.060 Condominium Plat**

#### A. Purpose

1. To establish a process and review criteria for the creation of condominium ownership for both new development and conversion of existing development.

#### B. Applicability

1. Condominium Plats apply to the division of a building into individual air space units which are connected by common fire walls which exist on a parcel of land with each unit owner holding a full title to their unit within the building and a joint ownership of the land on which the building is located.

#### C. Procedure

1. All Condominium plats shall be processed as a Final Plat per Section 6.06.050 – Final Plat, and adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.
2. Condominium plats shall only be processed for single-household attached or multi-household dwellings that have received a Conditional Use Permit. The Conditional Use Permit may be reviewed at an earlier stage in the subdivision process or concurrently with the Condominium Plat.

#### D. Submittal Requirements.

1. Completed application and filing fee.
2. Condominium Plats shall be accompanied by the following supplemental information (may all be drawn on one sheet):



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- a. Building footprints showing the dimensions of each unit and building in relationship to the lots and/or property lines.
  - b. Parking plan including the dimensions of standard and accessible parking stalls, vehicle accommodation lanes and parking formula used to calculate the total number of parking spaces.
  - c. Utility plan including all utility improvements as physically constructed or to be constructed. The purpose of the utility plan is to determine whether these improvements are within the appropriate easements and to identify the ownership and maintenance responsibilities.
  - d. Site drainage plan shall include all drainage improvements as physically constructed or to be constructed. The purpose of the drainage plan is to determine whether these improvements are within the appropriate easements and to identify the ownership and maintenance responsibilities.
  - e. Trails and open space plan showing forty percent of the area as private and/or public open space with trail connections if appropriate.
  - f. Evidence that the Condominium or Townhome Subdivision has obtained prior approval from the building and fire departments to ensure that there exists adequate access to all buildings for emergency services.
  - g. If joint ownership of common areas is proposed or when a single water meter or sewer service is used for more than one dwelling unit, proof shall be provided that an association is created or will be created that will be responsible for maintaining the common areas and common utilities responsibilities.
3. In addition to all the requirements for preparation of a Final Plat, Condominium plats shall contain the following:
- a. Floor plan and exterior building elevation renderings of each condominium building;
  - b. The location, description of, and identification of the condominium units within each building, both horizontally and vertically;
  - c. Identification of the thickness of common walls between or separating the individual units;
  - d. Identification, description and location of any structural components or supporting elements of the building located within individual condominium units;



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- e. Designation and identification of the limited common elements as defined in CRS § 38-33.3-208;
- f. Designation and identification of the general common elements as defined in CRS § 38-33.3-208;
- g. Certificate of approval as follows:

### CERTIFICATE OF APPROVAL

I hereby certify that the land division (or the division of condominium space) shown is in all respects in compliance with The Unified Development Code of the City of Woodland Park, and that therefore this plat has been approved by the Planning Director of the City of Woodland Park, subject to its being recorded by the Teller County Clerk and Recorder within sixty (60) days of the date below.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Director

ATTEST:  
City Clerk

- h. Surveyor's certification with the following additional statement:
  - i. "This plat substantially depicts the location and the horizontal and vertical measurements of units, the unit designations, the building designation, the location of the parking and storage spaces, and the elevation of the constructed unfinished floors and ceilings of the units."
  - i. The following statement on the Condominium Plat:
    - i. "All condominium units in the subdivision are and shall remain liable for all water and sewer service rendered to any, or portion of, the condominium units or divisions of ownership and a lien for water and sewer service to any condominium unit shall attach and be enforceable against all of the condominium units or divisions of ownership in this subdivision. The responsibility for maintenance of utility lines and accessways for ingress and egress on private property lies with the property owners and the condominium association, however, the City reserves the right of ingress, egress, and



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maintenance in private utility easements, accessways, or common areas for the purposes of meter reading and shut-off for non-payment. The City assumes no liability for maintenance of service lines within utility easements, accessways, or common areas."

### E. Review Criteria.

1. The application complies with any agreements or conditions on development of the property previously approved by the City including compliance with conditions set forth in Conditional Use Permit approval.
2. The proposed development project is consistent with the intent of the City Comprehensive Plan goals, objectives, actions, and Future Land Use Map.
3. The subdivision is consistent with the City's Parks, Trails, and Open Space Plan as amended and is consistent with the review recommendation from PRAB.
4. The subdivision is consistent with the City's Stormwater Management Plan as amended.
5. The proposed development and use shall conform to the provisions, standards and requirements of this UDC and all other City regulations, adopted and in effect at the time of application per the following:
  - a. Each of the lots and parcels resulting from the proposed subdivision shall comply with dimensional requirements and provision of parking, landscaping, lighting, stormwater management, and drainage.
  - b. The proposed development and use shall be designed, constructed and maintained to accommodate the on-site and off-site traffic generated.
  - c. The proposed development and use shall be designed, constructed and maintained with appropriate regard to topography, surface drainage, soil potentials, natural and man-made hazards, streams and environmentally significant features.
  - d. The proposed development and use shall be designed, constructed and maintained with adequate water supply, wastewater disposal, solid waste disposal, air quality protection methods and surface water drainage.
6. The project includes adequate provision of public services including but not limited to water, sanitary sewer, storm drainage, electricity, and communication facilities.
7. Adequate access to all buildings for emergency services is provided.
8. The subdivision has mitigated all negative impacts to adjacent properties that were identified throughout the application review process.



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9. The density of the development shall not be greater than the maximum as allowed by the underlying zone district; and
10. The declaration or other documents include provisions for the maintenance and repair of any common areas on the property and common utilities responsibilities.
11. The condominium subdivision shall comply with all of the provisions of the Colorado Common Interest Ownership Act, C.R.S. Title 38, Article 33.3.

### **6.06.070 Townhome Plat**

#### **A. Purpose**

1. To establish a process and review criteria for townhome plats for both new development and conversion of existing development.

#### **B. Applicability**

1. Townhome Plats apply to the division of land to create individual townhome lots, each to accommodate a single-household attached dwellings, from a lot or parcel currently platted as a single lot parcel.

#### **C. Procedure**

1. All Townhome plats shall be processed as a Final Plat per Section 6.06.050 – Final Plat and adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.
2. Townhome plats shall only be processed for single-household attached units that have received a Conditional Use Permit. The Conditional Use Permit may be reviewed at an earlier stage in the subdivision process or concurrently with the Townhome Plat.

#### **D. Submittal Requirements.**

1. Completed application and filing fee.
2. Townhome Plats shall be accompanied by the following supplemental information (may all be drawn on one sheet):
  - a. Building footprints showing the dimensions of each unit and building in relationship to the lots and/or property lines.
  - b. Parking plan including the dimensions of standard and accessible parking stalls, vehicle accommodation lanes and parking formula used to calculate the total number of parking spaces.



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- c. Utility plan including all utility improvements as physically constructed or to be constructed. The purpose of the utility plan is to determine whether these improvements are within the appropriate easements and to identify the ownership and maintenance responsibilities.
  - d. Site drainage plan shall include all drainage improvements as physically constructed or to be constructed. The purpose of the drainage plan is to determine whether these improvements are within the appropriate easements and to identify the ownership and maintenance responsibilities.
  - e. Trails and open space plan showing forty percent of the area as private and/or public open space with trail connections if appropriate.
  - f. Evidence that the Condominium or Townhome Subdivision has obtained prior approval from the building and fire departments to ensure that there exists adequate access to all buildings for emergency services.
  - g. If joint ownership of common areas is proposed or when a single water meter or sewer service is used for more than one dwelling unit, proof shall be provided that an association is created or will be created that will be responsible for maintaining the common areas and common utilities responsibilities.
3. In addition to all the requirements for preparation of a Final Plat, Townhome Plats shall contain the following:
- a. Location, horizontal dimensions, and identification of the townhome units within each building;
  - b. Identification of the thickness of common walls between or separating the individual units;
  - c. Designation and identification of the limited common elements;
  - d. Designation and identification of the general common elements;
  - e. Certificate of approval as follows:

### CERTIFICATE OF APPROVAL

I hereby certify that the land division (or the division of condominium space) shown is in all respects in compliance with The Unified Development Code of the City of Woodland Park, and that therefore this plat has been approved by the Planning



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Director of the City of Woodland Park, subject to its being recorded by the Teller County Clerk and Recorder within sixty (60) days of the date below.

\_\_\_\_\_

Date

\_\_\_\_\_

Planning Director

ATTEST:

City Clerk

- f. Surveyor's certification with the following additional statement:
  - i. "This plat substantially depicts the location and horizontal measurements of each unit and townhome lot, lot designations, the building locations, and the location of parking and storage spaces."
- g. The following statement on the Townhome Plat:
  - i. "Each townhome provided for in this plat is served by individual water and sewer services from the public mains. Each townhome owner shall own and be responsible for the operation, maintenance, and replacement of the water service line from the property shut-off valve located near the utility easement boundary to the townhome. Each townhome owner shall own and be responsible for the operation, maintenance and replacement of the sewer service line from the townhome to the public sewer main, including the tapping saddle. The City reserves the right of ingress, egress and maintenance in private utility easements, accessways, or common areas for the purpose of meter reading and shut-off for non-payment.

### E. Review Criteria.

1. The application complies with any agreements or conditions on development of the property previously approved by the City including compliance with conditions set forth in Conditional Use Permit approval.
2. The proposed development project is consistent with the intent of the City Comprehensive Plan goals, objectives, actions, and Future Land Use Map.
3. The subdivision is consistent with the City's Parks, Trails, and Open Space Plan as amended and is consistent with the review recommendation from PRAB.
4. The subdivision is consistent with the City's Stormwater Management Plan as amended.



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5. The proposed development and use shall conform to the provisions, standards and requirements of this UDC and all other City regulations, adopted and in effect at the time of application per the following:
  - a. Each of the lots and parcels resulting from the proposed subdivision shall comply with dimensional requirements and provision of parking, landscaping, lighting, stormwater management, and drainage.
  - b. The proposed development and use shall be designed, constructed and maintained to accommodate the on-site and off-site traffic generated.
  - c. The proposed development and use shall be designed, constructed and maintained with appropriate regard to topography, surface drainage, soil potentials, natural and man-made hazards, streams and environmentally significant features.
  - d. The proposed development and use shall be designed, constructed and maintained with adequate water supply, wastewater disposal, solid waste disposal, air quality protection methods and surface water drainage.
6. The project includes adequate provision of public services including but not limited to water, sanitary sewer, storm drainage, electricity, and communication facilities.
7. Adequate access to all buildings for emergency services is provided.
8. The subdivision has mitigated all negative impacts to adjacent properties that were identified throughout the application review process.
9. The proposal is consistent with the approved site plan or PUD general development plan for the property; and
10. The declaration or other documents include provisions for the maintenance and repair of any common areas on the property and common utilities responsibility.

