



TOWN OF KEENESBURG
PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 6, 2020, 6:00 P.M.
KEENESBURG TOWN MEETING HALL
140 S. MAIN ST., KEENESBURG, CO

1. Call to order
2. Pledge of allegiance
3. Roll Call
4. Public Comments
5. Swear in New Commissioner
6. New Business
 - a. Public Hearing: Kleve Minor Subdivision
 - b. RESOLUTION NO. PC2020-01 A RESOLUTION RECOMMENDING APPROVAL OF THE PLAT FOR THE MARKET STREET SUBDIVISION
7. Old Business
 - c. Review Final Draft Design Standards
8. Board Comments / Reports
9. Adjournment

a.

STAFF REPORT

TO: PLANNING COMMISSION
FROM: TODD A. HODGES, PLANNER
SUBJECT: KLEVE MINOR SUBDIVISION

PC MEETING DATE: FEBRUARY 6, 2020

I. Attachments

1. Application
2. Plat
3. Referrals

II. Project Owners and Representatives:

III. Owners:

Kleveco Inc.
2278 Clancy Court
Brighton, CO 80601-3412

Applicant:

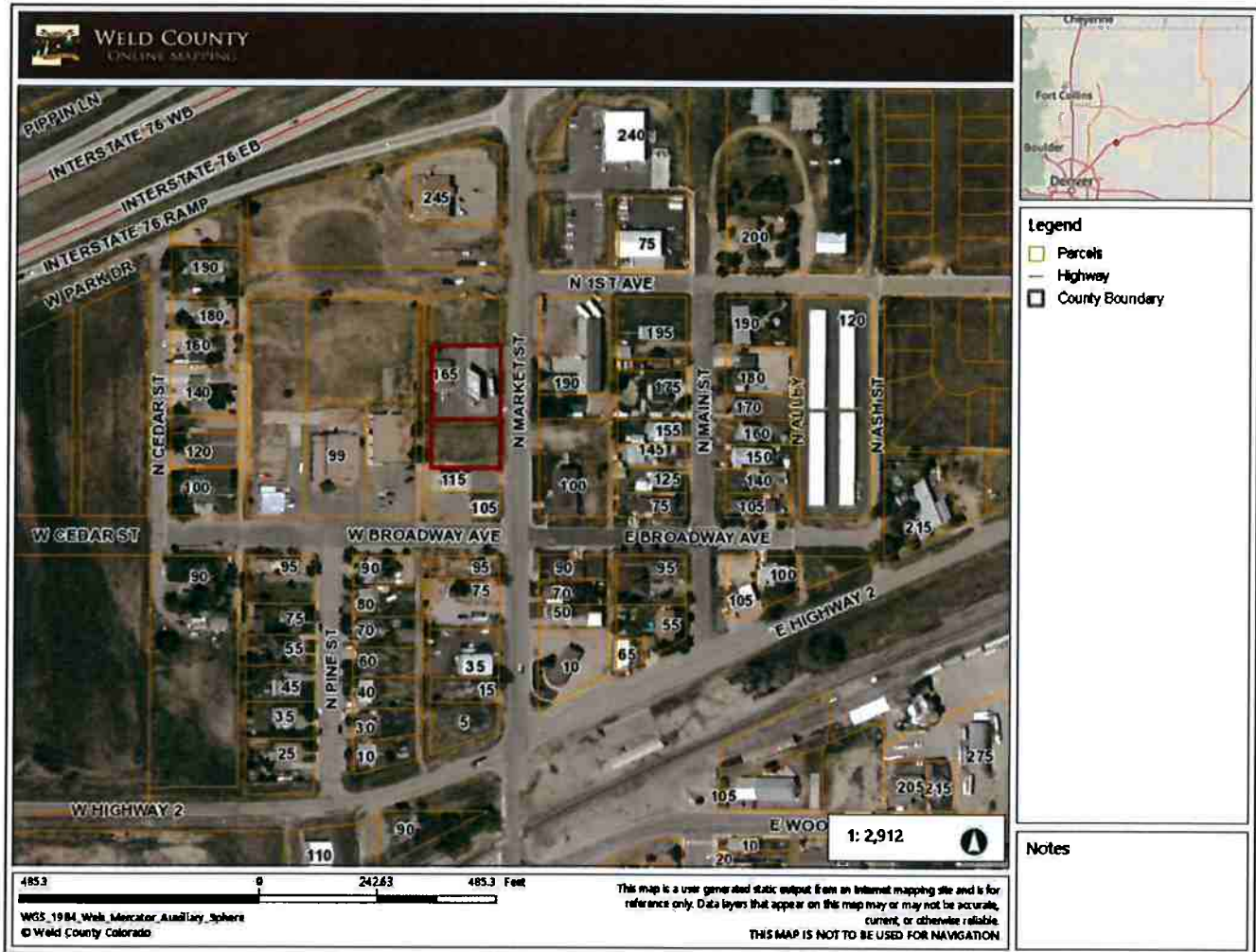
Ryan Kleve
165 Market Street
Keenesburg, CO 80643
(720)351-9905
rkleve@hotmail.com

Project Representative:

Ryan Kleve
165 Market Street
Keenesburg, CO 80643
(720)351-9905
rkleve@hotmail.com

IV. Location

This site is located at 165 Market Street, located on parcels 27-32 Block 24 of the Keenesburg Heights subdivision and to the immediate south of parcels 27-32 located at parcels 23-26 Block 24 of the Keenesburg Heights subdivision. See Attached aerial map.



III. Project Description

The land use application is for a minor subdivision. The applicant is seeking to combine parcel 3, lots 23-26 Block 24 with parcel 2, lots 27-32 Block 24 of the Keenesburg heights subdivision resulting in a combined lot total of 35,443 Sq. Ft. Both parcel 3 and parcel 2 are currently owned and maintained by Kleveco Inc. Current uses of parcel 2 consist of an 1800 Sq. Ft. convenience store built in 1981, four fuel pumping stations and a small asphalt lot. The site is currently served by two existing accesses off of North Market Street. Parcel 3, lots 23-26 is currently vacant with no existing structures on the site. Both properties are currently within Keenesburg's municipal boundaries and zoned Highway Commercial.

In addition to combining lots the applicant is proposing to construct a new 4500 sq. ft. convenience store and the application is being reviewed concurrently through the site plan review process through staff.

Both parcels are currently zoned Commercial Highway (CH) under the Town of Keenesburg code.

Current Municipal Services for the Site:

Water: Town of Keenesburg

Sewer: Town of Keenesburg

Electric: United Power

Natural Gas: Atmos Energy

Safety: Lochbuie Police Department

This project is going through the minor subdivision review process because it requires a replat of a previously approved final subdivision plat, which does not increase the number of lots or increase density, and which does not result in a material change in the extent, location or type of public improvements, easements, arrangement of streets, open space or utilities.

VIII. Findings/Conclusions

After review of the Comprehensive Plan, Municipal Code and referral comments, staff finds that.

1. The Comprehensive Plan designates the property as Highway Commercial use and therefore the proposed minor subdivision is consistent with the Comprehensive Plan and current zoning of Highway Commercial

The adjacent property owners were notified as required for the submittal, the site was posted and public notice was placed in the paper concerning the public meetings for this request.

At the time this report was written, there have been no written objections filed with the Town concerning the proposed preliminary or first filing. Referrals were sent to the list attached to this report. Written correspondence was received from the Town Engineer, CDOT and Weld County Planning. The referral responses are attached to this report.

IX. Recommendation

Based upon the findings identified in this report, staff recommends approval of the Klevé

minor subdivision with the following conditions:

1. Prior to recording the applicant shall address any redlines provided by staff.
2. Prior to recording the applicant shall obtain approval of the site plan.
3. If the property is encumbered by liens or mortgages a consent certificate will be added to the plat to indicate the lender's consent to the plat and joining in the dedication of the access easement.
4. Adequately address any referral comments received.
5. Adequately address if any infrastructure improvements that are proposed with this site plan and submit an improvements agreement for review and acceptance by the Board.

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

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Kent-engineer

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THD-Planner

Tom-Fire Chief

Upstate Colorado

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Weld County (2)

Subject

From

Date

Size

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|----------------------------|------------------|------------------|-------|
| RE: Kleve's minor subdi... | Nick Cotton-Baez | Thu 09:22 | 43 KB |
| Master Meter Agreement | Nick Cotton-Baez | Wed 15:56 | 41 KB |
| FW: Kleve Enterprises S... | Nick Cotton-Baez | 2020-01-21 09:23 | 45 KB |
| RE: RE: LGI Project | Nick Montalbano | 2019-11-05 16:06 | 15 KB |
| RE: RE: LGI Project | Nick Montalbano | 2019-11-05 14:13 | 14 KB |
| RE: LGI Project | Nick Montalbano | 2019-11-04 16:51 | 26 KB |
| CORA Request | Nick Montalbano | 2019-10-31 09:42 | 80 KB |

Select: Shortcuts: Threads: Show previous messages 40 of 259

Subject RE: Kleve's minor subdivision PC staff report
From Nick Cotton-Baez

To 'THDLLC', 'Shawna Finkenbinder', Debra Chumley, 'Kent Bruxvoort', Kathleen Kelly

Date Thu 09:22

Hi Todd,

I have just a few minor suggested revisions to conditions 3, 4, and 5 on page 4 of the PDF:

3. If the property is encumbered by liens or mortgages, a consent certificate shall be added to the plat prior to its recording to indicate the lender's consent to the plat and joining in the dedication of the access easement.

4. Prior to recording, adequately address any referral comments received.

5. Prior to building permit issuance for development of the lot, enter into a subdivision improvements agreement and provide adequate financial guarantees for the public improvements shown on the site plan.

You might check with Debbie on the last condition if you haven't already, but I assume some sort of improvements agreement will be required for construction of the islands in the ROW.

Thank you,

Please attach the following:

- X 1. Completed land use application. (Site Plan app)
- X 2. Application fees and fee deposits with signed cost agreement.
- X 3. Detailed written description of the proposal (above)
- 4. Proof of ownership: Title commitment issued within 30 days of the application.
- N/A 5. Copies of any applicable state or federal permits for the proposed use.
- 6. Written certification that notice as required by Section 24-65.5-103(1), C.R.S., has been provided. Such certification may be submitted on the date of the initial public hearing referred to in Section 24-65.5-103(1), C.R.S. (mineral interest owner's notification certificate)
- N/A 7. Copy of any surface use agreement with mineral interest owners of the property.
- 8. Traffic Study. Requirements TBD pre-application meeting
- 9. Drainage study. Requirements TBD pre-application meeting
- 10. Soils Report. Requirements TBD pre-application meeting
- 11. Noise report. Requirements TBD pre-application meeting.
- X 12. Site plan and landscape plan maps. (shall show existing and proposed buildings, parking, landscape elements, lighting, drainage elements, utilities, public right-of-way and any other information deemed necessary by Town Staff. Plan shall include a vicinity map at an appropriate scale to show surrounding area)
- X 13. Full legal description of property in word format.
- 14. Such additional information that may be reasonably required by Town staff

All applications must follow the requirements set forth in the Keenesburg Municipal Code:

Sec. 16-2-190. Site plan review process.

(a) Purpose. The intent of the site plan review procedure is to promote efficient and orderly development of property in the Town. Site plan reviews require additional consideration to ensure that the permitted uses are compatible with existing and planned uses of the neighborhood.

(b) A site plan is required for uses in the following zone districts: Multifamily Residential District (R-3), Mobile Home Residential District (R-MH), Commercial Business District (CBD), Highway Commercial District (CH), Light Industrial District (LI), Heavy Industrial District (HI) and Public Zone District (PZ).

(c) No land, building or structure shall be changed in use or type of occupancy, developed, erected, constructed, reconstructed, moved or structurally altered or operated in any zone district that requires a site plan until a site plan has been approved.

(d) Building permits shall not be issued in a zone district that requires a site plan until the required site plan has been approved, any conditions of approval met and the site plan recorded by the Town Clerk.

(e) No site plan shall be required for:

- (1) Normal repairs and maintenance of an existing building.
- (2) Similar occupancy, unless it is determined that additional review is required by Town staff.
- (3) Alterations which do not affect more than twenty-five percent (25%) of the square footage of an existing building or structure.
- (4) Interior remodeling.

(f) Site plan review process.

(1) A preapplication meeting with Town staff is required prior to submittal of an application for site plan review. The applicant shall submit a brief description and location of the proposed use to the Town Clerk prior to establishing the preapplication meeting. The purpose of the meeting will be to discuss the Town's application requirements and process and other information relevant to the proposed application. A site visit may be scheduled if deemed necessary by Town staff.

(2) Neighborhood meeting. The applicant is encouraged to meet with adjacent landowners and homeowners' associations, when applicable, concerning the application. If a neighborhood meeting is held, it shall be after the preapplication meeting with Town staff.

(3) Application. The applicant shall submit an original and sufficient number of copies of the application materials, as determined by Town staff, for distribution and review by the Town and referral agencies.

(4) Referrals. When determined complete, the application will be sent to appropriate referral agencies, as determined by Town staff, and the referral agencies will be given a reasonable time to respond to the application. Comments submitted by referral agencies are recommendations to Town staff.

(g) Submittal requirements. The following shall be submitted as part of the application, except for those items specifically waived by Town staff, in writing, as being unnecessary to a decision on the application.

- (1) Completed land use application.
- (2) Application fees and fee deposits with signed fee agreement.
- (3) A detailed written description of the proposal, acreage or square footage of the property, hours of operation, number of employees, number of patrons, members, buyers or visitors, existing zone district and existing land uses adjacent to the property.
- (4) Proof of ownership acceptable to the Town Clerk or Town Attorney.
- (5) Copies of any applicable state or federal permits for the proposed use.

(6) Written certification that notice as required by Section 24-65.5-103.3, C.R.S., has been provided. Such certification may be submitted on the date of the initial public hearing referred to in Section 24-65.5-103(1), C.R.S.

(7) Copy of any surface use agreement with mineral interest owners of the property.

(8) Traffic Study. Requirements to be determined in the preapplication meeting or at the request of CDOT.

(9) Drainage study. Requirements to be determined in the preapplication meeting.

(10) Soils report. Requirements to be determined at the preapplication meeting.

(11) Noise report. Requirements to be determined at the preapplication meeting.

(12) Site plan and landscape plan maps. Plans shall show existing and proposed, buildings, parking, landscape elements, lighting, drainage elements, utilities, public rights-of-way and any other information deemed necessary by Town staff. The plan shall include a vicinity map at an appropriate scale to show surrounding area.

(13) Such additional information that may be reasonably required by Town staff.

(h) Design requirements. The following design requirements shall be considered in the evaluation of a site plan:

(1) Conformance with all applicable provisions of the underlying zone district.

(2) Conformance with all applicable provisions of all related development plans, such as approved subdivision plats or PUD plans, or both.

(3) Conformance with all applicable parking and open space requirements, and any adopted architectural design standards.

(4) Compliance with utility requirements set forth in Chapter 17, Article VI of this Code.

(5) Compatibility with surrounding existing and proposed land uses.

(6) Conformance with state, federal and local environmental standards, including but not limited to air quality, water quality, glare and heat, noise, vibration, odors, hazardous materials, storage and disposal of waste, electromagnetic interference and radiation.

(7) Adequate facilities will be provided for pedestrians, bicyclists and motorists.

(8) Adequate public improvements, both on- and off-site, will be provided in a timely fashion.

(9) Any common areas serving the site are identified and adequate provisions are made for ownership and maintenance of such areas.

(i) If the Town Planner finds that all applicable design requirements set forth in Subsection (h) above are met by the proposed site plan, the site plan shall be approved. If one (1) or more design requirements are not met, the site plan shall be referred to the Planning Commission and Board of Trustees for public hearing in accordance with Section 16-1-80 of this Chapter.

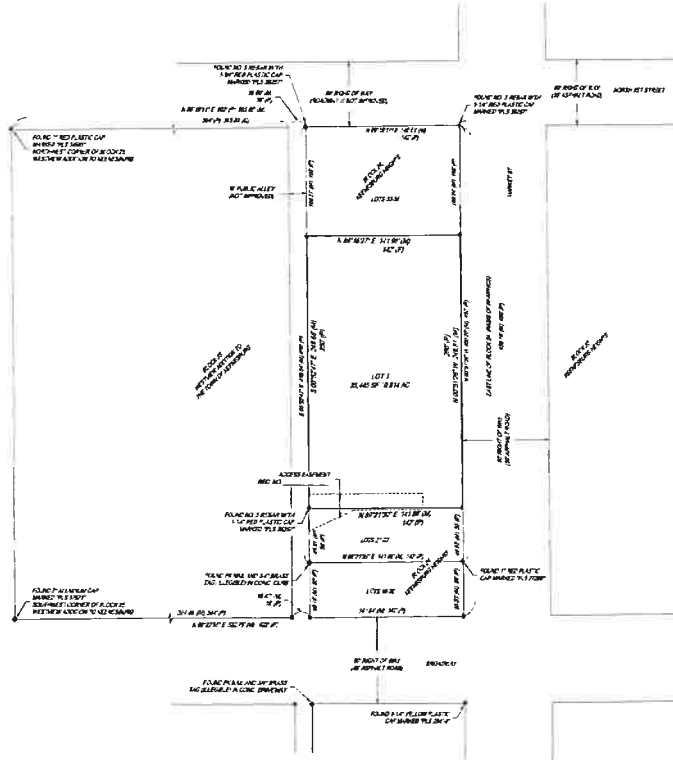
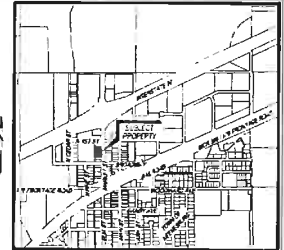
(j) Recording. After conditions are met, the Town Clerk shall record the site plan with the County Clerk and Recorder.

(k) Changes to a site plan. Any major change to an approved site plan shall require an amendment, which shall be reviewed and considered for approval using the same procedure as a new application. Town staff shall determine whether a major change exists, in accordance with the criteria set forth in Subsection (e) of this Section.

(l) Operation and monitoring. The Town may establish and carry out procedures as are reasonably necessary to ensure compliance with the conditions of approval of a site plan.

(m) Revocation. Upon receipt of evidence that conditions of a site plan have not been met or operation of the property is not consistent with the approved uses, after providing the property owner with notice and following public hearings held before the Planning Commission and Board of Trustees, the site plan approval may be revoked, suspended or modified. (Ord. 2012-04, 2012, §35)

MARKET STREET SUBDIVISION
 BEING A REPLAT OF LOTS 23 THROUGH 32, BLOCK 24 OF KEENESBURG HEIGHTS
 LOCATED IN A PORTION OF THE NORTHWEST ONE-QUARTER OF SECTION 26,
 TOWNSHIP 2 NORTH, RANGE 64 WEST OF THE 6TH P.M.,
 TOWN OF KEENESBURG, COUNTY OF WELD, STATE OF COLORADO



SURVEY NOTES

1. THE WORD "CERTIFY" OR "TESTIFY" IN THE FOLLOWING SENTENCES IS AN EXPRESSION OF PROFESSIONAL OPINION BASED UPON THE FACTS OF THE SURVEY. THE SURVEYOR DOES NOT GUARANTEE THE ACCURACY OF THE SURVEY OR THE RESULTS THEREOF.
2. NO CLAIM IS MADE BY THE SURVEYOR THAT THE SURVEY IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL CONDITIONS ON THE GROUND. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE SURVEY.
3. THE SURVEYOR'S LIABILITY IS LIMITED TO THE SURVEY WORK DONE BY HIMSELF OR HIS EMPLOYEES. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE SURVEY.
4. THE SURVEYOR'S LIABILITY IS LIMITED TO THE SURVEY WORK DONE BY HIMSELF OR HIS EMPLOYEES. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE SURVEY.

LEGEND

- PROPERTY CORNER: FOUND AND MARKED BY SURVEYOR
- PROPERTY CORNER: FOUND BY RECONSTRUCTION

NOTES: THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND SHOWN ON THIS PLAN AND HAS FOUND THAT THE SURVEY IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL CONDITIONS ON THE GROUND. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE SURVEY.

DATE OF SURVEY: _____

BY: _____

ACKNOWLEDGMENT

STATE OF COLORADO

COUNTY OF _____

THE FOLLOWING PERSONS HAVE ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____

ACKNOWLEDGMENT

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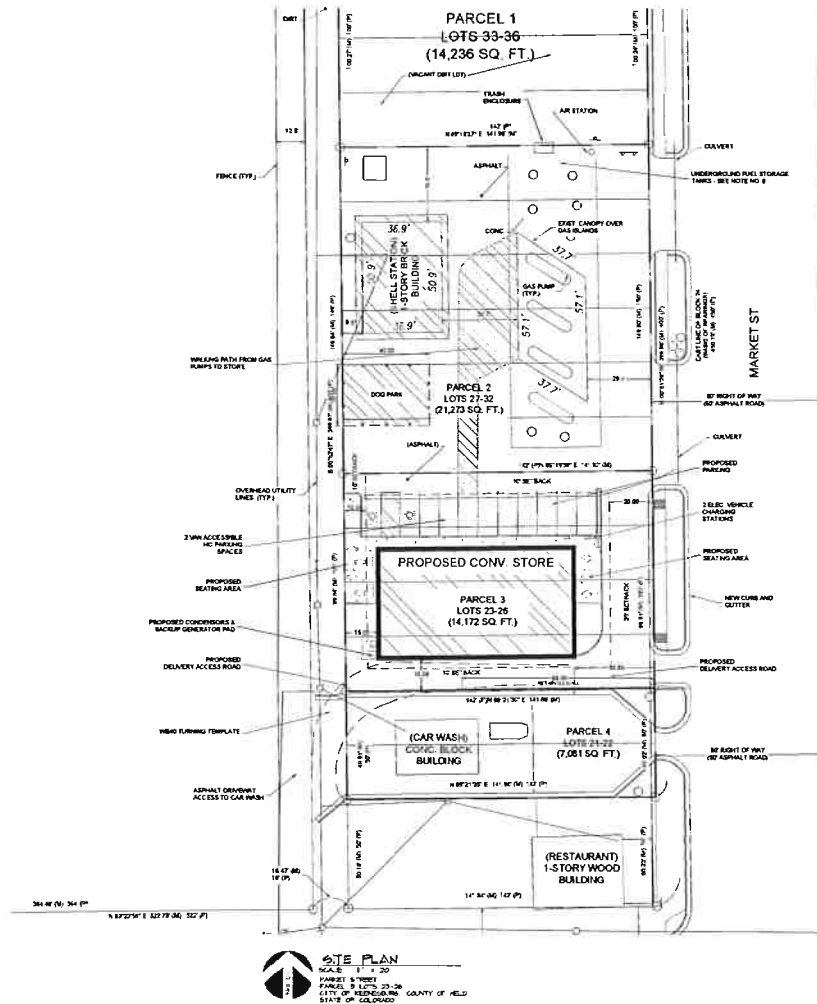
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LANDSCAPING NOTES

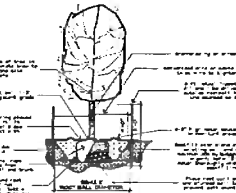
1. ALL PLANT MATERIAL SHALL BE FULLY GROWN, HEALTHY, AND FREE FROM DISEASE AND PESTS. PLANTS SHALL BE LIVED, CROWNED, AND ROOTED. PLANTS SHALL BE LIVED, CROWNED, AND ROOTED. PLANTS SHALL BE LIVED, CROWNED, AND ROOTED.
2. SOIL SHALL BE COVERED WITH MULCH. MULCH SHALL NOT BE LAYERED THICKER THAN 2" FROM CENTER OF SHRUBS AND 12" FROM CENTER OF TREES. MULCH SHALL BE PROTECTED FROM BURNING OUT.
3. AND TO ALL, NEEDED AREAS SHALL BE COVERED WITH MULCH. MULCH SHALL BE LAYERED THICKER THAN 2" FROM CENTER OF SHRUBS AND 12" FROM CENTER OF TREES. MULCH SHALL BE PROTECTED FROM BURNING OUT.
4. ALL PLANT MATERIALS PLANTED IN NEEDED AREAS SHALL BE SEPARATED FROM SIDEWALKS AT A MINIMUM OF 12" FROM SIDEWALK. MULCH SHALL BE LAYERED THICKER THAN 2" FROM CENTER OF SHRUBS AND 12" FROM CENTER OF TREES. MULCH SHALL BE PROTECTED FROM BURNING OUT.
5. ALL PLANT MATERIALS TO BE PLANTED WITHIN 12" FROM SIDEWALKS SHALL BE PLANTED WITHIN 12" FROM SIDEWALKS. MULCH SHALL BE LAYERED THICKER THAN 2" FROM CENTER OF SHRUBS AND 12" FROM CENTER OF TREES. MULCH SHALL BE PROTECTED FROM BURNING OUT.
6. PERMANENT PLANTS WITH 2" GRAFT AND 12" GRAFT SHALL BE PLANTED WITHIN 12" FROM SIDEWALKS. MULCH SHALL BE LAYERED THICKER THAN 2" FROM CENTER OF SHRUBS AND 12" FROM CENTER OF TREES. MULCH SHALL BE PROTECTED FROM BURNING OUT.
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11. ALL PLANT MATERIALS TO BE PLANTED WITHIN 12" FROM SIDEWALKS SHALL BE PLANTED WITHIN 12" FROM SIDEWALKS. MULCH SHALL BE LAYERED THICKER THAN 2" FROM CENTER OF SHRUBS AND 12" FROM CENTER OF TREES. MULCH SHALL BE PROTECTED FROM BURNING OUT.
12. ALL PLANT MATERIALS TO BE PLANTED WITHIN 12" FROM SIDEWALKS SHALL BE PLANTED WITHIN 12" FROM SIDEWALKS. MULCH SHALL BE LAYERED THICKER THAN 2" FROM CENTER OF SHRUBS AND 12" FROM CENTER OF TREES. MULCH SHALL BE PROTECTED FROM BURNING OUT.

LANDSCAPING SCHEDULE

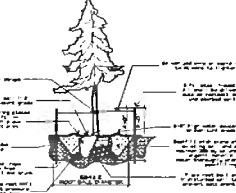
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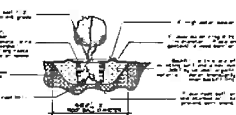
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NOT TO SCALE
SEE PLAN FOR LOCATION
AND SPECIFICATIONS



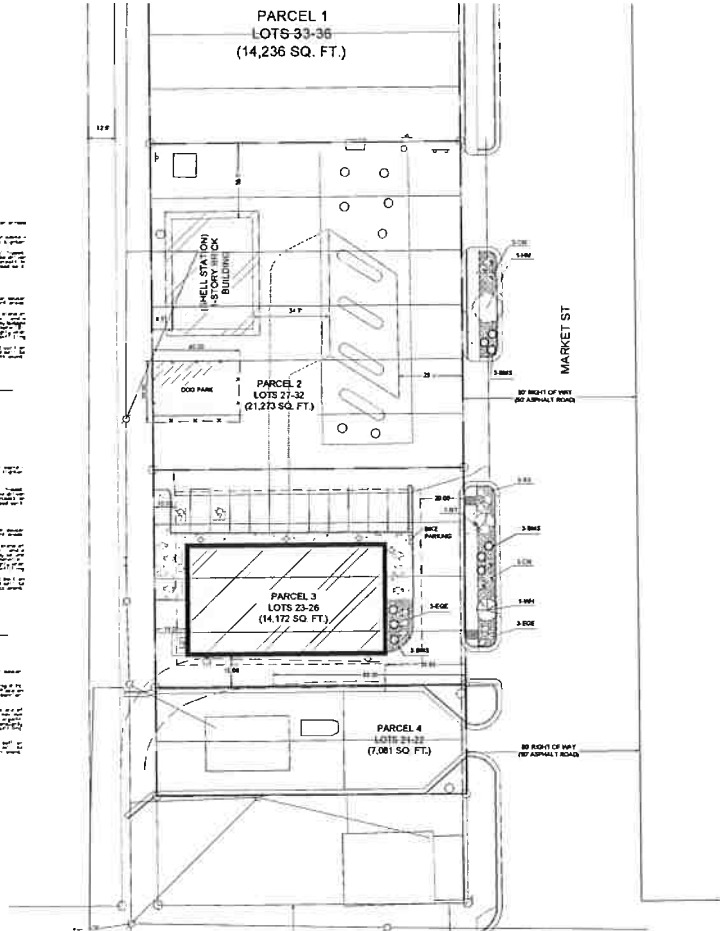
(A) DECIDUOUS TREE - PLANTING DETAIL
NOT TO SCALE



(B) EVERGREEN TREE - PLANTING DETAIL
NOT TO SCALE



(C) SHRUBS - PLANTING DETAIL
NOT TO SCALE



LANDSCAPE PLAN
SCALE: 1" = 20'
PARCEL 1: 14,236 SQ. FT.
PARCEL 2: 21,273 SQ. FT.
PARCEL 3: 14,172 SQ. FT.
PARCEL 4: 7,081 SQ. FT.
CITY OF DENVER, COLORADO



FREEMAN ARCHITECTS
3000 Blue Mesa Court, Suite 100
LYNN, COLORADO 80540
(970) 887-8888
FAX: (970) 887-8888

MARKET STREET MART
175 E. 14th Street, Suite 100
DENVER, COLORADO 80202
(303) 733-1111

MARKET STREET MART
175 E. 14th Street, Suite 100
DENVER, COLORADO 80202
(303) 733-1111

MARKET STREET MART
175 E. 14th Street, Suite 100
DENVER, COLORADO 80202
(303) 733-1111



**WERNSMAN
ENGINEERING AND
LAND
DEVELOPMENT**

**ERIC WERNSMAN
16495 ESSEX RD S
PLATTEVILLE CO 80651**

December 10, 2019

**Town of Keenesburg
140 S. Main Street
Keenesburg, CO 80643**

RE: Traffic Letter for 165 North Market Street

To Whom it May Concern:

The owners of the convenience store at 165 North Market Street are proposing to construct a new 4500 s.f. convenience store 100' south of the existing store. The existing store will remain and will be used for warehouse purposes. The existing fuel dispensers will also remain, and additional fuel dispensers are not proposed. The new convenience store, converted warehouse space, and existing fuel dispensers are not expected to generate any additional traffic compared to the existing traffic generated by the site.

The site is served by two existing accesses off of North Market Street. These existing access points will remain the primary accesses. A third access is proposed to the south of the new convenience store to handle truck deliveries.

If you have any questions or comments regarding this matter, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Wernsman", with a long horizontal flourish extending to the right.

Eric Wernsman P.E.

**WERNSMAN
ENGINEERING AND
LAND
DEVELOPMENT**

ERIC WERNSMAN
16495 ESSEX RD S
PLATTEVILLE CO 80651

December 9, 2019

Town of Keenesburg
140 S. Main Street
Keenesburg, CO 80643

RE: Drainage Letter for 165 North Market Street

To Whom it May Concern:

The owners of the convenience store at 165 North Market Street are proposing to construct a new 4500 s.f. convenience store 100' south of the existing store. Currently, the site generally slopes from the northwest to the southeast, toward North Market Street. When the new store is constructed, most of the stormwater runoff from this area will also flow east to North Market Street. The very southwest corner of the newly developed area will drain to the southwest, towards the existing carwash facility.

