

12/16/2020 4:24 PM



**BOARD OF TRUSTEES and PLANNING & ZONING COMMISSION
WORK SESSION**

Thursday, December 17, 2020, 5 p.m.

Due to COVID-19, there is no public attendance in person. Instead, please join us virtually:

On Your Computer: <https://bit.ly/3pXOO88> | Password: 096544

On Your Phone: 669-900-6833 | Webinar ID: 897 0656 1586 | Password: 096544

AGENDA

Please note no decisions are not made at a Work Session

- 1) Marijuana Land Use



PO Box 398
 235 W Main ST
 Cedaredge, CO 81413
 (970) 856-3123
 www.cedaredgecolorado.com

Planning Commission
 Meeting 1st Tuesday Month

Board of Trustees
 Meeting 3rd Thursday Month
 Except December

Zoning Map April 17, 2008

Title 16 Updates

Ordinance 2010-4
 2/18/2010

Ordinance 2010-16
 6/17/2010

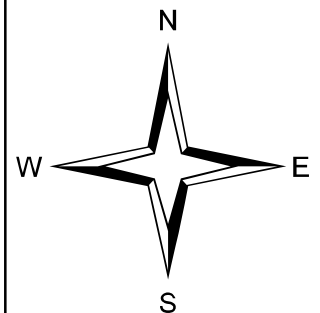
Legend

HIGHWAY 65

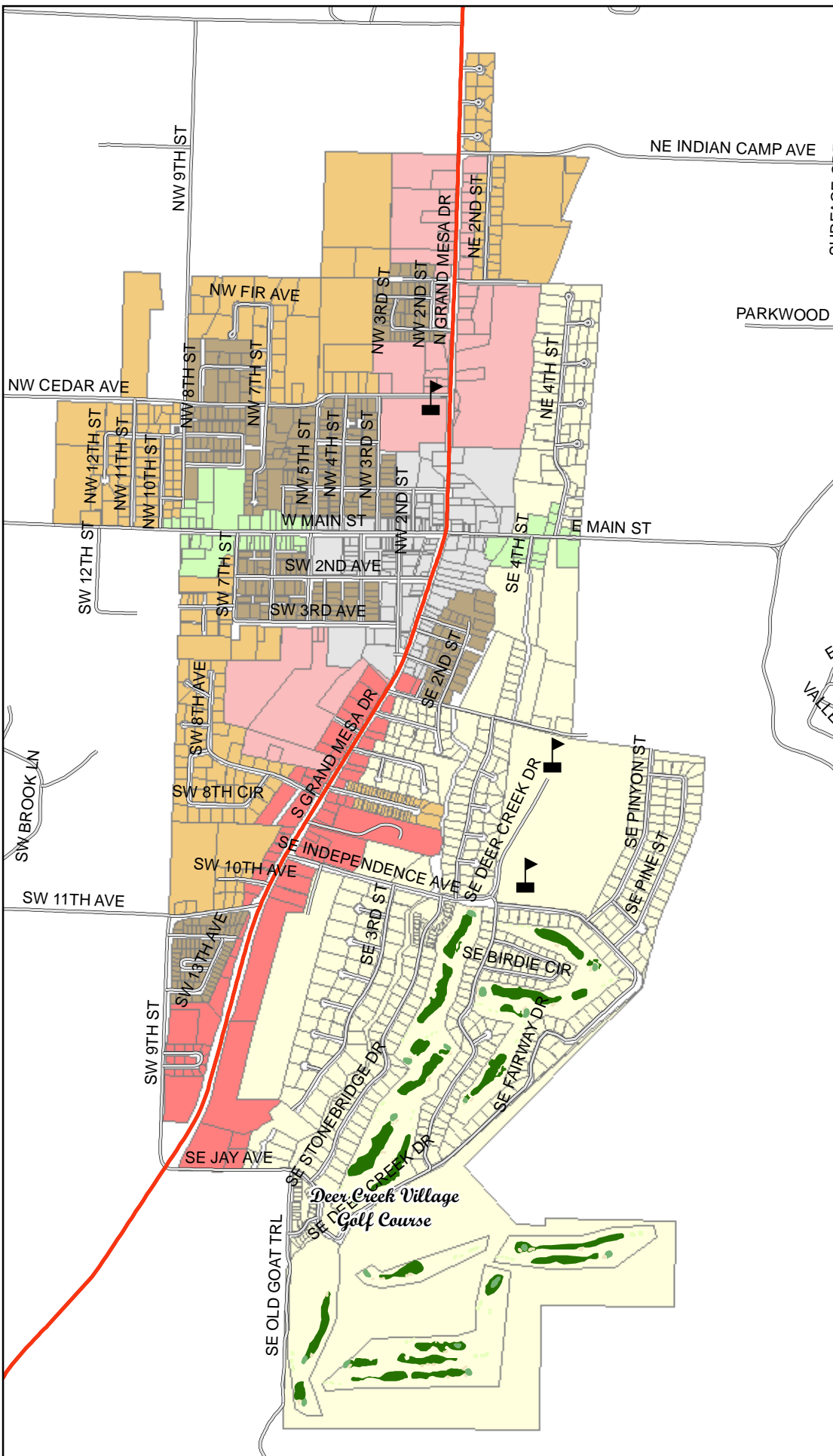
Zoning District

- R-1
- R-2
- R-3
- MU-R
- B-1
- MU-C-D2
- MU-C-D1
- IC

School



1" = 1,500'



IV. Goals and Objectives

IV. GOALS AND OBJECTIVES

Toward the attainment of the Vision Statement, a number of goals have been outlined below. These goals are all equal; no one goal has priority over any other goal. Although they are stated separately for clarity and convenience, collectively they present a mosaic of Cedaredge's Vision.

The following goals and objectives are based on documented citizen input and opinions expressed in a series of public workshops held during the fall of 1998. All major viewpoints expressed by citizen groups were incorporated into the goals and objectives in accordance with the consensus developed, with emphasis on the recommendations of town residents. In 2005 the Planning Commission eliminated some policies that had been enacted and added some they felt were needed. Citizen input was requested at two public hearings in 2005. Further edits to the goals took place in 2011, 2013 and 2017 with additional public requested input.

Goals, Objectives, and Policies are defined as follows:

GOAL: A broad statement of the desired result that Cedaredge wishes to obtain.

OBJECTIVE: A more detailed or specific description of the ends that support the goal or steps that may be taken to achieve the goal.

POLICY: Statements of public policy that will guide the drafting of land use regulations, zoning and rezoning decisions.

A. LAND USE GOAL: Preserve the small town environment.

