

NORWOOD PLANNING AND ZONING / BOARD OF ADJUSTMENTS

Monday, July 20, 2026

Regular Session 6:30 p.m.

NORWOOD COMMUNITY CENTER

1670 Naturita St, Norwood, CO 81423 - And - Via Zoom

MINUTES

<https://us02web.zoom.us/j/85001344971>

Meeting ID: 850 0134 4971

Passcode: 8142302

Call Regular Meeting To Order

This Planning and Zoning / Board of Adjustments Regular Meeting was called to order by Bronwen Spielman at 6:33 pm.

Board Attendance:

Mayor Pro-Tem – Shawn Fallon - Absent
Norwood Fire Chief – John Bockrath – Present, via Zoom
Member – Kerry Welch – Present
Member – Nancy Willis – Absent
Member – Isabella James – Present
Member – Jenny Wheeler – Present
Member – Mark Eckard – Absent
Member Brian DiPaola – Present, via Zoom
Member – Bronwen Spielman - Present

Staff Attendance:

Town Manager – Sara Owens – Present
Public Works Director – Randy Harris – Absent
Town Clerk – Cidney Ross – Present
KLJ – Kat Herbert – Present
KLJ – Niki Galehouse - Present

Public Attendance:

Nina Kothe

Public Comment For Items Not On The Agenda

None

Consent Agenda

1. Minutes from June 15, 2026

Jenny Wheeler motioned to approve the Consent Agenda. Kerry Welch seconded the motion. All voted, motion approved.

Board Business Agenda

1. Dark Sky Coalition Updated Rules: Workshop

The board touched on the 2026 Dark Sky Code updates final recommendation review, where Sara Owens clarified the process for accepting amendments and noted that two weeks' notice would be

required for the Town Board to consider these amendments at the next meeting. Three sections were highlighted in red for review.

The board focused on reviewing and finalizing recommendations for seasonal lighting supplements, with Bronwen Spielman noting that the 45-day calendar limit should be consistently applied across all references.

2. Land Use Code Update: Workshop

Sara Owens notified the board that the Board of Trustees will be extending the development moratorium for an additional three months to allow time for a hearing in August, with final adoption expected in September and implementation in October. Kat Herbert and Niki Galehouse with KLJ presented plans for a Land Use Code Amendments Workshop to address six specific policy issues, requesting the Planning and Zoning Commission's input on drafting these amendments before the hearing.

1. General Waiver Provision

- a. Option C: Expand eligible dwelling types and allow up to two ADUs on a property. This would replace the current "free for all" waiver system with a more prescribed administrative process for specific criteria-based deviations, while reserving variances for situations involving true hardships that require public hearings. The participants agreed this approach would provide necessary flexibility without compromising code integrity, allowing for minor deviations like parking requirements while maintaining clarity and efficiency in the review process.

DUE TO EXTREME WEATHER, THE POWER CUT OUT AT 7:07 P.M. The remainder of this meeting is audio recorded.

2. Accessory Dwelling Unit (ADU), Dwelling Type Applicability & Number Allowed

- a. Niki Galehouse explained that state law requires allowing these uses wherever single-family homes are permitted, and she mentioned an upcoming change in terminology from "single family home" to "single household dwelling" due to state law changes. After some discussion the board agreed to have the KLJ team make a draft of the discussion and have the Board of Trustees review and make the final call on an option.

3. ADU Parking Requirements

- a. Option B: Require additional parking when permitted by Colorado Revised Statutes.

4. Neighborhood Meetings

- a. Option B: Require neighborhood meetings for major discretionary applications. The board discussed having developer lead meetings and having the developer create a report for staff.

5. Administrative Review vs. Public Hearing Review

- a. Option C: Hybrid review process – certain thresholds would require public hearings. The board discussed creating tiers to add to make the process and producer clearer.

6. Growth Readiness and Availability of Services

- a. The board discussed needing to collaborate with the Norwood Water Commission and Sanitation District to discuss what they believed the systems could handle in future growth to establish a tiered approach.

The board also discussed contiguous annexation, which will be again discussed in a future meeting.

Adjourn

MOTION: Jenny Wheeler motioned to adjourn the Planning and Zoning Commission / Board of Adjustments Regular Meeting at 8:44 pm. Kerry Welch seconded the motion. All voted, meeting is adjourned.

☐ APPROVED

☐ APPROVED AS CORRECTED

DATE APPROVED:

Minutes Taken by: Cidney Ross, Town Clerk

TOWN OF NORWOOD

Planning and Zoning Commission Regular Session

Meeting Date:

September 21, 2026

Presented By:

Niki Galehouse, AICP and Kat Herbert | KLJ Engineering

Department:

Planning

Submitted By:

Niki Galehouse, AICP and Kat Herbert | KLJ Engineering

SUBJECT

Consider a recommendation to the Board of Trustees regarding adoption of Phase I amendments to the Norwood Land Use Code. The amendments are intended to address immediate state-law compliance matters, code integration and clarity, infrastructure and development-review needs, and priority procedural improvements.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission forward a recommendation of approval to the Board of Trustees for the Phase I Land Use Code Amendments.

EXECUTIVE SUMMARY

The Town of Norwood contracted with KLJ Engineering in 2026 to update the Town's Land Use Code. The Town is considering Phase I amendments to the Land Use Code as the first step in a broader code modernization effort. The existing Land Use Code was adopted in 1994 and has been amended incrementally over the past three decades. As a result, portions of the code contain outdated terminology, inconsistent procedures, and administrative provisions that no longer reflect current planning practices, development patterns, housing needs, or state requirements.

Through a grant-funded code assessment process, the Town identified several priority issues requiring immediate attention, including development review procedures, housing regulations, subdivision processes, code organization, and administrative efficiency. Phase I focuses on targeted amendments intended to improve clarity, consistency, predictability, and usability of the Land Use Code while establishing a foundation for future updates.

Key components of the Phase I amendments include establishing a structured infrastructure review system; replacing the former alley-house framework with modern accessory dwelling unit (ADU) regulations; updating occupancy terminology; consolidating development-review procedures and notice requirements; integrating short-term rentals into the use and permitting structure; providing an expedited affordable-housing review process; and eliminating the existing broad general-waiver authority.

BACKGROUND

Norwood's existing Land Use Code was adopted in 1994 and has been amended incrementally over the past three decades to address specific issues, development proposals, operational needs, and changes in state and local policy. While many of those amendments addressed immediate concerns at the time, the cumulative effect has been a code that contains a mixture of older regulations, recent amendments, and administrative procedures developed under different planning and legal frameworks. As a result, portions of the code have become difficult to administer, contain inconsistent terminology, rely on outdated development practices, or no longer reflect the Town's current needs and priorities.

Over the last thirty years, the regulatory environment surrounding land use planning in Colorado has changed significantly. State legislation has introduced new requirements related to housing, occupancy standards, affordable housing programs, development review procedures, vested property rights, and public notice requirements. At the same time, local governments have increasingly been expected to administer more complex land use regulations with limited staff resources while providing clear and predictable processes for applicants, property owners, and residents. The Town's existing code structure predates many of these changes and no longer provides the level of clarity or consistency expected in a modern land use code.

In addition to regulatory changes, Norwood's community context has evolved considerably since the code was adopted in 1994. Housing availability and affordability have become increasingly important community issues throughout western Colorado. Development patterns, property ownership trends, tourism activity, infrastructure planning, and development expectations have changed substantially since the mid-1990s. These changes have highlighted limitations in portions of the existing code, particularly regarding housing regulations, development review procedures, subdivision processes, and administrative requirements.

Recognizing these challenges, the Town initiated a comprehensive review of the Land Use Code to evaluate its effectiveness, identify deficiencies, improve usability, and determine where updates were necessary. The review focused on legal sufficiency, administrative efficiency, internal consistency, housing regulations, development review procedures, and alignment with contemporary planning practices. The assessment identified a number of priority issues requiring near-term attention and established a phased approach to code modernization.

The Phase I amendments represent the first implementation step in that modernization effort. Rather than undertaking a complete rewrite of the Land Use Code, Phase I focuses on targeted amendments intended to resolve immediate issues, improve administration, and establish a more modern framework for future updates. Key areas of focus include development review procedures,

subdivision processes, housing regulations, occupancy standards, definitions, administrative processes, and affordable housing implementation measures.

A major component of Phase I is the repeal and replacement of Chapter 6, Administration and Procedures. The existing procedural framework has been amended repeatedly over time and contains review processes, notice requirements, and administrative provisions that are difficult to administer consistently. The proposed Chapter 6 establishes a comprehensive development review framework modeled after the Colorado Department of Local Affairs (DOLA) Template Land Development Code and then modified extensively to reflect Norwood's unique governance structure, community goals, staffing capacity, and policy direction. The new framework consolidates application procedures, establishes clear review authorities, clarifies approval pathways, improves public notice requirements, and creates a more predictable process for applicants and decision-makers.

The Phase I amendments are intended to create a stronger foundation for future code modernization by improving clarity, consistency, transparency, and administrative efficiency while maintaining local decision-making authority and preserving the character and development objectives of the Town of Norwood. The amendments are also intended to position the Town to better respond to future housing initiatives, infrastructure planning needs, and ongoing changes in state land use policy.

NOTIFICATION REQUIREMENTS

Notice was completed as required by Section §6.02(c)(3). Notice of public hearing for the Planning Commission was published on September 3, 2026 and September 10, 2026 in the San Miguel Basin Forum. Mailed notices were sent to owners of all mineral estates on September 4, 2026.

In addition to the required public notice, KLJ conducted an online survey and a day long public engagement event on April 29, 2026 to introduce the public to the project and solicit feedback. Planning and Zoning Commission and the Board of Trustees also conducted a series of noticed public meetings, including a code workshop with KLJ on July 20, 2026.

OVERVIEW OF PHASE I AMENDMENTS

The Phase I amendments represent the first implementation step in the Town's broader Land Use Code modernization effort. Rather than undertaking a complete rewrite of the Code, Phase I focuses on a series of targeted amendments intended to address immediate issues identified through the code assessment process while establishing a stronger foundation for future updates. The amendments focus on improving administration, increasing consistency throughout the Code, addressing identified regulatory gaps, responding to changes in state law, and creating a more predictable development review process. Many of the broader policy topics identified during the assessment, including parking, lighting, and zoning district refinements, are intentionally reserved for future phases of work.

IMPROVING DEVELOPMENT REVIEW PROCEDURES

A significant portion of the Phase I amendments is dedicated to modernization of the Town's development review procedures. The existing procedural framework has been amended numerous times over the past three decades and contains application-specific procedures, varying notice requirements, and administrative provisions that can be difficult to navigate and administer consistently. The proposed amendments establish a more comprehensive and integrated review framework intended to improve clarity, transparency, and predictability for applicants, staff, decision-making bodies, and the public.

The revised procedures consolidate application requirements, clarify review authorities, establish more consistent public-notice standards, and provide clearer guidance regarding findings, decisions, appeals, and permit administration. Collectively, these changes are intended to create a more user-friendly process while providing a stronger administrative framework for future growth and development.

ADDRESSING INFRASTRUCTURE AND GROWTH MANAGEMENT

The code assessment identified a need for additional tools to evaluate whether development can be adequately served by public facilities and municipal services. The Phase I amendments establish a structured framework for evaluating infrastructure capacity and coordinating development review with infrastructure planning. The amendments provide procedures for evaluating service availability, identifying potential deficiencies, and addressing impacts associated with larger development proposals.

These provisions are intended to improve the Town's ability to evaluate infrastructure needs early in the review process and provide greater predictability regarding the information required to support development applications. The amendments also establish mechanisms that allow infrastructure improvements, phasing, and development agreements to be coordinated with future growth when appropriate.

MODERNIZING HOUSING REGULATIONS

Several Phase I amendments focus on housing-related regulations. The code assessment identified opportunities to improve housing terminology, modernize existing regulations, and better position the Town to respond to future housing initiatives. The amendments update occupancy terminology, establish a modern accessory dwelling unit framework, incorporate affordable housing review procedures, and revise related definitions and administrative provisions throughout the Code.

These changes are intended to create greater consistency within the Code while improving the Town's ability to administer housing-related regulations in a manner that reflects current state requirements and contemporary planning practice.

IMPROVING CONSISTENCY AND ADMINISTRATIVE EFFICIENCY

Over time, incremental amendments can create inconsistencies between definitions, procedures, use classifications, and development standards. One objective of Phase I is to address identified areas where terminology, definitions, or administrative procedures no longer align with other sections of the Code. The amendments update definitions, improve coordination between related code sections,

reorganize procedural requirements, clarify nonconforming provisions, and integrate short-term rental regulations into the broader land use framework.

The amendments also eliminate the existing general waiver authority and instead rely upon specifically authorized adjustment and relief procedures. This approach improves consistency in code administration and reinforces the use of established review processes when flexibility is necessary.

ANALYSIS

Section 6.02(e) of the Town of Norwood Land Use Code provides the criteria applicable to a proposed amendment. The Code requires that an amendment satisfy at least one of the criteria:

(1) There has been a substantial change in conditions in the neighborhood or area proposed to be rezoned since the date of approval of the existing zoning map designation.

This criterion applies to a proposed rezoning or zoning-map amendment affecting a particular neighborhood or geographic area. The Phase I request consists of legislative amendments to the text of the Land Use Code. It does not propose to rezone property, change an existing zoning-map designation, or modify the boundaries of a zone district.

Finding: This criterion is not applicable.

(2) There has been a substantial change in the circumstances or conditions of the Town at large.

Norwood's existing Land Use Code was adopted in 1994. Since that time, the circumstances affecting land use regulation throughout the Town have changed substantially. Housing availability and affordability have become increasingly important community issues, development and property ownership patterns have evolved, infrastructure planning has become more complex, and applicants and residents have greater expectations for clear and predictable development-review procedures.

The state regulatory environment has also changed. Recent legislation addresses local regulation of accessory dwelling units and household occupancy, while Proposition 123 establishes an expedited review framework for qualifying affordable housing developments. The Town's existing alley-house provisions, family-based occupancy terminology, and development-review procedures predate these requirements and do not provide a complete framework for their implementation.

Phase I responds to these town-wide changes by establishing updated ADU standards, replacing family-based occupancy terminology, creating an optional expedited affordable housing review process, and improving the Town's ability to evaluate infrastructure and municipal service capacity. These changes allow the Town to be compliant with substantial changes in state law, housing needs, infrastructure considerations, development practices, and administrative expectations have occurred since adoption of the existing Land Use Code.

Finding: This criterion has been met.

(3) There is demonstrated to be an error in the existing zoning or land use code text.

Staff has identified limited provisions within the existing Land Use Code that contain errors requiring correction. These include provisions that are inconsistent with current state law, provisions that contain conflicting or inaccurate regulatory language, and provisions requiring clarification to ensure accurate administration and interpretation. The proposed amendments correct these identified errors through updates to the applicable definitions, terminology, and related code provisions.

Finding: To the extent the identified amendments correct errors within the existing Land Use Code text, this criterion has been met.

(4) The proposed amendment is in conformance with or would implement the Norwood Master Plan, Major Streets Plan/Future Land Use Plan, as amended.

The proposed Phase I amendments further implementation of several goals and policies contained within the Town's adopted Major Streets and Future Land Use Plan. A central theme throughout the Plan is the promotion of orderly and predictable development, efficient provision of public facilities and services, compact growth patterns, housing diversity, and affordability. The Plan also identifies amendment of the Land Use Code as a primary implementation tool for achieving these objectives.

The Plan emphasizes the importance of coordinating growth with available infrastructure and municipal services and notes the challenges associated with inefficient development patterns and infrastructure constraints. The proposed infrastructure review framework, development agreement provisions, and related development review procedures directly support these objectives by providing clearer processes for evaluating service capacity, growth impacts, and infrastructure needs.

The Plan further encourages a variety of housing types, housing affordability, infill development, and Land Use Code amendments to allow alley houses and secondary residential units where appropriate. The proposed ADU regulations, affordable housing review procedures, and related housing amendments implement these recommendations by expanding housing opportunities and providing a more modern framework for housing-related regulations.

Finding: This criterion has been met.

(5) There exists a substantial and compelling public interest in such amendment.

There is a substantial public interest in maintaining a Land Use Code that is understandable, internally consistent, legally supportable, and administered in a fair and consistent manner. Applicants benefit from knowing which procedures apply, what information is required, who holds decision-making authority, and which standards will be used to evaluate a request. Property owners and residents benefit from clear notice requirements, meaningful opportunities to participate, and decisions based on adopted criteria and facts in the record.

Phase I advances these interests by consolidating development-review and notice procedures, clarifying administrative responsibilities, requiring reasoned written decisions, and establishing common provisions governing conditions of approval, appeals, and approval periods. The required neighborhood meeting for major subdivisions provides an additional opportunity for early public participation before the formal review process begins.

The public interest is also served by establishing a clearer framework for infrastructure review. The amendments allow the Town to evaluate whether adequate facilities and services are available while limiting individualized requirements to those related and proportional to the impacts of a proposed development. This provides a more transparent basis for addressing development-related infrastructure needs and distinguishes those needs from deficiencies that existed before a project was proposed.

Updated housing, occupancy, short-term rental, nonconforming property, fee, and waiver provisions further improve predictability and consistency. Reserving unresolved policy matters for Phase II also serves the public interest by allowing the Town to address immediate legal and procedural needs without making broader policy decisions before the necessary analysis and community discussion have occurred.

Finding: This criterion has been met.

(6) The amendment protects the public health, welfare and safety of the Town and its residents.

The proposed amendments strengthen the Town's ability to evaluate the effects of development on infrastructure, municipal services, access, utilities, neighboring properties, and the community as a whole. The three-tier infrastructure framework allows the Town to tailor the required analysis to the scale and potential impacts of a development rather than applying the same level of review to every project.

For larger projects, an Infrastructure Capacity Analysis may be required to identify existing capacity, anticipated demand, deficiencies, and improvements or phasing needed to provide adequate service. This review may include potable water, wastewater, roadways and access, drainage and stormwater facilities, electrical service, emergency access, and other infrastructure reasonably related to the development. Development and improvements agreements, financial guarantees, and phasing requirements provide mechanisms for documenting and completing improvements required to serve a project.

The revised Chapter 6 further protects public health, safety, and welfare by establishing common procedures for application review, referral to affected agencies, public notice, hearings, findings, conditions of approval, and appeals. These procedures support consideration of relevant development impacts and provide a clearer record demonstrating how an application was evaluated.

The housing and occupancy amendments retain applicable building, life-safety, state, and federal occupancy limitations. Short-term rental provisions retain life-safety, parking, licensing, local-contact, enforcement, and permit suspension or revocation requirements. The amendments therefore modernize housing terminology and development options without removing regulations intended to address health and safety.

Finding: This criterion has been met.

OVERALL FINDING

The first criterion is not applicable because the request does not involve the rezoning of a neighborhood, property, or geographic area. Staff finds that each of the remaining criteria has been met. Specifically, the Phase I amendments:

1. Respond to substantial changes in the circumstances and conditions of the Town at large;
2. Correct demonstrated errors and deficiencies within the existing Land Use Code;
3. Conform with and further implementation of the Town's adopted planning objectives;
4. Serve a substantial and compelling public interest; and
5. Strengthen the Town's ability to protect public health, safety, and welfare.

Based on these findings, staff recommends approval of the Phase I amendments to the Town of Norwood Land Use Code.

EXHIBITS

1. Phase I Amendment Matrix
2. Ordinance No._____, Adopting Phase I Land Use Code Amendments
3. Ordinance No. _____, Exhibit A
4. Memorandum: Executive Summary of Ordinance
5. Memorandum: Executive Summary of Phase I Amendments
6. Memorandum: Regarding Terminology

SUGGESTED MOTION

On the request to consider adoption of Phase I amendments to the Norwood Land Use Code, I move that the Planning and Zoning Commission forward a recommendation of [approval/approval with conditions/denial] to the Town Board of Trustees with the finding of facts as provided in the staff report and the evidence presented during the public hearing.



EXHIBIT A
PHASE I LAND USE CODE AMENDMENTS

Town of Norwood, Colorado

“Land Use Code Update – Draft Code Amendments – Phase I”

Prepared by KLJ Engineering — September 2026

[Attach the complete September 2026 Phase I amendment document to the executed Ordinance as Exhibit A.]

Ordinance No. ____ Series 2026

Land Use Code Update

Draft Code Amendments

Phase I

Prepared for:

Town of Norwood Board of Trustees

Norwood, Colorado – San Miguel County

Prepared by:

KLJ Engineering

September 2026

For Staff and Board Review



The following sections of the Norwood Land Use Code (Title 7 of the Norwood Town Code) are amended as follows (deletions struck through, added language underlined):

Section 1.06 Municipal Services Inside of Town Boundaries.

