

TOWN OF LARKSPUR
ZONING ORDINANCE NO. 3.01

BE IT ORDAINED by the Board of Trustees of the Town of Larkspur, Colorado, as follows:

ARTICLE 1

General Provisions

1.1 Purpose

This Ordinance is adopted for promoting the health, safety, convenience, order, prosperity and general welfare of the present and future inhabitants of Larkspur, Colorado, by the classification of land uses and the regulation of the land utilization to protect land values, protect and enhance the environment of the Town, and provide for the best uses of lands within the Town of Larkspur.

1.2 Statutory Authority

This Ordinance is authorized by Colorado Revised Statutes, 1973, 31-23-301, as amended, and is hereby declared to be in accordance with the provisions thereof.

1.3 Definitions

For the purpose of this Ordinance, the following terms are hereby defined and shall have the following meanings unless it is clear from the context in which they are used, that a different meaning is intended:

ACCESSORY BUILDING OR STRUCTURE. A building or structure on the same lot with the building or structure housing the principal use, but housing a use customarily incidental and subordinate to, and customarily associated with the principal use.

ACCESSORY USE. A use customarily associated with but subordinate to the principal use on the same zoned lot.

ALLEY. A public right of way used primarily as a service or secondary means of access to abutting property.

APARTMENT. A room or suite of rooms in a multiple dwelling used or designed for occupancy by a single family.

BUILDING. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or property of any kind.

BUILDING HEIGHT. The vertical distance as measured from the average finished grade at the building setback lines to the uppermost point of the roof structure.

CLUB. An association of persons, whether incorporated or unincorporated, for some common purpose but not including groups organized primarily for monetary gain.

DWELLING. A permanent building or portion thereof which is used as the private residence or sleeping place of one or more human beings, but not including hotels, motels, clubs, hospitals, nursing homes, or boarding schools.

DWELLING, ONE-FAMILY. A detached building designed exclusively for occupancy by one family.

DWELLING, TWO-FAMILY. A detached building designed exclusively for occupancy by two families living independently of each other.

DWELLING, MULTIPLE-FAMILY. A building or portion thereof designed for or occupied by three or more families living independently of each other.

DWELLING UNIT. A building or portion thereof providing complete housekeeping facilities for one person or one family. The arrangement of rooms in each dwelling unit shall be as such to prohibit the division of one dwelling unit into two or more dwelling units.

FAMILY. An individual, or two or more persons related by blood or marriage or between whom there is a legally recognized relationship, or group of not more than five unrelated persons excluding servants occupying the same dwelling unit. Except in the case of group care homes for the developmentally disadvantaged and aged as defined in C.R.S. 1973 31-23-203, as amended, where the maximum number of unrelated developmentally disabled persons, as defined in said statute shall be eight.

GARAGE, COMMERCIAL. Any building or structure where motor vehicles are stored, repaired, painted or equipped for remuneration.

GARAGE, PRIVATE. Accessory building or portion of a main building on the same lot and used for the storage of only private motor vehicles.

GREENBELT. Land retained in an open or unimproved condition except for the placement of vegetative or non-vegetative landscape materials and structures limited to pedestrian and bicycle paths, bridges, irrigation structures, erosion protection devices, and underground utilities, or improved for park use. Unless dedicated for public use, designation of greenbelt does not imply the provision of access by the public.

HOME OCCUPATION. Any business conducted principally within a dwelling unit by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

LOT. A parcel of real property as shown with a separate and distinct number or letter on a plat recorded with the Douglas County Clerk and Recorder, or when not so platted, a parcel of real property described by deed and held under separate ownership prior to the effective date of the subdivision ordinance of the Town of Larkspur.

LOT AREA. The total horizontal area within the lot lines of a lot.

LOT, REVERSED CORNER. A corner lot, the sidestreet line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT LINE, FRONT. The property dividing a lot from the street. On a corner lot, only one street line shall be considered as the front line, and the shorter street frontage shall be considered the front line.

LOT LINE, REAR. The line opposite the front lot line.

LOT LINE, SIDE. Any lot lines other than the front lot lines or the rear lot lines.

LOT LENGTH. The average distance from the street to the rear lot line measured perpendicularly from the street upon which the lot faces.

LOT WIDTH. The average distance between the two side lot lines as measured perpendicularly from one of the lot lines.