If you have any questions or comments regarding this matter, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Wernsman", with a long horizontal flourish extending to the right.

Eric Wernsman P.E.

KEENESBURG PLANNING DEPARTMENT

DEVELOPMENT REVIEW REFERRAL

FROM: TODD HODGES, TOWN PLANNER

DATE: JANUARY 13, 2020

PROJECT: Kleve Enterprises Inc. Site plan and Minor Subdivision

INTERNAL DISTRIBUTION:

| | | |
|---|---|--|
| <input type="checkbox"/> City Engineer | <input type="checkbox"/> City Attorney | <input checked="" type="checkbox"/> City Clerk |
| <input type="checkbox"/> Public Works Manager | <input type="checkbox"/> Building Inspector | |

OUTSIDE DISTRIBUTION:

| | |
|--|--|
| <input type="checkbox"/> SE Weld Fire Protection District | <input type="checkbox"/> Weld County Department of Planning Services |
| <input checked="" type="checkbox"/> CDOT | <input type="checkbox"/> Army Corp of Engineers |
| <input checked="" type="checkbox"/> Atmos Energy | <input type="checkbox"/> Postmaster |
| <input type="checkbox"/> United Power | <input type="checkbox"/> Colorado Department of Natural Resources |
| <input type="checkbox"/> Colorado Division of Wildlife | <input type="checkbox"/> Weld County Public Works |
| <input checked="" type="checkbox"/> Weld County School District RE-3 | <input checked="" type="checkbox"/> Century Link |
| <input type="checkbox"/> Division of Water Resources | <input type="checkbox"/> Town of Hudson |

If you have comments, please respond by: February 2, 2020

Comments may be emailed to toddhodgesdesign@qwestoffice.net or mailed to the address below. A non-response to this referral may be considered a favorable response.

COMMENTS:



Minor Subdivision Application

Application Fee: \$500.00

(Plus all developer related review fees incurred by the Town of Keenesburg i.e. legal, engineering, publication, recording fees, etc.)

Name Ryan Kleve

Address 165 Market Street

Keenesburg, Co.

Daytime Phone 720-351-9905

Replat Name Market Street Subdivision

Address of Proposed Minor Subdivision 165 Market Street

Legal Description Lot 23-32 Block 24, Keenesburg Heights Subdivision

A Minor Subdivision must meet one or more of the following requirements: (check all that apply)

- ☒ X The subdivision is a replat of an approved final subdivision plat, which does not increase the number of lots or increase density, and which does not result in a material change in the extent, location or type of public improvements, easements, arrangement of streets, open space or utilities;
- ☐ The subdivision is a division of a parcel into not more than two lots; each lot has access to an accepted and maintained public street; the subdivision will not require the dedication of streets, alleys or easements, or the construction of improvements to serve the lots; and each lot will meet the requirements of the Town's zoning regulations without the necessity for a variance and no variance has been granted within the previous three years;
- ☐ The subdivision is of a lot, previously created by an approved final subdivision plat, which is split or subdivided into no more than two lots and the lots created by the split comply with the applicable requirements of the Town's zoning regulations; or
- ☐ The subdivision is a division of a parcel or lot into not more than two lots, one or both of which are to be conveyed to the Town, or into three lots, at least two of which are to be conveyed to the Town. The approval of any subdivision pursuant to this subsection may be conditioned upon conveyance to the Town of such lots.

Requirement Checklist

- _____ Pre-application conference.
- _____ Sub divider's Certification that all required improvements are installed, available and adequate to serve each lot of the minor subdivision.
Water, sewer, electrical power, natural gas, telephone, access, etc..
- _____ One copies of the Final Plat. (mylar after final approval for approval)
- _____ Completed Application
- _____ Executed Cost Agreement
- _____ Deposit (Amount determined by administrator during pre application conference)
- _____ Public Hearings will be scheduled by the Town Clerk when the application is determined to be complete.
- _____ The Sub divider will be responsible for notifying all property owners located within three hundred (300) feet of the property in question at least fifteen (15) days prior to the public hearings. (Notice to be provided by the Town Clerk)
- _____ Public Hearing notice posted on property at least ten (10) days prior to the public hearings. (The Posting shall contain the same information as the mailed notice, as provided by the Town Clerk)
- _____ Notarized affidavit stating that notice was mailed, when, with attached list, and that the property was posted with an attached photo.

Certificate Of Taxes Due

Account Number R5093586
Parcel 130526206010
Assessed To
KLEVECO INC
2278 CLANCY CT
BRIGHTON, CO 80601-3412

Certificate Number 195365
Order Number 25169489
Vendor ID 14
LAND TITLE GUARANTEE OF FT COLLINS
772 WHALERS WAY STE 100
FT COLLINS, CO 80525

Legal Description
KEE 8640 L23 THRU 26 BLK24 KEENESBURG HEIGHTS

Site Address
KEENESBURG

| Year | Tax | Interest | Fees | Payments | Balance |
|---|----------|----------|--------|------------|---------------|
| Tax Charge | | | | | |
| 2018 | \$782.10 | \$0.00 | \$0.00 | (\$782.10) | \$0.00 |
| Total Tax Charge | | | | | \$0.00 |
| Grand Total Due as of 10/21/2019 | | | | | \$0.00 |

Tax Billed at 2018 Rates for Tax Area 0303 - 0303

| Authority | Mill Levy | Amount | Value | Actual | Assessed |
|------------------------------|-------------|----------|-----------------|----------|----------|
| WELD COUNTY | 15.0380000* | \$148.57 | VACANT COM LOTS | \$34,080 | \$9,880 |
| SCHOOL DIST RE3J | 19.8140000 | \$195.77 | Total | \$34,080 | \$9,880 |
| CENTRAL COLORADO WATER (CCW) | 1.5400000 | \$15.22 | | | |
| LOST CREEK GROUNDWATER (LOG) | 0.9450000 | \$9.34 | | | |
| KEENESBURG TOWN | 22.0000000 | \$217.36 | | | |
| S. E. WELD FIRE | 10.2650000 | \$101.42 | | | |
| AIMS JUNIOR COLLEGE | 6.3050000 | \$62.29 | | | |
| HIGH PLAINS LIBRARY | 3.2520000 | \$32.13 | | | |

Taxes Billed 2018 79.1590000 \$782.10

* Credit Levy

WARNING - THIS TAX CERTIFICATE DOES NOT WARRANT ANY TAXES OWED ON UNDERLYING ACCOUNTS, INCLUDING PARENT OR SIBLING ACCOUNTS. ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE.

TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIER'S CHECK.

POSTMARKS ARE NOT ACCEPTED ON TAX LIEN SALE REDEMPTION PAYMENTS. PAYMENTS MUST BE IN OUR OFFICE AND PROCESSED BY THE LAST BUSINESS DAY OF THE MONTH.

SPECIAL TAXING DISTRICTS AND THE BOUNDARIES OF SUCH DISTRICTS MAY BE ON FILE WITH THE BOARD OF COUNTY COMMISSIONERS, THE COUNTY CLERK, OR THE COUNTY ASSESSOR.

This certificate does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or misc. tax collected on behalf of other entities, special or local improvement district assessments or mobile homes, unless specifically mentioned.

I, the undersigned, do hereby certify that the entire amount of taxes due upon the above described parcel of real property and all outstanding sales for unpaid taxes as shown by the records in my office from which the same may still be redeemed with the amount required for redemption are as noted herein. In witness whereof, I have hereunto set my hand and seal.

TREASURER, WELD COUNTY, John R. Lefebvre, Jr.

1400 N. 17th Avenue

Greeley, CO 80631

(970) 353-3845 Ext. 3290



**Land Title Guarantee Company
Customer Distribution**



PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **ABH25169489**

Date: 10/22/2019

Property Address: **VACANT GROUND, Keenesburg, CO 80643**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance

Charles Ottinger
3033 EAST FIRST AVENUE, SUITE
600
DENVER, CO 80206
(303) 331-6216 (Work)
(303) 393-3870 (Work Fax)
cottinger@ltgc.com
Company License: CO44565

Closer's Assistant

Sarah Cozzini
3033 EAST FIRST AVENUE, SUITE
600
DENVER, CO 80206
(303) 331-6214 (Work)
(303) 393-3912 (Work Fax)
scozzini@ltgc.com
Company License: CO44565

For Title Assistance

Susan Koppman
5975 GREENWOOD PLAZA BLVD
GREENWOOD VILLAGE, CO 80111
(303) 850-4105 (Work)
skoppman@ltgc.com

KLEVECO, INC.
Attention: RYAN KLEVE
rkleve@hotmail.com
Delivered via: Electronic Mail

KLEVECO INC
Attention: SUSAN KLEVE
skleve@man.com
Delivered via: Electronic Mail

KLEVE ENTERPRISES
Attention: FAITH HUSTON
(303) 887-8846 (Work)
faithhuston@hotmail.com
Delivered via: Electronic Mail



Land Title Guarantee Company
Estimate of Title Fees

Order Number: ABH25169489 Date: 10/22/2019
Property Address: VACANT GROUND, Keenesburg, CO 80643
Parties: KLEVECO, INC., A COLORADO CORPORATION

Visit Land Title's Website at www.ltgc.com for directions to any of our offices.

| Estimate of Title Insurance Fees | |
|---|-----------------------|
| "TBD" Commitment | \$283.00 |
| | Total \$283.00 |
| If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing. | |
| Thank you for your order! | |

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Chain of Title Documents:

Weld county recorded 08/17/1977 under reception no. 1722168

Weld county recorded 11/03/1977 under reception no. 1735048

Weld county recorded 05/06/1986 under reception no. 2052582

Weld county recorded 07/27/2018 under reception no. 4418627

Plat Map(s):

Weld county recorded 08/17/1919 under reception no. 301664

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: ABH25169489

Property Address:

VACANT GROUND, Keenesburg, CO 80643

1. Effective Date:

10/16/2019 at 5:00 P.M.

2. Policy to be issued and Proposed Insured:

"TBD" Commitment

\$0.00

Proposed Insured:

KLEVECO, INC., A COLORADO CORPORATION

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A Fee Simple

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

KLEVECO, INC., A COLORADO CORPORATION

5. The Land referred to in this Commitment is described as follows:

LOT 23, BLOCK 24, KEENSBURG HEIGHTS, COUNTY OF WELD, STATE OF COLORADO

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**AMERICAN
LAND TITLE
ASSOCIATION**



ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: ABH25169489

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

THIS COMMITMENT IS FOR INFORMATION ONLY, AND NO POLICY WILL BE ISSUED PURSUANT HERETO.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABH25169489

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquiree of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. EXISTING LEASES AND TENANCIES, IF ANY.
9. RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED JULY 06, 1909 IN BOOK 131 AT PAGE 268.
10. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF KEENSBURG HEIGHTS RECORDED JUNE 17, 1919 UNDER RECEPTION NO. 301664.
11. ALL OILS, GAS AND OTHER MINERALS THEREIN OR THEREUNDER AS RESERVED IN DEED RECORDED MARCH 29, 1946 IN BOOK 1175 AT PAGE 189
12. WELD COUNTY SMALL TRACT OIL AND GAS LEASE RECORDED AUGUST 08, 2017 UNDER RECEPTION NO. 4325386 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.



LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed Insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be Issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the Insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), it is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates; or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment For Title Insurance

Issued by Old Republic National Title Insurance Corporation

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES BOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- (a) the Notice;
 - (b) the Commitment to Issue Policy;
 - (c) the Commitment Conditions;
 - (d) Schedule A;
 - (e) Schedule B, Part I—Requirements; and
 - (f) Schedule B, Part II—Exceptions; and
 - (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - I. comply with the Schedule B, Part I—Requirements;
 - II. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - III. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(I) through 5(a)(III) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
(g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
(b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
(c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
(d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
(e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
(f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.sls.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880

CBRants

Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By *[Signature]* President
Attest *[Signature]* Secretary

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PARCEL IDENTIFICATION AND DESCRIPTION
 IDENTICAL MEASUREMENTS PRELATE THAT THE EMBROIDERY IS BEING THE SILE CONINGS OF THE LAND FROM ON THE PLAT AND
 DESCRIBED AS FOLLOWS
 LOT 23 THROUGH 26 BLOCK 1
 ACCORDING TO RECORDS
 BOOK OF RECORDING COUNTY OF BUE FOR THE STATE OF COLORADO
 MORE OR LESS SUBDIVISION OF THE PLAT AND AS SHOWN HEREUNDER UNDER THE NAME AND TITLE OF "MOUNT STREET
 LOT 1" "MOUNT 1" OF THE TOWN OF NEW BRUNSWICK COUNTY OF THE STATE OF COLORADO AND BY THE RECORD HEREON TO BE
 DESCRIBED TO THE PUBLIC FOR THE PURPOSES OF THE LAND AND OTHER PUBLIC USES OF THE STATE OF COLORADO

THE FOREGOING AFFIDAVIT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ AT _____

ACCEPTANCE: _____
SAC MAP WAS ACCEPTED IN THE TOWN OF KREMATOR, IN THE COUNTY OF COLORADO IN THE YEAR OF _____

47751

Name: _____

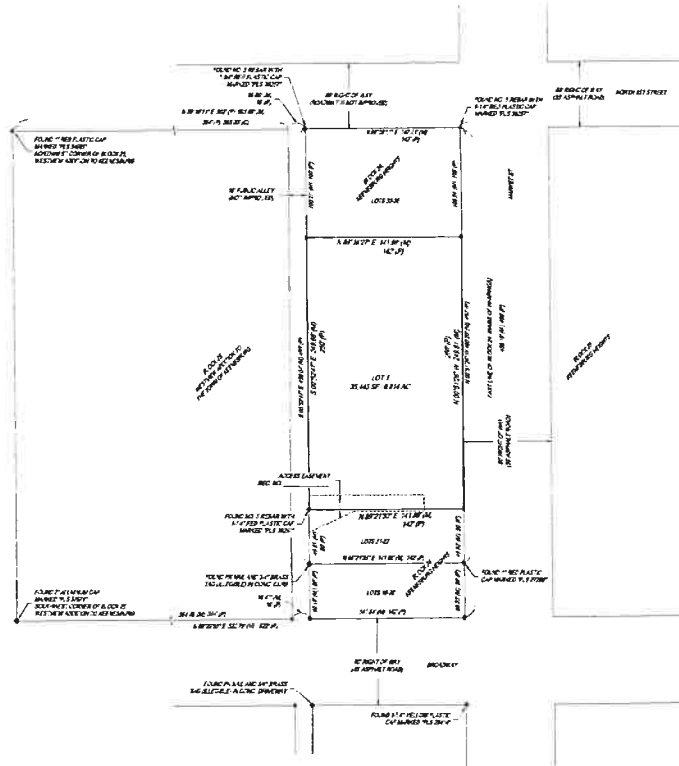
SAC MAP WAS ACCEPTED BY THE PLANNING COMMISSION FOR THE TOWN OF GREENBURG WELD COUNTY, COLORADO THIS _____ DAY

DISCLOSURE CERTIFICATE

I, JAMES ROBERT FERGUSON, A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAN WAS MADE UNDER MY PERSONAL SUPERVISION AND THAT THIS MAP IS AN ACCURATE REPRESENTATION THEREOF, AND THAT THE ADEQUATE REGARD AS INDICATED HEREON WAS FOUND TO BE AS OF FAITH, ALL THIS IS TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.


WATT ROBERT LEROACH FLS
COLORADO PROFESSIONAL LAND SURVEYOR NUMBER 30927

FOR AND ON BEHALF OF
ACORN INC.
103 S. 27TH AVE
MINNEAPOLIS, CO 55407



DISCUSS NOTES

- [illegible]

| | | | |
|----------------|---------------------------|---|--------|
| DATE: 01/04/00 | CLIENT NAME: KLEYEVO, INC |  <p>Acklam, Inc. 152 S. 27th Avenue Englewood, CO 80601</p> | 1 OF 1 |
| DATE: 01/04/00 | DATE: 01/04/00 | | |
| DATE: 01/04/00 | DATE: 01/04/00 | | |
| DATE: 01/04/00 | DATE: 01/04/00 | | |
| DATE: 01/04/00 | DATE: 01/04/00 | | |

THDLLC

From: Nick Cotton-Baez <nick@kellypc.com>
Sent: Thursday, January 16, 2020 12:37 PM
To: 'toddhodesdesign@qwestoffice.net'
Subject: FW: Kleve Enterprises Site Plan and Minor Sub Review

Todd, I think I might've misspelled you email address earlier. Please see below. Thanks!

Nick Cotton-Baez
Senior Associate
Kelly PC
999 18th Street, Suite 1450
Denver, CO 80202
P: (303) 298-1601 x214
F: (303) 298-1627



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From: Nick Cotton-Baez
Sent: Thursday, January 16, 2020 11:09 AM
To: 'toddhodesdesign@gwestoffice.net'
Cc: Kathleen Kelly
Subject: Kleve Enterprises Site Plan and Minor Sub Review

Hi Todd,

Kathleen asked me to review the Kleve Enterprises site plan and minor subdivision application submissions.

Our comments are as follows:

1. All of the zoning documents—site plan, grading plan, and landscaping plan—should be revised to refer to the lot created by the minor subdivision plat—i.e., Lot 1, Market Street Subdivision.
2. The zoning for the property is shown as “C-1” on the site plan application and pre-application review request, but the Town doesn’t have a C-1 zone district. So, I think the proper zoning is “CBD,” or possibly “CH.”
3. If the property is encumbered by liens or mortgages, we’ll need to add a lenders’ consent certificate to the plat to indicate the lenders’ consent to the plat and joining in the dedication of the access easement.
4. The “Acceptance” and “Planning Commission Acceptance” blocks on the plat should be replaced with the Town’s standard “Planning Commission Approval” and “Board of Trustees Approval” blocks.

A couple notes on approval:

- Kathleen mentioned you and she had discussed conditioning certificate of occupancy for the new commercial building on the recording of the minor subdivision plat. If the developer submits a final plat addressing our comments and meeting Town standards, we can add a condition of approval to the site plan that the minor plat shall be recorded prior to recording of the site plan. Ideally, the minor subdivision plat should be recorded prior to the recording of the zoning documents because the zoning documents will refer to the lot created by the plat. But, if the plat isn't ready for approval concurrently with the site plan, then the Town should condition certificate of occupancy for the new commercial building on the recording of the minor subdivision plat. The approval of the site plan should be conditioned on the recording of the site plan prior to building permit.
- It looks like the site plan contemplates public improvements (at least the islands in the right of way). The code requires the developer to construct those first, or to enter into a development or subdivision improvements agreement, and provide adequate financial guarantees for the public improvements shown on the site plan, prior to final approval of the final plat. Because the developer is seeking approval of the plat and because the site plan is not yet approved, thus preventing construction of the public improvements, I assume the Town will require the development agreement and guarantees. So, a condition should be added to the approval of both the site plan and minor subdivision plat that the developer shall enter into a development or subdivision improvements agreement, and provide adequate financial guarantees for the construction of public improvements as shown on the site plan in accordance with Town standards, prior to building permit issuance.
- While this would be achieved through the development agreement, it wouldn't hurt to add a condition to the site plan approval that the developer shall obtain a right-of-way permit and construct the islands prior to issuance of a building permit for the new commercial building.
- It looks like the landscape plan contemplates landscaping on the islands. Will the developer be required to maintain the landscaping? If so we should add a condition to the site plan approval that the applicant shall submit a landscape maintenance plan (or enter into a landscape maintenance agreement with the Town) for the islands located in the Market Street right of way for review and approval by staff.

Please let me know if you'd like to discuss.

Thank you,

Nick Cotton-Baez
Senior Associate
 Kelly PC
 999 18th Street, Suite 1450
 Denver, CO 80202
 P: (303) 298-1601 x214
 F: (303) 298-1627



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THDLLC

From: Hice-Idler - CDOT, Gloria <gloria.hice-idler@state.co.us>
Sent: Monday, January 13, 2020 1:35 PM
To: THDLLC
Cc: Bilobran, Timothy; Allyson Mattson - CDOT
Subject: Kleve Enterprises/Town of Keenesburg/I-76
Attachments: image001.png

Because no new traffic is being proposed as a result of this development, CDOT does not have the warrant necessary to re-evaluate the accesses. CDOT has no comment.

Gloria Hice-Idler
Rocksol Consulting

(970) 381-8629



10601 W. 10th Street, Greeley, CO 80634

gloria.hice-idler@state.co.us | www.codot.gov | www.cotrip.org



On Mon, Jan 13, 2020 at 1:23 PM THDLLC <toddhodgesdesign@qwestoffice.net> wrote:

Attached is a referral request and a link to submitted documents for review for the Kleve Enterprises inc. site plan for a convenience store and minor subdivision for combing lots.

Please respond no later than February 2, 2020 so that your comments are included for review.

https://www.dropbox.com/sh/4mhvwer31rbrzw3/AAD_ZziZFsCoRsui2rHkQTdwa?dl=0

Todd A. Hodges, Principal

Todd Hodges Design, LLC

970-215-4311



January 31, 2020

Debra Chumley
Town of Keenesburg Manager
P.O. Box 312
140 S. Main Street
Keenesburg, CO 80643

RE: Market Street Subdivision
Plat Review

Dear Debra:

Professional Engineering Consultants (PEC) reviewed the Plat submitted for the Market Street Subdivision and offers the following comment:

1. Before the plat can be recorded, the access easement in the southwest corner of the lot shall be dedicated, and the Reception Number provided on the plat.

Please let me know if you have any questions or comments.

Respectfully Submitted,

PROFESSIONAL ENGINEERING CONSULTANTS, PA



Kent Bruxvoort, P.E.
Town Engineer

cc: Todd Hodges, Town Planner
Kathleen Kelly, Town Attorney

b.

RESOLUTION NO. PC2020-01

A RESOLUTION RECOMMENDING APPROVAL OF THE PLAT FOR THE MARKET STREET SUBDIVISION

WHEREAS, there has been submitted an application for the Market Street Subdivision (“Plat”); and

WHEREAS, the Planning Commission has reviewed the Plat relative to the goals and policies of the Keenesburg Municipal Code, the Comprehensive Plan and the Town Subdivision Regulations, and evaluated the same according to the criteria and procedures set forth therein, and has held a duly-noticed public hearing on the draft resolution recommending the approval of the Plat; and

WHEREAS, following such hearing, at which evidence and testimony were entered into the record, the Planning Commission finds the Plat should be approved by the Town Board of Trustees, with conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF KEENESBURG, COLORADO:

Section 1. The Planning Commission hereby recommends the Town Board approve the application for the Market Street Subdivision, subject to the following conditions:

A. Prior to recording the Plat, the applicant shall address any redlines or comments provided by Town staff, any referral comments received.

B. Prior to recording the Plat, the applicant shall obtain the Town’s approval of a site plan for the property.

C. If the property is encumbered by liens or mortgages, then prior to recording of the Plat, there shall be added to the Plat a consent certificate, in form approved by the Town Attorney, to indicate the lender's consent to the subdivision and joining in the dedication of the access easement.

D. Upon recording of the Plat, the applicant shall dedicate the access easement depicted on the Plat in the southwest corner of the lot.

E. Prior to building permit issuance for development of the lot, the applicant shall enter into a subdivision improvements agreement with the Town and provide adequate financial guarantees for the public improvements shown on the site plan.

INTRODUCED, READ, and ADOPTED this 6th day of February, 2020.

TOWN OF KEENESBURG, COLORADO

ATTEST:

Chairperson

Secretary

2/3/20 9:26AM [ncb] R:\Keenesburg\Planning Commission\Market Street Subdivision.PC.reso.docx

C.

Definitions

Definitions

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

All words and phrases shall be construed and understood according to the common and approved usage of the language. Technical words and/or phrases as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Access drive means a street or right-of-way providing ingress and egress to properties adjacent to a regional thoroughfare, arterial street, collector street, or local street.

Accessory building or structure means a detached subordinate and smaller building which is:

1. Associated to the principal use on the lot;
2. Subordinate and/or incidental to the principal building or use of the lot;
3. Located on the same lot as the principal building;
4. Not detrimental to an alteration of the character of the area in which the building is located; and
5. Necessary for the operation or primary functions of the principal structure.
6. An accessory building or structure shall include, but not be limited to, storage sheds and detached garages in residential and non-residential zoning districts. Microwave dishes, antennas, weather stations and similar devices which have a surface area of six square feet or larger shall also be considered accessory structures and shall comply with requirements for accessory buildings and structures, including height and setback requirements, of the Town of Keenesburg Municipal Code.

Accessory dwelling unit means an apartment or living quarters integrated within, adjacent to or on the same lot as a single-family dwelling unit, inclusive of carriage houses or houses used for agricultural usages. For purposes of calculating residential density, each accessory dwelling shall count as one-third of a dwelling unit. There shall not be more than one accessory dwelling located on a lot in addition to the principal single-family dwelling.

Adaptable Use means a use that is approved administratively after a public notice and written comment period, upon a finding of compliance with specific standards that pertain to the use, the generally applicable standards for all adaptable uses, and the generally applicable standards of this code.

Adult Entertainment means an exhibition, display, activity, or dance that involves the appearance or exposure to view of specified sexual activities or specified anatomical areas to an audience for consideration.

Adverse Effect or Adverse Impact means the impact of an action that is considerable or substantial and unfavorable or harmful. The phrases include social, economic, physical, health, aesthetic, historical impact, or biological impacts, including but not limited to, effects on natural resources or the structure or function of affected ecosystems.

Airport means an area of land that is designated for the take-off and landing of aircraft, which may include areas for ticketing, security, aircraft maintenance, luggage or cargo handling, ground transportation services, and accessory retail and restaurant uses, as well as safety zones.

Affordable housing development or project means a development or project in which:

1. At least ten percent of said dwelling units or spaces (the "affordable housing units") are to be available for rent or purchase on the terms defined by the United States Department of Housing and Urban Development.
2. The units will be required by binding legal instrument acceptable to the Town and duly recorded with that County's Clerk and Recorder, to be occupied by and affordable to low-income households for at least twenty years.
3. Affordable housing unit for rent means a dwelling unit which is available for rent on terms that would be affordable to households earning eighty percent or less of the median income of that County's residents, as adjusted for family size, and paying less than thirty percent of their gross income for housing, including rent and utilities.
4. The unit must be occupied by and be affordable to such low-income household(s) for a period of at least twenty years.

Affordable housing unit for sale means a dwelling unit which is available for purchase on terms that would be affordable to households earning eighty percent or less of the median income of Weld County residents, as adjusted for family size and paying less than thirty-eight percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees. The unit must be occupied by and affordable to such low-income household(s) for a period of no less than twenty years.

Agricultural activity means farming, including plowing, tillage, cropping, seeding, cultivating or harvesting for the production of food and fiber

Commented [NC1]:

1. These definitions should match those set forth in the Town Code, where such terms and phrases are defined in the Town Code.

2. Terms and phrases not used in the design standards should not be contained in these definitions.

3. Some terms used in the design standards are undefined and may be in need of a definition (e.g., single family detached dwelling and single family attached dwelling).

Commented [NC2]:

Are all of the standards (landscaping, parking, lighting, etc.) going to be compiled into one final document entitled "Design Standards?" If not, this introductory paragraph should reference each of the document titles.

Commented [NC3]:

Check to ensure works

products; horticulture, the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise.

1. Agricultural activity shall not include the cultivation of marijuana.

Agricultural land means land that is being used primarily for agricultural activities.

Alley means a public or private minor or secondary way which is used primarily for vehicular service access to the back or side of properties that otherwise abut a street.

Alteration means any change, addition or modification in construction, appearance, occupancy or use.

Alternative power generation facilities means any use of land in which alternative energies are produced. Alternative energies are those energy sources that are an alternative to fossil fuels, including but not limited to:

1. Solar (photovoltaic, solar thermal),
2. wind,
3. biofuel,
4. Geothermal
5. Biomass
6. Biogas (e.g. landfill gas/wastewater treatment digester gas)
7. Low impact hydroelectricity
8. Alternative energy as defined and regulated by the United State Environmental Protection Agency

Formatted: Font: Not Bold

Amusement center means an establishment providing primarily enclosed recreation activities including, but not limited to bowling, roller skating or ice skating, billiards, swimming pools, motion picture theaters, and related amusements.

1. Accessory uses are uses accessory to the primary function of the Amusement Center and may include the preparation, serving and sale of food and/or sale or rental of equipment related to the Amusement Center.

Amusement park means an outdoor enterprise whose main purpose is to provide the general public with entertaining activity, where tickets are sold or fees collected at the activity.

2. Commercial amusements include miniature golf courses, outdoor arcades, Ferris wheels, children's rides, roller coasters, skateboard parks, go-cart tracks, water parks and similar uses.

Animal boarding means the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.

Animals, domestic means common household pets, such as dogs, cats, birds or amphibians kept for amusement, companionship, decoration or interest.

Animals, food means fish, fowl, cattle, swine, sheep and others raised for the purpose of food consumption.

Animals, wild means animals, such as wolves, tigers, lions and snakes that are not normally a domestic animal or farm animal and would ordinarily be confined in a zoo, sanctuary or found in the wild.

Animated sign means a sign having an intermittent or continuing variation in the illumination or physical position of any part of the device, except such variations necessary for displaying time-of-day information or temperature information.

Annexation means the act of attaching, adding, joining, or uniting a parcel of land or right of way (ROW) to the legal entity known as the Town of Keenesburg.

Appeal means a request by an applicant to the Board of Adjustment or Town Board for a review of an administrative interpretation of any provision of this Chapter or a request for a variance.

Applicant means the owner of land; the owner's authorized representative, or the optionee of the land, mineral owners and lessees; or the Developer applying for an approval by the Town of Keenesburg.

Approved Grade means the elevation of the ground surface, or any paving or sidewalk built upon it, which has been established on the basis of an engineered grading and drainage plan for the subject property that has been reviewed and approved by the town. When no engineered grading and drainage plan is on file with the town, the established historic grade may be accepted in-lieu of the engineered plan, based on general information available, including (when appropriate), a site inspection of the property by the town. In making a determination regarding established historic grade, the Town may, when the Town determines necessary, require submission of current surveyed elevations of the property and other adjacent properties; or may require submittal of an engineered grading and drainage plan.

Appurtenances mean the visible, functional, or ornamental objects accessory to and part of a building.

Aquifer recharge area means an area where water is absorbed into a natural aquifer adding to the zone of saturation.

Arcade means a covered walkway with arches along one or both sides

Area light means a light that produces over 2,050 lumens. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights.

Area of lot means the total horizontal area within the lot line boundaries of a lot.

Area of special flood hazard means the area covered by the floodwaters of the base flood, and are typically delineated on National Flood Insurance Program (NFIP) maps.

Assisted Living or Congregate Care means a residential facility that provides meals and assistance with daily activities, such as dressing, grooming, and bathing, for the elderly or adults who are unable to manage these activities themselves.

Attached Wireless Telecommunications Facilities means wireless telecommunications facilities that are attached to buildings.