### **6.06.080 Planned Unit Development (PUD)**

#### **A. Purpose.**

1. To define the process for establishing a Planned Unit Development (PUD) zone district and reviewing development within the PUD. A Planned Unit Development (PUD) district provides for more flexibility and latitude of design, provides for a greater variety of uses in the development or redevelopment of land, to meet the technological changes in concepts, and to encourage creative development of parks, recreation areas and open space.



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### B. Applicability.

1. A Planned Unit Development zone may be established upon any tract of land held by a single owner or under unified control.

### C. Procedure.

1. PUD submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.
2. The procedure for review of a PUD application shall be that required by Section 6.06.160 – Zone District Change, except that
  - a. A PUD Concept Review is required prior to submittal of a PUD application; and
  - b. A PUD General Development Plan for the property must be reviewed simultaneously with the Zone District Change application, and must satisfy the review criteria in subsection E below.
  - c. Subsequent Applications. After approval of the PUD zone district and associated PUD General Development Plan, and prior to issuance of any building or construction permits, applicant shall submit and receive approval for a Preliminary and Final Plat or Site Plan, as applicable to the type of development.

### D. PUD Concept Plan Review.

1. Purpose. The purpose of a PUD Concept Plan is for the applicant to make known their intentions to the Planning Director and to discuss any development plans or standards that may affect the proposed development. This is an initial informal review of the proposed development at an early stage in the planning process. The City shall not formally approve or disapprove a PUD Concept Plan. Comments and suggestions may be offered to the applicant during this phase to provide guidance or clarify City rules, regulations or policies.
2. Procedure. The PUD Concept Plan submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.
3. Submittal Requirements.
  - a. Completed application and filing fee.
  - b. A PUD Concept Plan shall be prepared at an appropriate scale, extending at least one-quarter mile beyond the proposed parcel(s) illustrating the following details of the proposed development:
    - i. Existing and proposed streets and highways;



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- ii. Existing and proposed major uses for residential, commercial, industrial, and public purposes;
  - iii. Proposed open spaces, trail connections, including proposed method to meet the required public land dedication;
  - iv. Natural drainage courses, and similar major natural or manmade features of the area;
  - v. General areas and types of vegetation
4. Review Criteria.
- a. The application shall be reviewed for general feasibility and design.
- E. PUD General Development Plan.
1. Purpose. A PUD General Development Plan provides a graphical representation of the proximity of the proposed uses to one another, their general placement on the subject property as well as specific requirements related to building setbacks, building height, design criteria, and similar additional requirements for development within the PUD.
  2. Procedure.
    - a. The PUD General Development Plan is an additional requirement of a Zone District Change application when requesting the establishment of a PUD zone district.
  3. Submittal Requirements.
    - a. Application and filing fee.
    - b. A General PUD Development Plan at a scale sufficient to show all of the following details of the proposed development:
      - i. Location and size of proposed development;
      - ii. Zoning and use of properties adjacent to the proposed PUD zone district;
      - iii. The character and proposed layout and location of residential development proposed including the type of dwelling units, dwelling unit density per tract, height of buildings, building lot coverage, and any other relevant information;
      - iv. The character and proposed layout and location of nonresidential areas including building size, locations, and height;
      - v. The location, number, and dimensional plans of proposed off-street parking and loading facilities;
      - vi. The type and location of open space, park, and recreation facilities proposed;



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- vii. The type and location of school sites, public buildings, and similar public and semi-public uses;
  - viii. The location and width of proposed rights-of-way, easements, and other similar public, and private facilities;
  - ix. Detailed, verifiable, and authenticated documentation of the availability to connect to a water source that is sufficient and adequate to service the needs of the proposed uses and structures;
  - x. The use, height, bulk, and location of all proposed principal and accessory buildings;
  - xi. Description, location, and extent of fences, earth berms, and types of screening;
  - xii. Description, location, and extent of proposed signs;
  - xiii. Description, location, and extent of exterior lighting;
  - xiv. Location and extent of outside storage areas with proposed methods of screening from abutting streets and residential areas;
  - xv. A statement as to whether or not a homeowner's association is intended;
  - xvi. A statement which reads: "All activities and uses shall be authorized and be operated to meet the Performance Standards set forth in Chapter 4, Use Standards, of the City of Woodland Park Unified Development Code".
- c. Supplementary material:
- i. A traffic impact study;
  - ii. Public cost vs. benefit analysis regarding infrastructure and improvements that could be shared between the applicant and the City;
  - iii. Employee projections;
  - iv. The feasibility of the proposal for the disposition of sanitary waste and storm water runoff;
  - v. The feasibility of the project for the availability and supply of adequate City water resources and service;
  - vi. Provisions governing the use, maintenance, and continued protection of the PUD and any of its common open space;
  - vii. A development schedule indicating the following:



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- (a) The approximate date when construction of the project can be expected to begin,
  - (b) The stages in which the project will be completed and the approximate date when construction of each stage can be expected to begin;
  - viii. A schematic landscape plan indicating approximate location, number, and type of shrubs, trees, or other form of landscaping treatment;
  - ix. Any reasonable information specifically requested by the Planning Director relevant to determining if the requested use is appropriate pursuant to these standards.
4. Review Criteria. In addition to the review criteria in Section 6.06.160 - Zone District Change, the following criteria shall apply to a PUD General Development Plan for the PUD zone district:
- a. The proposed project is consistent with the intent of the City Comprehensive Plan goals, objectives, actions and Future Land Use Map;
  - b. Connection and availability of water exists that is sufficient to service the needs of the proposed uses and structures;
  - c. The project promotes public health, safety, and general welfare;
  - d. The project provides adequate light, air, privacy and convenience;
  - e. The project mitigates congestion of the public streets and highways;
  - f. The project conserves the values of surrounding properties; and
  - g. The project protects against fire, panic, explosion, noxious fumes, flooding along natural watercourses, and other hazards;
  - h. The project promotes the long term economic, social, and environmental health of the City;
  - i. The design of the project provides for a unique opportunity for the community and surrounding area; and
  - j. The project may protect or preserve sensitive and significant natural and/or historic features.
- F. PUD Amendments
- 1. Preliminary PUD Development Plans Approved Prior to the effective date of this UDC.
    - a. All Preliminary PUD Development Plans approved prior to the effective date of this UDC shall be considered a PUD Concept Plan.



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- i. If a Rezone request was approved with the Preliminary PUD Development Plan, that approval shall remain in effect.
    - ii. In order to receive full approval of a Development Plan prior to subsequent Site Plan or Subdivision application, all existing Preliminary PUD Development Plans shall submit application for a PUD General Development Plan per the procedure in and submittal and review criteria in subsection E.
  2. Final PUD Development Plan Approved Prior to the effective date of this UDC.
    - a. All Preliminary PUD Development Plans approved prior to the effective date of this UDC shall be considered a PUD General Development Plan.
      - i. If a Rezone request was approved as part of the PUD Development Plan Process, that approval shall remain in effect.
      - ii. Prior to construction and within two (2) years of approval of a Final PUD Development Plan, application for subsequent Site Plan or Subdivision approval shall be made per Sections 6.07.040 - Site Plan Procedures, and 6.06.020 – Subdivisions Generally.
      - iii. Extensions on approval shall be processed per Section 6.05.070 – Post Decision Action.
  3. Amendments to Approved PUD General Development Plans
    - a. Any change to a PUD General Development Plan beyond the following thresholds shall formally amend the approved plan per Section 6.06.190 – Modification of Previous Approval:
      - i. Change in building floor space up to five (5) percent.
      - ii. Change in required landscape or parking area of up to five (5) percent, provided the minimum amount required per this UDC is maintained.
      - iii. Minor adjustment to location and layout of streets, utilities, and structures that do not change the overall intent of the project or effect the impacts on adjacent properties, with regards to traffic patterns, noise, smell, and views.

### **6.06.090 Conditional Use Permit**

#### **A. Purpose**

1. A Conditional Use Permit is required for uses designated as contingent uses, not allowed by right or condition; they may or may not be appropriate in a particular location



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depending upon the nature of the use itself, its relationship to vicinity land uses, its impact upon environmental, social and economic matters and its effects upon the health, safety and welfare of the City and its residents.

2. A Conditional Use Permit is issued by the City Council that authorizes the applicant to make use of property in accordance with the requirements of this UDC and City Council imposed conditions.

### B. Applicability.

1. Conditional Use Permits are required for any use that is allocated as “Conditional” in the Use Table located in Chapter 4 of this UDC.

### C. Procedure.

1. Conditional Use Permit submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.
2. When a conditional use permit is required and granted, it shall be issued prior to issuance of a Zoning Development Permit, and shall be subject to the application, site plan, and conditions placed on the application upon approval.
3. Amendments or modifications of the Conditional Use Permit shall be in accordance with the procedure applicable to initial approval as set out in this Chapter.
4. Approval of a Conditional Use Permit shall not constitute an exemption from or waiver of any other provisions of this UDC pertaining to the development and use of property.

### D. Submittal Requirements.

1. Completed application and filing fee.
2. A Site Plan showing the entire site involved whether all or part of the site is to be immediately developed.
3. A detailed description of the proposed use, including such information as dates and hours of operation, numbers of guests, etc.
4. A response to the pre-application conference checklist.
5. The City may require different levels of information to be submitted depending upon the impacts and characteristics of the development and use.

### E. Review Criteria.

1. The proposed development and use shall have a demonstrated direct need to be located at the location proposed and provide adequate mitigation measures to lessen all identified impacts.



