

TOWN OF LARKSPUR, COLORADO
ORDINANCE NO. 3.76

AN ORDINANCE AMENDING SECTION 7, ARTICLE I AND SECTION 2, ARTICLE III
OF ORDINANCE NO. 3.43
CONCERNING SITE PLAN PROCEDURE AND SITE STANDARDS
AND DEFINITIONS

(THIS ORDINANCE HEREBY REPEALS AND SUPERCEDES SECTION 7 OF
ARTICLE I AND SECTION 2.110 OF ARTICLE III OF ORDINANCE NO. 3.43 TITLED
"TOWN OF LARKSPUR, COLORADO ZONING ORDINANCE " PASSED ON THE 3RD
DAY OF JUNE 1987.)

WHEREAS, the Town has the authority to regulate the use and development of
land within its limits and has undertaken regulation of use and development of property
within its limits by enactment of ordinances regulating zoning and development within
the Town; and

WHEREAS, following several public meetings and one properly noticed public
hearing, the Town Council desires to amend the procedures and standards for site plan
applications as well as to amend certain definitions relative thereto.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of
Larkspur, Colorado, as follows:

Section 1. Section 7, Article I of Ordinance No. 3.43 is hereby repealed in its
entirety and shall be replaced with the following:

SECTION 7 - SITE PLAN STANDARDS & PROCEDURES

7.1 APPLICABILITY OF THE SITE PLAN STANDARDS

A. The Site Plan standards shall apply to, and an approved Site Plan
shall be required for:

1. All uses located within the following zone districts:

R-3 Multi-Family Residential
B Business
C Commercial
I Industrial

and corresponding uses within a PD – Planned Development
District.

2. Uses which are located within any other zone district which are specifically made subject to this Section 7.
 3. Each and every change in use or increase in intensity of use.
- B. No permit shall be issued for the construction of any building, structure, parking area or loading area within these zone districts without first obtaining approval of a Site Plan except as provided in Section 7.1.E.
 - C. The Site Plan standards set forth in this Section are in addition to any other development standards which may otherwise be applicable to a particular property or geographic area of the Town. In case of any conflict among applicable standards, the more restrictive standards shall apply.
 - D. The existence of a non conforming structure, lot or use of a structure, as defined in Section 5 of Article I of this Zoning Ordinance, does not exempt any such structure, lot or use of a structure from the requirements for approval of a Site Plan pursuant to this Section 7.
 - E. Exemptions: Existing single family residences that are continuing as single family residences are not required to comply with the Site Plan requirements; however, proposed additions or changes to such a use requires submittal of a Plot Plan for approval by the Town prior to a request for a Building Permit. No Site Plan is required for construction within an existing building or structure where such construction does not increase the building footprint, floor area or the intensity of the use.

7.2 SITE PLAN APPLICATION AND STANDARDS

- A. Preapplication Conference. Prior to a formal submittal of a request for approval of a Site Plan, an informal preapplication conference shall be held between the applicant and appropriate Town staff at a time and date mutually agreed upon. The purpose of the preapplication conference is to discuss the procedures and submittal requirements as well as to identify potential issues and the affected public agencies to be contacted when a formal application is made. At least five days prior to the preapplication conference, the applicant shall submit a sketch plan describing the property and site plan concept, including but not limited to proposed uses and approximate building size. No fee will be charged until the applicant submits a formal application, at which time the applicant will be charged a site plan fee and preapplication review fee.