1. Objective: Maintain a detailed land use plan and an orderly implementation plan.

- a. Policy:* Protect private property rights and establish reasonable land use regulations and procedures, adopting only those changes that are necessary to accomplish legitimate public objectives.
- b. Policy:* Accommodate a mixture of uses and densities in town, while adhering to zoning ordinances.

2. Objective: Ensure compatibility of future land uses with affected neighborhoods.

- a. Policy:* Protect established residential neighborhoods from incompatible uses.
- b. Policy:* Minimize and mitigate the negative impact of future development on current town residents.
- c. Policy:* Periodically review and update zoning plan.

3. Objective: Encourage enhancement of quality of life Cedaredge.

- a. Policy:* Enforce sign regulations.
- b. Policy:* Encourage the cleanup of yards and open spaces.
- c. Policy:* Promote effective use of landscaping and the preservation of trees.
- d. Policy:* Adopt outdoor lighting standards to mitigate the adverse impacts of such lighting.

4. Objective: Protect the public health, safety and welfare.

- a. Policy:* Avoid development in hazard areas, and if it cannot be avoided, such hazards should be reasonably mitigated.
- b. Policy:* Maintain wildfire hazard mitigation standards.



IV. Goals and Objectives

D. ECONOMIC DEVELOPMENT GOAL: Promote economic stability and diversity.

1. **Objective:** **Promote utilization of local medical services.**
2. **Objective:** **Promote free enterprise and small business growth.**
3. **Objective:** **Encourage new businesses to locate here.**
 - a. *Policy:* Utilize local web sites and advertise the attractiveness and other benefits of conducting business in Cedaredge.
 - b. *Policy:* Encourage the types of businesses that integrate well with residential use.
 - c. *Policy:* Encourage attendance at business gatherings; and to present Cedaredge as a good place to enjoy quality of life and to conduct business.
 - d. *Policy:* Work with the Cedaredge Area Chamber of Commerce to market Cedaredge.
 - e. *Policy:* Celebrate Business Image Improvements.
 - f. *Policy:* Encourage local realtors to create an inventory of available business properties including details of each property.
 - g. *Policy:* Support local realtors in creating attractive staging of available business properties.