MOBILE HOME PARK OR SUBDIVISION. Any lot or unplatted land within the Town of Larkspur upon which one or more mobile homes, trailers, or self-propelled recreational vehicles, are occupied for dwelling or sleeping purposes.

NONCONFORMING USE. Land or buildings lawfully occupied, or authorized for construction, prior to the effective date of this Ordinance, which do not conform to the regulations of the district in which they are located.

OCCUPIED. The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

PERSON. The word "person" shall also include an association, firm, partnership or corporation.

SETBACK. The distance required by this Ordinance between any outside wall of a building and the lot line opposite that outside wall measured perpendicularly to the building.

STREET. A public thoroughfare which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected which requires a location on the ground or attached to it something having a location on the ground, but not including fences or walls used as fences less than six feet in height, poles, lines, cables or other transmission or distribution facilities of public utilities.

USE. The purpose for which land or building is designed, arranged, or intended, or for which either is or may be occupied or maintained.

YARD. The space on the same lot as a building or structure that is unoccupied and open to the sky.

YARD, FRONT. That portion of a yard between the street line and the building and between the two side lot lines.

YARD, REAR. That portion of a yard between the rear of a building and the rear lot line and between the two side lot lines.

YARD, SIDE. All the yard between the front and rear yards. The width of which shall be the minimum distance between the side lot line and the part of any building or structure nearest thereto.

1.4 Districts

For the purpose of implementing the provisions of this Ordinance, there is hereby established the following zoning districts: R-1(L) (low density residential district); R-1(H) (high density residential district); R-2 (two-family residential district); MF (multifamily residential district); B (business district); C (commercial district); I (industrial district); and PUD (planned unit development district). All uses not specifically authorized in any other zone, specifically including, but not limited to, mobile home parks, mobile home subdivisions, and industrial uses other than those permitted in the I (Industrial District) may be permitted in the PUD (planned unit development district).

1.5 Zoning Map

The location of the zoning districts hereby established shall be shown on a map entitled "Town of Larkspur, Colorado, Official Zoning Map," which shall be made, along with the explanatory matter thereon, a part of this Ordinance upon its approval and adoption by the Board of Trustees. The official map shall be on file at the offices of the Town and shall be kept current at all times. All amendments to the map made in conformity with this Ordinance shall be recorded on the map within thirty days of adoption thereof. Unless otherwise specified on the official zoning map, zoned boundaries shall be construed to lie on the center line of streets and alleys, on lot lines or the boundaries of platted subdivisions, or on section lines.

1.6 Application

Except as otherwise hereinafter provided in this Ordinance or by variance granted by the Board of Adjustment:

(a) No building or structure or part thereof shall be erected, moved, or structurally altered, unless in conformity with all of the regulations as herein specified for the district in which it is located.

(b) No building or structure shall hereinafter be erected or altered to exceed the height, to accommodate or house a larger number of families, to occupy a greater percentage of a lot, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces than is herein permitted in the district in which the building or structure is located.

(c) No part of a yard, loading zone, parking area, or other open space needed by a building or structure to meet the requirements of this Ordinance, may be included in whole or in part in meeting the requirements of any other building or structure.

(d) No yards or lots in existence at the time of the adoption of this Ordinance shall hereafter be reduced below the minimum dimensions or area required by this Ordinance.

ARTICLE 2

District Regulations

2.1 R-1 Low Density Residential District

(a) Permitted Uses

(1) Principal Use: single family dwellings, group care homes for the developmentally disabled as defined and regulated pursuant to C.R.S. 1973 31-23-203

(2) (a), as amended, public or parochial schools, churches, parks, playgrounds, non-profit community centers, fire stations, public utility transmission and distribution lines, water wells and reservoirs, provided that no office, repair, or storage facilities other than for the storage of water are maintained by such public utilities.

(2) Accessory Uses: private garages, motor vehicle parking spaces, home occupations, and accessory buildings.

(3) Signs. Signs are permitted in the R-1(L) zone provided, however, that each dwelling has not more than one identification sign and that such sign does not exceed one square foot.

(b) Minimum Lot Area - 9,000 square feet.

(c) Minimum Width of Lot - 75 feet.