- (a) **Adequate Provision of Public Services.** The purpose of this section is to ensure that development occurs in a manner supported by adequate infrastructure and utility services, to promote the orderly provision of public improvements, and to establish review requirements that are proportional to the scale and potential impacts of development and reasonably related and proportionate to the infrastructure demands and impacts attributable to proposed development.
- (b) **Applicability.** The requirements of this section shall apply to all development creating new lots or dwelling units, except as otherwise provided herein. Development shall be classified into one of the following tiers for purposes of infrastructure review:
- (1) **Tier 1: Minor Development**
 - a. Subdivision amendments, including lot splits creating no more than one additional lot;
 - b. Development creating one (1) additional dwelling unit;
 - c. Nonresidential development under 5,000 square feet; or
 - d. Similar development determined by the Town Planner or Town Administrator to have minimal infrastructure impacts based upon the anticipated demand for water, wastewater, road and access capacity, electrical service, drainage and stormwater facilities, emergency access, and other applicable infrastructure systems.
 - (2) **Tier 2: Small Development**
 - a. Subdivisions creating two to four new lots; or
 - b. Development creating two to four new dwelling units; or
 - c. Nonresidential development from 5,000 square feet to 10,000 square feet.
 - (3) **Tier 3: Major Development**
 - a. Subdivisions creating five or more lots;
 - b. Development creating five or more dwelling units;
 - c. Nonresidential development exceeding 10,000 square feet; or
 - d. Any development determined by the Town Planner or Town Administrator to have the potential for significant impacts based upon reasonably anticipated water demand, wastewater generation, traffic or roadway impacts, drainage or stormwater impacts, electrical demand, emergency access requirements, demonstrated infrastructure capacity limitations, or other comparable infrastructure impacts.
- (c) **Required Infrastructure.** For purposes of this section, infrastructure and utility services shall include, as applicable:
- (1) Potable water systems;
 - (2) Wastewater collection and treatment systems;
 - (3) Public roadways and access facilities;



- (4) Electrical service;
- (5) Drainage and stormwater facilities;
- (6) Emergency access and related public-safety infrastructure; and
- (7) Other infrastructure determined necessary by the Town to serve the proposed development and reasonably related to the anticipated impacts of the proposed development.
- (d) **Tier 1 Review Requirements.** Tier 1 development shall be subject to standard development review procedures. The applicant shall demonstrate that utility connections required to serve the development are available or can be provided through existing infrastructure. No Infrastructure Capacity Analysis shall be required unless information developed during review demonstrates that the proposed development may create infrastructure impacts materially greater than those ordinarily associated with Tier 1 development, in which event the Town may reclassify the application pursuant to subsection (k).
- (e) **Tier 2 Review Requirements.** Tier 2 development shall submit written verification from applicable service providers demonstrating availability of service. The application shall include:
 - (1) Confirmation of water service availability;
 - (2) Confirmation of wastewater service availability;
 - (3) Confirmation of electrical service availability;
 - (4) Identification of required roadway or access improvements, if any; and
 - (5) Identification of any known infrastructure limitations that may affect development of the property.

The Town may require additional information where existing infrastructure limitations are known or reasonably anticipated, provided that such additional information is reasonably necessary to evaluate a documented or reasonably anticipated infrastructure limitation related to the proposed development.
- (f) **Tier 3 Infrastructure Capacity Analysis.**
 - (1) Tier 3 development shall submit an Infrastructure Capacity Analysis prepared by a qualified professional or by one or more qualified professionals appropriate to the infrastructure systems being evaluated. The Town may accept or require information from applicable utility providers, public agencies, or other entities having responsibility for the affected infrastructure system. The analysis shall evaluate:
 - a. Water supply and distribution capacity;
 - b. Wastewater collection and treatment capacity;
 - c. Roadway access and circulation;
 - d. Electrical service availability;
 - e. Drainage and stormwater impacts;
 - f. Emergency access requirements; and
 - g. Any other infrastructure system determined by the Town to be affected by the proposed development and reasonably anticipated to be materially affected by the proposed development.
 - (2) The analysis shall:
 - a. Identify existing infrastructure available to serve the development;
 - b. Estimate anticipated demand generated by the development;
 - c. Identify infrastructure deficiencies that would prevent adequate service to the proposed development or that would be materially exacerbated by the proposed development; and



- d. Recommend improvements, phasing, or other measures necessary to address identified deficiencies and infrastructure impacts attributable to the proposed development.

(g) **Determination of Adequate Capacity.** Infrastructure capacity shall be considered adequate when:

- (1) The applicable utility provider confirms sufficient system capacity is available to serve the proposed development, or the record otherwise demonstrates adequate capacity; and
- (2) Required roadways, access facilities, and utility infrastructure are available or can be provided concurrent with development; and
- (3) The anticipated demands attributable to the proposed development will not cause available infrastructure capacity or service levels to fall below applicable adopted standards.

The Town may rely upon documentation provided by utility providers, engineers, public agencies, or other qualified professionals in making its determination.

(h) **Infrastructure Deficiencies.** If the Town determines adequate infrastructure capacity is not available to serve the proposed development, the applicant may, as a condition of development approval and subject to subsection (i), be required to:

- (1) Construct on-site or off-site infrastructure improvements necessary to provide adequate service and reasonably necessary to mitigate infrastructure impacts attributable to the proposed development;
- (2) Enter into a Development Improvements Agreement approved by the Town establishing the improvements, responsibilities, timing, construction standards, inspection requirements, security, acceptance, warranty obligations, and other terms reasonably necessary to ensure completion of required improvements;
- (3) Provide financial guarantees ensuring completion of required improvements reasonably sufficient to secure the estimated cost of those improvements, which may consist of a letter of credit, cash escrow, performance bond, or other form of security acceptable to the Town;
- (4) Phase development so that additional phases proceed only after adequate capacity becomes available or required infrastructure improvements have been completed; or
- (5) Demonstrate an alternative method of providing adequate service acceptable to the Town that provides substantially equivalent service, capacity, or mitigation.

(i) **Limitation on Required Improvements and Exactions.**

- (1) Any infrastructure improvement, dedication, payment, service, or other mitigation measure imposed as an individualized and discretionary condition of development approval shall have an essential nexus to a legitimate governmental interest and shall be reasonably related and roughly proportional, both in nature and extent, to the infrastructure impacts attributable to the proposed development.
- (2) The Town shall not require an applicant to correct an existing infrastructure deficiency except to the extent that the proposed development creates, contributes to, or materially exacerbates the deficiency.
- (3) When a required improvement will provide capacity or public benefit substantially exceeding that reasonably attributable to the proposed development, the Town shall determine the applicant's proportionate responsibility for the improvement and, where appropriate and legally authorized, provide or require an appropriate mechanism for cost allocation, reimbursement, credit, oversizing participation, or other equitable allocation of costs.
- (4) Nothing in this section shall be construed to authorize a condition, dedication, payment, improvement, or other requirement prohibited by applicable state or federal law.



- (j) **Development Phasing.** Where infrastructure improvements are necessary to serve a development, the Town may approve development in phases. Conditions may include:
- (1) Limitation on the number of lots, units, or buildings constructed within a phase;
 - (2) Completion of specified infrastructure improvements prior to issuance of building permits;
 - (3) Completion of specified infrastructure improvements prior to issuance of certificates of occupancy; or
 - (4) Verification of available system capacity prior to commencement of subsequent phases.
 - (5) Other conditions reasonably necessary to ensure that adequate infrastructure is available as each phase is developed.

Additional phases shall not proceed until all applicable conditions have been satisfied.

- (k) **Utility Provider Verification.** Where service is provided by an entity other than the Town, the applicant shall submit written documentation from the applicable provider confirming:
- (1) Availability of service;
 - (2) Available capacity;
 - (3) Any infrastructure improvements required to provide service; and
 - (4) Any conditions associated with service extension or connection.

Nothing in this section shall authorize the Town to determine the capacity of, or impose requirements on behalf of, an independent utility provider or other governmental entity beyond the Town's lawful land-use authority.

- (l) **Administration.** The Town Planner shall determine the applicable review tier. The determination shall be based upon the standards set forth in this section. If information developed during review demonstrates that a development is reasonably anticipated to have infrastructure impacts materially inconsistent with its initial classification, the Town Planner or Town Administrator may reclassify the development upon written findings identifying the applicable criteria and reasons for reclassification.

The Town may require peer review of submitted analyses where specialized engineering or utility expertise is necessary. The cost of any peer review shall be borne by the applicant, provided that such review is reasonably necessary to evaluate the application and that the cost charged to the applicant is reasonable and authorized by applicable law and the Town's adopted fee requirements.

Findings concerning infrastructure adequacy and any conditions imposed pursuant to this section shall be made by the person or body having final decision-making authority over the underlying development application. Nothing in this section shall independently transfer or modify authority otherwise assigned by this Code to the Town Planner, Town Administrator, Planning Commission, or Board of Trustees.

Any discretionary condition imposed pursuant to this section shall be supported by the record and by written findings sufficient to identify the infrastructure impact being addressed and the relationship between that impact and the condition imposed.

- (m) **Alternative Compliance.** The Town may approve alternative methods of demonstrating infrastructure adequacy when the applicant demonstrates that the alternative provides substantially equivalent information and reliability or substantially equivalent infrastructure capacity, service, or mitigation and otherwise satisfies the purposes and standards of this section.

§ 1.067 Nonconforming Provisions



...

(a) Nonconforming uses and structures

- (5) Destruction.** ~~If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this Title. In the case of partial destruction of a structure occupied by a nonconforming use not exceeding sixty percent (60%) of its reasonable value, reconstruction may be permitted after a hearing and favorable action by the Board of Adjustment, but the size and function of the nonconforming use shall not be expanded.~~

Damage or Destruction of a Nonconforming Structure.

- a. A nonconforming structure or structure containing a nonconforming use shall be deemed destroyed when:**
- (i) More than 50 percent of its floor area is destroyed; or**
 - (ii) The cost to repair the damage is more than 50 percent of the actual value of the structure before the damage, as determined by the county assessor; or**
 - (iii) The Town Planner determines that the property was damaged by an intentional act of the property owner or occupant.**
- b. A nonconforming structure or structure containing a nonconforming use that has been damaged, but not destroyed as defined in subsection a above, may be reconstructed within the existing footprint, provided that:**
- (i) All portions of the structure being restored are not on or over a property line.**
 - (ii) The repairs begin with six (6) months after the date on which the structure was damaged and are completed within one (1) year of the date of the damage; and**
 - (iii) The repairs comply with all applicable building and fire codes and building construction permitting procedures.**

(b) Nonconforming lots.

- ~~(1) General. A single family dwelling and customary accessory buildings may be developed on a lot that has less area than the minimum required by the underlying zone district and was an official "lot of record" prior to the adoption of the Town's original Zoning Ordinance (Nov. 6, 1974), if:~~

- ~~a. — The "lot of record" is in separate ownership or contiguous to lots in the same ownership; and the proposed single family dwelling can be located on the lot so that the yard setback, height, and other dimensional requirements of the underlying zone district can be met, or a variance is obtained from said dimensional requirements pursuant to Sec. 6.16 of this Title.~~
- ~~b. — Undivided lot. If two or more lots or combinations of contiguous lots in a single ownership (including husband and wife as, in all cases, a single owner) are of record at the effective date of the adoption or amendment of this Title, regardless of time of acquisition, or all or parts of the lots do not meet the requirements established for lot width and area, the lots shall be considered an undivided parcel, and no portion shall be used or occupied which does not meet the width and area requirements of this Title.~~

- ~~(2) Lot Reduction.~~



- ~~a. No lot or interest therein shall be transferred, conveyed, sold or subdivided so as to create a new nonconforming lot, to avoid, circumvent or subvert any provision of this Title, or to leave remaining any lot in violation of the dimensional requirements of this Title.~~
- ~~b. No lot or portion of a lot required as a building site under this Title shall be used as a portion of a lot required as a site for another structure.~~
- ~~c. No building permit shall be issued for any lot or parcel of land which has been conveyed, sold, or subdivided in violation of this subsection. Any transferee who acquires a lot in violation of this subsection without knowledge of such violation, and any subsequent transferee, shall have the right pursuant to Colorado law to rescind and/or receive damages from any transferor who violates the provisions of this paragraph.~~

(1) Continued Use

- a. Unless otherwise prohibited by other provisions of this Code, a legally created lot that is nonconforming as to size, width, configuration, or other factors may continue to be used for any purpose permitted in the zoning district in which it is located, and nonconforming uses or structures on the property may continue in use, subject to Sec. 1.07(a), notwithstanding its nonconforming status.

(2) Change of Use

- a. The use of a nonconforming lot may be changed to any use permitted in the zoning district in which it is located, unless the Town Planner determines that the proposed use creates a threat to public or safety due to the nonconforming features of the lot.

(3) Development or Redevelopment

- a. A new structure may be developed on a nonconforming lot, or an existing structure on a nonconforming lot may be altered, expanded, or redeveloped, provided that the resulting structure and the use of that structure complies with all applicable provisions of this Code.

(4) Lot Merger

- a. A nonconforming lot may become conforming through a merger with an abutting lot in common ownership provided that the resulting merged lot conforms with all lot dimensional requirements of this Code. Any merger of nonconforming lots to create a conforming lot or a less nonconforming lot shall comply with C.R.S. 30-28-139.

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§ 1.078 Enforcement and Penalties

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§ 1.089 Fees

- (a) Fees for the processing of land use applications for proposed developments shall be set by ordinance of the Board of Trustees commensurate with the level of service. ~~Such fees may include all costs occasioned to the Town.~~ Such fees may include all costs reasonably incurred by the Town as a result of the application or action, including publication of notices, public hearing and review costs, planning,



engineering, legal and other professional review costs. The adopted fee schedule can be found on the Town website or by contacting the Town Clerk.

- (b) No person or entity owing money to the Town, in any amount or for any purpose, including delinquent taxes certified by the County Treasurer or any land use application fees, may be granted any development permit or any other development approval and the Town and any of its boards, commissions, departments, officers or agents will take no action on a zoning development permit or other land use application until all monies owed the Town by an applicant are paid. This provision shall not prohibit the Town or any of its designees from conducting a pre-application conference or determining application completeness.

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§1.0910 Severability

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§1.1011 Void Permits

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§ 1.11 General Waiver Authority

~~The Board of Trustees may on its own motion, or upon request of an applicant, a reviewing body, or the Planner, and after prior public notice and hearing, waive any substantive or procedural requirement of this Title as applied to a specific application.~~

- ~~(a) — A waiver request may be approved only if the Board of Trustees finds that the waiver:~~
- ~~(1) Will substantially promote the public health, safety of welfare; and~~
 - ~~(2) Is consistent with the goals and objectives of the Norwood Major Streets Plan and Future Land Use Plan and the purposes of the Land Use Code; and~~
 - ~~(3) Will not cause substantial injury or harm to adjoining property owners and residents of the neighborhood which may be affected by the waiver; and~~
 - ~~(4) Is justified because compliance with a requirement would cause undue hardship to the applicant and serve no useful public purpose.~~
- ~~(b) — The waiver request has been reviewed by the Planner and the Planning and Zoning Commission, and a recommendation thereon has been provided.~~
- ~~(c) — A waiver shall be approved by resolution and only upon an affirmative vote of an extraordinary majority of the Board of Trustees (i.e., four (4) Trustees), except that in the event of disqualification of one (1) or more Trustees from acting on the request, the number of votes necessary to grant the waiver shall be reduced by the same number.~~
- ~~(d) — Procedures~~
- ~~(1) Review by Planning and Zoning Commission. A public hearing is required. The Planning and Zoning Commission shall hold a public hearing on any waiver prior to making its recommendation to the~~



~~Board of Trustees. The Town Clerk shall cause notice of the public hearing of the Planning and Zoning Commission to be given by one publication in a newspaper of general circulation in the Town of Norwood without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than fifteen (15) days from the date of publication.~~

~~(2) Action by Board of Trustees. A public hearing shall be held by the governing body before deciding whether or not to waive a provision of the Land Use Code. The Town Clerk shall cause notice of the public hearing of the Board of Trustees to be given by publication in a newspaper of general circulation in the Town of Norwood without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the waiver to be considered, which time shall not be earlier than fifteen (15) days from the date of publication.~~

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Section 2.02 Definitions

Words defined in this section shall be given the meanings set forth here. All other words shall be given their common, ordinary meanings, as the context may reasonably suggest. In case of dispute over the meaning of a term not defined here or over the application of a definition set forth here, the Town Planner shall give a written interpretation in accordance with Chapter 2.03.

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~~**Alley House:** A separate dwelling unit located on a lot which includes a single family dwelling unit or double wide manufactured/mobile home. The alley house is accessory to the primary residential use on the property.~~

Accessory Dwelling Unit: An internal, attached, or detached dwelling unit that:

1. Provides complete independent living facilities for one or more individuals;
2. Is located on the same lot as a proposed or existing primary single-household dwelling, two-household dwelling, or duplex; and
3. Includes facilities for living, sleeping, cooking, and sanitation

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Affordable Housing: Housing which meets the affordability thresholds set forth in C.R.S. 29-32-101, using local area median income (AMI). AMI is calculated by household size using demographic data from within San Miguel County and is established and periodically changed by the San Miguel County Housing Authority. A unit reaches the affordability threshold as follows:

1. Rental housing at or below sixty percent (60%) AMI; or
2. For-sale housing at or below one hundred percent (100%) AMI; and
3. Which costs the household less than thirty percent (30%) of its monthly income.

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Dwelling unit: A structure or portion of a structure, other than a mobile home, that is designed, occupied or



intended to be occupied as living quarters and includes facilities for cooking, sleeping and sanitation, including units constructed on-site and units all or part of which are constructed in an off-site facility and then transported to and assembled into completed dwelling units on-site.

~~Duplex dwelling, Duplex:~~ ~~The use of a lot for two dwelling units, other than mobile homes, within a A single building and under on a single rooflot with two independent dwelling units under one roof, each of which is occupied by one household. The units may be located side-by-side, in front and behind, or above and below each other.~~

Dwelling, Manufactured Home: A single-household dwelling unit that is:

1. Partially or entirely manufactured in a factory;
2. Built on a permanent chassis;
3. Designed to be used as a dwelling unit;
4. Certified to be in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended;
5. Built to withstand typical Colorado snow loads and wind shear factors; and
6. Installed on a permanent foundation.

Article 1 The term includes a tiny home dwelling that meets the definition in this Code. The term does not include travel trailers, camper trailers, campers or self-contained motor homes or camper buses.

Dwelling, Modular: A dwelling unit that is manufactured in a factory, and is then assembled into a complete dwelling unit on site, provided that the assembled dwelling unit is installed on an engineered permanent foundation, is either:

1. Certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended and is built for the Colorado climate and snow loads pursuant to Department of Housing and Urban Development standards established under the provisions of 42 USC 5401 et seq.; or
2. Complies with the town/city's applicable building code.

Article 2 The term does not include travel trailers, camper trailers, campers, self-contained motor homes, or camper buses.

Dwelling, Multi-Household: One or more buildings or portion of buildings on a single lot that contains three or more individual dwelling units, where each unit is occupied by one household living independently of each other and maintaining separate cooking facilities and where each unit has an individual entrance to the outdoors or to a common hallway. This use includes facilities that provide independent living services but that are not required to be licensed by the state of Colorado.

Dwelling, Single-Household Attached: Two or more attached single-unit dwellings attached side by side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is located on its own separate lot.

~~Single family d~~ **Dwelling, Single-Household Detached:** The use of a lot for one dwelling unit that has no physical connection to a building located on any other lot.

~~Multi family dwelling:~~ The use of a lot for three or more dwelling units within a single building.



Dwelling, Tiny Home: A type of single-household dwelling or accessory dwelling unit that:

1. Is permanently constructed on a vehicle chassis;
2. Is designed for long-term residency;
3. Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;
4. Is not self-propelled;
5. Has a square footage of not more than 400 square feet;
6. Is constructed to the International Residential Code as adopted by the Building Codes and Standards program of the Colorado Division of Housing; and
7. Has affixed to it a metal plate insignia certifying that it is built to those standards.

Tiny Home does not include:

1. A Manufactured Home;
2. A Recreational Park Trailer as defined by applicable Colorado law;
3. A Recreational Vehicle as defined by applicable Colorado law;
4. A semitrailer as defined by applicable Colorado law; or
5. An intermodal shipping container.

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~~Family:~~ ~~Two or more persons related by blood or marriage, or between whom there is a legally recognized relationship, or not more than 5 unrelated persons occupying the same dwelling unit.~~

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Household

1. Any of the following:
 - a. A single person occupying a dwelling unit;
 - b. Any number of people occupying a dwelling unit as a single housekeeping unit; or
 - c. Any group of persons whose right to live together under conditions similar to other types of households of the same size is protected by the provisions of the federal Fair Housing Amendments Act of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Colorado.
2. The number of persons occupying each dwelling unit described above shall not exceed the maximum permitted by the applicable building code or safety code or by any applicable state or federal law or regulation.