Automatic timing device means a device that automatically controls the operation of a light fixture or fixtures, circuit or circuits. Photocells and light and or motion sensors should be considered automatic-timing devices.

Automotive repair, (major) means an establishment primarily engaged in the repair or maintenance of commercial and heavy truck motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, provided it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.

Automotive repair, (minor) means an establishment primarily engaged in the repair or maintenance of passenger and light truck motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, car washing, detailing, polishing or the like, provided it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.

Average foot-candle means the level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground.

Awning means a fixed or movable roof-like cover of canvas or other material extending in front, side or back of a doorway or window, or over a deck, to provide protection from the sun or rain.

Awning sign means a sign which is painted, stitched, sewn or stained onto the exterior of an awning.

Banner means any sign intended to be hung either with or without frames, possessing characters, letter, illustrations or ornamentations applied to paper, plastic, vinyl or fabric of any kind.

Bar or tavern means an establishment providing or dispensing fermented malt beverages, and/or malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood, and is a standard used by the National Flood Insurance Program (NFIP).

Base Flood Elevation is the computed elevation to which floodwater is anticipated to rise during the base flood as shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles from FEMA and NFIP.

Bike route : Designated portions of the roadway for the preferential or exclusive use of bicyclists.

Bike lane : Shared portion of the roadway that provide separation between motor vehicles and bicyclists, such as paved shoulders.

On-street bikeways : These are paved segments of roadways that serve as a means to safely separate bicyclists from vehicular traffic.

Beacon, revolving means a rotating or blinking source of light or electronic simulation of a revolving source of light.

Bed and breakfast mean an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.

Berm means an earthen barrier of compacted soils preventing the passage of liquid materials or providing screening from adjacent uses.

Bikeway means a path designed for use by bicyclists, which may be used by pedestrians.

Bike lane means a dedicated lane of a street intended for use by bicycles.

Billboard means a sign advertising product not made, sold, used, or served on the premise displaying the sign.

Blank wall means an exterior building wall with no openings and a single material and uniform texture on a single wall plane.

Block means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands, or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

Board means the governing body of the Town of Keenesburg; also known as the Town of Keenesburg Board of Trustees.

Board of Adjustment means the Town of Keenesburg Planning Commission acting as the Board of Adjustment.

Boarding and rooming house means a building or portion of which is used to accommodate, four or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building.

Bollard means a pole used to protect a building from impact or to close a road or path to vehicles above a certain width.

Brew pub, Distillery pub or Limited Winery means:

1. A brew pub as defined in C.R.S. § 12-47-103(4);
2. A distillery pub as defined in C.R.S. § 12-47-103(7.3); or
3. A limited winery as defined in C.R.S. § 12-47-103(15)

Building means any permanent or temporary structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:

1. Is permanently affixed to the land,
2. Has one or more floors and/or four or more exterior walls and a roof.

Building code(s) means the set of regulatory adopted standards that must be followed in the construction and remodeling of buildings and

structures.

Building envelope means the two-dimensional (horizontal) space within which a building or structure is permitted to be built on a lot. The size of a building envelope is typically defined by setbacks, easements, and floor-area ratio.

Building frontage or Building Face means the horizontal, linear dimension of that side of a building, which abuts a street, a parking area, a mall, or other circulation area open to the public and has either a main window display or a public entrance to the building.

Building Façade is the front exterior or main entrance of a building

Building height is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof.

Building Official means a person or persons charged with implementing and enforcing provisions of the Building Code.

Bulb means the source of electric light - to be distinguished from the whole assembly (See Luminaire).

Backlight For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.

BUG The acronym, "BUG" (Backlight, Uplight, and Glare) was developed by the Illuminating Engineering Society (IES) and the International Dark Sky Association in order to calculate the light escaping in unwanted directions from an outdoor light fixture...Forward light (Glare), Backlight, and Up-light.

Bus or Taxi Terminal means an off-street premises that is used for the parking or storage of buses or taxis and the loading or unloading of passengers

Bus Sign means a sign placed upon a transit bus that is owned or operated by, or on behalf of the Town pursuant to a written agreement in which the Town which sets forth the regulations for the size, content, placement, design, and materials used for such sign. A bus sign is not a "portable sign."

Bus Stop Sign means a sign that is located on a bench or shelter within the public right-of-way or on private property adjacent to public right-of-way at a bus stop, pursuant to a written agreement with the Town, that sets forth the terms for the size, content, placement, design, and materials used in the construction of the sign, bench, or shelter.

Business means any lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease or exchange of goods and/or the provision of services.

Business Premises means the land, site, or lot at which, or from which, a business is principally conducted, including off-street satellite parking areas or vehicle storage areas that are associated with the business and approved by the town.

Business Services means a business that is primarily engaged in rendering support services to other businesses, such as advertising and mailing, commercial photography, janitorial services, and temporary labor services. Uses that are included within the phrases "office, general," "light industry," or "retail sales and services" (e.g., attorneys, accountants, contractors, or office supply shops), are not included within the phrase "business services"

Campground means a development that has been planned, improved, or used for the placement of tents for transient occupancy, and which may include recreational amenities such as pools, playgrounds, fishing, boating, or hiking. Campgrounds may also include spaces for parking recreational vehicles; however, if the use provides only for the parking of recreational vehicles (and not for the placement of tents), it is classified as "RV Park."

Capacity means the maximum demand that can be accommodated by a community facility without exceeding the adopted level of service.

Cemetery means a place in which there is provided space either below or above the surface of the ground for the interment of the remains of human bodies. The term "cemetery" does not include private family burial sites.

Commercial Equestrian Facility means a boarding stable, riding school or academy, riding arena, or exhibition facility for horses, donkeys, or mules, but not facilities that are associated with residential or agricultural uses and solely for the private use of the residential or agricultural landowner or lessee. Commercial equestrian facilities typically include barns, stables, corrals, riding arenas, or paddocks.

Commercial Lodging, Business or Tourist means a building or group of buildings in which six or more guest rooms are used to provide accommodations for transient guests for compensation. The use may also include services such as small-scale meeting rooms, business centers (personal computers, fax machines, and printers for guest use), food service for guests, and recreational facilities such as swimming pools and fitness centers.

Commercial Lodging, Convention means a building or group of buildings in which 100 or more guest rooms are used to provide accommodations for transient guests for compensation, and meeting rooms, ballrooms, exhibit halls, and / or banquet rooms are arranged to facilitate the hosting of conventions or conferences. Such uses may also include restaurant facilities and recreational facilities.

Commercial Vehicle means: Any motor vehicle, trailer, or semi-trailer that:

1. Is designed or used to carry freight, other vehicles, equipment, passengers for a fee, or merchandise in the furtherance of any business enterprise; and
2. Has a gross weight of more than 10,000 pounds;
3. Any step van or truck that is designed for commercial moving or parcel delivery services;
4. Any truck that is used for mobile retail sales (e.g., ice cream, lunches);
5. Any vehicle with more than four wheels that is used for business purposes;
6. Any trailer that is used to haul machinery, supplies, or equipment for business purposes (horse trailers, boat trailers, motorcycle trailers, RV trailers, and car trailers put to personal use are not included in the definition);
7. Any trailer that is used for commercial hauling (e.g., waste, junk, or lawn clippings), or commercial moving services;

8. Any vehicle which has permanently mounted outside brackets or holders for ladders, tools, pipes, or other similar equipment, unless such vehicle is used for on-call emergency services contracted by the town or other governmental entity

Community Facilities means capital improvements provided by the Town of Keenesburg or another governmental entity including, but not limited to facilities for providing:

1. water service, wastewater service, fire protection, emergency rescue services, public schools, parks, stormwater management, power, and transportation, that are required by this title to be adequate and available as a condition of development approval.

Compact Car means any vehicle that does not exceed 15 feet in length (measured from bumper to bumper) and five feet, nine inches in width

Crematorium means a facility for the burning of corpses, human or animal, to ashes, either as a principal use or as an accessory use.

Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials, or narcotics.

Day Care, Adult or Child (Small) means:

1. A facility, whether non-profit or for-profit, that provides care, social services, protection, and supervision for up to 20 adults who are not related to the owner, operator, or manager thereof, on a regular basis away from their primary residence for less than 24 hours per day; or
2. A facility, by whatever name known, that is maintained for the whole or part of a day for the care of five to 16 children who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The phrase "day care, child (small)" includes, but is not limited to, facilities commonly known as day-care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, specialized group facilities (except as covered by Section 18.02.06.03, Home Child Care), preschools, day camps, summer camps, and centers for developmentally disabled children, and those facilities that give twenty-four-hour care for children, and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school. The phrase "day care, child (small)" does not mean:
3. A kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool program (operated pursuant to article 28 of title 22, C.R.S.); or
4. Any of the child care uses of the home that are enumerated in Section 18.02.06.03, Home Child Care.

Day Care, Adult or Child (large) means:

1. A facility, whether non-profit or for-profit, that provides care, social services, protection, and supervision for 21 or more adults who are not related to the owner, operator, or manager thereof, on a regular basis away from their primary residence for less than 24 hours per day; or
2. A facility, by whatever name known, that is maintained for the whole or part of a day for the care of 16 or more children who are less than 18 years of age, and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The phrase "day care, child (large)" includes, but is not limited to, facilities commonly known as day-care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children, and those facilities that give twenty-four-hour care for children, and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school. The phrase "day care, child (large)" does not mean:
3. A kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool program (operated pursuant to Article 28 of Title 22, C.R.S.);
4. Any of the child care uses of the home that are enumerated in Section 18.02.06.03, Home Child Care; or
5. Residential childcare facilities, as defined in § 7.701.2.G., 12 CCR 2509-8, Division 18.02.06 Business Use of the Home

Childcare, Home means: Child care uses within dwelling units (hereinafter "home child care uses") that are listed in this subsection. Such uses require a major home occupation permit. Specialized group homes, as defined below;

1. Family child care homes and including:
2. Three (3) under two (2) family child care homes;
3. Family child care homes with infant/toddler licenses;
4. Experienced child care provider; and
5. Large child care homes

Exceptions. The following child care uses are allowed without a permit in all dwelling units, provided that all licenses (if any) that are required by state law (see 12 CCR 2509-8) are obtained prior to establishment of the use, and thereafter maintained:

1. Specialized group homes that are licensed to provide care for three or more children pursuant to C.R.S. § 26-6-102(10), but that are providing care for three or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.
2. Exempt family child care home providers, as defined in C.R.S. § 26-6-102(12);
3. Foster care homes, as defined in C.R.S. § 26-6-102(14); and
4. Licensed host family homes, as defined in § 7.701.21., 12 CCR 2509-8.

Standards. In addition to any state regulatory requirements, the following standards apply to the home child care uses that are subject to this Section:

1. The operator of the home child care use shall reside on the subject property.
2. The home child care use shall not generate, in excess of levels customarily found in residential neighborhoods, any noise that is noticeable at or beyond the property line of the premises upon which the home child care use is located.
3. No additional off-street parking shall be created on the subject property for the home child care use.
4. Commercial vehicles shall not be parked or stored on the subject property.
5. Home child care uses that serve more than five children who are not related to the operator shall be spaced from each other so that there are not more than two such facilities fronting on the same street segment, or within 500 feet along the street in both directions, whichever distance is shorter.

Maximum Number of Children. The number of children that may be cared for in a home child care use is limited by the applicable state license or statutory definition and not this code.

Dependent Unit means a recreational vehicle that is dependent on service buildings containing toilets, bath, and laundry facilities

Determination of Adequacy means a determination that each community facility will be available concurrent with the impacts of a proposed development at the adopted levels of service, or will be available subject to certain conditions. A determination of adequacy is made by Town Board, the Planning Commission, or a Staff decision-maker that is vested with authority to review and render a final approval of an application for development approval.

Development means any of the following:

1. Use of Land. The use of any building, structure, land, or water. This includes new uses or accessory uses, expansions of existing uses or accessory uses, and material changes to the operational characteristics of existing uses or accessory uses.
2. Construction, Demolition, or Changes to Buildings or Structures. The demolition, construction, or modification of buildings or structures, except interior changes that do not:
3. Increase floor area,
4. Increase residential density; or
5. Require a traffic study pursuant to the Town of Keenesburg code
6. Clearing, Grading, Re-Grading, Cutting, Filling of Land, and Other Disturbance or Alteration. Land clearing in anticipation of construction of infrastructure, structures, or buildings for non-agricultural purposes and re-construction or regrading of a previously approved site improvement, and any other disturbance of land, soil, vegetation, floodplains, or waterways, but not including agriculture, irrigation ditch or reservoir improvements or maintenance, gardening, or routine maintenance of landscape areas.
7. Division, Subdivision, or Plat. Any division, subdivision, or platting of land for construction of infrastructure, structures, or buildings, for sale, or for lease, whether by metes and bounds, platting, or other technique.

Development Agreement means a written agreement between the applicant and the town, which contains such conditions and requirements regarding the completion and / or operation of a proposed development.

Disposal means facilities for the disposal of non-nuclear waste or fill. The term includes solid waste disposal sites and facilities, as defined by C.R.S. § 30-20-101; and hazardous waste disposal sites, as defined by C.R.S. § 25-15-200.3

Dumpster means a large metal commercial trash disposal container designed for commercial type waste.

Easement means any platted or designated easement dedicated to the town by plat or otherwise, whether or not it has been used as such, which the public, the town and / or the public utilities are entitled to use without interference for a specified purpose. Where an easement is granted to the public for a specified purpose, the grant of said easement shall vest in the town and / or the public utilities rights including but not limited to, the right to conduct certain operations and to perform all necessary maintenance thereon; and "without interference" shall mean that persons are prohibited from constructing fences or structures of any kind, or installing landscaping or anything else that interferes with the town's ability to access, operate, install, and maintain any town facility within said easement. Easements for specified purposes include, but are not limited to access easements, drainage easements, landscape easements, postal easements, and utility easements

Glare: Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Edge Lot means a lot within a subject property that is located such that its side or rear lot line is also a boundary of the subject property

Environmentally Sensitive Area means an area with one or more of the following characteristics:

1. Slopes in excess of 20 percent;
2. Floodplain;
3. Soils classified as having a high water table;
4. Soils classified as highly erodible, subject to erosion, or highly acidic;

5. Land incapable of meeting percolation requirements;
6. Land formerly used for landfill operations or hazardous industrial use;
7. Fault areas;
8. Stream corridors;
9. Estuaries;
10. Mature stands of native vegetation;
11. Aquifer recharge and discharge areas;
12. Significant habitat for wildlife; or
13. Any other area possessing environmental characteristics similar to those listed above.

Existing Curb means the present location of:

1. The curb of the street; or
2. The edge of the pavement in locations where the street does not have a curb.
3. Distances measured from the existing curb shall be measured from the side of the curb that is closest to the property line (a.k.a. the "back of the curb")

Farm or Ranch means apiaries, crop production, silviculture, raising livestock, raising and milking dairy cows or goats, horticulture, floriculture, aquaculture, or viticulture; which may include facilities for the sale of honey, produce, flowers, or dairy products produced or grown on-site. The phrase "farm or ranch" includes composting and produce stands as accessory uses. The phrase "farm or ranch" does not include the phrases "intensive agriculture" or "community garden."

Farmers Market means an occasional or periodic open air market where items such as fresh produce, seasonal fruits, and fresh flowers are offered for sale directly to the consumer. A farmers market may also include accessory sales of value-added food products such as jams, jellies, pickles, sauces, or baked goods, arts and craft items, and prepared food and beverages. The phrase "farmers market" does not include the sale of second-hand goods or commercially produced or packaged goods.

Footcandle: The unit of measure expressing the quantity of light received on a surface. One foot-candle is the illuminance produced by a candle on a surface one square foot from a distance of one foot.

Fully shielded luminaire: A luminaire constructed and installed in such a matter that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part

Fueling, Charging or Service Station means a building, land area, or other premises used for the retail dispensing or sales of vehicular fuels; Level 3 DC fast-charging of electric vehicles; towing of automobiles and light trucks (but not storage of inoperable automobiles or light trucks); or the sale and installation of lubricants, tires, batteries, brakes, mufflers, and similar vehicle repairs and accessory installations.

1. The phrase "service station" does not include collision centers or facilities that provide transmission repair, engine overhauls, or repair of commercial vehicles. A fueling, charging or service station may include a retail store that sells goods and services, but primarily ready-to-eat food products (not intended for on-premises consumption), groceries, or sundries.

Funeral Home means an establishment that is used principally for:

1. Human funeral services;
2. Embalming and the performance of other services used in the preparation of the dead for burial;
3. The performance of autopsies and other tests or surgical procedures on human remains.
4. In addition to these functions, funeral homes may also store caskets, funeral urns, hearses and other vehicles used in funeral processions. A funeral home may also include a crematorium as an accessory use, provided the crematorium has no more than one incinerator

Grading means any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades. The term "grading" does not include agricultural operations, routine maintenance (e.g., clean-out) of stormwater systems, or maintenance (either routine or periodic major maintenance) of irrigation ditches or reservoirs.

Ground Cover means landscaping that remains near the surface of the ground. Ground cover does not include the foliage crown of trees, weeds, or non-living materials.

Group Home means a dwelling unit in which six or more individuals live together (but not more than one who is required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended) and receive supportive services and are supervised by persons who live in the

residence. A Group Home does not house more than twelve residents, including supervisory personnel, but not including any children of a resident who are under the age of two years. Except for Group Homes for Juvenile Offenders, "group homes" does not include Detention Facilities.

Group Home for Developmentally Disabled Persons. A state-licensed Group Home serving not more than eight persons, exclusively for the care of persons with developmental disabilities, as defined and regulated by the Colorado Department of Human Services, Division for Developmental Disabilities Services, and the Colorado Department of Public Health and Environment.

Group Home for Elderly Persons. A Group Home of up to eight persons who are 60 years of age or older who do not require medical attention associated with a residential health care facility. Group Homes for Elderly Persons are either: (1) licensed as an assisted living residence or alternative care facility by the Colorado Department of Public Health and Environment; or (2) certified as an adult foster care facility by the County.

Group Home for Juvenile Offenders. A Group Home that is licensed or certified by the State of Colorado, housing residents placed by the County or the Colorado Department of Human Services, Division of Youth Corrections, for purposes of rehabilitation, special care, supervision, or treatment for social, behavioral, or disciplinary problems. A Group Home for Juvenile Offenders does not have more than 14 residents, plus additional required staff.

Group Home for Mentally Ill Persons. A state-licensed Group Home serving not more than eight persons exclusively for the care of persons with mental illness, as defined and regulated by the Colorado Department of Public Health and Environment.

Heavy Motor Vehicle Sales or Rental means the sale or rental of commercial vehicles, recreational vehicles, boats, manufactured homes, or construction vehicles at the location where inventory is stored. The phrase "heavy motor vehicle sales or rental" includes outdoor storage of such vehicles for brokers. Not included in the definition are:

1. Brokering of commercial or construction vehicles that are stored off-site and delivered directly to customers (a general office use)

Indoor storage of commercial or construction vehicles for brokers who are located off-site (a light industrial or heavy logistics use, depending upon the volume of sales).

Heavy Motor Vehicle Service means:

1. Repairs to passenger vehicles, such as body repair, paint, upholstery, engine replacement or reconditioning, air conditioning replacement, tire recapping, and custom body work, but not including installation of audio, video, and navigation systems and services that may be provided at fueling, charging, or service stations (unless such services are provided in addition to services that are categorized as heavy motor vehicle service); and
2. Any type of repairs to commercial vehicles, recreational vehicles, boats, or construction vehicles

Holiday Decoration means a temporary decoration that is customarily and commonly associated with federal, state, local, or religious holidays, which contains no commercial message

Home Occupation means a business that is conducted from a dwelling unit by a resident of the dwelling unit, which is limited in extent and incidental to the use of the dwelling unit as a residence. The phrase "home occupation" does not include the phrase "family child care home" or the phrase "bed and breakfast."

Hospital means an institution that is licensed, certified, or approved as a "hospital" by the Colorado Department of Public Health and Environment, where sick or injured persons are given medical care and, in the course of same, are housed overnight, fed, and provided nursing and related services. The term "hospital" also includes related facilities such as laboratories, out-patient facilities, training facilities, central service facilities, and staff offices.

Independent Unit means a manufactured home or recreational vehicle that is not dependent on service buildings containing toilets, bath, and laundry facilities.

Indirect lighting with respect to signage, means that illumination of a surface is provided by an external light source that is directed at and reflected from the surface.

Indoor Amusement, Recreation or Entertainment means uses that provide amusement and recreational activities indoors (except sexually-oriented businesses, and bars, taverns, or nightclubs), including, but not limited to:

1. Bowling alleys;
2. Escape rooms;
3. Game arcades (e.g., video games, skee ball, and comparable amusement machines);

4. Indoor playgrounds (may include conventional playground equipment, inflatables, trampolines, rock climbing walls, zip lines, and comparable equipment);
5. Indoor skating rinks (ice or roller);
6. Laser tag;
7. Local area network ("LAN") gaming centers;
8. Pool / billiard rooms;
9. Shooting arcades (but not indoor firing or gun ranges);
10. Indoor archery ranges; and
11. Recreation Centers
12. **Indoor Firing or Gun Range** means the use of a building for the discharging of firearms for the purposes of target practice. Excluded from this use type are amusements that simulate shooting but do not involve potentially lethal projectiles (e.g., laser tag, foam darts, etc.) which are classified as "indoor amusement, recreation, or entertainment."

Industrial Hemp means the plant of the genus *cannabis* and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis.

Intensive Agriculture means:

1. Concentrated animal feeding operations ("CAFOs") of any size, as defined by 40 C.F.R. § 122.23, Concentrated Animal Feeding Operations;
2. Concentrated aquatic animal production facilities, as defined by 40 C.F.R. § 122.24, Concentrated Aquatic Animal Production Facilities;
3. Any use where animals are tightly confined in buildings or outdoor pens or pastures with more than one animal equivalent unit per acre, including feedlots, hog farms, and poultry operations; or
4. Any other agricultural use that is required to obtain a discharge permit under the Federal Clean Water Act because of animal wastes.

Irrigation Canals and Ditches means man-made waterways that are used for the conveyance of water rights, generally for irrigation purposes, and their associated rights-of-way.

Jurisdictional ("USACE") or Non-Jurisdictional Wetlands means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophyte vegetation.

Kennel (indoor) or Pet Store means an indoor facility (with no outdoor components) in which four or more household pets of the same species are temporarily housed, groomed, bred, boarded, or trained, and may also be incidentally treated for medical conditions. The phrase "kennel (indoor)" includes for-profit facilities; as well as not-for-profit or public facilities at which abandoned or rescued animals are housed and offered for adoption. Kennels may also sell animals.

Kennel Outdoor means a facility in which four or more household pets of the same species are temporarily housed, groomed, bred, boarded, or trained, and may also be incidentally treated for medical conditions. The facility includes an outdoor component, such as dog runs. The phrase "kennel (outdoor)" includes for-profit facilities; as well as not-for-profit or public facilities at which abandoned or rescued animals are housed and offered for adoption. Kennels (outdoor) may also sell animals.

Landscape means to cover, adorn, or improve property with living plants (such as trees, shrubs, vines, grass or flowers), loose natural materials (such as rock, wood chips, or shavings), decorative man-made materials (such as patterned paving materials, fences, walls, fountains, or pools), or land contouring. "Landscape" does not include improving property with artificial trees, shrubs, turf, or other artificial plants.

Letter of Completion means evidence issued by the town's building division that construction authorized by a building permit has been substantially completed where:

1. Uses are not determined at time of building permit application and the building permit authorizes construction of core and shell only; or
2. The permit authorizes an expansion or remodel for an existing use, with no change in use.

Level of Service means an indicator of the extent or degree of service provided by, or proposed to be provided by, a community facility based upon and related to the operational characteristics of the community facility or the capacity per unit of demand for the community facility.

Limited Use means a land use that is approved administratively upon a finding of compliance with specific standards that pertain to the use, as well as the generally applicable standards of this code as adopted by the town of Keenesburg.

Liquor Store means a business that sells alcoholic beverages, including distilled spirits or hard liquor, for off-premises consumption. The phrase "Liquor Store" includes businesses that are licensed pursuant to C.R.S. 12-47-401, et seq., as retail liquor stores or liquor-licensed drug stores. The phrase "liquor store" does not include a business that sells only beer or wine for off-premises consumption.

Live-Work Unit means building or portion of a building that combines a dwelling unit with an integrated workspace that is principally used by one or more of the residents of the dwelling unit.

Marijuana means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. The term "marijuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana Use means:

1. A medical marijuana center;
2. A medical marijuana-infused product manufacturer;
3. An optional premises cultivation operation;
4. A medical marijuana testing facility; or
5. A retail marijuana use.

Mature Stands of Vegetation means established stands of native trees, shrubs, and other vegetation at a mature stage of development, in a continuous corridor along a drainage, in clusters grouped together, or scattered (as in a floodplain or hogback setting).

Medical Marijuana Center means an entity licensed by the state of Colorado to sell marijuana and marijuana products pursuant to Article XVIII, Section 14 of the Colorado Constitution and the Colorado Medical Marijuana Code.

Medical Marijuana-Infused Product Manufacturer means a manufacturer of medical marijuana-infused products, licensed pursuant to C.R.S. § 12-43.3-404.

Medical Marijuana Testing Facility means a facility that performs testing and research on medical marijuana for medical marijuana licenses.

Minimize Adverse Impacts means, to avoid, whenever reasonably practicable, adverse impacts to wildlife resources, the environment, or the public health, safety or welfare from said operations, to minimize the extent and severity of those impacts that cannot be avoided, to mitigate the effects of unavoidable remaining impacts, and to take into consideration cost-effectiveness and technical feasibility with regard to actions and decisions taken to minimize adverse impacts.

Motor Vehicle Wash means any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation (e.g., as an accessory use to Fueling, Charging, or Service Station), or as a stand-alone operation, of any type, on a commercial basis.

Motorcycle, Scooter, or ATV or Rental means the sale or rental of motorcycles, scooters, snowmobiles, or ATVs at the location where inventory is stored. The phrase "motorcycle, scooter, or ATV sales or rental" includes outdoor storage of motorcycles, scooters, snowmobiles, or ATVs for off-site brokers. The phrase does not include:

1. Brokering of motorcycles, scooters, snowmobiles, or ATVs that are stored off-site and delivered directly to customers (a general office use); or
2. Indoor storage of motorcycles, scooters, snowmobiles, and ATVs for brokers who are located off-site (a light industrial or heavy logistics use, depending upon the volume of sales).

Nonconforming Building means any building that was lawfully constructed before the effective date of this code, that does not conform to the minimum setback, dimensional, or design regulations of this adopted code for the zone in which such building is located, or to the building due to applicable limited or conditional use standards, either on the effective date or as a result of a subsequent amendment of this code.

Nonconforming Parking means any surface or structured parking lot that was lawfully constructed before the effective date of this code, that does not conform to the applicable standards

Nonconforming Structure means any structure (other than a sign) that was lawfully constructed before the effective date of this code adoption, that does not conform to the regulations of this code that apply to the structure, either on the effective date or as a result of a subsequent amendment of this code.

Nonconforming Use includes any lawfully established land use on a subject property, whether within a building or otherwise, that does not conform to the use regulations of this code for the zone in which such use is located, either on the effective date of this code as a result of subsequent amendments that may be incorporated into the code.

Nursery or Greenhouse Wholesale means the use of land, buildings, or structures for the propagation and cultivation of trees, shrubs, ornamental plants, flowers, herbs, fruiting plants, and vegetable plants for sale to landscaping contractors or retailers, or for use by a specific entity for its own landscaping purposes. The phrase "nursery or greenhouse, wholesale" may include, as an accessory use:

1. The provision of landscaping services in addition to the propagation and cultivation activities; or
2. The sale and delivery of garden tools and equipment, planting pots, mulch, rock, soil, sand, pavers, garden ornaments, and related products to landscaping contractors.

Nursing Home means a State-licensed group living facility regulated as a skilled nursing facility, as defined in C.R.S. § 26-4-103(11). The phrase "nursing home" also includes convalescent centers and memory care facilities, and continuing care communities in which 15 percent or more of the residents (at capacity) receive nursing care. The phrase "nursing home" does not include "group home for the elderly."

General Office means buildings from which professional, administrative, financial, clerical, brokering, real estate, and limited technical services are provided. The phrase includes, but is not limited to, the following types of businesses:

1. Accounting, auditing and bookkeeping;
2. Advertising and graphic design (but not mailing services, which are classified as "business services");
3. Architectural, engineering, and surveying services;
4. Attorneys and court reporters;
5. Banks, savings and loans, credit agencies, and investment companies;
6. Brokering of motor vehicles, commodities, and other items where the thing brokered is not stored on-site for any length of time;
7. Business incubators (unless the businesses being incubated are classified as another type of use, such as light industry);
8. Computer programming and data recovery services;
9. Corporate headquarters;
10. Data processing and word processing services;
11. Detective agencies;
12. Government offices;
13. Insurance;
14. Interior design;
15. Real estate sales and off-site rental offices;
16. Research and development (not including on-site manufacturing or fabrication, and not including marijuana uses);
17. Retail catalog, internet, and telephone order processing, but not warehousing; and
18. Virtual office services.

Medical Office means office space used for the examination or treatment of patients on an outpatient basis (with no overnight stays by patients), generally by appointment, by such professionals as:

1. Chiropractors, licensed massage therapists, and acupuncturists;
2. Dentists;
3. Medical doctors (physicians, pediatricians, obstetricians, gynecologists, radiologists, geriatricians, general and specialist surgeons, podiatrists, ophthalmologists, anesthesiologists, etc.);
4. Midwives;
5. Nutritionists and homeopaths;
6. Optometrists;
7. Occupational therapists, physical therapists, or speech therapists;
8. Psychiatrists, clinical psychologists, clinical social workers, and marriage and family therapists;
9. Physiatrists, physiotherapists, orthotics, prosthetics, recreational therapists, audiologists, respiratory therapists, rehabilitation counselors, prosthetic technicians, and personal care assistants; and
10. Other comparable health care professionals.

The phrase "Medical Office" includes medical laboratories to the extent necessary to carry out diagnostic services for the medical office's patients.

Outdoor Assembly Area means an improved facility, not within a building, that is designed to accommodate and provide a place for natural persons to congregate, and is capable of being reasonably occupied by 50 or more natural persons at any one time. The phrase "outdoor assembly area" does not include the front, side, or rear yards of residential lots.

Outdoor Commercial Recreation or Amusement means an outdoor entertainment facility that includes such facilities as batting cages, mini-golf, bumper cars, bumper boats, go-cart racing, water slides, or the use of land as for mock war games that involve paintball equipment or similar equipment that generally involves the use of safety gear such as goggles or vests. Outdoor commercial amusement may also include indoor or outdoor areas with games, food service, and incidental retail uses (e.g., souvenir shops) that are subordinate to the principal outdoor amusement uses. The phrase "outdoor commercial amusement" includes outdoor archery range but does not include "outdoor firing or gun range."

Outdoor Firing or Gun Range means the use of land for the discharging of firearms for the purposes of target practice or skeet and trap shooting. The phrase "outdoor firing, gun, or archery range" does not include hunting or indoor firing or gun ranges.