(d) Maximum Height of Buildings:

Principal building - 35 feet

Accessory buildings - 20 feet

(e) Minimum Setbacks:

Minimum front yards, all buildings - 20 feet

Minimum rear yards, principal building - 25 feet

Minimum rear yards, accessory buildings - 10 feet

Minimum side yard, principal building - 7 feet

Minimum side yard, accessory building - 5 feet

Minimum side yard where abutting a street,

all buildings - 10 feet

(f) Minimum Off-Street Parking:

Dwellings - 2 spaces

Churches - 1 space for every 100 square feet of total floor area

Schools - 1 space for every 500 square feet of total floor area

Community Centers - 1 space for every 100 square feet of total floor area

2.2 R-1(H) High Density Residential District

(a) Permitted Uses. Any use permitted in the R-1(L) Low Density Residential District Zone.

(b) Minimum Lot Area - 6,000 square feet.

(c) Minimum Width of Lot - 50 feet.

(d) Maximum Height of Buildings or Structures:

Principal building - 35 feet

Accessory buildings - 20 feet

(e) Minimum Setbacks:

Minimum front yards, all buildings - 20 feet

Minimum rear yards, principal building - 25 feet

Minimum rear yards, accessory buildings - 10 feet

Minimum side yard, all buildings - 5 feet

Where abutting a street, all buildings - 10 feet

(f) Minimum Off-Street Parking:

Dwellings - 2 spaces

Churches - 1 space for every 100 square feet of
total floor area

Schools - 1 space for every 500 square feet of
total floor area

Community Centers - 1 space for every 100 square
feet of total floor area

2.3 Two Family residential District

(a) Permitted Uses. Any use permitted in the R-1(L) Low
Density Residential District or the R-1(H) High
Density Residential District; two-family dwellings.

(b) Minimum Lot Area -

Per dwelling: 6,000 square feet

Per two-family dwelling: 9,000 square feet

(c) Minimum Width of Lot per dwelling - 50 feet;
per two-family dwelling - 75 feet

(d) Maximum Height of Buildings or Structures:

Principal building - 35 feet

Accessory buildings - 20 feet

(e) Minimum Setbacks:

Minimum front yard - 20 feet

Minimum rear yard:

Principal building - 25 feet

Accessory buildings - 10 feet

Minimum side yard:

All Buildings - 5 feet

Where abutting a street, all buildings - 10 feet

(f) Minimum Off-Street Parking:

Per dwelling unit - 2 spaces

Churches - 1 space for every 100 square feet of
total floor area

Schools - 1 space for every 500 square feet of
total floor area

Community Centers - 1 space for every 100 square
feet of total floor area

2.4 MF Multifamily residential District

(a) Permitted Uses. Any use permitted in the R-1(L) Low Density Residential District, R-1(H) High Density Residential District, or R-2 Two-family Residential District, multiple family dwellings, group care homes for the aged as defined and regulated pursuant to C.R.S. 1973 31-23-303, 2(b), as amended.

(b) Minimum Lot Area:

First dwelling - 6,000 square feet

Each additional dwelling unit - 1,000 square feet

(c) Maximum Building Coverage - 40% of lot area

(d) Maximum Height of Buildings or Structures:

Principal building - 35 feet

Accessory buildings - 20 feet

(e) Minimum Setbacks:

Minimum front yard, all buildings - 15 feet

Minimum rear yard, all buildings - 10 feet

Minimum side yard, all buildings - 5 feet

Where abutting a street, all buildings - 10 feet

(f) Minimum Off-Street Parking:

2 spaces for each dwelling unit

2.5 B Business District

(a) Permitted Uses: Places for the conduct of any business or service activity, not including commercial uses, including, but not limited to the following:

Public or parochial schools, churches, parks, playgrounds, community centers, fire stations, public utility transmission and distribution lines,

water wells and reservoirs, hotels, motels, hospitals, nursing homes, and extended care facilities, membership clubs, medical and dental clinics and offices, professional offices, governmental offices, mortuaries, retail stores, transportation terminals, financial institutions, personal service businesses, indoor recreational facilities, indoor theaters, restaurants, and lounges, dry cleaning establishments, laundries, parking lots and parking garages, child care (day) centers, post offices, and any use permitted in the M.F. (Multi-Family District), excepting single family residences.

Provided that all such uses are conducted in an enclosed area with outdoor storage areas enclosed by a solid fence at least six feet in height.

