

ORDINANCE NO. 2020-07

AN ORDINANCE AMENDING CHAPTERS 16 AND 17 OF THE KEENESBURG MUNICIPAL CODE TO INTEGRATE THE TOWN OF KEENESBURG DESIGN STANDARDS AND AMENDING CHAPTER 8 REGARDING PARKING ON IMPROVED SURFACES

WHEREAS, on the direction of the Board of Trustees of the Town of Keenesburg (the “Board”), the Town Engineer developed the “Town of Keenesburg Design Standards,” applicable to new development within the Town of Keenesburg (the “Design Standards”), in consultation with Town staff, the Town Attorney’s office, and the Planning Commission of the Town of Keenesburg (“Planning Commission”); and

WHEREAS, the Board desires to amend Chapters 16 and 17 of the Keenesburg Municipal Code to set forth the applicability of the Design Standards; and

WHEREAS, a draft of this Ordinance has been reviewed by the Planning Commission and the Planning Commission has forwarded to the Board its recommendation that such Ordinance be adopted; and

WHEREAS, Sections 4 and 11 have been added to the Ordinance to add additional requirements to Chapters 8 and 16 regarding parking on improved surfaces and improved surface lot coverage; and

WHEREAS, the Board has held a duly-noticed public hearing on this Ordinance, at which hearing evidence and testimony were entered into the record, and following such hearing, finds the Ordinance should be adopted and Chapters 8, 16, and 17 amended accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF KEENESBURG, COLORADO:

Section 1. Section 16-1-70 of the Keenesburg Municipal Code is amended to include the following definitions to be inserted in alphabetical order, and the entire section renumbered accordingly:

Carport means a shelter for a vehicle consisting of a roof supported on posts, attached to the roof plane of the primary structure.

Landscape plan means a plan or map, created by a landscape architect or engineer duly licensed by the State of Colorado, showing landscaping, irrigation, and erosion control measures associated with a development in conformance with the Town of Keenesburg Design Standards.

Shed means an accessory building for use as a storage space, a shelter for animals, or a workshop.

Town of Keenesburg Design Standards means those certain design standards adopted by resolution of the Keenesburg Board of Trustees, as may be amended by resolution of the Board of Trustees from time to time.

Section 2. Subsection (d)(1) of Section 16-2-100 of the Keenesburg Municipal Code is amended to read as follows (words added are underlined):

(d) Additional requirements.

(1) All multifamily developments must be landscaped according to an approved landscape plan, which landscape plan shall conform to applicable Town of Keenesburg Design Standards.

Section 3. Section 16-2-40 of the Keenesburg Municipal Code is amended to read as follows (words added are underlined):

Sec. 16-2-40. - Accessory buildings and uses.

(a) Accessory buildings and uses are naturally and normally incidental to a use by right and comply with all the following conditions:

(1) Is clearly subordinate, incidental and customary to and commonly associated with the operation of the use by right.

(2) Is operated and maintained under the same ownership as the use by right on the same zone lot.

(3) Includes only those structures or structural features consistent with the use by right.

(4) Does not exceed maximum lot coverage. Lot coverage is the area of all structures and impervious surfaces on the lot, including the main building and all accessory buildings.

(5) May include home occupations, as defined in this Chapter and/or by residential zone districts.

(6) In all residential zones, an accessory structure shall be constructed of materials that are compatible with the use by right structure and shall not be constructed from corrugated sheet metal, canvas or similar nondurable materials. Accessory buildings shall use exterior colors that are used on the primary structure.

(7) All permitted accessory buildings must be located at a distance from the front lot line which is greater than the front setback for the principal building.

(8) Under no circumstances may an accessory building be constructed or located in the right-of-way.

(9) No more than one (1) single shed shall be allowed on any single lot. All new sheds shall be constructed in accordance with the Town of Keenesburg Design Standards. Under no circumstances may a shed be used for human habitation.

(10) No more than one (1) single carport shall be allowed on any single lot. Double carports are not allowed unless approved through the Town's special review process. All new carports shall be constructed in accordance with the Town of Keenesburg Design Standards.

(b) Accessory buildings and uses must meet setback and other design standard requirements in each zone district, including but not limited to the requirements set forth in the Town of Keenesburg Design Standards. Construction of accessory uses may or may not require a building permit. If a permit is required, a plot plan showing the location of the accessory use on the zone lot will be required.