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2. The proposed development and use shall be in harmony with the area and not endanger the public health and welfare or substantially injure the value of vicinity properties.
3. The proposed development project is consistent with the intent of the City Comprehensive Plan goals, objectives, actions, and Future Land Use Map.
4. The proposed development and use shall conform to the provisions, standards and requirements of all City regulations, adopted and in effect at the time of application.
5. The proposed development and use shall be designed, constructed, and maintained to accommodate the on-site and off-site traffic generated.
6. The proposed development and use shall be designed, constructed, and maintained with appropriate regard to topography, surface drainage, soil potentials, natural and man-made hazards, streams and environmentally significant features.
7. The proposed development and use shall be designed, constructed, and maintained with adequate water supply, wastewater disposal, solid waste disposal, air quality protection methods and surface water drainage.
8. The proposed development shall require approval by the City that connection and availability of a water source exists that is sufficient to serve the needs of the proposed uses and structures.
9. The proposed development and use shall be designed, constructed, and maintained to not unduly increase the public danger of fire, explosion and other safety hazards upon the public, and persons residing or working on the site and vicinity.
10. The development and use may be required to provide architectural design schemes and may also require amenities such as, but not limited to, fencing, landscaping, buffer areas and other aesthetic enhancement measures, as required by the City Council.
11. The standards for Conditional Use Permits are intended only as a minimum necessary for review. An application for a Conditional Use Permit may be denied if it is determined that the development and use is not in the best interest of the City.

### **6.06.100 Flood Hazard Development Permit**

Purpose, applicability, submittal requirements, and review criteria can be found in Title 20 of the Municipal Code.



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### 6.06.110 Historic Landmark Designation

Purpose, applicability, submittal requirements, and review criteria can be found in Chapter 2.44 of the Municipal Code.

### 6.06.120 Special Use Permit

#### A. Purpose.

1. To outline the general procedure, submittal requirements, and review criteria for a Special Use Permit submission.

#### B. Applicability.

1. A special use permit is required whenever an applicant desires to develop, substantially improve, or change the use of a tract of land or structure for the following uses:
  - a. Schools, universities, colleges, and other institutions of an educational nature;
  - b. Cemeteries;
  - c. Airports, heliports and helistops;
  - d. Hospitals;
  - e. Public uses, except parks;
  - f. Recreation facilities;
  - g. Recycling collection centers;
  - h. Transportation terminals;
  - i. Sanitary landfills;
  - j. Mineral extraction;
  - k. Uses specifically addressed as special uses in a PUD General Development Plan; and
  - l. Towers and antennas exceeding fifty (50) feet in height.
2. Special uses must have a demonstrated direct public benefit to the City and may or may not be appropriate in a particular location depending upon the nature of the use itself, its relationship to vicinity land uses, its impact with respect to environment, social, and economic matters and its effects upon the health, safety, and welfare of the City and its residents.

#### C. Procedure.

1. Special Use Permit submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.



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2. Where a special use permit is required and granted, it shall be issued prior to issuance of a Zoning Development Permit, and shall be subject to the application, site plan, and conditions placed on the application upon approval.
  3. Amendments or modifications of the Special Use Permit and Site Plan shall be in accordance with the procedure applicable to initial approval as set out in this Chapter.
    - a. If the Planning Director finds that the amendment or modification is insignificant, representing less than a ten (10) percent change to the original application, the application may be processed administratively.
  4. Approval of a Special Use Permit shall not constitute an exemption from or waiver of any other provisions of this UDC pertaining to the development and use of property.
  5. The approved application, permit, and findings shall be recorded in the office of the County Clerk and Recorder.
- D. Submittal Requirements.
1. Completed application and filing fee.
  2. A Site Plan showing the entire site involved whether all or part of the site is to be immediately developed.
  3. A detailed description of the proposed use, including such information as dates and hours of operation, numbers of guests, etc.
  4. A response to the pre-application meeting checklist.
  5. The City may require different levels of information to be submitted depending upon the impacts and characteristics of the development and use.
- E. Review Criteria.
1. An application for a Special Use Permit may be denied if it is determined that the development and use is not in the best interest of the City.
  2. The proposed development and use shall have a demonstrated direct public benefit to the City.
  3. The proposed development and use shall be in harmony with the area and not materially endanger the public health and welfare or substantially injure the value of vicinity properties.
  4. The proposed development project is consistent with the intent of the City Comprehensive Plan goals, objectives, actions, and Future Land Use Map.



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5. The proposed development and use shall conform to the provisions, standards and requirements of all City regulations, adopted and in effect at the time of application.
6. The proposed development and use shall be designed, constructed, and maintained to accommodate the on-site and off-site traffic generated.
7. The proposed development and use shall be designed, constructed, and maintained with appropriate regard to topography, surface drainage, soil potentials, natural and manmade hazards, streams, and environmentally significant features.
8. The proposed development and use shall be designed, constructed, and maintained with adequate water supply, waste water disposal, solid waste disposal, air quality protection methods, and surface water drainage.
9. The proposed development shall require approval of the City that connection and availability of a water source exists that is sufficient to serve the needs of the proposed uses and structure.
10. The proposed development and use shall be designed, constructed, and maintained to not unduly increase the public danger of fire, explosion, and other safety hazards upon the public, and persons residing or working on the site and vicinity.
11. The development and use may be required to provide architectural design schemes and may also require amenities such as, but not limited to, fencing, landscaping, and buffer areas.

### **6.06.130 Vacation of Public Right-of-Way or Easement**

#### **A. Purpose**

1. To outline the general procedure, submittal requirements, and review criteria for submission of application for Vacation of a Public Right-of-Way or Easement.

#### **B. Procedure**

1. Vacation of Public Right-of-Way or Easement submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures and specific timeframes and requirements established in Section 12.08 – Vacation of Public Rights-of-Way, of the City of Woodland Municipal Code.

#### **C. Submittal Requirements.**

1. Completed application form and filing fee.



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2. Plat and legal description of proposed vacation; plat shall be drawn by a registered land surveyor and shall be on letter-sized (8.5 x 11) inch paper whenever possible.
3. The names and addresses of all adjacent property owners.

### D. Review Criteria.

1. The vacation must not conflict with adopted policies or plans;
2. The vacation shall not create a landlocked parcel of land;
3. The vacation shall not restrict the access of any parcel so that access is unreasonable or economically prohibitive; and
4. No roadway or part thereof shall be vacated so as to leave any land adjoining the street, alley, easement or public right-of-way without an established public road connecting the land with another established public road. The vacation shall not result in adverse impacts on the health, safety, and general welfare of the community.

### 6.06.140 Comprehensive Plan Amendment

#### A. Purpose.

1. The Comprehensive Plan and Future Land Use Map may be amended pursuant to this section to respond to a change in conditions or public policy, or to advance the general health, safety, and welfare of the City.

#### B. Applicability.

1. A Comprehensive Plan amendment may be initiated by City Staff, Planning Commission, or City Council. Additionally, any person may suggest to the Planning Commission that an amendment be given consideration.

#### C. Procedure.

1. Comprehensive Plan Amendment submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.
2. Approval of a Comprehensive Plan Amendment shall be by resolution of the Planning Commission carried by the affirmative votes of not less than two-thirds of the entire membership pursuant to Colorado Revised Statutes.

#### D. Submittal Requirements.

1. Completed application and filing fee.



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2. A narrative explaining the proposed amendment including reason for amendment and either a redline of the proposed text to amend, new section to add, or fully amended/updated document.

### E. Review Criteria.

1. The amendment is not likely to result in significant adverse impacts upon the natural environment (including air, water, noise, stormwater management, wildlife, and vegetation);
2. The amendment is necessary for the protection of health, safety, and welfare of the community; and
3. The amendment is consistent with the City's goals and policies.

### **6.06.150 Unified Development Code (UDC) Text Amendment**

#### A. Purpose

1. The text of this UDC may be amended to respond to change in conditions or public policy, or to advance the general health, safety, and welfare of the City.

#### B. Applicability

1. City staff, Planning Commission or City Council may initiate an amendment to the text of this UDC. Any person may suggest to the Planning Commission that an amendment be given consideration.

#### C. Procedure

1. UDC Text Amendment submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.

#### D. Submittal Requirements.

1. A narrative explaining the reason for the proposed UDC text amendment; and
2. Redline of the proposed text amendment.

#### E. Review Criteria.

1. The UDC Text Amendment is not likely to result in significant adverse impacts upon the natural environment (including air, water, noise, stormwater management, wildlife, and vegetation) or such impacts will be substantially mitigated;
2. The UDC Text Amendment is necessary for, or supportive of, the protection of health, safety, and welfare of the community;



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3. The UDC Text Amendment is consistent with the intent of the City Comprehensive Plan goals, objectives, actions, and Future Land Use Map;
4. The UDC Text Amendment is consistent with any prior approvals, official plans or policies that apply; and
5. The UDC Text Amendment will not significantly increase nonconformities.

### **6.06.160 Zone District Change (Re-zone)**

#### A. Purpose.

1. To outline the general procedure, submittal requirements, and review criteria for submission of application to rezone property.

#### B. Procedure.

1. Zone Change submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures and specific timeframes and requirements established in Article XV – Miscellaneous Provisions, Section 15.7 – Zoning, of the City of Woodland Park Charter.

#### C. Submittal Requirements.

1. Completed application and filing fee.
2. A project narrative clearly stating the requested change or amendment.
3. Legal description.
4. A title certificate from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record that affect the title to the subject property.
5. Certified boundary survey of land area to be rezoned, along with an indication of the existing zoning, predominant existing uses, and existing zoning designations within three hundred (300) feet in all directions of the boundary of the land area to be rezoned.
6. A list of all property owners within the distance specified by Section 6.05.050 – Public Hearing Notice Requirements, to include accurate names and mailing addresses as they appear on the County tax record;
7. A statement by the applicant explaining the rationale for the rezoning request relative to the standards of this UDC.
8. If the City is the applicant, the only required document is the zoning map showing the proposed change.



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### D. Review Criteria.

1. The existing zone for the property was adopted in error.
2. There has been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.).
3. There is a public need for the proposed rezoning within the area or community.
4. The proposed uses are compatible with the surrounding area or uses, there being no adverse impacts, and/or any adverse impacts can be mitigated.
5. There will be benefits derived by the community or area by granting the proposed rezoning.
6. Adequate facilities are available to serve development for the type and scope suggested by the proposed zone. If utilities are not available, they could be reasonably extended.
7. The proposed development project is consistent with the intent of the City Comprehensive Plan goals, objectives, actions, and Future Land Use Map.
8. The proposed change does not constitute spot zoning which is defined as the application of zoning to a specific parcel or small area that is inconsistent with the surrounding zoning or the comprehensive plan, typically to benefit a particular property owner rather than advance the public interest.
9. Change in a zoning classification which results in increased density shall only be approved if the applicant has established, to the approval and acceptance of the City, that sufficient connection and availability of water exists to service the needs of the intended uses and structures of such lot(s).
10. Additional criteria for PUD zone districts:
  - a. Approval of a PUD zone district may not occur without simultaneous approval of a PUD General Development Plan.
  - b. A PUD zone district may be approved if one or more of the following conditions exist:
    - i. There are unusual physical features of the property itself, or of the neighborhood in which it is located, such that a substantial deviation from the otherwise applicable regulations is necessary or appropriate in order to conserve a physical or topographic feature of importance to the City;
    - ii. The property or its neighborhood has an historical character or economic or cultural importance to the community that will be protected by use of a PUD;



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- iii. The design of the PUD illustrates a unique design concept that properly relates to adjoining properties.