- (b) Maximum Building Coverage - 75%
- (c) Maximum Height of Buildings or Structures - 35 feet
- (d) Minimum Setbacks:
 - Front yard - 10 feet
 - Rear Yard - 10 feet
- (e) Minimum Off-Street Parking:
 - MF zoned uses - 2 spaces for each dwelling unit
 - Professional or business offices - 1 space for each 250 square feet of total floor area
 - Restaurants, drive-in restaurants, and lounges - 1 space for each 50 square feet of total public floor area
 - Motels and hotels - 1 space for each guest room or dwelling unit
 - Mortuaries - 1 space for every five persons for which seating is provided in the main auditorium
 - Commercial Recreational Facilities - 1 space for each 50 square feet of the total indoor public floor area
 - Public Buildings - 1 space for every 250 square feet of total floor area

All other uses, excepting parking lots and parking garages - 1 space for every 250 square feet of total floor area

2.6 C Commercial District

(a) Permitted uses. Places for the conduct of any commercial, wholesale, or service activity, not of an industrial nature, including, but not limited to the following: Any use permitted in the B (Business District) (excepting residential uses) motor vehicle service stations, motor vehicle repair shops, car and truck washes, bottling works, building materials, and lumber stores, dairy processing plants, drive in restaurants, electrical, heating, plumbing, roofing, carpentry shop, frozen food lockers, machine shops, new and used car sales and service, printing establishments, outdoor and indoor places of amusement or recreation not exceeding 10 acres in size, sign painting, tire shops, warehouses, wholesale supply stores, trailer and recreational vehicle sales and service, green houses, plant nurseries, and veterinary hospitals.

(b) Maximum building coverage- 50%

(c) Maximum height of buildings on structures - 35 feet

(d) Minimum Setbacks

Front yard - 20 feet

Rear Yard - 20 feet

Side yards - 10 feet

(e) Minimum off street parking

B-(Business District) uses permitted in Commercial Zone - Same requirements as Business Zone.

Retail Uses - one space for every 250 square feet of total floor area

Wholesale Uses - one space for every 750 square feet of total floor area.

2.7 I Industrial District

(a) Permitted Uses. Any kind of scientific research,

manufacturing, compounding, assembling, processing, treatment of products, distribution center, food and beverage processing, similar industrial uses providing the following limitations are placed on all such uses:

- (1) All permitted principal uses excepting storage of raw materials or finished products and the parking of operative motor vehicles shall be conducted entirely within a building or buildings.
- (2) Dust, fumes, odors, refuse matter, smoke, vapor, noise, and vibrations shall be confined to the lot upon which such use is located.
- (3) All motor vehicle driveways and parking areas of the lot shall be surfaced with either asphalt or concrete.
- (4) All permitted outdoor storage areas shall be concealed from view by opaque fencing at least six feet in height.

(b) Maximum Building Coverage - 50%

(c) Maximum Height of Buildings or Structures - 35 feet

(d) Minimum Setbacks:

Front yard - 20 feet

Rear yard - 20 feet

Side yard - 15 feet

(e) Minimum Off-Street Parking:

1 space for each 750 square feet of floor area

2.8 PUD Planned Unit Development District

- (a) Authority. This ordinance is adopted pursuant to the provisions of C.R.S. 1973 31-23-313, as amended and C.R.S. 1973 Title 24, Article 67, as amended.
- (b) Permitted Uses. Any use permitted in any other zoned district in this ordinance or any lawful use as permitted and regulated by the approved individual PUD Zoning Ordinance and final site plan.
- (c) Minimum Size: Any number of units on any sized tract of land may constitute a planned unit development.

- (d) Purpose. To allow flexibility in development by accommodating imaginative land use concepts and site design, while at the same time preserving unto the Town of Larkspur ultimate control of development within its boundaries.
- (e) Public Land Dedication, Water Dedication: Applicants for a planned unit development shall be required to dedicate an area equal to 10% of the land which is the subject of the application, to the Town of Larkspur, or cash in lieu of such public land dedication, in the discretion of the Board of Trustees. Such dedication shall be accomplished pursuant to applicable provisions of the Town of Larkspur subdivision ordinance. In addition to the land dedication applicants shall deed all water and water rights appurtenant to the land to the Town, pursuant to the Town of Larkspur Subdivision Ordinance.
- (f) District Requirements. Minimum area and dimensions of lots, maximum heights of buildings, minimum setbacks, maximum building coverage, minimum parking requirements and minimum open space requirements shall be as contained in the approved PUD ordinance and final site plan. In the event any such requirement is not addressed in said ordinance and/or final site plan, it shall be presumed that such requirement shall be the same as for a similar use in one of the other zoning districts set forth in this ordinance, whichever of said districts would most nearly accommodate the proposed use.
- (g) Procedure. In addition to complying with the zoning district amendment procedures set forth in Article 3 of this ordinance, the applicant for PUD zoning shall comply with the following:
- (1) Preliminary Site Plan. A preliminary site plan prepared to scale, in sufficient detail to evaluate the proposed PUD plan shall be submitted by the applicant to the Town Clerk, together

with the re-zoning application. The preliminary site plan must contain, insofar as applicable, at a minimum, the following information:

A legal description of the proposed PUD district prepared by a licensed Colorado surveyor.