Outdoor Stadium, Arena, Amphitheater or Drive-In Theater means an outdoor area surrounded by tiered rows of seats or benches, designed for the viewing of sporting events, rodeos, equestrian events, livestock exhibitions, concerts, or other organized entertainment. Drive-In Theater means an area of land that includes one or more large outdoor screens or other structure for the display of motion pictures and an area for parking automobiles from which the motion pictures are viewed. The use may also include concession sales and outdoor seating areas.

Outdoor Storage means storage of materials, merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or chattels of any nature that outside of a building, regardless of how long such materials are kept on the premises. The phrase "outdoor storage" does not include:

1. Outdoor displays of items for sale to the general public, such as new and used cars, recreational vehicles, boats, or landscape and building materials, where such sales are permitted in the zone in which the subject property is located; or
2. The storage of wrecked or inoperable vehicles (see "salvage yard"); or
3. Parking of operable passenger motor vehicles.

Parks (Active) means uses that provide active recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are generally not commercial in nature. The phrase "parks (active)" includes areas for active recreational activities including, but not limited to:

1. Sports fields, tennis courts, and outdoor racquetball or squash courts;
2. Outdoor swimming pools and splash parks; and
3. Other active recreation-oriented parks, including pickleball.

Parks (Passive) means uses that provide passive recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are generally not commercial in nature. The phrase "parks (passive)" includes areas for passive recreational activities including, but not limited to:

1. Jogging, cycling, lot-lots, fitness trails, playgrounds;
2. Arboretums, wildlife sanctuaries, forests, and other natural areas which may be used for walking or hiking; or
3. Other passive recreation-oriented parks, including picnic areas.

Park Trail: These are multipurpose trails located within greenways, parks or natural resource areas. The focus is on recreational value and harmony with the natural environment.

1. **Connector Trail** : These are multipurpose trails that emphasize safe travel for pedestrians to and from parks and around the community. The focus is as much on transportation as it is on recreation
2. **Equestrian trail** : Trails developed for horseback riding which are usually a loop trail located in larger parks and natural areas. Sometimes developed as multipurpose with hiking and all-terrain biking where conflicts can be controlled.

Passenger Motor Vehicle Sales or Rental means the sale or rental of passenger vehicles at the location where inventory is stored. The phrase "passenger motor vehicle sales or rental" includes outdoor storage of passenger vehicles for brokers. Not included in the definition are:

1. Brokering of passenger vehicles which are stored off-site and delivered directly to customers (a general office use);
2. Indoor storage of passenger vehicles for brokers who are located off-site (a light industrial or heavy logistics use, depending upon the volume of sales);
3. Passenger motor vehicle rental locations that have not more than five rental vehicles stored on-site at any one time (a retail sales and services use).
4. Pawnbroker means a business that is regulated by C.R.S. § 12-56-101, et seq., that:
 - a. Regularly contracts to advance money to customers on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price and within a fixed period of time, has the option to cancel the contract; or

- b. Purchases tangible personal property that has not previously been sold at retail in the course of its business of reselling tangible personal property.

Public Access Easement means any platted or designated strip of land that is dedicated to the public by plat or otherwise for purposes of vehicular, pedestrian, or bicycle access or travel over, including ingress and egress to, or from, another parcel of property, whether or not it has ever been used as such. All public access easements dedicated or granted do not relieve the property owner of maintenance responsibilities of the property unless otherwise approved by the town.

Pedestrian Easement means the designated property where the general public is entitled to travel on foot or by other non-motorized methods, including but not limited to, skis, bicycles, skateboards and roller blades, unless otherwise prohibited by official traffic control devices or ordinances.

Private Access Easement means any property designated by plat or otherwise, which one or more persons, but not the general public, has the right to use for purposes of vehicular or pedestrian access or travel over, including ingress and egress to, or from, another parcel of property and the surface of which is not maintained by the town.

Personal Services means a business that is engaged in the provision of informational, instructional, personal improvement, personal care, or similar services within an enclosed building, including but not limited to:

1. Art or music schools;
2. Beauty and barber shops;
3. Boxing or kickboxing instruction;
4. Cooking instruction;
5. Driving schools;
6. Fitness centers;
7. Handicraft or hobby instruction;
8. Laundry and dry-cleaning retail outlets;
9. Martial arts instruction;
10. Portrait shops or photography studios;
11. Shoe repair;
12. Swim instruction;
13. Tailor/alterations shops; or
14. Yoga instruction.

Pit means any natural or man-made depression in the ground used for oil or gas exploration or production purposes. A pit does not include steel, fiberglass, concrete, or other similar vessels that do not release their contents to surrounding soils. The word "pit" shall include, without limitation and as applicable, "production pits," "special purpose pits," "reserve pits," "multi-well pits" and "drilling pits," as these are defined in the COGCC Regulations.

Place of Assembly means a building in which people assemble for civic, educational, religious, or cultural purposes. This use includes facilities used for worship; meeting halls; event centers; fraternal organizations; and private clubs

Prison or Jail means a facility for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. The facility may also be established in conjunction with a law enforcement or public safety building, established for the temporary detention of adult or juvenile persons while being processed for arrest or detention by law enforcement

Recording or TV Studio means a facility for the recording and production of audio or video material, such as the recording of music, voice, video, for live broadcast or post-production.

Recycling Collection Center means a location for the collection of clean materials for reuse or recycling, such as aluminum cans, glass, or paper, for transport to another location for reuse or recycling. The phrase "recycling collection center" does not include the phrase "salvage yard" or "outdoor storage."

Redevelopment means renovation, modification, or reconstruction of a subject property in which:

1. An existing conditions study has found four (4) or more factors of blight as determined by state statute
2. The Town Board of Keenesburg has found such blighted area in need of public and private reinvestment

3. The Town Board of Keenesburg has identified an area to be blighted and in need of reinvestment

Restaurant means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state, and where the design or principal method of operation includes one or both of the following characteristics:

1. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
2. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.
3. A restaurant may include outdoor eating areas. Fermented malt beverages, and/or malt, special malt, or vinous and spirituous liquors may be produced on the premises as an accessory use pursuant to applicable alcohol beverage licenses.

Restaurant, Fast Food means an establishment engaged in the sale of pre-prepared or rapidly prepared food or beverages to customers in a ready-to-consume state, for consumption either within the restaurant building, outside but on the premises, or off the premises, and which may include a drive-in or drive-through facility. The design or principal method of operation involves two or more of the following characteristics:

1. The elimination, in whole or in part, of table service, thus requiring customers to place orders at the counter where the orders are filled;
2. Service of food in edible containers or in paper, plastic, foil or other disposable containers; or
3. Insufficient facilities for on premises consumption of the total volume of food sold by the establishment.

Retail Marijuana Use means:

1. "retail marijuana cultivation facility," which is an entity that is licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
2. "retail marijuana products manufacturing facility," which is an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
3. "retail marijuana store," which is an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.
4. "retail marijuana testing facility," which is an entity licensed to analyze and certify the safety and potency of retail marijuana, pursuant to C.R.S. § 12-43.4-101, *et seq*

Retail Sales and Services means a use involving the sale, lease, or rental of consumer, home, and business goods to consumers. Such uses include but are not limited to department stores, furniture stores, clothing stores, second-hand stores, thrift shops, consignment stores, and establishments providing the following products or services: antiques, appliances, art, art supplies, beauty supplies, bicycles, books, building supplies, magazines and newspapers, craft supplies, copies, costumes, dry goods, electronics, fabric, framing, games, garden supplies, gifts, groceries, hardware, head shops, home improvement goods, household products, jewelry, lumber, music, musical instruments, office supplies, party supplies, pet supplies, pharmaceuticals, phones, photography equipment, produce, sporting goods, stationary, temporary signs, toys, and videos; and new automotive parts and accessories. The phrase also includes services such as charitable donation collection centers, coin laundries, installation of electronics (e.g., audio systems and navigation systems) into motor vehicles, passenger motor vehicle rentals provided that not more than five rental vehicles are stored on-site at any time, picture framing, real estate offices that are open for walk-in traffic; repairs of products sold by the establishment (e.g., a computer store may also repair computers), repairs of consumer electronics, tattoo parlors, and comparable services.

1. The phrase "Retail Sales and Services" does not include uses that are classified or defined more specifically in this Code, including but not limited to Restaurants (all types); Sexually-Oriented Businesses; Retail Marijuana Uses; Pawnbrokers, Convenience Lending, and Liquor Store. Retail sales and services uses are generally conducted indoors.

Right-of-Way means a strip of land dedicated to the public, the town and / or public utilities which have been constructed or will be constructed, for public transportation, drainage, or utility improvements including but not limited to street paving, curb and gutter, sidewalks, bicycle lanes, and buried or overhead utilities

Rooming House means a building with sleeping rooms and shared kitchen and living areas (usually designed like a single-family detached residence) used to accommodate, for compensation, four, but not more than eight people who are not related by blood, marriage, adoption, or legal guardianship.

RV Park means a development that has been planned, improved, or used for the parking of recreational vehicles for transient occupancy, and which may include recreational amenities such as pools, playgrounds, fishing, boating, or hiking.

Salvage Yard means any establishment that is maintained, used, or operated for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Salvage yards are also referred to by Colorado law as "automobile graveyards." See C.R.S. § 43-1-502.

Commented [NC4]: ?

School, Elementary or Middle means a school that provides general full-time educational curriculum for two or more grades from Kindergarten through eight.

School, High means a school that provides general full-time educational curriculum for grades nine through twelve.

School, Vocation or Trade means an educational facility that primarily teaches skills that directly prepare students for jobs in a trade or profession. Examples include, but are not limited to, art schools, business colleges, trade schools, beauty schools, and secretarial colleges

Self-Storage means a facility that provides individual storage compartments within a building for household or commercial goods. Storage spaces may be accessed from interior hallways or individual outside doors or overhead doors. This use may include quarters for one or more persons employed by and residing at the self-storage facility for the purpose of on-site management and security.

Semi-Nude means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

Sensitive Uses means single family detached dwelling units, duplex dwelling units, schools, child care facilities, medical care facilities (including hospitals, clinics and nursing facilities), or other comparable uses that may be materially impacted by noise, truck traffic, pollution, and ground vibration.

Sexually-Orientated Business means any of the following:

1. **Adult Arcade** means any commercial establishment or private club where, for any form of consideration, one or more still or motion picture projectors, slide projectors, video displays, or similar machines, or other image producing machines, for viewing by five or fewer persons per machine at any one time, are used to regularly show films, motion pictures, digital images or video, video cassettes, slides, or other photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas.
2. **Adult Cabaret** means a nightclub, bar, restaurant, concert hall, auditorium, or other commercial establishment or private club which regularly features or presents live adult entertainment.
3. **Adult Motel** means a hotel, motel or similar commercial establishment which:
 - a. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital images or video, slides, or other photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials which are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction; or
 - b. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
 - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
4. **Adult Motion Picture Theater** means a commercial establishment or private club, where for any form of consideration, films, digital images or video, motion pictures, video cassettes, slides or similar photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials are regularly shown characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas. An establishment meeting the definition of an adult arcade, above, is not an adult motion picture theater.
5. **Adult Theater** means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear nude or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.
6. **Sexual Encounter Center** means a business or commercial establishment or private club that offers, for the purpose of sexual arousal, pleasure, gratification, or abuse, for any form of consideration, a place where two or more persons may congregate, associate, or consort and observe, view, participate, or engage in specified sexual activities or expose specified anatomical areas.
7. **Sexually-Oriented Retail Establishment.** A commercial establishment that devotes a significant or substantial portion of its business to any one or more of the following:
 - a. The sale, rental or viewing, for any form of consideration, of books, magazines, periodicals or other printed matter or photographs, films, motion pictures, digital video, video cassettes, slides or other photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials which are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas;
 - b. The sale or rental of instruments, devices, or paraphernalia which are designed for use or marketed primarily for engaging in specified sexual activities; or is characterized by a one or more of the following:
 - i. A significant or substantial portion of its stock in trade consists of the items listed in sexually orientated items
 - ii. A significant or substantial portion of its revenues is derived from the rental or sale of sexually orientated items
 - iii. A significant or substantial portion of its floor space, shelf space or storage space is devoted to items of a sexually orientated nature

- iv. A significant or substantial portion of its advertising is devoted to the items of a sexual nature

Sidewalk means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

1. **Interconnected network** . A sidewalk network that interconnects all dwelling units with other dwelling units, non-residential uses, and common open space shall be provided throughout each development. Sidewalks and/or walkways shall be separate and distinct from motor vehicle circulation routes. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping and other street furniture where appropriate.

Sidewalks required . In all zone districts, except for the AG: Agricultural or T: Transition districts, sidewalks are required along both sides of a street. In areas featuring a rural street cross-section, trails may replace sidewalks.

Sidewalk width . Sidewalks shall be a minimum of five feet wide when adjacent to local streets; a minimum of five feet wide along collector streets; and a minimum of eight feet wide along arterial streets. If a detached sidewalk is installed it must be at least four feet in width. Sidewalks adjacent to storefronts in commercial areas shall be ten to 15 feet in width or consistent with the average sidewalk width on a block if building in an area with existing sidewalks.

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

Sidewalk materials . Sidewalks shall be constructed of concrete, concrete containing accents of brick, or some combination thereof that is compatible with the style, materials, colors, and details of the surrounding buildings. Concrete sidewalks four to six feet wide shall be a minimum of four inches thick and concrete sidewalks crossing driveways shall be a minimum of six inches thick. Asphalt shall not be used for sidewalks.

Sidewalks must be constructed of approved materials of sufficient strength to support light maintenance vehicles. If used as a secondary emergency access, sidewalks must also be able to support the weight of fire apparatus.

Sidewalk installation . Sidewalks and related improvements shall be installed or constructed by the applicant, land owner or developer in accordance with plans and specifications approved by the Town and, after installation or construction; they shall be subject to inspection, approval and acceptance by the Town.

1. **Accessibility** . Sidewalks and walkways shall be accessible to disabled individuals as required by this Code and the Americans with Disabilities Act.

Walkways . Walkways are sidewalks within a park setting or connections through any subdivision that allow easier access between areas. Within a park setting a walkway shall be at least six feet in width. When cutting through a subdivision a walkway shall be at least six feet in width and located within dedicated open space of not less than 20 feet in width and shall be flanked with appropriate landscaping. Walkways along buildings and within parking lots shall be raised and curbed where suitable. A direct pedestrian connection to building entries, public space and parking areas shall be provided from public sidewalks. Walkways shall be constructed of the same materials as sidewalks; except that walkways internal to asphalt surfaced parking lots may be of asphalt construction. Walkways crossing driveways in parking lots shall be clearly delineated by a change in pavement color, texture, or paint striping.

Shelter for Victims of Domestic Violence means a facility providing social services in a protective living environment operating twenty-four hours per day and seven days per week, that receives, houses, counsels and otherwise serves victims of domestic violence, as that term is defined in C.R.S. § 18-6-800(3), and their dependents. Such facility may include day care, professional, administrative, and security staff that serve residents only.

Storage Yard means a location for outdoor storage of:

1. Operable equipment and materials for off-site processing, construction projects, or right-of-way maintenance; and / or
2. Recreational vehicles, boats, trucks, commercial vehicles, and passenger vehicles.

Street includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

Street Frontage means a property line that abuts a public right-of-way that provides public access to or visibility to the premises.

Street Maintenance means activities performed for the upkeep and repair of the town's streets, including but not limited to patching, crack sealing, seal coating, overlaying, resurfacing, and reconstruction.

Street, Part Width means the dedication of a portion of a street, usually along the edge of a subdivision, where the remaining portion of the street is anticipated to be dedicated as the result of another subdivision.

Private Street means a private way for sidewalk, right-of-way, and utility installations, and including the suffixes "street," "avenue," "drive,"

"circle," "place," "court" or other similar designations, generally intended for use by specified adjacent property owners, public utilities, emergency services, and town operations, including town inspections.

Public Street means a public way for sidewalk, right-of-way, and utility installations, being the entire width from lot line to lot line, and including the suffixes "street," "avenue," "drive," "circle," "place," "court" or other similar designations.

Street, Temporary or No Outlet or Dead End means a street segment that does not connect to another street, but that will connect to another street when the town obtains the right-of-way for such connection.

Structure means anything other than a building that is constructed, erected, or installed, the use of which requires more or less permanent location on the ground, and the form of which extends above or below ground, including, but not limited to fences, walls, gazebos, playground equipment, satellite dishes or antennae, telecommunications towers, swimming pools, and flag poles. Notwithstanding anything to the contrary in this definition, the word "structure" does not include grade changes (e.g., berms), streets, sidewalks, parking lots or spaces, hardscapes, play court surfaces, irrigation ditches, or reservoirs.

Surface Owner means any person having title or right of ownership in the surface estate of real property or any leasehold interest therein.

Surface Parking means an area of land that is designated for the parking of passenger motor vehicles in parking spaces, the related parking aisles, the landscaped areas that are surrounded by parking spaces and parking aisles, and the landscaped areas at the corners of the paved areas insofar as their inclusion in the surface parking area gives it a regular shape. Surface parking uses may include level 3 DC fast-charging stations as an accessory use. The phrase "surface parking" does not include driveways on individual residential lots, nor does it include individual garages or carports. Surface parking that is a principal use of property is not related to a specific land use on the same parcel.

Top of Wall means the uppermost point of the vertical exterior surface of a building wall, except that with respect to parapet walls, the "top of wall" is the top of the parapet wall or three feet above the roof, whichever is closer to established grade.

Town Engineer means the Town Engineer within the Public Works Department, or his or her designee.

Town Manager means the Town duly appointed Town Administrator or his or her designee.

Tree Lawn means a vegetated strip of planted land between the sidewalk and curb.

University or College means an educational institution that is authorized by the State of Colorado or other nationally recognized accrediting entity to award associates' or higher degrees.

Unightly Area(s) means any one or more of the following:

1. Outside areas where machinery or vehicles are repaired, stored and/or serviced (but not including surface parking lots);
2. Outside trash receptacles;
3. Loading docks;
4. Outside storage areas; and
5. Utility cabinets or boxes.

Utility Easement means a right to use property for the installation, operation, maintenance, modification, repair, or replacement of water, wastewater, storm drainage, electrical, gas, or communication lines and facilities.

Video Arcade means a retail establishment containing coin-operated or pay per use video games.

Veterinarian (Large Animal) means an animal hospital or clinic that provides medical care services for large animals, livestock, or wild animals, including but not limited to: horses, cows, bison, elk, deer, llamas, alpacas, sheep, goats, chickens, turkeys, ducks, and pigs.

Veterinarian (Small Animal) means a use in which medical care is provided for household pets. The phrase "veterinarian (small animal)" does not include medical care for wild animals or livestock.

Waste Transfer Station means the use of land or a facility, regardless of name or title, to unload solid waste from vehicles, and, with or without intermediate processing such as compaction, sorting, or shredding, subsequently re-load the waste onto other vehicles for delivery to another transfer site, storage site, or disposal site. In addition to transferring solid waste, a waste transfer station may also include facilities

for drop-off of recyclable materials (e.g., waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded clothing or shoes, cardboard, and other discarded household materials), where the materials are sorted, temporarily stored, and then shipped in bulk to other locations for processing.

Wetland means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wildlife Habitat Areas and Corridors means areas and corridors containing natural vegetation and providing food, nesting, resting, and cover habitat for wildlife. Wildlife habitat areas and corridors are often associated with major drainages, such as the Big Thompson River and other tributaries throughout Keenesburg and their related uplands. Important habitat also includes lakes, ponds, some reservoirs, and other water bodies; foothills, hogbacks, ridgelines, bluffs, and other unique topographic or geologic features; mature stands of vegetation; sites identified by the Colorado Natural Heritage Program as having high biodiversity significance (rare and imperiled plants and animals, and significant natural communities) and mapped as "Potential Conservation Areas" (PCAs); and areas identified by Colorado Parks and Wildlife as important wildlife habitat.

Zoo means a place where live animals are kept and exhibited to the public. The animals may also be studied, given medical treatment, and bred. The term "zoo" does not include uses that sell animals.

In addition to these said definitions, all definitions in the Town of Keenesburg in the Town of Keenesburg municipal code apply. If an applicable definition is not in the above standards then the most applicable definition from the Town of Keenesburg shall apply.

Landscape Standards

Parks, Trails, and Open Space, and Landscape Requirements

Intent. The intent of the standards for Parks, Trails and Open Space is to assure a safe, convenient, and attractive open space, parks and trail access for all community members of Keenesburg.

1. **Purpose of Chapter:**
2. The purposes of the parks and landscaping standards that are set out in this section are to preserve, protect, and enhance the character of the Town of Keenesburg by:
 - a. Ensuring that development in the Town has a balance of buildings, paved areas, and landscaping and open space that is consistent with the intended character of the zone in which the development is located
 - b. Buffering land uses that tend to be less compatible in the community
 - c. Creating well-landscaped, high-quality views within the Town
 - d. Creating areas of connection between residents and the natural environment
 - e. Anchor buildings to the landscape
 - f. Enhance and preserve biodiversity
3. Encourage alternative modes of travel by:
 - a. Creating deciduous tree-lined streets that offer species habitat
 - b. Enhance the user experience
 - c. Creating safe accessible routes from one segment of town to another
 - d. Separate differing modes of transit
4. Preserve, protect, and enhance the environmental quality of the Town by:
 - a. Using landscape materials to clean the air, slow runoff, and prevent soil erosion by wind and water
 - b. Reducing the "Urban Heat Island" effect that is created by large areas of exposed impermeable surfaces
 - c. Promoting landscape designs that conserve energy and water resources
 - d. Preserving or replacing native grasses, valuable mature trees, and other desirable vegetative cover.
5. Protect and enhance property values and land use compatibility by:
 - a. Buffering street frontages and zone boundaries
 - b. Buffering certain land uses from each other
 - c. Landscaping parking lots and open space areas
6. **Landscape Plan:** All Landscape plans required to be submitted to the Town of Keenesburg shall be created by a licensed Landscape Architect Engineer, Architect in the State of Colorado in compliance with CRS 12-130-105.3; exceptions may be granted to this at the Town of Keenesburg's sole discretion. Landscape plans shall contain a full plant list and clear symbols illustrating proposed plants, plant groupings and hydro-zones where applicable. Landscape plans shall be submitted to the Town at the same time as the proposed development. Landscape Plans shall include:
 - a. Building foundation plantings
 - b. Parking lot landscape plantings
 - c. Parks, Open space, and Community Attraction plantings
 - d. Trail plantings
 - e. Landscape Architect stamp, unless otherwise granted by the Town
7. **Plant materials.** The minimum planting sizes on all required landscaping shall be two-inch caliper deciduous trees, one and one-half inch caliper ornamental trees, six foot tall evergreen trees and five gallon shrubs.
 - a. Plants shall be healthy, well-branched vigorous stock with a growth habit normal to the species and variety and free of diseases, insects and injuries. A variety of plant species should be installed to prevent the spread of disease.
 - b. All plants shall conform to standards for measurements, grading, branching, quality, ball and bur lapping as stated in the current edition of the American Standard for Nursery Stock, American Association of Nurserymen, Inc., (AAN-ASNS) and the Colorado Nursery Act of 1965 (CNA).
 - c. Plants shall be no more than 24 inches in height when located in a sight distance triangle.
 - d. Weed Control shall be the continual responsibility of the owner during all phases of land clearing, construction and operation.
 - i. Every effort shall be made to prevent the spread of noxious and invasive plants
8. **Pocket Park.** Should a developer choose to provide and maintain a pocket park per Town standards, that park shall be open to the general public and credited as part of the development's open space requirements. Pocket parks are typically 1-2 acres in size and are intended to serve the needs of the immediate residents or customers of the adjacent businesses. When possible, pocket parks are to be maintained by developer, metro district or Homeowner's association, as long as the park serves the public and is open at non-differential hours to the public. Where appropriate community gardens and community garden partnerships are encouraged as part of pocket parks.
 - i. Community gardens shall be maintained by partner programs, such as a non-profit, or formalized neighborhood group(s). The Town shall not be responsible for the maintenance and upkeep of a community garden.
9. **Linear Park.** Linear parks are typically located alongside a ditch right of way and/or trail designed to connect one activity generator to another. They are intended to be a minimum of one hundred (100) feet in width or fifty (50) feet from the center line of the ditch with landscaping and 8-foot bikeways along ditch rights-of-way. Linear parks are intended to provide easy access to smaller parks by serving the needs of residents or regional trail users. Linear parks are designed to be well maintained, inviting and functional. When possible, Linear parks are to be maintained by developer, metro district or Homeowner's association, as long as the park serves the public and is open at non-differential hours and access to the public. Fencing is not a desirable feature of Linear Parks.

Commented [NC1]: I made this revision to the title clarify that landscape requirements (see e.g., Section 6) are not just applicable to parks, trail and open space, but also to private developments within the Town.

Commented [TH2]: Need to tie down what is required at State level certified vs. registered and be able to describe what the difference is for final definition.

Commented [NC3]: What are examples of when this wouldn't be possible?

This standard gives room for a developer, district, or HOA to argue maintenance obligations are not possible, and thus shirk the responsibility. Does the Town desire to mandate maintenance? If so, the phrase "when possible" should be removed.

"When possible" is used frequently throughout, and has the effect of limiting the developer obligation.

10. **Neighborhood park.** Neighborhood parks serve the residents of several neighborhoods. Neighborhood parks are to be located on or near arterial streets, and within easy access to residential development, parking is required as part of the park development. The developer shall dedicate land and build the park including all improvements. Neighborhood parks are intended to be dedicated to and maintained by the Town; however, they may be maintained by the developer, metro district, homeowners association or similar entity as long as the park serves the public and is open at non-differential hours and access to the public. Neighborhood parks maintained by entities other than the Town of Keenesburg shall have a long-term maintenance agreement of the neighborhood park in place with the Town prior to construction of the park. A neighborhood parks shall:
- Be at least 10-12 acres in size
 - Be centrally located
 - Function to provide variety of passive and active recreation opportunities
 - Provide ADA accessible route whenever possible
 - When possible, its service areas should be uninterrupted by physical barriers such as non-residential roadways
 - Be accessible by sidewalks, trails, bikeways or other means of public transit
 - Meet all parking requirements set forth by the Town of Keenesburg
 - Provide a variety of recreational amenities for residents
 - Incorporate active and passive areas of recreation
 - Incorporate recreation amenities for a variety of age and ability groups
 - Where possible neighborhood parks are encouraged to be located next to an elementary school
 - Meet all irrigation requirements of the Town of Keenesburg
 - Provide safe and efficient lighting in areas of public gathering, parking and transit
 - Light pollution shall be mitigated when lit facilities are located adjacent to residential property(ies).
 - Within ½ mile of residential development
 - Recreational programming is encouraged to minimize impact on existing and proposed residential development
 - Where appropriate community gardens and community garden partnerships are encouraged as part of Neighborhood parks.
 - Community gardens shall be maintained by partner programs, such as a non-profit, or formalized neighborhood group. Such group or non-profit shall submit a formalized maintenance agreement to the Town. The Town shall not be responsible for the maintenance and upkeep of a community garden.
11. **Community Park.** Community parks serve a broader purpose than the other park types listed above. Community parks focus on meeting community and regional recreation needs as well as preserving unique landscapes and open space. They should maintain a balance between programmed sports activities and other community activity areas such as community gardens, historic features, performance areas, gathering spaces, etc. Regional-Community parks are intended to be dedicated to and maintained by the Town. When possible, community parks may be maintained by developer, metro district or Homeowner's association, as long as the park serves the public and is open at non-differential hours and access to the public. Community parks maintained by entities other than the Town of Keenesburg shall have a long-term maintenance agreement of the community park in place with the Town prior to construction of the park. Community parks shall:
- Be at least 35-50 acres in size
 - Provide passive and active recreation opportunities, with a focus on active recreation
 - Meet all parking requirements set forth by the Town of Keenesburg
 - Meet all irrigation requirements set forth by the Town of Keenesburg
 - Include active and passive recreation space for a variety of users
 - Provide ADA accessible route whenever possible
 - Incorporate a variety of amenities differing age and ability ranges
 - Be accessible by sidewalks, trails, bikeways or other means of public transit
 - Provide safe and efficient lighting in areas of public gathering and transit
 - Light pollution shall be mitigated when lit facilities are located adjacent to residential property(ies).
 - Provide appropriate signage as deemed appropriate by the Town for the proposed uses
12. **Trails.** Trail systems are to link neighborhoods, parks, schools, open spaces, employment centers, community facilities and neighboring communities. Trail systems shall provide safe and efficient alternative means of travel between neighborhoods, zoning districts, open spaces, parks and community attractions. When possible, trails are to be maintained by developer, metro district or Homeowner's association, as long as the trail serves the public and is open at non-differential hours and access to the public. Trails maintained by entities other than the Town of Keenesburg shall have a long-term maintenance agreement of the trails in place with the Town prior to construction of the trail. Trails shall:
- Trails and bikeways within a development are to be dedicated and maintained by the Town. If the Trail or Bikeway provided is maintained by an entity other than the Town, the Trail and/or Bikeways shall be open to the public and remain open at non-differential hours.
 - Dedicated Trails Shall:
 - Be no less than 10' wide
 - Be covered in either crusher fines or non-permeable hard weather surface, such as concrete or asphalt, or other Town approved material
 - Shall be ADA accessible
 - Promote the connectivity of parks and open space between zoning designations
 - Provide safe and energy efficient lighting promoting the safe travel of pedestrians and/or bicyclists
13. **Regional open space.** Regional open space includes drainage ways, floodplains, natural areas, natural area buffer zones, wetlands, agriculture areas, lands of archeological or historic significance, public conservation easements and undeveloped open space. Public access to these areas will generally be limited to trails, educational programming and activities of a similar public nature. When possible, regional open space may be maintained by developer, metro district or Homeowner's association, as long as the regional

Commented [NC4]: Conflicts with statement below.

Commented [NC5]: Conflicts with statement above. Does the Town desire to own and maintain its trail systems?

Commented [NC6]: What about outdoor recreation activities, generally?

open space serves the public and is open at non-differential hours and access to the public. Regional open space maintained by entities other than the Town of Keenesburg shall have a long-term maintenance agreement of the regional open space in place with the Town prior to conservation, preservation or construction of amenities within the regional open space.

- a. Regional open space may be permitted to preserve viewsheds and/or view corridors to preserve significant views of natural features, historic features, wildlife corridors or areas of significance as determined by the Town Administrator.
- b. At the Town's discretion, a natural resource management plan may be required for open space.

14. **Storm drainage facilities.** Storm drainage facilities, including stormwater detention, may function as open space for active recreation, trail corridors, or habitat enhancement areas if they are designed and constructed to support those recreational uses. Drainage, grading and design of storm drainage facilities must be approved by the Town Engineer for safe and adequate recreational usage before they may be credited towards the open space requirement. Storm drainage facilities utilized for park and open space requirements shall meet the design criteria set forth by the Town for parks.