### **6.06.170 Appeal**

#### A. Purpose.

1. To provide a process for the Board of Adjustment to hear and decide appeals.

#### B. Applicability.

1. The Board of Adjustment may consider an appeal by any person aggrieved by a final written administrative interpretation or decision based upon or made in the course of the administration or enforcement of this UDC or Title 20 – Flood Damage Prevention Regulations.

#### C. Procedure

1. Appeal submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.
2. Appeals shall be filed within ten (10) days after the date of the administrative decision.
3. The Planning Director shall transmit to the Board of Adjustment certified copies of all the papers constituting the record of the matter, together with a copy of the ruling or order from which such appeal is taken.
4. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with them, that by reason of facts stated in the certificate, a stay, in their opinion, would cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on due cause shown.
5. The Board of Adjustment shall render a decision within forty-five (45) days after submission of the written Appeal application.
6. The determination of the Board of Adjustment concerning an Appeal is effective immediately upon the rendering of the decision.
7. Any further appeals of decisions by the Board of Adjustment shall be made to the courts in accordance with state law.

#### D. Submittal Requirements



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1. Completed application and filing fee.
  2. All application materials from initial approval being appealed.
- E. Review Criteria
1. Appeals are limited to the record of the original decision, no new evidence may be introduced.
  2. Whether the decision of the decision-making body was a clear error, as opposed to fairly debatable, according to the provisions of these regulations.
  3. The purposes, intent, and design objectives of any standards that are subject to the appeal were adequately addressed in the initial application.
  4. Whether the final decision and the grounds for relief requested in the appeal are within the authority granted by these regulations.
  5. Whether there are other more appropriate and applicable procedures to achieve the applicant's proposed objective, such as a plan amendment, text amendment, planned zone districts, a zoning map amendment, or a variance.

### 6.06.180 Variance

- A. Purpose.
1. The purpose of a variance is to provide relief from this UDC where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation or condition peculiar to a particular piece of property, the strict application of any provision of this title would result in exceptional, demonstrable, unnecessary hardship on the applicant.
- B. Applicability.
1. Nonconforming structures in the same district and permitted or nonconforming structures in other districts shall not be considered grounds for the issuance of a variance.
  2. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permitted under the terms of this UDC in the zone district involved or any use expressly or by implication prohibited by the terms of this title in said zone district.
- C. Procedure.
1. Variance submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.



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2. The determination of the Board of Adjustment concerning a Variance is effective immediately upon the rendering of the decision at the Board of Adjustment meeting.
  3. Where a Variance is granted, it shall be issued prior to the issuance of a building permit and shall be issued subject to the conditions upon which the Board of Adjustment has determined with approval.
  4. Authority to issue a building or other required permit pursuant to the granting of a Variance shall expire two (2) years after the date of the granting of the variance, except when the following conditions have been met:
    - a. Building permits have been issued for at least one (1) permitted building by the variance, materials have been acquired and are on site, and the foundation has been placed for at least one (1) of the permitted buildings; or
    - b. Where no construction is required, the actual operation of the use has been started.
  5. Any further appeals of decisions by the Board of Adjustment shall be made to the courts in accordance with state law.
- D. Submittal Requirements.
1. Completed application and filing fee.
  2. A Site Plan showing the entire site involved whether all or part of the site is to be immediately developed.
  3. A detailed description of the proposed use and requested variance, including such information as dates and hours of operation, numbers of guests, etc.
  4. Written application demonstrating that all of the following review criteria can be met and how.
  5. A response to the pre-application conference checklist.
- E. Review Criteria.
1. That there exist special conditions and circumstances of the type specified in this UDC, which are peculiar to the land, structure, or building involved and which are not applicable to other lands or structures in the same district.
  2. The said special conditions and circumstances do not result from the actions of the applicant.
  3. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations.



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4. That granting the Variance requested will not confer on the applicant any special privilege that is denied by the board to other lands or structures in the same district.
5. That the granting of the Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
6. The granting of the Variance is consistent with the intent of the City Comprehensive Plan goals, objectives, actions, and Future Land Use Map;

### **6.06.190 Modification to Previous Approval**

#### A. Purpose.

1. To detail a process for amending or modifying previous application approvals.

#### B. Applicability

1. This section applies to application to modify a previous approval except for the following:
  - a. An annexation of land into the City;
  - b. The adoption or amendment of a Comprehensive Plan;
  - c. A Unified Development Code Text Amendment; and
  - d. An amendment to the Zoning Map.
2. Each modification of an action listed in subsection 1, shall require the party proposing the change to complete all of the application and review procedures, and shall be subject to the same review criteria, applicable to the original decision proposed to be modified.
3. A Minor Modification request may be submitted for administrative approval provided that the following apply:
  - a. The modification results in no more than a ten (10) percent change in gross floor area, landscape or parking requirement, or location and layout of streets, utilities, and structures
  - b. The modification results in a reduction of the amount of open space in the development by no more than ten (10) percent, provided the minimum requirement is met;
  - c. The modification would result in a change of any dimensional standards by no more than ten (10) percent;
  - d. The modification is consistent with any conditions attached to the approval;



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- e. The modification is necessary to meet conditions of approval or commitments or to accommodate or mitigate site conditions that were not known at the time of the approval; and
  - f. The modification would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties more than the original approved.
4. A Major Modification request may be submitted for approval by the Planning Commission and City Council if the following applies:
- a. The modification would result in an increase to the number of dwelling units approved in the development;
  - b. The modification would result in an increase to the gross floor area in the development of more than ten (10) percent;
  - c. The modification would result in a reduction of the amount of open space in the development by more than ten (10) percent, provided the minimum requirement is met;
  - d. The modification would result in a change of primary access into the development by more than one hundred (100) horizontal feet on any boundary where the development is adjacent to residential uses; or
  - e. The modification would result in a change of any dimensional standards by more than ten (10) percent.

### C. Minor Modification

- 1. Procedure.
  - a. Application shall be made to the Planning Department using the official application form.
  - b. The Planning Director shall review the request in a timely manner and notify applicant of approval in writing.
  - c. Final approved documents shall be recorded per original application approval and subsequent applications may be made accordingly.
- 2. Submittal Requirements.
  - a. Completed application and filing fee.
  - b. The applicant shall submit all plans and narratives from the original application for which modification is being requested, sufficient to illustrate the proposed change.



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### 3. Review Criteria.

- a. The application shall be reviewed against the review criteria of the original application.

### D. Major Modification

#### 1. Procedure.

- a. Application shall be made to the Planning Department using the official application form.
- b. The Planning Director shall review the request per 6.05 – Common Review Procedures, refer to the appropriate referral authorities, and prepare staff report for Planning Commission and City Council Hearings.
- c. Hearings shall be held per Section 6.05.060 – Decision and Hearing Procedures.
- d. Final approved documents shall be recorded per original application approval and subsequent applications may be made accordingly.

#### 2. Submittal Requirements.

- a. Completed application and filing fee.
- b. The applicant shall submit all plans and narratives from the original application for which modification is being requested, sufficient to illustrate the proposed change.

#### 3. Review Criteria.

- a. The application shall be reviewed against the review criteria of the original application.

## 6.07 Specific Procedures for Permits and Applications That Require Administrative Review

### 6.07.010 Exempt Subdivision Plat

#### A. Purpose

1. To establish a process and review criteria for all subdivision plat types that are exempt from a public hearing.

#### B. Applicability

1. This process applies to correction of information on a plat, adjustment of boundaries or lot lines on an existing plat, and combinations of lots on an existing plat.

#### C. Procedure



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1. All Exempt Subdivision Plats shall be processed as a Final Plat per Section 6.02.050 – Final Plat, and adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.
- D. Submittal Requirements
1. All Exempt Subdivision Plats shall adhere to the Final Plat requirements of Section 6.06.050 – Final Plat.
- E. Review Criteria
1. The Plat complies with any agreements or conditions on development of the property previously approved by the City.
  2. The proposed development project is consistent with the intent of the City Comprehensive Plan goals, objectives, actions, and Future Land Use Map.
  3. The subdivision is consistent with the City's Parks, Trails, and Open Space Master Plan as amended and is consistent with the review recommendation from PRAB.
  4. The subdivision is consistent with the City's Stormwater Management Plan as amended.
  5. The proposed development and use shall conform to the provisions, standards and requirements of this UDC and all other City regulations, in effect at the time of application per the following:
    - a. Each of the lots and parcels resulting from the proposed subdivision shall comply with dimensional requirements and provision of parking, landscaping, lighting, stormwater management, and drainage.
    - b. The proposed development and use shall be designed, constructed and maintained to accommodate the on-site and off-site traffic generated.
    - c. The proposed development and use shall be designed, constructed and maintained with appropriate regard to topography, surface drainage, soil potentials, natural and man-made hazards, streams and environmentally significant features.
    - d. The proposed development and use shall be designed, constructed and maintained with adequate water supply, wastewater disposal, solid waste disposal, air quality protection methods and surface water drainage.
  6. The applicant can document the provision of public services including but not limited to water, sanitary sewer, storm drainage, electricity, and communication facilities.
  7. The subdivision has mitigated all negative impacts to adjacent properties that were identified throughout the application review process.



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## 6.07.020 Grading Permit

### A. Purpose.

1. To regulate the permitting of land-disturbing activities to ensure that grading, excavation, filling, and land contouring are conducted in a manner that protects public health, safety, and welfare of the City of Woodland Park.