The existing topography of the land at such contour levels, as required by the Town to properly evaluate the proposed development.

The general building, use areas, and open space on greenbelt areas.

All uses to be permitted within the proposed PUD district.

The location of all existing buildings or improvements, with a notation as to whether they will be retained or removed.

The maximum permitted height of buildings, structures, or other improvements.

The maximum permitted number of square feet to be devoted to building coverage. (ground coverage)

The maximum permitted number of square feet of enclosed floor space within buildings.

The maximum permitted number of square feet to be devoted to surfaced parking.

The minimum permitted number of off-street parking spaces and the general location thereof, or the minimum number of permitted off-street parking spaces permitted per square foot of enclosed floor space within buildings.

The general location of internal traffic and circulation systems, service areas, loading areas, and points of access to public rights-of-way.

The general location and maximum permitted height and size of proposed signs, outdoor lighting and advertising devices.

The minimum area which is to be preserved as greenbelt, expressed in either acreage or square footage, together with the general location thereof.

The general location or locations of area proposed to be dedicated to the Town of Larkspur.

Drainage study showing areas within the 100 year flood plain, and flow quantities.

General landscape plans.

The maximum permitted number of dwelling units.

A proposed time schedule for completion of the PUD, which shall be 24 months from the date of approval of the preliminary site plan unless otherwise stated and agreed to by the Town of Larkspur.

- (2) Written Statement. In addition to the preliminary site plan, a written statement signed by the applicant, shall be filed by the applicant with the Town Clerk, together with the re-zoning application. Such written statement shall contain, at a minimum, the following:

The present ownership of the proposed PUD District.

A statement as to whether the development of the proposed PUD District will be accomplished by the present owner, by the applicant, or by others.

A general explanation as to the objectives to be achieved through the Planned Unit Development, including if applicable, building descriptions, sketches, or elevations to further describe the objectives.

Copies of any agreements, covenants, restrictions, or other documents which will govern the use of, or provide for the maintenance of, greenbelt, common areas, or private streets.

A written statement by a licensed engineer which statement shall describe or provide evidence of:

The total number of gallons per day of sewerage to be generated requiring treatment by the Town's facilities.

The total number of gallons per day of water required if water is to be obtained from the Town.

Full details as to any non-municipal sewerage treatment or water supply, if proposed, demonstrating approval by the supervising health agencies for such systems.

The soil, geologic and groundwater features of the site.

General drainage plan.

- (3) Hearing - Preliminary Site Plan. After submission of the zoning application, preliminary site plan and written statement referred to above, the Town Clerk shall schedule public hearings into the application before the Larkspur Planning Commission and the Board of Trustees of the Town of Larkspur. Notice of such hearings shall be given pursuant to the provisions of Article 3 of this Ordinance.

If, after the conduct of public hearings as set forth above, the Board of Trustees determines to grant the application for establishment of a PUD district, it shall approve the preliminary, site plan, with or without modification, and approve a Provisional Planned Unit Development Ordinance which shall incorporate the approved preliminary site plan by reference. The provisional Planned Unit Development Ordinance shall be in effect until such time as a final site development plan covering all or part of the Provisional PUD District is approved or the Provisional PUD ordinance is repealed for the causes hereinafter enumerated. No building permit shall issue in any Provisionally Zoned PUD District, nor shall provisional zoning be entered upon the official zoning map of the Town of Larkspur. At such time as a Final PUD site plan is approved, a Final PUD ordinance shall be enacted describing the area or areas rezoned thereby, and such zoning change shall be extended on the official zoning map.

- (4) Final Site Plan. Following approval of a preliminary site plan and provisional PUD zoning ordinance, the applicant may submit a final PUD site plan and written statement concerning said plan to the Town Clerk. Said final site plan and statement may be filed covering all or any part of the area described in the approved preliminary site plan and Provisional PUD ordinance; subject to the following qualifications:

Said final site plan must describe, at a minimum, a logical developmental area.

