

**HUGO  
LAND  
DEVELOPMENT  
CODE**

**March 11, 2019**



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# **ARTICLE I**

## **GENERAL PROVISIONS**

1. This Code shall be known and may be cited as the Hugo Land Development Code. This Code establishes the regulations and standards governing the use and development of land within the Town of Hugo. Included are provisions for the zoning, subdivision, and development of land, building codes, and the administrative procedures governing the submission of applications, administrative, and public reviews and appeals.
  
2. The purpose of this Code is to promote the health, safety, and general welfare of the Town of Hugo, Lincoln County, Colorado. The Code has been prepared and is designed to control confusion in the streets, to secure safety from fire, panic, flooding, and other dangers; to prevent the overcrowding of land and undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; to conserve the value of buildings; to encourage the most appropriate use of land; and to otherwise provide for the growth of an orderly, viable community.
  
3. The Hugo Land Development Code is authorized by Colorado Statutes, Titles 29 and 31, including the Colorado Enabling Act of 1974, as contained in Article 20 of Title 29, as amended, and other applicable state law.

## ARTICLE II

### ZONING

1. In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, comfort, prosperity, and general welfare of Town citizens. No buildings, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, changed, constructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the zone in which it is located.
2. In order to regulate the location, height, and bulk of buildings and other structures, the percentage of lots which may be occupied, the size of lots, the size of courts and other open spaces, the density and distribution of population, the uses of land, for trade, industry, residence, recreation, public activities, or other purposes, of the Town of Hugo, the Town is hereby divided into the following districts:  
  
R-1 Residential  
C-1 Restricted Commercial  
C-2 Industrial / Commercial
3. The boundaries of the various districts are set forth on the map, or maps, contained at the end of this Article. A portion of the Town lies within a designated flood plain as described on the map. Those areas are set forth on the map and are subject to special restrictions as set forth in this Code.

4. Definitions. The following definitions shall apply to Code requirements and provisions concerning Mobile Homes, Manufactured Homes, and modular homes:

“Mobile Homes” are those Manufactured Homes, built prior to June 15, 1976, which are constructed off-site with a permanent chassis designed for over the road transportation and delivered to the home site in one or more sections. Mobile Homes are not allowed anywhere in the Town unless already located in the Town prior to September 24, 1985 and allowed to stay as a Nonconforming Use pursuant to this Code.

“Manufactured Home” is a home built entirely in a factory setting under the federal building code administered by the Department of Housing and Urban Development (HUD) and is constructed to meet the Federal Manufactured Home Construction and Safety Standard Act of June 15, 1976, and any amendments thereto. Manufactured Homes generally come in single or two section units and their dimensions may range from Eight (8) feet or wider and Forty (40) feet or longer. Manufactured Homes may be moveable but may also be placed on a basement, or other permanent foundation, and may include multi-wide and expandable Manufactured Homes. Manufactured Homes do not include travel trailers, motor homes, Mobile Homes, or modular housing. Manufactured Homes are allowed in the Town of Hugo provided that the homes are built no earlier than 2005 and are placed on an approved permanent foundation. A Manufactured Home that was built before 2005 and is located in the Town of Hugo prior to the adoption of this code is allowed to stay as a nonconforming use pursuant to this code.

“Modular Home” is a residential home manufactured in a production facility and built in two or more sections in a controlled factory setting. The home is then transported and assembled on location on a permanent foundation. Modular homes are built to local and / or state building codes

5. RESIDENTIAL DISTRICT R-1. This district is intended to provide for the orderly development of family dwellings with a full complement of accessory

uses. It is further intended that such a development be served with institutional uses and community facilities compatible with the character of the district.

5.1 Permitted Uses (uses by right):

- a. Single and multi-family dwellings, including manufactured and modular homes (see minimum requirements herein).
- b. Schools for elementary and high school education.
- c. Public parks, playgrounds for daytime use.
- d. Child day care centers.
- e. Churches, libraries, hospitals, community centers, nursing homes and municipal and county buildings.
- f. Public utility mains, lines, and underground facilities.

5.2 Accessory Uses:

- a. Private attached or detached garages.
- b. Home occupations.

5.3 Special uses shall be permitted only upon approval of the Town Board of Trustees, following a public hearing and procedures, as outlined in Section 10 of this Code.

5.4 Variances: Variances from the minimum setback requirements described in this Article may be approved by the Town Board of Trustees only if the proposed variance will not pose a threat to the health, safety, and welfare of the neighborhood or of the Town, and only if the proposed variance will allow construction which is consistent with structures in the immediate neighborhood of the proposed construction. Variances will not be allowed as to "uses" allowed by this Code.

5.5 Minimum Requirements.

- a. **MANUFACTURED HOMES.** It shall be lawful for any person to use or occupy a Manufactured Home in any residential district within the Town of Hugo provided that the Manufactured Home was built no



earlier than 2005 and is used as a single-family dwelling. The Manufactured Home shall meet all applicable plumbing and electrical codes and be in compliance with all applicable ordinances of the Town. A Manufactured Home shall be installed in a permanent location and shall be designed and commonly used for occupancy by persons. The Manufactured Home must display an insignia issued by the Colorado Division of Housing certifying that the unit is installed in compliance with the standards of the Division.

- b. Any municipal lot upon which a residence, or residences, shall be located shall have a minimum of Seven Thousand (7,000) square feet.
- c. Any municipal lot upon which a residence shall be located shall have a minimum lot width and lot frontage of Fifty (50) feet.
- d. Any municipal lot upon which a residence shall be located shall have a minimum lot depth of One Hundred Forty (140) feet.
- e. Any municipal lot upon which a residence shall be located shall have a minimum front yard of Twenty-Five (25) feet, being the minimum distance of any building from the front lot line.
- f. Any municipal lot upon which a residence shall be located shall have a minimum side yard of Ten (10) feet, being the minimum width of any side yard adjacent to another lot. The minimum width of a side yard adjacent to a street, road, or highway shall be Twenty (20) feet.
- g. Any municipal lot upon which a residence shall be located shall have a minimum rear yard of Ten (10) feet, being the minimum distance of any building from the rear lot line.
- h. Any accessory building, if not attached to the primary dwelling, shall be set back at least Fifty (50) feet from the front lot line.
- i. No more than fifty percent (50%) of the area of a lot shall be covered by the primary and all accessory buildings.

- 5.6 Building Height. No building shall exceed Thirty (30) feet in height without specific approval of the Town Board of Trustees.
- 5.7 Home Occupation. Home occupations (business conducted within a residential dwelling) shall be permitted as accessory uses provided that the following conditions are met:
- a. The occupation shall be carried on, or operated, by the inhabitant of the residence.
  - b. The occupation shall be carried on, or operated, entirely within the residence.
  - c. Such use shall be secondary to the use of the building as a residence and shall not change the character of the building.
  - d. The maximum surface area of any exterior sign advertising the existence and nature of the home occupation shall not exceed Six (6) square feet.
  - e. Home occupations may not involve activities with excessive noise or activity. Offensive odors shall also not be permitted.
  - f. Off street parking must be provided, to the Board's satisfaction, to accommodate the parking needs that may be created by the home occupation.
- 5.8 Signs.
- a. No sign shall be permitted on any lot except for the identification of public buildings and for prospective rental or sale of the subject property, or for home occupations, or temporary political advertising (no longer than Thirty (30) days prior to any primary or general election, or any regular or special school, county, municipal, or special district election).
  - b. Name plates illuminated house numbers, and similar identifying symbols shall be permitted provided that said fixture is no larger than Six (6) square feet in size.

- c. General advertising devices shall not be permitted in a residential district except for churches, schools, other public uses, or a home occupation as described above.
- 5.9 Floor Space. All structures used for dwelling purposes shall contain at least Seven Hundred Twenty (720) square feet of finished floor area per dwelling unit, exclusive of any basement.
- 6. RESTRICTED COMMERCIAL DISTRICT C-1. This district is intended to provide for the development of commercial, office, recreation, cultural, entertainment, and governmental facilities. It is the further intent of this district to conserve and enhance the existing central business area for the benefit of the community as a whole.
  - 6.1 Permitted Uses (uses by right)
    - a. Business and professional services.
    - b. Post office, banks, newspaper, and printing businesses.
    - c. Service establishments such as barber shops, beauty parlors, tavern lounges, and restaurants.
    - d. Community buildings, libraries, parks, and museums.
    - e. New and used automobile dealerships.
    - f. Hotels and motels.
    - g. Restaurants, drive-ins, and other food service establishments, including coffee shops.
    - h. Retail stores, including but not limited to:
      - 1) Liquor stores.
      - 2) Pharmacies.
      - 3) Sundries / miscellaneous.
      - 4) Clothing stores.
      - 5) Hardware / software stores.
      - 6) Large and small appliance stores.
      - 7) Fuel and repair service stations.