### B. Applicability.

1. Grading permits shall be obtained prior to any land-disturbing activity of areas greater than seven thousand five hundred (7,500) square feet. In determining the area, contiguous lands under one or diverse ownership being developed as a unit will be aggregated.
2. Exclusions. The following land-disturbing activities are excluded:
  - a. Single-household detached dwelling projects with a disturbed area of 7,500 SF or less.
  - b. Those done for the purpose of fighting fires.
  - c. The stock piling of raw or processed sand, stone, or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off-site damages.
  - d. Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forage and sod crops, grain and feed crops, dairy animals and dairy products, poultry and poultry products, livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats, including the breeding and grazing of all such animals, bees and apiary products, fur animals; and
  - e. Those undertaken on forest land for the production and harvesting of timber and timber products; and
  - f. Land-disturbing activity over which the state by statute has exclusive regulatory jurisdiction, which are those:
    - i. Conducted by the state,
    - ii. Conducted by the United States,
    - iii. Conducted by persons having the power of eminent domain,
    - iv. Conducted by local government,
    - v. Licensed by the state or the United States,
    - vi. Funded in whole or part by the state or the United States.



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3. Grading Permit Classifications. All grading permits shall be classified as either Type A, Type B, or Type C.
    - a. Type A grading permits require both an Erosion Control Plan and a Grading Plan for the following type projects:
      - i. Subdivision development including associated utility and infrastructure installation.
      - ii. Any commercial development.
      - iii. Single-household detached residential lot development with land disturbance of one (1) acre or greater.
    - b. Type B grading permits require an Erosion Control Plan and a Grading Plan for the following type projects:
      - i. Single-household detached residential building site greater than 7,500 SF but less than one (1) acre in area.
    - a. Type C grading permits require only an Erosion Control Plan for the following type projects:
      - i. Any land-disturbing activity more than 7,500 SF in area not otherwise classified as either a Type A grading permit or a Type B grading permit; or
      - ii. Any land-disturbing activity that includes construction of a road, either temporary or permanent.
      - iii. Any instance where extensive control measures are required.
  4. Waivers. If determination is made upon site inspection that the site does not have the potential to cause erosion or off-site damage, the requirement for an Erosion Control Plan in association with any of the above grading permit types may be waived in the following instances:
    - a. Land-disturbing activities greater than 7,500 SF but less than one (1) acre in area not involving any commercial construction.
    - b. Land-disturbing activities greater than 7,500 SF but less than one (1) acre in area not involving road construction
- C. Procedure.
1. Permit submission shall adhere to the applicable Common Review procedures in Section 6.05 – Common Review Procedures per review authority as detailed in 6.01.030.



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2. Permits for any building or structure shall not be issued for any land requiring a grading permit until application for such grading permit has been issued.
3. All grading permits shall be valid for one year from the date the permit is issued provided that the approved application and the conditions of its approval have not changed.
4. Any land-disturbing activity requiring an approved plan that is not completed within one year of the date the permit was issued, shall request a one-year extension.
5. The City may revoke any permit by giving written notice to the permit holder, stating the reasons for revocation for the following reasons:
  - a. The land disturbing activity represents a substantial departure from the approved application of plans and specifications;
  - b. Failure to comply with the requirements of any applicable state or local laws or local ordinance or regulation;
  - c. False statements or misrepresentations made in securing a permit; or
  - d. A permit mistakenly issued in violation on an applicable state or local law.
6. Plan Certification. Upon site inspection, it may be determined that certification by a licensed professional engineer, architect or landscape architect stating that the lot has been graded in accordance with the approved plan is required.

### D. Submittal Requirements.

1. Completed application and filing fee.
2. Submittal requirements vary depending on the type of grading permit requested per Table 6.07.020-1.

*Table 6.07.020-1 – Grading Permit Type Submittal Requirements*

Permit Classification	Erosion & Sedimentation Control Plan	Grading Plan
Type A	Required	Prepared by registered professional surveyors for topography and/or registered professional engineers
Type B	Required	Plan required, but does not need to be prepared by registered professionals
Type C	Required	Not required

3. Erosion Control Plan. An erosion control plan, containing the following, shall be prepared for all land-disturbing activities:



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- a. The erosion control plan shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this section. Plan content may vary to meet the needs of specific site requirements.
  - b. If the City, either upon examination of submitted plan or an inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the City will require a revised erosion control plan. Pending the preparation of the revised plan, work shall continue only under conditions outlined by the City Engineer.
  - c. Erosion control plans may be accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or their attorney. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents.
4. Grading Plan. The grading plan content and its requirements differ depending upon the above identified Grading Permit types. All Type A developments are required to be prepared by registered professional surveyors for topography and/or registered professional engineers. All Type B developments do not require registered professionals to prepare the grading plan. A grading plan shall be prepared to include the following.
- a. Grading plans shall include detailed plans, specifications, and supporting calculations for the construction of stormwater management measures. The design of drainage facilities shall be in accordance with City of Woodland Park Drainage Criteria Manual and Engineering Specifications.
  - b. Topographic Survey.
    - i. This plan includes detailed information of natural features prior to development. In addition to showing existing physical features such as buildings, overhead and/or underground utilities, roadways, walks, water and drainage features; the plan also shows the location and limits of existing vegetation.
    - ii. Survey information can be provided through the submittal of the topographical survey which would typically be required to execute the grading and utilities plan. This survey shall be produced by a registered land surveyor. Topographical



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maps prepared for the city of Woodland Park or Teller County are also acceptable providing that the maps reflect the current existing conditions of the lot and are certified as accurate by a registered land surveyor.

- c. Basic Survey Data. The following survey data must be obtained to correctly execute the grading plans:
  - i. Boundary information (metes and bounds, legal description) of the site if available. Also show existing and proposed street rights-of-way.
  - ii. Location of existing curbing, walks, grass, utility or planting strips, edge of pavement, roadway medians, (if any), and respective grades, widths, and alignments.
  - iii. Location, size, and depths of all existing underground utilities when available, including gas, electric, water, sanitary sewer, storm drainage features, communication cables. Also location and approximate height above existing grade of overhead utility lines and poles.
  - iv. Location and description of all recorded public or private utility easements, building setbacks, and drainage easements encumbering the lot.
  - v. Location of all natural features, such as rock out-croppings, watersheds, streams, ponds, etc. on the lot or within one hundred feet of the "graded area." This information conveys the impact of the proposed development on the lot and adjacent area.
  - vi. Show existing structures such as buildings, retaining walls, fences, building foundations, underground storage tanks, etc. Also show or indicate the existence of any wells or septic fields within one hundred feet of the "graded area." Reference setbacks of other buildings on adjacent properties and adjacent property lines.
- d. Grading Plan Format. The grading plan shall show the existing and proposed shape of earth and surfaced areas. The method of portrayal shall be well thought out and systematized. The following information shall be included in all grading plans submitted to the city of Woodland Park for approval:
  - i. Show grades at corners of buildings, step landings, and first floor elevations.



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- ii. Show finished grades at the edges of surfaced areas and at such interior points as necessary to show the shaping of the area. Use a combination of proposed contours and spot elevations to convey this information.
  - iii. Show proposed roadway elevations by proposed contours and spot elevations where necessary. Depend on profiles, cross sections, and spot elevations to establish the grading of paved areas such as roadways.
  - iv. Show top-of-curb grades at all connecting walks, curb returns, and all catch basin locations.
  - v. Show spot elevations along swale lines, using arrows to show direction of flow. Show slope gradients.
  - vi. Show top elevations of all storm and sanitary sewer manholes and other appurtenances.
  - vii. Lawn and earth grades can be shown by proposed contours and spot elevations where necessary.
  - viii. Existing contours are usually shown by broken lines, proposed finished contours by solid lines over surfaced, lawn and earth areas.
  - ix. Show the proposed location of stockpiled topsoil for future use in landscaped areas. This should be located outside the root zones of significant vegetation to be preserved to avoid root compaction.
  - x. Reference the storage locations of construction materials outside the root zones of vegetation to be preserved to avoid root compaction.
  - xi. Show the location of existing wetlands and significant vegetation such as specimen trees or the canopy limits of wooded areas intended for preservation.
  - xii. Note the elevations of any floodplains located on a lot, or directly affecting a lot, (i.e. drainage, sediment and erosion control considerations and/or watershed protection).
5. Performance and Maintenance Guarantees.
- a. A Grading Permit may be required to submit a performance and maintenance guarantee in lieu of actual completion of required improvements prior to use or occupancy of the development, provided the delayed completion of such improvements does not endanger the public health, safety and welfare



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- b. Such performance and maintenance guarantees shall be satisfactory as to the form and manner of execution, and as to the sufficiency of the amount in securing the satisfactory construction, installation or maintenance of the required improvements.
  - c. The condition requiring or permitting a performance guarantee shall specify a reasonable time-period within which required improvements must be completed, not to exceed one year. Such time-period shall be incorporated in the performance guarantee. An additional six (6) months may be granted by the Planning Director.
  - d. No performance guarantee shall be released until certification of the satisfactory completion of all required improvements covered by the performance guarantee has been submitted and approved by the Planning Director.
  - e. If the required improvements covered by a performance guarantee are not completed in accord with the terms of the performance guarantee, the applicant shall be liable to the City for the reasonable cost of the improvements not completed and the City may, either prior to or after the receipt of the proceeds thereof, complete such improvements.
6. Stop work order. Whenever land-disturbing activity is undertaken in violation of this section, the City may order the work that is in violation to be immediately stopped. The stop-work order shall be in writing, posted on the property in question and directed to the person responsible for violation(s). The order shall state the work to be stopped, the reasons for stoppage, and the conditions under which the work may be resumed. Pending any ruling on an appeal, no further work may take place in violation of a stop-work order. Appeals from a stop-work order shall be made as follows:
- a. A written demand for a hearing must be delivered to the City within ten (10) days after receipt of a stop-work order notice.
  - b. Decision shall be made by the Planning Director.
  - c. Any appeal on a decision made by the Planning Director shall be heard by the City Council.
  - d. A written demand for a hearing before the City Council must be delivered to the City within ten (10) days after receipt of a decision from the Planning Director.
- E. Review Criteria.
1. The Erosion Control Plan and the Grading Plan shall meet the development standards found in Sections 3.04 – Erosion and Sedimentation.



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2. The proposed grading and erosion control plan meet the requirements of the City of Woodland Park Drainage Criteria Manual and Engineering Specifications.
3. The proposed grading minimizes impacts to natural topography, steep slopes, wetlands, riparian areas, floodplains, wildlife habitats, wetlands, and significant vegetation.
4. Stormwater controls are proposed to prevent erosion, sedimentation, and adverse impacts on adjacent properties or public infrastructure.
5. Erosion and sediment control measures are consistent with best management practices (BMPs) and applicable regulations.
6. Significant cuts, fills, retaining structures, or steep slopes will not prevent soil instability.
7. Proposed grading does not interfere with public utilities, rights-of-way, and easements, and coordinate with relevant agencies for protection and access.