15. **Public access.** Public access shall be provided to all public open space, natural and developed, directly from the public street and trail system. Pocket parks and plazas shall be integrated into the neighborhood design and be accessible to pedestrians and bicyclists. Vehicular and bike parking shall be provided for all parks with the exception of pocket parks; bicycle parking shall be provided for all pocket parks. All public open space shall meet all requirements set forth by the American Disability Act and meet all requirements set forth by the Town of Keenesburg.

16. **Buffering.** Appropriate buffering, per Table 5A - Buffering Requirements, and setbacks shall be used between environmental resources and proposed and/or existing developments, areas of historic designation and areas of environmental hazard to ensure that the proposed development does not impact the pre-existing conditions of the adjacent site(s). Developers shall provide an open space buffer zone around all-natural areas, areas of hazard and areas of historic designation unless otherwise authorized by the Town. Areas required to have buffer between zones will be required to provide additional landscaping consisting of 1 Tree per 100', 5 shrubs per 50'. All proposed plant species shall meet the requirements set forth by the Town of Keenesburg. Buffer areas are required to be maintained by the developer per an ownership and maintenance agreement to be executed with the Town of Keenesburg. Areas designated for buffering shall meet the requirements below:

| Zoning Designation | Residential (R1, R2, R3) | Commercial (CBD, CH) | Industrial (I, HI) |
|---------------------------|----------------------------------|----------------------------------|----------------------------------|
| Environmental Hazard | Per CDPHE & Federal Requirements | Per CDPHE & Federal Requirements | Per CDPHE & Federal Requirements |
| Historic Designation Area | 8 ft. minimum | 12 ft. minimum | 15 ft. minimum |
| Zone Transitions | 10 ft. minimum | 15 ft. minimum | 20 ft. minimum |
| Other Applications | As approved by Town | As approved by Town | As approved by Town |

17. **Ownership and maintenance of Parks and Open Space.** Generally, the Town shall own and maintain community parks, regional neighborhood parks, buffer yards and public trails. If the open space, trails, bikeways, parks, or community area is maintained by an entity other than the town, such area shall have open non-differential access to the public. The following provisions apply to all parks and open spaces:

- a. When possible, public open space and parks, plazas, detention areas and private recreational facilities shall be owned and maintained by a homeowners' association, metro district or the developer as long as the area intended to serve the public is open at non-differential hours and access to the public.
- b. Environmentally sensitive, archaeological and historic resources may be dedicated to and maintained by the Town at Town's discretion.
- c. Stormwater detention and retention areas that function as open space shall be owned and maintained privately, unless otherwise approved by the Town.
- d. Areas designated as open space shall be maintained according the designated function of the area. Applicants shall develop and submit a management plan which addresses irrigation, revegetation, erosion control, and weed management. If the area is to remain in private ownership, a mechanism which will assure long-term maintenance must be in place at the time of final plat.
 - i. At its discretion the Town of Keenesburg may require a natural resource management plan for open space areas

18. **Plant Replacement.** Generally, dead or unhealthy plants shall be immediately replaced with the size and type of plants required on the site development plan and by this code. However, replacement of plants may be delayed up to 1 year whenever the Town determines that:

- a. Extenuating circumstances, beyond the owner's control, prevent the immediate replacement of the dead or unhealthy plants. Circumstances shall be deemed extenuating by the Town of Keenesburg at the Town's discretion.

19. **Invasive Species, Disease, and Pests.**

- a. **Invasive Species.** All invasive species shall be removed from property proposed for development, substantial improvement, or redevelopment. All developed property shall be kept free of invasive species.
 - i. Invasive species are defined as species identified on the State of Colorado Noxious and invasive weed list(s).
- b. **Disease and Pests.** Any tree that poses a threat to other trees or plants in the community, because of epidemic disease (such as Dutch Elm disease, Emerald Ash borer, Pine Beetle, etc...) shall be treated as quickly as possible to control the spread of the issue to the rest of the community.

Commented [NC7]: Isn't it true that at least some regional open space will be dedicated to and maintained by the Town?

Commented [NC8]: Is there a way to refer to this document more specifically? (by its title, perhaps?)

Commented [NC9]: Also applicable to parks?

Commented [NC10]: Above it says the developer will maintain. What would the Town prefer?

Commented [TH11]: Make consistent with other sections

Commented [NC12]: This conflicts with other statements in the document. The document should be clear regarding ownership and maintenance responsibilities; otherwise, the Town may not be able to claim ownership or require a developer to maintain these properties.

Commented [NC13]: Are these resources considered open space that would go toward developer open space requirement?

1. Diseased species undergoing treatment shall be monitored on a regular basis so as to prevent the further spread of disease. Active Disease monitoring is highly encouraged in areas of high visual significance and or visual character for the Town.
 - ii. Species identified as diseased with communicable diseases, such as the emerald ash borer, shall be reported to the Town of Keenesburg and County Pest Management upon confirmation.
20. **Required Warranty.** The owner shall guarantee all plant material installed to be in healthy condition (free of dead or dying branch tips; bearing foliage of normal density, size, and color; and closely matching adjacent specimens of the same species) for a term of two years. The warranty term commences on the date of acceptance of installed plant materials. Where work is accepted in phases, the warranty terms will be contingent upon each phase.
 - a. During the required warranty term, the owner shall replace, without cost to the Town, all plants determined by the Town to be dead or in a condition that does not meet the standards of this Code. Replacements shall be made within a specified planting period, as soon as weather conditions allow. Replacements shall meet the minimum specifications of the materials replaced.
21. **Extension of Warranty Term.** Replacement plants shall be guaranteed for a new warranty term. In the event that a replacement plant dies or is not in a healthy condition during or at the end of said new warranty term, the Town may require that a different genus, species, or type of plant material be installed.
 - a. In the event a specified tree in the landscape is deemed as posing a disease, health or safety risk for the surrounding community.
22. **Landscape Structures.** All fences, walls and similar structures shall be maintained in good condition by the developer. Chipped paint, missing fence pieces, leaning or fallen portions of a fence, or other signs of deterioration shall be immediately repaired, refinished, or replaced as appropriate per maintenance plan submitted to Town of Keenesburg.
 - a. All installed landscape structures shall meet construction specifications, and safety codes to protect the health, safety and welfare of the Town.
 - b. All installed landscape structures in public space shall be inspected by the Town prior to dedication to the Town or release of development bonds.
23. **Irrigation.** Areas dedicated to and accepted by the Town as parks and open space shall require irrigation in accordance with Town of Keenesburg irrigation requirements of this code. Irrigation plans submitted to Town shall be created by a licensed Landscape Architect, Engineer or certified Irrigation Specialist; exceptions to this may be granted to this at the Town of Keenesburg's discretion.
 - i. An irrigation plan is required to be submitted with the Development plan
 - ii. All planted areas with live plants (except areas that are left undisturbed) shall be equipped with an irrigation system that will provide sufficient water to maintain the plants in a good and healthy state.
 - iii. Where the Town has approved phased installation of landscapes, the installation of irrigation systems may also be phased accordingly.
 - iv. Where irrigation is installed in phases, final acceptance on behalf of the Town will be tied to each phase.
- b. **Plans.** Site development plans with plants grouped by their water needs shall show the type of irrigation in each landscape area or irrigation zone (e.g., pop-up or drip) and the point of connection to the water supply (including tap size).
 - i. For irrigation plans showing plants grouped by water requirements, a table must be shown included with the submittal showing the water requirements for each planted area.
 - ii. All other site development plans shall include notes regarding irrigation in compliance with Town of Keenesburg municipal code.
- c. **Irrigation System Requirements.** Whenever there are 2,000 sf. or more of planting areas on a subject property, whether or not the planting areas are contiguous, the subject property shall have an underground, permanent irrigation system capable of meeting the typical watering requirements of all the plant materials on the subject property.
 - i. Whenever there are less than 2,000 sf. of planting areas on a subject property, there shall be at least one reliable water source available during the growing season. The hose bib or other water source shall be within not more than 50 feet from the border of the planting areas.
 1. Perpetual maintenance plan or formal agreement must be submitted to the Town of Keenesburg at time of plan submittal.
 - ii. Temporary irrigation is permitted to establish plantings in areas generally of low pedestrian volume, visual significance or areas of native grasses. A mowing or long-term maintenance plan of the area must be submitted with the request for temporary irrigation.
 1. A final inspection of the site shall be completed by the Town to determine the healthy establishment of plantings before temporary irrigation may be discontinued by the developer.
- d. **Irrigation System Design.**
 - i. Whenever possible irrigation systems shall be designed to avoid overspray onto non-living and impervious surfaces.
 - ii. Sprinkler systems shall be designed to minimize misting and overspray by all means possible.
 - iii. Subsurface and/or drip irrigation systems are highly encouraged in shrub bed areas.
 1. Where subsurface and/or drip irrigations systems are used shrub density may be less and at a density of 1 shrub per 15 feet. Except in the CH and CBD zones, unless otherwise specified by the town. Plantings in the CH and CBD zone shall be 1 shrub per 10 feet.

Commented [NC14]: This provision, along with section 21, would have the effect of causing the warranty to expire if no replacements were needed (which replacements would cause the warranty term to be extended).

In other words, if the initial plantings did not need replacing during the 2-year warranty period, the warranty as to those initial plantings would expire, and no new replacements would be required of the developer, at least at the developer's cost. Is that the intent?

Section 18 above states: "Generally, dead or unhealthy plants shall be immediately replaced with the size and type of plants required on the site development plan and by this code." But, if out of warranty, the Town may need to pay the cost.

Commented [NC15]: Typically, "Town of Keenesburg," when not otherwise specified, would mean approval by the Board of Trustees, particularly when the item requires discretion; is that the intent?

Comment is intended to be generally applicable to other sections, as well.

Commented [NC16]: Not mandatory. Is that the intent?

24. **Irrigation System Maintenance.** All irrigation systems shall be maintained, per an approved maintenance plan, ~~and~~ in good working order.
- Soil amendments: the landscape installer must certify that soil amendments have been installed in accordance with the requirements of this Section and in accordance with submitted plans.
 - 5% or greater of organic material must be worked into the top 6 inches of disturbed soil in all planting bed areas.
 - Soil amendments that are appropriate for the intended plant materials, design of the site, and soil conditions shall be selected and installed.
 - The following schedule specifies the minimum soil amendment requirements per 1,000 square feet of landscape area:
 - Bluegrass and High-Water Plantings: 3 cubic yards
 - Shrubs, Perennials and Moderate to Low-Water Plantings: 2 cubic yards
 - Xeric and Very Low-Water Plantings: 1 cubic yard or comparable treatment
 - Dryland and native grassland re-establishment areas: no required treatment. Plants must be irrigated until fully established.
 - Temporary irrigation may be permitted in dryland and native grassland areas at the Town's discretion.
25. **Open space protection.** Areas designated as open space shall be protected by ~~conveyance dedication~~ to the Town as provided on the plat, deed restriction or other appropriate method to ensure that they remain open and cannot be subdivided or developed in the future without additional approval of the Town and Board of Trustees.
- Functional open space includes:**
 - Areas within the community designated for the common use of the residents of an individual development and/or the community at large
 - Areas designated for preservation and protection of natural area including floodplains, natural drainage ways, wetland areas, areas of significant wildlife habitat, areas of environmental interest
 - Areas such as detention ponds may be designated as functional open space if the space provides:
 - High visibility signage warning of quick flooding
 - Open space 1 acre or larger with less than a 2% overall slope
 - Grade of the side slopes is less than 3:1
26. **Park and Open Space Dedication Requirements:** All developments require a dedication of land towards Town of Keenesburg ~~for use as~~ parks and open space. The purpose of this requirement is to ensure all residents have easy access to recreational amenities. In the case of smaller developments, under ten units, a cash-in-lieu option may be accepted at the discretion of the Town of Keenesburg. At the ~~town's~~ ~~Town's~~ discretion, cash in lieu ~~collected for parks and open space~~ may be used for trail and bikeway trail acquisition and development. Dedicated open space shall be located with a ½ mile of residential development; ~~however~~, this requirement may be waived with larger residential developments at the discretion of the ~~town~~ ~~Town~~. Open space requirements per designated zone are outlined below in Park and Open Space Requirement – Table 5B.

| | Residential (R1, R2) | Residential (R3, MF) | Commercial (CBD, CH) | Industrial (I1, HI) | FZ, AG, E |
|---------------|----------------------|----------------------|----------------------|---------------------|-----------|
| 15-20 units | ½ Acre open space | ½ Acre open space | ¼ Acre open space | n/a | n/a |
| 21-50 units | ½ Acre open space | ¾ Acre open space | ½ Acre open space | ¼ acre open space | n/a |
| 51-100 units | 1 Acre open space | 1 Acre open space | ½ Acre open space | ½ acre open space | n/a |
| 101-150 units | 1 Acre open space | 1 Acre open space | 1 Acre open space | 1 acre open space | n/a |
| 150-200 units | 2 Acres open space | 2 Acres open space | 1 Acre open space | 1 acre open space | n/a |
| 200+ units | 3 acres open space | 3 acres open space | 2 acres open space | 2 acres open space | n/a |

Approved and Prohibited Plant Lists

27. **Generally.** All proposed plants must be on the approved plant list as maintained by the Town of Keenesburg. Prohibited plants shall not be approved or installed, and the Town may require their removal ~~as a condition to development approval or issuance of building permit~~.
- Applicants may request for consideration of plants which are not listed be included on the approved, and the ~~town~~ ~~Town~~ may approve them and add the approved planting list at its discretion. Plants outside of the approved planting list must show they are non-invasive, adaptable to site requirements, disease resistant, appropriate for the site and of low water usage.
28. **Approved Plant List.**
- The Town shall maintain a list of approved plants in the following categories:
 - Street Trees (deciduous trees with a mature height that is generally more than 35 feet, planted between the street side curb and the sidewalk, typically in the public right-of-way)
 - Large Trees (deciduous trees with a mature height that is generally more than 35 feet)
 - Small Trees (deciduous trees with a mature height that is generally 35 feet or less)
 - Evergreen Trees (conifers or other evergreens with a mature height of more than 20 feet)
 - Shrubs (perennials or evergreens with a mature height of at least three feet)
 - The Town may further classify the approved plant list according to:
 - Locations where approved plants are appropriate or not appropriate
 - Level of water usage
 - Growth Habit

Commented [NC17]: Limiting: Consider just stating "and the Town may require their removal." That way, the Town may require their removal at any time, whether as a condition of development approval/BP, or otherwise, if that's the intent.

- iv. Branching Structure
 - c. Plants may be added to the approved planting list if the Town finds that they are appropriate for planting in consideration of:
 - i. Climate zone, including microclimate
 - ii. Growth habit
 - iii. Invasiveness
 - iv. Lifespan
 - v. Habitat; and its capability of providing habitat to wildlife
 - vi. Hardiness (resistance to disease and harmful insects)
 - vii. Leaf litter
 - viii. Structural & Branching strength
 - ix. Watering needs & drought tolerance
 - x. Promote the health, safety and welfare of the Town
29. **Prohibited Plant List.** The following plants are not allowed in the Town, and shall be removed, at the developer's cost, during development or redevelopment if they are present on the subject property:
- a. Plants that are identified as noxious, invasive, or prohibited in Keenesburg by the United States or the State of Colorado;
 - b. Plants that are identified on the State of Colorado's list of noxious weeds and species identified by the State of Colorado as invasive
30. **Substitution of Plant Types**
- a. The Town may allow substitution of plants if:
 - i. The substituted species will be more suitable for the environment of the site
 - ii. The ~~substitution~~ substitution will not compromise the growth, survival rate, root growth area or disease resistance of any of the adjacent species
 - iii. ~~Strict adherence to the the code requirements set forth herein is not practical for the proposed site due to unique circumstances~~
31. **Environmental considerations.** Landscapes shall use the following xeriscape design principles to promote water conservation:
- a. Well-planned planting schemes
 - b. Appropriate turf selection to minimize the use of bluegrass
 - c. Use of mulch to maintain soil moisture and reduce evaporation
 - d. Placement of plant materials according to capitalize on their microclimatic needs and water requirements
 - e. Efficient irrigation systems that reduce spray over
 - f. Proper maintenance and irrigation schedules
 - g. Group plantings of similar water requirements together
 - h. All landscapes shall strive to maximize the use of native species. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and noninvasive may be used.
32. **Biodiversity.** Landscapes shall consist of a variety of species that enhance biodiversity and wildlife habitat. Plant diversity is required to be prevent disease spread and mass loss of plants as a byproduct of monocultures and aggressive disease.
- a. Buildings and parking areas shall be located to preserve and promote the health of existing trees, environmental resources and natural drainage ways. If a healthy tree is removed with cause, it must be replaced with comparable trees per a tree mitigation plan provided at time of development submittal. This requirement is not intended to prevent the removal of unhealthy trees in conjunction with site development.
 - b. A combination of plantings, berms, walls and fences shall be used as appropriate to buffer sensitive habitat
 - i. Landscape plans involving sensitive habitat must submit a habitat mitigation plan completed by a licensed Landscape Architect, Natural Resource Manager, or Wildlife Specialist to the Town of Keenesburg; exceptions ~~to this~~ may be granted ~~to this~~ at the Town of Keenesburg's discretion. This plan must be approved prior to the approval of development agreement.
 - c. Areas proposing a high percentage of native species shall submit a weed control plan to the Town
 - d. Areas disturbed by construction shall be reseeded to prevent erosion. Vegetation shall be planted where practical.
 - e. No more than 30% of one genus is permitted in any landscape plan
 - f. Street trees located in the CBD and CH area are required to have at least three species of trees planted along the street
 - g. No more than 30% of one species is permitted in an individual cluster of trees
33. **Plant materials.** Plants shall be healthy, well-branched vigorous stock with a growth habit normal to the species and variety and free of diseases, insects and injuries. A variety of plant species should be installed to prevent the spread of disease.
- a. All plants shall conform to standards for measurements, grading, branching, quality, ball and bur lapping as stated in the current edition of the American Standard for Nursery Stock, American Association of Nurserymen, Inc., (AAN-ASNS) and the Colorado Nursery Act of 1965 (CNA).
 - b. Seventy-five percent of all landscape areas shall be covered with living ground cover. The recommended ground cover should be attained within three years of the date of planting.
 - i. In the case that coverage is not acquired within three years of the date of planting the Town may require removal of the planting the replacement with a different species.
 - c. Plant materials shall be true to name and type, and first-class representatives of their species or varieties.
 - d. Trees shall be balled and bur lapped, with the burlap wrapped in a metal wire basket. Container and bare root tree plantings are not permitted.
34. **Plant Selection and Grouping Requirements.**

Commented [NC18]: The Board or a staff member?

Commented [NC19]: May Keenesburg also make these identifications or prohibitions? Or just the state and federal governments?

Commented [NC20]: Many of the regulations will not be in the Town Code, but rather right here in these regulations. Should the reference be to these regulations? Or the code and these regulations?

Commented [NC21]: More than one? Or, 1-for-1 replacement?

- a. Plants shall be selected based on their suitability for the site and climate. Where possible, native species shall be installed, protected, or preserved.
 - b. No more than 50 percent of the trees and shrubs that are installed shall be classified as high-water use as specified in Table 5G – Water Usage Requirements.
35. **Mulch.** Mulch, such as bark, stone, or other materials, left loose, or other water-saving treatments applied to the soil surface at a depth of four inches for bark, or two to four inches for stone, shall be used for all planting areas (except turf areas) in order to help maintain soil moisture and inhibit weeds. Landscape fabric is required below non-organic materials.
 - a. Alternative mulch materials may be used with approval by the Town of Keenesburg.
36. **Landscaping in community park and open space areas.** Community parks and open space areas are lands meant to be enjoyed by the general population, including trails and bikeways. Landscaping shall be appropriate to the use and function of the area and include trees, shrubs, groundcover, irrigation and paving. Plant species proposed are to be appropriate for the usage of the site.
 - a. A mechanism for long-term maintenance of privately maintained community open space and park areas — such as a Homeowners' association, metro districts and covenants are required.
37. **Site Distance Triangle.** Plants shall be no more than 24 inches in height when located in a sight distance triangle. Site distance triangles are specified in the Town of Keenesburg street standards.
38. **Guarantee of installation.** Required landscape improvements shall be installed in accordance with the approved improvements agreement for the project. In such cases that where an improvements agreement is not required by the Town, the landscape improvements shall be installed per the approved schedule established through the project review.
 - a. Maintenance, removal, and replacement. When possible, developer, Homeowners association, metro district or alternate outside entity shall be responsible for maintenance, removal and replacement of trees and landscaping within the public portions of the development. The developer, Homeowners association, metro district or alternate outside entity of mixed use, commercial or industrial property with an approved Final Development Plan or Site Plan are responsible for the maintenance and replacement of landscaping as shown on the approved plan. Exceptions to this provision may be granted by the Town for smaller developments.
39. **Tree Preservation Credits.** Existing trees that are protected/preserved on a subject property, excluding existing, individual residential lots, count towards the planting requirements of this section, provided they are:
 - a. In good health
 - b. Established for at least five years and not on the prohibited plant list
 - c. They are not diseased, in poor health, poor form, over-mature, too close to building foundations and/or damaging sidewalks, driveways or utilities
40. **Credit for Preservation of Trees.** Healthy, mature trees that are preserved on-site may count as more than one tree for the purposes of the landscaping requirements, as set out in Table 5C-Tree Preservation Credit Table below.

| Table 5C-Tree Preservation Credit Table | | | |
|---|------------------------|-------------|---|
| Minimum Diameter | Up to but not included | Tree Credit | Area where credit may be applied |
| None | 10 inches | 1 | Location of preserved tree |
| 10 inches | 15 inches | 2 | Location of preserved tree |
| 15 inches | 20 inches | 3 | Location of preserved tree or street tree |
| 20 inches | No limit | 4 | Location of preserved tree or street tree |

41. **Tree-lined streets.** Tree lined streets are typically utilized to increase user experience of Sidewalks, Trails, and Bikeways. Any development proposing tree lined streets shall meet the requirement of this section.
 - a. Tree lawns shall be wide enough to ensure adequate room for root growth. Tree lawns will/shall vary in width for Local, Collector and Arterial streets and will/shall be as depicted in the Town's street standards and specifications.
 - i. Trees located in the CBD and CH zones shall be placed in minimum 4 ft. tree grates.
 - b. Trees shall be aligned in straight rows, located in the middle of the tree lawn, and planted 40 feet on center. Such street trees shall be placed at least five feet away from the edges of driveways and alleys, and 40 feet away from any streetlight and to the extent reasonably feasible, be positioned at evenly spaced intervals.
 - i. Trees located within the tree lawn shall be irrigated and maintained by the property owner
 - c. Trees installed along streets without a tree lawn shall include a mix of species, be generally aligned along the street frontage and may be placed outside of the public right-of-way.
 - d. No tree shall be planted where eventual growth cannot be reasonably maintained to avert interference or obstruction to traffic and street signs, lights, utilities, fire hydrant, or any such matters.
 - e. No more than six (6) of the same tree genus may be planted consecutively in a row-type planting.
 - f. Root barriers are required for all tree plantings along concrete, curbs and driveways
42. **Rural Street Tree Plantings.** Street trees planted along rural streets where there is no sidewalk may be planted in organically shaped clusters to reinforce the design and character of the project and frame views.
43. **Minimum Tree species diversity.** To prevent insect or disease susceptibility of monocultures and eventual uniform senescence on a development site or in the adjacent area or the district, species diversity is required, and extensive monocultures are prohibited. The following minimum requirements shall apply to any development plan. At the time of proposal, a planting plan illustrating the

Commented [NC22]: Should this say "as required by" instead of "in"?

Commented [NC23]: Sidewalks?

I know root barriers will be required next to concrete per subsection (f) below, but are there instances where a root barrier might not help, such that the tree shouldn't be planted there in the first place?

development meeting the species diversity requirements shall be submitted. Requirements of this section are shown in Table 5D – Tree Species Diversity

| Table 5D – Tree Species Diversity | |
|-----------------------------------|---------------------------------------|
| Number of Trees | Maximum Percentage of any one species |
| 10-19 | 30% |
| 20-39 | 33% |
| 40-59 | 20% species, 30% genus, 40% family |
| 60 or more | 15% species, 20% genus, 30% family |

44. **Tree species and minimum sizes.** The Applicant shall provide a recommended list of trees, to be reviewed by the Town which shall be acceptable to satisfy the requirements for landscape plans, including approved canopy shade trees that may be used as street trees. The following minimum sizes shall be required by Table 5E- Tree Caliper Sizes. The tree caliper shall be determined by diameter at breast height (DBH).

| Table 5E – Tree Caliper Sizes | |
|-------------------------------|---------------------------------------|
| Canopy Tree | 2" caliper balled and bur lapped |
| Evergreen Tree | 6.0' in Height, balled and bur lapped |
| Ornamental Tree | 1 1/2" caliper balled and bur lapped |
| Shrubs | 5 gallon bucket |

45. **Trees permitted within rights-of-ways – This list may change at the discretion of the Town.** The following list identifies tree species allowed within community recreation areas, as street trees or within the public right-of-way in the Town of Keenesburg.
- Oak (Quercus):** Genus: Bur*, Chinkapin*, Chesnut*, English*, Shumard*, Texas Red*, Heritage*, Bur-gambel Hybrid*, Fastigate English*, Crimson Spire*.
 - Legume (Fabaceae) Family:** Shademaster Honeylocust*, Skyline Honeylocust, Imperial Honeylocust, Kentucky Coffeetree*, Kentucky Coffeetree Espresso*.
 - Chokecherry (Prunus Virginiana)** Genus: Canada Red*, Sucker Punch*. (Height usually 20 to 25 feet)
 - Maple (Acer)** Genus: Bigtooth (single stem)*, State Street*, Caddo Sugar*, Columnare, Fairview, Red.
 - Buckeye (Aesculus)** Genus: Ohio Buckeye*, Yellow Buckeye, Texas Buckeye*, Prairie Torch Hybrid Buckeye, Common Horsechestnut*.
 - Other trees allowed along right-of-way (by common name): Hackberry, Western Catalpa, Gingko (male only), or any other tree species ~~allowed~~ approved by the Town in its discretion.
46. **Preferred deciduous trees – This list may change at the discretion of the Town.**
- Toba Hawthorn, Washington Hawthorn, Downy Hawthorn, Dolga Crabapple, Amur Chokecherry, Thornless Hawthorn, Japanese Tree Lilac, Coralburst Crabapple, Spring Snow Crabapple, Thunderchild Crabapple, Radiant Crabapple, Indian Magic crabapple, Red Jewel Crabapple, Gamble Oak, Autumn Blaze Pear, Royal Star Magnolia, Serviceberry, Red Buckeye, Newport Plum, Autumn Blaze Pear, Cleveland Select Pear, Wavyleaf, Red Buckeye, Box Elder Sensation.
 - Planting plans with fruit bearing species or species with high amounts of seeds, flowers, etc. —, must ~~submit~~ have a management plan ~~to the Town~~ to maintain the cleanliness of park.
47. **Preferred Coniferous Trees – This list may change at the discretion of the Town**
- Colorado Spruce, Colorado Blue Spruce, Bristlecone Pine, Eastern Red Cedar, Rocky Mountain Juniper, Pinyon Pine, Austrian Pine, Spartan Juniper, One Seed Juniper, Cologreen Juniper, Skyrocket Juiper, Wichita Blue Juniper, Fastigate Norway Spruce, Black Hills Spruce, Bosnian Pine, Ponderosa Pine, Scots Pine, European Larch
48. **Prohibited Trees.** The follows species of trees are prohibited by the Town of Keenesburg. This list may change at the discretion of the Town.
- Any of the ash species (Fraxinus spp.), ~~including but not limited to~~ Green, White, Purple, Blue, and Cinnamon.
 - Any of the poplar species (Populus spp.), including but not limited to Cottonwood, Aspen, Silver Poplar, Lombardy Poplar.
 - Any of the Willow species (Salix spp.).
 - Any species of Elm (Ulmus spp.).
 - Any weeping or pendulous type tree (i.e. Weeping Birch).
 - Any shrub or hedge which by its habit of growth would obstruct, restrict, or conflict with necessary and safe use of the public rights-of-way.
 - Conifers or evergreens which would eventually grow over the sidewalks or streets.
 - Thorned Honeylocust or Hawthorn species or ~~other trees~~ that bear seed pods.
 - Purple Locust, Black Locust, Mulberry, Bradford Pear, Black Walnut, Russian Olive, Tree of Heaven, Tamarisk, Silver Maple.
49. **Water-Efficient Landscaping Requirement.** The requirements of this Section are applied to all landscaped areas within a ~~proposed~~ property.
- Plant Selection, preservation and grouping Requirements.
 - Plants are to be chosen based on their suitability for the site. Whenever possible, native species in good condition shall be installed, protected, and/or preserved.
 - Not more than 50 percent of the plants installed shall be classified as high-water use. Per Table 5G-Water Usage Requirements.
 - Low water use plants (including grasses) are required:
 - On slopes that are steeper than 25 percent
 - Slopes steeper than 25 percent require a mix of shrubs and rock.

Commented [TH24]: Shouldn't these be separate sections 47 and 48?

Commented [NC25]: Proposed development? Or, private property generally?