E. COMMUNITY REVITALIZATION GOAL: Make the business districts more attractive and welcoming.

1. **Objective:** **Encourage maintenance for all buildings, streets and trails.**
2. **Objective:** **Support revitalization of the town's business community.**
 - a. *Policy:* Expand recommendations in the Downtown Cedaredge Plan to include all businesses in the community.
 - b. *Policy:* Enhance the quality of the pedestrian experience with decorative street lighting, sidewalk improvements, benches, street trees, flower planters, and traffic calming devices.
 - c. *Policy:* Provide adequate serviced off-street parking that is dust and mud-free.



(Ord. 2010-4, 2-18-2010)

16.10.130 Conditional use applications.

In addition to the common submittal requirements of Section 16.10.020 above, all applications for approval of a conditional use shall include:

- A. A site plan prepared in conformance with Section 16.10.040 above;
- B. Architectural elevations showing the proposed use as it will appear upon completion of construction or placement, indicating the pitch of the roof, and details necessary to accurately depict the finished appearance of the proposed use.
- C. A site/plot plan showing the placement of the proposed use on the lot, indicating manmade and natural features on the lot and adjacent to the lot on which the proposed use will be located.
- D. Detail showing the foundation or supports upon which the proposed use will be placed and the methods of connection for water supply, waste disposal, and other utilities.

(Ord. 2010-4, 2-18-2010)

16.10.040 Site plan requirements.

In addition to the requirements of Section 16.10.030 above, any site plan required in this Title shall include:

- A. The location of all existing and proposed buildings, utilities, and other improvements on the property. A building envelope (a portion of the property within which a building may be located) shall be shown for proposed buildings to allow minor adjustments;
- B. The location and number of parking spaces for off-street parking and loading areas;
- C. A traffic circulation plan showing the direction of traffic flows and indicating the locations of entries and exits of parking lots and the relationships of parking lots to entrances and exits of any buildings;
- D. The location of service and refuse collection areas;
- E. The location of all signs indicating the size, shape, and height of each sign;
- F. The area and location of recreation areas;
- G. The location and type of outdoor lighting;
- H. The location of existing and proposed fences, landscaping features, and other methods of visual screening. The proposed landscaping plan shall indicate the method of maintenance of the landscaping, as well as a list of type, size, and quantity of plant materials and the general location of the landscaping;
- I. The estimated date of completion of the proposed improvements.

Chapter 4

SITE DEVELOPMENT STANDARDS

Sections:

16.04.010.	Applicability.
16.04.020.	Time of Application.
16.04.030.	Review.
16.04.040.	Access and Parking.
16.04.050.	Design of Loading Areas.
16.04.060.	Driveways and Access.
16.04.070.	Sidewalks and Trails.
16.04.080.	Fences and Walls.
16.04.090.	Landscaping and Screening.
16.04.100.	Building or Feature Height.
16.04.110.	Operational Performance Standards.
16.04.120.	Wildfire Hazards and Fire Protection District Review.
16.04.130.	Utility Construction.

16.04.010. APPLICABILITY

This Section shall apply to all new business, commercial and industrial development, and to the affect upon residential subdivisions within the town

(Ord. 2011-1, 3-17-2011)

16.04.020. TIME OF APPLICATION

On and after the effective date of this chapter, no building permit, conditional use permit or zoning map/district amendment or other construction permit application shall be approved until all of the applicable standards of this Chapter 4, Site Development Standards, are met.

(Ord. 2011-1, 3-17-2011)

16.04.030 REVIEW

STAFF REVIEW: Planning staff will review site development plans and process the application and authorization. Exceptions to staff review include Adult or Child Care Centers, Liquor Stores, and Adult Entertainment uses. Other exceptions include land uses that, at the discretion of the planning staff should be subject to a Planning Commission review in accordance with Title 16 Chapter 9 Section 200, who may recommend a public hearing.

(Ord. 2011-1, 3-17-2011)

16.04.040 ACCESS AND PARKING

- A. ACCESS - New development requiring access from a town road shall require an access permit application be submitted to the Town of Cedaredge, with the access being approved and constructed in compliance with the Public Works Manual. Access from Hwy 65 or Delta County roadways will require access approval from the proper authority. A Certificate of Occupancy shall not be issued for any building or improvement subject to, but not complying with this provision. (Ord 2015-01, 02-19-2015)

B. **OFF-STREET PARKING.** The purpose of this section is to require off-street parking in proportion to the parking demand for each use in order to ensure functionally adequate, aesthetically pleasing and secure off-street parking. The regulations and design standards of this section are intended to accomplish the following:

To ensure sufficient parking spaces on-site in order to prevent excessive parking on public streets and in residential neighborhoods.

To ensure that access to parking does not impair the function of adjacent roadways or endanger the public safety.