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Lot Coverage: That portion of a lot that is covered by buildings, measured from where the exterior wall meets the foundation, excluding open decks, roof projections (extending less than three feet (3') from the exterior wall), stoops, sidewalks, pathways, patios and driveways. Portions of the building that project beyond the foundation wall and are covered with an impervious membrane (roof covering) such as bays, bay windows, porches, decks and basement spaces, shall be included in the site coverage calculations. Basements that are contained within the



footprint of the first story shall not be counted towards site coverage. ~~When an accessory dwelling unit (ADU) alley house is constructed on a lot, up to 250 square feet of lot coverage shall be excluded from lot coverage computations, provided that the structure is constructed in rear yards only.~~

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§ 3.05 Use Regulations

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- (c) **Schedule of use regulations.** The following Use Regulations Schedule summarizes the use regulations of the districts. In the event of any conflict between the Use Regulations Schedule and the text of the zoning district regulations, the text shall control. Uses that were established prior to the adoption of this chapter or its predecessors, but that are now inconsistent with the requirements of this chapter, shall be permitted if such uses meet the requirements of Sec. 1.07 for a valid nonconforming use. The Use Regulations Schedule shall be interpreted as follows.

...

SCHEDULE OF USE REGULATIONS

Article 1	Use Type	Article 2 Zoning District						
		Article 1	Article H	Article 1	Article	Article	Article D	
Article 10	Residential uses							
Article 11	Single-family household dwelling	Article	Article	Article	Article	Article	Article	Article
Article 19	Medium Density Residential (19)	Article	Article	Article	Article	Article	Article	Article
Article 27	Cottage Dwelling Units (17)	Article	Article	Article	Article	Article	Article	Article
Article 35	Double-wide manufactured/ mobile home (12)	Article	Article	Article	Article	Article	Article	Article
Article 43	Duplex dwelling	Article	Article	Article	Article	Article	Article	Article
Article 51	Multi-family household dwelling (See Note 1)	Article	Article	Article	Article	Article	Article	Article
Article 59	Mobile home park (6)	Article	Article	Article	Article	Article	Article	Article
Article 67	Mobile home subdivision (6)	Article	Article	Article	Article	Article	Article	Article
Article 75	Residential Use, Growing, Cultivating and Processing of Marijuana, subject to all requirements of Chapter 7, Title 7	Article	Article	Article	Article	Article	Article	Article
Article 83	Accessory and temporary uses							
Article 84	Accessory use or structure (1)	Article	Article	Article	Article	Article	Article	Article
Article 92	Accessory dwelling unit (14)	Article	Article	Article	Article (14)	Article	Article	Article
Article 100	Alley house (14)	Article	Article	Article	Article	Article	Article	Article



Article 1	Use Type	Article 2 Zoning District					
		Article 1	Article H	Article 1	Article	Article	Article D
Article 108	Asphalt or concrete batch plant, temporary (3)	Article	Article	Article	Article	Article	Article
Article 116	Building material yard/construction office, temporary	Article	Article	Article	Article	Article	Article
Article 124	Caretaker or guard residence	Article	Article	Article	Article	Article	Article
Article 132	Field office, temporary	Article	Article	Article	Article	Article	Article
Article 140	Home occupation (5)	Article	Article	Article	Article	Article	Article
Article 148	Off-street parking, accessory	Article	Article	Article	Article	Article	Article
Article 156	Sales trailer, temporary (7)	Article	Article	Article	Article	Article	Article
Article 164	<u>Short-Term Rental, subject to § 6.04(b)</u>	Article	Article	Article	Article	Article	Article
Article 172	Stable, private (8)	Article	Article	Article	Article	Article	Article
Article 180	...						

- (d) **Special use conditions.** The following conditions apply to the listed uses when referenced in the use regulations of a particular zoning district, Sec. 3.07 through Sec. 3.13, whether listed as the use is permitted or conditional.

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~~(14) Alley House, Accessory. An accessory alley house may be permitted as an accessory use to a conforming single family dwelling including a double wide manufactured/mobile home, subject to the following conditions:~~

- ~~The alley house may contain up to 500 square feet or 50% of the finished and heated square footage of an otherwise conforming single family dwelling or double wide manufactured/mobile home (excluding garage space) whichever is less;~~
- ~~One (1) additional off-street parking space with access to and from an alley shall be provided for the alley house, in addition to off-street parking otherwise required in Sec. 5.02 (d);~~
- ~~The alley house may be attached or detached to an otherwise conforming single family dwelling unit or a double wide manufactured/mobile home, a garage or other accessory building, subject to compliance with applicable setbacks and maximum lot coverage requirements;~~
- ~~All applicable water and sewer fees shall be paid for the accessory alley house as required for any residence or dwelling unit; and~~
- ~~The alley house shall not be sold separately.~~

(14) Accessory Dwelling Unit (ADU). An accessory dwelling unit (ADU) is allowed only in conjunction with a single-household detached dwelling, a single-household attached dwelling, or a duplex dwelling. A Zoning Development Permit is required for any ADU and an ADU must demonstrate compliance with the following:

- General Standards



- (i) Any restrictions in PUD ordinance regarding accessory dwelling units that are more restrictive than the Code shall not be enforced.
 - (ii) ADUs are not allowed in conjunction with cottage court dwellings.
 - (iii) ADUs shall not be included in density calculations.
- b. Maximum Number of ADUs
 - (i) Only one ADU is permitted on each lot or parcel containing a single-household detached dwelling, single-household attached dwelling, or duplex dwelling use.
- c. Site Layout
 - (i) The design and location of the ADU shall be clearly subordinate to the principal structure and may not be located in front of the principal structure.
 - (ii) The ADU shall conform to all minimum side setback dimensional standards applicable to accessory structures in the zoning district, or applicable to the principal single-household dwelling on the lot, whichever is less restrictive.
 - (iii) The ADU shall conform to all minimum rear setback dimensional standards applicable to the principal single-household dwelling on the lot or shall have a minimum rear setback of five (5) feet, whichever is greater.
 - (iv) Off-street parking per Sec. 5.02(d) is not required for the addition of an ADU.
- d. Structure Requirements
 - (i) The ADU shall not exceed 50% of the square footage of the principal structure, except as permitted below:
 - 1. Where the principal structure is less than 1,500 square feet, the ADU may be up to a maximum of 750 square feet, but in no case shall exceed the square footage of the principal structure.
- e. The ADU shall be served by facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, and fire protection meeting the requirements of applicable building codes and the standards of the utility service provider.

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§ 3.06 Area Regulations

- (a) **Schedule of residential area regulations.** The following Residential Area Regulations Schedule summarizes the regulations of this Chapter with regard to minimum lot size, minimum yard setbacks, maximum lot coverage, minimum floor area per dwelling unit and maximum building height of residential uses in the various zoning districts. The standards shown in the following schedule may be modified by additional provisions contained in this section or in the individual district regulations. In the event of any conflict between the text of this Chapter and the Schedule of Residential Area Regulations, the text shall control.

RESIDENTIAL AREA REGULATIONS

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Article 181	Development Standard	Article 182	Zoning District
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	Article -1	Article H	Article -1	Article 1	Article UD	Article 1	Article D
Article 190 Alley House (on same lot as a single family dwelling or double wide unit)							
Article 191 Accessory Dwelling Unit (ADU)							
Article 192							
Article 193 Min. Lot Area/unit (sq ft) ¹	Article 500	Article	Article 1	Article 1	Article 19	Article 20	
Article 201 Min. Lot Width (ft.) ¹	Article -	Article	Article 2	Article 2	Article 20	Article 20	
Article 209 Min. Front Yard Setback (ft.)	Article 5	Article	Article 2	Article 2	Article 21	Article 21	
Article 217 Min. Side Yard Setback (ft.) ²	Article 0	Article	Article 2	Article 2	Article 21	Article 21	
Article 225 Min. Rear Yard Setback (ft.) ²	Article - 10	Article	Article 2	Article 2	Article 23	Article 23	
Article 233 Max. Lot Cover (%)	Article 0 up to 5000 Article 236 f. 40% ³	Article	Article 2	Article 2	Article 24	Article 24	
Article 242 Min. Common Open Space (%)	Article	Article	Article 2	Article 2	Article 24	Article 24	
Article 250 Max. Height (ft.)	Article 8-20	Article	Article 2	Article 2	Article 25	Article 25	

1. Lot requirements do not apply to an ADU. Lot requirements for a single-household or duplex dwelling apply to the lot as a whole.

2. ADUs are subject to the principal building front and side setback requirements in the underlying zone district. ADUs are subject to the rear setback requirement for accessory buildings. If the ADU is attached or internal to the principal building, the portion of the structure containing the principal dwelling unit must maintain the rear setback for principal buildings.

3. Lot coverage is applicable to the lot as a whole.

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§ 3.08 R-1, Residential District

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(b) **Permitted uses.** The following uses shall be permitted in the R-1, Residential District, subject to compliance with any applicable conditions and all other provisions of this chapter.

Accessory Dwelling Unit (ADU), subject to Sec. 3.05(d)(14)

Accessory use or structure, subject to Sec. 3.05(d)(1)



Bed and breakfast
Church or place of worship
Day care home
Double-wide manufactured/ mobile home, subject to Sec. 3.05(d)(12)
Duplex dwelling
Essential services
Fire station
Group home
Home occupation, subject to Sec. 3.05(d)(5)
Park
School, elementary or secondary
Short-Term Rental, subject to Sec. 6.04(b)
Single-family household dwelling
Water treatment, storage or pump station

- (c) **Conditional Uses.** The following uses shall be permitted in the R-1, Residential District only upon approval of a Conditional use permit by the Board of Trustees in accordance with the procedures and standards of Sec. 6.10.

~~Alley house, accessory, subject to Sec. 3.05 (d)(14)~~
Antique shop
Boarding or rooming house
Community center, subject to Sec. 3.05 (d) (18)
Cottage Housing Development
Custom personal services
Day camp for children
Day care center
Electrical substation, high-voltage
Gas line and regulating station
Heliport
Hospital or clinic
Medium Density, subject to Sec. 3.05 (d)(19) and 3.06(a)
Multi-family household dwelling
Nursing home

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- (e) **Minimum lot area per dwelling unit.** The minimum lot area per dwelling unit in the R-1, Residential District shall be as follows, subject to Sec. 3.06(c):

- (1) Seventy-five hundred (7,500) square feet per single-family household dwelling unit or five thousand (5,000) square feet per single-family household dwelling for lots created prior to adoption of Ordinance #256 on 12-03-86, and
- (2) Five thousand (5,000) square feet per duplex dwelling unit, and
- (3) Two Thousand eight hundred (2,800) square feet per multi-family household dwelling unit.



(4) Two thousand five hundred (2,500) square feet per Cottage Housing Unit.

~~(5) Alley House: Seven thousand five hundred (7,500 square feet) for a combination single family dwelling unit and alley house, provided that an alley house is constructed after or concurrently with a single family dwelling unit on the same lot.~~

...

(i) **Minimum rear yard setback.** The minimum rear yard setbacks in the R-1 Residential District shall be as follows, subject to Sec. 3.06(h):

(1) none (0') for single ~~family household~~ dwellings, duplex dwellings, ~~alley houses,~~ accessory dwelling units (ADUs), non-residential and mixed uses when the rear yard is adjacent to an alley, and

(2) ten feet (10') for multi-~~family household~~ dwellings, ~~Alley houses~~ accessory dwelling units (ADUs) and for all uses when the rear yard is not adjacent to an alley.

(3) For Cottage Housing Developments, the setback shall be an average of ten (10) feet but no less than five (5) feet.

(j) **Maximum lot coverage.** The maximum lot coverage in the R-1, Residential District shall be forty (40%) percent for single family and Cottage Housing Development uses and twenty-five percent (25%) for all other uses, subject to Sec. 3.06(i). The maximum lot coverage shall be fifty percent (50%) or five thousand (5,000) square feet, whichever is less, for a single ~~family household~~ dwelling unit combined with an ~~Alley house, provided that an alley house is constructed after or concurrently with a single family dwelling unit on the same lot.~~ an accessory dwelling unit (ADU).

(k) **Maximum height.** The maximum height of buildings and structures in the R-1, Residential District shall be 25' for the primary use and ~~eighteen (18) feet~~ 20 feet for accessory uses, Cottage Dwelling Units and ~~Alley houses~~ accessory dwelling units (ADUs) and all uses, subject to Sec. 3.06(j).

(l) **Minimum floor area per unit.** The minimum floor area in the R-1, Residential District shall be as follows, subject to Sec. 3.06(e):

(1) ~~eight hundred (800)~~ square feet for single ~~family household~~ dwelling units,

(2) ~~five hundred (500)~~ square feet for duplex dwelling units and Cottage Dwelling units.

(3) ~~three hundred fifty (350)~~ square feet for multi-~~family household~~ dwelling units and ~~Alley houses~~.

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3.14 Medium Density Residential District

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(b) **Permitted uses.** The following uses shall be permitted in the MD, Medium Density Residential District, subject to compliance with any applicable conditions and all other provisions of this Chapter.



Accessory use or structure, subject to Sec. 3.05(d) (1)
Day care home
Double-wide manufactured/ mobile home, subject to Sec. 3.05(d) (12)
Duplex dwelling
Group home
Home occupation, subject to Sec. 3.05(d) (5)
Park
School, elementary or secondary
Single-family household dwelling
Short-Term Rental, subject to Sec. 6.04(b)

...

(e) **Minimum lot area per dwelling.** The minimum lot area per dwelling unit in the MD, Medium Density Residential District shall be as follows, subject to Sec. 3.06(c):

- (1) ~~Thirty-five hundred (3,500)~~ square feet per single-family household unit, and
- (2) ~~Thirty-five hundred (3,500)~~ square feet per duplex dwelling unit, and
- (3) ~~Two thousand five hundred (2,500)~~ square feet multi-family household dwelling unit.
- (4) ~~Two thousand five hundred (2,500)~~ square feet per Cottage Housing Unit.

(f) **Minimum lot width.** The minimum lot width in the MD, Medium Density Residential District shall be as follows, subject to Sec. 3.06(d):

- (1) ~~forty feet (40')~~ for single-family household dwellings, and
- (2) ~~sixty feet (60')~~ for duplex or multi-family household dwellings.

(g) **Minimum front yard setback.** The minimum front yard setbacks for all uses in the MD, Medium Density Residential District shall be ~~fifteen feet (15')~~, subject to Sec. 3.06(f).

(h) **Minimum side yard setback.** The minimum side yard setbacks for all uses in the MD, Medium Density Residential District shall be an average of ~~ten (10)~~ feet but no less than five ~~(5)~~ feet, subject to Sec. 3.06(g).

(i) **Minimum rear yard setback.** The minimum rear yard setbacks in the MD, Medium Density Residential District shall be as follows, subject to Sec. 3.06(h):

- (1) ~~none (0')~~ for single-family household dwellings, duplex dwellings, non-residential and mixed uses when the rear yard is adjacent to an alley, and
- (2) ~~ten feet (10')~~ for multi-family household dwellings and for all uses when the rear yard is not adjacent to an alley.
- (3) For Cottage Housing Developments, the setback shall be an average of ~~ten (10)~~ feet but no less



than five ~~(5)~~ feet.

- (j) **Maximum lot coverage.** The maximum lot coverage in the MD, Medium Density Residential District shall be ~~forty-five (45%) percent~~ for single family household and Cottage Housing Development uses and ~~forty percent (40%)~~ for all other uses, subject to Sec. 3.06(i).
- (k) **Maximum height.** The maximum height of buildings and structures in the MD, Medium Density Residential District shall be ~~thirty feet (30')~~ for all uses, subject to Sec. 3.06(j). Cottage Dwelling Units shall not exceed ~~eighteen (18')~~ feet.
- (l) **Minimum floor area per unit.** The minimum floor area in the MD, Medium Density Residential District shall be as follows, subject to Sec. 3.06(e):
 - a. ~~eight hundred (800)~~ square feet for single family household dwelling units
 - b. ~~five hundred (500)~~ square feet for duplex dwelling units, and Cottage Dwelling units.

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Chapter 6 Administration and Procedures

Division 1. General Procedures

Section 6.01 Duties of Review and Decision-Making Bodies

(a) Planning and Zoning Commission

(2) Membership and Term

a. Appointment

- (i) The commission shall consist of five at-large regular members and may include two alternates. All members shall be qualified electors of the Town appointed by the mayor and ratified by a majority vote of the Board of Trustees.
- (ii) In addition to the members described in subsection (1), the following ex-officio members shall be part of the commission:
 - 1. One member from the Board of Trustees, which shall be the Mayor or his/her designee;
 - 2. The Town Fire Marshal; and
 - 3. Up to two non-resident members, who must be a resident of Wright's Mesa.
- (iii) Alternate members may not vote, except in the absence of a regular member; and the ex-officio members may not ever vote. All regular members, alternate members and ex-officio members may participate in all discussions.
- (iv) Regular members, alternates, and non-resident ex-officio members of the Commission shall be appointed by the Mayor and all appointments shall be subject to ratification by the Board of Trustees in accordance with established procedures.

b. Qualifications



- (i) All members of such commission shall be bona fide residents of the municipality and, if any member ceases to reside in such municipality, their membership on the commission shall automatically terminate.
- (ii) No appointed members of the Planning and Zoning Commission shall hold any other municipal office; except that one such appointed member may be a member of the zoning Board of Adjustment or appeals.
- (iii) Members of the Planning and Zoning Commission shall have a genuine interest in the planning and zoning of the Town, an ability to work with the public, and time to devote to this service

c. Term of Office

- (i) Except as stated below, the term of regular, alternate, and ex-officio members shall be for two years.
 - 1. The term of office of the ex-officio member from the Board of Trustees and the ex-officio member who is the Fire Marshal shall coincide with their other respective and relevant positions.
- (ii) Two regular members shall be appointed to two-year terms beginning on February 1 in even years and three members shall be appointed for two-year terms beginning on February 1 in odd years.
- (iii) Alternates shall serve the same term of office as regular members; one member shall be appointed beginning February 1, in odd years and one member beginning February 1 in even years.

d. Removal from Office. Any member other than a member appointed to represent the Board of Trustees may be removed for cause (inefficiency, neglect of duty, malfeasance in office, conflict of interest, or repeated failure to attend required meetings) by the Mayor or Board of Trustees, upon submission of written statement of reasons for such removal and after a public hearing.

e. Vacancy. Vacancies occurring otherwise than through the expiration of term shall be filled for the remainder of the unexpired term by the mayor in the case of members selected or appointed by the mayor, and by the Board of Trustees in the case of the member appointed by it.

f. Compensation. The members of the Planning and Zoning Commission shall serve without compensation.

(3) Powers and Duties

- a. Development of Comprehensive Plan.** The Planning and Zoning Commission is responsible for the development and adoption of the comprehensive plan and any amendments to that plan, subject to approval by the Board of Trustees, pursuant to with C.R.S. 31-23-206 and 207, which refers to such plan as a master plan.
- b. Administration of the Land Use Code.** The Planning and Zoning Commission is responsible for recommending the boundaries of the various zoning districts and appropriating regulations to be enforced therein under this Title or the laws of the State of Colorado to the Board of Trustees and to recommend approval or denial of zoning changes and regulations under this chapter.



- c. **Decisions on Applications Under this Code.** The Board of Trustees hereby delegates to the Planning and Zoning Commission the authority to make those decisions related to the administration of this Code shown in Table 6.02-1 pursuant to standards and criteria included in this Code.
- d. **Advisory Review Body on Applications Under this Code.** The Board of Trustees hereby delegates to the Planning and Zoning Commission the authority to review, make recommendations, and/or decide, related to the administration of this Code shown in Table 6.02-1 pursuant to standards and criteria included in this Code.
- e. **Additional Statutory Powers.** The Planning and Zoning Commission may exercise those additional powers described in C.R.S. Title 31, Article 23.

(4) Public Meetings

- a. The Planning and Zoning Commission shall hold at least one regularly scheduled public meeting each month to take official action on matters before the commission. All meetings shall be public and shall be noticed in compliance with the requirements for public notice set forth in this Code.
- b. Three members of the Planning and Zoning Commission shall constitute a quorum necessary for official action.

(5) Rules of Procedure

- a. At the first scheduled Commission meeting in September of each year, or as soon thereafter as practicable, the first item of business shall be the selection its chairperson and vice-chairperson from among the non ex officio members.
 - (i) The chairperson shall preside over meetings. In the event a question over procedures arises, Robert's Rules of Order shall prevail.
 - (ii) The vice-chairperson shall assist the chairperson in directing the affairs of the Planning and Zoning Commission. In the absence of the chairperson, the vice-chairperson shall assume the duties of the chairperson.
- b. The recording of minutes of all Commission meetings shall be the responsibility of the Town staff.
- c. The Planning and Zoning Commission shall adopt rules and procedures set forth in the form of official bylaws. All rules of procedure shall be consistent with the requirements of C.R.S. 31-23-208, 31-23-215 and other applicable Colorado state law.