- 8) Antique stores.
- 9) Jewelry stores.
- 10) Sporting goods stores.
- 11) Book stores.
- 12) Grocery stores.
- 13) Candy stores.

- i. Living quarters for families of owner / operator businesses.
- j. Single family homes. Manufactured homes shall not be allowed for that portion of the C-1 District adjacent to Main Street (also known as Fourth Street and also known as U.S. Highway 40/287).
- k. Manufactured Home parks, except for that portion of the C-1 District adjacent to Main Street (also known as Fourth Street and also known as U.S. Highway 40/287).
- l. Light manufacturing provided, however, that said business will not emit frequent offensive odors, create excessive noise, require excessive truck traffic, or provide potential for a major hazardous materials incident.
- m. Any activity approved after a special use review as allowed in this Code.

6.2 Accessory Uses:

- a. Private garages.
- b. Home occupations.

6.3 Special uses shall be permitted only upon approval of the Town Board of Trustees, following a public hearing and procedures, as outlined in Section 10 of this Code.

6.4 Variances: Variances from the minimum setback requirements described in this section may be approved by the Town Board of Trustees only if the proposed variance will not pose a threat to the health, safety, and welfare of the neighborhood or of the Town, and only if the proposed variance will allow

construction which is consistent with structures in the immediate neighborhood of the proposed construction.

6.5 Minimum Requirements.

- a. The minimum lot area for a business / commercial lot shall be Three Thousand Five Hundred (3,500) square feet.
- b. The minimum lot width for a business / commercial lot shall be Twenty-five (25) feet.
- c. The minimum lot frontage for a business / commercial lot shall be Twenty-five (25) feet.
- d. There shall be no front yard minimum. However, any residence located in a business / commercial district shall have the setbacks required in a residential district. Also, no fuel pump shall be located closer than Eighteen (18) feet from the front lot line.
- e. As to side yards, those buildings constructed of masonry or fireproof materials, shall not be required to have a side yard except when located on a corner lot. If a building is constructed of non-masonry or non-fireproof materials, there shall be a side yard of not less than Ten (10) feet on each side. On corner lots, there shall be a side yard of not less than Five (5) feet on the side adjoining the street.
- f. There shall be no requirement for setback for the rear lot line.
- g. No building shall exceed Thirty (30) feet in height without the specific approval of the Town Board of Trustees.

7. INDUSTRIAL / COMMERCIAL DISTRICT C-2. This district is intended to provide for the development of commercial and industrial uses, and to provide for the orderly grouping of auto or equipment storage, warehousing, manufacturing, or industrial operation in an appropriate setting. It is the further intent of this district to establish regulatory controls necessary for a harmonious relationship between industrial uses and the remainder of the community.

- a. Permitted Uses (use by right)
  - b. Retail sales.
  - c. Grain elevators.
  - d. Manufacturing.
  - e. Warehouses.
  - f. Lumberyards.
  - g. Wholesale businesses.
  - h. Auto wrecking and salvage yards.
  - i. Other related activities of any kind not heretofore listed, when specifically approved by the Town Board of Trustees as outlined in this Code.
- 7.1 Special uses shall be permitted only upon approval of the Town Board of Trustees, following a public hearing and procedures, as outlined in Section 10 of this Code.
- 7.2 Variances. Variances from the minimum setback requirements described in this Section 7 may be approved by the Town Board of Trustees only if the proposed variance will not pose a threat to the health, safety, and welfare of the neighborhood or of the Town, and only if the proposed variance will allow construction which is consistent with structures in the immediate neighborhood of the proposed construction. There will be no variances granted from the fencing and screening requirements of this Section 7.
- 7.3 Minimum Requirements.
- a. The minimum lot width for this classification is Fifty (50) feet.
  - b. There shall be no minimum required for the front yard except that motor fuel pumps shall be erected no less than Eighteen (18) feet from any front and side lot lines.
  - c. As to side yards, if a building is constructed of masonry or fireproof materials, no side yard shall be required on an interior lot, or on that

side of a corner lot which is not adjacent to a street. If a building is constructed of material other than masonry or fireproof materials, the minimum depth of any side yard of an interior lot, or of a side yard of a corner lot on that side which is not adjacent to a street, shall be Ten (10) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street shall be Five (5) feet. On corner lots, motor fuel pumps may be erected not less than Eighteen (18) feet from the side lot line to the side adjacent to the street.

d. There shall be a Ten (10) feet minimum to the rear lot line.

- 7.4 Building Height. No building shall exceed Thirty (30) feet in height without the specific approval of the Town Board of Trustees.
- 7.5 Fencing and Screening Requirements. Any property within this district used for long-term (more than Thirty (30) days) outside storage of materials or products not for retail sale, or used as an auto wrecking and salvage yard, must be screened from the public view from all sides by a six-foot-high, or higher, fence, either solid or slat material. The type of fencing to be used for this purpose must be approved by the Town Board of Trustees prior to issuance of a building permit, and prior to use of the property for sale or storage purpose.
8. RECREATION VEHICLES. It is the purpose of this section to set forth the conditions wherein a recreational vehicle may be located or inhabited within the Town of Hugo.
- 8.1 No recreational vehicle shall be parked on a Town street, without a permit, for more than Thirty (30) days in any calendar year.
- 8.2 Recreational vehicles shall not be used as a residence in any Town district unless such vehicle is utilized within a legally established recreational vehicle park or campground designed and designated for the temporary placement of recreational vehicles.

- 8.3 Property owners may utilize a recreational vehicle as a guesthouse on the owner's non-vacant property for up to Thirty (30) days during any one calendar year upon first obtaining a permit from the Town Clerk.
- 8.4 Property owners may locate and reside in their own recreational vehicle upon their vacant property for a total of Ninety (90) days in any calendar year upon obtaining a permit from the Town Clerk.
- 8.5 Property owners may locate a recreational vehicle on their property while building a dwelling on such property. The owner must first obtain a permit for such use from the Town Clerk, and then must show significant progress in construction during the first Thirty (30) days of occupancy to continue eligibility to reside in the recreational vehicle.
- 8.6 No recreational vehicle shall be permanently placed nor have any skirting installed for any purpose described in this section, unless such vehicle is utilized within a legally established recreational vehicle park or campground designed and designated for the temporary placement of recreational vehicles.
9. FLOOD PLAIN. It is the purpose of this section to promote the public health, safety, and general welfare of the Town citizens, and to minimize public and private losses due to flood conditions in those portions of the districts where the flood plain is located as reflected on the zoning map attached at the end of this article.
  - 9.1 Special Requirements. The Town Board of Trustees may require special construction standards to minimize the damage caused by flooding.
  - 9.2 Restrictions. The Town Board of Trustees may place restrictions on the sale or leasing of structures located in this district to ensure that potential buyers are notified that the property is in an area designated as a flood plain.
10. USES PERMITTED BY SPECIAL REVIEW. It is the intent of this section to allow uses, not otherwise listed as a use by right, but potentially permitted by special review in designated districts upon approval of the Town Board of Trustees.



- 10.1 All applications for a use permitted by special review shall be submitted in writing to the Town Clerk at least Fifteen (15) days before the regular or special meeting of the Town Board of Trustees at which the request is to be considered.
- 10.2 The application shall contain not only the proposed use for a parcel of property, but a site plan showing, when applicable, the location of the improvements, off street parking areas, ingress and egress to the property, and all proposed landscaping and signs.
- 10.3 All applications shall contain a narrative setting forth a time schedule for development, assurances of compliance with the terms of this, and any other, ordinance or code of the Town of Hugo, and any other information required by the Town Board of Trustees which may help the Board reach a preliminary decision.
- 10.4 The Town Board of Trustees shall review the request in relation to the health, safety, and general welfare of the community and the character of the surrounding neighborhood, and the desirability and need for such proposed use in the specific area and take into consideration any adverse environmental influence that might result from the location, and, in general, compliance with the intent of this code.
- 10.5 If the Town Board of Trustees makes an initial determination that the proposed use and proposals are in the best interests of the residents of the Town, the matter shall then be set for a public hearing at the next regular meeting or at a special meeting set by the Board. Notice of the hearing shall be published twice at least Fifteen (15) days prior to the hearing.
- 10.6 Following the public hearing, the Town Board of Trustees shall then make a final decision of approval, of approval with conditions, or shall deny the application. The decision and reasons therefore shall be stated in the official minutes of the Town Board of Trustees.
- 10.7 Approval of a special use review request by the Town Board of Trustees shall be valid for a period of one year from the date of the approval. If

permanent use or construction has not occurred and has not been diligently pursued within one year, said approval shall be considered void, and no building or other construction permits shall be issued until a new application is submitted by the applicant and approved by the Town Board of Trustees.