1. Development occurring after the effective date of this section, and development existing on the effective date of this section that complies with the number of off-street parking spaces required by this section shall be subject to the following provisions.
 - a. Every use of a building or land hereafter established shall provide the minimum off-street parking spaces as required by this section.
 - b. The number of parking spaces may be reduced when the land use or floor area of a building is changed or reduced to a use or floor area for which fewer parking spaces are required.
 - c. When a building is expanded or a land use is changed so as to increase the number of parking spaces required, the number of such spaces shall be increased.
2. Developments and parcels legally existing prior to the effective date of this section, but not compliant with this section, shall be subject to the following provision: Existing parking spaces shall not be reduced.
3. **Computing Parking.** The minimum number of parking spaces required for a specific development proposal shall be based on the requirements listed in Title 16 Chapter 3 and the following provisions:
 - a. **Unlisted Uses.** Where questions arise concerning the minimum off-street parking and requirements for any use not specifically listed, the requirements may be interpreted as those of a similar use.
 - b. **Multiple Uses.** In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.

4. Parking Lot Construction, Design, and Lighting
 - a. Off-street parking shall be surfaced with concrete, asphalt, sealed pavers, cobbles, sealed brick or any other material with similar characteristics and uses, and shall be maintained in a usable condition at all times.
 - b. Newly placed impervious surfaces shall not increase off-property storm water flow volume or velocity above historic rates. Parking lots should slope towards on-site landscaping areas to the maximum extent possible. If detention ponds are necessary, they shall be designed to be compatible with neighborhood interests and minimize public health impacts.
 - c. Security lighting shall be provided in parking lots with a minimum ground level illumination of 0.5 foot candles at all locations on the lot. Lighting shall be so arranged as to reflect the light away from adjoining residential areas.
5. Parking Space Dimension and Design
 - a. Off street parking serving commercial and multi-family uses shall be setback at least 15 feet from rights-of-way.
 - b. Each off-street parking space shall consist of an open area measuring at least nine (9) feet wide by 18 feet long and seven (7) feet high; provided, however, parallel parking spaces shall measure at least nine (9) feet wide by 20 feet long and seven (7) feet high.
 - c. Each off-street parking space shall open directly onto an aisle or driveway that is not a public street or a public alley – aisles or driveways shall not be used for parking vehicles.
6. Off-street parking areas serving multi-family dwellings shall be landscaped and screened in accordance with the “Landscaping and Screening” section of this chapter (Title 16 Chapter 4).

Prohibited use of Parking Areas. No automobile trailers, boats, detached campers, junk vehicle or any other object that will render a parking space required for non-residential uses unusable according to the purpose of this section, shall be parked or stored in such off-street parking areas. Junk vehicles shall be defined as those that lack a current license or are wrecked and/or dismantled.

(Ord. 2011-1, 3-17-2011)

16.04.50.1 DESIGN OF LOADING AREAS.

- A. Non-residential uses shall provide loading areas in accordance with the following requirements:

1. The surface of all open off-street loading spaces shall conform to the requirements for off-street parking areas and the Public Works Manual.
2. Number of loading areas. One (1) space shall be required for any use with a gross area of 10,000 square feet or less, including outdoor storage of goods, but excluding dwelling units. An additional space shall be provided for each fifteen thousand square feet.
3. Location. No loading space shall be located within the right-of-way of a public street. Any loading dock or door shall be set back far enough from the right-of-way so that no portion of the right-of-way is occupied by trucks or other vehicles while loading or unloading. The location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking area. No loading space shall be located so as to block access by emergency vehicles.
4. Size of berths. The minimum required dimensions of loading spaces, open or enclosed, shall be 14 feet in width by 35 feet in length, with a minimum vertical clearance of 15 feet. Where tractor-trailer units will be using the facility, the minimum length shall be 65 feet.

Use of loading areas. Required off-street loading spaces and associated aisles and maneuvering areas shall be used for vehicle loading only. No sales, storage, display of merchandise (including automobiles), repair work or dismantling shall be permitted in such areas.

(Ord. 2011-1, 3-17-2011)

16.04.060 DRIVEWAYS AND ACCESS

- A. Any new or undocumented access to a public street or alley shall be applied for and constructed in accordance with the Public Works Manual or the standards of the access issuing authority.
- B. Driveway improvements should be extended and connect directly to the street surface. All required off-street parking shall be provided with driveway access to a public street or alley in accordance with the standards of this section and the Public Works Manual.
 1. Minimum driveway width. Driveways shall be a minimum of 10 feet in width when serving one (1) dwelling unit, or 14 feet wide when serving more than one (1) residence or another use such as a boarding house.
 2. Maximum driveway frontage. The combined width of driveway cuts or entrances shall not be more than 40 percent of the frontage of the lot along any street or alley.
 3. Maximum driveway grade. The maximum driveway grade shall be 7 percent, with approaches to roadways built in accordance with the Public Works Manual.