(b) Board of Adjustment

(1) Membership and Term

a. Appointment

- (i) The Board of Adjustment shall consist of five regular members, including one member of the Planning and Zoning Commission or Board of Trustees, and may include two alternate members. appointed by the Mayor, subject to ratification by a majority of the Board of Trustees.
- (ii) All cases heard by the Board of Adjustment must always be heard by a minimum of four members.

b. Qualifications



- (i) All members of such commission shall be bona fide residents of the municipality and, if any member ceases to reside in such municipality, their membership on the commission shall automatically terminate.
- (ii) No appointed members of the Board of Adjustment shall hold any other municipal office; except that one such appointed member may be a member of the Planning and Zoning Commission.

c. Term of Office

- (i) The term of office of members of the Board shall be for two years.
 - (ii) Two regular members shall be appointed to two-year terms beginning on September 30 in even years and three members shall be appointed for two-year terms beginning on September 30 in odd years.
 - (iii) Alternates shall serve the same term of office as regular members; one member shall be appointed beginning September 30, in odd years and one member beginning September 30 in even years.
- d. **Removal from Office.** Any member of the Board of Adjustment may be removed for cause (inefficiency, neglect of duty, malfeasance in office, conflict of interest, or repeated failure to attend required meetings) by the Mayor or Board of Trustees, upon submission of written statement of reasons for such removal and after a public hearing.
- e. **Vacancy.** Whenever a vacancy occurs on the Board of Adjustment, the position shall remain vacant until a new member or associate member can be appointed by the Board of Trustees. The vacancy shall be filled for the unexpired term in the same manner as the original appointment.
- f. **Compensation.** The members of the Board of Adjustment shall serve without compensation.

(2) Powers and Duties

- a. **Variance.** To permit variance or modifications of the height, yard setback, area, coverage and parking regulations, pursuant to Sec. 6.15.
- b. **Appeal of Administrative Decision or Interpretation.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official of the Town in the enforcement of this Title, pursuant to Sec. 6.07.
 - (i) Appeal to the Board of Adjustment shall not be allowed for building use violations that may be prosecuted by the court pursuant to C.R.S. 30-28-124(1)(b).
- c. **Additional Powers Related to this Code.** In addition, the Board of Adjustment shall have those powers and duties related to this Code shown in Table 6.02-1.

(3) Public Meetings

- a. The Board of Adjustment shall meet, as called by the Chairperson, to take official action on the matters before the Board of Adjustment. The meetings shall be open to the public and noticed in compliance with the applicable requirements for public notice set forth in this Code.
- b. The Mayor shall designate, and the Board of Trustees shall confirm, a chairperson as well as a vice chairperson from the regular members of the Board each year. The designation and confirmation shall be made no less than 15 days before the terms of the current members expire.



- (i) The chairperson shall preside over meetings. In the event a question over procedures arise, Robert's Rules of Order shall apply.
 - (ii) The vice chairperson shall assist the chairperson in directing the affairs of the Board of Adjustment. In the absence of the chairperson the vice-chairperson shall assume the duties of the chairperson.
 - (iii) The chairperson or, in his or her absence, the vice chairperson shall administer oaths and compel attendance of witnesses.
 - c. Four members of the Board of Adjustment shall constitute a quorum necessary for official action. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Town Staff, or to decide in favor of the applicant on any matter upon which the Board is required to act under this chapter or to grant any variance authorized by this Title.
 - d. The recording of the minutes of the Board of Adjustment meetings shall be the responsibility of the Town staff.
 - e. The filing fee for every petition to be submitted to the Board of Adjustment shall be calculated to cover the cost of legal publications, accumulation of data, administrative cost and all other costs incurred by the Town in the review and processing of the petition or as provided for in the fee schedule adopted by resolution of the Board of Trustees.
- (4) **Rules of Procedure.** The procedures followed by the Board of Adjustment shall be set forth in the official bylaws adopted by the Board of Adjustment and pursuant to C.R.S. 30-28-117.

(c) Town Planner

- (1) **Powers and Duties.** There is hereby created an official administrative position known as the Town Planner. The Town Planner shall be the Director of the Town of Norwood Planning Department and shall be appointed by, directed by, and serve at the pleasure of the Board of Trustees. In addition to the jurisdiction, authority and duties that may be conferred upon the Town Planner by other provisions of this Code, and the Town of Norwood Board of Trustees, the Town Planner shall have the following jurisdiction, authorities and duties under this Code:
- a. **Comprehensive Planning.** To undertake the current and long-range comprehensive planning responsibilities of the Town of Norwood.
 - b. **Day to Day Code Administration.** To undertake the day-to-day administration of this Land Development Code, including without limitation performing those duties shown in Table 6.02-1.
 - c. **Code Interpretation.** To review, consider, and render interpretations of the text of this Code and the Official Zoning Map.
 - d. **Ensure Adequate Public Notice.** To ensure that adequate public notice is provided for applications for development permits pursuant to the terms of this Code.
 - e. **Coordination.** To coordinate with other local, regional, state, and federal planning and permitting processes affecting development in the Town of Norwood and to serve as liaison to such local, regional, state, and federal planning agencies having jurisdiction over development in the Town of Norwood.

(d) Building Official



- (1) **Powers and Duties.** There is hereby created an official administrative position known as the Building Official. The Building Official shall be the Director of the Town of Norwood Building Department and shall be appointed by, directed by, and serve at the pleasure of the Board of Trustees. In addition to the jurisdiction, authority and duties which may be conferred on the Building Official by the International Building Code, the Building Official shall have the following jurisdiction, authority and duties:
- Issue Building Permits.** The Building Official shall issue applicable permits to allow construction activities which have received a zoning development permit pursuant to the procedures in the Code and deny building permits for activities which have not received a zoning development permit.
 - Interpret and enforce the International Building Code.** The Building Official shall interpret and enforce the applicable International Building Code.
 - Enforce the Land Use Code.** The Building Official shall enforce the provisions of this Title.

Section 6.02 Summary table of review and decision-making bodies.

- (a) The table below summarizes the types of applications available under this Code and the roles of various town/city staff and appointed or elected officials that make decisions on each type of application. More information about each procedure is set forth in other sections of this Article 6, Procedures and Administration, and in case of conflict, provisions elsewhere in Article 6 shall supersede the information in this table.

<u>Table 6.02-1: Summary Of Development Review Procedures</u>					
<u>R = Recommendation</u> <u>D= Decision</u> <u>A = Appeal</u> <u>*= Neighborhood Meeting Required</u>					
<u>Procedure</u>	<u>Section</u>	<u>Town Planner</u>	<u>Board of Adjustment</u>	<u>Planning and Zoning Commission</u>	<u>Board of Trustees</u>
<u>ZONING AND SITE PLANNING PROCEDURES</u>					
<u>ADMINISTRATIVE PERMITS</u>					
<u>Certificates of Occupancy</u>	<u>§ 6.04(a)</u>	<u>D [1]</u>			
<u>Short-Term Rental Permit</u>	<u>§ 6.04(b)</u>	<u>D</u>	<u>A</u>		
<u>Sign Permit</u>	<u>§ 6.04(c)</u>	<u>D [2]</u>	<u>A</u>		
<u>Temporary Use Permit</u>	<u>§ 6.04(d)</u>	<u>D [2]</u>	<u>A</u>		
<u>Zoning Development Permit</u>	<u>§ 6.04(e)</u>	<u>D [3]</u>	<u>A</u>		
<u>ADMINISTRATIVE APPROVALS</u>					
<u>Expedited Review for Affordable Housing</u>	<u>§ 6.05(a)</u>	<u>D</u>	<u>A</u>		
<u>Site Plan</u>	<u>§ 6.05(b)</u>	<u>D</u>	<u>A</u>		

**Table 6.02-1: Summary Of Development Review Procedures**R = RecommendationD= DecisionA = Appeal*= Neighborhood Meeting Required

<u>Procedure</u>	<u>Section</u>	<u>Town Planner</u>	<u>Board of Adjustment</u>	<u>Planning and Zoning Commission</u>	<u>Board of Trustees</u>
<u>(including PUD)</u>					
<u>Subdivision Amendment</u>	<u>§ 6.05(c)</u>	<u>D</u>	<u>A</u>		
APPLICATIONS REQUIRING A PUBLIC HEARING					
<u>Annexation</u>	<u>§ 6.06</u>	<u>R</u>			<u>D</u>
<u>Appeal</u>	<u>§ 6.07</u>	<u>R</u>	<u>D</u>		
<u>Conditional Use Review</u>	<u>§ 6.08</u>	<u>R</u>		<u>R</u>	<u>D</u>
<u>Land Use Code Text Amendment</u>	<u>§ 6.09</u>	<u>R</u>		<u>R</u>	<u>D</u>
<u>Major Electric or Natural Gas Facility</u>	<u>§ 6.10</u>	<u>R</u>		<u>R</u>	<u>D</u>
<u>Master Plan Adoption/Amendment</u>	<u>§ 6.11</u>	<u>R</u>		<u>R</u>	<u>D</u>
<u>Rezoning/Amendment of Official Zoning Map (including PUD)</u>	<u>§ 6.12</u>	<u>R</u>		<u>R</u>	<u>D</u>
<u>Subdivision, Major</u>	<u>§ 6.13</u>	<u>R</u>		<u>R</u>	<u>D</u>
<u>Subdivision, Minor</u>	<u>§ 6.14</u>	<u>R</u>		<u>R</u>	<u>D</u>
<u>Variance</u>	<u>§ 6.15</u>	<u>R</u>	<u>D</u>		
<u>Vested Property Rights</u>	<u>§ 6.16</u>	<u>R</u>			<u>D</u>

Notes:

- [1] A Certificate of Occupancy is approved and issued by the Building Official.
- [2] Sign Permits and Temporary Use Permits are approved and issued by the Town Administrator.
- [3] A Zoning Development Permit may be issued as part of the review and approval of another application type by the Town Planner, or it could be issued as a standalone permit by the Town Administrator.

Section 6.03 Common Review Procedures**(a) Pre-Application Conference**

- (1) **Purpose.** The pre-application conference is intended to provide an opportunity for the applicant to meet with Town staff to review submittal requirements, review procedures, and applicable Code standards associated with the proposed development concept.



(2) **Applicability.** A pre-application conference is optional for all development applications but is strongly encouraged for minor subdivisions, major subdivisions, and site plan applications. A pre-application conference should also be conducted when a proposal involves significant infrastructure improvements, potential environmental constraints, complex site design issues, or requests for deviations from standard development requirements.

(3) **Procedure.**

- a. **Scheduling of Pre-application Conference.** The applicant shall submit a request for a pre-application conference on a form provided by the Town.
- b. **Materials.** Unless otherwise specified by this Code, the applicant shall bring a conceptual site plan to the conference. The conceptual site plan shall include sufficient detail to accurately convey the concept, character, location, parcel size, and magnitude of the proposed development.
- c. **Participants.** In addition to the Planning Department staff, if the Town Planner determines that the proposal raises potential issues for roads, access, parking, traffic, water supply, sanitation, natural resource protection, or any combination of these, staff from other agencies or Town departments may be included in the pre-application conference.
- d. **Town Planner Review.** The Town Planner will assist the applicant in identifying key issues and concerns regarding the proposed development project so the applicant may address them as part of their formal application.

(4) **Effect.** Any comments or commitments made by staff during the pre-application conference are preliminary in nature and may change significantly as the project is more clearly defined at later stages of the development review process. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval. No comments made during a pre-application conference shall be interpreted by the applicant to mean that the Town of Norwood will approve the application or will approve it under certain conditions.

(b) **Neighborhood Meeting**

(1) **Purpose.** The neighborhood meeting provides an opportunity for the applicant to share the goals of the proposed project and to receive constructive input from the community on how the forthcoming application could be improved. The neighborhood meeting process also provides an opportunity for the residents and property owners of the Town of Norwood to help shape the direction of the development and reduce the likelihood of disagreements later in the project review and approval process.

(2) **Applicability.** A neighborhood meeting shall be required prior to the submittal of applicable projects as identified in Table 6.02-1.

(3) **Procedure.**

- a. Neighborhood meetings shall be conducted by the applicant or the applicant's designee.
- b. The Town Planner and the applicant shall coordinate meeting time, place, and notice to neighbors.
- c. To provide reasonable accommodations to those experiencing impaired mobility, the applicant shall make provisions for virtual/remote participation in the neighborhood meeting through telephone or internet connections and shall treat comments made by those participating virtually or remotely on the same basis as comments from those present in person.



- d. Property owners and residents within 100 feet of the property line for the proposal shall be notified of a neighborhood meeting by written notice mailed at least 14 days in advance of the meeting date.
 - e. The applicant is responsible for all expenses of the neighborhood meeting including but not limited to facility costs and the cost of the meeting notice.
 - f. The applicant shall provide a list of mailing list of property owners notified and prepare a written report of meeting comments and submit the report with the development application. The applicant may elect to make changes to the proposal based on neighborhood comments to improve the project outcome.
- (4) **Effect.** Staff may forward the applicant's written report to each board and/or commission that will be reviewing the application describing comments received and any modification(s) made in response to the comments. Comments will be considered by decision makers in determining if applicable review standards have been met.

(c) Application Submittal and Processing

- (1) **Authority to Submit Application.** Unless expressly stated otherwise in this Code, a development application shall be submitted by:

- a. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed;
 - (i) If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.
- b. A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person; or
- c. The Planning and Zoning Commission, Board of Trustees, or Town staff may file an application for a Master Plan Amendment, Land Use Map Revision, Land Use Code Text Amendment, Planned Unit Development, or a Rezoning.

(2) Application Content.

- a. The application shall be submitted to the Town Planner a form provided by the Town.
 - b. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with application requirements, and contains all required supporting documents indicated on the Town website.
 - c. A list of any supporting materials required to be submitted with each application form shall be provided by the Town.
- (3) **Application Fees.** Application fees in accordance with Sec. 1.09 shall be included with the application. Applications are not complete and will not be processed until all required application fees have been paid.
- (4) **Determination of Completeness.** The Town Planner shall determine whether the application is complete based on compliance with the submittal requirements for the applicable review process. If the application is determined to be incomplete, the Town Planner shall notify the applicant in writing of the inadequate or



missing materials, and no further action regarding the application shall occur unless and until the applicant submits the required information.

(5) Concurrent Applications.

- a. Applicants may request, and the Town Planner may permit simultaneous submission and review of all necessary development applications for the project. The Town Planner may waive any overlapping application submission requirements in the concurrent review.
- b. Review and decision-making bodies considering applications submitted concurrently shall make separate recommendations and decisions on each application based on the specific standards applicable to each approval.
- c. If one or more decisions related to concurrent applications is made by the Town Planner and another decision is made by an appointed or elected board or commission, the Town Planner's approval or approval with conditions shall be final unless the approval is expressly conditioned upon approval of a concurrent application by an appointed or elected board or commission. Any approval subject to such a condition shall not become final unless and until the required approval or approval with conditions is issued by the applicable appointed or elected body.

(d) Application Review

- (1) **Referral to Staff and Review Agencies.** The Town Planner shall distribute the complete application to Town staff and to agencies or entities outside the Town government that provide or maintain services or manage or protect areas or facilities that may be affected by the application, as determined by the Town Planner or required by state law.
- (2) **Staff Review and Application Revisions.** If Town staff or outside agencies or entities submit recommendations and comments to the Town Planner, the Town Planner shall notify the applicant of such comments and recommendations. The application shall not move forward for further review until the Town Planner determines that:
 - a. The applicant has adequately responded to the Town's recommendations and comments; or
 - b. The applicant requests that the application move forward without responding to the Town's recommendations and comments.
- (3) **Review of Response.** The Town Planner shall determine if sufficient information has been provided to schedule an application for a hearing or approve, approve with conditions, or disapprove the application. If the application is insufficient the applicant shall be notified. The applicant shall be allowed additional resubmittals and responses, pursuant to the same timeframes as the original response, before the application is scheduled for a hearing or before the Town Planner decides whether the application is complete.
- (4) **Final Report.** The Town Planner's written report and recommendations shall be made publicly available at least three calendar days before a public hearing.

(e) Scheduling and Notice of Public Hearing

(1) Scheduling

- a. If an application is subject to a public hearing, the Town Planner shall schedule the public hearing for a meeting of the Planning and Zoning Commission or Board of Trustees, as applicable, after



determining that the application contains sufficient information to proceed through the development review process.

- b. The public hearing shall be scheduled to allow sufficient time to prepare a staff report and to allow the required public notice to be given pursuant to subsection 2 below.

(2) Public Hearing Notice

<u>Table 6.03-1: Summary Table of Public Notice Requirements</u>			
<u>Days/Distance/Yes = Required</u>			
<u>Application Type</u>	<u>Section</u>	<u>Published Notice</u>	<u>Mailed Notice</u>
<u>ADMINISTRATIVE PERMITS</u>			
<u>Certificates of Occupancy</u>	<u>§ 6.04(a)</u>		
<u>Short-Term Rental Permit</u>	<u>§ 6.04(b)</u>		<u>Yes</u>
<u>Sign Permit</u>	<u>§ 6.04(c)</u>		
<u>Temporary Use Permit</u>	<u>§ 6.04(d)</u>		
<u>Zoning Development Permit</u>	<u>§ 6.04(e)</u>		
<u>Administrative Approvals</u>			
<u>Expedited Review for Affordable Housing</u>	<u>§ 6.05(a)</u>		
<u>Site Plan</u> <u>(including PUD)</u>	<u>§ 6.05(b)</u>		<u>Yes</u>
<u>Subdivision Amendment</u>	<u>§ 6.05(c)</u>		<u>Yes</u>
<u>Applications Requiring A Public Hearing</u>			
<u>Annexation [1]</u>	<u>§ 6.06</u>	<u>15 Days</u>	<u>Yes</u>
<u>Appeal</u>	<u>§ 6.07</u>	<u>[2]</u>	<u>[2]</u>
<u>Conditional Use Review</u>	<u>§ 6.08</u>	<u>15 Days</u>	<u>Yes</u>
<u>Land Use Code Text Amendment</u>	<u>§ 6.09</u>	<u>15 Days</u>	
<u>Major Electric or Natural Gas Facility</u>	<u>§ 6.10</u>	<u>15 Days</u>	<u>Yes</u>
<u>Master Plan Adoption/Amendment [1] [3]</u> <u>(including Land Use Map revisions)</u>	<u>§ 6.11</u>	<u>15 Days</u>	<u>Yes</u>
<u>Rezoning (including PUD) [1]</u>	<u>§ 6.12</u>	<u>15 Days</u>	<u>Yes</u>
<u>Subdivision, Major</u>	<u>§ 6.13</u>		<u>Yes</u>
<u>Subdivision, Minor</u>	<u>§ 6.14</u>		<u>Yes</u>
<u>Variance</u>	<u>§ 6.15</u>	<u>15 Days</u>	<u>Yes</u>

**Table 6.03-1: Summary Table of Public Notice Requirements**

Days/Distance/Yes = Required

<u>Application Type</u>	<u>Section</u>	<u>Published Notice</u>	<u>Mailed Notice</u>
<u>Vested Property Rights</u>	<u>§ 6.16</u>	<u>Within 10 Days of Approval</u>	<u>Yes</u>

Notes:

- [1] Mailed notice is not required for Annexation, Master Plan Land Use Map revision, Rezoning, or for requests relating to more than 5% of the area of the Town.
- [2] Notice of the appeal hearing shall be provided in the same manner as was required with the original action.
- [3] Mailed notice is not required for a Code Text Amendment or Master Plan text amendment.

a. Published Notice

- (i) Except as stated in subsections (2) and (3) below, for each application for which Table 6.03-1 requires published notice, at least 15 calendar days prior to the date of a scheduled public hearing before the Planning and Zoning Commission, Board of Adjustment, or Board of Trustees, the applicant shall have published a notice of public hearing in a newspaper of general circulation in the area where the proposed land use change is located.
- (ii) Published notice shall:
 - 1. Identify the application type;
 - 2. Describe the nature and scope of the proposed project;
 - 3. Identify the location subject to the application;
 - 4. Identify where and when the application and associated materials may be inspected; and
 - 5. Indicate an opportunity to appear at the public hearing, including the date, time, and location.

b. Mailed Notice

- (i) For each application for which Table 6.03-1 requires mailed notice, at least 15 calendar days prior to the date of each public hearing for which mailed notice is required by Table 6.03-1, the applicant shall send by first class mail a written notice of the public hearing to the owners of record and tenants of property in the Town of Norwood located within 100 feet of the subject property.
 - 1. Mailed notice shall:
 - i. Identify the application type;
 - ii. Describe the nature and scope of the proposed project;
 - iii. Identify the location subject to the application;



- iv. Identify where and when the application and associated materials may be inspected;
 - v. Indicate an opportunity to appear at the public hearing, including the date, time, and location; and
 - vi. Include any other information required by Colorado law for the type of application submitted.
 - 2. Depositing the notice in the U.S. mail with postage prepaid and filing an affidavit under oath that the action has been completed satisfies the mailed notice requirement.
- c. **Notice to Mineral Interest Owners and Lessees.**
 - (i) C.R.S. 24-65.5-103(1) requires an applicant for certain types of development to notify all owners and lessees of a mineral interest on the subject property of the pending application.
 - (ii) This notice shall be provided at the time of the first complete application for a rezoning of all or part of the property, a preliminary plan or minor subdivision plat of all or part of the property, or approval of a conditional use on the property, whichever occurs first.
 - 1. If notice related to the same proposed development and proposed uses of the property has been provided earlier, it need not be provided a second time.
 - 2. If notice was not provided at the first to occur of the three events listed in subsection (2) above regarding the proposed development and the property, then it must be provided at the time of the next complete application regarding the proposed development and use of the property.
 - (iii) If this provision is applicable, the applicant shall submit to the Town Planner a certification of compliance with this notice requirement at least seven days prior to the initial public hearing.
- d. **Notices for Creation of a Vested Right.** Notices required for creation of a vested right are listed in Sec. 6.16 and are in addition to any other notices required under this Code.
- e. **Responsibility for Notice.**
 - (i) In each case where this Code requires notice to property owners within a stated distance of the property and the mineral interest owners and lessees, the applicant shall deliver to the Town at least 30 days before the date of the first required public hearing a list of all persons or entities required to be notified, as identified by examining records in the office of the county tax assessor and clerk and recorder of the county.
 - (ii) Unless otherwise specifically required by this Code, the applicant shall be responsible for publishing, mailing, and posting all required notices fully and accurately, for ensuring that any required posted notice remains in place and legible to passers-by for the full required posting period, for removing posted signs after the Town has made a decision on the application, and for paying all related costs of notice, and shall provide to the Town an affidavit confirming compliance with all applicable requirements of this Sec. 6.03(e)(2) at least seven days prior to the scheduled public hearing.