11. NONCONFORMING USES / BUILDINGS. It is the intent of this section to allow nonconforming uses under certain circumstances.
- 11.1 The lawful use of land, or buildings, existing at the time of the passage of this code which do not conform to the regulations prescribed in this code shall be deemed a nonconforming use. Such use may be continued subject to such regulations as to the maintenance of the premises and conditions of the operations of the use as may, in the judgment of the Town Board of Trustees, be reasonably required for the protection of adjacent, or neighboring property. However, if such nonconforming use is discontinued for a period of six (6) months or more in the use of the land or buildings, any future use of the land, or buildings must be in conformity with the provision of this code.
- 11.2 A nonconforming use shall not be expanded or changed to another nonconforming use. The extension of a conforming use to any portion of a building or lots, which was arranged or designed for such nonconforming use at the time of the passage of this code shall be deemed an expansion of a nonconforming use within the meaning of this section.
- 11.3 No building may be structurally altered to an extent exceeding fifty (50) percent of the replacement value of the building at the time of alteration, unless the use of the building is changed to a conforming use. A nonconforming use, if changed to a conforming use, may not thereafter be changed back to any nonconforming use. If a building is damaged by fire, or other natural disaster, or other cause to the extent of more than fifty (50) percent of the replacement value, such building may be repaired, rebuilt, or replaced on the following conditions:

- a. The repairs and / or construction must be completed within six (6) months of the fire damage or other natural disaster. The completion date may be extended only at the discretion of the Town Board of Trustees and only upon good cause shown by the applicant.
  - b. The repairs and / or construction cannot result in an expansion, change to another nonconforming use, or structural alteration as described in this section.
- 11.4 Certificate of Nonconformity. Any building, or use, deemed to be a nonconforming use as of the date of the adoption of this Code, shall be issued a certificate by the Town Board of Trustees, or its designee, describing and defining the nonconforming use and setting forth the limitations described in Section 11. The Certificate shall also be signed and dated by the landowner and shall be kept on file at the Town of Hugo.
- 12. SIGNS. It is the intent of this Article to regulate and govern the location, heights, and types of signs permitted in the Town of Hugo.
  - 12.1 All permanent signs hereafter constructed, erected, inscribed or otherwise established, moved, altered, or changed within the limits of the Town of Hugo shall comply with these regulations. Nonconforming signs in existence at the time of the enactment of this code may be repaired or maintained, but not be otherwise established, moved, altered, or changed except in compliance with the provisions of this code.
  - 12.2 “Revolving beacon”, “flashing” or “fountain” effects or signs with such effects are prohibited in all zoning districts, except by special use review as outlined in Section 9.
  - 12.3 No sign in any district shall interfere with clear and unobstructed vision of a sign or device used for the control of traffic, or with clear unobstructed vision of traffic on any street.
  - 12.4 Sign regulations in this code shall not apply to official federal, state, county, or Town of Hugo signs, including traffic signs, which are erected and intended for public information, direction, safety, or control purposes.

- 12.5 The maximum total surface area for all signs on one property combined shall not exceed One Hundred (100) square feet, and the maximum surface area of the face of any single sign shall not exceed Fifty (50) square feet.
- 12.6 No free-standing sign shall be located within Ten (10) feet from a street right-of-way line.
- 12.7 Permits for construction, erection or installation of all permanent signs in the Town of Hugo shall be required.
- 12.8 The provisions of this code shall not be construed as prohibiting the installation of holiday decorations in any zoning district within the Town of Hugo.
- 12.9 All other signs shall be by special use review pursuant to Section 9 of this Ordinance.
13. PARKING. It is the intent of this section to require adequate parking with the construction or addition to any building and / or use of property. The following shall be minimum parking requirements.
  - 13.1 Single family dwellings shall have at least one parking space for each dwelling unit.
  - 13.2 Multi-family dwellings shall have at least two parking spaces for each dwelling unit.
  - 13.3 Churches, hospitals, and other public buildings shall have at least one parking space for each One Thousand (1,000) square feet of floor area. School parking will be evaluated on a case by case basis.
  - 13.4 Business serving food and beverages shall have at least one parking space for every One-Hundred (100) square feet of the serving area.
  - 13.5 Hotels motels, and similar accommodation units shall have at least one parking space for each rental unit.
  - 13.6 As to all other business / commercial uses there shall be at least one parking space for every Two Hundred (200) square feet of floor area.
  - 13.7 As to all industrial and manufacturing properties there shall be at least one parking space for every four employees.

- 13.8 Each parking space shall be not less than Ten (10) feet wide and Twenty (20) feet long; shall be provided with vehicular access to a street or alley; shall be surfaced with gravel, asphalt, concrete or the equivalent; shall be properly drained and located within convenient walking distance of the principal building for which parking space is required. Parking along a Town street shall be parallel unless otherwise marked as diagonal unless the Board determines due to street width or other relevant factors that parallel parking should be implemented. Fourth Street shall be parallel parking.
- 13.9 For a corner dwelling or business, there shall be no parking space provided within Ten (10) feet of the corner.
- 13.10 Variances from the requirements described in this section may be approved by the Town Board of Trustees only if the proposed variance will not pose a threat to the health, safety, and welfare of the neighborhood of the proposed variance or of the Town as a whole.
14. **FENCES AND FENCING REQUIREMENTS.** It is the intent of this section to assure that the vehicle view around corner properties and driveway areas not be impeded or restricted by fencing.
- 14.1 No fences shall be allowed within the Town that are over Six feet (6') high unless the resident receives a variance from the Town Board of Trustees.
- 14.2 On a corner lot, any fence constructed of material, that in the opinion of the Hugo Marshal's Office, obstructs a view from vehicles driving on the subject street or streets, cannot be higher than three feet (3') for the first twenty feet (20') on the side of the adjacent street and Twenty feet (20') in the front along the front street.
- 14.3 Any fence placed along a driveway which fence is constructed of material, that in the opinion of the Hugo Marshal's Office, obstructs a view from vehicles driving on the subject street or street, cannot be higher than three feet (3') for the first Sixteen feet (16') along the driveway.
- 14.4 Any fence constructed of material that in the opinion of the Hugo Marshals Office obstructs a view along a side or front property line with a driveway

cannot be higher than Three feet (3') for the first Twenty feet (20') on each side of the driveway.

15. ZONING BOARD OF ADJUSTMENT. It is the intent of this section to provide a means of appeal and review of any order, requirements, decisions, or determinations made by any order, requirement, decision, or determination made by any Town official charged with the enforcement of the zoning laws.
  - 15.1 The Board of Trustees shall serve as the Board of Adjustment.
  - 15.2 The Board of Adjustment shall have the authority to hear appeal request and review orders pertaining to the zoning law as made by an administrative official. All appeals must be made, in writing, within Thirty (30) days of an administrative decision and must be acted upon by the Board within Forty-Five (45) days of receiving the appeal request.
16. DEMOLITION OF BUILDINGS. It is the intent of this section to provide a safe procedure for the demolition of structures or buildings or for the significant alteration of the exterior dimensions of structures or buildings.
  - 16.1 No owner of property shall move, structurally alter so as to change a building's exterior dimensions, or demolish a structure of building which structure or building is more than One Hundred Fifty (150) square feet, without first applying for and receiving a permit issued by the Town Clerk, or his/her authorized representative.
  - 16.2 The application shall include the street address of the subject property and contain a sketch or drawing of the subject property together with a square footage description of the building or structure to be demolished or structurally altered. The sketch or drawing shall also include the setback dimensions concerning the subject building or structure both as to the property boundary line and to any buildings or structures that may be located in close proximity to the building or structure being demolished or structurally altered. Those buildings or structures deemed to be in close proximity to the building or structure being demolished or structurally altered shall be those

buildings or structures, regardless of boundary line, which could reasonably be impacted by falling debris or materials from the demolished or structurally altered building.