Corner visibility. No walls, buildings or other obstruction to view shall be placed near any street, alley, or driveway intersection in violation of Section 100 “Streets” of the Public Works Manual or Chapter 12.16 “Street Trees and Shrubs” of the Municipal Code.

(Ord. 2011-1, 3-17-2011)

16.04.070. SIDEWALKS AND TRAILS

A. This section is intended to ensure pedestrian access is available to serve uses that need and benefit from such access.

1. A one-time expansion of the floor area of buildings on a lot or building tract not exceeding 25 percent of the existing floor area shall not be subject to the requirements of this section if there is not a change of use.

If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for an interpretation of and exemption from this Section may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

(Ord. 2011-1, 3-17-2011)

16.04.080. FENCES AND WALLS

A. Where a fence or wall is voluntarily erected or required by ordinance, resolution, regulation or law, the following standards for height and design shall be observed:

1. No fence or wall erected within a required front yard shall exceed four (4) feet in height above the adjacent grade.
2. No fence or wall erected within a side or rear yard shall exceed six (6) feet in height above the adjacent grade, except as may be required in accordance with the screening requirements of Sec. 16.04.090, or for security, fire, or other health and safety or nuisance mitigation purpose. Walls exceeding eight (8) feet in height may be required to incorporate landscaping, such as shrubs, to soften the appearance of the wall in order to be compatible with neighboring uses.

B. Fences or walls erected within utility easements may be moved or removed by the Town or by the utility, without any responsibility to replace or restore, as necessary to facilitate utility maintenance, repair, or replacement.

Fences and walls shall be subject to the corner visibility requirements of Section 100 “Streets” of the Public Works Manual.

(Ord. 2011-1, 3-17-2011)

16.04.090. LANDSCAPING AND SCREENING

A. **PURPOSE.** This section is designed to provide standards for the installation and maintenance of landscaping, walls and screening devices so as to promote the general welfare of the community. This is accomplished by encouraging the creation of a professionally designed appearance consistent with the surrounding area and architecture, and by screening from view those uses that may be unattractive to the public eye. Landscaping materials, including ground covers, shrubs, and trees further facilitate the control of erosion and the reduction of glare and dust, as well as the visual softening of building masses. Low-water use plant materials require less water than do non-native plants and therefore are preferred for required landscaping. Walls and screening devices allow for the separation of incongruous uses and for the buffering of intensive activities. Landscaping, walls and screening devices together, help to effectuate privacy, logical development, and enhancement of property values.

B. GENERAL REQUIREMENTS

1. **Site plan.** Any proposed building or use shall be shown on a site plan indicating the location of existing and proposed buildings, parking areas, street improvements, utility easements, locations and types of landscaped areas, walls, screening devices, lighting plan, and proposed site drainage.
2. **Site Grading.** Site grading shall cause stormwater to flow away from foundations and into landscaped areas to mitigate off-site runoff to the maximum extent possible. Engineering and Best Management Practices shall be included in the site plan and submittal documents and used to mitigate remaining stormwater flows so that water does not leave the site to neighboring properties or rights-of-way in amounts in excess of historic rates, or in an amount that erodes or floods these areas.
3. **Location of utilities.** Proposed utilities shall be located, when possible, so that their installation will not adversely affect vegetation to be retained on a site.
4. **Installation.** Landscaping, watering devices, walls and screening structures shall be installed in accordance with the approved landscape or screening plan prior to issuance of a final Certificate of Occupancy for the building or use. The Building Official may grant a temporary Certificate of Occupancy during the winter months when installation is not feasible.
5. **Maintenance requirements**
 - a. Landscaped areas shall be reasonably maintained by the owner or the lessee of the property, including pruning, trimming, watering, and other requirements necessary to create an attractive appearance. Lack of maintenance of required landscaping material shall constitute a Municipal Code violation.
 - b. Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner, and where approved trees, shrubs or other

landscaping materials die or are removed, it shall be the responsibility of the applicant, owner or lessee to replace them with materials of a comparable nature and size to those originally approved. Replacement shall occur within 90 days when practical, or in the next planting season, but in any event, such replacement time shall not exceed one (1) year. Any replacement which conforms to the requirements of this section shall not be considered an amendment to the site plan.