- (iii) Town staff may independently confirm the timing and accuracy of completion of required notices and shall investigate any complaints received before the scheduled hearing regarding the accuracy, timing, or performance of applicant's notices.
- (iv) The provisions of this section shall be considered met if the applicant has attempted to fully comply with and has achieved substantial compliance with the requirements of this section and due process as determined by the Town Planner. Unintentional mistakes in notice due to inaccurate records, failures of notification systems, or failures of the U.S. Postal Service to make timely and accurate delivery of mail shall not require the delay or cancellation of a public hearing if the applicant has demonstrated substantial compliance and the Town Planner determines that the mistake was not caused in whole or in part by the applicant.
- (v) If the Town Planner determines, prior to the scheduled public hearing, that notice pursuant to this Sec. 6.03(e)(2) has not occurred, then the public hearing shall be rescheduled to allow time to provide required notices.

(3) Conduct of Public Hearing

- a. **Rights of All Persons.** Any person may appear at a public hearing and submit evidence, including oral testimony, either individually or as a representative of an organization. Comments also may be submitted in written form before or during the hearing, or within a designated period of time if the hearing is continued pursuant to subsection 6 below.
- b. **Remote Participation**
 - (i) To facilitate participation in the public hearing, provisions shall be made for remote attendance through telephone or internet connections.
 - (ii) Comments made by those participating remotely shall be considered on the same basis as comments from those present in person.
 - (iii) Any written comments submitted by those participating remotely shall be considered on the same basis as written comments from those present in person if they are received by the Town prior to the public hearing.

(f) Review and Decision

(1) Decision

- a. **General.** The decision-making body shall approve, approve with conditions, or deny an application based upon the applicable standards and criteria in this Code. The decision shall be deemed to have been made on the date that the review body adopts a reasoned statement. A decision is final unless appealed.
- b. **Statement of Findings.** The approval, approval with conditions, or denial of an application shall be in writing and accompanied by a statement that explains the applicable criteria and standards, states the relevant facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant and statutory provisions, pertinent constitutional principles, and factual information contained in the record.
- c. **Burden of Proof.** The burden shall be on the applicant to present sufficient evidence that the applicable criteria for approval have been satisfied.



d. Record of Decision. The record of decision shall include the following materials:

- (i) The application materials;
- (ii) The minutes of the public hearing(s) and other related meetings of the recommending and decision-making bodies reviewing the application;
- (iii) The recording of the public hearing, if any;
- (iv) Written materials submitted to the Town by an individual or agency regarding the application;
- (v) The staff report;
- (vi) Any consultant or referral agency reports; and
- (vii) Documentation of decisions by the recommending and decision-making bodies.

(2) General Review Criteria

a. Decision by Town Planner

- (i) Where Table 6.02-1 indicates that the Town Planner shall make the decision on an application, the Town Planner shall approve the application, or approve it with conditions, if it complies with the following criteria, unless specific criteria for approval of that type of application are listed in another section of this Code, in which case the specific criteria listed in the other section of this Code shall apply.
- (ii) The Town Planner shall determine that the following criteria are met, based on the evidence submitted with the application, comments from referral agencies, information on file with the Town, and any required approvals from other bodies:
 - 1. The application complies with all applicable provisions of this Code and other Town regulations, as modified by any previously administrative adjustments or variances;
 - 2. The property is not subject to a pending notice of violation or legal action as a result of a violation of any federal, state, or Town land use law or administrative rule;
 - 3. The application is consistent with any previous approvals and agreements related to the property including but not limited to Planned Unit Development approvals, subject to the provisions of Sec. 6.03(g)(2).
 - 4. The property is not subject to a development agreement with any provision that was required to be performed before the date of the subject application remains unsatisfied.

b. Recommendation by Planning and Zoning Commission and Decision by Board of Trustees

- (i) Where Table 6.02-1 or another provision of this Code indicates that the Planning and Zoning Commission shall make a recommendation on an application, or that the Board of Trustees shall make a decision on an application, the Planning and Zoning Commission shall recommend approval or approval with conditions, and the Board of Trustees shall approve the application or approve it with conditions, if it complies with the criteria in subsection ii below.



- (ii) The Planning and Zoning Commission shall recommend, and the Board of Trustees shall make a decision, to approve the application or approve it with conditions, if it complies with the following criteria:
 - 1. The approval is consistent with the policies of the comprehensive plan;
 - 2. The application complies with all applicable provisions of this Code and other adopted Town regulations, including any specific criteria for approval of that type of application, if applicable;
 - 3. The application is consistent with any previous approvals and agreements related to the property including, but not limited to any Planned Unit Development approval, subject to the provisions of Sec. 6.03(g)(2) the Property;
 - 4. The property is not subject to a pending notice of violation or legal action as a result of a violation of any federal, state, or Town land use law or administrative rule; and
 - 5. The application will mitigate any negative impacts on surrounding properties to the maximum extent practicable.
- c. **Decision by Board of Adjustment.** Where Table 6.02-1 indicates that the Board of Adjustment shall make the decision on an application, the Board of Adjustment shall approve the application, or approve it with conditions, if it complies with the criteria listed in the specific procedures for appeals and variances in Sec. 6.07 and Sec. 6.15 as applicable.
- d. **Conditions of Approval**
 - (i) Where this Code authorizes a decision-making body to recommend or make a decision on an application subject to applicable criteria, the advisory and/or decision-making body may approve or recommend approval of the application with conditions necessary to bring the proposed development into compliance with this Code or other regulations
 - (ii) Where this code authorizes the Board of Trustees to make a decision on an application subject to applicable criteria, the Board of Trustees may also approve an application with conditions necessary to mitigate the impacts of that development on the surrounding properties and streets.
 - (iii) All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the Town prior to the review of the application. Such conditions may include those necessary to carry out the purpose and intent of Town policies and this Code.
 - (iv) Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
 - (v) During its consideration, the advisory and/or decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate federal or state



constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the advisory and/or decision-making body unless and until the advisory and/or decision-making body takes formal action to attach that condition to a development approval.

(vi) Unless otherwise provided in this Code, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

(vii) Any conditions of approval shall be listed in or attached to the approval document, and violation of any approved condition shall be a violation of this Code.

(3) **Term of Approval**

a. **Running with the Land.** Approvals issued and executed prior to expiration under this Code run with the land and are not affected by changes in ownership or the form of ownership of the property, unless otherwise stated under this Code, or unless otherwise stated as a condition of the approval or the permit.

b. **Period of Validity**

(i) Unless otherwise indicated in a specific procedure, the term of an approval shall be as shown in Table 6.03-2 unless the property owner or permit holder has taken action to initiate construction of the improvements (including the installation of utilities), initiate the allowed use or activity, modify the property, or take other actions authorized by that permit or development approval within the period of validity.

TABLE 6.03-2: PERMIT AND APPROVAL VALIDITY

Type of Approval	Period of Validity
ADMINISTRATIVE PERMITS	
<u>Certificate of Occupancy, Sign Permit, Zoning Development Permit</u>	<u>180 days from the date of approval if the permitted signs have not been constructed or erected by that time</u>
<u>Short-Term Rental Permit</u>	<u>Valid for the calendar year in which it is issued</u>
<u>Temporary Use Permit</u>	<u>To be specified on the permit</u>
ADMINISTRATIVE APPROVALS	
<u>Site Plan</u>	<u>2 years unless a building permit for the primary building is issued by that time</u>
<u>Subdivision Amendment</u>	<u>30 days unless a plat has been recorded by that time</u>
APPLICATIONS REQUIRING A PUBLIC HEARING	
<u>Annexation, Appeal, Land Use Code Text Amendment, Master Plan Adoption/Amendment,</u>	<u>Do not expire</u>

**TABLE 6.03-2: PERMIT AND APPROVAL VALIDITY**

<u>Type of Approval</u>	<u>Period of Validity</u>
<u>Rezoning/Amendment of Official Zoning Map (including PUD)</u>	
<u>Conditional Use Review</u>	<u>Does not expire until the property changes use or the use is abandoned and nonoperational for a period of 12 consecutive months.</u>
<u>Major Electric or Natural Gas Facility</u>	<u>3 years unless construction has begun by that time</u>
<u>Subdivision, Major [1]</u>	<u>Preliminary: 1 year, unless a final plat is submitted within that time</u> <u>Final: 1 year, unless construction has commenced within that time; if construction has commenced, final plat must be recorded within 18 months from date of final plat approval</u>
<u>Subdivision, Minor [1]</u>	<u>1 year, unless construction has commenced within that time; if construction has commenced, final plat must be recorded within 18 months from date of final plat approval</u>
<u>Variance</u>	<u>1 year, unless development consistent with the approval is begun by that time</u>
<u>Vested Property Rights [1]</u>	<u>3 years unless a building or zoning development permit is issued by that time</u>

Notes:

[1] An extension may be available; refer to specific procedures for application type.

(ii) In order to remain in effect, at least one of the actions listed below must occur before the end of the period of validity indicated in Table 6.03-2 above.

1. Vested rights have been established pursuant to Sec. 6.16;
2. A building permit has been issued and is being diligently pursued toward completion of the site for which the approval was originally granted;
3. A Certificate of Occupancy has been issued for any structure(s) that were the subject of the application; or
4. The site has been occupied for a permitted use if no building permit or Certificate of Occupancy is required.

(g) Development and Improvement Agreements



(1) Development Agreement

In connection with any approval under this Code, and in addition to any other agreements authorized by this code, the Board of Trustees is authorized to enter into a development agreement with the applicant for any of the following purposes:

- a. To establish schedules for development, or for the installation of improvements and/or amenities on the property by the applicant, or the Town, or both;
- b. To ensure that conditions related to the applicant's mitigation of impacts of the development on surrounding areas are performed without cost to the Town;
- c. To document what portions, if any, of the costs of infrastructure or facilities needed to serve the property will be borne by the Town, and under what terms or conditions; and
- d. To address any other matter related to the completion of the development consistent with the comprehensive plan, or related to reducing or mitigating the potential impacts of the development on surrounding areas or the Town, that is not contrary to state or federal law.

(2) Modification of Previous Agreements Concerning the Property

Where this Code requires that approval of an application shall comply with previous approvals and agreements regarding development of the property, and the applicant requests modification or removal of all or some of the conditions included in one or more of those previous approvals or agreements, the request for modification or removal may be considered concurrently with the application under this Code, provided that:

- a. The Town Attorney has determined that Town of Norwood and the applicant are the only two parties affected by the terms of the previous approval or agreement, and that there are no third-party beneficiaries of the previous approval or agreement (including but not limited to purchasers of land within or adjacent to the property affected by the application or the previous approval or application) whose interests may be affected by the requested modification or removal of conditions).
- b. If the Town attorney does not make the determination required in subsection a, any modification or removal of conditions in a previous approval or agreement shall require a separate application to be considered by the Board of Trustees requiring compliance with Sec. 6.03(e)(2) and Sec. 6.03(e)(3), and such application may not be considered concurrently with a different application concerning the property under this Code.
- c. If the Town Attorney makes the determination required in subsection a, the decision on all concurrent applications shall be made by the Board of Trustees rather than by the Town Planner or an appointed body.

(3) Improvements Agreements. Prior to the issuance of a building permit and/or the recording of a final plat, an applicant shall submit for approval to the Board of Trustees an improvements agreement for construction of any required public improvements designated on the approved construction plans.

- a. **Agreement to Run with the Land.** The Improvements Agreement shall provide that the requirements contained therein shall run with the land and bind all successors, heirs, and assignees of the applicant. The Agreement for subdivisions shall be recorded with the San Miguel County



Clerk and Recorder. All existing lien holders shall be required to subordinate their liens to the guarantees contained in the Agreement.

(4) Performance Guarantee. Prior to the issuance of any building or zoning development permit, the Board of Trustees may require an applicant for subdivision to file a financial guarantee to ensure compliance with any or all requirements of the Board stipulated in the improvements agreement and the final plat.

- a. The applicant shall provide security, as determined by the Director, in an amount equal to 120% of the estimated cost of the improvements identified in the approved Construction Plan. Such security shall be sufficient to ensure compliance with all obligations, promises, and conditions of this Agreement.
- b. The security shall be in the form of a letter of credit to the Board of Trustees from a commercial bank, savings and loan institution, insurance company or other qualified lending institution(s) licensed or authorized to do business in the State of Colorado, or a letter from the Federal Housing Administration or Veterans Administration in a form satisfactory to the Mayor shall be required. The Board of Trustees may approve other forms of financial security.
- c. In addition to all other security, if the Town participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the Town as a co-obligee.
- d. The issuer of any guarantee shall be subject to the approval of the City in accordance with adopted policies.

(h) Post-Decision Actions

(1) Appeal

- a. An applicant, an adjacent property owner, or a party aggrieved or adversely affected by any other final decision by the Town Planner or another Town administrative official under this Code may appeal the decision to the Board of Adjustment pursuant to the procedures and standards in Sec. 6.07.
- b. Any appeal to the Board of Adjustment regarding an application for a sign permit, an application related to a religious assembly use or any other application pursuant to this Code involving exercise of First Amendment rights or where state or federal laws or court decisions have required a prompt final decision by the Town shall be heard and a decision made within 30 day of filing an appeal that complies with the requirements of Sec. 6.07.
- c. An applicant, an adjacent property owner, or a party aggrieved or adversely affected by any quasi-judicial decision by the Board of Trustees or Board of Adjustment may seek review of the decision in Colorado District Court in accordance with applicable state law.

(2) Extensions of Period of Validity

- a. For each permit or application approval for which Table 6.03-2 shows a period of validity, the Town Planner may approve one extension of validity for a time not to exceed one year for that permit or approval for good cause shown; provided, that the applicant or property owner files with the Town Planner a written request for the time extension before the expiration of the original permit or approval.
- b. Following such extension, the Board of Trustees may approve one additional extension of validity for a time not to exceed one year for good cause shown; provided, that the applicant or property



owner files with the Town Planner a written request for time extension before the expiration of the initial extension granted by the Town Planner.

- c. The Board of Trustees may condition the approval of an extension upon the applicant's compliance with the standards in this Code or in other adopted Town regulations in effect at the time of extension request, unless the application of those standards is prevented by a valid vested right approved by the Town pursuant to Sec. 6.16.

- (3) **Limitation on Subsequent Similar Applications.** For one year following the revocation or denial of an application by the decision-making body, the Town shall not accept a new application for subject property that is the same or substantially similar to the one previously denied.

Division 2. Administrative Applications

Section 6.04 Administrative Permits

(a) Certificate of Occupancy

- (1) **Applicability.** No building hereafter erected, converted or structurally altered shall be used or occupied and no land or nonresidential building may be changed in use unless or until a Certificate of Occupancy shall have been issued by the Building Official of the Town of Norwood stating that the building or proposed use of land or building complies with the provisions of this Title and other building and health laws of the Town of Norwood.
- (2) **Specific Procedure.** A Certificate of Occupancy shall be applied for concurrently with the application for a Building Permit and will be issued within 10 days after the completion of the erection, alteration or conversion of such building or land provided such construction or change has been made in complete conformity to the provisions of this Title.
- (3) **Record.** A record of all certificates shall be kept on file in the office of the Building Official, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected.

(b) Short-Term Rental (STR) Permit

- (1) **Purpose.** The purpose of this section is to provide for the appropriate integration of Short-Term Rentals within designated zone districts through regulations that protect public health, safety, and welfare, ensure the safety of residents and visitors, and preserve neighborhood and community character.
- (2) **Applicability.** These regulations apply to any property owner of real property used as a Short-Term Rental for less than 30 consecutive days.
 - a. Private covenants or deed restrictions running with the land may restrict or prohibit Short-Term Rentals. It is the responsibility of the property owner, not the Town or any employee or agent thereof, to ensure compliance with restrictive covenants or deed restrictions.
 - b. These regulations shall not apply to motels or hotels.
 - c. A Short-Term Rental land use is only allowed in the R-1 and Medium Density Residential zone districts. Short-Term Rentals are not allowed in any other zone district.
- (3) **Cap on Short-Term Rental Permit Licenses.**
 - a. A maximum of five Short-Term Rental permits are allowed within the Town of Norwood.



- b. If the cap has been reached, STR permit applications will not be accepted by Town Staff for review until a permit spot becomes available.

(4) Specific Process.

a. Permit Required.

- (i) Prior to the operation of a short-term rental, a short-term rental permit must be obtained.
- (ii) Proof of ownership is required prior to the issuance of a short-term rental permit and must be provided with the application. Proof of ownership, in the form of a deed, of the property on which the structure proposed as a short-term rental is located. The applicants name must appear on the deed for the property on which the proposed short-term rental is located.
- (iii) Applications for a short-term rental permit, including renewals, shall submit a complete application form which contains such information as required by the Town, and shall pay all fees required for a permit application.
- (iv) The Town shall review the application for compliance with this section. Upon completion of an inspection by the Building Official, receipt of a Certificate of Occupancy, and satisfaction of the notice requirements of this section, the Town shall issue a permit.

b. Validity.

- (i) The Short-Term Rental permit does not run with the land but is issued to the specific property owner. The permit shall expire upon the sale or transfer of the property. The permit shall not be transferred or assigned to another individual, person, or entity.
- (ii) The Short-Term Rental permit is valid for the calendar year in which it was issued.

- c. **Notification Requirements.** Upon approval of a short-term rental permit, an applicant shall mail the written notice of the approval notice pursuant to Sec. 6.03(e)(2).

d. Permit Renewals

- (i) A Short-Term rental permit must be renewed by the property owner for which it was originally approved.
- (ii) Renewal requests must be received by the Town no later than October 31st of the calendar year.
- (iii) Existing short-term rental permits have first right of refusal for renewal before new permits are considered, if the maximum number of allowed short-term rental permits has been reached.
- (iv) The owner shall obtain a business license and shall be responsible for payment of all applicable sales and lodging taxes.

- (5) **Requirements and Limitations.** In addition to the other requirements of the Land Use Code and other Town Ordinances, a Short-Term Rental permit issued pursuant to this Ordinance shall, as a condition of such permit, be subject to the following requirements and limitations:

a. General.

- (i) No more than one short-term rental permit shall be issued for a single lot.



- (ii) Short-Term rentals are only allowed in primary dwelling units. Short-Term rentals are not allowed in accessory dwelling units, campers, recreational vehicles, tents, temporary structures or other dwellings that do not have a certificate of occupancy.
 - (iii) The short-term rental must be owner-occupied; occupancy of an accessory dwelling unit on the property where the short-term rental is located qualifies for owner-occupancy.
 - (iv) No outdoor sign advertising or identifying the short-term rental is allowed.
 - (v) The owner is responsible for ensuring the short-term rental meets all applicable local, state and federal standards and regulations, including but not limited to the requirements and limitations of this Ordinance.
 - (vi) The Town issued permit number shall be used in all rental marketing materials.
- b. **Activities.**
 - (i) Use of the short-term rental for any commercial or large social events or gatherings, such as weddings, is prohibited.
- c. **Life Safety Standards:**
 - (i) Each Short-Term rental property licensed under this Ordinance shall obtain an inspection from the Building Department and/or the Fire Department prior to scheduling the required public hearing dates. No short-term rental permit shall be issued for rooms, structures, properties or uses that have not been issued a Certificate of Occupancy consistent with the proposed use.
 - (ii) Each Short-Term rental unit shall be equipped with operational smoke detectors, carbon monoxide detectors, fire extinguishers, and other life safety equipment as may be required by the Town.
 - (iii) The permit with all local contact information and emergency safety information shall be displayed within the short-term rental.
- d. **Trash Handling.** There shall be a sufficient number of trash receptacles to accommodate all trash generated by those occupying the short-term rental property, and instructions on outdoor trash containers, storage, pickup locations, and times shall be posted within the short-term rental property. Where the short-term rental property is served by curbside garbage pickup, the garbage can or similar receptacle shall be removed from public view the same day as pickup and there shall be no garbage can or similar refuse receptacle at the curb on any day except the day of pickup.
- e. **Parking.** Parking in private driveways shall be utilized first with overflow parking on the street where permitted. Parking on-site in non-driveway areas (i.e. front yard areas, parkways, and rear-yards) shall be prohibited.
- f. **Designated Contact.** During the term that the short-term rental unit is occupied by a short-term rental tenant, the owner and/or the local contact person designated by the owner shall be available 24 hours per day, seven days per week, for the purposes of responding within one hour to complaints regarding the condition or operation of the short-term rental unit or the conduct of the short-term rental tenants. If the local contact person designated by the owner changes, then the owner shall update the permit on file within three days.