- 16.3 Depending upon the size of the building to be demolished or structurally altered, the closeness or distance of other residences, businesses, improvements and other safety factors deemed to be relevant by the Town Clerk, the Town Clerk may require of the applicant, at the applicant's cost, such additional technical information, including engineering or other professional reports, as are necessary to insure the safety of the project. The Town Clerk may seek and obtain the advice of the Town Engineer, or other professional assistance, when deemed by the Town Clerk to be advisable or necessary in determining whether or not to request technical information from the applicant. In the event that the Town Engineer, or other professional assistance, is required to review the applicant's information, such cost of review shall be paid by the applicant.
- 16.4 The Town Clerk shall make available to the Lincoln County Assessor, when requested, any Town records pertaining to applications for demolition or structural alteration of the exterior dimensions of buildings or structures within the Town of Hugo.
- 16.5 This code provision shall not prevent an owner of property from taking immediate action, for safety reasons, in the event that a building or structure is partially damaged by fire or other casualty leaving an unsafe situation requiring immediate demolition of the building or structure. In such event the demolition shall be coordinated between the owner of the property and the Town Clerk. The owner of the property and Town Clerk may seek immediate technical advice from the local Fire Chief or other appropriate source to insure a safe demolition of the building.
- 16.6 The cost of a demolition permit shall be an amount set annually, by resolution, by the Town Board of Trustees. Any issued demolition permit shall require that the demolition take place no later than six (6) months from

the time that the permit is issued. If demolition has not been completed within the initial demolition period, the owner may, upon a showing of good cause, before the Board of Trustees, as to why the demolition was not accomplished in a timely manner, apply for an extension permit which allows an additional three (3) months to accomplish the demolition. The extension permit, if granted, will be at an additional cost as set annually, by resolution by the Town Board of Trustees.

16.7 Proper safety procedures for demolition of a building shall include, but not be limited to, the following:

a. Prior to the issuance of a wrecking or demolition permit, (1) the power to all electric service lines shall be shut off and all such lines cut or disconnected outside the property line (2) all gas, water, steam, sewer or other service lines shall be shut off and capped outside the building line or curb, (3) in each case, the utility service company involved shall be notified in advance and its approval and disconnect obtained.

b. A suitable temporary construction fence shall be installed by the owner, prior to demolition, to protect the public against possible hazards related to the ongoing demolition. The Town representative shall dictate the requirements of the fence and shall provide the permit holder with a list of requirements.

17. ENFORCEMENT. It is the intent of this section to provide for a method of enforcement of this code. The provisions of this code shall be enforced by the following methods:

17.1 Building Codes / Building Permit. No building or structure shall be erected, constructed, moved, or structurally altered so as to change its exterior dimensions, or demolished, unless a permit therefore has been issued by the Town Clerk, or her authorized representative. A permit solely for the demolition of a building or structure shall not be required for structures or buildings of less than One Hundred Fifty (150) square feet. All permits shall be issued in conformance with the provisions of this Code and shall require



compliance with any and all building codes adopted by the Town of Hugo. Any use of land shall require a permit.

- 17.2 The Town Clerk, or her authorized representative, including the Town Marshal, is hereby empowered to cause any structure, or tract of land, to be inspected and examined, and to order in writing the remedying of any condition found to exist in violation of any provision of this code. After any such order has been served, no work shall proceed on any structure, or tract of land, covered by such order except to correct or to comply with such order, permit, or building code. Any necessary order may also be sought and enforced through the Hugo Municipal Court.
- 17.3 Any person, firm, or corporation, or other business entity, violating any provision of this code, upon conviction thereof, shall be fined not more than Five Hundred dollars (\$500.00). Each day during which the illegal construction, reconstruction, alteration, or use continues shall be deemed as a separate offense.
- 17.4 In addition to any of the foregoing remedies, the Town Attorney acting on behalf of the Town Board of Trustees, may maintain an action in Hugo Municipal Court, or Lincoln County Court, for an injunction to restrain any violation of this code.
- 17.5 This code shall not be construed to hold the Town of Hugo responsible for any damage to persons, or property by reason of the inspection or re-inspection authorized herein, or failure to inspect, or re-inspect, by reason of issuing a building permit as herein provided.
- 17.6 Owners of property shall comply with all state laws, requirements, and inspections, including electrical and plumbing.
- 17.7 Cost of Permit and Time Limitations. The cost of a building permit shall be set annually, by resolution, by the Town Board of Trustees. Any issued building permit shall require that the construction take place and be completed within twelve (12) months of the date of the issuance of the permit. A building permit will not be extended unless the applicant appears

before the Board of Trustees, at a regularly scheduled meeting, and shows good cause as to why an extension should be granted. If the Board determines that good cause exists for an extension, the applicant shall be granted an extension permit for an additional term of up to twelve (12) months, upon the payment of an additional sum, such amount to be set annually, by resolution, of the Town Board of Trustees. The Board may determine that an additional extension shall be for a time less than twelve (12) months. The issuance of a building permit shall not prevent a building from being charged as a dangerous building, or nuisance, as defined by Town ordinance, should the elements of the applicable definition be met, at any time during the permit, or extended permit, duration.

- 17.8 The issuance of a building permit shall not release the applicant from complying with all zoning use and setback requirements of the zoned district in which the building is taking place. Particularly, if the construction violates any of the permitted use, accessory use, or setback requirements of the District, the applicant must apply for a variance as required by this Code. In the event that the variance involves a requested side setback of the subject building of less than Ten feet (10'), the applicant shall provide written consent from the neighboring landowners to the proposed side setback.
18. DEFINITIONS. The following definitions shall apply to this code.
- 18.1 "Accessory Building" shall mean a subordinate building located on the same lot or parcel of lots, or portion of a main building, the use of which is incidental to that of the main building.
- 18.2 "Areas of Lot" shall mean the total horizontal area within the lot lines.
- 18.3 "Automobile Parking Area" shall mean a lot or part thereof used for the short-term storage of automobiles which are licensed and meet state standards for travel on public highways, proving such automobiles are not for sale.
- 18.4 "Auto Wrecking and Salvage Yard" shall mean property zoned or permitted for commercial use, including the short- and long-term storage of vehicles which are intended for resale either in whole or in part.

- 18.5 “Building” shall mean any structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind, has one or more stories and a roof. However, any structure covering less than Fifty (50) square feet is not included in the definition of building unless the structure is attached to an existing structure.
- 18.6 “Dwelling Unit” shall mean one or more rooms including at least one single kitchen, designed for or occupied as a unit by one family, for living and cooking purposes, located in a one family or multifamily dwelling.
- 18.7 “Family” shall mean one or more individuals, related or unrelated, living together in a dwelling unit.
- 18.8 “Floor Area” shall mean the gross floor area of the building measuring along the outside walls of the building and including each above ground floor level, but not including basements, open balconies, garages, or other enclosed automobile parking areas.
- 18.9 “Lot: shall mean a parcel of land occupied or designed to be occupied by one or more buildings, structures, or uses together with such open areas as are required by this code, and as delineated by legal description.
- 18.10 “Lot Line, Front” shall mean the property line dividing the lot from a street. On a corner lot, only one street line shall be considered as a front line.
- 18.11 “Lot Line, Rear” shall mean the line opposite the front lot line.
- 18.12 “Lot Line, Side” shall mean any lot lines other than front lines or rear lines.
- 18.13 “Manufactured Home” is a home built entirely in a factory setting under the federal building code administered by the Department of Housing and Urban Development (HUD) and is constructed to meet the Federal Manufactured Home Construction and Safety Standard Act of June 15, 1976, and any amendments thereto. Manufactured Homes generally come in single or two section units and their dimensions may range from Eight (8) feet or wider and Forty (40) feet or longer. Manufactured Homes may be moveable but may also be placed on a basement, or other permanent foundation, and may include multi-wide and expandable Manufactured Homes. Manufactured

Homes do not include travel trailers, motor homes, Mobile Homes, or modular housing. All Manufactured Homes brought into the Town of Hugo shall have been built since 2005 and shall be placed on an approved permanent foundation.

- 18.14 “Mobile Homes” are those Manufactured Homes, built prior to June 15, 1976, which are constructed off-site with a permanent chassis designed for over the road transportation and delivered to the home site in one or more sections. Mobile Homes are not allowed anywhere in the Town unless already located in the Town prior to September 24, 1985 and allowed to stay as a Nonconforming Use pursuant to this Code.
- 18.15 “Modular Home” is a residential home manufactured in a production facility and built in two or more sections in a controlled factory setting. The home is then transported and assembled on location on a permanent foundation. Modular homes are built to local and / or state building codes.
- 18.16 “Multi-Family Dwellings” shall mean more than one dwelling unit in a single structure, with one roof and one foundation.
- 18.17 “Signs” shall mean any device or message, either inscribed upon or affixed to the exterior of a structure or free standing upon the premises, designed to inform or attract the attention of persons not on the premises on which the sign is located. This definition excludes any flag, badge, or insignia of any government or governmental agency. “Permanent Sign” shall mean any sign inscribed or affixed in any location for more than seventy-two (72) hours.