If the approved preliminary site plan describes project areas, the final site plan must describe at least one such project area.

If the approved Provisional PUD ordinance requires phased development areas, final site plans shall be submitted in accordance with such phased plan.

The Final Site Plan shall contain or be accompanied by the following:

Legal description of the area contained therein, prepared by a licensed Colorado surveyor.

Specific building locations.

Legally described use areas.

Permitted uses.

Maximum permitted height of buildings or structures.

The number of square feet of building ground coverage contained in the final site plan, and if the final site plan does not cover the entire approved preliminary site plan, the number of square feet contained in the Final Site Plan as a percentage of the total building ground coverage approved in such preliminary site plan.

The number of square feet of enclosed floor space within buildings contained in the final site plan, and if the final site plan does not cover the entire approved preliminary site plan, the number of square feet contained in the Final Site Plan as a percentage of the total enclosed square footage contained in such preliminary site plan.

The number and specific location of parking spaces.

The specific location of streets, service areas and loading areas.

The specific location, height and size of signs, outdoor lighting and advertising devices.

Legally described open space or greenbelt areas as are contained on the final site plan, and if the final site plan does not cover the entire area of the approved preliminary site plan, the number of square feet or acres of open space expressed as a percentage of the total minimum open space contained in the approved preliminary site plan.

Dedication certificate on the plat or deed to the Town of Larkspur for dedicated lands or easements in lieu thereof.

Deed for water and water rights.

Number of dwelling units and number of dwelling units per acre, and if the final site plan does not cover the entire area of the approved preliminary site plan, the percentage of dwelling units contained in the final site plan of the total number approved in the preliminary site plan.

Final water, sewer and drainage plans.

The Final Site Plan shall be forwarded to the Town of Larkspur Planning Commission for its review and recommendation. It shall then be forwarded to the Board of Trustees who shall approve the Final Site

Plan and enact a Planned Unit Development Ordinance describing the area contained in the final site plan provided that the final site plan is in substantial conformity with the approved Preliminary Site Plan and Provisional PUD Ordinance and that none of the following conditions are found:

Any proposed building or use is located outside of a general building or use area as described in the Preliminary Plan.

Any proposed building or structure exceeds the maximum permitted height.

The maximum square footage of building ground coverage or maximum number square feet of enclosed floor space within buildings has been exceeded.

The maximum number of square feet to be devoted to surfaced parking has been exceeded.

The minimum number of off-street parking spaces have not been provided.

The minimum open space or greenbelt area has not been provided.

The maximum number of dwelling units has been exceeded or the maximum number of dwelling units per acre has been exceeded.

Any other maximum requirement has been exceeded or minimum requirement not met.

Any use not permitted pursuant to the Preliminary Site Plan and/or Provisional PUD Ordinance is included in the Final Site Plan.

- (5) Repeal of Provisional or Final PUD Ordinance and Revocation of Approved Preliminary or Final PUD Site Plan.

The Provisional or Final PUD Ordinance may be repealed and the Preliminary or Final Site Plan approval may be revoked by the Board of Trustees after review by the planning commission and public hearing for the following causes:

Failure to comply with the approved completion schedule.

Failure to comply with the provisions of any approved final site plan as are set forth in paragraph 4, Section 2.8, Article 2, above.

- (6) Amendment of Final Site Plan: Amendments to the Final Site Plan may be granted at any time upon application to the Board of Trustees,

who shall refer the requested amendment to the Town Planning Commission for review and recommendation before granting or denying any such amendment. Amendments which would permit uses not originally approved, decrease approved minimum open space, increase density (either the maximum approved dwelling units or maximum approved total floor space), locate any building dwelling or other structure requiring a building permit outside of a building or use area, exceeding maximum approved height, or any other amendment, which in the opinion of the board, substantially alters the character and/or scope of the approved planned unit development, shall not be approved except after public hearing in conformity with all provisions of Article 3 hereof.

ARTICLE 3

Amendment Procedures

3.1 General Provisions

Amendments to this Ordinance shall be made in accordance with the laws of the State of Colorado and this Article 3.

3.2 Application

Applications for rezoning may be obtained from the Town Clerk. They must be completed in full and returned to the Clerk, in triplicate, together with all supplementary materials requested on said form. The Clerk shall not schedule a public hearing or hearings thereon, until fees are paid in accordance with the Town zoning fee ordinance.

