

**NORWOOD PLANNING AND ZONING COMMISSION**  
**Monday, February 24, 2020 7:00 P.M.**  
**Norwood Community Center**  
**1670 Naturita Street**

**A G E N D A**

**Call to Order :**

**Approval of December 16, 2019 Minutes:**

**Resign into Work Session:**

**WORK SESSION**

**Discussion of Mass, Scale and Development Pattern in the B1 Zone District:**

- a.) Presentation from Planner Michelle Haynes.
- b.) Board Discussion.

**Discussion of Trails in the Norwood Master Plan Area:**

- a.) Presentation from Planner Michelle Haynes.
- b.) Board Discussion.

**Adjourn:**

**\*\*Visitors Please Note: Thank you for attending! The Board values your opinion, however speaking time may be limited by the Board if necessary for the efficient conduct of the meeting. Accommodations for handicapped can be made upon request. \*\***

**P&Z Commission  
Monday, December 16, 2019**

**Regular Session 7:00 p.m.  
Norwood Community Center**

**Call to Order:**

The regular meeting of the Norwood Planning and Zoning Commission, San Miguel County, and State of Colorado was called to order by Chairperson Katie Sapp at 8:17 p.m. and those being present were as follows:

**Present:** Katie Sapp, Bronwen Spielman, Nina Kothe, Nancy Hrupcin and Lucinda Carr.

**Absent:** Darroll Carr

**Others:** Gretchen Wells, Town Clerk , Patti Grafmyer, Town Administrator, Herb McHarg, Town Attorney, Jaime Schultz, Jim Wells, Vince Egan, Leila Seraphin.

**Approval of Minutes:**

A **motion** was made by Nina Kothe to approve the minutes of November 18, 2019. Nancy Hrupcin seconded. *Motion passed unanimously.*

**Public Hearing to Consider Resolution 1216 Series 2019 approving Amendments to Norwood Municipal Code Title 7, "Land Use Code" for the Regulation of Formula Businesses and Secifically Amending Section 1.06 "Nonconforming Provisions", Section 2.00, "Definitions", Section 3.05, "Use Regulations", and Section 3.10, "B-1 Business District, with Recommendation to the Norwood Board of Trustees to Adopt the Amendments:**

After going thru the resolution line by line, the Commission made changes and asked the Town Attorney to amend the resolution as discussed. Nancy Hrupcin made a **motion** to approve Resolution 1215 with the changes directed per the P&Z Commission. Bronwen Spielman seconded and *motion passed unanimously.*

**Adjourn:**

A **motion** was made by Nancy Hrupcin to adjourn the meeting at 8:20 p.m. Bronwen Spielman seconded and *motion passed unanimously.*

**APPROVED:**

**APPROVED AS CORRECTED:**

**DATE:**

**NORWOOD PLANNING AND ZONING COMMISSION  
RESOLUTION NO. 1216  
SERIES OF 2019**

**A RESOLUTION OF THE NORWOOD PLANNING AND ZONING COMMISSION OF THE TOWN OF NORWOOD, COLORADO APPROVING AMENDMENTS TO NORWOOD MUNICIPAL CODE TITLE 7, "LAND USE CODE" FOR THE REGULATION OF FORMULA BUSINESSES AND SPECIFICALLY AMENDING SECTION 1.06, "NONCONFORMING PROVISIONS", SECTION 2.00, "DEFINITIONS", SECTION 3.05, "USE REGULATIONS", AND SECTION 3.10, "B-1 BUSINESS DISTRICT, WITH RECOMMENDATION TO THE NORWOOD BOARD OF TRUSTEES TO ADOPT THE AMENDMENTS.**

**WHEREAS**, the Norwood Planning and Zoning Commission for the Town of Norwood, Colorado **FINDS** that there exists a substantial and compelling public interest for amendments to the Norwood Land Use Code for the regulation of formula businesses and that the amendments are necessary to protect the public health, welfare and safety of the Town and its residents; and

**WHEREAS**, The Town of Norwood has developed a unique community character in its B-1, Business District and the Town desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs; and

**WHEREAS**, at a public hearing held on December 16, 2019, the Norwood Planning and Zoning Commission recommended the Town regulate Formula Business Establishments within the B-1, Business District and further that Formula Business Establishments only be allowed if approved as a Conditional Use.

**NOW, THEREFORE, BE IT RESOLVED BY THE NORWOOD PLANNING AND ZONING COMMISSION OF THE TOWN OF NORWOOD, COLORADO** that the Board of Trustees of the Town of Norwood, Colorado adopt an ordinance approving amendments to the Norwood Land Use Code as set forth below for the regulation of Formula Business Establishments.

**Section One.**

A. Norwood Municipal Code Title 7 be amended at Section 1.06, "Nonconforming Provisions" by the addition of a new paragraph (e) to read as follows:

(e) Nonconforming Formula Business Establishment. No businesses that exist within the Town as of the effective date of this [Ordinance] \_\_\_\_\_ meet the definition of a Formula Business Establishment, and furthermore, if it could be construed that any business that exists within the Town as of \_\_\_\_\_ did meet the definition of a Formula Business, any such business in operation prior to \_\_\_\_\_ is exempt from these regulations, and may relocate, expand, or otherwise modify same exempt from these regulations and otherwise in compliance with the Land Use Ordinance.