- 18.18 “Recreational Vehicle” shall mean a self-contained transportation structure, self-propelled or capable of being towed by a passenger car, station wagon, or pick-up truck, of such size and weight as not to require any special highway movement permits, and primarily designed or constructed to provide temporary, moveable living quarters for recreational, camping, travel and commercial use. Included as recreational vehicles are trailers, trailer coaches, camping trailers, motor homes, pick-up (slide-in) campers, chassis mounts, converted vans, chopped vans, mini-motor homes, busses, and fifth-wheel trailers of recreational vehicle construction (as opposed to commercial fifth-wheel trailers).
- 18.19 “Street” shall mean a public thoroughfare at least Thirty (30) feet wide which affords the principal means of access to abutting property.
- 18.20 “Variance” shall mean a grant of relief from the minimum requirements of this code which permits construction in a manner that would otherwise be prohibited.
- 18.21 “Width of Lot” shall mean the distance parallel to the front lot line, measured between side lot lines, through that part of the building or structure where the lot is the narrowest.

## **ARTICLE III**

### **EXTENSION OF TOWN SERVICES TO UNDEVELOPED LANDS WITHIN THE TOWN BOUNDARIES**

1. DEFINITIONS. For purposes of this Ordinance, real property subject to this Article, shall be that property located within the Town boundaries, which may be platted or unplatted, but which is undeveloped to the extent that there are no streets, alleys, sidewalks, curbs, water, or waste water connections to the property.
  - 1.1 “Owner or Landowner” shall mean the person, persons, or entity which owns the land subject to an application for development, as referred to herein.
  - 1.2 “Developer” shall mean the person, persons, or entity which has entered into an agreement with the Owner for the development of the property. If the Owner is also the Developer, either term may be used in any application or the agreement referred to herein.
2. APPLICATION. Any Owner or Developer wishing to have Town utilities extended to undeveloped, or partially developed real property located within the Town, shall first file an application with the Town Clerk containing the following information:
  - 1.3 The legal address of the subject property, accompanied by a copy of the deed reflecting the Owner’s legal title, along with the street address, if any, of the subject property, and the mailing address and phone number of the Owner.
  - 1.4 The application shall specify, in detail, and include drawings, diagrams, or plats, as appropriate, the description of the proposed project, a description of the municipal services or improvements desired by the applicant, a plan for construction, and proposed completion dates or estimates.

- 1.5 The Town Clerk, if so, instructed by the Board, may request that the application be supplemented to include further information or documentation to assist the Board in making its determinations.
- 1.6 The Owner shall be responsible for the costs incurred by the Town in processing the application including the reasonable costs incurred by the Town through the use of the Town staff, Town engineer, if needed; and the Town attorney, as well as out of pocket costs or expenses incurred by the Town, including any required publication of notices. The Applicant shall include with the application, funds in the amount of Two Thousand Dollars (\$2,000.00) to apply towards the Town costs in processing the application. At the completion of the application processing, the Town shall refund any funds not used by the Town and the Town shall include with the refund a detailed statement reflecting the costs incurred. The Applicant shall pay any costs incurred by the Town which exceed the deposit after being given a detailed statement by the Town reflecting the costs incurred.
3. **BOARD DETERMINATION.** Upon the filing of the Application, the Town Clerk shall forward copies of the application to each Board member and the matter shall be initially discussed at the next regular Board meeting. The Board is under no duty to extend Town utilities to undeveloped land except as may be required by state statute, or in accordance with this Ordinance. The factors to be considered by the Board shall include, but not be limited to, the following:
  - a. The size of the subject parcel or property in consideration.
  - b. The size of the applicant's property in relation to the entire size of the parcel or property in consideration.
  - c. Whether or not the intended use for the property is allowed by the Town zoning and subdivision regulations.

- d. Whether or not in the discretion of the Board the subject property warrants development in relation to the density, locale, and characteristics of the surrounding neighborhood.
  - e. Whether or not the development of the property will over-tax the Town's ability to provide water, waste water, law enforcement, and utility maintenance services to the property.
4. BOARD APPROVAL AND AGREEMENT. If the Board determines that the application is in the best interests of the Town and that the Town is able, in its sole discretion, to provide municipal services to the property, then the Town and the Owner or Developer shall enter into a written agreement which will govern the development. The agreement shall establish appropriate specifications for the improvements and assessments of costs. The following shall apply to construction of the utilities, unless the Board chooses to vary from the standards upon a determination that best interests of the Town warrant a change:
- 4.1 Water Extension and Improvements. Each applicant, Owner, or Developer shall cause to be installed water mains in the area to be served according to the Town's specifications, such areas to be designated as public streets or alleys. The Board, through the Town Public Works Director, in fixing the size, location, and specifications for the improvements, shall not only consider the immediate area to be served but also the use of improvements in providing service to other areas as the development warrants. Upon acceptance of the water improvements by the Town, all utility mains located within the streets and / or alleys shall be the property of the Town and shall be maintained by the Town. All connections from the main to the Owner's property shall be the responsibility of the Owner.
  - 4.2 Waste Water Extension and Improvements. Each applicant, Owner, or Developer shall cause to be installed waste water mains, pipe, and lift stations, if needed, in the area to be served according to the Town's specifications, such areas to be designated as public streets or alleys. The



Board, through the Town Public Works Director, in fixing the size, location, and specifications for the improvements, shall not only consider the immediate area to be served but also the use of improvements in providing service to other areas as the development warrants. Upon acceptance of the waste water improvements by the Town, all utility mains located within the streets and / or alleys shall be the property of the Town and shall be maintained by the Town. All connections from the main to the Owner's property shall be the responsibility of the Owner.

- 4.3 Streets and Alleys. If the development will require the construction of streets and / or alleys, the Owner shall cause the street and alleys to be graded and dedicated to the Town. The grading and construction of the streets and / or alleys shall be in accordance with Town regulations and specifications.
- 4.4 Curbs and sidewalks. Each Owner shall be required to construct and install curbs and / or sidewalks in accordance with Town regulations and specifications.
5. ASSESSMENTS. Unless the Board, for good cause and in the best interests of the Town, wishes to vary from the following requirements, each development agreement shall include the following
  - 5.1 Water Improvements. The cost of the installation of water mains and pipelines, and accessories, shall be borne by the adjacent property owners on the basis of linear front footage the property served thereby.
  - 5.2 5.2. Waste Water Improvements. The cost of the installation of waste water mains and pipelines, accessories, and lift stations shall be borne by the adjacent property owners on the basis of linear front footage of the property served thereby.
  - 5.3 Streets, Alleys, Curbs, and Sidewalks. The cost of the installation of streets, alleys, curbs, and sidewalks shall be borne by the adjacent property owners on the basis of linear front footage to the property served thereby.
  - 5.4 In the event that the Town provides the labor, equipment, and materials for the installation or construction of Town utilities and streets, then prior to

construction, the Board shall estimate the costs of the improvements to the Owner and shall convey the estimate to such Owner. The Town need not commence work, or if work is commenced, shall not issue a certificate of occupancy to the Owner until the costs are paid.

- 5.5 The development agreement may, at the Board's discretion, also include:
- a. A requirement that the Owner provide a performance or surety bond to cover the Town costs and the costs of installation and labor in the event the Owner fails to complete the development.
  - b. The Town shall be granted an easement right to enter upon the property to complete the public improvements.
  - c. The Town may impose time and notice requirements to assure completion and payment.
  - d. In addition to the above-mentioned bond, the Town may act upon any other remedy available to the Town in the event the Owner fails to honor the agreement and may be award reasonable attorney fees in the enforcement thereof.
6. **COST RECOVERY AGREEMENT.** In the event that the Town requires the Owner to install more municipal utilities or improvements than necessary to service the subject property, due to the Town's right and interest in connecting the utilities to the Town system and safeguarding the system, then the parties shall enter into a cost recovery agreement wherein the Developer shall be compensated by any user connecting to utilities installed by the Owner. The cost recovery shall be based upon actual cost at the time of installation. The cost recovery agreement shall extend for a period of twenty years from the date of the agreement, and then expire.