### 6.07.030 Sign Permit

#### A. Purpose.

1. To establish a process and review criteria for establishment of new signs in the City of Woodland Park.

#### B. Applicability

1. A permit is required for all permanent signs described in Section 3.09.05 – Permit required and Section 3.09.06 – Temporary Signs and Permits Required.
2. Temporary sign permit application fees shall be reduced relative to the permit application fee.

#### C. Procedure.

1. Sign Permit submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.
2. Permit Expiration. A permit shall expire if the work permitted is not completed within one year from the date of issuance. In the event of the expiration of a permit, the applicant may apply for a new permit.

#### D. Submittal Requirements.

1. Completed application and filing fee.
2. An application shall be accompanied by such drawings and specifications as may be required to fully advise and acquaint the City with the design, location, dimensions, sign fastening, and manner of illumination.



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### E. Review Criteria.

1. The sign permit shall adhere to all provisions of Section 3.09 – Signs
2. The shape, color, text, and images will be reviewed to ensure each sign does not imitate a public sign.
3. The sign permit shall adhere to all applicable building and electrical codes.

### 6.07.040 Site Plan

#### A. Purpose.

1. In order to ensure a quality development in the City, it is essential that new development meet minimum standards for the design, construction and the use of such developments to complement existing uses, to ensure adequate utility and service systems, and to promote the health, safety and welfare of the City's residents.

#### B. Applicability.

1. Administrative Site Plan review is required for all permitted uses listed in the Use Table per Chapter 4.
2. Public hearing Site Plan review is required of all Conditional Uses and Special Uses listed in the Use Table per Chapter 4.
3. A Site Plan review is not required whenever a person desires to develop or change the use of a tract of land or structure for the following uses:
  - a. One-family dwellings or residences that do not require a subdivision or replat of property;
  - b. Accessory uses;
  - c. Essential services;
  - d. Agricultural uses;
  - e. Private riding stables;
  - f. Private and noncommercial gardens;
  - g. Signs;
  - h. Home occupations;
  - i. Development or uses in which a conditional use permit has already been granted and has not yet expired;
  - j. Development or uses in which a variance has already been granted and has not yet expired;



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- k. Development or uses in which a building and/or zoning/development permit has already been granted and has not yet expired;
  - l. Development or uses in which a final planned unit development plan has already been approved; and
  - m. A change of use which does not require the additional development of a tract of land or the substantial improvement to an existing structure.
- C. Procedure.
- 1. Site Plan submission shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.
  - 2. The Planning Director shall determine whether a Site Plan is classified and reviewed either administratively or by public hearing.
- D. Submittal Requirements.
- 1. Completed application and filing fee.
  - 2. A Site Plan document, drawn to a scale to clearly show the entire project and site characteristics, prepared by a licensed professional (or as approved by the Planning Director), including the following information:
    - a. Indicate the name of the proposed development, submittal phase, and the words "Site Plan";
    - b. A vicinity map indicating the location of the site;
    - c. Date of preparation, scale, and north arrow (designated as true north);
    - d. The location, exterior horizontal dimensions and height of all existing or proposed structures and/or uses with reference to property lines;
    - e. Property lines, dimensions, and known monuments;
    - f. Location, dimensions and names of on site and adjacent streets, trails, public rights-of-way and sidewalks;
    - g. Location, dimensions and intent of existing and proposed easements;
    - h. Location, number, and dimensions of all parking areas, driveways, driving lanes, loading areas and parking formula used;
    - i. Locations of existing and proposed utilities, including: water, sewer, drainage, fire, electricity, gas, phone, and cable television infrastructure;



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- i. Detailed, verifiable, and authenticated documentation of the availability to connect to a water source that is sufficient and adequate to service the needs of the proposed uses and structures;
  - j. General direction of off-site topography;
  - k. Location and extent of streams, watercourses, and floodplains or other hazards;
  - l. Landscaped areas;
  - m. Location of existing and proposed signs;
  - n. Areas for solid waste disposal containers and typical enclosure detail, if applicable;
  - o. Zoning district, special district and city boundaries;
  - p. Area and extent of snow storage areas;
  - q. Adjacent existing and proposed uses;
  - r. On-site topography at two-foot contour intervals referenced to U.S. Geological Survey datum;
  - s. Location and extent of all traffic control devices and signs;
  - t. Location and extent of exterior lighting fixtures and a typical detail diagram;
  - u. Location and extent of fences and buffer areas, if applicable. A buffer area shall be defined as a strip of land or appropriate method to separate one type of land use from another use which may be incompatible;
  - v. Location and extent of areas in excess of thirty percent slope;
  - w. Indicate any lands or areas to be retained as open space and/or future expansion;
  - x. Additional reasonable site plan information requested by the planning department to aid in the review and evaluation of the development;
  - y. Minimum four (4) by four (4) inch box for listing of approval conditions and restrictions;
  - z. Indicate the total square footage of new impervious surface area and existing impervious surface area.
3. Architectural drawings, renderings, or other graphics illustrations of structures and accessory infrastructure.
  4. Additional design information requested by the Planning Department to aid in the review and evaluation of the development, including:
    - a. Preliminary drainage plan;
    - b. Grading plan;



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- c. Preliminary landscape plan;
- d. Traffic report or trip generation letter.
- 5. Site plans for clustered developments:
  - a. Shall show the calculation for the permitted number of dwelling units;
  - b. Shall show the calculation for the area of open space provided;
  - c. May outline building envelopes instead of actual dwelling units.
- 6. The following certifications shall be shown and executed on the permitted use Site Plans through the administrative review process:

"(I, we) hereby certify that (I am, we are) the owners of this property and that (I, we) shall abide by the provisions as specified upon this Site Plan, as presented, and any conditions and requirements that are specified by the City of Woodland Park in rendering its approval.

_____ Date	_____ Owner(s)
---------------	-------------------

"I hereby certify that I am the City Planner for the City of Woodland Park, Colorado, and that I attest that this Site Plan was approved after a properly conducted administrative review, subject to conditions, as contained herein.

_____ Date	_____ City Planner City of Woodland Park
---------------	--

- 7. The following certifications shall be shown and executed on Site Plans through the public hearing process:

"(I, we) hereby certify that (I am, we are) the owners of this property and that (I, we) shall abide by the provisions as specified upon this Site Plan, as presented, and any



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conditions and requirements that are specified by the City of Woodland Park in rendering its approval.

_____ Date	_____ Owners
---------------	-----------------

"I hereby certify that I am the City Planner for the City of Woodland Park, Colorado, and that I attest that this Site Plan was approved, subject to conditions, as contained herein, City of Woodland Park, Planning Department, by the City of Woodland Park Planning Commission on, 20, after a properly conducted Public Hearing by the City Council held on \_\_\_\_\_, 20\_\_.

_____ Date	_____ City Planner City of Woodland Park
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### E. Review Criteria.

1. The proposed development project is consistent with the intent of the City Comprehensive Plan goals, objectives, actions, and Future Land Use Map.
2. The proposed development shall conform to the provisions, standards and requirements of all city regulations, adopted and in effect at the time of application, including but not limited to: uniform development code, utilities, buildings and construction, business regulations, and engineering specifications.
3. The proposed development shall be designed, constructed, and maintained to accommodate the traffic generated and not unduly increase congestion or traffic on the site and in the vicinity of the site.
4. The proposed development shall be designed, constructed, and maintained with appropriate regard to topography, surface drainage, soil potentials, natural and manmade hazards, streams, and environmentally significant features.
5. The proposed development shall be designed, constructed, and maintained with adequate water supply, wastewater disposal, solid waste disposal, air quality protection methods, and surface water drainage.



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6. The proposed development shall be designed, constructed, and maintained to not unduly increase the public danger of fire, explosion, and other safety hazards upon the public, and persons residing or working on the site and on property within the vicinity of the site.
7. The proposed development shall be designed, constructed and maintained to not unduly diminish or impair but to become compatible with the use and enjoyment of vicinity property. To such end the development may be required to provide architectural design schemes and fixtures such as, but not limited to, fencing, landscaping, and buffer areas.

### **6.07.050 Temporary Use Permit (TUP)**

#### A. Purpose.

1. The purpose of Temporary Use Permits is to provide for the safe flow of all modes of traffic in the public rights-of-way, to ensure the public's health and safety during special events, and to allow for a diversified economy in Woodland Park.

#### B. Applicability.

1. All temporary use permits shall be classified as either special event permits or outdoor vendor permits in order to manage the variety of temporary uses that are possible.
  - a. Special event permits. Any temporary use that falls under the category of special event shall require a special event permit. Special events and associated temporary structures may be allowed in all zone districts.
  - b. Outdoor vendor permits. Individual, stationary temporary uses shall require an outdoor vendor permit. Such uses and associated temporary structures shall only be permitted in non-residential zone districts as defined in Chapter 4.

#### C. Procedure.

1. Temporary use permit applications shall adhere to the applicable Common Review Procedures in Section 6.05 – Common Review Procedures.
2. Applications for a special event permit should be filed with the Planning Director at least forty-five (45) days prior to the start date of the event.
3. Applications for an outdoor vendor permit should be filed with the Planning Director at least fourteen (14) days in advance of the proposed use. For outdoor vendor permit applications subject to City Council review, applications shall be filed with the Planning



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Director at least twenty-one (21) days prior to the City Council meeting on which the City Council is to rule on the application.

4. Planning Director may refer any application to the City Council for final review and action.
5. City Council shall be the final review authority on Temporary Use Permit applications where either:
  - a. The proposed temporary uses/structures will operate between the hours of 9:00 p.m. and 7:00 a.m., or
  - b. Will endure for longer than one hundred eighty days in a calendar year.
  - c. Or where an application requiring administrative approval is referred to City Council for review and decision.
6. If the City Council has issued a temporary use permit in the past, then subsequent permit requests for the same temporary use may be administratively approved if all temporary use circumstances are substantially unchanged from the original application and no complaints or issues have ever been received by the City.