B. Norwood Municipal Code Title 7 be amended at §2.02, "Definitions" by the addition of a new definition "Formula Business Establishment" to read as follows:

**Formula Business Establishment** means a business which is required by contractual or other arrangement: (1) to conform generally to a certain business model with standardized features that may include exterior façade, architecture, layout, signage, array of services, array of

merchandise, trademarks, logos, servicemarks, symbols, color scheme, interior decor, uniforms, and/or centralized corporate control with minimal local autonomy; **and** (2) which causes it to be substantially identical to more than five other businesses regardless of ownership or location. Formula businesses can include, but are not limited to restaurants, retail stores, banks, real estate sales offices, spas, hair and nail salons, and hotel/motel/inn/B&B.

a. For purposes of this definition, the following definitions apply:

(i) Array of merchandise means fifty percent (50%) or more of the in-stock merchandise is from a single manufacturer or distributor bearing uniform markings, AND/OR the type, arrangement and pricing of the inventory is generally standardized.

(ii) Array of services means a substantially similar set of services or food and beverage menus that are priced, prepared and performed in a consistent manner that distinguishes the source of a service of one party from those of others.

(iii) Color scheme means the selection of colors used throughout the business, such as on the walls, furnishings, permanent fixtures or on the building façade.

(iv) Décor means the interior design and furnishings that may include style of furnishings, shelving, display shelving/racks, wall coverings or other permanent fixtures.

(v) Façade means the principal exterior face or front of a building, including awnings that are oriented towards a public area (including without limitation a street, alley or parking lot).

(vi) Servicemark means a word, phrase, symbol or design or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service of one party from those of others.

(vii) Standardized means there is a basis for comparison against which items can be evaluated for similarity in order to assure consistency and regularity; to conform to a standard set by the business.

(viii) Substantially identical means identical in most fundamental and material aspects. For example, a sign may be substantially identical to another if the color, font, and style are fundamentally identical even if the size is not identical; or a building may be substantially identical to another if the general construction methods, materials and architecture are fundamentally identical even if the exterior façade materials and/or size of the structure is not identical.

(ix) Trademark means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs legally registered or established by use that distinguishes the source of the product of one party from those of others.

(x) Uniform apparel means standardized items of clothing, including but not limited to standardized aprons, pants, shirts, vests, smocks or dresses, and hat and pins (other than name tags) with standardized colors and fabrics.

C. Norwood Municipal Code Title 7 be amended at Section 3.05, Use Regulations, as follows:

1. By the addition of the following statement as the second sentence at Sections 3.05(c)(1), (2) and (5): "In the event that any use, regardless of classification, meets the definition of Formula Business Establishment it may only be permitted as a conditional use subject to special

use conditions 13 and 21 of Section 3.05(d) in addition to any other special use condition applicable to that certain use.

2. Section 3.05(d), Special use conditions is amended by the addition of a new paragraph (21) to read as follows:

(21) Formula Business Establishment.

a. Any approval of a Conditional Use Permit for a Formula Business Establishment shall be, at a minimum, subject to:

i) Section 6.10, Conditional Use Permits; and

ii) A determination of whether the business can be operated and managed in a manner compatible with Norwood's Master Plan, including without limitation Norwood's small-town scale and rural character by assessing how well it will:

- provide for town residents in supplying jobs and services
- provide for local management authority
- support the community; i.e. ensure it supports economic cooperation with existing small, locally owned businesses
- put long-term community interest over short-term economic gain
- tie its future economic success to that of the community
- work with the town to resolve conflicts
- provide living wages and benefits for its employees
- use best management practices to meet applicable environmental standards

iii) Consideration of architectural design, building materials, color scheme, signage, landscaping and other site development aspects to fit the Town's character and be compatible with the Master Plan.

iv) Consideration of potential requirements for bonding and/or decommissioning any building or other improvement as part of the approval process.

v) Compliance with all other Land Use Ordinance provisions and other applicable laws.

C. Norwood Municipal Code Title 7 be amended at Sections 3.10(b) and (c) to add the following statement after the sentence preceding the lists in the respective sections: "Further, notwithstanding any contrary term or provision herein, in the event that any use, regardless of classification, meets the definition of Formula Business Establishment it may only be permitted as a conditional use subject to special use conditions 13 and 21 of Section 3.05(d) in addition to any other special use condition applicable to that certain use.

D. The Town Planner is authorized to correct typographical errors, conform cross-references and make other non-substantial revisions such as formatting as necessary.

**Section Two.**

The Town Planner is directed to finalize an ordinance to be presented to the Norwood Board of Trustees incorporating the amendments as approved by the Planning and Zoning Commission.

**Section Three.**

The Planning and Zoning Commission recommends the Norwood Board of Trustees adopt an ordinance approving amendments to the Norwood Land Use Code as set forth in this resolution.


**RESOLVED, APPROVED AND ADOPTED** this 16th day of December, 2019.

PLANNING AND ZONING COMMISSION  
TOWN OF NORWOOD, COLORADO

ATTEST:

By:

  
Katie Sapp, Chair

  
Gretchen R. Wells, Town Clerk