- ii. In areas that the Town determines are not appropriate for permanent irrigation.
- c. Mulch. Bark or stone mulch shall be applied to all planting bed areas in order to decrease water loss and increase water conservation of planting bed areas. Wood mulch shall be placed at a depth of 4 inches, two inches for rock or stone.
- d. Landscape material is required in all planting bed areas

50. Plan and Hydrozone Standards. Landscape and irrigation plans must meet requirements set forth in this Section.

- a. Landscape plans shall clearly demonstrate low water usage, identification of hydro zones, specification of plant lists with low Evapo-Transpiration ("ET") or Kc-values and indication of plant spacing.
- b. Planting areas must be organized into distinct groupings based on their water requirements. Plants of similar water requirements are to be grouped into separate zones based on their water requirements.
- c. A hydro zone table showing plant grouping and their respective water requirements is required for all landscape plan submittals
- d. An irrigation plan completed by a Professional Engineer, licensed Landscape Architect, or a certified Irrigation Specialist shall be submitted with each landscape plan; exceptions may be granted ~~to this~~ at the Town of Keenesburg's discretion.
 - i. The irrigation plan must show hydrozones and their respective water requirements
 - ii. Irrigation systems shall be provided with automatic rainfall shut-offs to limit the unnecessary application of irrigation water
 - iii. Whenever possible irrigation system controllers may be utilized to ensure that irrigation water is provided efficiently based on moisture needs of plantings.
- e. Unless otherwise specified by the town, shrub water usage shall be as follows:

| Table 305- Water Usage Requirements | | |
|-------------------------------------|---|---------------------------------|
| Hydrozone | Maximum Gallons of Water used per square foot on annual basis | Acre-feet of water due per Acre |
| High water need | 20 | 3 |
| Moderate water need | 12 | 1.8 |
| Low water need | 3.6 | 0.6 |
| Very low water need | 0 | 0 |

- 51. **Location of Plantings in Relation to Walls and Fences.** Walls and fences shall not be located less than 10 feet from the property line in CBD or CH zones.
- 52. **Walls or Fences that are Installed along Other Interior Property Lines.** Along property lines in residential zones, walls and fences may be installed at the property line, provided that:
 - a. The decorative sides of walls or fences face out
 - b. ~~Such landscaping wall or fence would not conflict~~ with existing utilities
 - c. The wall serves in conjunction with proposed plantings to separate land usages
 - d. Temporary walls utilized while living walls are establishing their growth. Temporary walls are to be used for approximately 10-15 years.
 - e. Walls 6' or higher are required to have additional lighting to deter crime.
- 53. **Noise Barriers.** When appropriate, walls may be utilized in conjunction with appropriate plantings to buffer noise pollution from one land use to another and increase compatibility
 - a. Proposed plantings must be planted with adequate density to act as noise barriers at 75% of max growth.
 - b. Planted noise barriers must have a variety of growth habits and heights; there shall be proposed small, medium and large shrubs.
 - c. There shall be a mix of deciduous and coniferous trees in noise barriers. Tree plantings may be denser than 1 tree per 35 feet so as there is sufficient room for the tree to reach full maturity.
- 54. **Use of Equivalent Plant Materials in Living Walls.** The number of large trees, small trees, evergreens, and shrubs may be used to create a living wall.
 - a. Living walls are required to have a density of 1 Deciduous tree positioned 35ft on center, 1 Coniferous tree positioned 20ft on center, variety of large, medium and small shrubs planted at 5 shrubs per 25ft-35ft.
 - b. Living walls are to be established within 15 years from time of planting
 - c. Temporary wall shall be installed until living wall plantings reach maturity and/or the Town deems the plants have reached maturity to serve as a wall.
 - d. All proposed living walls shall submit an elevation and or section illustrating the visual screen
 - e. Unless otherwise agreed upon by the ~~town~~Town, living walls shall be maintained by the developer, Homeowners association, metro-district or other related entity.
- 55. **Building Foundation Planting requirements:**
 - a. **Commercial and Multifamily buildings.** Foundation plantings for commercial building shall ~~be~~ no less than 75% of the building foundation. This provision does not apply to the L1 and H1 zoning designations.
 - i. Shrubs and/or deciduous grasses shall be planted at 1 shrub per five (5) feet, unless otherwise specified by the Town of Keenesburg
 - 1. Multifamily buildings within the R2 and R3 zoning designations shall have a foundation planting bed no less than five (5) feet wide
 - a. Planting beds in R2, R3, CH, CBD shall incorporate a variety of plant species, seasonal color and form

Commented [NC26]: Is this the intent?

Commented [NC27]: Should this say "cover?"

- b. 30% of the shrub bed is required to be coniferous and/or evergreen
- 2. Commercial buildings with the L1 and I1 zoning designations shall have no less than 60% of the building foundation planted unless otherwise specified by the Town.
- 3. When possible, low water usage planting and plant groupings are required.

Parking Lot Landscape Requirements:

1. **Parking Lots.** Areas within parking lots shall be landscaped to mitigate urban heat island effect, impermeable surfaced areas, to slow stormwater runoff, and to improve parking lot appearance.
 - a. This section applies to any surface parking lot that contains more than 20 parking spaces
2. **Planting Area Requirements.**
 - a. At least one large tree and five shrubs shall be planted in the interior of the parking lot for every 15 parking spaces.
 - b. The first two feet of the parking island, on either end, shall be free of plantings and covered solely by mulch and landscape material
 - c. Parking lot islands shall be the same length of the parking stall
 - d. Parking lot island curbs shall be concrete and at least six inches about the parking lot surface
 - i. Curb cuts are permitted in parking lot island curbs in parking lots designed for stormwater capture
 - e. No less than 75 percent of landscaped areas within a parking lot shall be covered with living materials within three years of installation
3. **Parking Lot Island Arrangement.**
 - a. Parking lot islands will be installed on the ends of parking rows and entry drives to separate parking from drive aisles
 - b. Parking lot islands are required every 15 stalls; in large parking lots, parking lot islands are required in the center as means to mitigate urban heat island effect
 - c. Drive aisles shall be separated from parking stalls by landscape islands, strips or planted separators.
4. **Additional Planting Requirements Based on Parking Spaces.** In addition to the planting area requirements set forth by this code in these regulations, an additional large tree shall be provided for every additional 10 parking spaces in excess of the minimum required parking. Additional Trees may be distributed within the interior or perimeter landscaping area. Additional plantings required by these regulations this code shall not count towards otherwise stated parking lot landscaping requirements of these regulations this code.
5. **Parking Lot Perimeter Landscaping.** Parking Lot perimeter landscaping shall be installed along the boundaries of all surface parking lots of 3 stalls or larger spaces that are visible from the street or adjoining property. Plant materials and walls or fences shall be consistent with the Town of Keenesburg planting list.
 - a. Parking lot landscaping is to enhance the entrance, pedestrian walkways and pedestrian connectivity to buildings.
 - b. Parking lot perimeter landscaping shall provide at least 75% vegetative cover around the parking lot perimeter within 3 years of planting
6. **Residential Perimeter Landscaping.** Parking bufferyards along property boundaries that adjoin single-family detached, duplex, multiplex, or townhome uses shall be buffered as follows:
 - a. Perimeter landscape area shall not be less than three feet in width. If vehicle overhangs are planned in the parking stalls, the perimeter landscape area shall not be less than 4 feet.
 - b. Parking bufferyards shall include a fence or wall that is at least five feet in height, and two large trees per 100 linear feet of bufferyard.
7. **Perimeter Landscape Standards for all zones.**
 - a. Parking perimeter landscape area shall be not less than five feet in width, including any vehicular overhang areas.
 - b. Along streets, landscaping shall be installed between the parking lot and the sidewalk.
 - c. Parking bufferyards shall include shrubs and any combination of berms, walls, fences, evergreens, planters, or other approved visual obstructions, provided the perimeter includes a mix of coniferous plantings.
 - d. Shrubs are shall be installed along not less than 75 percent of the width of the planting area
 - i. 30% of the shrubs are required to be coniferous
 - ii. Coniferous shrubs must be equally spaced along planting perimeter area
 - iii. Irrigated turf is discouraged in areas less than 10 feet wide. Ornamental grasses are encouraged in areas where grass is desired.
 - e. Parking perimeter landscape area shall provide a visual obstruction up to a height of:
 - i. Five feet above the surface of the parking lot at installation if the parking lot is adjacent to the R1, R2, or MH zones
 1. Three feet above the surface of the parking lot in R3 area
 - ii. Plantings shall be established within three years after installation
 1. If plantings are not established within three years of installation, the Town of Keenesburg may require either the replanting of materials or replanting of similar materials to be established within three years.
 - iii. A mechanism of long-term maintenance of landscaping must be provided.
8. **Large Surface Parking Lots.** Large surface parking lot is a stand-alone surface parking lot that contains more than 200 parking spaces. Large surface parking lots shall be divided into smaller segments by using pedestrian and landscape breakers that comply with the following standards:

Commented [NC28]: Consider revising for greater clarity.

- a. Each landscape separator shall be placed so that each parking segment contains a maximum 100 parking spaces.
- b. Landscape separators shall be parallel to the parking rows.
- c. The first landscape separator in a large surface parking lot shall contain a pedestrian walkway. The walkway shall be in front of an entrance into the building thereby providing a safe route of pedestrian travel.
- d. Additional landscape separators with a pedestrian walkway shall be provided in a parking area at a rate of one separator with a walkway for every 50 parking stalls without a walkway.
- e. The pedestrian walkway(s) shall connect to the perimeter sidewalks or trails in a clear and efficient manner. Where the pedestrian walkway crosses a drive-aisle, the pedestrian crossing shall be emphasized and separated from flowing traffic as best as possible.
 - i. The material and layout of the pedestrian crossing shall be continuous as it crosses the drive-aisle
 - ii. Pedestrian crossing shall be separated through the use of raised or striped crosswalks or special pavement treatments such as scored concrete, colored concrete, pavers, brick or other hardscape materials
- f. Landscape separators with a pedestrian walkway shall be a minimum of 20 feet in width.
 - i. Landscape separators without a pedestrian walkway shall be a minimum of 10 feet in width.
 - ii. Where no pedestrian walkway is provided, additional landscaping shall be required as follows:
 - 1. 1 shrub per 10 feet, and 1 Tree per 35 feet on center
 - 2. Ornamental trees are encouraged to emphasize pedestrian walkways and building entrances
- g. Pedestrian walkways within a landscape separator shall be a minimum of 6 feet wide.
- h. Irrigation must be provided for all landscape breakers; irrigation plans must be submitted to Town of Keenesburg at time of Development submittal.
 - i. Irrigated turf is highly discouraged in landscape breakers. The Town encourages the use of low water use ground covers that do not require spray irrigation.
 - ii. The use of open rock mulch may be approved in place of groundcover by the Town of Keenesburg.
 - iii. Plantings with a mature height of six inches or more shall not be planted within two feet from the back of the curb to avoid conflicts with vehicle overhang.
 - iv. Planting with a mature height of 2 feet or more are not permitted within 1 foot of the pedestrian walkway.
- i. Plantings within landscape separators shall be resilient to harsh climatic conditions.
- j. The Town may authorize the phasing of landscape installation if phasing will provide a logical, sequential installation of improvements on a subject property.

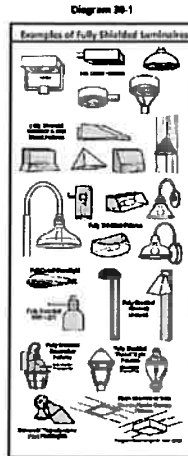
Commented [NC29]: Consider revising for greater clarity.

Lighting in Parking Lots

1. **Lighting in Parking Lots and Commercial Buildings** Light fixtures provided for any off-street parking area adjacent to a residential use or residentially zoned lot shall shield the source of light from sight and spillover of direct light onto the residential use, while still providing security to motorists, pedestrians and bicyclists. All commercial lighting shall be shown to reduce glare, light trespass and skyglow.
- a. All lights utilized for signage purposes shall meet the sign standards set forth in the Town of Keenesburg [municipal code](#) ("Town Code").
 - b. All lights shall ~~meet comply with all applicable~~ sections of the Town ~~Code of Keenesburg code~~, including ~~but not limited to: Sec. 7-1-115, General Property standards Standards; Sec. 7-1-115, Sec. 5-2-210, Installation and Maintenance of Limited Power Facilities Sec. 5-2-210; Sec. 16-4-40, Design and Construction Sec 16-4-40; in addition to all section of the Town of Keenesburg municipal code.~~
 - c. Streets, driveways, parking lots, walks and service areas shall be adequately illuminated as evenly as possible, not exceeding an average of ~~4~~ foot-candles diminishing to zero at the site's boundary. Site lighting shall be demonstrated in a photometric or site lighting plan submitted and approved by the Town Engineer or Planner.
 - d. Site lighting shall not extend beyond site boundaries. Luminaries shall be shielded, shaded, or directed to prevent light spillover from being cast on to adjacent property.
 - i. Residential: All outdoor lighting systems shall be designed and operated so that the area ten feet beyond the property line of the premises receives no more than one-quarter of a foot-candle of light from the premises lighting system.
 - ii. Commercial: All outdoor lighting systems shall be designed and operated so that the area ten feet beyond the property line of the premises receives no more than one foot-candle in commercially zoned areas, and one quarter of a foot-candle for properties adjoining residential districts.
 - iii. Towers: All radio, communication, and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light shall be used, and for nighttime, only the red lights shall be used.
 - e. All exterior lighting fixtures shall be placed or directed so as to minimize interfere with the operation of vehicles and general flow of traffic on adjacent roadways.
 - f. All exterior lights utilized in a manner to advertise, draw attention, or display shall be subject to the sign standards set forth in the Town of Keenesburg ~~municipal code~~ [code](#).
 - i. Unless otherwise approved by the Town of Keenesburg, no non-residential building shall have any exterior light that is blinking, flashing, or fluttering, or other illuminating device which has a changing light intensity or brightness of color.
 - ii. Seasonal lights shall be maintained and removed within a reasonable time period by the private property owner, homeowner's association or metro district
 - g. Hours of lighting operation. All parking lot lighting fixtures and exterior building lights, except those required for security purposes, shall be extinguished within ~~one~~ (1) hour after the end of business hours and remain extinguished until ~~one~~ (1) hour prior to the beginning of business hours. One quarter of the streetlights may remain ~~illuminated~~ throughout the night in areas of minimal light pollution concern and where lighting will deter crime.
 - i. All area lights, including street lights and parking area lighting, shall have a maximum BUG rating of B2-U0-G1 according to the guidelines set forth by the Illuminating Engineering Society (IES) TM15-11. Examples of these luminaires can be found in Diagram 30-1.

Commented [NC1]: Seems that this section covers more than the heading indicates. Perhaps this should just be called "Lighting Standards"

Commented [NC2]: Is this intended as a decimal? Seems like it'd be very dim.



- ii. **Illumination Levels.** Illumination levels and uniformity shall be in accordance with currently recommended practices of the Illuminating Engineering Society (IES), which requires Kelvin temperatures that do not exceed 3,000 Kelvin, and those recommended standards shall not be exceeded.
- iii. **Temporary Lighting.** Temporary lighting that conforms to the requirements of this section shall be allowed. Nonconforming temporary exterior lighting will be permitted by the Town staff only after considering:
 - 1. The public and/or private benefits which will result from the temporary lighting;
 - 2. Any safety problems that may result from the use of the temporary lighting;
 - 3. The duration of the temporary nonconforming lighting.
- 3. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Town for review and authorization
- h. Pole mounted luminaries shall be full cut-off with shields, reflectors, or refractor panels to direct and cut-off emitted light at 90 degrees or less. Pole mounted luminaries shall meet fully shielded luminaire fixtures such as those illustrated in diagram 30-1.
- i. Building mounted luminaries shall be full cut-off using shields, reflectors, or refractor panels to direct and cut-off the emitted light at a 45 degrees or less except for low intensity decorative lighting not exceeding 45 watts per bulb (incandescent equivalent).
- j. Lighting Poles in multiple-family and commercial developments, whether mounted upon a building or independently upon a light standard, shall not exceed 20 feet in height. Exemptions to this may be granted by the Town if the lighting pole height is shown to improve and protect the public, health, safety and welfare for the residents of the Town of Keenesburg.
- k. Lighting fixtures within industrial developments shall not exceed 25 feet in height, except in those instances where the subject property adjoins any residentially zoned property, in which case, poles may not extend above the roof line of the industrial principal building. Exemptions to this may be granted by the Town if the lighting pole height is shown to improve and protect the public, health, safety and welfare for the residents of the Town of Keenesburg.
- l. Street lighting fixtures in new developments shall be LED or otherwise approved high energy efficiency design by the Town of Keenesburg or United Power.
- m. Unless otherwise specified by the Town, Fairgrounds Zone District FZ is exempt from these standards and shall stay in compliance with Sec. 16-2-167 of the Town of Keenesburg municipal code.

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Lots and Blocks

Lots and blocks

Intent. The intent of the block and lot standards is to continue the Town's existing block pattern in a manner that is compatible with site-specific environmental conditions and characteristic of the Town's historic pattern of growth.

1. This section provides standards that apply to residential subdivisions in the R-1, R-2, and R-3 zoning districts.

Applicability. The Design standards stated in this "section" are intended to implement strategies for residential development and promote high quality housing diversity. All residential development (including PUDs and development on individual lots or parcels) shall include a mixture of different lot sizes, dimensions, and housing models, as provided and described in this section, unless expressly exempt by this Town. Requirements set forth in this Section shall not apply to:

1. Subdivisions comprised of ~~five (5) or fewer houses or less~~
2. Rebuilding of structures damaged by fire, flood or natural disaster
3. Multi-family buildings consisting of ~~less-fewer than three (3) buildings~~
4. Redevelopment and infill development consisting of ~~five (5) or less acres~~

Required Compliance. Compliance with this Section, as determined by the Town, shall be required as a condition of the issuance of a building permit for any single or multi-family residential dwelling. A decision by the Town may be appealed by the Applicant to the Planning Commission or Town Board on appeal, acting as the Board of Adjustment. Architectural elevations shall be submitted with all site plans. Block Diversity plans and corresponding tables shall also be submitted as required herein, during the building permit process.

Lot diversity

5. ~~Mix of Housing. A mix of permitted housing types and residential use types shall be included in any individual development plan, to the maximum extent reasonably feasible. In order to promote such variety, the following minimum standards shall be met:~~

a. Single Family Housing, R1:

- i. A minimum of two (2) lot diversity types, shall be required on any project development plan containing ten (10) acres or more, including such plans that are part of a phased overall development; a minimum of three (3) ~~lot diversity types, shall be required on any project development plan containing for thirty (30) acres or more; and a minimum of five (5) lot diversity types, shall be required on any project development plan containing for (50) acres or more.~~
- ii. One-family or two-family dwellings on adjacent lots fronting on the same street shall contain different housing models of varying style, elevations, architectural features, and exterior color.
 1. No two (2) lots immediately adjacent to each other shall contain the same floor plan, housing model, building elevation or color.
 2. Where applicable in smaller developer that at ten (10) acres or less, two (2) lots immediately adjacent to each other may contain the same floor but shall be of a different orientation and elevation
- iii. Adjacent lots shall include abutting lots, or those lots separated by a street, alley, auto court, loop lane, or other common private drive.
- iv. To the maximum extent feasible, housing types, block dimensions, garage placement, lot sizes and lot dimensions shall be significantly and substantially varied to avoid repetitive rows of housing and monotonous streetscapes. For example, providing single-family detached dwellings or two-family dwellings on larger lots and on corners and providing small lot single-family dwellings or multi-family type dwellings lots abutting common open spaces fronting on streets are methods that accomplish the lot diversity requirements set forth ~~by this chapter in these lot and block standards.~~
- v. In addition to having unique model types, each model shall have a minimum of ~~two (2) unique architectural~~ features. Each architectural elevation shall be distinguishable from one another and shall have at least four (4) of the listed building elements ~~which that~~ clearly and obviously distinguish it from other elevations of the same model:
 1. Unique porches and front entries that include different architectural styles, building materials, sizing, or placement;
 2. Exterior materials (e.g. stucco, natural wood, cement fiberboard, rock, brick, etc.);
 3. Garage orientation and point of access. Unique garage styles will also be considered (e.g. carriage doors, raised panel, contemporary, etc.);
 4. Roof types (e.g. gable, hip, lean-to, dormer, etc.);
 5. Creative design alternatives, not stated above, approved by the Town of Keenesburg;
 6. Any two elevations that are distinctly different architectural styles (e.g. colonial, cottage, craftsman, farmhouse, French country, modern, ranch, traditional, Tudor, Victorian, etc.) shall be exempt from these requirements;
 7. Where lots face a main street and/or thoroughfare the front building façade shall face the main street and or thoroughfare;
 1. In the case where the side or rear of the building faces the main street or thoroughfare, the façade facing the main thoroughfare or street shall be of the

Commented [NC1]: If this would include multi-family and two-family dwellings, I recommend using "residential buildings" rather than "houses."

Commented [NC2]: Should this be 1. Rather than 5?

Commented [NC3]: Should this be 4? Or, does "unique architectural features" refer to something different than the 4 required "listed building elements" below?

same architectural integrity and visual distinction as the front façade.

2. In the case where two or more façades of the building face a main street or thoroughfare, all façades facing the main street or thoroughfare shall be of the same architectural integrity and visual distinction as the front façade.

- b. Attached Single-Family and Multifamily Structures in the R2- and R3 Zone Districts. Applicants seeking to build multi-family units in the R2 or R3 zone districts shall demonstrate a balance between repetition and variety in the architecture of these buildings. Each multi-family dwelling containing more than three (3) dwelling units shall feature a variety of massing proportions, wall plan proportions, roof proportions or other characteristics of architectural distinction. The following specific standards shall apply to multifamily stacked units, including condominiums and apartments:

- i. A minimum of two (2) lot diversity types, shall be required on any project development plan containing thirty (30) acres or more, including such plans that are part of a phased overall development; a minimum of three (3) lot diversity types, shall be required on any project development plan containing for fifty (50) acres or more; and a minimum of five (5) lot diversity types, shall be required on any project development plan containing for eighty (80) acres or more.
- ii. For any development containing five (5) or less fewer buildings (excluding clubhouses/leasing offices), there shall be at least two (2) distinctly different building designs. For any such development containing more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least three (3) distinctly different building designs. For developments containing fifty (50) or more buildings there shall be at least five (5) distinctly different building design and floor plans.
- iii. Individual building identity. For all developments consisting of three (3) or more multi-family dwelling units, a floor plan may be repeated; however, identical building façades must not be replicated more than twice within the development. Building elevations showing façade changes, variance of form, roof pitch, wall plan proportions and/or other features of architectural significance shall be submitted to the Town.
 1. Development must demonstrate a variety of building types and form.
- iv. Each multi-family dwelling or condominium shall be articulated with projections, recesses, covered doorways, balconies, box or bay windows and/or other similar features, dividing large façades and walls into human-scaled proportions. Each multi-family building shall feature walls that are articulated by a least three of any of the following elements within every 40-foot length of the façade:
 1. Recesses, projections or significant offsets in the wall plane;
 2. Distinct individualized entrances;
 3. Chimneys that project from the wall plane;
 4. Balconies and/or other outdoor living space; or c. Bay or box windows;
 5. Height differentiation between buildings;
- v. Where buildings face a main street and/or thoroughfare, the front building façade shall face the main street and or thoroughfare;
 1. In the case where the side or rear of the building faces the main street or thoroughfare, the façade facing the main thoroughfare or street shall be of the same architectural integrity and visual distinction as the front façade.
 2. In the case where two or more façades of the building face a main street or thoroughfare, all façades facing the main street or thoroughfare shall be of the same architectural integrity and visual distinction as the front façade.
- vi. Roofs. Each multi-family building shall feature a combination of primary and secondary roofs. Primary pitched roofs shall be articulated by at least one of the following elements:
 1. Changes in plane and elevations;
 2. Dormers, gables or clerestories;
 3. Transitions to secondary roofs over entrances, garages, porches, or bay windows.
- vii. Color. For all developments, there shall be no more than two (2) similarly colored structures placed next to each other along a street or major walkway.

- c. All Residential Zoning districts:

- i. The following list of housing types shall be used to satisfy the diversity requirements set forth by the Town in these Lot and Block Standards:
 - a. Single-family detached dwellings with rear loaded garages;
 - b. Single-family detached dwellings with front or side loaded garages;
 - c. Small lot single-family detached dwellings (i.e. lots containing less than 4,000 square feet or with lot frontages of 40 feet or less) may be used to satisfy the lot diversity requirements if:
 - i. There is a difference of at least 2,000 square feet between the average lot size for small lot single-family detached dwellings (insert that average size); and
 - ii. The average lot size for single-family detached dwellings with front or side loaded garages;
 - d. Two-family dwellings;

Commented [NC4]: Term could benefit from a definition. How does it differ from a two-family dwelling, as such term is defined in the Town Code?

Commented [NC5]: Also applicable to attached single family structures? The title of the section indicates that it is, but it should also be stated in the substance of the paragraph, if that's the intent.

Commented [NC6]: Would this prevent a light green structure from being placed next to two darker green structures? What is the Town's intent? May need/benefit from further clarification.

Commented [NC7]: Does this mean no other buildings may be used in the calculus? If so, consider adding "and no other buildings," after "housing types."

Commented [NC8]: Code requires 9,000 sf. for R-1 and 6,000 sf. for R-2 and R-3. So, is this addressing single family dwellings on non-conforming lots? Why use 4,000 sf. rather than less than 6,000/9,000, respectively? What about lots that are 4,001-8,999? Are those presumed to be used in the diversity calculus?

Commented [NC9]: Consider revising for greater clarity.

Commented [NC10]: Is this intended to mean that there must also be a difference of 2,000 sf. between the subject small lot and the average of the lot sizes of regularly-sized lots containing single-family dwellings? Consider revising for greater clarity.

- e. Single-family attached dwellings;
- f. Two-family attached dwellings, the placement of which shall be limited to no more than two (2) such dwellings per two (2) consecutive individual lots;
- g. Dwelling units in mixed-use buildings; dwelling units;
- h. Multi-family dwellings containing more than three (3) to four (4) units per building;
- i. Multi-family dwellings containing five (5) to seven (7) units per building;
- j. Multi-family dwellings containing more than seven (7) units per building (limited to twelve (12) dwelling units per building);
- k. Modular homes, where allowed under applicable zoning;
- l. All other housing types not otherwise specified in this section, where applicable allowed under applicable zoning;
- i. All dwellings, accessory dwelling units, and accessory structures shall provide quality architectural design that takes into consideration building massing and style, roof lines, window and door placement, exterior materials and colors and other architectural features. All accessory structures shall match the architectural style, color and material of the primary structure.
 - 1. Under no circumstances shall an accessory dwelling unit or structure be larger than the first floor and overall building height of the primary structure.
- ii. Dwellings on corner, end, or double frontage lots shall include architectural features, such as windows and doors, porches and entry features, building materials, and other features that complement the front of the dwelling, along the sides and/or back of dwellings that face streets, drives, or open space areas.
- iii. New or replacement dwellings, dwelling additions, accessory dwelling units, and accessory structures shall be designed to be architecturally compatible with the surrounding neighborhood, as applicable, in terms of building materials and colors, roof forms, building massing and style and other architectural features. Diversity Requirements set forth herein.
- iv. Utility Services:
 - 1. Utility services shall be located underground when practical. Exceptions to the requirements of underground utilities are:
 - 1. Major electric transmission lines responsible for transporting power through the area rather than to the area; or
 - 2. The Town Engineer or Electric provider determines that an underground utility location is not practical.

Commented [NC11]: What about multi-family dwellings containing 3 units per building? Shouldn't they, too, be used in the lot diversity calculus?

Commented [NC12]: I don't think there's any such limit in the zoning code, so this might be unenforceable.

Commented [NC13]: Is it the intent that accessory dwelling units be included? (Arguably not included in the definition of accessory structure.)

Commented [NC14]: Seems somewhat at odds with diversity requirements, so I've added language to modify the requirement.

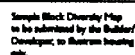
Town Review. Model and block diversity will be reviewed by the Town as part of a Block Diversity Plan and each Housing and or Building model shall be distinguishable from one another and shall have at least four (4) of the listed building elements which clearly and obviously distinguish it from other housing models:

- a. Massing and placement of the building footprint on the lot
- b. Building setback
- c. Porches and front entries
- d. Color palette
- e. Exterior materials (walls, trim, roof)
- f. Garage size, orientation and point of access
- g. Differences in floor plans
- h. Elevations
- i. Creative design alternatives not stated above, upon Town approval

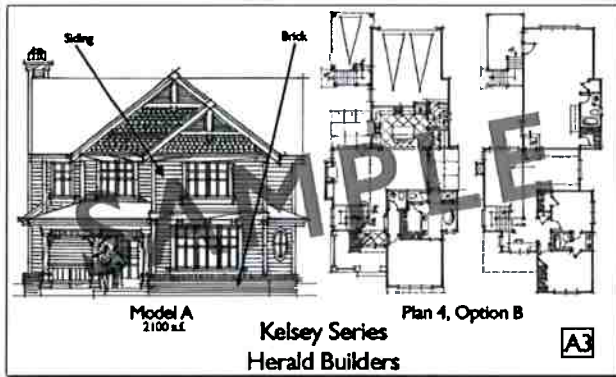
Block Diversity Plan. The Block Diversity Plan is an opportunity for applicants to provide the Town with visual and graphic images showing the type of residential architecture that is to be constructed on each block of the proposed development. Applicants shall provide the Town with exterior elevations of proposed residential structures with the location of each structure depicted.

- b. Every phase that would include five (5) or more residential building permits must complete a Block Diversity Plan. The Block Diversity Plan will be submitted as part of the building permit process.
- c. Review of any Block Diversity Plan will be based upon conformance to the intent of the architectural and design policies found in this Section these Lot and Block standards. Review and approval will be conducted and determined by the Town of Keenesburg.

Commented [NC15]: What about the other items listed in the sample table, below? (e.g., color scheme)

[illegible]

All Block Diversity Plans shall include building elevation and floor plans (sample on following page).



*Sample Building elevation and floor plan submittal to be submitted by developer to Town of Keenesburg.

Architectural design of single family and duplex dwellings. All dwellings, accessory dwelling units, and accessory structures, located in the R-1 or R-2 zoning district, shall provide quality architectural design that takes into consideration distinct building massing and style, roof lines, window and door placement, exterior materials, colors and other architectural features.

- Dwellings on corner, end, or double frontage lots shall include architectural features, such as windows and doors, porches and entry features, building materials, and other features that complement the front of the dwelling, along the sides or back of dwellings that face streets, drives, and/or open space/common areas of interest.
- New or replacement dwellings, dwelling additions, accessory dwelling units, and accessory structures shall be designed to be architecturally compatible with the surrounding neighborhood, as applicable, in terms of building materials and colors, roof forms, building massing and style and other architectural features, subject to the diversity requirements set forth herein.
 - Material matching made be completed through façade treatment, such as half brick wall, and/or application of material approved by the Town.

Garages. Unless otherwise granted by the Town, the following standards shall apply to all new residential development (including PUDs containing residential uses and development on individual lots or parcels).

- No more than two (2) garage bays may be located on the same building plane, with the exception of garage complexes located in the R-2 and R3 zoning districts.
 - Additional garage bays and/or spaces on the same lot shall be set back at least two (2) feet off from the previous existing garage or primary structure building plane.
- All garages shall be located a minimum of fifteen (15) feet from the back of sidewalk or property line, whichever is more restrictive.
 - Whenever possible, garages shall be offset from the building place of the primary structure
- Garages may make up no more than 65% of the length of the wall face of the building, except, when such garage doors are located on the side of a dwelling facing a side yard, street or alley, wherein they may comprise up to two-thirds of the street-facing linear building frontage.
- For any side-load garage orientation of a length of twelve (12) feet or greater, a minimum of two (2) windows of at least four (4) sq. ft., each must be installed on the street-facing façade.
- The front building face of any home and the associated garage may be in the same building plane if a roofed porch integral to the architecture of the residence of at least four (4) feet in width and eight (8) feet in length is constructed along the front façade. If no porch is present, the garage plane must shift at least two (2) feet in any dimension from the residential portion of the structure.
- Detached garages shall be no bigger, wider or taller as measured in square feet, than the first floor of the primary structure on the lot the primary structure on the lot whichever is more restrictive.
 - Detached garages shall be offset by no less than five (5) feet from the primary structure front building face.
 - Match the architectural style of the primary structure;
 - Material matching may be achieved through a façade treatment, such as a half brick wall, color, building form and/or application of material of similar nature approved by the Town.
 - All driveways to detached garages shall be of an impermeable nature such as asphalt, cement or other weather resistant material approved by the Town.
 - Lot driveways shall meet all requirements set forth in the Town of Keenesburg municipal code and Lighting standards.
 - Unless otherwise permitted residential driveways shall be of the following dimensions:

Commented [NC16]: Would this exception, then, apply to two-family dwellings?

Commented [NC17]: Is this the intent?

Commented [NC18]: Does this mean the edge of the sidewalk closest to the garage? If so, it should be stated as much for greater clarity.