(6) Violations, Penalty and Enforcement

- a. It is unlawful for any owner, responsible agent or occupant of a short-term rental property to violate any provisions of this Ordinance, as applicable.
- b. It shall be unlawful to submit an application with information that is materially false or misleading.
- c. Any properties used for short-term rental purposes in violation of this title shall be subject to the following administrative penalties:
 - (i) First offense: written warning
 - (ii) Second offense: fine as established by the Board of Trustees
 - (iii) Third offense: revocation of license without possibility of reapplication for the subject property for two years from the date of revocation and fine established by the Board of Trustees.
- d. The Town expressly reserves the right to accelerate any enforcement action as it deems appropriate and shall not be required to follow the enforcement steps in the subsection above.
- e. Failure to pay the penalty shall constitute a further violation of this Title, which shall subject the license to revocation; provided that there shall be no administrative appeal right for a revocation based on failure to pay the penalty.

(7) Permit Suspension or revocation.

- a. The Board of Trustees finds that the suspension or revocation of a short-term rental permit may be necessary when an owner fails to operate the short-term rental in accordance with the provisions of this part. The Town Administrator is authorized to initiate permit suspension or revocation proceedings against an owner when these circumstances arise, by issuing a notice to show cause to the owner.
- b. The Planning and Zoning Commission and Board of Trustees shall hold a public hearing on the allegations contained in the notice to show cause. Notice to show cause shall be served to the owner not less than ten days prior to the scheduled hearing date. Service may be accomplished by hand delivery to the owner or the local contact person or by first class mail, postage prepaid, to the last address furnished to the Town by the owner. The notice to show cause shall give the owner notice of the alleged ground for suspension or revocation and of the date, time and place of the hearing on the alleged violations.
- c. The Planning and Zoning Commission may recommend to the Board of Trustees to suspend or revoke a permit if it finds, by a preponderance of evidence, that:
 - (i) The operation of the short-term rental no longer conforms with the review criteria of this part; or
 - (ii) The owner has violated the rules and regulations provided for in the part.
- d. A suspension or revocation shall be effective immediately upon the decision of the Board of Trustees.
- e. A suspended permit shall be suspended for a term not to exceed 60 days, and for so long thereafter until proof of the cause of suspension has been remedied at the discretion of the Town Administrator.



- f. A revoked permit may not be considered for re-approval for one year from the date of revocation of the Board of Trustees.

(c) Sign Permit

- (1) **Applicability.** This subsection applies to the erection, placement, or installation of a sign, or changes to a sign, for which a permit is required pursuant to Sec. 5.06

(2) Specific Procedure

- a. All applicable provisions of Sec. 6.03 for a decision by the Town Planner shall apply.
- b. **Fees.** Except as provided for in this section, every sign permit application shall be accompanied by a permit application fee payable to the Town of Norwood. Fees shall be as follows:
 - (i) The application fee for pennants, banners and posters that are erected pursuant to subsection 5.06(c) a fee of \$5 dollars shall be charged.
 - (ii) For all other sign permits required, a fee of one dollar per square foot of surface area shall be charged to cover the costs of administration.
 - (iii) No fee shall be required for special event or public announcement signs for bona fide charitable and other non-profit organizations.

(3) Criteria for Approval

- a. The Town Planner shall approve the application, or approve it with conditions, if it complies with the criteria in Sec. 6.03(f)(2)(a) including all applicable provisions of this code, including the standards in Sec. 5.06.
- b. No condition attached to the approval of any sign permit shall include any form of content regulation prohibited by state or federal law.

(d) Temporary Use Permit (TUP)

- (1) **Applicability.** This subsection shall apply to any application for the temporary or seasonal use of property for a use not listed in Sec. 3.05(c) for the zoning district in which the property is located.

(2) Specific Procedure

- a. All provisions of Sec. 6.03 applicable to staff review and a decision by the Town Administrator shall apply, except as modified by subsection b below.
- b. An application for a seasonal activity may be approved for a period of up to three consecutive seasons without the need for a re-application or re-approval each year.

(3) Criteria for Approval

- a. The Town Administrator shall approve the application, or approve it with conditions, if the following criteria are met:
 - (i) The proposed temporary use is for a period of one month or less. Temporary uses lasting more than one month shall require approval of the town/city council;
 - (ii) The applicant has made provisions to provide adequate parking for the facility without inconvenience to surrounding areas;
 - (iii) The applicant has made provisions to mitigate any potential adverse impacts on the surrounding areas and the environment to the maximum extent practicable;



- (iv) The applicant has made provisions to clean up and restore the site of the temporary use to its previous condition when the use ends; and
- (v) The proposed use shall not result in increased risks to public health or safety.
- (vi) If the Town Administrator determines that there is a material risk of adverse impacts to the surrounding area or the environment, the Town Administrator may require the applicant to post financial guarantees pursuant to Sec. 6.03(g).

(e) Zoning Development Permit

- (1) No building permit may be issued and no person(s) may engage in any development within the incorporated area of the Town of Norwood without obtaining a Zoning Development Permit (Appendix "A" to this Code). Failure to comply with any condition(s) of approval, as determined by the Board of Trustees, shall result in inability to obtain any rights granted conditionally thereunder and Town revocation of the development permit. Upon 30 days' notice by Developer, the Town shall set a hearing for determination of non-compliance with conditions.

Section 6.05 Administrative Approvals

(a) Expedited Review for Affordable Housing.

- (1) **Purpose.** The Affordable Housing Expedited Review process is established to implement the "fast track approval process" for affordable housing that is contemplated by C.R.S. 29-32-105(2). It is the intent of the Board of Trustees to implement the affordable housing development objectives of Proposition 123 and to maximize state funding that may be available under its terms.
- (2) **Eligibility.**
 - a. The Affordable Housing Expedited Review shall apply to developments in which 50% or more of the dwelling units are Affordable Housing. This shall include mixed-use developments meeting this threshold.
 - b. Application types that are subject to expedited review include: Administrative Adjustments, Zoning Authorizations, Building Permits, Site Plans (Major or Minor), Special Use Permits, Variances, and Civil or Construction Drawings.
 - c. Application types that are exempt from expedited review include: Appeals, Pre-Application Reviews, Major or Minor Subdivisions, Condominium Plats, Planned Unit Developments, Accessory Use Permits, Annexations, or Rezoning.
- (3) **Applicability.** The Affordable Housing Expedited Review provides a prioritized approval process by which a final decision for a qualifying Town of Norwood affordable housing development is reached not more than 90 calendar days after submission of a complete application, subject to the following:
 - a. Review procedures shall adhere to the requirements set forth in Chapter 6 of this Code.
 - b. The review period may be extended for an additional 90 days at the request of the applicant, for the purposes of compliance with state law or court order, or for a review period required by another agency for any component of the application requiring the other agency's approval;
 - c. The review period may include extensions to allow for the submission of additional information or revisions to an application in response to requests from the Town. However, no extension under



this subsection shall extend more than thirty (30) calendar days after submittal of receipt of the response to the Town's request.

d. Definition of a 90 Day Timeline.

- (i) **Start Date.** Upon submission of a complete application, as determined by the Town Planner or Town Administrator. Any deficiencies or missing items shall not constitute a complete application.
- (ii) **End Date.** Final decision by the appropriate decision-making body pursuant to Table 6.02-1.
- (iii) **Continuous Timeline.** Runs uninterrupted from complete application to final decision. Only pauses for properly exercised extensions outlined in Subsections 6.05(a)(3)(b) and (c).

(4) Prioritization. Applications within the Affordable Housing Expedited Review are given priority in the Town's development review process with regard to placement on the agendas of the Planning and Zoning Commission, Board of Trustees, and Board of Adjustment, as applicable. A special meeting may be called by the Planning Commission, Board of Trustees or Board of Adjustment, pursuant to applicable noticing requirements in Sec. 6.03(e).

(5) Participation. Participation in the Affordable Housing Expedited Review is optional. Any developer may opt out of expedited review in writing and an applicant may withdraw in writing from the program at any time.

(6) Concurrent Review. Any application for which the expedited review is applicable is subject to concurrent review. Any of the applications may be submitted concurrently with another application for an expedited review. Concurrent review will take place if practicable, as determined by staff.

(b) Site Plan

(1) Applicability. Site plan review is required for all development and changes of use subject to this Code, and must occur before issuance of a building permit, site grading, or construction of site improvements, unless exempted by this subsection.

a. Exemptions. The following uses and activities are exempt from site plan approval but remain subject to all other applicable requirements of this Code. Such exemption does not waive any other required permit or approval, including, but not limited to, a Zoning Development Permit, Temporary Use Permit, or Sign Permit.

- (i) A residential structure with one or two dwellings and associated accessory structures;
- (ii) Nonresidential, interior remodeling which will cost 25% or less of the fair market value of the existing structure;
- (iii) An approved home occupation;
- (iv) An approved temporary use;
- (v) An approved fence or wall;
- (vi) An approved sign;
- (vii) Parking lot resurfacing, provided that the number of stalls is not reduced beyond the minimum required or, if legally nonconforming, in compliance with Sec. 1.07;
- (viii) Enclosing outdoor courtyards within existing building envelopes;



- (ix) Co-location of telecommunication tower;
 - (x) Electric vehicle charging stations;
 - (xi) Public utility structures;
 - (xii) Unenclosed structures constructed over already impervious areas that do not require water/sewer; and
 - (xiii) Similar development that the Town Planner or Town Administrator determines does not require a Minor Site Plan review when the development will not adversely affect the neighborhood and meets the purpose and intent of this Code.
- (2) **Specific Procedures.** All provisions of Sec. 6.03 applicable to staff review and a decision by the Town Planner shall apply, except as modified by Sec. 6.05(a)(3).
- (3) **Criteria for Approval.** The Town Planner shall approve the site plan, or approve it with conditions, if the application complies with the following criteria:
- a. The site plan complies with all applicable standards in this Code.
 - b. The site plan complies with all previous approvals and agreements related to the property, subject to the provisions of Sec. 6.03(g)(2).
- (4) **Post-Decision Actions.**
- a. **Zoning Development Permit and Building Permit.** Site Plan review shall be completed prior to issuance of a Zoning Development Permit and a Building Permit.
 - b. **Construction Plans.**
 - (i) **Purpose and Applicability.**
 - 1. The purpose of Construction Plans is to confirm the location, design, and composition of all improvements identified in an approved development application.
 - 2. Construction Plans are required for any Major Site Plan approval that necessitates the construction, reconstruction, or modification of new or existing improvements.
 - (ii) **Specific Procedures.**
 - 1. When required, a completed Improvements Agreement for any required public improvements, together with an acceptable performance guarantee, must be submitted with the construction drawings pursuant to Sec. 6.03(g)(3)-(4).
 - 2. Construction Plans shall be prepared in conformance with the approved Final Plat and the City's adopted standards for public improvements including those contained in this Code.
 - 3. As-built plans must be submitted to the Director prior to acceptance of public improvements for City maintenance.
- (c) **Subdivision Amendment.** This section applies to all divisions of land that are exempt from the requirement to obtain approval of a major or minor subdivision, as listed in Sec. 6.05(c)(1) below, but that are nevertheless required to file an accurate subdivision exemption map reflecting the division of land with the San Miguel County Clerk and Recorder.



(1) Exemptions. All divisions of a parcel or lot into two or more lots or parcels shall require approval through the Subdivision Amendment, Minor Subdivision, or Major Subdivision process, except as provided for in this section. These provisions shall also apply to any Planned Unit Development unless the approved Planned Unit Development documents provide an alternative standard.

a. Review and approval of a subdivision plat or subdivision exemption map shall not be required for any of the following:

- (i) A division of land that occurred prior to 1972;
- (ii) A transfer of land required by law;
- (iii) A division of land for sale as part of an approved cemetery;
- (iv) A dedication, acquisition, or condemnation of land for right-of-way or other public use, or conveyances relating to the vacation of land designated for public rights-of-way or public use;
- (v) A bona fide division or portion of agricultural land for agricultural use or related purposes;
- (vi) A division of land created by lien, mortgage, deed of trust, or any other security interest;
- (vii) A division of land that is created by a security or unit of interest in any investment trust regulated under state law or any other interest in an investment entity;
- (viii) A division of land that creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;
- (ix) A division of land ordered by a court if the Board of Trustees has been given the notice and opportunity to join as a party of interest in the proceeding for the purpose of raising the issue of an intent to evade the statutory requirements for subdivision of land;
- (x) A division of land that is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common. Any such interest shall be deemed as only one interest for purposes of this section; and
- (xi) A division of land created as part of a condominium provided that the applicant has complied with all of the provisions of the Colorado Common Interest Ownership Act, C.R.S. Title 38, Article 33.3; and
- (xii) A lease of property.

(2) Applicability. This section applies to the following types of land divisions.

- a. Statutory Exemptions.** Divisions of interests in land to which the term subdivision and subdivided land does not apply pursuant to C.R.S. 30-28-101(10)(b) c) and (d). Easements and rights-of-way shall not be considered interests for the purposes of this section.
- b. Correction Plats.** Corrections of technical errors in approved and recorded final plats that do not increase the number of subdivided lots or parcels previously approved or recorded. Technical errors include errors to legal descriptions, acknowledgments, dedication language, plat notes and other items that do not constitute substantial modification of the approved plat.
- c. Boundary or Lot Line Revision or Correction.** Revisions to boundary lines or lot lines for the purpose of correcting an engineering or survey error in a recorded plat or reflect an agreement



between property owners to adjust the boundary between properties, and that do not increase the number of subdivided lots or parcels previously approved or recorded.

- d. **Lot Combination.** Any consolidation of contiguous parcels or lot merger.
- e. **Lot Split.** Division of land to create up to one additional lot.
- f. **Townhouse Lots.** Divisions of land to create individual townhouse lots, each to accommodate an existing single-household attached dwelling, from a lot or parcel currently platted as a single lot parcel and currently containing a single structure that includes more than one attached single-household attached dwelling unit.

(3) Specific Procedure

- a. All applicable provisions of Sec. 6.03 for a decision by the Town Planner shall apply, except as modified by this Sec. 6-6.05(c).
- b. Review, decision-making, and appeal responsibilities shall be as shown in Table 6.02-1.
- c. If a proposed subdivision amendment would result in one or more lot or parcel boundary lines that previously aligned with a Town boundary no longer aligning with that boundary; or would result in one or more lot or parcel boundary lines that currently do not align with a Town boundary becoming aligned with that boundary, the application shall be referred to the county or municipality sharing that boundary for comment pursuant to Sec. 6.03(d)(1).
- d. **Plat Notes.** Approved Lot Splits shall include the following plat note, as applicable: "Any additional lot splits are required to be processed through applicable City subdivision processes. The property shown hereon may not be further subdivided without approval of the City in accordance with then applicable law."

(4) Criteria for Approval. An application for a subdivision amendment shall be reviewed in light of the following criteria:

- a. **Correction Plat.** If the application is for a correction plat:
 - (i) The correction plat is consistent with any preliminary plan approved for the subdivision in which the property is located; and
 - (ii) A surveyor's certificate is included to confirm the accuracy of any of the following, as applicable to the correction:
 - 1. Any distance or elevation that has been omitted;
 - 2. Any text that has been misspelled;
 - 3. Any error or omission; or
 - 4. Any error within a parcel description shown on a recorded plat.
- b. **Boundary or Lot Line Revision or Correction; Lot Combination; Lot Split.**
 - (i) Any changes to existing easements or right-of-way have been completed in accordance with this Code or otherwise allowed by law (additional easements or right-of-way may be dedicated);
 - (ii) The right-of-way shown and described in the Norwood Major Streets and Future Land Use Plan is not changed; and



- (iii) If a new lot(s) is being created, the subject property must not have been included in a Subdivision Amendment resulting in more than two lots in total over the preceding 10 years.

c. Townhouse Lots.

- (i) Each lot created for a townhouse meets the requirements of the appropriate zoning district in Chapter 3; and
- (ii) No change to lots or right-of-way other than the creation of lots for individual townhouse units is made.

d. Adequate Provision of Public Services. The application complies with Sec. 1.06. Any required utility capacity verification, infrastructure analyses, public improvements, improvement agreements, or development phasing requirements have been satisfied or appropriately conditioned as part of the application.

e. Taxes. All taxes applicable to the land have been paid.

- (5) Post-Decision Actions.** The Subdivision Amendment plat shall be recorded pursuant to Sec. 6.13(e)(1).

Division 3. Applications Requiring a Public Hearing

Section 6.06 Annexation

- (a) Authority.** The provisions of the Colorado Municipal Annexation Act of 1965 (“Act”), as the same may from time to time be amended, shall govern the filing and processing of all petitions for annexation of land to the Town of Norwood. The provisions herein contained are intended to be complementary and in addition to the Act and not to be construed as altering, modifying, eliminating or replacing any requirements set forth in that Act, or any requirements set forth in other sections of this Land Use Code.
- (b) Purpose.** In accordance with state law, land may be annexed to, or de-annexed from, the Town as determined by the Board of Trustees.
- (c) Reimbursement of Costs.** The petitioner shall reimburse all of the Town’s actual costs of reviewing and processing any annexation request. At any time during the review process, the Town may employ professional consultants to assist the Planning Commission and Board of Trustees in their review of the annexation request. As used in this section, “actual costs” shall include all direct and indirect costs incurred by the Town to review and process an annexation submission, the costs of consultants, publication, mailing, recording, engineering, legal, town personnel expenses, supplied, material and equipment. In addition, the petitioner shall assume the cost of updating the Town boundary map upon the successful completion of an annexation proceeding.
- (d) Applicability.** Any lands to be added to or deleted from the corporate limits of the City shall comply with this section.
- (1) Waiver of Vested Rights.** Any landowner requesting annexation shall waive in writing any preexisting vested property rights from other jurisdictions in the petition for annexation. An owner's written consent is considered sufficient to waive any prior vested property rights. Specific Procedure.
 - (2) Town-Initiated Annexations.** Annexations of enclaves, property owned by the Town or under lease to the Town with an option to purchase, and property predominately containing a Town-managed or - operated facility are exempt from Sec. 6.03(a-c).



- (e) **Specific Procedure.** Application requirements and processing procedures shall comply with those described in state law.
- (1) The Planning and Zoning Commission shall hold a public hearing to consider the zoning request pursuant to Sec. 6.03(e)(3) with notice pursuant to Sec. 6.03(e)(2) prior to making a recommendation of approval, approval with conditions, or denial to the Board of Trustees based on the criteria for approval in Sec. 6.06(f) below.
 - (2) The Board of Trustees shall hold a public hearing to consider the annexation and zoning, if applicable, pursuant to Sec. 6.03(e)(3) with notice pursuant to Sec. 6.03(e)(2). When satisfied with the proposals, the Board of Trustees shall approve, approve with conditions, or deny the application based on the criteria for approval in Sec. 6.06(f) below.
- (f) **Criteria for Approval.** The application shall meet all applicable statutory and City administrative requirements. The City Council shall use the following criteria when evaluating a request for annexation. Annexation is, however, a discretionary, legislative act. The City shall never be compelled to annex, unless otherwise required by state law, even if all these review criteria have been satisfied.
- (1) The annexation complies with the Municipal Annexation Act of 1965, as amended (C.R.S. 31-12-101, et seq.). Contiguity is presumed to satisfy the eligibility requirement of C.R.S. 31-12-104.
 - (2) The proposed zoning is appropriate, based upon consideration of the following factors:
 - a. The proposed zoning is consistent with the Comprehensive Plan designation of the property; and
 - b. The proposed land uses, if known, are consistent with the purpose and intent of the proposed zone district.
 - (3) The annexation will not limit the ability to integrate surrounding land into the City or cause variances or exceptions to be granted if the adjacent land is annexed or developed.
 - (4) The landowner has waived in writing any preexisting vested property rights as a condition of such annexation.
 - (5) **Use.** That the master plan for the area to be annexed is consistent with the Norwood Comprehensive Plan and the Norwood Major Streets and Future Land Use Plan, is in harmony with the intent of Town zoning and policies of the Town, and compatible with adjacent neighborhoods. The annexation of lots that have less than the minimum area required by the respective zone district that implement the Comprehensive Plan will be nonconforming and shall be subject to the provisions of subsection 1.06 (b).
 - (6) **Open Space.** That the open spaces have a workable program established for maintenance and up-keep.
 - (7) **Necessity.** That the proposed annexation is necessary or desirable and will contribute to the general well being of the community.
 - (8) **Health, safety and general welfare.** That the proposed annexation will in no way be detrimental to the health, safety, or general welfare of person residing within the corporate boundaries or injurious to property or improvements in the vicinity of the annexed area.
 - (9) **Logical Road System.** That the area has incorporated in its design, if a design has been developed, a logical extension of roads.