- B. Reports & Studies. The reports and studies required for a formal application may include but are not necessarily limited to the following: drainage plan and study, traffic impact analysis, soil tests and report, geological hazards report, environmental impact analysis, wildlife impact analysis, noise study, lighting plan, electromagnetic or radio frequency analysis and shadow analysis. The intensity or level of detail necessary in any required report or study shall be in proportion to the scale and impact proposed or expected for that item.
- C. Site Plan Requirements. Every request for Site Plan approval shall be accompanied by a completed Land Use Application form, appropriate copies of the Site Plan (including studies and reports) and the required Site Plan and Pre-application fees. Site Plans shall be submitted on 24"x36" sheets at a scale of 1"=20' or other scale approved by the Town Planner. The Site Plan shall contain the following information:
1. Date.
 2. North Arrow
 3. Written and graphic scale.
 4. Finished floor elevation related to United States Geological Survey (USGS) datum. All lots shall show grading and drainage with existing grades and contours and finished grades and contours clearly indicated.
 5. The size and location of all existing and proposed public and private utility and emergency easements or other rights-of-way.
 6. The building envelope, size, setback dimensions and height of all proposed structures and all existing structures which are to be retained on the site.
 7. Location, dimensions and names of adjacent streets, and proposed internal streets showing center line radii and curb return radii. Location and dimensions of bike/pedestrian paths and walkways shall be shown.
 8. The proposed layout of any parking lot including location and dimensions of parking spaces, curb islands, internal planters, strips, maneuvering aisles and access driveways with indication of direction of travel.

9. Location of all exterior lighting, signage, and fencing used to divide properties and to screen mechanical equipment and trash containers.
10. Existing specific physical features on the site, including drainage ways, lakes, buildings, and structures, with indication as to which are to be retained. Adjacent properties and their physical features within fifty (50) feet of the property line shall be identified including setback dimensions of adjacent structures.
11. The location of all existing trees greater than four (4) inch caliper and those which are to be retained on the property, the location and dimensions of landscaped areas, location and names of all proposed plant material and ground cover, and the location of other pertinent landscape features.
12. Location of all existing and proposed recreational amenities such as open play areas, swimming pools, tennis courts, tot lots, and similar facilities.
13. Drainage Plans in conformity with the Town of Larkspur standards.
14. Landscape Plan in accordance with the Town of Larkspur standards.
15. Legal Description of the property.
16. Site Data in tabular form including:
 - Total area of the property (Sq. Ft.)
 - Building(s) Coverage (Sq. Ft.)
 - Parking Lot and Driveway Coverage (Sq. Ft.)
 - Parking Lot Landscape Area (Sq. Ft.)
 - All other landscape area coverage (Sq. Ft.)
 - Number of Parking Stalls Provided
 - Number of Residential Units Proposed
 - Existing and Proposed Gross Floor Area (Sq. Ft.)

D. Other information which shall be in written form includes:

1. A written narrative describing the proposal in full.
2. Statement of existing zoning and intended use of the property.

3. Statement of maintenance responsibility for all improvements shown on the plan.
4. Impacts to the Town in general and specifically the adjoining properties and proposed mitigation of those impacts.

7.3 REVIEW PROCEDURES AND REQUIREMENTS FOR APPROVAL

- A. Appeal of Requirements. The applicant may appeal to the Board of Adjustment for relief from any requirement imposed by the Town Staff that is not specifically identified in this Section. Review by the Board of Adjustment shall be in accordance with Section 3 of the Town of Larkspur Zoning Ordinance, as may be amended from time to time. Relief must be granted prior to further review and processing of the Site Plan application.
- B. Referral Period. The Site Plan will be referred to appropriate outside agencies for comment. The referral period shall be not longer than 30 days. If no response is received from a referral agency within said 30 day period, a "no response" comment shall be noted. Referral agency comments shall be forwarded to the applicant for revisions or comments as appropriate.
- C. Review and Approval. The Town Planner shall approve or deny the Site Plan within 15 working days after receipt of a complete application, as revised pursuant to comments noted by the affected referral agencies. A Site Plan shall be approved if it is complete in form, has all the required information, and meets all of the applicable Town standards.
- D. Approval Certificate. Approved Site Plans shall bear an Approval Certificate as provided by the Town exhibiting the original signatures of the Town Planner and Town Engineer. A mylar and one paper copy shall be provided to the Town and a minimum of two paper copies provided to the applicant. No Building Permits will be issued without such original signatures.
- E. Decision in Writing. Any approval or denial shall be in writing with the reasons for denial set forth. Redline changes on the Site Plan shall constitute sufficient detail of the reasons for denial.
- F. Reconsideration. Upon denial of a Site Plan the applicant may request in writing, within five (5) working days after the denial, that the Town Planner reconsider his decision. The request for reconsideration shall state the grounds therefor. A decision upon reconsideration will be given by the Town Planner within ten (10) working days after receipt of the request. No appeal to the Board

of Adjustment shall be permitted unless a request for reconsideration was previously filed with and denied by the Town Planner.