6. Irrigation. All required landscaped areas may be required to include an irrigation system as defined herein to insure the health and growth of the landscape. Where possible, irrigation systems shall utilize untreated, irrigation water instead of treated water.

C. **LANDSCAPING STANDARDS.** All undeveloped areas of the street yard of each lot or tract and the adjacent right-of-way shall be landscaped with trees, shrubs, grasses, ground cover or other organic and inorganic materials that create an attractive appearance. Site grading shall cause stormwater to flow away from foundations and into landscaped areas to mitigate off-site runoff to the maximum extent possible. Smooth concrete or asphalt surfaces are not considered landscaping.

1. Shrubs and trees. Locally appropriate shrubs and grasses shall be utilized in order to minimize the consumption of water.
2. Trees. One tree with a minimum two (2) inch caliper shall be utilized per 1,000 square feet, or fraction thereof (in no case closer than 35 feet apart) of required landscaped area.
3. Other materials. Any combination of shrubs, grasses, ground covers, organic and inorganic materials may be used for the balance of the required landscaping at the discretion of the applicant.

D. **SCREENING AND BUFFER STANDARDS.** Where screening standards are required by this Code, the following screening standards shall apply:

1. Height of screening devices. The height of screening devices shall be measured from the highest finished adjacent grade of the element to be screened.
2. Screening plant list. Plants used to satisfy screening standards are generally limited to the large, bushy shrubs suitable to the Cedaredge climate that will normally reach a mature height of between 8 and 15 feet. Plants that satisfy these criteria can be obtained from the Cedaredge Tree Board.
3. Parking areas, loading docks, or similar uses. All parking and loading areas contiguous to or facing a residential zone or residential use shall be screened to a minimum height of four (4) feet above the highest finished grade of the parking area. The minimum width of the landscaped street buffer from the street line to the parking area shall be 5 feet; provided, however the minimum landscaped buffer along the highway shall be 15 feet to the parking area. Such screening shall be compatible with adjoining properties and may be accomplished by the use of plants,

earth berms, walls, fences, trees, shrubs or in an aesthetically and functionally appropriate combination.

4. Outdoor storage areas. All outdoor storage areas for materials, waste product, mechanical equipment, fleet and utility vehicles, or other similar items shall be screened from street view by a minimum six (6) foot high screening device. Such screening device shall consist either of plant material or a wall constructed of or finished with materials to match the main building of the site.
 5. Dumpsters and Solid Waste Receptacles. Dumpster and solid waste receptacles shall be set back at least 20 feet from the lot line of property that is zoned R-1, R-2, or R-3 or that contains a single-family use. Dumpsters and receptacles shall be completely screened from view of adjacent single-family uses and R-1, R-2, or R-3 zoned parcels by opaque fence or wall that is at least one (1) foot taller than the dumpster or solid waste receptacle.
 6. Roof mounted equipment. Roof mounted mechanical equipment shall be screened by parapet walls or other screening devices to be no lower in height than three (3) feet below the height of the mechanical equipment on side, front, or rear walls, whichever are adjacent to public streets or residential districts.
- E. **OUTDOOR LIGHTING.** An outdoor lighting plan shall be submitted with the site plan, and such lighting shall not be directed towards any adjacent residential uses or public streets.
1. All outdoor lighting shall be directed down or toward a surface and shielded from adjacent properties and streets.
 2. Sodium vapor and similar high intensity light sources shall be prohibited. (Ord. 2011-1, 2-17-2011)

16.04.100. BUILDING OR FEATURE HEIGHT

No structure shall exceed 28 feet in height within 50 feet of the lot line of property that is zoned R-1, R-2, or R-3, or that contains a single-family or duplex use which is less than 28 feet in height. NOTE: Title 16 Chapter 3 limits building height to 30' residential, 36' nonresidential. Those heights will apply if the structure is greater than 50 feet from the lot line.

(Ord. 2011-1, 2-17-2011)

16.04.110. OPERATIONAL PERFORMANCE STANDARDS

- A. **APPLICABILITY.** All uses in any district of the Town of Cedaredge shall conform in operation, location and construction to the performance standards specified.
- B. **VIOLATIONS.** So that the public health, safety and welfare will be protected, noncompliance with the operational performance standards specified herein may be

declared a nuisance punishable as allowed by statutory authority and remedied as provided for in the Municipal Code.