## ARTICLE IV

### ADOPTION OF INTERNATIONAL BUILDING CODE AND INTERNATIONAL RESIDENTIAL CODE

1. BUILDING CODES ADOPTED. Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, the “International Building Code”, 2006 edition, and the International Residential Code”, 2006 edition, including the appendices published for both Codes by the International Code Council, Inc., 500 New Jersey Avenue, NW 6<sup>th</sup> Floor, Washington, DC, is adopted by reference as the building codes for the Town of Hugo.
  - 1.1 The subject matter of the adopted International Building Codes and appendixes includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of all buildings and structures in the Town of Hugo and further provides for the issuance of permits and the collection of fees, therefore. Three (3) copies of the IBC and IRC are on file in the office of the Town Clerk.
2. BUILDING OFFICIAL / INSPECTOR. The Board shall hire, employ, or retain a qualified Building Official or Inspector who is trained, certified, and / or licensed to conduct inspections of buildings within the Town that are subject to the Codes stated herein, or any amendment to or adoption of a later Code that may be adopted by the Board.
  - 2.1 The determination of value or valuation under any of the provisions of the Building Codes shall be made by the Building Official / Inspector. The Town Clerk, in cooperation with the Building Official / Inspector shall be responsible for issuing permits and collecting fees as set forth in this Ordinance.

- 2.2 Buildings or structures One Hundred Twenty (120) square feet or less shall not require a building permit but must comply with appropriate setback regulations. All other buildings or structures must be issued a permit and pay the necessary fee prior to construction.
3. BUILDING PERMIT FEES. The following fees shall be charged for building permits.

<u>Total Valuations</u>	<u>Fee</u>
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00 plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00 plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$40,000.00.
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$1027.00 for the first \$100,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$3,827 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001 to \$5,000,000	\$6,327 for the first \$1,000,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00.
\$5,000,001 and above	\$18,327 for the first \$5,000,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof.

4. SET UP INSPECTION FEE. A set up inspection fee shall be charged as follows: Set up inspection fees for a single wide Mobile Home, manufacture home, modular home, and other factory-built housing will be a minimum of \$275.00, and if the value of the home or house is greater than \$25,000.00 the fee will be calculated as provided under this Ordinance for any other structure.

5. OTHER INSPECTIONS AND FEES

a. Inspections out of normal business hours	\$47.00 per hour and a Minimum of 2 hours.
b. Re-inspection fees	\$47.00 per hour.
c. Inspections for which no fee is specifically	\$47.00 per hour / charged: minimum 0.5 hours.
d. Additional plan review required by	\$30.00 per hour / changes, additions, or revisions to minimum 0.5 hours approved plans.

6. PLAN REVIEW FOR CONSULTANTS. If the Building Official / Inspector determines that the plans are of such a nature as to require review by a third-party consultant, the applicant will pay, at the time of the application, the estimated cost for the review. After the review is complete, the applicant will be refunded any money not required to pay the consultant, but if the review costs more than the estimate, the applicant is required to pay the additional fees before the building permit will be issued.

7. INSPECTION FEE FOR CONSULTANTS. If the Building Official / Inspector determines that a third-party consultant is required to properly inspect the project, the applicant and property owner are responsible to reimburse any additional fees required for the third-party inspection before a certificate of occupancy will be issued.

8. FEE AMENDMENTS. From time to time, the Board may amend the fees contained herein by resolution.

9. PENALTIES FOR VIOLATION. Any person, firm, corporation, or other entity that violates any provision of the International Building Code or International Residential Code, as adopted herein, is guilty of a civil infraction. A violation of the Codes is a strict liability offense, A person, firm, corporation, or other entity shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Code is committed, continued, or permitted. Upon conviction of any such violations, such person, firm, corporation, or other entity, shall be punished by a fine of not less than \$100.00 and not more than \$2,650.00. Further, certificates of occupancy shall not be issued to those in violation of this Ordinance.

## ARTICLE V

### SUBDIVISION REGULATIONS

1. AUTHORIZATION AND PURPOSE. Colorado Revised Statutes 31-15-702, 31-15-703, and 31-15-709, give to the governing body of each statutory municipality the power, authority, and discretion concerning the construction of streets, alleys, curbs, sidewalks, and the distribution and installation of water, water pipes, sewers, and related improvements within the municipal boundaries. Colorado Revised Statutes 31-23-214 requires each municipality to enact and enforce subdivision controls by regulations and procedures. These controls and regulations may extend up to three miles beyond the municipality boundaries. Subdivision regulations allows the Town, while actively pursuing businesses and growth opportunities for the Town, to be mindful that the Town budget and resources must be kept sufficient to meet present needs and to adopt policies which makes certain that development or growth within the Town will not take place without appropriate action being taken, and agreements entered into, to insure continued availability of municipal services to all Town residents as well as areas for development and growth.
2. DEFINITION. The following definition shall be applicable to this Article.
  - 2.1 Subdivision” means any parcel of land which is to be used for condominiums, apartments, or any other multiple-dwellings units. “Subdivision” also refers to the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. “Subdivision” includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

3. APPLICATION AND SKETCH PLAN. Applications for subdivision must be made to the Town Clerk at least Twenty (20) days prior to a regular meeting of the Board for the application to be initially considered at such board meeting. The application shall be on a form approved by the Board and shall contain a sketch plan to allow a review of the concept for development of the subject property and the overall feasibility of the project. The sketch plan shall include the following items:
- a. A plat or map showing the general location of the proposed subdivision, its property boundaries, and the direction of true North.
  - b. The name and address of the owner of the subject property with record documentation reflecting ownership.
  - c. The name and address of the developer of the subject property.
  - d. The legal description of the subject property, if available.
  - e. The approximate total acreage of the proposed subdivision.
  - f. The proposed tentative street and lot arrangement and the proposed density of development (including number of buildings, residences, estimated population, etc.)
  - g. Topographic contours from available data, such as the United States Geological Survey topographic maps.
  - h. A lot and street layout indicating general scaled dimensions of lots to the nearest foot.
  - i. A description of the water distribution system contemplated for the proposed development.
  - j. A description of the sewer collection system contemplated for the proposed development.
  - k. A scale of the sketch plan on legible paper which shall be not less than one inch per Two Hundred (200) feet. Some variation from this scale will be acceptable in the case of large subdivisions provided the plans and design are clearly legible.



- I. Any other information that the owner or developer believes necessary to obtain the informal opinion of the Board as to the proposed subdivision's compliance with the requirements set forth herein.
    - m. Any other information that the Board may require either before or after the initial application and presentation of the owner or developer.
- 4. APPLICATION FEE. The Applicant shall be responsible for the costs incurred by the Town in processing the application including the reasonable costs incurred by the Town through the use of Town Staff, the Town Engineer, and Town Attorney, as well as out of pocket costs incurred by the Town, including the required publication of notices. The Applicant shall file with his or her application funds in the amount of Seven Hundred Fifty Dollars (\$750.00) to apply towards the Town costs. At the completion of the application processing, the Town shall refund any funds not used by the Town in processing the application and the Town shall include with the refund a detailed statement reflecting the costs incurred. The Applicant shall pay any costs incurred by the Town which exceed the initial application deposit after being given a detailed statement by the Town reflecting the costs incurred.
- 5. INITIAL DETERMINATION BY THE BOARD. The Board, upon receiving the application and sketch plan, with supporting documentation if requested, shall place the application upon the next available Board agenda for discussion. Upon receiving the application and the presentation, if any, from the developer, the Board may make an initial determination as to whether the proposed subdivision appears to be feasible as to the available Town resources and in the Town's best interests. In making such initial determination, the Board shall consider all relevant factors, including the following stated factors:
  - a. Whether the proposed subdivision is supportive of the Town's master or comprehensive plan objectives and furthers the overall long-range goals of the Town.