Commented [NC19]: Should this be "direction?"

Commented [NC20]: The same standard is repeated twice. Was the second reference to "primary structure on the lot" intended to refer to something different?

Commented [NC21]: Just when in front?

1. Single Car Driveway: 9-12 ft wide
2. Double Car Driveway: 24-27 ft wide
3. Parking Stall: 10 ft by 20 ft
4. Single Car Turn Around: 10 ft by 20 ft wide
5. Double Car Turn Around: 20 ft by 20 ft

g. **Multifamily Garages:** Garages in multifamily complexes in the R2 or R3 zoning district, shall be of the same architectural style, color and building material of the associated multifamily or mixed-use buildings.

- i. Material matching may be achieved through a façade treatment and/or application of material of similar nature approved by the Town.
- ii. No garage complex shall be longer or taller than a any single multifamily building in a multifamily development, exclusive of the leasing office and/or clubhouse building(s), or no contain more than eight garage bays, whichever is more restrictive.
- iii. All garage complexes in multifamily developments shall have visual breaks in building material every forty (40) feet. Visual breaks in material are:
 1. Change in building material
 2. Addition of windows and/or false windows or doors
 3. Change in roof pitch and height
 4. Change in building projection. No projection shall be greater than two feet
- iv. Vehicular or pedestrian access shall be made of a material of an impermeable nature such as asphalt, cement or other weather resistant material approved by the Town.
- v. All garage complexes shall have safe and efficient pedestrian access
- vi. All garage complexes shall meet the Town of Keenesburg landscape and lighting standards set forth by the Town of Keenesburg
- vii. All detached garages shall be considered an auxiliary structure and shall be subject to review by the Town of Keenesburg in accordance with the Town Code.

a. No street-facing façade shall contain more than four (4) garage fronts.

1. Resident garages or parking that is internal to the block is encouraged. Resident garages or parking that is internal to the development is encouraged. Marked visitor parking is encouraged.

b. **Rear Walls of Multi-Family Garages.** To add visual interest and avoid the effect of a long blank wall with no relation to human size, accessibility needs or internal divisions within the building, the following standards for minimum wall articulation shall apply:

1. **Length.** Any garage located with its rear wall along the perimeter of a development and within 65 feet of a public right-of-way or the property line of the development site shall not exceed 55 feet in length. A minimum of five feet of landscaping must be provided between any two such perimeter garages.
2. **Articulation.** No rear garage wall that faces a street or adjacent development shall exceed 30 feet in length without including at least one of the following in at least two (2) locations:
 - i. change in wall plane of at least six inches,
 - ii. change in material or masonry pattern,
 - iii. change in roof plane,
 - iv. windows,
 - v. doorways,
 - vi. false door or window openings defined by frames, sills and lintels, and/or
 - vii. an equivalent vertical element that subdivides the wall into proportions related to human scale and/or the internal divisions within the building.

c. Covered parking may be permitted in the R2 and R3 zoning districts under the following stipulations:

1. All landscaping requirements of the Town of Keenesburg have been met
2. All dark sky, pedestrian, bike and vehicular safety provision of the Town of Keenesburg Code have been met
3. Covered parking visually relates to the architectural quality and distinction of the related buildings
4. Change of material, roof pitch or height and color every forty (40) feet
5. Covered parking shall be internal to the sight and is not permitted to face main street and/or thoroughfares
6. Covered parking shall not be permitted to exceed the length of the associated building or twelve (12) parking bays whichever is more restrictive.
7. Covered parking shall be considered as an auxiliary structure and shall be subject to the Town of Keenesburg municipal code.

Commented [NC22]: Should this go under separate driveway heading?

Commented [NC23]: R2 district doesn't allow multifamily dwellings (buildings containing 3 or more dwellings, per the zoning code). Are these garage regulations intended to apply to two-family dwellings?

Commented [NC24]: Neither is more or less restrictive than the other because one has to do with height and the other with amount of bays. Does the Town wish to prevent multi-family garages from being taller than any single multifamily building, and restrict them from having more than 8 garage bays?

Or, if a garage meets the height requirement, is it permitted to have more than 8 bays?

Commented [NC25]: Accessory structure?

Commented [NC26]: Is this the intent?

Commented [NC27]: Accessory?

Carports

- a. No more than one single carport shall be located on a ~~single family or multifamily~~ lot in the R1 or R2 zoning district
- b. All carports shall:
 1. Match the color, material and architectural style of the primary structure
 - i. Material matching may be achieved through a façade treatment and/or application of material of a similar nature to the primary structure as approved by the Town
 2. Shall be attached to the roof plane of the primary structure
 3. Unless otherwise approved by the Town of Keenesburg, double carports are not permitted in any of the zoning districts
 4. ~~Carports are solely permitted in the R1 or R2 zoning districts; except that, they may be permitted in additional zoning districts with special review by the Town of Keenesburg.~~
 5. All carports that deviate from the above standards shall be approved by the Town of Keenesburg prior to construction, placement or erection

Sheds – New Construction

- a. There shall be no more than one shed per lot in the R1, R2, R3, CBD, LI, HI and HC zoning districts. The Town may permit additional sheds in the E, AG, PZ and FZ zoning districts under special review.
- b. All sheds shall be subject to building and municipal code requirements of the Town of Keenesburg.
- c. Unless otherwise permitted by the Town of Keenesburg, no shed shall be larger than 120 square feet
- d. Sheds shall match the architectural style, color and or material of the primary structure
 - i. Material matching may be achieved through a façade treatment and/or application of material of a similar nature approved by the Town.
- e. Sheds shall be set a minimum of five (5) feet away from the rear lot line, ten (10) feet away from the side ~~lot line~~, and fifteen (15) feet away from the front ~~lot line~~.
 - i. Under no circumstances shall be shed be permitted or allowed within the Right-of-Way (ROW)
- f. Under no circumstances shall be a shed be constructed or utilized as an accessory dwelling structure or habitable structure for humans.
 - i. All construction and usage of sheds are subject to the Town of Keenesburg building and municipal code.

Commercial and Industrial Standards. It is the intent of the Town that commercial and industrial buildings are of visual interest and in alignment with historic patterns of growth of the Town.

- a. Wall articulation.
 1. Walls shall not have an uninterrupted length exceeding forty (40) feet. Pilasters, texture transitions, windows, stepping of the wall plane, and/or false doors may be utilized to create visual breaks, every forty feet, of the building face.
- b. Blank walls or service area treatments of side and/or rear elevations visible from to the general public is not allowed unless the Town determines:
 1. It is impractical or infeasible to create façade breaks and/or changes in elevation
 2. The applicant has demonstrated to the Town that it will be more visually pleasing and less obstructive to the surrounding properties for the side and/or rear elevations to remain blank
- c. All exterior elevations shall maintain the integrity of the adjacent dwellings architectural character and detailing.
- d. Continuous cornice lines or eaves are encouraged between adjacent buildings.
- e. Buildings with flat roofs shall provide a parapet with an articulated cornice.
- f. Façade treatment. The architectural treatment of the front façade shall be continued, in its major features, around all visibly exposed sides of a building visible from adjacent residential and commercial zoned districts. Blank walls at side and/or rear elevations visible to the general public are prohibited adjacent to any residential or commercial zoned district.
 1. To the maximum extent possible, building façades shall be used to create visual unison of the structure(s)
- g. Awnings. Canvas is the preferred material, although other waterproof fabrics may be used at the discretion of the Town; metal, wood or aluminum awnings shall not be used unless otherwise approved by the Board.
- h. Screening of HVAC: All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes, other telecommunications receiving devices and any other apparatus placed on the roof of a building or side of building shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, and landscaping.
 1. All shipping containers and storage facilities shall be screened and subject to the Town of Keenesburg landscape standards.

General Provisions

- a. Blocks shall be arranged in a grid-like pattern, or pattern similar, to promote connectivity and alternate travel routes within the complete neighborhood; cul-de-sacs shall be limited to locations where they are demonstrated to be necessary due to

Commented [NC28]: I don't believe Carports are listed as permitted or special uses in the zoning code. For this to work, the zoning code may need to be amended to allow the use.

Commented [NC29]: Recommend moving these general provisions (including from here to the end) up to the beginning of the regulations.

- site constraints, or where their use improves non-vehicular connectivity.
- b. All new lots shall comply with the provisions of this document related to their access, dimensions, and area.
 - c. Blocks. Streets shall be designed to create blocks that consider interconnectedness, topography, solar orientation, views, energy efficiency, natural design features and other relevant design features. Block size shall be designed to create blocks that are generally a rectilinear or modified rectilinear shape. Amorphously shaped blocks are discouraged except where extra-ordinary conditions necessitate that type of configuration.
 - d. When practical, lot lines shall be at right angles to the street line or at right angles to the tangent of the curve of the street line.
 - e. Lot dimension and configuration. Blocks shall be set within a street layout that includes a maximum average length of 400 feet from street centerline to street centerline.
 - f. Lot size, width, depth, shape, and orientation and building setback lines or build-to lines shall conform to Town of Keenesburg standards and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view.
 - g. Depth and width of properties shall be adequate to provide for off-street parking, landscaping, and loading areas required by the type of use and development contemplated.
 - h. Developments proposing the use of alleys shall:
 - i. Provide clear drive lane no less than fifteen (15) feet;
 - ii. Provide clear access and exist points for the alley and shall be approved by the Town Engineer;
 - iii. Orientate and design structures facing the alley to be of architectural interest and integrity.
 - iv. Provide an ongoing maintenance plan of the alleyways as either the private property owner, homeowner's association, metro district or Town of Keenesburg.
 - i. Street frontage shall typically not be less than 25 percent of the lot depth.
 - j. The town may authorize modifications from block requirements if it is demonstrated that the modified blocks offer comparable connectivity within the neighborhood, and between the neighborhood and nearby transit, parks, outdoor recreation facilities, schools, and places of community interest. The town may require pedestrian and bicycle access mid-block for block lengths greater than 850 ft.
 - k. Corner lots for residential use shall have extra width to accommodate the required building setback and utility easements on both street frontages. For a corner lot, the front of the lot is defined as the side where the property is addressed. In the case of a reverse corner lot, both sides abutting a street shall maintain a front yard setback.
 - l. Double frontage- Residential lots that front on two streets (double frontage) shall not be permitted unless otherwise approved by the Town.
 - m. Unless otherwise permitted by the Town, no lot shall have rear access
 - n. Side lot lines shall be substantially at right angles or radial to road right-of-way lines or centerlines.
 - o. Residential lot access must be provided to adjacent or nearest public street.
 - p. All lots shall have access to the public street system.
 - i. The town may approve lot access onto a common sidewalk, or plaza if adequate access to the public street system can be demonstrated.
 - q. Driveway access to a local or collector street from a single-family detached residential lot shall be limited to one driveway curb-cut or driveway access. A circular drive in which each access to the local or collector street is less than ten feet in width, separated by at least 30 feet and which is constructed as an integral part of the overall design of the single-family residence may be considered as a single driveway access at the Town of Keenesburg's discretion.
 - r. Unless otherwise permitted residential driveways shall be of the following dimensions at their nearest access point from the nearest road onto the lot:
 - i. Single Car Driveway: 9-12 ft wide
 - ii. Double Car Driveway: 20-24 ft wide
 - iii. Parking Stall: 10 ft by 20 ft
 - iv. Single Car Turn Around: 10 ft by 20 ft wide
 - v. Double Car Turn Around: 20 ft by 20 ft
 - s. Unless otherwise permitted residential driveways shall be of the following dimensions at their nearest adjacency to the building to which they serve:
 - i. Single Car Driveway: 9-12 ft wide; with one additional parking stall, total width 18 ft
 - ii. Double Car Driveway: 20-24 ft wide; with one addition parking stall, total width 36
 - t. Driveway access to a local street from a single-family detached residential lot shall be greater than 30 feet from the intersection of the local street and a collector street or 50 feet from the intersection of the local street and an arterial street as measured from the intersecting right-of-way lines.
 - u. Driveway access to a collector street from a single-family detached residential lot shall be greater than 50 feet from the intersection of the collector street and a local street, another collector street, or an arterial street as measured from the intersecting right-of-way lines.

- v. Lots within manufactured home parks or manufactured home subdivisions may take access from private streets. Mobile home park and manufactured home developments shall submit a transportation plan showing the general layout and flow of traffic connections to existing streets. The transportation plan shall be approved by the Town of Keenesburg prior to construction.
- w. If a housing development is designed as a cluster divided into individual lots for each dwelling unit, the access requirement applies to the cluster not the individual lot.

Commercial, business and industrial lot access to adjacent street.

- a. Driveway access to a local or collector street from a multi-family residential, commercial, business or industrial lot shall be greater than 125 feet from any street intersection as measured from the intersecting right-of-way lines
- b. Driveway access to an arterial street from a commercial, business or industrial lot shall be not less than 100 feet from any intersection on the arterial street, or from another commercial, business or industrial lot's access as measured from the intersecting right-of-way lines, or driveways
- c. Driveway access to a local street, collector street, or arterial street from a multi-family residential, commercial, business or industrial lot may be allowed by the Town at its sole discretion.
- d. Unless otherwise granted by the Town, no rear access shall be permitted
- e. Rear yard access onto arterials, collectors, major collectors and/or state highways is not permitted.

Blocks.

- f. All contiguous lots bounded by right-of-way, boundaries of the subject property, or designated or dedicated open space shall be grouped and labeled as distinct blocks. The Town may require one or more easements through a block for the purpose of access.

Residential Blocks with Arterial or State Highway Frontage.

- g. Along all arterial streets, development design shall allow for homes to face arterial streets, with front yard setbacks, and vehicular access being taken from either an alley or local street. The town permits the use of cul-de-sacs with access onto arterial streets. This arrangement is intended to provide a high degree of visible permeability to residential development and allow for safe and efficient pedestrian and bicycle access, while at the same time limiting auto access along the arterial or state highway.
- h. All developments must provide a traffic study completed by a certified traffic engineer and approved by the Town.
- i. Rear yard access onto arterials, collectors, major collectors and/or state highways is not permitted.

Neighborhood Design.

1. **Generally.** Neighborhoods shall be designed as provided in this section with the exception of CBC, CH, LI, HI, AG, PZ, FZ zoning districts.
2. **Neighborhood Layout.** The layout of the proposed neighborhood shall be shown on a sketch plat or sketch site plan. The sketch plat or sketch site plan shall include areas designated for each housing type (or areas designated for particular mixes of housing types), areas of nonresidential uses other than parks, outdoor recreation, schools, or places of assembly will be included in the neighborhood, and to include areas designated as neighborhood activity centers or areas of community interest.

Parking Lot Requirements

1. **Parking and Drive Aisle Standards.**

2. **Purpose of this Chapter:** This Section is intended to ensure that the parking and circulation aspects of all developments are well designed regarding safety, efficiency and convenience for vehicles, bicycles, pedestrians and transit, both within the development and to and from surrounding areas. This section sets forth parking requirements in terms of numbers and dimensions of parking stalls, landscaping, shared parking, drive-in facilities and loading zones. This section addresses parking requirements for:
- Multi-modal transportation
 - Commercial and Retail
 - Drive-up and Drive Thru facilities
 - On street parking
 - Commercial
 - Multifamily
 - Shared parking and parking reductions
 - Parking needs of all zoning designations and land usages

General Standard: The parking and circulation systems within each development shall accommodate the movement of vehicles, bicycles, pedestrians and transit, throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide adequate directness, continuity, street crossings, visible interest and security as defined in this section.

3. **Access and Parking Lot Requirements:** All vehicular use areas in any proposed development shall be designed to be safe, efficient, convenient and attractive, and, when possible, accommodating to all modes of transportation that will use the site. Designated traffic flow and connection to existing streets shall be approved by the Town Engineer; exceptions may be considered for projects of a small nature.
4. **Access:** Unobstructed vehicular access to and from a public street shall be provided for all off-street parking spaces. Vehicular access shall be provided in such a manner as to protect the safety of persons using such access or traveling in the public street from which such access is obtained.
5. **Safety Considerations:** To the maximum extent feasible, pedestrians shall be separated from vehicular and bicycle traffic. In the event complete separation of pedestrians, vehicles and bicycles is not possible, potential hazards shall be minimized using techniques such as special paving, raised surfaces, pavement marking, signs or striping, bollards, median refuge, traffic calming features, landscaping, lighting or other means to clearly and safely delineate pedestrian areas for both day and night use.
- Shared pedestrian and bicyclist walkways:** The pedestrian/bicycle system shall be designed to be wide enough to easily accommodate the amount of pedestrian and bicycle traffic volumes that are anticipated. A minimum width of eight (8) feet shall required and shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines, Guide for Development of Bicycle Facilities, or any successor publication. Additional width up to four (4) feet may be required to accommodate higher volumes of bicycle and pedestrian traffic within and leading to areas of Community Interest & Attraction, Regional Greenways and/or Trailways, Schools, Parks and Open Space.
 - Shared pedestrian and bicyclist walkways may be dually utilized for emergency vehicular access with approval from the Southeast Weld Fire Protection District and Town of Keenesburg engineer. All pedestrian and bicyclist walkways utilized for emergency access shall be paved with hard surface weather resistant materials approved by the Southeast Weld Fire Protection District and Town of Keenesburg engineer.
6. **Curb Cuts and Ramps:** Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, for bicyclists and for people pushing strollers and/or carts. The location and design of curb cuts and ramps shall meet the requirements of the International Building Code and the American with Disabilities Act (ADA) ramp standards and shall avoid crossing or funneling traffic through loading areas, drive-in lanes and outdoor trash storage/collection areas.
- Where possible curb cuts are encouraged in low impact designs. Curb cuts may be used for bioretention, rain gardens, and small-scale water retention areas that are conducive to water conservation and infiltration. All designs must be approved by the Town Engineer prior to construction.
7. **Walkways:** Walkways within the site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination. Walkways shall be at least six (6) feet in width, unobstructed by vertical curbs, stairs, raised landscape islands, utility appurtenances or other elements that restrict access and shall link street sidewalks with building entries through parking lots. Walkways intended to connect points of pedestrian origin to a building destination point shall be enhanced with textured concrete, colored concrete and/or approved hard surface material so as to separate the pedestrian walkway from other traffic.
- Walkways along crosswalks shall be of differing weather resistant hard surface material and or texture than roadway
 - Drive aisles leading to main entrances shall have separated walkways on both sides of the drive aisle.
 - Walkways within R-1 and R-2 district are permitted to be no less than five (5) feet in width. Pedestrian and Bicycle Trails connecting through the R-1 and R-2 district shall be no less than eight (8) feet wide.
 - Residential walkway: When possible tree lawns are encouraged as a means to separate pedestrian traffic from vehicles and bikes. Trees lawns are to be no less than four (4) feet in width from the outside curb to the nearest edge of the associated sidewalk. Trees

Commented [NC1]: Should this be a numbered section so that it's easy to reference?

Commented [KB2]: Five feet minimum walkway width?

Commented [JB3R2]: I think 6' sounds more appropriate

Commented [KB4]: Also 5' minimum?

Commented [KB5]: These may be 8' in Section 6a.

Commented [JB6R5]: I thought these needed to be 10' for an ambulance to get through? Do you know if 8' would be sufficient?

are to generally consist of irrigated grass or a Town approved street tree located in the center of the tree lawn. Alternative ground covers that promote water conservation and are disease resistant are allowed in the tree lawn area with Town approval. All trees and plantings shall be outside of the sight distance triangle and clearly shown as such on submittal sheets to the Town of Keenesburg. All plantings shall meet the landscape standards set forth by the Town of Keenesburg.

- i. Responsibilities: The landowner, metro district and/or homeowners' association shall be responsible for maintenance, upkeep and responsibility to keep in good condition all those locations indicated on the approved landscape plan of all vegetation, irrigation system(s), screening devices, and other landscape components so as to present a healthy, safe and orderly site.
 - e. Right of Way maintenance shall consist of all regular and normal maintenance practices of landscaping including watering, weeding, irrigation, fertilizing, pruning and mowing. Plant materials that exhibit significant levels of insects, pests, diseases and/or damage shall be appropriately treated, and all dead plant materials shall be removed and replaced with living plant materials where required and as approved on the approved landscape plan.
 - i. Private landscaping installed within the City/Town right of way, as part of an approved landscape plan, shall be maintained by the adjacent landowner, homeowners' association or metro district as appropriate.
 - ii. Erosion Control and Reclamation Areas: Vegetative coverage in seeded site categories shall comply with the landscape policy manual. All erosion control and reclamation areas indicated on the landscape plan shall be maintained by the property owner, homeowner's association or metro district who shall replace any dead vegetation as soon as practical/practicable.
 - f. Brush Management and Weed Control: Vegetation shall be maintained so as to inhibit the spread of noxious weeds, and to mitigate public, health, safety and wellness hazards, such as the spread of wildfires, slope failures, soil erosion, and increased flooding.
 - i. Alley ways shall be maintained and cleared of vegetative debris so as to preserve the visibility and general flow of traffic.
 - ii. Alley ways shall be maintained by private property owner, homeowner's association or metro district
 - g. Public Safety and Visibility:
 - i. Visibility for police surveillance and crime prevention shall not be significantly hampered by landscaping;
 - ii. Corner visibility for traffic movement and protection of pedestrians shall comply with all parts of this code/these Parking and Drive Aisle Standards
 - iii. Landscaping shall not prohibit access to utilities or hinder public safety to needed resources such as fire lanes and hydrants.
 - h. Public Rights of Way Adjacent to Double Frontage Lot Streetscapes:
 - i. Maintenance shall be the responsibility of the adjacent private property owner, homeowners' association or metro district as specified and approved by the Town of Keenesburg.
 8. **Pedestrian/Vehicle Separation:** To the maximum extent feasible, pedestrian and vehicles must be highly visible through the provision of a sidewalk, trail or walkway. Pedestrian routes that provide direct and convenient access through the site must be identified through the use of bollards, special paving, lighting, landscaping or other approved means to minimize conflicts between vehicles, bicycles and pedestrians.
 - a. When possible, pedestrian improvements must be designed to channel and collect pedestrians safely through the lot, minimizing to best extent possible, conflicts between pedestrians and vehicles.
 - i. Where pedestrian routes cross the driving aisle, appropriate consideration must be given to providing pedestrian refuge areas.
 - b. Pedestrian drop-off areas must be provided where needed and shall not be in public road rights-of-way.
 - c. When possible, bike lanes must be separated from vehicular traffic by means of bike lane separator, bollards, and or landscaping.
 9. **Street Crossing:** In the event it is necessary for the primary pedestrian access to cross drive aisles or internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety. The material and layout of the pedestrian access shall be continuous as it crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way. The pedestrian crossings must be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas and landscaping as required by the Town of Keenesburg.
 10. **Bicycle Facilities:** Bicycle parking is required in all zones except, R-1 and R-2; however, bike parking shall be provided for community amenities such as a park and/or garden provided within all zoning districts. A minimum number of bicycle parking spaces must be provided, equal in number to five percent of the total number of automobile parking spaces provided, but not less than one space.
 - a. Bicycle parking facilities must allow the bicycle frame and both wheels to be securely locked to the parking structure.
 - b. Bicycle parking structure must be permanently constructed, made of weather resistant material and securely attached to the pavement.
 - c. Bicycle parking is not required in single family detached unit developments.
 - i. Bicycle parking is required in all multi-family, commercial, retail and park developments.
 - d. Safe pedestrian access shall be provided from the bicycle parking location to the area, building or residence of interest.
 - i. Safe and adequate lighting shall be provided for all bicycle parking facilities and pedestrian connections thereof.
 11. **Drive-In & Drive-Thru Facilities:** Drive-in facilities are to have minimal interference with access and circulation onto public roadways.
 - a. Drive-in facilities must be clearly signed and conspicuously marked to provide efficient flow of traffic through the facility.
 - b. Drive-in facilities are permitted within the CH, CBD, LI, and HI zones and must be located to minimize conflicts with the movement of other vehicles, bicycles, and pedestrians. A clear traffic plan showing where traffic is proposed to enter and exit facility is required to be submitted to the Town for all Drive-in and Drive-Thru proposal.
 - c. Traffic generated from a drive-in or drive-thru facility is not permitted to exit directly onto I-76, I-76 frontage road, Weld County Road 59, Highway 52 All drive-in and drive-thru facilities proposed along Weld County Road 59 or Highway 52 may be approved

Commented [NC7]: This should refer to the exact title of the applicable regulations.

Commented [NC8]: Town Engineer? "Town of Keenesburg" would typically indicate the Board, unless otherwise specified.

with a clear traffic plan submitted to and approved by the Town Engineer.

- d. Drive-ins and drive-thrus shall not be positioned such that vehicle headlights shall not face a residential use or residentially zoned lot.
- e. Landscape buffer shall be provided in situations where the positioning of a drive-in and/or drive-thru causes traffic headlights to directly face the roadway. The applicant must demonstrate to the Town of Keenesburg that the buffer adequately screens headlights from interfering with interference onto the roadway.

12. Loading Zones: Loading zones and service areas must be designed to minimize interference with access and circulation on public roadways and within the parking lot. When possible, loading zones and service areas must be located on separate routes away from primary circulation routes for vehicles, bicycles and pedestrians.

- a. Loading zones within parking lots must be designed to minimize conflicts with the movements of other vehicles, bicycles and pedestrians.
- b. Loading zones are required for non-residential uses that require goods, merchandise or equipment to be routinely delivered or shipped from the subject property.
- c. Unless the Town determines additional space is necessary to meet the requirement of the use, loading spaces for non-residential uses shall be provided as follows:
 - i. One off-street space for buildings between 5,000-20,000 SF, ± plus;
 - ii. One additional off-street loading space for each 20,000 SF or fraction thereof of additional gross floor area in excess of 20,000 SF
 - iii. Over the curb loading is not permitted by the Town unless alternative means have been determined as unsafe in such case.
 - 1. Over the curb parking will be reviewed and approved by the Town as deemed appropriate.
- d. Loading areas shall be screened from principal building entrances and other highly visible areas of the subject property. All loading zone screening shall meet requirements set forth by the Town of Keenesburg. If a loading area is located within 150 feet of a residential zone, a street, a public park, or a designated public open space, then the following standards apply:
 - i. The loading area shall be enclosed with a roof and a screen wall that is at least 60 percent opaque. Plantings may be approved as a screen at the Town of Keenesburg's discretion.
 - 1. A temporary screen wall may be required until plantings reach a growth point that achieves required screening.
 - ii. Plantings and/or walls may be required to mitigate sound and visual disturbances created by the loading zone.
 - 1. Plantings and/or walls may be required to mitigate adjacent land use impacts
- e. Loading areas shall be of sufficient size to accommodate vehicles that will serve the proposed use, such that all backing and maneuvering to and from loading areas is done on the subject property, and egress of vehicles from the subject property is in a forward-direction. A loading area traffic flow plan must be submitted and approved by the Town Engineer and approved prior to construction.
- f. The location of the loading area shall not block or obstruct any public street, alley, driveway, or sidewalk. Exiting traffic from the loading area shall not impede the flow of traffic, pedestrian, or bicycles.
- g. Loading zones shall have a weather resistant permanently mounted sign of standard dimension posted in a conspicuous location clearly showing the loading zone designation. Loading zones shall also be painted with a weather resistant paint clearly communicating the loading zone designation.
 - i. Safety lighting shall be required in all loading zones. When possible, lighting pollution is to be kept at a minimum by focusing lighting to reduce glare, light trespass and skyglow. Light cutoffs are required for all streetlights and lights of similar nature.
 - ii. Loading zone lighting shall meet the standards set forth in the Town of Keenesburg Lighting in Parking lots and Commercial Buildings standards.

13. Transportation Impact Study: In order to identify those facilities that may be required, all development plans must submit a Transportation Impact Study approved by a Certified Traffic Engineer, which study shall be approved by the Town Engineer. This requirement may be waived for smaller developments with approval by the Town Engineer.

14. Surface: All open off-street parking and vehicular use areas shall be surfaced with asphalt, concrete or other hard surface material of a similar nature and functionality, with no greater environmental impact.

- a. Low impact designs materials such as permeable pavement, pavers and soft-surface overflow parking or similar materials that encourage groundwater recharge, may be approved at the discretion of the Town.
- b. All materials shall be weather resistant and permanent in nature.

15. Parking Area Drainage Requirements: Parking lots must be designed to provide positive drainage and carry stormwater quickly and effectively away from the site. Parking surfaces are not permitted to serve as detention facilities. All points of drainage require water quality and erosion control measures that must be approved by the Town Engineer.

- a. Low impact parking area drainage design may be permitted by the Town Engineer

16. Maintenance: The property owner, homeowner's association or metro district/district shall be responsible for maintaining all vehicular use areas in good condition and free of refuse and debris, and all landscaping areas in a healthy and growing condition, replacing it when necessary as determined by the Town.

Commented [NC9]: Town Engineer?

Commented [NC10]: Prior to construction commencement?

Commented [NC11]: At the property owner's/HOA's/district's cost? If so, the regulations should state as much.

17. **Calculation of Required Parking Spaces**

18. Generally, Table A: Residential Land Use Parking Standards, Table B: Residential Land Use Parking Standards – Special, and Table C: Non-Residential Land Use – Parking Standards, set out the number of parking spaces that are required for each land use that is listed in the following table. The following table shall be read in conjunction with the following meanings:

- a. **Commercial Vehicle** means: Any motor vehicle, trailer, or semi-trailer that:
 - i. Is designed or used to carry freight, other vehicles, equipment, passengers for a fee, or merchandise in the furtherance of any business enterprise; and
 - ii. Has a gross weight of more than 10,000 pounds;
 - iii. Any step van or truck that is designed for commercial moving or parcel delivery services;
 - iv. Any truck that is used for mobile retail sales (e.g., ice cream, lunches);
 - v. Any vehicle with more than four wheels that is used for business purposes;
 - vi. Any trailer that is used to haul machinery, supplies, or equipment for business purposes (horse trailers, boat trailers, motorcycle trailers, RV trailers, and car trailers put to personal use are not included in the definition);
 - vii. Any trailer that is used for commercial hauling (e.g., waste, junk, or lawn clippings), or commercial moving services;
- b. **Per sf.** The phrase “per sf” means that the number of parking spaces is calculated based on the number of square feet of gross floor area.
- c. **Per dwelling unit or per DU.** The phrase “per du” means that the number of parking spaces is calculated based on the number of dwelling units. In some cases, the parking requirements are based on the number of bedrooms (per “#” BR du) in the dwelling units.
- d. **Per Bed.** The phrase “per bed” means that the number of parking spaces is based on the number of beds rather than rooms served for sleeping. Per bed calculations are often used to quantify uses that offer residential care or overnight accommodations with shared rooms.
- e. **Per Employee.** The phrase “per employee” means that the number of parking spaces is based on the number of employees (full-time and part-time) on the maximum shift, that is, the work shift in which the maximum number of employees are present.
- f. **Per Seat.** The phrase “per seat” means that the number of parking spaces is based on the number of seats that are provided to guests (patrons, members, etc.); and the phrase “per seat design” means that the number of parking spaces is based on the maximum seating of the use as determined by applicable fire codes.
- g. **Per Person Design.** The phrase “per person design” means that the number of parking spaces is based on the maximum number of people who may occupy the use pursuant to applicable fire code standards or licensing requirements, whichever is less.
- h. **Rounding.** When the calculation of required parking spaces results in a fractional parking space, the result of the parking calculation shall be rounded up to the nearest whole number.
- i. **Residential Uses.** Where a garage is provided for an individual dwelling unit, tandem spaces in front of the garage are counted toward meeting off-street parking requirements for the dwelling unit.
- j. **Motorcycle, Scooter, or ATV Sales or Rental** means the sale or rental of motorcycles, scooters, snowmobiles, or ATVs at the location where inventory is stored. The phrase “motorcycle, scooter, or ATV sales or rental” includes outdoor storage of motorcycles, scooters, snowmobiles, or ATVs for off-site brokers. The phrase does not include:
 - i. Brokering of motorcycles, scooters, snowmobiles, or ATVs that are stored off-site and delivered directly to customers (a general office use); or
 - ii. Indoor storage of motorcycles, scooters, snowmobiles, and ATVs for brokers who are located off-site (a light industrial or heavy logistics use, depending upon the volume of sales).
- iii. **All motorcycle parking shall be on a slope no greater than 5% and clear of debris and:**
 1. Located to provide optimum maneuverability and safety for motorcyclist
 2. Motorcycle parking shall comply with all provisions of Town of Keenesburg Land Use and Municipal code
 3. Motorcycle parking areas shall meet all lighting and traffic access provisions of this code

19. **Table A: Residential Land Use Parking Standards.** The number of required off-street parking for residential land uses is set out in Table A: Residential Land Use Parking Standards.

| Table A: Residential Land Use Parking Standards: | |
|--|------------------|
| Land Use | Minimum Required |
| Single Family Detached (All Types) | 2 sp./du |
| Duplex or Townhouse (All Types) | 2 sp./du |
| Multiplex | 2 sp./du |

Commented [KB12]: Is this additional language necessary?