- C. GENERAL. The location, size, design and operating characteristics of all uses shall minimize adverse effects, including visual impacts, on surrounding properties.
- D. SMOKE AND PARTICULATE MATTER. No operation or use in any district shall at any time create smoke and particulate matter that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property. This provision shall not be interpreted as to prevent the normal operation of a permitted wood-burning stove.
- E. ODOROUS MATTER. No use, other than fertilizers, insecticides, fungicides and other normal and customary agricultural products, shall be located, used, or operated in any district that involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold shall be the concentration of odorous matter in the atmosphere necessary to be perceptible to the normal person.
- F. FLAMMABLES. The storage and use of all flammable liquids and materials such as solvents, petroleum products, pyroxylin plastics, and nitrocellulose film, shall be permitted only when such storage and use conforms to NFPA, State, Federal and Town of Cedaredge regulations.
- G. TOXIC AND NOXIOUS MATTER. No operation or use in any district shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter that will exceed the threshold limits set forth by the Delta County Health Department, Colorado Department of Health, or the Environmental Protection Agency.
- H. VIBRATION. No operation or use in any district shall at any time create earth-borne vibration that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property.
- I. GLARE. No use or operation in any district shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.
- J. REFUSE AND DEBRIS. The space around buildings and structures in any district shall be kept free from undue refuse and debris during construction. No yard, open yard space, open space or land in any district may be used for the storage of junk, or inoperable or wrecked vehicles.
- K. PROHIBITED ACTIONS. No person who owns, controls or is in possession of a construction site or building under construction shall:

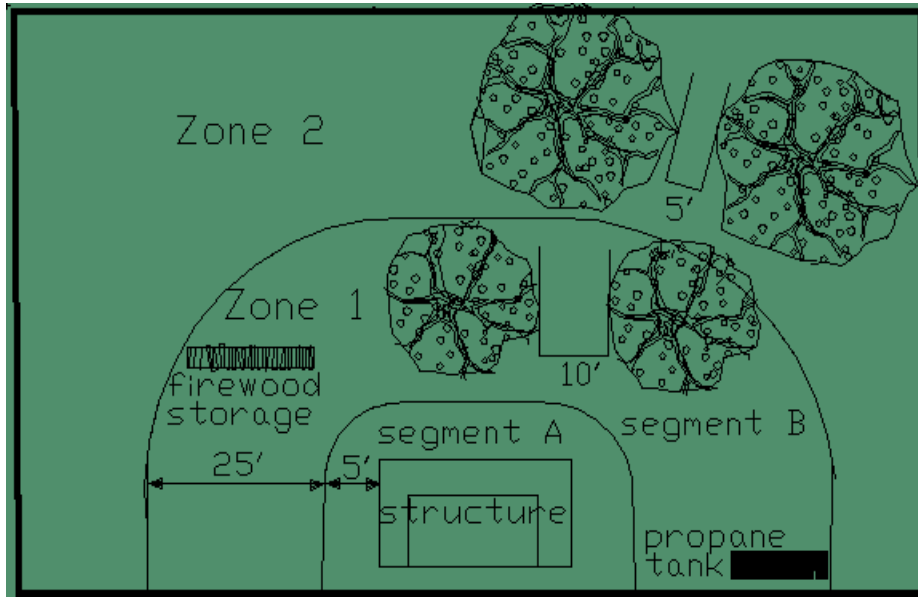
1. Dump, deposit, track, leave or cause or permit the depositing or tracking of sand, mud, dirt, or waste on any street or highway adjacent as a result of construction or development activities.
2. Place on any street, road, highway or right-of-way any form of construction materials.
3. Construct or operate in a manner that endangers pedestrians, neighbors, or town employees by not using proper and appropriate signage, and warnings, fences or barricades where overhead, electrical, falling, or other work zone hazards exist.
4. Conduct on-site operations that may be deemed a nuisance before 7:30 AM or after 7:00 PM
5. Work in a Town right-of-way without following the temporary traffic control measures specified in Chapter 6 of the Manual of Uniform Traffic Control Devices, or work in a highway right-of-way without a traffic control plan approved by the Colorado Department of Transportation.

(Ord. 2011-1, 2-17-2011)

16.04.120. WILDFIRE HAZARDS AND FIRE PROTECTION DISTRICT REVIEW

- A. GENERAL. Land with slopes in excess of 30% shall be identified in all applications, and development shall not be permitted in these areas unless the application provides for the avoidance of the particular hazards. If avoidance is impossible or would require the construction to violate other development standards, then such hazards shall be minimized or mitigated.
- B. MITIGATION MEASURES. Prior to approval of any development on any parcel containing land with slopes in excess of 30% shall first submit the application to the District Fire Chief for a determination of the severity of the wildfire hazard and recommendations or specific and appropriate mitigation measures that may include, but shall not be limited to:
 1. class A or B roof coverings;
 2. fire resistant siding materials;
 3. spark arrestors on chimneys and flues;
 4. fire extinguishers and equipment;
 5. a clear zone (fuel break);
 6. fire sprinklers in all living areas, garages and mechanical (furnace) rooms; and
 7. Emergency water supplies of 1000 gallons/ minute for two (2) hours per dwelling.