- b. Whether the proposed subdivision would benefit, harm, or have no effect on the surrounding locale and neighborhoods.
  - c. Whether the proposed subdivision would be amendable to the present zoning and districting ordinances of the Town.
  - d. Whether the Town's infrastructure services, including but not limited to water, sewer, streets, law enforcement, etc., would be sufficient to service the subject area without harming or adversely impacting, financially or otherwise, existing residences, businesses, and schools.
- 5.1 The Board may continue the deliberation of its determination to the next scheduled Board meeting or later if the Board determines that more information is required from the owner or developer, or the Town's or owner / developer's engineer.
- 5.2 In the event that the Board makes an initial determination that the proposed subdivision would not be detrimental to the Town or its citizens and appears to meet the objectives and long-range goals of the Town as set forth in its master plan, the Board shall schedule a public hearing concerning the application for the next regularly scheduled Board meeting. In the event that the Board determines that a special meeting is required, the Board shall schedule such special meeting provided that notice of such special meeting is published at least Fifteen (15) days prior to the scheduled meeting. The Fifteen-day notice shall not be required in the event that the Board wishes to have a workshop for considering the information obtained. Such initial determination shall not be construed to be approval of the application. Further, the public hearing shall not be held until the Town has obtained the Town engineer's opinion, as set forth below, unless the Board determines that such opinion is not necessary.
6. **ENGINEER OPINION.** No approval shall be given by the Board for a proposed subdivision or development of subdivided property until the Town Engineer, Town Water Attorney, or other expert as designated by the Town Board of Trustees, have reviewed the application and determined that

adequate Town resources are available for the proposed subdivision / development relevant to the overall Town water, waste water, and other resource condition and availability. Such determination shall be at the sole discretion and authority of the Board and this requirement shall not be waived except by decision of the Board. The developer / owner shall pay for the cost of such study or inspection unless the cost is waived by the Board.

7. HEARING AND SUBDIVISION DEVELOPMENT AGREEMENT. Upon completion of the public hearing, during which all interested citizens shall be given the opportunity to address the application and ask questions of the owner or developer, should any wish to do so, the Board shall either confirm or deny its initial determination based upon the same relevant factors as set forth above. In the event that the Board confirms its initial determination, the Board shall authorize the Town to enter into a Subdivision Development Agreement with the developer concerning the proposed subdivision. The Agreement may include an Annexation Agreement if the developer is seeking to annex property into the Town for the purposes of the subdivision and has complied with Town Ordinances. The Agreement shall include, among other such provisions as may be required by the Board, the following provisions:

- a. The owner /developer shall be responsible for the preparation of a final subdivision plat, such plat to be legally sufficient for filing with the Lincoln County Clerk and Recorder. The Town will not sign the plat or approve the plat for recording until assured that the owner / developer has complied with all provisions of the agreement. The owner / developer shall be responsible for the cost of recording the plat.
- b. The owner / developer shall not obtain final subdivision plat approval until the owner / developer provides for the installation of all public improvements required by the development and acknowledges responsibility for the cost and construction of all waste water, water, or drainage facilities, and cost and construction of all necessary streets,

alleys, sidewalks, curbs, gutters, fire hydrants, and related appurtenances in and through the subject property. In addition to dedicating such improvements to the Town, the developer shall execute such deeds and easements as required by the Town for all sewer and water lines, or other public utilities upon, across or over any of the subject property or adjacent properties.

- c. The owner / developer shall pay the entire cost of the above public improvements that the owner / developer constructs on, through, or adjacent, to unserved or undeveloped lands. The construction shall conform to all Town standards and regulations and shall be pre and post approved by the Town or its representative. The owner / developer shall obtain all necessary building permits prior to commencing construction and shall, upon completion, properly and legally dedicate all such public improvements to the exclusive ownership of the Town.
- d. The Town may enter into a Recovery Cost agreement with the owner / developer to allow the owner / developer to collect a pro rata share of the construction costs of the public improvements from the owner or owners of property served by the improvements at the time such owner or owners develops his or her property.
- e. The final subdivision plat may be approved by the Board prior to the completion of the required infrastructure if the owner / developer provides financial guarantees for the completion of the improvements by performance bond, letter of credit, cash, escrow deposit, or other form agreeable to the Board.
- f. At least Thirty (30) days before the commencement of the construction of any phase of the development of the subject property, the owner / developer will agree to submit to the Board a plan development of that phase. The owner / developer agrees not to commence construction of any additional phase until the Town or its

representative approves the plan and the Town agrees that its approval shall not be unreasonably withheld or delayed.

- g. Depending upon the size of the proposed subdivision, the Board may require that the owner / developer set aside and dedicate to the Town a portion of the subject property for a park or other recreational or municipal purpose. The Board may, but is not required, to consider a cash payment in lieu of such dedication.
  - h. In the event that the Town Engineer or Town Attorney have determined that sufficient water, waste water, or other resources are not available for the proposed development of the property, the parties may still enter into a Subdivision Development Agreement dependent upon the developer or owner agreeing to purchase water rights, equipment, or other items sufficient to satisfy the proposed development and concerns of the Board and to convey such water rights, equipment, etc., to the Town.
- 8. **DEEMED WITHDRAWAL OF APPROVAL.** In the event that the Town and the owner / developer cannot agree to or enter into a Subdivision Development Agreement within Sixty (60) days of the public hearing referred to above, all official approval of the Board in regard to the developer's application shall be deemed withdrawn. Further, if the owner / developer does not commence construction within one year of the date of the execution of the Subdivision Development Agreement, all official approval of the Board in regard to the owner / developer's application shall be deemed withdrawn and the agreement shall terminate.
- 9. **PENALTY.** In the event that a landowner and / or developer subdivides real property located within the Town, either through sale, transfer, agreement, negotiation, or other means, before the Town has approved a plat and agreement, as set forth herein, and before the plat has been recorded or filed in the office of the Lincoln County Clerk and Recorder as required herein, the landowner and / or developer shall pay a penalty of Three

Hundred dollars (\$300.00) to the Town for each lot or parcel so transferred, or sold, or agreed or negotiated to be sold. Further, the Town may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction. Further, it is hereby unlawful to erect, construct, reconstruct, use, or alter any building or structure or use any part of the subject land in violation of the Town Land Use Code and the Town may enforce obedience to this Code by appropriate fine through the Hugo Municipal Court. Further, the Town may institute an appropriate action in Hugo Municipal Court to prevent, enjoin, abate, or remove the violation to prevent the occupancy or use of the building, structure, or land or to prevent any illegal act or use in or on the property / premises.

## **ARTICLE VI**

### **ANNEXATION**

1. **AUTHORIZATION AND PURPOSE.** Colorado Revised Statutes 31-12-101, et. seq., as amended, give to the governing body of each statutory municipality the power, authority, and discretion concerning the annexation of real property into the municipality. All annexations into the Town of Hugo utilizing the petition method shall follow the following process and standards to ensure that petitions are processed in an orderly manner, that municipal services are adequate and available to the property, that the costs of annexation are paid by the owners of the petitioner property and that all requirements of Colorado Revised Statutes 31-12-101, et. seq., as amended are followed.
2. **RESPONSIBILITIES OF PETITIONER.** The applicant for annexation is required to prepare all necessary documents in a professional manner and submit all documents to the Board as required. The applicant is required, upon the submittal of the application, to negotiate with the Town, or its designee, both a pre-annexation agreement and an annexation agreement as described herein. The Board must approve a resolution for annexation prior to the holding of a public hearing pursuant to state statute. In addition, the Town Clerk will publish the resolution and the public notice of hearing on the proposed annexation for four (4) successive weeks in the Town's official newspaper. The first publication shall be at least Thirty (30) days prior to the public hearing before the Board. The Town Clerk shall also send a copy of the notice to the Lincoln County Commissioners, Land Use Department, and County Attorney, and to any special district and school district having territory within the area sought to be annexed at least Twenty-Five (25) days prior to the date fixed for the public hearing.

3. ELIGIBILITY FOR ANNEXATION. Properties proposed for annexation must meet the following state statutory requirements;
  - a. Owners of more than fifty percent (50%) of the area to be annexed, including streets and alleys, shall sign the petition for annexation.
  - b. Not less than One-Sixth (1/6) of the outside perimeter of the area to be annexed shall be contiguous to existing Town limits.
  - c. No property owned in a separate tract shall be divided by the boundary of the proposed annexation without consent of such property owner.
  - d. Should the state statutes concerning the annexation of real property be amended subsequent to the adoption of this Code or should it be determined that this Code does not comply with the State of Colorado statutes concerning annexation of real property into a municipality, then the state statutes shall control as if fully set forth herein.
4. ONLY OWNERS MAY PETITION FOR ANNEXATION. Only owners of the subject real property, or the owner's designated legal representative, may petition the Town for annexation. Further, only the subject landowners may sign the petition for annexation.
5. ANNEXATION IMPACT REPORT.
  - a. An annexation impact report is required for parcels proposed to be annexed that are larger than Ten (10) acres. The annexation impact report may be waived, in writing by the Board of Lincoln County Commissioners. If the report is not waived, it must be completed at least Twenty-Five (25) days before the public hearing date and filed with Lincoln County at least Twenty (20) days before the hearing date. While it is the responsibility of the Town to prepare this report, the petitioners shall initiate and pay for such report with the supervision of the Town. Information from the petitions for the annexation impact report will include the following:



- a) The existing and proposed land use patterns in the subject property and surrounding properties.
  - b) The effect of the annexation upon the local public-school district including the estimated number of students generated and the capital construction required to educate such students.
  - c) A statement of the Town's plans for extending, financing, and providing municipal services within the area to be annexed.
  - d) A statement identifying all existing special districts within the area to be annexed.
  - e) A map of the Town and adjacent area showing the present and proposed boundaries of the Town in the vicinity of the proposed annexation and the present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.
- b. The Board may also require that a fiscal impact report be prepared by the applicant under the Board's direction and at the petitioner's expense. This report should provide the information needed by the Board to evaluate the fiscal costs and benefits of the proposed annexation over a multi-year period.
- c. The Town staff, or designee, must also review the proposed annexation and provide staff evaluation and recommendations to the Board prior to the scheduled public hearing, The Town engineer, at the petitioner's expense, shall conduct an investigation and issue a report as to the Town's capacity to meet the proposed utility needs of the annexed property and shall review and assess the topographical features of the proposed annexation as to drainage and other relevant issues. The Board may waive the engineer's report if the Board does not deem the size of the proposed annexation to be impactful.

- d. The Town staff, or designee, shall refer the annexation impact report to all relevant review agencies, if any.

6. REQUIRED DEDICATIONS.

- a. The petitioner must dedicate or agree to dedicate sufficient land and rights of way to the Town for public streets and alleys as set forth in the standards and specifications of the Town, and the Town's master plan.
- b. The petitioner must dedicate or agree to dedicate sufficient and unobstructed rights of way for utility easements and storm drainage to serve the proposed development. The petitioner also agrees to pay utility development fees and tap fees (system development charges) as established by the Town.
- c. The petitioner must dedicate or agree to dedicate to the Town, or pay cash in lieu of at the time of platting, land to be used for public purposes of at least six percent (6%) of all residential and two percent (2%) of all nonresidential property proposed for annexation. This cost may be waived by the Board.
- d. The petitioner must assign to the Town all rights, title, and interest in any water rights associated with the property or in any and all water located beneath the property sought to be annexed. The petitioner will expressly consent to the conveyance of water rights and execute any deeds, statement, or other documentation as required by the Town to accomplish the transfer of water rights to the Town.
- e. The petitioner will be required to construct all roads, utilities, and other improvements at their sole expense and according to the requirements, standards, and specification of the Town. Connection of such improvements to existing Town systems and / or the dedication of such improvements to the Town shall be at the Town's discretion.

7. PRE-ANNEXATION AGREEMENT. The petitioner shall enter into a pre-annexation agreement with the Board to establish the amount of deposit fees to be made by the Petitioner as may be required to process the annexation petition, annexation agreement, and other review.
8. ANNEXATION AGREEMENT. The petitioner shall engage in negotiations with the Town to develop a formal annexation agreement that addresses timing and requirements of development and dedications outlined in the Code. The Board will begin this process using a model annexation agreement of its own making.
9. STANDARDS FOR ANNEXATION. In considering a petition for annexation, the Board shall make findings of fact and conclusions on the following standards for annexation:
  - a. The property to be annexed is a reasonable and logical extension of the Town, and compatible with the goals and intents of the Town's comprehensive plan or master plan.
  - b. The area proposed for annexation shall not divide tracts in order to prevent further annexation of adjoining parcels.
  - c. The area proposed for annexation which, due to its configuration, causes excessive police, fire, utility, and street cost may not be accepted.
  - d. The area proposed for annexation shall be located where street extensions and water and sewer utility services are possible without undue expense to the Town. Where exceptional costs may be required in serving the area proposed for annexation, financial arrangements to extend street, water, or sewer mains shall be agreed upon prior to annexation.
  - e. Problems of storm drainage shall be considered prior to annexation to ensure that flooding problems within and adjoining the area proposed for annexation will not be increased by development of the property.

- f. Adequate water rights are provided to serve the proposed development on the property proposed for annexation and / or fees in lieu of water rights transfer is agreed to be paid by the petitioner.
- g. The petitioner has deposited with the Town monies in an amount determined by the Board upon a preliminary review of the petition for annexation according to the pre-annexation agreement. The amount of monies to be deposited shall be solely in the discretion of the Board and shall be intended to cover all cost to the Town resulting from the petition for annexation including review by the Town Engineer and the Town Attorney. No petition for annexation shall be deemed complete until such time as petitioner has deposited an amount of money as determined by Board. Petitioner agrees to pay such additional costs to the Town as may develop during the annexation process.
- h. Any additional conditions or requirements as may be required by state statute, or which the Board deems necessary for the proper evaluation of the petition.

10. INITIAL ACTION.

- a. At the first regular Town Board of Trustees meeting following the filing of a petition for annexation, the Board, or its designee, shall commence negotiations with the petitioner for the preparation of a pre-annexation agreement and an annexation agreement as described herein., The Board, or designee, shall also review and discuss with the petitioner the following:
  - a) The accuracy of the annexation map.
  - b) The land use allocations, circulation plans, and proposed utility systems proposed by the petitioner.
  - c) The proposed dedications.
  - d) The completeness and accuracy of the submitted documents.

11. TOWN BOARD ACTION. The Board, after receiving all necessary recommendations and the pre-annexation agreement, shall follow the procedures required by the state statutes to include the following:
- a. Following receipt of the Town staff or designee recommendations, the Board, if appropriate, will adopt a resolution finding the petition to be in substantial compliance with this Code and the state statutes. If the petition is signed by the owners of one hundred percent (100%) of the area proposed for annexation, the Board may annex the territory by resolution and ordinance after notice and a public hearing and, further, without an election unless additional terms and conditions are to be imposed. The Board will set the date, time, and place for a public hearing to determine if the annexation meets the requirements of this Code and the Colorado Revised Statutes. This hearing will be held not less than Thirty (30) days nor more than Sixty (60) days after the effective date of the resolution setting the hearing.
  - b. On the appointed date and time, the Board will hold the public hearing. The petitioner will present evidence in support of the petition. The Staff, or its designee, will testify as to:
    - a) The validity of the surveys and legal descriptions of annexation maps.
    - b) The One-Sixth (1/6) boundary contiguity requirement.
    - c) That no land held in identical ownership is to be divided except with the consent of the landowner.
    - d) That no tract of Twenty (20) acres or more having Two Hundred Thousand dollars (\$200,000.00) in valuation is included without the consent of the landowner.
    - e) That the entire width of perimeter streets or alleys will be annexed.
  - c. That no proceedings are pending to annex the land to another town or city; and

- d. That the annexation will not result in extending the Town's boundaries more than Three (3) miles in any direction in any one year.

Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the Board. The public hearing will be recorded.

- e. At the conclusion of the hearing, the Board will adopt a resolution containing the findings of fact and conclusions, including the following:
  - a) Whether or not the requirements of this Code and the Colorado Revised Statutes have been met.
  - b) Whether or not additional terms and conditions are to be imposed.
  - c) Whether or not an election is required either as a result of a petition for election or the imposition of additional terms and conditions.
  - d) If the Board finds that the area proposed for annexation does not comply with the Code and state statute, the annexation proceeding will be terminated without approval for annexation.
- f. If the Board finds the annexation to be in compliance with the Code and state statute and no additional terms and conditions are to be imposed, the Board may immediately pass the annexation ordinance. If additional terms and conditions are to be imposed the petitioner / landowner must agree to the terms, in writing, and if not, the annexation proceeding will be terminated.
- g. The annexation agreement shall be signed by the petitioner and the Board before final passage of the annexation ordinance.
- h. After passage of the annexation ordinance, the area shall be deemed to be annexed as of the effective date of the ordinance. The effective date for taxation of the annexed property shall be the ensuing January 1st.

- i. While the Board may designate a preliminary zoning district for the annexed property, the property shall not be effectively zoned until there has been a subsequent public hearing to approve the zoning classification.
- j. After the passage of the annexation ordinance, the Town will file one copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk and file for recording with the Lincoln County Clerk and Recorder Two (2) certified copies of the annexation ordinance and a map of the area annexed into the Town. The map shall contain a legal description of the annexed property. The petitioner is responsible for the cost of preparing such maps and / or plats as required and for the recording of the same with the Lincoln County Clerk and Recorder. The Town will require the County Clerk to forward one copy of the map and ordinance to the Division of Local Government in the Colorado Department of Local Affairs.

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