3.3 Public Hearings - Notice

After the provisions of Section 3.2 above have been met, the Town Clerk shall schedule a public hearing with the Town Planning Commission and the Town Board of Trustees. Public notice of such hearings shall be given at least 15 days prior to the hearing date by one publication in a newspaper of general circulation in Douglas County, Colorado. In addition thereto, notice shall be given to the record owners of real property within 300 feet of any boundary of the area which is the subject of the rezoning application, by mailing a copy of the public notice to such persons by certified U.S. Mail at least 15 days prior to the hearing date.

3.4 Planning Commission Hearing

The Planning Commission, after receiving and considering such information as shall come before it at the public hearing, shall make a recommendation, upon majority vote of the quorum present at the public hearing, to the Board of Trustees that the

requested amendment be either approved or denied, and make such other recommendations relative to the amendment as it deems appropriate.

3.5 Board of Trustees' Hearing

After the hearing by the Planning Commission, consideration of that commission's recommendation, and after receiving and considering such information as shall come before it at the public hearing, the Board of Trustees shall either, by resolution, grant or by motion, deny the requested amendment by a majority vote of the quorum present at the public hearing, except in the case where a written protest has been filed, signed by the record owners of 20% or more of the area of the lots included in such proposed amendment, of those immediately adjacent in the rear thereof extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such amendment shall not be approved except by a three-fourths majority of all members of the Board of Trustees.

ARTICLE 4

Supplemental Regulations

Regulations specified in other sections of this Ordinance shall be subject to the following interpretations and exceptions:

4.1 Parking Space

A parking space as used herein shall be taken to mean a hard-surfaced area for motor vehicle parking at least nine feet in width and eighteen feet in length.

4.2 Outdoor Illumination

Any light used to illuminate signs, parking areas or for other purposes, shall be so arranged so as to reflect the light away from nearby residential properties, and from the vision of passing motorists.

4.3 Visibility at Intersections

No substantial impediment to visibility above two and one-half feet above the ground level shall be created or maintained at a street intersection within a triangular area described as follows: beginning at the point of intersection of the edges of

the driving surface, then to points twenty-five feet along both intersecting edges, and then along a direct line connecting these points.

ARTICLE 5

Board of Adjustment

5.1 Powers and Duties

The Board of Adjustment shall have the following powers and duties, all of which shall be exercised, subject to the laws of the State of Colorado, in harmony with the purpose and intent of this Ordinance, and in accordance with the public interest.

- (a) Hear and decide appeals from, and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of the regulations established by this Ordinance.
- (b) To authorize upon appeal in specific cases exceptions to the: minimum area of lot, minimum width of lot, maximum heights of buildings, minimum front yard, minimum side yard, minimum rear yard, minimum off-street parking requirements.

5.2 Procedure

The Board of Adjustment shall hold a public hearing on all applications and appeals in accordance with the following regulations:

- (a) Public notice of said hearings shall be published in a newspaper of general circulation in Douglas County and the Town of Larkspur at least fifteen days prior to the hearing date.
- (b) For applications for variances as set forth in Section 5.2(b) above, written notice of said hearing shall be sent by certified mail at least fifteen days prior to the hearing date to owners of property immediately adjacent to and opposite of property for which the variance is requested.
- (c) The Board of Adjustment before granting any variance with the provisions of this Ordinance shall state in writing its reasons for so doing, setting forth the practical difficulties or unnecessary hardships which would be imposed by a strict interpretation of this Ordinance.

ARTICLE 6

Penalty for Violations

Failure to comply with all of the provisions of this Ordinance, unless a variance therefrom has been duly granted by the Board of Adjustment, or the apparent violation is in fact a valid non-conforming use, shall constitute a misdemeanor, punishable by a possible fine of not more than \$300.00 or by imprisonment in the county jail for not more than 90 days or by both such fine and imprisonment. Each day that such violation continues shall be considered and be punishable as a separate offense.

ARTICLE 7

Safety Clause

This Ordinance, inasmuch as the Town of Larkspur, Colorado, is a newly organized municipality without a zoning ordinance at the time of the passage of this Ordinance, is deemed necessary to the immediate preservation of the public health and safety and shall become effective upon adoption and compliance with C.R.S. 1973-31-16-104, as amended.

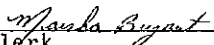
Introduced, read, passed and approved, and ordered published,

February 13, 1980.



Mayor

ATTEST:



Town Clerk