- (10) **Utilities and Roads.** That the extension of services is feasible and will be financed totally by the petitioner; and that the petitioners will post performance guarantees to assure the completion of public improvements.
- (11) **Water Rights.** That the petitioner has or will convey all right, title and interest in any water rights associated with the property or in any and all water located beneath the property to be annexed if the annexed area is to be served by the municipal water system or water is needed for the maintenance of open space or parks.
- (12) **Revenues.** That the revenues and/or public benefit to be gained from the Town's portion of the increased tax base are equal to or greater than the cost of services to be provided.
- (13) **Public Lands and Trails.** That a minimum of eight percent of the gross land area approved for annexation is dedicated to the Town in fee simple, or equivalent cash or consideration given; and that trails shall be dedicated and constructed consistent with an adopted trails plan. Land area dedicated for trails may be credited toward the land dedication required herein.
- (g) **Conditions on Annexation; Policies.** The Town will impose terms and conditions on annexation to protect the public interest and to that end shall ensure that the following policies are met:
 - (1) All annexations shall be consistent with the Norwood Comprehensive Plan and the Norwood Major Streets and Future Land Use Plan.
 - (2) The Norwood Major Streets and Future Land Use plan identifies a Master Plan Boundary area surrounding the Town as an area appropriate for the future residential, commercial and industrial growth of the Town. Consent to annexation by petitioning landowners within the Master Plan Boundary and conformance with the Comprehensive Plan as amended by the Norwood Major Streets and Future Land Use Plan and the implementation zoning shall be a condition of extension of municipal utility service.
 - (3) There will be no annexations of areas outside the boundaries of the Master Plan Boundary identified by the Norwood Major Streets and Future Land Use Plan, with the possible exception of annexation of any acquired open space.
 - (4) The Town is very concerned about long-term maintenance costs of annexed land. Petitioners and developers shall identify revenues adequate to pay the long-term costs of maintenance of their development, and the Town shall ensure that revenues will be adequate prior to approval of a petition for annexation.
- (h) **Zoning of Annexed Areas.** Land annexed to the City shall be zoned in accordance with Sec. 6.12 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.
- (i) **Concurrent Applications.** Simultaneously with the filing of the annexation submission, the petitioner may file additional development applications for the property proposed for annexation. Any development applications and all proceedings taken thereon shall conform to the requirements of this Land Use Code and shall be in addition to the requirements of this Sec. 6.12. The processing of the annexation submission, rezoning and other development applications may proceed concurrently, but applications and approvals must be sequenced and processed according to the requirements of the Norwood Land Use Code and the Act. See also Sec. 4.01(c)(3).

Section 6.07 Appeal



- (a) **Applicability.** This section applies to appeals of a final decision under this Code or an interpretation of this Code made by the Town Planner or another Town of Norwood administrative official.
- (b) **Specific Procedure.** All applicable provisions of Sec. 6.03 for a decision by the Board of Adjustment shall apply unless specifically modified by the provisions below:
- (1) An appeal may be submitted by a person aggrieved by the decision being appealed:
 - a. A person aggrieved shall include but is not limited to the applicant, by the owner of a property that is adjacent to or partially or completely located within 300 feet of the property that was the subject of the application, or by the provider of a utility or public service that is affected by the decision.
 - b. A person aggrieved does include any person that does not own, occupy, or use for business purpose any property within a reasonable distance of the property that was the subject of the decision or whose personal or business activities are not affected by the decision in any way not shared by the general public.
 - (2) The appeal shall be filed with the Town Planner within 30 days of the date of the written interpretation or notice of decision.
 - (3) The application for appeal must specifically identify what section or subsection of this Code was interpreted or applied incorrectly.
 - (4) The Town Planner or administrative official whose decision is being appealed shall at once transmit to the Board of Adjustment all the papers constituting the record upon which the decision being appealed was made.
 - (5) The filing of a complete request for appeal stays all proceedings in furtherance of the decision being appealed unless the Town Planner or administrative official who made the decision certifies to the Board of Adjustment that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board of Adjustment or by the district court based on due cause shown.
 - (6) In order for the Board of Adjustment to grant an appeal that reverses or modifies an administrative interpretation or decision, at least three members of the Board of Adjustment must vote in favor of the appellant.
 - (7) Public hearing by the Board of Adjustment shall be held within 45 days of the date of determination of completeness unless the party appealing the decision agrees in writing to an extension of time beyond that date.
 - (8) Following the public hearing, the Board of Adjustment shall uphold, modify, or reverse the decision under this Code or the interpretation of this Code, based upon the criteria set forth in subsection c below.
 - (9) The Town Planner shall provide the applicant with written notice of decision by the Board of Adjustment within five days of the date of the decision by the Board of Adjustment.
 - (10) Where the appeal concerns a land use or facility for which regulations of the state or federal government or decisions of state or federal courts require a prompt decision or a decision within a stated time period, the appeal shall be reviewed and a decision made within 60 days of the date the complete appeal was filed, or within the date required by law if that is shorter than 60 days, unless the owner of the property affected by the decision agrees to an extension of time beyond that date.
- (c) **Criteria for Approval**



- a. The Board of Adjustment may reverse the decision being appealed only if the Board of Adjustment determines that the decision or interpretation being appealed was incorrect based on the standards and criteria in this Code.
- b. As an alternative to reversal of the decision, the Board of Adjustment may modify the decision or interpretation, or may modify conditions attached to an approval being appealed, to bring it into conformance with the standards and criteria of this Code, provided that such action does not have the effect of approving a variance that would not be permitted under Sec. 6.15.

Section 6.08 Conditional Use Review

- (a) **Applicability.** This section applies to each application to approve a land use indicated as a conditional use in the zoning district where the property is located in Sec. 3.05(c).
- (b) **Specific Procedure.** All applicable provisions of Sec. 6.03 for a decision by the Board of Trustees shall apply unless specifically modified by the provisions below:
- (1) Conditional use review applications may be reviewed in combination with a site plan application. However, each application shall be decided separately based upon the applicable criteria of this Code, and the site plan decision shall be deemed approved only following approval or approval with conditions of the conditional use review application.
 - (2) Where the application concerns a land use or facility for which regulations of the state or federal government or decisions of state or federal courts require a prompt decision or a decision within a stated time period, the application shall be reviewed and decided upon within 60 days of the date the completed application was filed, or within the date required by law, whichever is shorter.
- (c) **Criteria for Approval.** In making its recommendation or decision, the Planning and Zoning Commission and the Board of Trustees, respectively, shall approve the application or approve it with conditions if the application complies with the following criteria:
- (1) The proposed use is consistent with the comprehensive plan;
 - (2) The proposed use complies with all applicable requirements of this Code, including without limitation any applicable standards in Sec. 3.05;
 - (3) Sufficiency of water pressure and supply, availability of sewer service and other utilities as determined by the utility provider;
 - (4) Adequacy of roads to accommodate proposed use and ability to ensure fire protection, snow removal and road maintenance;
 - (5) Suitability of soils and subsurface geologic conditions to support proposed use;
 - (6) The proposed use will not have a deleterious effect on air quality in the surrounding area and the town;
 - (7) The design and location of any proposed structure, access or other characteristics of the use will not adversely affect surrounding land uses or the character of the town, nor cause harmful disturbance to critical natural features of the site or surrounding area; and
 - (8) Compatibility with surrounding area.

Section 6.09 Land Use Code Text Amendment



- (a) **Applicability.** This section shall apply to all applications to revise the text of this Land Development Code, except for an application to create, modify, or repeal an overlay zoning district, that shall be processed pursuant to Sec. 6.12.
- (b) **Specific Procedure.** All applicable provisions of Sec. 6.03 for a decision by the Board of Trustees shall apply unless specifically modified by the provisions below:
- (1) Applications to amend the text of this Code may be initiated only by the Town Planner, the Planning and Zoning Commission, or the Board of Trustees.
 - (2) Public hearing by the Board of Trustees shall be held within 45 calendar days of the date of the Planning and Zoning Commission's recommendation.
 - (3) Unless otherwise specified by the Board of Trustees, an approved amendment to the text of this Land Development Code shall become effective 30 days after the Board of Trustees decision.
- (c) **Criteria for Approval.** In making its recommendation or decision, the Planning and Zoning Commission and Board of Trustees, respectively, shall approve the application or approve it with conditions if the proposed amendment complies with the following criteria:
- (1) The proposed Code amendment is consistent with the comprehensive plan, or is needed to implement the comprehensive plan, and is consistent with other policies and plans adopted by the Town of Norwood; and at least one of the following criteria is met:
 - a. The amendment is required because of changed conditions or circumstances in the area of the Town surrounding the property; or
 - b. The amendment is required to address a new or previously unforeseen threat to public health, safety, and welfare; or
 - c. The amendment is required to promote economic growth and investment that will not create material risks to public health, safety, and welfare; and
 - (2) The proposed Code amendment provides for equitable treatment of and opportunities for all portions of the Town of Norwood population.

Section 6.10 Major Electric or Natural Gas Facility Statutory Requirements

(a) **Applicability.**

- (1) This section applies to any application by an application of a public utility or a power authority providing electric or natural gas service that relates to the location, construction, or improvement of major electrical or natural gas facilities.
- (2) This section implements the requirements of C.R.S. 29-20-108. In the event of a conflict between the provisions of this section and those of C.R.S. 29-20-108, the provisions of state law shall apply, and the requirements of this section shall be modified to the least extent necessary to comply with C.R.S. 29-20-108.

(b) **Specific Procedure.**

- (1) Unless the Town of Norwood has an agreement with the applicant providing for a different timeframe for requests for additional information or for decision by the Board of Trustees, the following shall apply:
 - a. Within 28 days of the submission of an application the Town Planner shall notify the applicant of any additional information that must be supplied by the utility or authority to complete the



- application. The notice must specify the particular provisions of this Code or other Town land use regulations that require the submission of the additional information.
- b. A decision on the application by the Board of Trustees shall be made within 90 days after the Town receipt of a complete application, or the date on which the applicant supplies to the Town of Norwood the additional information requested pursuant to subsection (a) above, whichever occurs first.
 - c. If the Town requests additional information after the 28-day period listed in subsection (a), the 90-day decision requirement shall not be extended pending receipt of any of the requested information.
 - d. The Town of Norwood may request information related to the application from a state agency, but any delay or failure of the state agency to provide such information shall not extend the 90-day decision requirement.
- (2) If the Town of Norwood denies the application or approves it with conditions that the applicant determines will impair its ability to provide safe, reliable, and economical service to the public, the public utility or power authority may appeal the local government action to the public utilities commission for a determination under C.R.S. 29-20-108(5), C.R.S. 40-4-102, and other applicable provisions of state law. Any appeal of the decisions shall be conducted pursuant to Sec. 6-302.A.
- (c) **Criteria for Approval.** The planning board may recommend approval or approval with conditions, and the Board of Trustees may approve the application or approved it with conditions if the Board of Trustees determines that:
- (1) The applicant has timely performed all of its duties to the Town under C.R.S. 29-20-108, including without limitation:
 - a. Its duty to notify the Town of its plans to site a major electrical or natural gas facility at those times required by C.R.S. 30-20-108(4)(a);
 - b. Its duty to consult with the Town regarding the proposed route of the major electrical or natural gas facility, and to attempt to resolve any land use issues, pursuant to C.R.S. 30-28-108(4)(a);
 - c. Its duty to present to the Town reasonable siting and design alternatives to its preferred location, or to explain why no reasonable alternatives are available, pursuant to C.R.S. 30-28-108(4)(b); and
 - d. Its duty to timely notify the Town of the potential to locate a powerline trail in connection with the proposed facility, pursuant to C.R.S. 30-28-108(6); and
 - (2) Any material negative impacts of the proposed major electrical or natural gas facility have been mitigated to the maximum extent practicable.

Section 6.11 Master Plan Adoption or Amendment

- (a) **Applicability.** This section applies to all applications to adopt or amend a comprehensive plan for the orderly development and redevelopment of the Town of Norwood.
- (b) **Specific Procedure.** All applicable provisions of Sec. 6.03 for a decision by the Board of Trustees shall apply unless modified by this subsection.



- (1) **Positive Commission recommendation.** If the Commission has recommended approval, such plan or amendment shall not become effective except by the favorable vote of a majority of the quorum of the Board of Trustees present and voting.
- (2) **Negative Commission recommendation.** If the Commission has recommended denial, such plan or amendment shall not become effective unless the Board of Trustees overrules such disapproval by a recorded vote of not less than two-thirds of its entire membership
- (c) **Criteria for Approval.** In making their recommendation or decision, the Planning and Zoning Commission and Board of Trustees, respectively, shall approve the adoption of a comprehensive plan, or an amendment to the comprehensive plan, only if it:
 - (1) Promotes the long term economic, social, and environmental health of the Town of Norwood;
 - (2) Provides for equitable treatment of and opportunities for all portions of the Town of Norwood population;
 - (3) Is consistent with or incorporates any master plan for the extraction of commercial mineral deposits adopted by the Town of Norwood pursuant to C.R.S. 34-1-304.
 - (4) Complies with all requirements of Colorado law regarding the Town of Norwood comprehensive plan including but not limited to C.R.S. 31-23-200 et seq; and
 - (5) Protects the public health, safety, and welfare of the Town of Norwood residents.

Section 6.12 Rezoning (Amendment to Official Zoning Map)

- (a) **Applicability.** This section applies to all applications to change the zoning district classification of a lot or parcel to a different zoning district classification, including applications to create or repeal a Planned Unit Development zoning district, or to create, modify, or repeal an overlay zoning district.
- (b) **Specific Procedure.**
 - (1) All applicable provisions of Sec. 6.03 for a decision by the Board of Trustees shall apply unless specifically modified by the provisions below:
 - (2) If the application is to create or modify a Planned Unit Development zoning district, the application shall comply with all requirements of Sec. 3.13. In the event of a conflict between the requirements of Sec. 3.13 and this Sec. 6.12, the provisions of Sec. 3.13 shall apply.
 - (3) Except as stated in subsection b, an application for rezoning may be initiated by the owner of the property that is the subject of the application, the Town Planner, the Planning and Zoning Commission, or the Board of Trustees.
- (c) **Criteria for Approval.** In making their recommendation or decision, the Planning and Zoning Commission and the Board of Trustees, respectively, shall approve the application, or approve it with conditions, if it complies with the criteria in Sec. 6.03(F)(2)(b) and the following criteria:
 - (1) The proposed rezoning addresses technical errors in the current zoning district map; or
 - (2) The rezoning is required because of changed conditions or circumstances in the area of the Town of Norwood surrounding the property, or is needed to implement the comprehensive plan; and
 - a. The proposed rezoning is consistent with the comprehensive plan and with other policies and plans adopted by the Town of Norwood;



- b. Any impacts on the surrounding area associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other material adverse impacts have been or will be addressed or mitigated to the maximum extent practicable through compliance of future development with the provisions of this Code or through a development agreement with the applicant;
 - c. The proposed rezoning provides for equitable treatment of and opportunities for all portions of the Town of Norwood population;
 - d. The Town of Norwood or other service providers have the capacity to serve the development enabled by the rezoning with adequate roads, water, sewer, and other public services and facilities; and
 - e. If the application is to create or modify an overlay zoning district, the application will effectively and efficiently promote the purpose of the overlay zoning district.
- (3) If the rezoning is to create or modify a PUD zoning district:
- a. A general development plan has been submitted with the application, and the general development plan complies with all applicable standards and requirements of Sec. 6.12; and
 - b. The application complies with the criteria for approval in Sec. 3.13. In the event of a conflict between the criteria for approval in Sec. 3.13 and those in this Sec. 6.12, the criteria for approval in Sec. 3.13 shall apply.

Section 6.13 Subdivision, Major

(a) Applicability

- (1) This section applies to all divisions of land except the following:
- a. Divisions that are exempt from the requirements of this Article 6 pursuant to Sec. 6.05(c);
 - b. Divisions that are eligible for processing of a subdivision amendment pursuant to Sec. 6.05(c); and
 - c. Divisions that are eligible for processing as a minor subdivision pursuant to Sec. 6.14.
- (2) Resubdivisions of existing platted lands are not plat vacations and are subject to approval pursuant to the appropriate subdivision review process in Chapter 6 based on the scale of requested revisions.

(b) Common Procedures

- (1) All applicable provisions of Sec. 6.03 for a decision by the Town Planner apply to the final plat, except as modified by this Sec. 6.13(b).
- (2) Review, decision-making, and appeal responsibilities for the preliminary plan shall be as shown in Table 6.02-1.
- (3) A neighborhood meeting pursuant to Sec. 6.03(b) is required for the preliminary plan and does not need to be repeated prior to submitting a final plat.
- (4) Public hearings before the Planning and Zoning Commission and before the Town Board of Trustees, pursuant to Sec. 6.03(e)(3) with notice pursuant to Sec. 6.03(e)(2) are required.

(c) Specific Procedures

(1) Preliminary Plan



- a. The applicant shall submit an application requesting preliminary plan approval, a title certificate from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgements of record affecting the subject property, and of the preliminary plat. The application shall include signature of property owner. If the applicant is not the owner of the property, s/he shall also submit a letter from the property owner designating the applicant as his/her agent with the authority to represent the application. Such plat shall be accompanied by or show the following information:
- b. Prior to the public hearing, the Town Planner shall attempt to resolve any plat deficiency or non conformance with the requirements of this Code or state law with the applicant. The Town Planner shall forward a recommendation of approval, approval with conditions, or denial to the Planning and Zoning Commission based on the criteria for approval in Sec. 6.13(d) below.
 - (i) If the Town Planner determines that the application will require the applicant to construct public improvements in order to comply with applicable requirements of this Code, the Town Planner may require that the applicant sign a development agreement pursuant to Sec. 6.03(g)(1) and/or provide financial guarantees pursuant to Sec. 6.03(g)(4) in order to ensure the completion of those improvements.
- c. The Planning and Zoning Commission shall hold a public hearing to consider the preliminary plan pursuant to Sec. 6.03(e)(3) with notice pursuant to Sec. 6.03(e)(2) prior to making a recommendation of approval, approval with conditions, or denial to the Board of Trustees based on the criteria for approval in Sec. 6.13(d) below.
- d. The Board of Trustees shall hold a public hearing to consider the preliminary plan pursuant to Sec. 6.03(e)(3) with notice pursuant to Sec. 6.03(e)(2). When satisfied with the proposals, the Board of Trustees shall approve, approve with conditions, or deny the application based on the criteria for approval in Sec. 6.13(d) below.

(2) Final Plat

- a. If the Board of Trustees approves or approves with conditions the preliminary plan, the applicant shall submit a final plat for the property for review by the Town Planner within 12 months after preliminary plan approval. If the final plat is not submitted within that time, the preliminary plat approval shall lapse and a new application for a preliminary plat shall be required, unless the Town approves an extension of the 12-month period pursuant to Sec. 6.03(h)(2).
 - (i) The land area encompassed by an approved Preliminary Plan may be platted in phases; however, to maintain the validity of the Preliminary Plan, a final plat for the subsequent phase shall be submitted within 12 months following approval of the preceding phase by the Board of Trustees.
- b. The applicant shall be required to execute a development agreement pursuant to Sec. 6.03(g)(1) and may also be required to provide financial guarantees pursuant to Sec. 6.03(g)(4) in order to ensure the completion of all required improvements related to the subdivision, with the exception of those improvements, if any, that the Town or another governmental or quasi-governmental entity has agreed in writing to complete.



- c. Prior to the public hearing, the Town Planner shall attempt to resolve any plat deficiency or non conformance with the requirements of this Code or state law with the applicant. The Town Planner shall forward a recommendation of approval, approval with conditions, or denial to the Planning and Zoning Commission based on the criteria for approval in Sec. 6.13(d) below.
- d. The Planning and Zoning Commission shall hold a public hearing to consider the final plat pursuant to Sec. 6.03(e)(3) with notice pursuant to Sec. 6.03(e)(2) prior to making a recommendation of approval, approval with conditions, or denial to the Board of Trustees based on the criteria for approval in Sec. 6.13(d)(2) below.
- e. The Board of Trustees shall hold a public hearing to consider the final plat pursuant to Sec. 6.03(e)(3) with notice pursuant to Sec. 6.03(e)(2). When satisfied with the proposals, the Board of Trustees shall approve, approve with conditions, or deny the application based on the criteria for approval in Sec. 6.13(d)(2) below.