- C. Such mitigation measures shall be incorporated into the proposed development.



- D. **DEFENSIBLE SPACE:** The areas immediately surrounding all new residential construction built within or on the edge of natural areas containing predominantly woods, brush, or grassland shall be developed so as to minimize the potential for the structures to be ignited by fire, or for a structure to ignite surrounding structures or vegetation. Such areas shall be developed pursuant to provisions set forth below:

- E. **ZONE SYSTEM.** The area surrounding each new residential structure shall be modified and managed using a 2 part zone system

1. **Zone 1.** On parcels of land that contain an average slope of less than 30 percent, Zone 1 shall consist of the 30-foot area immediately surrounding the primary structure, not to extend beyond the property line. On parcels of land that contain an average slope of 30 to 55 percent, Zone 1 shall consist of the area extending 45 feet to the sides and up slope of the primary structure and 60 feet down slope of the primary structure, not to extend beyond the property line. On parcels of land that contain an average slope of more than 55 percent, Zone 1 shall consist of the area extending 60 feet to the sides and up slope of the primary structure and 120 feet down slope of the proposed structure, not to extend beyond the property line. For purposes of this provision, average slope shall be measured from the points with the highest and lowest elevation within 25 feet of any portion of the footprint of the proposed primary structure. No dead trees or other dead vegetation may remain in

Zone 1 at the time of initial sale or initial construction, whichever is first. Zone 1 shall be further subdivided into two (2) segments:

- a. Segment A shall consist of the five (5) feet immediately surrounding all sides of the structure. All vegetation shall be removed from this area at the time of initial sale or construction, whichever is first. No new vegetation shall be planted in Segment A if the structure is sided with combustible materials such as wood or logs. However, if non-combustible siding is used, low-growing shrubs may remain or be installed. In no case may shrubs be planted so as to be contiguous with grass areas. No above-ground propane tanks, firewood or other combustible materials may be installed or stored in Segment A.
- b. Segment B shall consist of the area immediately beyond Segment A and continuing to the outer boundary of Zone 1. At the time of initial sale or initial construction, whichever occurs first, vegetation shall be thinned as follows to break up the horizontal and vertical continuity of fuels:
 - i. Spacing between clumps of brush or trees, as measured between the crown of each clump, shall be no closer than two (2) times the height of the taller clump. The maximum width of any clump of brush or trees shall be no greater than two (2) times the height of the clump. Thinned material shall be removed from the site.
 - ii. All branches of trees or brush shall be pruned to a minimum height of 10 feet above the ground or one-half (½) the total height of the tree or bush, whichever is less. Pruned material shall be removed from the site.
- c. Propane tanks and firewood may be located in Segment B, but in no case shall such tanks be located within 20 feet of the primary structure. Propane tanks shall be located on gravel pads and shall not be located immediately adjacent to grass-covered areas.

2. Zone 2. Zone 2 shall consist of the area immediately beyond Zone 1 and extending to 75 feet from the primary structure, not to extend beyond the property line. Trees shall be initially thinned in this area to maintain a minimum of five (5) feet between tree crowns. All dead trees must be removed from Zone 2 prior to initial sale or initial construction.

- F. MAINTENANCE. All property owners maintaining new residential structures covered by provisions of this Land Use Code are responsible for proper maintenance of the defensible space. Maintenance shall include modifying or removing flammable vegetation, keeping leaves, needles, and removing other dead vegetative material annually from roofs of structures.

16.04.130. UTILITY CONSTRUCTION

During the preliminary design phase of development it must be determined, at the cost of the developer, that the utility has adequate capabilities to serve the proposed use. The planning and construction of utilities, access, and drainage appurtenances shall be in conformance with the Public Works Manual, the Land Use and Development Code, utility provider requirements, and state and federal laws governing construction activities. Permits for right-of way or easement encroachment, including utility installations or roadway access, must be applied for and approved by the Town of Cedaredge before installation or encroachment commences.

(Ord. 2011-1, 2-17-2011)

Chapter 5 -- [RESERVED]

Chapter 6 -- [RESERVED]

Chapter 7-- [RESERVED]