### D. Submittal Requirements

1. Completed application and filing fee.
2. All applications for a temporary use permit shall be made in written form and shall include the following information:
  - a. Name, address and telephone number of the owner and applicant, if not the same person. If the applicant is a firm, corporation or other legal entity, its registered agent shall be identified on the application.
  - b. Written, signed permission by the owner of the property on which to conduct the temporary use or construct the temporary structure.
  - c. Diagram showing the proposed location of the temporary use and any temporary structures.
  - d. Written description of the type, nature and extent of the proposed request.
  - e. Dates, days and hours of operation during which the applicant seeks to conduct the temporary use and occupy any temporary structure.
  - f. Dimensions of all proposed temporary structures associated with the temporary use, and as requested by the city, elevations or photographs of the structures.



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- g. Graphic depiction or brief statement of the nature and character of the signage or advertising.
- h. Such other information as deemed necessary by the Planning Director for purposes of evaluating the application.

### E. Review Criteria

1. Site layout. The location, size, design, operating characteristics, and visual impacts of the proposed use or structure shall not be a detriment to the surrounding properties or compromise the public's health and safety. The temporary use or structure need not comply with the setback requirements of this UDC.
2. Sight triangle. No temporary structure shall obscure or obstruct the vision of traffic by a motorist, bicyclist or pedestrian; or obstruct the view of any traffic control signal. The sight triangle used for intersection visibility as defined in Chapter 7 may be used as a guideline.
3. Parking. The site shall maintain paved or graveled off-street or on-street parking areas sufficient to accommodate all customers of the temporary and principle use at the site.
4. Impacts. The temporary use and structure shall minimize potential negative impacts on traffic patterns, emergency vehicle operations, municipal services, and neighborhood character. The temporary use and structure shall not generate excessive noise or light pollution.
  - a. Compatibility. The temporary use shall not undermine the purposes and intent of the underlying zoning district in which the use and temporary structure are proposed.
  - b. Licensing. The applicant shall obtain a City of Woodland Park Business License from the City's finance office for any temporary use involving the sale of merchandise, food, or other commercial enterprise. The applicant shall obtain approval from the Teller County Department of Health and Environment for the applicant's food and drink service, if any and/or the applicant's use of animals, if any. The applicant shall obtain any other applicable permits/licenses, such as for liquor sales, or overnight camping, as required by law.
  - c. Signage. Signage for any temporary use, shall comply with Section 3.09 - Signs.

### F. Permit Conditions.



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1. Conditions may be imposed as deemed necessary to protect the integrity of the underlying zoning district and the surrounding uses and structures in the neighborhood in which the temporary use and/or temporary structure is proposed to be located. This may include, but is not limited to, setting requirements for, or imposing restrictions upon, size, massing, location, open space, landscaping, buffering, screening, lighting, noise, signage, parking, operations, hours of operation, setbacks, building materials, sanitation, and dust control. The Planning Director may require such financial security as deemed necessary to ensure compliance with any or all conditions of approval and/or to restore the subject property to its original use and condition.

### G. Appeal Procedures.

1. The administrative decision of the Planning Director to approve or deny an application for a temporary use permit may be appealed to the City Council. Such appeal must be made in writing, specifying the reason for the appeal, and it must be submitted no later than the close of business on the third (3<sup>rd</sup>) business day following the date of receipt of written notification of the administrative decision. If an appeal is filed within this three-day period, the administrative decision to approve or deny will be suspended until the appeal process is finalized.
2. An applicant whose permit application is denied may appeal the City Council decision in accordance with C.R.C.P. 106(a)(4). Or where an application is granted, any person who filed a written objection may appeal the City Council decision in accordance with C.R.C.P. 106(a)(4).

### H. Permit Expiration.

1. Every temporary use permit shall expire according to the date established in the permit and in no case shall that expiration date extend beyond January 1, of the year following that for which it was issued.

### I. Revocation of permit.

1. In writing, the Planning Director may suspend, revoke, or deny renewal of any temporary use permit where it is determined that the permittee is not compliant with the terms and conditions of the permit or has violated any rule, regulation, law or ordinance, or upon good cause shown. In the event that a temporary use permits is suspended or revoked the application fee, or any portion of it, shall not be refunded.

### J. Non-assignability.



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1. No temporary use permit issued pursuant to this Chapter shall be assignable.

### 6.07.060 Wireless Communication Facility Permit

A. Purpose. To regulate the placement, construction, and modification of Wireless Communication Facilities (WCF) with the goal to:

1. Provide for the managed development and installation, maintenance, modification, and removal of wireless communications infrastructure in the City with the fewest number of WCFs to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services including all of those who install, maintain, operate, and remove WCFs.
2. Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including, but not limited to, concealment design techniques and undergrounding of WCFs and the equipment associated therewith.
3. Encourage the deployment of smaller, less intrusive WCFs to supplement existing larger WCFs.
4. Encourage the use of wall mounted panel antennas.
5. Encourage roof mounted antennas only when wall mounted antennas will not provide adequate service or are not otherwise feasible.
6. Encourage the location of Towers in non-residential areas, in a manner that minimizes the total number of Towers needed throughout the community.
7. Strongly encourage the collocation of WCFs on new and existing Sites.
8. Encourage owners and users of antennas and Towers to locate them, to the extent possible, in areas where the adverse impact on the community is minimized.
9. Enhance the ability of wireless communication service providers to provide such services to the community quickly, effectively, and efficiently.
10. Effectively manage WCFs in the Right-of-Way.

B. Applicability

1. All wireless Communication Facilities WCFs shall only be constructed in the City as in compliance with the provisions of this Chapter. Wireless communications providers shall request permission to locate WCFs or modify existing WCFs pursuant to the requirements of this UDC.



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2. Exclusions. The following shall be exempt from the requirement of a Wireless Communication Facility Permit:
  - a. Amateur Radio Antennas. Amateur radio antennas that are owned and operated by a federally license amateur radio station operator or are used exclusively for receive-only antennas, provided that the requirement that the height be no more than the distance from the base of the antenna to the property line is met. The City or its designee has the authority to approve modifications to the height restriction, in in the reasonable discretion of the City, modifications are necessary to comply with federal law.
  - b. Pre-existing WCFs. Any WCF for which a permit has been properly issued, other than the requirements of Subsection 5.24.070 – Operational Standards, of the City of Woodland Park Municipal Code. Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of this section.
  - c. Miscellaneous Antennas. Antennas used for reception of television, multi-channel video programming and radio such as OTARD antennas, television broadcast band antennas, and broadcast radio antennas, provided that the requirement that the height be no more than the distance from the base to the property line are met. The City Manager or their designee has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the reasonable discretion of the City, modifications are necessary to comply with federal law.
3. Waivers. The City Manager shall have the authority to waive any requirement or standard set forth in this chapter if the City Manager makes a determination that the specific requirement or standard is preempted by federal or state law. Prior to applying the waiver to any pending application, the City Manager shall, in consultation with the City Attorney, make a written preemption determination which written determination shall identify the specific requirement or standard that is being waived and cite to the specific federal or state law provision that preempts the specific city requirement or standard set forth in this chapter.

### C. Procedure



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1. Wireless Communication Facilities - Generally. No new WCF shall be constructed except after a written request from an applicant, reviewed and approved by the City in accordance with the procedures set forth in this subsection.
2. Approval authority. The City Manager shall be the final approval authority for all WCFs and Eligible Facilities Requests and, upon approval, shall issue a permit to the applicant to deploy or modify a WCF.
3. Consolidated application. Where an applicant seeks approval for more than one (1) WCF, the City shall allow the applicant, at the applicant's discretion, to file a consolidated application for WCFs and receive a single approval for multiple Small Cell Facilities in a consolidated application. For a consolidated application, each WCF within the consolidated application remains subject to review for compliance with the requirements of this chapter. The denial of any individual WCF is not a basis to deny the consolidated application as a whole or any other WCF incorporated within the consolidated application.
4. Approval Conditions. The City Manager may apply reasonable conditions to the approval of a WCF application or an Eligible Facilities Request to ensure conformance with applicable design criteria or to advance a legitimate city interest related to welfare, except where the City's authority is limited with respect to Eligible Facilities Requests.
5. Expiration. The approval under this chapter for any WCF expires if the WCF is not established within one (1) year of the approval or if it is abandoned or unused for a period of six (6) months.
6. Compliance with Applicable Law. Notwithstanding the approval of an application for collocation as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in the City of Woodland Park Municipal Code, and any other applicable regulations. In addition, all WCF applications shall comply with the following:
  - a. Comply with any permit or license issued by a local, state or federal agency with jurisdiction of the WCF;
  - b. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
  - c. Be maintained in good working condition and to the standards established at the time of application approval or as otherwise required by applicable law; and



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- d. Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten (10) days from the time of notification by the City or after discovery by the owner or operator of the Site.
7. Timeframe and Tolling. Except for Eligible Facilities Requests, which are governed by subsection (12) herein, applications for WCFs are subject to the following timeframes:
- a. WCF applications – generally.
    - i. Within thirty (30) days of receipt of an application for a new WCF, the City Manager shall provide written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application to bring the proposal into full compliance with the requirements of this chapter.
    - ii. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within ten (10) days of receipt of the application, specifically delineating all missing documents or information required in the application.
    - iii. The timeframe for review resets to zero (0) when the applicant makes a supplemental written submission in response to the City's notice of incompleteness.
    - iv. Following a supplemental submission, the City will notify the applicant within ten (10) business days whether the supplemental submission provided the information identified in the original notice delineating missing information. If the application remains incomplete, the timeframe is tolled pursuant to the procedures identified in the foregoing paragraphs. In the case of a second or subsequent notice of incompleteness, the City may not specify missing information or documents that were not delineated in the original notice of incompleteness.
    - v. incompleteness.
  - b. Small cell facilities. Applications for small cell facilities are subject to the same timeframe and tolling procedures for all WCF applications, except as provided herein.
    - i. Within ten (10) days of receipt of an application for a new small cell facility or a small cell facility on an existing tower or base station, the City Manager shall



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- provider written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application and setting forth any modifications required to complete the application to bring the proposal into full compliance with the requirements of this chapter.
- ii To toll the timeframe for incompleteness, the City must provide written notice to the applicant within ten (10) days of receipt of the application, specifically delineating all missing documents or information required in the application citing the provisions of this chapter or other City regulations that require such additional information.
- c. Decision. Subject to tolling, the City shall approve or deny an application for WCFs as follows:
- i New small cell facilities on an existing tower or base station: sixty (60) days;
  - ii New small cell facilities on a new tower or base station or collocation or modification of an existing WCF: ninety (90) days; or
  - iii All other new WCFs: one hundred fifty (150) days.
8. WCF Applications for Base Stations, Alternative Tower Structures (ATS) and Small Cell Facilities on Private Property. The City may refer the application to the Planning Commission and City Council for approval if the City finds the proposed WCF to have a significant visual impact (e.g., proximity to historic or designated view corridors, or on significant community features) or otherwise substantially incompatible with the structure on which the WCF will be installed. Any work conducted within the City, that is not work within a public right of way – including work conducted within the City pursuant to an Eligible Facilities Request – may impact public safety including without limitation ensuring the structural stability of facilities and associated infrastructure. Consistent with C.R.S. § 29-27-405(2), and at the discretion of the City Manager or their designee, the City may ensure that all work conducted within the City is done under an applicable permit and completed in accordance with any generally-applicable and nondiscriminatory building, electrical, fire, or other safety requirements.
9. WCF Applications for Alternative Tower Structures (ATS) and Small Cell Facilities located within Right-of-Way. These applications are decided by the City Manager and are not subject to referral to the Planning Commission and City Council for approval.