(d) Criteria for Approval

(1) Preliminary Plan. The application for a Preliminary Plan shall be reviewed in light of the following additional criteria:

- a. Conformance with the Norwood Major Streets and Future Land Use Plan and other adopted plans;
- b. Conformance with the standards and requirements of this Code and other Town policies and regulations;
- c. The project will have little or no adverse or negative impact(s) upon the natural or social environment;
- d. Adequate public facilities and services will be available concurrent with the subdivision, consistent with Sec. 1.06;
- e. Compatibility with existing and proposed development on adjacent properties;
- f. Adjacent agricultural property and land uses will not be harmed;
- g. Is neither piecemeal development nor premature development of agricultural land or other unique areas;
- h. There is adequate land to dedicate for provision of public services; and
- i. This project will not cause an undue burden on the Town for maintenance or improvement of land and/or facilities.

(2) Final Plat. The application for a Final Plat shall be reviewed in light of the following additional criteria:

- a. The decision criteria for a Preliminary Subdivision Plan set forth in Sec. 6.13(d)(1);
- b. The terms of the Preliminary Subdivision Plan approval and any conditions attached to the approval;
- c. Any actions required to remedy existing or potential boundary line encroachments, including the relocation of fences or structures, prior to recording the Final Plat;
- d. **Development Agreement and Financial Guarantees.** A development agreement and any financial guarantees required by the Town of Norwood have been prepared in form and substance acceptable to the Town Attorney and have been signed by the applicant and delivered to the Town for recording along with the final plat; and



- e. **Taxes.** All taxes applicable to the land have been paid, as certified by the Town treasurer's office.

(3) Homeowner's Association

- a. **Applicability.** When a residential subdivision contains any physical facilities, structures, improvements, systems, areas or grounds held in common and necessary or desirable for the welfare of the area or subdivision, or that are of common use or benefit and that are not or cannot be satisfactorily maintained by the Town or another public agency, the Town may require the establishment and creation of a mandatory homeowners' association to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities, structures, improvements, systems, areas or grounds.
- b. **Approval.** If the establishment and creation of a mandatory homeowners' association is required by the Town, a copy of the agreements, covenants and restrictions establishing and creating the association must be approved by the Town Attorney and Board of Trustees prior to the approval of the final plat of the subdivision and must be filed of record with said final plat in the Map and Plat Records of San Miguel County, Colorado. Said final plat shall clearly identify all facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by said association.
- c. **Responsibilities.** Such mandatory homeowners' associations shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of landscape systems, features or elements located in parkways, common areas, between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainage ways or drainage structures, or at subdivision entryways. Subdivision entryway treatments or features shall not be allowed unless a mandatory homeowners' association as required herein is established and created.

(e) Post-Decision Actions

- (1) **Recordation.** The Applicant shall record all Final Plats and related documents within 30 days after the date of signature by the Board of Trustees and is responsible for all fees associated with recording. Following the remediation of all boundary line encroachments, the Applicant shall proceed with recording as follows:
 - a. The original plat, together with any other required documentation such as, but not limited to, the following, shall be submitted for recording along with all necessary recording fees: a Mylar copy; improvements agreements; powers of attorney; easement or right-of-way dedications not shown on the plat; covenants; deeds conveying property to the homeowners' association; etc. The plat shall contain notarized signatures of each owner of the property, necessary engineer's and surveyor's signatures, and corporate seal, if required. All signatures and seals on the plat shall be in permanent black ink.
 - b. Following the public hearing, the Town Administrator shall obtain the applicable signatures of public officials required on the plat.
 - c. Upon recording the plat, applications for Zoning Development and Building Permits may be submitted in accordance with the provisions of this Code.
- (2) **Development Agreement and Financial Guarantees.** If the Town Planner has required execution of a development agreement and/or the provision of financial guarantees pursuant to Sec. 6.03(g) above, those



documents have been prepared in form and substance acceptable to the Town Attorney and have been signed by the applicant for recording along with the final plat.

- (3) **Construction Plans.** Construction Plans shall be submitted and reviewed pursuant to Sec. 6.05(b)(4)b.
- (4) **Effect.** Approval and/or recording of a final plat does not transfer property between affected property owners. The real estate transfer must be achieved through separate action by all property owners involved.
- (5) **Sales Prohibited Prior to Plat Approval.** No person with any interest in land located within a subdivision or a proposed subdivision shall transfer or agree to sell or offer to sell any portion of that land before the plat for the subdivision has been approved by the Board of Trustees and recorded with the San Miguel County Clerk and Recorder. However, title to the entirety of an existing legally created and undivided parcel of land may be transferred to a buyer during the subdivision process, and the buyer may complete the subdivision from the point in the subdivision approval process achieved at the time of transfer on behalf of the original applicant.

Section 6.14 Subdivision, Minor

(a) **Applicability.** This section applies to the following types of divisions of land:

- (1) **Creation of Two to Four New Lots.** The division of a single lot or parcel of land, or more than one contiguous lots or parcels of land into no more than four residential lots, and such division does not include the dedication or vacation of any public or private street or right-of-way.
- (2) **Vacation of Plat.** Vacation of all or a portion of a previously recorded subdivision plat.
- (3) **Condominium Subdivision and Conversion.** common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by owners of the separate ownership portions.

Resubdivisions of existing platted lands are not plat vacations and are subject to approval pursuant to the appropriate subdivision review process in Chapter 6 based on the scale of requested revisions.

(b) **Common Procedures**

- (1) All applicable provisions of Sec. 6.03 for a decision by the Town Planner apply to the Minor Subdivision.
- (2) Review, decision-making, and appeal responsibilities for the Minor Subdivision shall be as shown in Table 6.02-1.
- (3) A neighborhood meeting pursuant to Sec. 6.03(b) is not required.
- (4) Public hearings before the Planning and Zoning Commission and before the Town Board of Trustees, pursuant to Sec. 6.03(e)(3) with notice pursuant to Sec. 6.03(e)(2) are required.

(c) **Specific Procedure**

- (1) Prior to the public hearing, the Town Planner shall attempt to resolve any plat deficiency or non-conformance with the requirements of this Code or state law with the applicant. The Town Planner shall forward a recommendation of approval, approval with conditions, or denial to the Planning and Zoning Commission based on the criteria for approval in Sec. 6.14(d) below.
 - a. If the Town Planner determines that the application will require the applicant to construct public improvements in order to comply with applicable requirements of this Code, the Town Planner may require that the applicant sign a development agreement pursuant to and/or provide financial guarantees pursuant to Sec. 6.03(g) in order to ensure the completion of those improvements.



- (2) The Planning and Zoning Commission shall hold a public hearing on a minor subdivision prior to making a recommendation of approval, approval with conditions, or denial to the Board of Trustees based on the criteria for approval in Sec. 6.14(d) below.
- (3) The Board of Trustees shall consider all proposals with respect to the dedication of right of way for public use, the construction of utilities, streets, drainage, and other improvements, and when satisfied with the proposals, shall authorize the establishment of agreements for same and ratify the approval action of the Planning and Zoning Commission relative to the final plat.

(d) Criteria for Approval

- (1) An application for a minor subdivision shall be reviewed in light of the following criteria:
 - a. **Not Used to Avoid Compliance with Major Subdivision Requirements.** The application of a larger development that would require approval of a major subdivision pursuant to Sec. 6.13 has not been divided into smaller developments for the purpose of avoiding evaluation and potential requirements for mitigation of the impacts of the larger development through a major subdivision process. If the Town Planner determines that this criterion has not been met, the application will be deemed to be an application for major subdivision approval, and the submittal of additional materials, the conduct of additional hearings, and compliance with additional approval may be required.
 - b. **Compliance with Comprehensive Plan and Intergovernmental Agreements.** The application complies with any provisions of the comprehensive plan and any intergovernmental agreement between the Town of Norwood and San Miguel County.
 - c. **Compliance with Previous Approvals and Agreements.** The application complies with any approvals, agreements, or conditions on development related to the property previously approved by the Town, including without limitation any general development plan approved in connection with a PUD zoning district that includes all or part of the property, subject to the provisions of Sec. 6.03(g)(2).
 - d. **Compliance With Land Development Code.** Each of the lots and parcels resulting from the proposed subdivision exemption shall comply with all standards in this Code and in other regulations adopted by Town.
 - a. **Compliance with Applicable Major Street Plan.** The subdivision is consistent with any plan adopted by the Board of Trustees that designates existing or proposed major streets, including but not limited to freeways, arterial streets, and/or collector streets.
 - e. **Adequate Provision of Public Services.** The application complies with Sec. 1.06. Any required utility capacity verification, infrastructure analyses, public improvements, improvement agreements, or development phasing requirements have been satisfied or appropriately conditioned as part of the application.
 - f. **Preservation of Access.** If the application is for vacation of some or all of a recorded subdivision plat, the plat preserves public street or road access to each of the lots or parcels in the plat that are not being vacated.
 - g. **Taxes.** All taxes applicable to the land have been paid, as certified by the Town treasurer's office.



(2) **Condominium Subdivision and Conversion.** In the case of an application to convert an existing structure or development to condominium units, the owner of such property shall demonstrate that the following requirements have been or will be met:

- a. The structure or development subject to the proposed condominium conversion meets current off street parking requirements for the underlying zone district found in Sec. 5.02. Each residential condominium unit shall be considered a separate dwelling unit for purposes of determining parking compliance.
- b. There is or will be a one hour firewall between all units.
- c. Owners of the property proposed for condominium conversion have or will give the notice to residential tenants of the building required by, and otherwise comply with the requirements of C.R.S. 38-33-112, being a part of the Condominium Ownership Act, as amended. Copies of the notification shall be filed with the Town Clerk as proof of compliance.

(e) **Post-Decision Actions.**

- (1) **Recordation.** The Minor Subdivision plat shall be recorded pursuant to Sec. 6.08(e).
- (2) **Construction Plans.** Construction Plans shall be submitted and reviewed pursuant to Sec. 6.05(b)(4)b.

Section 6.15 Variance

(a) **Applicability.** This section applies to all applications requesting deviations from the height, yard setback, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land that differs from other parcels in the district by being of such restricted area, shape or slope that it cannot be appropriately developed without such modification.

(b) **Specific Procedure**

- (1) **General.** All applicable provisions of Sec. 6.03 for a decision by an appointed body shall apply unless specifically modified by the provisions below:
 - a. All decisions on variances are site specific. No single decision of the board sets a precedent. The decision of the board shall be made on the particular facts of each case.
 - b. The Town Planner shall inform the applicant of the approval, conditions of approval, or basis for denial in writing within five days of the date of the decision by the Board of Adjustment.
- (2) **Criteria for Approval.** A variance application shall be approved or approved with conditions if the Board of Adjustment finds the request complies with the following criteria:
 - a. All of the following conditions are met:
 - (i) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and the same zoning district;
 - (ii) That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under this Title, by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made;



- (iii) That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Land Use Plan and will not adversely affect any other feature of the Comprehensive Plan of the Town of Norwood;
- (iv) That the variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity;
- (v) That such unnecessary hardship has not been created by the applicant; and
- (vi) That the proposed use is a Permitted Use in the underlying zone district.

Section 6.16 Vested Property Rights

(a) **Purpose.** The purpose of this Division is to establish a system of vested property rights for this Code as authorized by C.R.S. Title 24, Article 68.

(b) **Establishment of Vested Property Rights**

- (1) **General.** A vested property right shall be established for a period of three years with the approval of a site-specific development plan. An approved vested property right shall confer upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the site-specific development plan for a period of three years following approval, or for any longer term approved by the Board of Trustees pursuant to subsection (3) below or pursuant to a development agreement between the applicant and the Town.
- (2) **Site-Specific Development Plan.** The following documents, when approved by the Town, shall constitute a site-specific development plan establishing a vested property right when the procedures and requirements of this Code are met by the applicant. The document that triggers a vested property right shall be identified at the time of its approval.
 - a. A subdivision exemption map;
 - b. A final plat for a major or minor subdivision;
 - c. A site plan; or
 - d. A final PUD plan.
- (3) **Development Agreement and Extension of Vested Property Rights.** The Town may enter into a development agreement with the landowner for the extension of a vested property right beyond a three-year period if the Board of Trustees determines that an extension is warranted due to project size, phasing of the development, or to anticipate or respond to economic cycles and changes in market conditions.
- (4) **Effective Date.** A site-specific development plan shall be deemed approved upon the effective date of the approval. Failure to comply with the terms of the approval, including without limitation any conditions attached to that approval, shall terminate the vested property right.
- (5) **Public Notice of Vested Right.** Within 14 days after approval of the site-specific development plan, the applicant shall publish a notice of site-specific development plan approval and creation of a vested property right in a newspaper of general circulation in Town. The three-year period or other period approved by the Board of Trustees shall not begin to run on the date of publication of the notice. Failure to publish this notice in a timely manner shall terminate the vested property right.



(6) Exceptions to Vesting of Property Rights. Once established pursuant to this Code, a vested property right precludes any zoning or land use action by the Town during the period of time that the property right is vested that would alter, impair, prevent, diminish, or otherwise delay the development or use of the land subject to and consistent with the site-specific development plan, except as provided by C.R.S. Title 24, Article 68.

(7) Modifications of Site-Specific Development Plan

- a. Minor modifications of a site-specific development plan are permitted but shall not result in any extension of the three-year vesting period, or other vesting period approved by the Board of Trustees, based on the date on which the minor modification was approved.
- b. Major modifications of a site-specific development plan shall require a new application pursuant to the applicable review process and shall only result in a vested property right if the applicant completes all of the requirements of Article 6 in connection with that new application.

...

The following text amendments are hereby adopted, with each cited section amended as indicated below:

Sec. 1.06(b)(1): “single family dwelling” shall be replaced with “single-household dwelling”

Sec. 1.06(b)(1)a.: “single family dwelling” shall be replaced with “single-household dwelling”

Sec. 2.02 Definitions, Alley House: “single family dwelling” shall be replaced with “single-household dwelling”

Sec. 2.02 Definitions, Bed and Breakfast: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 2.02 Definitions, Single-family dwelling: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 2.02 Definitions, Multi-family dwelling: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.05(c) Schedule of Use Regulations, “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.05(c) Schedule of Use Regulations, “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.05(d)(5)(d) Special use conditions, “family” shall be replaced with “household”

Sec. 3.05(d)(9) Special use conditions, “multi-family dwelling” shall be replaced with “multi-household dwelling”



Sec. 3.05(d)(12)(j) Special use conditions, Double-wide manufactured/mobile home: “single family house” shall be replaced with “single-household dwelling”

Sec. 3.06(a) Area Regulations, Schedule of residential area regulations: “single-family” shall be replaced with “single-household”

Sec. 3.06(a) Area Regulations, Schedule of residential area regulations: “Multi-Family” shall be replaced with “multi-household”

Sec. 3.06(g)(1)(a) Area Regulations, Minimum Side Yard Setback: single-family” shall be replaced with “single-household dwelling”

Sec. 3.06(g)(1)(b) Area Regulations, Minimum Side Yard Setback: single-family” shall be replaced with “single-household”

Sec. 3.07(a) A, Agricultural District, Purposes: “single-family” shall be replaced with “single-household”

Sec. 3.07(b) A, Agricultural District, Permitted Uses: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.08(b) R-1, Residential District, Permitted Uses: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.08(c) R-1, Residential District, Conditional Uses: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.08(e)(1) R-1, Residential District, Minimum Lot Area Per Dwelling: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.08(e)(3) R-1, Residential District, Minimum Lot Area Per Dwelling: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.08(e)(5) R-1, Residential District, Minimum Lot Area Per Dwelling: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.08(f)(1) R-1, Residential District, Minimum Lot Width: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.08(f)(2) R-1, Residential District, Minimum Lot Width: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.08(i)(1) R-1, Residential District, Minimum Rear Yard Setback: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.08(i)(2) R-1, Residential District, Minimum Rear Yard Setback: “multi-family dwelling” shall be replaced with “multi-household dwelling”



Sec. 3.08(j) R-1, Residential District, Maximum Lot Coverage: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.08(l)(1) R-1, Residential District, Minimum Floor Area Per Unit: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.08(l)(2) R-1, Residential District, Minimum Floor Area Per Unit: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.09(b) MH, Mobile Home District, Permitted Uses: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.09(e)(1) MH, Mobile Home District, Minimum Lot Area Per Dwelling: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.09(f)(1) MH, Mobile Home District, Minimum Lot Width: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.09(i)(2) MH, Mobile Home District, Minimum Rear Yard Setback: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.09(i)(3) MH, Mobile Home District, Minimum Rear Yard Setback: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.09(l) MH, Mobile Home District, Minimum Floor Area Per Unit: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.10(b) B-1, Business District, Permitted Uses: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.10(c) B-1, Business District, Conditional Uses: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.10 B-1, Business District, Note 1, Restriction on Residential Dwellings: “single-family” shall be replaced with “single-household”

Sec. 3.10(e) B-1, Business District, Minimum Lot Area: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.10(e) B-1, Business District, Minimum Lot Area: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.10(f)(1) B-1, Business District, Minimum Lot Width: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.10(g)(1) B-1, Business District, Minimum Floor Area Per Dwelling Unit: “single-family dwelling” shall be replaced with “single-household dwelling”



Sec. 3.10(j) B-1, Business District, Minimum Rear Yard Setback: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.10(j) B-1, Business District, Minimum Rear Yard Setback: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.10(k) B-1, Business District, Maximum Lot Coverage: “single-family” shall be replaced with “single-household”

Sec. 3.10(k) B-1, Business District, Maximum Lot Coverage: “multi-family” shall be replaced with “multi-household”

Sec. 3.10(l) B-1, Business District, Maximum Height: “single-family” shall be replaced with “single-household”

Sec. 3.10(m) B-1, Business District, Minimum Floor Area Per Unit: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.11(b) I, Industrial District, Permitted Uses: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.13(e)(1) PUD, Planned Unit Development Overlay District, Status of Prior and Future Approvals: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.13(e)(2) PUD, Planned Unit Development Overlay District, Status of Prior and Future Approvals: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.13(h)(1) PUD, Planned Unit Development Overlay District, Minimum Lot Area Per Dwelling: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.13(h)(3) PUD, Planned Unit Development Overlay District, Minimum Lot Area Per Dwelling: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.13(i)(1) PUD, Planned Unit Development Overlay District, Minimum Lot Width: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.13(i)(2) PUD, Planned Unit Development Overlay District, Minimum Lot Width: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.13(l) PUD, Planned Unit Development Overlay District, Minimum Rear Yard Setback: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.13(l)(2) PUD, Planned Unit Development Overlay District, Minimum Rear Yard Setback: “single-family” shall be replaced with “single-household”

Sec. 3.13(n) PUD, Planned Unit Development Overlay District, Maximum Height: “single-family dwelling” shall be replaced with “single-household dwelling”



Sec. 3.13(o) PUD, Planned Unit Development Overlay District, Minimum Floor Area Per Unit: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.14(b) Medium Density Residential District, Permitted Uses: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.14(c) Medium Density Residential District, Conditional Uses: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.14(e)(1) Medium Density Residential District, Minimum Lot Area Per Dwelling: “single-family unit” shall be replaced with “single-household dwelling”

Sec. 3.14(e)(3) Medium Density Residential District, Minimum Lot Area Per Dwelling: “multi-family unit” shall be replaced with “multi-household dwelling”

Sec. 3.14(f)(1) Medium Density Residential District, Minimum Lot Width: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.14(f)(2) Medium Density Residential District, Minimum Lot Width: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.14(i)(1) Medium Density Residential District, Minimum Rear Yard Setback: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.14(i)(2) Medium Density Residential District, Minimum Rear Yard Setback: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 3.14(j) Medium Density Residential District, Maximum Lot Coverage: “single-family” shall be replaced with “single-household”

Sec. 3.14(l)(1) Medium Density Residential District, Minimum Floor Area Per Unit: “single-family dwelling” shall be replaced with “single-household dwelling”

Sec. 3.14(l)(3) Medium Density Residential District, Minimum Floor Area Per Unit: “multi-family dwelling” shall be replaced with “multi-household dwelling”

Sec. 5.02(d) Site Development Standards, Parking, Loading and Access, Off-Street Parking Requirements (table): “Single-Family” shall be replaced with “Single-Household”

Sec. 5.02(d) Site Development Standards, Parking, Loading and Access, Off-Street Parking Requirements (table): “Multi-Family” shall be replaced with “Multi-Household”

Sec. 7.02(B) Definitions, Residential Dwelling: “Single-family” dwelling shall be replaced with “Single-Household” dwelling.

Sec. 7.02(B) Definitions, Residential Dwelling: “Multi-family” dwelling shall be replaced with “Multi-Household” dwelling.

TOWN OF NORWOOD, COLORADO