- G. Expiration. If a building permit has not been issued within two (2) years from the date the approval of the Site Plan has occurred, the Site Plan shall be null and void unless extended. An extension may be granted for a maximum of one year upon written request of the applicant. No extension shall be granted if this Ordinance or the zone category of the land has been amended such that the Site Plan no longer conforms to the requirements of this Ordinance or the new zoning category.

7.4 APPEALS

- A. If the Town Planner denies the application upon reconsideration, the applicant may appeal to the Board of Adjustment. Written appeals from the decision of the Town Planner must be received by the Town Clerk within fifteen (15) days of the date of denial upon reconsideration. During the time an appeal is pending, no building permit shall be issued.
- B. The Board of Adjustment shall conduct a public hearing within thirty (30) days on every appeal made in writing by the applicant of a decision made by the Town Planner pursuant to this Ordinance. The conduct of the hearing and the scope of inquiry shall be in accordance with Section 3 the Town Zoning Ordinance as may be amended from time to time.
- C. Any decisions of the Board of Adjustment shall be set forth in writing giving reasons for affirming, modifying, or reversing the administrative decision of the Town Planner. Any decision of the Board of Adjustment shall be final and any appeal therefrom shall be to the courts.

7.5 WAIVERS AND VARIANCES

- A. Upon request, the Town Planner may waive specific site plan form or information requirements as set forth herein if, in his opinion, specific requirements are unnecessary due to circumstances unique to the property or if the requirements have been previously submitted and approved. Such requirements may be set aside only to the extent that the intent and purpose of this Section is not violated.
- B. Upon request, the Town Planner may approve a Site Plan varying any dimension contained in this Section as much as ten percent

(10%) if, in his opinion, strict application of the standard would result in peculiar, exceptional and undue hardship in the applicant, or the physical conditions of the property make implementation of the standards unnecessarily difficult, or if practical difficulties exist in carrying out the strict requirements of the standards. Any variance may be granted only to the extent that the intent and purpose of this Section is not violated.

- C. To vary any dimension greater than ten percent (10%) the applicant must submit the proposal to vary that specific standard directly to the Board of Adjustment. The Board may grant the variance only upon proof that the standards for variances set forth in this Ordinance have been met.

7.6 AMENDMENTS TO SITE PLANS

Amendments to an approved Site Plan shall be subject to the same application, review and appeal process applicable to the original Site Plan. The applicant shall provide the Town Planner with an updated Site Plan with all current amendments shown on the most recently approved Site Plan.

7.7 OTHER SITE PLAN DESIGN REQUIREMENTS

- A. Sight Triangle Area: Within the sight triangle area, fences, walls, hedges, landscaping and structures shall not exceed a height of 42 inches as measured from the flow lines, or in the absence of curbs and gutters, from the property line. The sight triangle shall extend 55 feet from the intersection of the right-of-way lines of two (2) streets or railroads.
- B. Drainage: Drainage plans shall comply with the adopted standards of the Town of Larkspur.
- C. Trash Containers, Electrical and Mechanical Equipment and Service Lines:
 - 1. All trash containers shall be screened to a height of six (6) feet.
 - 2. Roof-mounted electrical and mechanical equipment shall be placed or screened such that the equipment is not visible from any point ten (10) feet above the ground and from any point within a two hundred (200) foot radius of the building upon which it is mounted.
- D. Walkways and Bike/Pedestrian Paths:

1. The minimum width of an on-site walkway shall be five (5) feet unless head-in parking is permitted adjacent to one side of the walkway, in which case the walkway shall have a minimum width of seven (7) feet. If head-in parking is permitted adjacent to both sides of the walkway, the walkway shall have a minimum width of nine (9) feet.
 2. Walkways designed to accommodate bicycles shall be referred to as bike/pedestrian paths and shall have a minimum width of eight (8) feet. If head-in parking is permitted adjacent to bike/pedestrian paths, two (2) feet additional width shall be required for vehicle overhang on each side where head-in parking is allowed.
 3. Sustained grades for walkways and pedestrian paths shall not exceed eight percent (8%) or the grade of the adjacent public street.
- E. Parking Lot Design Standards: Parking lot design standards shall be in accordance with Section 14 of the Zoning Ordinance.
- F. Landscaping Standards:
1. Landscaped Area. Shall mean, for the purpose of this Section, land intended for the purpose of planting and maintaining trees, shrubs, groundcovers, as well as ornamental non-living materials.
 2. Ornamental Non-Living Materials. Material associated with plantings such as decorative rock, wood chips, brick and paving stones.
 3. Groundcover. Shall mean, for the purpose of this Section, any living plant material suitable for erosion prevention as well as weed control.
 4. Minimum Landscape Area Requirements – Multiple Family Dwellings. A minimum of 20 percent (20%) of the gross site area shall be landscaped. This landscaped area shall include perimeter property setbacks and buffer areas. A minimum of two trees and four shrubs for each one thousand square feet of landscaped area shall be provided. This landscaped area shall include perimeter property setbacks and buffer areas.
- Business, Commercial and Industrial Structures. A minimum of two trees and four shrubs for each one thousand square

feet of landscaped area shall be provided. One additional tree may be substituted in lieu of each four shrubs hereby required. A minimum of ten percent (10%) of the gross site area shall be landscaped. This landscaped area shall include perimeter property setbacks and buffer areas.

5. Perimeter Landscape Area.

a. Where property lies adjacent to an arterial or collector street, a landscaped strip along the entire perimeter area averaging at least twenty (20) feet in width but not less than fifteen (15) feet at any point, as measured from the eventual cross section of the street, shall be provided. Any bikeways and walkways may be included in the perimeter landscape area and counted as part of the twenty (20) feet. Landscaping within this area shall include two (2) trees for each one thousand (1,000) square feet, four (4) shrubs for each one thousand (1,000) square feet and ground cover over the entire area. One (1) tree can be substituted for two (2) shrubs. All plant materials shall be in accordance with the Recommended Plant List of the Town of Larkspur.

b. Where the property lies adjacent to a local street, a landscaped strip along the entire perimeter area averaging at least fifteen (15) feet in width but not less than eight (8) feet at any point, as measured from the eventual cross section of the street, shall be provided. Any bikeways and walkways may be included in the perimeter landscape area and counted as part of the fifteen (15) feet. Landscaping within this area shall include two (2) trees and four (4) shrubs for each one thousand (1,000) square feet, and ground cover over the entire area. One (1) tree can be substituted for two (2) shrubs. All plant materials shall be in accordance with the Recommended Plant List of the Town of Larkspur.

6. Parking Area Landscaping Requirements. An area or a combination of areas equal to ten percent (10%) of the total parking lot area shall be landscaped. Any parking area in business, commercial or industrial use areas in excess of fifty spaces or four parking rows shall require interior landscape islands. Islands must contain a minimum of one tree and four shrubs per island. One additional tree may be

provided in lieu of each four shrubs hereby required. Overall, parking lot landscaped areas will contain a minimum of two shade trees and four shrubs (or additional trees in lieu thereof as provided for above) per one thousand square feet of landscape area. Parking lot landscaping will be included in the overall site requirement.