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10. WCF Applications for Towers. In all zoning districts and Planned Unit Developments, Towers may be permitted only as a special use approved by the City Council with a recommendation from the Planning Commission. Such Towers shall be reviewed for conformance with the review procedures set forth in Subsection 6.06.120 – Special Use Permit. All applications for Towers shall demonstrate that other alternative design options such as Base Stations or Alternative Tower Structures are not viable options.
11. WCF Applications for Eligible Facilities Requests. Applications seeking approval of an Eligible Facilities Request will be reviewed and approved by the city in accordance with the procedures for set forth in this subsection.
  - a. Upon receipt of an application for an Eligible Facilities Request, the City shall review such application to determine whether the application so qualifies. An application for an Eligible Facilities Request does not qualify as such if the modification would result in a Substantial Change to an Eligible Support Structure or would violate a generally applicable building, structural, electrical, or safety code or other law codifying objective standards.
  - b. If the City determines that the applicant's request is not an eligible facilities request, the applicant shall be advised as to the relevant provisions of the UDC that govern the process to consider the request, and whether any additional information must be submitted for the request to be considered complete. If the applicant subsequently indicates an intent in writing for the proposal to be considered under the relevant section of the UDC and submits all required information, the presumptively reasonable timeframe under 47 U.S.C. § 332(c)(7), as set forth in applicable federal and state law will begin to run from submittal of the required information under the applicable provision of the UDC.
  - c. Subject to tolling, the City shall approve an Eligible Facilities Request within sixty (60) days of the date on which the City receives such an application, unless it determines that the request is not properly classified as an Eligible Facilities Request. The sixty (60) day review period begins to run when the application is filed with the City, and may be tolled by mutual agreement of the City and the applicant or where the City determines that the application is incomplete, as follows:
  - d. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating



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all missing documents or information required in the application and citing the provisions of this chapter or other City regulations that require such additional information;

- e. Upon notice of incompleteness to the applicant, the timeframe for review pauses. The timeframe for review begins running again, but does not reset to zero (0), when the applicant makes a supplemental written submission in response to the City's notice of incompleteness;
- f. Following a supplemental submission, the City will notify the applicant within ten (10) calendar days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in the foregoing paragraphs. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- g. In the event the City fails to act on an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant of approval becomes effective when the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

### D. Submittal Requirements

- 1. Completed application and filing fee.
- 2. All applications for a Wireless Communication Facility or an Eligible Facilities Request shall be made in written form and shall include the following information and materials:
- 3. Completed application and filing fee.
- 4. The applicant's name, address, and telephone number and the name, address, and telephone number of any representative authorized to act on behalf of the applicant.
- 5. A description of the property on which the WCF is proposed for development.
- 6. A disclosure of the ownership of the property on which the WCF is proposed for development, and a demonstration of the applicant's right to install a WCF on such property.
- 7. In all applications for WCFs outside of the Right-of-Way, an Applicant shall demonstrate that it owns or has lease rights to the Site.



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8. Prior to approval, affidavits shall be required from the owner of the property and from the Applicant acknowledging that each is responsible for the removal of a WCF, including Related Accessory Equipment, that is abandoned or is unused for a period of six (6) months.
9. An eight and one-half (8½) inches by eleven (11) inches vicinity map locating the subject property within the city.
10. A scaled Site Plan, photo simulation, scaled elevation view, and/or other supporting documents that show the location and dimension of all improvements, including information concerning topography, radio frequency coverage, tower height, setbacks, drives, parking, fencing, landscaping, adjacent uses, and drainage, signed and sealed by qualified professionals.
11. A written description of the proposal and a written explanation of how the proposed WCF complies with the requirements for WCFs or, if applicable, Eligible Facilities Requests.
12. A signed statement from a qualified radio frequency engineer, certifying that a technical evaluation of proposed WCF indicates no potential interference problems and that the site will comply with all applicable regulations for radio frequency emissions promulgated by the FCC.
13. A signed statement from the applicant certifying the accuracy of the information contained in the application.
14. Such other information as deemed necessary by the City Manager for purposes of evaluating the application.
15. An applicant for a WCF or Eligible Facilities Request shall pay the required fees as set forth in the city's fee schedule. An application submitted without the required fees shall be deemed incomplete.
16. All applications are public records and the information contained therein is subject to disclosure, except such information that is protected from public disclosure by applicable law.

### E. Review Criteria

1. No WCF, including Related Accessory Equipment, shall be approved unless it meets the following criteria:
2. Visual impacts are minimized to the greatest extent feasible.



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3. Unless a Tower site, or otherwise waived, the WCF utilizes concealment design techniques to avoid adverse impacts on the surrounding area, by ensuring that the facility looks like something other than a Tower or Base Station.
4. The WCF meets the applicable design standards for the type of WCF in accordance with this UDC.
5. The WCF is and will be operated at all times in accordance with the Operational Standards of this UDC.
6. Conditions of Approval
7. The following conditions are applicable to all WCF approvals:
8. Indemnification. As a condition of its permit, the applicant for any Wireless Communication Facility shall, at its sole cost and expense, indemnify, hold harmless and faithfully defend the city, its officials, boards, commissions, commissioners, agents, and employees against any claims, suits, causes of action, proceedings, and judgments for damages or equitable relief arising out of the construction, maintenance, or operation of its equipment authorized by this chapter. This indemnification requirement will apply whether the act or omission complained of is authorized, allowed, or prohibited by applicable law, except in cases where liability is solely caused by the negligence of the person or persons covered by the indemnity.
9. Compliance Report. Upon request of the City, the Applicant shall provide a compliance report within forty-five (45) days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, applicable City requirements and standard regulations.
10. Wireless Communication Facility Permits shall adhere to the Common Review Procedures in Section 6.05 – Common Review Procedures.

### **6.07.070 Zoning Development Permit (ZDP)**

#### **A. Purpose.**

1. To establish the applicability, procedure, submittal requirements, and review criteria for the review and issuance of Zoning Development Permits and to ensure that development complies with the applicable requirements of this UDC.

#### **B. Applicability**



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1. Except as otherwise specifically provided in this UDC, it is unlawful to begin any land disturbing activity of any area over one thousand five hundred (1,500) square feet or to begin any construction, moving, demolition, alteration, or renovation, except for ordinary repairs, of any building or other structure until the Planning Director has issued a Zoning Development Permit for such action, certifying that the development complies with the applicable requirements of this UDC.
  2. It is also unlawful to change the type of use or type of occupancy of any land or structure, or to extend any use on any lot which exists a use, until the Planning Director has issued a zoning development permit for such action, certifying that the intended use(s) complies with the applicable requirements of this UDC.
- C. Procedure.
1. A Zoning Development Permit submission shall adhere to the applicable Common Review procedures in Section 6.05 – Common Review Procedures per review authority as detailed in 6.01.
  2. A Zoning Development Permit shall be valid for a period of one year following approval. If the use or construction does not commence during that period, the permit must be renewed.
  3. In the event any development or land-disturbing activity ceases for any reason for a period beyond one year, the landowner or responsible parties must return the site to its original condition and/or a condition acceptable to the City.
  4. Inspection and information to verify the accurate bedroom and water fixture unit count is required and may occur at any time prior to and after issuance of a Zoning Development Permit. The City Manager or the City Manager’s designee is authorized to enter any dwelling unit during and after construction prior to issuance of a certificate of occupancy and may perform inspections to verify the bedroom and water fixture unit count.
- D. Submittal Requirements.
1. Completed application and filing fee.
  2. A plan or plat showing the building, structure, or sign in sufficient detail to enable the Planning Director to verify that the proposed construction, reconstruction or conversion, moving and/or alteration is in conformance with the provisions of this UDC.
  3. Performance and Maintenance Guarantees.



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- a. A Zoning Development Permit may be required to submit a performance and maintenance guarantee in lieu of actual completion of required improvements prior to use or occupancy of the development, provided the delayed completion of such improvements does not endanger the public health, safety and welfare
  - b. Such performance and maintenance guarantees shall be satisfactory as to the form and manner of execution, and as to the sufficiency of the amount in securing the satisfactory construction, installation or maintenance of the required improvements.
  - c. The condition requiring or permitting a performance guarantee shall specify a reasonable time-period within which required improvements must be completed, not to exceed one year. Such time-period shall be incorporated in the performance guarantee. An additional six months may be granted by the Planning Director.
  - d. No performance guarantee shall be released until certification of the satisfactory completion of all required improvements covered by the performance guarantee has been submitted and approved by the Planning Director.
  - e. If the required improvements covered by a performance guarantee are not completed in accord with the terms of the performance guarantee, the applicant shall be liable to the City for the reasonable cost of the improvements not completed and the City may, either prior to or after the receipt of the proceeds thereof, complete such improvements.
- E. Review Criteria.
1. The proposed development project is consistent with the intent of the City Comprehensive Plan goals, objectives, actions, and Future Land Use Map.
  2. The proposed development shall conform to the provisions, standards and requirements of this UDC and all relevant City regulations, adopted and in effect at the time of application.
  3. The proposed development has established, to the approval and acceptance of the City, that connection and availability of a water source exists that is sufficient to service the needs of the intended uses and structures of such lot(s).
  4. Proposed structures are not located within utility easements, drainage easements, or easements dedicated for other use.