Commented [JB13R12]: It might not, if a residence was built outside of a single family, duplex or multiplex it would be a special review anyway. I'll ask Todd for his thoughts before we bring it to Board.

| | |
|--|--|
| General Multifamily | 1sp./Studio; 1.5 sp./1 BR du; 2sp / 2+ BR/du + 5% for visitor parking |
| Manufactured Homes | 2 sp. /du |
| Cluster Duplex | 1.5 sp./du |
| Residential Amenity Area (including clubhouse, pools, community gathering rooms) | 1 sp./750 sq. ft. |

20. **Table B: Residential Land Use Parking Standards – Special.** The required off-street parking for residential land uses is set out in Table B: Residential Land Use Parking Standards –Special.

| Table B: Residential Land Use Parking Standards – Special | |
|--|---------------------------------------|
| Land Use | Minimum Required |
| Live-Work Unit | 3sp./du |
| Rooming/Boarding House | 1 sp./per bed |
| Group Home | 0.5 sp/BR |
| Assisted Living or Congregate Care | 1 sp./3 beds + 1 sp. / 1 per employee |
| Nursing Home, Memory Care, Alzheimer's Care | 1 sp./3 Beds + 1 sp/ 1 per employee |
| Residential Amenity Area (including clubhouse, pools, community gathering rooms) | 1 sp./750 sq. ft. |

for non-residential land uses is set out in Table C, Non-Residential Land Use-Parking Requirement.

| Table C: Non-Residential Land Use – Parking Standards | |
|--|--|
| Land Use | Minimum Required |
| Theatre, auditoriums and other similar places of assembly | 1 sp./ 3 seats in principal place of assembly |
| Preschools nurseries and childcare centers | 1 sp./ 450 SF |
| Elementary through Junior High Schools (Public or Private) | 2 sp./Classroom |
| Senior High Schools (Public or Private) | 10 sp./Classroom |
| Colleges or Universities (Public or Private) | 10sp./Classroom + 1 sp./per Employee |
| Restaurants | |
| Fast Food | 1 sp./150 SF of Floor Area |
| Standard (served within a building and/or patio space) | 1 sp./100 SF of Floor Area/ 1 sp./200 SF of Patio Area |
| Bed and Breakfast | 1 sp./BR |
| Bars/Taverns/Nightclubs | 1 sp./500 SF |
| Hotels/Motels/Lodging | 1sp/BR / |
| Churches | 1 sp./3 seats in principal place of assembly |
| Small Animal Hospitals and | 1 sp./300 SF |

Commented [KB14]: Are we expecting to add parking spaces based on pool area in addition to clubhouse area?

Commented [JB15R14]: I put that in there as an example of amenities that require extra parking. If a pool were to be built without a clubhouse, it would be the same parking requirements as a pool and clubhouse.

Commented [KB16]: I think this needs number 22.

Commented [KB17]: Seems OK.

21. T
able C: Non-Residential Land Use – Parking Standards. The required off-street parking

Commented [KB18]: I'd recommend a consistent nomenclature throughout this table: 1 sp./x SF

Commented [KB19]: 1 space per guest room?

Commented [KB20]: Seems way light, unless we expect Keenesburg churches to be empty. How sad. How about 1 space per 3 seats like other auditoriums?

| | |
|--|--|
| Clinics | |
| Commercial Recreational | 1 sp./2,000 SF |
| Limited indoor recreation | 1 sp./300 SF |
| Outdoor Recreation | 1 sp./2,000 SF |
| Bowling Alley | 1 sp./400 SF |
| Farmers Market | 1 sp./2,000 SF |
| General Retail | 1 sp./500 SF |
| Personal Business and/or service | 1 sp./500 SF |
| Shopping Center | 1 sp./2,000 SF |
| Grocery Store/Supermarket | 1 sp./1,000 SF |
| Nursery or Greenhouse wholesale | 1 sp./1,000 SF |
| General Office | 1 sp./500 SF – minimum of 4 Parking Spaces |
| Motor Vehicle Services and Maintenance | 1 sp. / 1,000 SF |
| Custom small Industry/Workshop | 1 sp./1,000 SF |
| Motorcycle, scooter, ATV, or OHV sales or rental | 1 sp./300 SF of showroom, office, service and parts sales |
| Fueling/Charging Stations | 1 sp./ pump island + 1 sp./200 SF |
| Motor vehicle wash | 1 sp. Per wash bay |
| Passenger motor vehicle sales and rental | 1 sp./450 SF of showroom, office service areas and parts sales |
| Heavy Motor Vehicle sales or rental | 1 sp./500 SF of showroom, office service areas and parts sales |
| Heavy Motor Vehicle service | 1 sp./300 SF |
| Health Facilities | |
| Hospitals | 0.5/BR |
| Long Term Care | 0.25/BR + 2 per Employees |
| Pharmacies | 1 sp./400 SF |
| Laboratories | 1 sp./450 SF |
| Professional Medical Offices | 1 sp./400 SF |
| Industrial Warehouse | 1 sp./2,000 SF |

22. Uses Not Listed. Uses that are not listed, the parking shall be established pursuant to an approved parking study. This study must be completed by a certified traffic engineer and approved by the Town Engineer.

- Off-street parking and loading spaces must be provided in accordance with estimates of need as determined by the Town Engineer.
- Exceptions to this standard may be granted by the Town Keenesburg Engineer.

23. Required Accessible Parking Spaces

- Parking spaces that are accessible to disabled persons ("accessible parking spaces") shall be provided as set out in this Section. Such spaces shall be counted toward the total number of spaces that are provided for compliance with Table A: Residential Land Use Parking Standards, Table B: Residential Land Use Parking Standards – Special, or Table C: Non-Residential Land Use – Parking Standards.
- Number of Required Spaces. Accessible parking spaces shall be provided as set out in Table D: Accessible Parking Spaces, or as required by the 2010 ADA Standards for Accessible Design, Section 208 (as may be amended or retitled from time to time) ("ADAAG"), whichever requires more parking spaces and more van accessible parking spaces for disabled persons. Under no circumstances shall these regulations, or compliance therewith, be construed to relieve a developer from complying with any and all applicable standards of the ADAAG.
- Location**
 - Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.
 - When accessible parking spaces are added to an existing parking lot or structure, an accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route must be at least 3 feet wide, and have a firm, stable, slip-resistant surface. The slope along the accessible route shall not be greater than 1:12 in the

Commented [KB21]: 1 space/500 SF?

Commented [JB22R21]:

Commented [KB23]: And pharmacies?

Commented [KB24]: 1 space/400 SF?

Commented [KB25]: 1 space/1000 sf? Or 1.1 space per employee?

direction of travel.

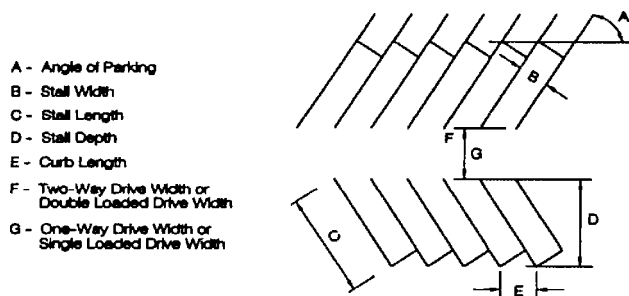
- iii. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement)
 - iv. Where parking spaces are marked with lines, width measurements of parking spaces and access aisles are to centerlines, except for the end space which may include the full width of the line.
 - v. Access aisles may be located on either side of the parking space except for angled van parking spaces which must have access aisles located on the passenger side of the parking spaces.
 - vi. Parking spaces for the physically handicapped shall be 13 feet wide unless the space is parallel to the pedestrian walkway. All other dimensions for the space ~~are shall be~~ the same as those for standard parking spaces.
 - vii. All accessible spaces shall be paved with asphalt or similar hard surface weather resistant material
 - viii. Designed so that whenever there is more than a one-half foot change in the elevation of the surface between an accessible route and the ADA accessible parking space, a ramp is provided within 26 feet, connecting the route to the parking spaces
 - ix. Handicapped parking spaces must be located as close as possible to the nearest accessible building entrance using the shortest-accessible travel route. When possible, the ADA accessible route should not cross lanes for vehicular travel.
 - x. Accessible Routes. All accessible routes shall serve as emergency exists for disabled individuals and shall be free from obstructions. Required ramps shall be identified with a sign and made of a permanent material which will provide all-weather access.
- d. **ADA Parking Signage.** Each handicapped parking space must be clearly designated as being reserved for use by the physically handicapped with the appropriate signing and pavement parking to include:
- i. The statement "Van Accessible," if the space is an ADA van-accessible parking space. The sign must be mounted 60 inches minimum above the ground surface measured to the bottom of the sign
 - 1. ADA identification signs are not required for parking lots of 4 space or less
 - ii. Boundary of the access aisle must be clearly marked so as to discourage parking in it.
 - iii. Where parking spaces are marked with lines, width measurements of parking spaces and access aisles are to centerlines, except for the end space which may include the full width of the line.
 - iv. All signs shall be permanently mounted, with anchor bolts, on a post or on an adjacent structure or wall within 10 feet of the ADA accessible parking space, oriented to the center of the front of each parking space, facing the rear of the space.
- e. **ADA Parking**
- i. Access aisle width is at least 60 inches, must be at the same level and the same length as the adjacent parking space(s) it serves, maximum slope in all directions is 1:48, and access aisle must connect to an accessible route to the building. Ramps must not extend into the access aisle.
 - ii. Accessible parking space shall be 96 inches wide minimum, marked to define the width, and maximum slope in all directions is 1:48.
 - 1. Van accessible spaces requires a minimum of 98 inches to accommodate van height, adjacent access aisle and on the vehicular route to and from the van-accessible space.
 - 2. Van parking space must be 132 inches wide minimum with an adjacent 60-inch wide minimum access aisle. A van parking space of 96 inches wide minimum with an adjacent 96-inch wide minimum access aisle is also permitted.
 - iii. Access aisles may be located on either side of the parking space except for angled van parking spaces which must have access aisles located on the passenger side of the parking spaces.

Table D1 Accessible Parking Spaces

| Number of Parking Spaces Required by Division | Number of Accessible Parking Spots | Number of Required Van Accessible Spaces |
|---|--|---|
| 1-25 | 1 | 1 |
| 26-50 | 2 | 1 |
| 51-75 | 3 | 1 |
| 76-100 | 4 | 1 |
| 101-150 | 5 | 1 |
| 151-200 | 6 | 1 |
| 201-300 | 7 | 2 |
| 301-400 | 8 | 2 |
| 401-500 | 9 | 2 |
| 501-1,000 | 2 percent of the total number of parking spaces | 1 out of 6 accessible parking spaces rounded up |
| 1,001 and over | 20, plus one for each 100 parking spaces in excess of 1,000 parking spaces | 1 out of 6 accessible parking spaces rounded up |

24. **Use-Specific Standards.** Hospital outpatient facilities, rehabilitation facilities or outpatient physical therapy facilities, and residential uses are subject to ADAAG §§ 208.2.1, 208.2.2, and 208.2.3, respectively.
25. **Parking Lot Layout:** Parking bays may be perpendicular or diagonal to the land use they serve, whichever is less conflicting with general traffic flow.
- Standard parking spaces must conform with the dimensions shown on Figure 1B, and show application of Table 1C.
 - Where more than ten parking spaces are proposed or required.
26. **Parking Lot Location:** All Parking lots must be separated from road rights-of-way and from side and rear lot lines in accordance with the following:
- 25' distance from major highways or as specified by jurisdictional authority of said highway
 - 15' distance from an arterial road
 - 10' distance from a non-arterial road
 - 8' along a side or rear lot line

Figure 1B



27. **Table 1C. Parking space and aisle dimensioning.**

| Typical Vehicle | | | | | | |
|-----------------|-----|------|------|------|----|----|
| A | B | C | D | E | F | G |
| 0 Degrees | 8 | 23 | 8 | 23 | 20 | 12 |
| 30 Degrees | 8 | 23 | 8 | 23 | 20 | 15 |
| 45 Degrees | 8.5 | 20 | 17.4 | 17 | 20 | 15 |
| 60 Degrees | 9 | 19 | 21 | 10.4 | 24 | 20 |
| 90 Degrees | 9 | 19 | 19 | 9 | 24 | 20 |
| Compact Vehicle | | | | | | |
| A | B | C | D | E | F | G |
| 0 Degrees | 7.5 | 19 | 7.5 | 19 | 20 | 12 |
| 30 Degrees | 7.5 | 16.5 | 14.8 | 15 | 20 | 15 |
| 45 Degrees | 7.5 | 16.5 | 17 | 10.6 | 20 | 15 |
| 60 Degrees | 8 | 16 | 17.9 | 9.2 | 24 | 20 |
| 90 Degrees | 8 | 15 | 15 | 8 | 24 | 20 |

28. **Parking Space and Aisle Standards**

29. Generally, Parking spaces and access aisles shall be designed according to the standards of this Section.

Commented [KB26]: These dimensions seem to check out. I'm doubtful that the compact car parking dimensions should be included in an agricultural town. I'd recommend making this a Word table—this one is tough to read. There's an extra line in the table.

Commented [JB27R26]: Thanks. I kept the compact car parking incase it ever becomes a thing (all it takes is one big proposal) but I can remove it

- a. All parking spaces located across from each other, on the opposite side of a drive lane, shall be located at the same angle to the drive lane, except that parallel parking may be provided on one side of the drive lane in order to enhance disabled access.
 - i. Upon those streets which have been signed or marked by the ~~city-traffic-engineer~~ Town Engineer for angle parking, it shall be unlawful for any person to stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings
- b. Angle parking located on a drive lane with a dead-end is not allowed unless:
 - i. The angle of the parking space is 90 degrees to the direction of travel; or
 - ii. The geometry of the subject property requires such a configuration for an efficient parking layout and the ~~town-~~ Town Engineer determines that the design provides for safe circulation.
- c. Parking shall be screened from public rights of way, not including alleys, and residential zones. All parking lot screening shall meet the requirements set forth in the Town of Keenesburg Landscape Standards.
- d. When possible and consistent with safe traffic movement, new curb cuts shall be placed so as to not require the removal of existing street trees.
- e. For lots where parking is the principal use, the parking lot shall be set back 10 feet from lot lines that adjoin streets and five feet from all other lot lines.
- f. Access Aisle Widths. Access aisle width shall not exceed the minimum required width unless an increase in width is necessary to serve a demonstrated public safety interest.
- g. Vehicular access to parking lots (surface or structured) shall be from the primary connecting roadway that is most adjacent to building, unless the Town determines that such access is infeasible or would create a public safety hazard. In such cases, access shall be provided:
 - i. With ingress from a public street and egress into the alley, or if such an arrangement is infeasible or would create a public safety hazard;
 - ii. With ingress and egress from the street as shown in Figure C, Urban Parking Access, options A, B, or C.
 - iii. In cases where it is unfeasible or impractical for parking to be accessed by the primary connecting roadway, an exception may be granted and parking may be provided in the rear of the building. Such exceptions must be approved by the Town ~~of Keenesburg~~ Engineer or Planner and shall meet the following criteria:
 1. Adequate parking lot lighting shall be provided at the same safety and level of service as a front lot parking lot. A photometric plan illustrating the proposed parking light lighting on the site shall be submitted and approved by the Town
 2. Parking lot lights shall meet all requirements outlined in Town of Keenesburg Lighting in Parking Lots and Commercial buildings ~~Buildings section of this code~~ regulations.
 - a. When possible, lighting pollution is to be kept at a minimum by focusing lighting to reduce glare, light trespass and skyglow. Light cutoffs are required for all streetlights and lights of similar nature.
 - b. Adequate lighting shall also be provided for all bicycle parking facilities
 - iv. Clear pedestrian connection shall be provided between the parking lot and building entrance. Such connection shall meet criteria outlined in 6, 6.a, 8, 8a, 8b, 8c, 8d, 9 and 10 of ~~this code~~ these regulations.
 - v. Dumpsters shall be fully enclosed with a trash enclosure gate capable of opening, closing and locking in place
 1. Dumpster screening shall meet all requirements outlined in the Town of Keenesburg Landscape Code
 2. By all feasible means pedestrian pathways shall be located away from dumpster enclosures with a clear safe pedestrian travel route of travel connecting the parking lot to the entrance of the building
 3. Whenever possible dumpsters shall be located at or near the rear of the building
 - vi. Landscaping in rear parking lots shall meet all provisions of the Town of Keenesburg Landscape Code
 1. In rear parking lots landscaping shall be placed to avoid places of hiding, heavy shadowing and/or visibility issues. Massing of medium growth plants is prohibited in these locations.
 - vii. Rear building architecture and pedestrian connection shall be of visual interest, character and inviting to constituents of the facility and serving to compliment the building as a whole.
 1. Where applicable the sides of the building shall be of visual interest and character complementing the building as a whole
 2. Rear and side accesses to buildings shall provide clear visuals of pedestrian pathways to entrance of buildings, such access way shall be free of medium growth plants and areas of hiding and or concealment.

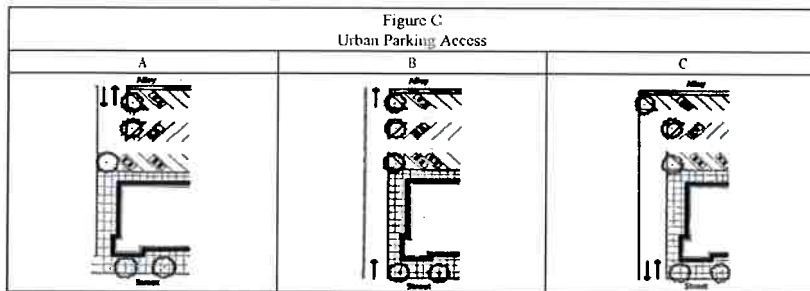
Commented [NC28]: The main entrance?

Commented [KB29]: Boy. I don't know...

Commented [NC30]: Town Engineer?

Commented [NC31]: The landscape regulations of the Town Code?

Commented [NC32]: Same comment as above.



30. **Overhangs.** The length of standard parking spaces may be reduced by up to two feet where the adjacent sidewalk or landscape area is protected by a curb and not less than seven feet in width, allowing for vehicle overhang and an unobstructed walkway or landscape area of at least five feet in width. The use of wheel barriers in such locations is prohibited.

- a. Overhang parking must be approved by the Town of Keenesburg in the Commercial Business District (CBD), Highway Commercial District (CH), and Public Zone district (PZ).

31. **Parking and Loading Design**

- a. **Single-Family Detached, Duplex, Multiplex, and Townhome Uses.** Single-family detached, duplex, multiplex, or townhome dwelling units may be parked in a manner that permits vehicles to back directly onto one public local street.
- b. Backing and turning movements associated with parking shall not extend into a street, and shall not obstruct or conflict with traffic, either on-site or off-site.
 - i. Rear angle back in parking may be allowed with approval by the Town Engineer in the Town Engineer's discretion.
- c. The closest driving distance from the flowline of the street at a point of ingress, to the first parking space or drive aisle intersection that is accessible from that point of ingress, is controlled by the Town of Keenesburg. Such areas are intended for routine delivery and use for delivery vehicles. Loading areas are not designed or designated to be parking areas in any fashion.
- d. Blocking of access and loading zones is prohibited in all zoning designations and land usages.
- e. Parking lots with more than three parking spaces shall:
 - i. Be designed and traffic controlled therein so that access to and from a public street requires vehicular traffic to be traveling in a forward direction when entering and exiting from the parking lot.
 - ii. Include curbs, wheel stops, or other barriers to prevent vehicles from extending beyond the perimeter of the parking lot, and to prevent vehicles from contacting an unprotected wall, fence, or sidewalk.
 - iii. Be clearly and permanently marked on the parking surface (e.g., stalls shall be located, and traffic channelized with painted stripes);
 - iv. Be designed using the angles, layout, and dimensions in Figure 1B.
- f. All parking lots shall be designed in accordance with Town of Keenesburg's Parking and Drive Aisle standards.
- g. All parking lots shall meet all requirements set forth in the Town of Keenesburg's Landscape Design Standards.
- h. Parking is not allowed in a required front setback except on a single-family detached, duplex, townhome, or multiplex residential driveway or parking pad that extends through a front setback.
- i. Parking aisles are intended to promote the flow of traffic and shall be designed to collect and channel traffic from parking compounds towards points of ingress and egress. Access to and from a street shall be provided for all off street parking spaces.
- j. Obstruction of a driveway or emergency entrance or exist approach or across public sidewalks is prohibited in all zoning districts.
- k. **Parking Spaces and Parking Aisles.** Storing materials, boats, campers, recreational vehicles, or inoperable vehicles, or overnight parking of trucks or trailers is prohibited in parking areas of multifamily, residential, and mixed-use developments, unless:
 - i. The outdoor storage use is permitted in the applicable zone and approved for the subject property

Commented [NC33]: Recommend using terms defined in the design standards or in the Town Code for greater clarity of applicability.

This comment is applicable throughout.

Commented [NC34]: Meaning the Town makes this determination?

Commented [NC35]: Should refer to the exact title of the document.

32. **Off-Street Parking:** Off-street parking shall be available for operable passenger automobiles of the residents, customers, patrons, and employees of the facility for which they desire parking. Required off-street parking spaces shall be located on the same lot or premises as the building or use for which they are required unless:

- a. Such spaces are provided collectively by two (2) or more buildings or uses on abutting lots in a single parking area located within the boundaries or those abutting lots, and the total number of parking spaces supplied collectively is equal to the number of spaces required by this subdivision for each use considered separately.

- b. Off-Street parking shall be located either immediately in front of the facility of which it serves, or within 300' of such facility.
 - c. Parking spaces provided through the provision of off-street parking will count towards the overall parking requirements required by the Town of Keenesburg.
 - d. Alternative parking space location(s) and number must be approved by the Town of Keenesburg in order to count towards this requirement.
 - i. Alternative parking space location(s) and number(s) shall be approved by the Town of Keenesburg.
 - e. In the case off-street parking is provided by a different property owner than the owner of the site and/or facility generating parking demand, a written parking agreement must be signed by both parties and approved by the Town of Keenesburg and Town of Keenesburg Engineer.
 - f. A person may stand or park a motorcycle, low-power scooter or electric assisted bicycle may park at an angle to the edge of the roadway headed in the direction of lawful traffic movement in which such vehicle could proceed if it were to move forward; except:
 - i. That it shall be unlawful for any person to stand or park a motorcycle, low-power scooter or electric assisted bicycle at such an angle with the edge of the roadway, that any part of such vehicle protrudes into the roadway at a distance from the edge of the roadway greater than the width of any motor vehicle that is lawfully parked parallel with the edge of the roadway. State law reference— Parking at curb or edge of roadway, C.R.S. 1973, 42-4-1105.
 - g. It shall be unlawful for the driver or operator of a vehicle to drive the same within or upon any sidewalk area except at a permanent or temporary driveway, nor drive or park within or upon any median or island on any street or highway.
 - i. It shall be unlawful for any operator of a vehicle to park upon any sidewalk area, unless otherwise permitted by this Code, or park or drive upon the median or center strip of any parkway or boulevard, or park or drive within or upon any part of a city park except designated roadways or parking areas therein; provided, however, that the provisions of this subsection shall not apply to vehicles of the city actually engaged in work on or at any such place
 - h. In no instance shall any parking space be located closer than ten (10) feet from any fire hydrant or as specified by the Southeast Weld Fire Protection agency.
33. **On Street Parking:** On street parking spaces shall be used for vehicular parking only. No sales, rental, storage, repair, servicing of vehicles, equipment or materials, dismantling, or other activities shall be conducted or located in such areas. On street spaces cannot be designated as private or reserved for the adjacent use.
- a. Up to four (4) motorcycle parking spaces may be permitted in lieu of two (2) standard parking spaces and may count toward the required total parking.
 - i. A minimum of five (5) parking spaces shall be provided before any motorcycle spaces can replace a required parking space
34. **Guest Parking:** Off-street guest parking spaces in multi-family developments and community amenity areas shall be distributed proportionally to the dwelling unit locations that they are intended to serve. Such parking shall not be located more than two hundred (200) feet from any dwelling unit that is intended to be served.
- a. Alternative guest parking locations shall be approved by the Town of Keenesburg prior to construction
35. **Alternative Compliance.** Upon written request by the applicant, the Town may approve a reduction to parking for residential land, recreational, and institutional land uses or the number of spaces based on use for recreational and institutional land uses.
- a. Parking reduction requests shall be prepared and submitted in accordance with the submittal requirements for plans as set forth in this Section. Each such plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purpose of this Section than would a plan which complies with the standards of this Section.
 - b. Review Criteria. To approve an alternative plan, the Town must first find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than would a plan which complies with the standards of this Section. In reviewing the parking reduction request, in order to determine whether the proposal accomplishes the purposes of this Section, as required above, the Town shall take into account the number of employees occupying the building or land use, the number of expected customers or clients, the availability of nearby on-street parking, the provision of purchased or leased parking spaces in a municipal or private parking lots, or any other factors that may be unique to the applicant's development request. The town shall not approve the alternative parking ratio plan unless it:
 - i. Does not detract from continuity, connectivity and convenient proximity for pedestrians between or among existing or future uses in the vicinity
 - ii. Minimizes the visual and aesthetic impact on the surround neighborhood
 - iii. Creates no physical impact on any facilities serving alternative modes of transportation
 - iv. Creates no detrimental impact on natural area or features
 - v. Maintains handicap parking needs

Commented [NC36]: This would require Town Board and Engineer approval; is that the intent? Typically, the Board approves agreements by resolution.

Commented [NC37]: Refers to the 1973 version of the statute. Recommend referring to the current version. (CRS 42-4-1105 now addresses speed contests.)

Commented [NC38]: Recommend using terms and phrases defined in the Town Code or in the design standards definition section.

Commented [NC39]: Should this be "and?" If all of the listed items must be considered, then this should say "and" rather than "or."

Street Standards

Standard Street Cross Sections

The Town of Keenesburg has developed standard street cross sections that reflect differences in traffic patterns and needs based on the functional classification of the Town's streets. Arterials provide the highest level of mobility, with higher speeds and the potential for increased numbers of lanes, but with greater restriction on access. Local streets provide the highest level of access, but with lower speeds and reduced capacity for traffic movement. Collector streets balance accessibility and mobility. For Keenesburg, both urban and rural arterial and local street sections are included in recognition of the emphases in pedestrian movement and drainage conditions that reflect the different conditions that rural and urban streets reflect.

- ♦ **Arterials** generally convey greater traffic volumes with higher speed limits and the potential for additional travel lanes and limit direct access to homes or businesses with greater intersection spacing. Access to residential and commercial neighborhoods is limited to key intersections, and each neighborhood will provide its own internal network of streets. Arterials are often placed along section line roads to promote ease of movement and outward connections along Town limits.
- ♦ **Collectors** usually connect one portion of Town to another, but at lower speeds and with less traffic volume than arterials. Parking may be provided along collector routes and intersection spacing will allow for greater access to the local streets that serve the Town's neighborhoods. Collectors should provide a continuity of travel route allowing contiguous parcels to connect. Sidewalks and bicycle lanes are provided along collectors to encourage multiple means for people to move within and between neighborhoods.
- ♦ **Local** streets also promote pedestrian and bicycle movement but along street systems that promote a slower flow of traffic. Locals allow for on-street parking and direct access to homes and businesses. Traffic volumes along local streets are limited due to the larger numbers of local streets. Local streets may connect across neighborhoods but may also be of limited continuity and will be designed to promote safe movement of through traffic.

Table 1 summarizes the design characteristics of the Town's arterial, collector and local streets. Figures 1 through 7 depict the standard sections graphically. The standard street sections will also be accompanied by engineering design standards, not addressed herein, that include

horizontal and vertical curve standards, intersection and access spacing, and minimum and maximum slopes. Design of all Town streets will consider pedestrian crosswalk locations to design for safety, and inclusion of ADA-compliant curb ramps.

Table 1. Standard Street Cross Sections

| | Arterials | | | Collectors | | Locals | |
|----------------|-----------------|----------------|----------------|---------------|---------------|-------------|-------------|
| | Major | Minor | Rural | Commercial | Residential | Residential | Rural |
| Typical Volume | 15,000 - 30,000 | 5,000 - 15,000 | 5,000 - 15,000 | 1,500 - 5,000 | 1,500 - 5,000 | 200 - 1,500 | 200 - 1,500 |
| ROW Width (1) | 118' | 90' | 85' | 68' | 74' | 60'/55' | 60' |
| Road Width | 82' | 58' | 38' | 48' | 46' | 36'/34' | 28' |
| Tree Lawn (2) | 10' | 10' | NA | 5' | 8' | 5.5'/7' | NA |
| Sidewalk | 8' | 6' | NA | 5' | 6' | 5' | NA |
| Bike Lane | 8' | 8' | 7' | 7' | 5' | NA | NA |
| Median | 12' | 12' | NA | NA | NA | NA | NA |
| Parking | NA | NA | NA | 8' | 7' | 7' | NA |
| Speed Limit | 45 | 40 | 55 | 30 | 25 | 25 | 30 |

(1) Right-of-way widths are minimums.

(2) Tree lawn widths are measured from gutter flow line to front edge of sidewalk.

Commented [NC1]: Might be good to specify a unit of measurement. Is this cars per day?