7. Buffer Area Landscaping Requirements. Where business, commercial or industrial uses abut property zoned for any residential use, a fence or wall with a minimum height of six feet must be placed along such abutting property line. A landscaped buffer area on the residential side of the fence not less than ten feet shall also be provided. A minimum of two trees and four shrubs for each one thousand square feet of landscaped area shall be provided. These requirements shall not apply in areas where an open space buffer zone thirty (30) feet in width or greater is provided.
8. Whenever a parking lot boundary adjoins property zoned for any residential use, a minimum landscape buffer of twenty (20) feet from said lot boundary shall be required. Within the twenty (20) foot landscape buffer, a four (4) foot view obscuring fence, decorative wall or three (3) foot planted berm shall be constructed. A minimum of two trees and four shrubs for each one thousand square feet of landscaped area shall be provided.
9. No artificial tree, shrubs, turf or plants shall be used to fulfill the minimum requirements for landscaping as required by this Section.
10. Minimum size for landscaping material as measured at the time of planting shall be:
 - a. Deciduous Trees: Two (2) inch caliper, measured one (1) foot above ground.
 - b. Ornamental and Flowering Trees: Two (2) inch caliper, measured one (1) foot above the ground, except that a multi-stemmed specimen shall have a minimum caliper of one and one-half (1 ½) inches as measured one (1) foot above the ground.
 - c. Evergreen Trees: Five (5) feet in height.

- d. Flowering and evergreen shrubs and hedges shall be five (5) gallon size. If in ball and burlap, the minimum size shall be fifteen (15) inches in diameter.
 - e. Rock and Stone: Minimum three-quarter (3/4) inch in size, and poured to a minimum depth of three (3) inches.
11. No living tree which exceeds a four (4) inch caliper, unless damaged by fire, lightening, disease or other similar cause, shall be removed from the property except in accordance with an approved Site Plan.
- G. The Town shall provide a Recommended Plant List.
- H. All landscaped improvements indicated on or contained in an approved Site Plan shall be completed by the next planting season but not more than one hundred eight (180) days after issuance of the final certificate of occupancy.

7.8 MAINTENANCE RESPONSIBILITY

- A. The owner of the property, his successors, heirs and assigns shall be responsible for the proper maintenance of the area subject to an approved Site Plan. That area shall be deemed to include an area as measured from the back of the curb line to, and including all areas subject to the approved Site Plan.
- B. Landscaping shall be continuously maintained including necessary watering, weeding, pruning, pest control and replacement of dead or diseased plant material. Replacement of dead or diseased plant material shall be of the same type of plant material as set forth in the approved Site Plan; for example, a tree must replace a tree, a shrub must replace a shrub, a ground cover must replace a ground cover, etc. Replacement shall occur 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.

Section 2. Section 2, Definitions, of Article III of Ordinance No. 3.43 is hereby amended to add a new definition for Plot Plan as §2.96 and to renumber the remaining definitions accordingly and to delete the definition of Site Plan and replace as follows:

2.96 Plot Plan: A scale drawing of a lot or parcel showing the location and dimensions of all easements and existing and proposed improvements.

2.111. Site Plan: A set of detailed plans and associated information which contains at a minimum: a horizontal layout of the parcel or lot; grading plan; landscaping plan; drainage study, report and plan; erosion plan; and appropriate building or other proposed improvement plans.

Section 3. This Ordinance shall take effect five days after it is posted, in accordance with Section 3.14 of the Town Charter.

Section 4. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

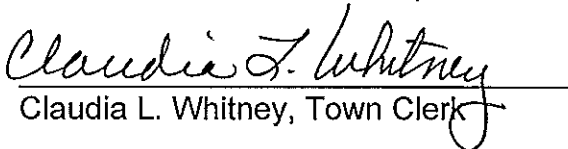
Introduced as an Ordinance at a Regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 19th day of July, 2001, and passed by a vote of 4 for, 1 against and 0 abstention(s).


Wandalene H. Hertz, Mayor

[ATTEST]


Claudia L. Whitney, Town Clerk

I hereby certify that the within Ordinance No. 3.76 was posted on the bulletin board at the Town Hall of the Town of Larkspur from 6/1/2001, 2001 to August 2, 2001, 2001 in accordance with Section 3.20 of the Town Charter.


Claudia L. Whitney, Town Clerk