Section 4. Article II of Chapter 16 of the Keenesburg Municipal Code is amended to add a new Section 16-2-175, to read as follows:

Sec. 16-2-175. – Front yard improved surface coverage restriction.

In addition to the minimum and maximum lot coverages set forth in Section 16-2-170, improved surfaces shall cover not more than the lesser of (i) 380 square feet or (ii) 40% of the front yard of any lot zoned R-1, R-2, or R-3. For purposes of this Section, improved surface means a surface comprised of asphalt, recycled asphalt, concrete, brick, cement pavers, compacted or crushed stone or gravel, or similar materials installed and maintained according to industry standards. Nothing in this section shall relieve new development from complying with standards applicable to driveways and parking areas set forth in the Town of Keenesburg Design Standards.

Section 5. Subsection (e)(13) of Section 16-2-180 of the Keenesburg Municipal Code is amended to read as follows (words added are underlined):

(13) Use by special review and landscape plan maps. Plans shall show existing and proposed buildings, parking, landscape elements, lighting, drainage elements, utilities, public rights-of-way and any other information deemed necessary by Town staff. Use by special review plans and associated landscape plans shall comply with applicable provisions of the Town of Keenesburg Design Standards. Plans shall include a vicinity map at an appropriate scale to show surrounding area. The use by special review plan map shall be considered a site

plan and shall fulfill the requirement for a site plan submittal as required by Section 16-2-190 unless during the required pre-application meeting it is determined that a separate site plan submittal is required for uses by right associated with the special review permit.

Section 6. Subsection (g)(8) of Section 16-2-190 of the Keenesburg Municipal Code is amended to read as follows (words added are underlined):

(8) Traffic study. Requirements to be determined in the preapplication meeting or at the request of CDOT. All required traffic studies are to be prepared by a certified engineer, and approved by the Town Engineer. Developers may be required to modify site plans to mitigate traffic impacts associated with the development as determined by the traffic study.

Section 7. Subsection (g)(12) of Section 16-2-190 of the Keenesburg Municipal Code is amended to read as follows (words added are underlined):

(12) Site plan and landscape plan maps. Plans shall show existing and proposed buildings, parking, landscape elements, lighting, drainage elements, utilities, public rights-of-way and any other information deemed necessary by Town staff. Site plans and landscape plans shall comply with applicable provisions of the Town of Keenesburg Design Standards. The site plan shall include a vicinity map at an appropriate scale to show surrounding area.

Section 8. Subsection (h)(3) of Section 16-2-190 of the Keenesburg Municipal Code is amended to read as follows (words added are underlined):

(3) Conformance with all applicable parking and open space requirements, and any adopted architectural design standards, including but not limited to the Town of Keenesburg Design Standards.

Section 9. Article I of Chapter 17 of the Keenesburg Municipal Code is hereby amended by the addition of a new Section 17-1-70, to read as follows:

Sec. 17-1-70. – Design criteria.

In addition to all other criteria established in this Chapter, the Comprehensive Plan and this Code, all new subdivisions, except minor subdivisions, shall be designed in accordance with applicable provisions of the Town of Keenesburg Design Standards.

Section 10. Section 17-10-70 of the Keenesburg Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 17-10-70. - Homeowners associations.

A. Homeowners associations (HOAS) or similar legal entities are responsible for the maintenance and control of common areas, including recreational facilities and open space. HOAS shall be established in such a manner that:

(1) Provision for the establishment of the association or similar entity according to state law is to be made before final subdivision approval is made or any lot in the development is sold; legal documents are to be forwarded to the Town prior to final approval.

(2) The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities.

(3) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

(4) The Town retains the legal authority to compel HOAS to maintain their properties in proper condition, through requirement of a maintenance agreement executed with the Town or by any other legal means.

B. HOAS shall maintain all common areas under their control and rights-of-way within and adjacent to the development in good condition. Without limiting the generality of the foregoing, HOAS shall:

(1) Ensure that all landscaped areas are maintained in accordance with approved landscape, irrigation, and erosion control plans, including but not limited to replacement of dead, dying, or diseased plantings and trees;

(2) Ensure areas covered with irrigated turf are mowed and irrigated in accordance with approved landscape and irrigation plans;

(3) Ensure brush and weeds are maintained so as to inhibit the spread of noxious weeds, and to mitigate public, health, safety and wellness hazards, such as the spread of wildfires, slope failures, soil erosion, and increased flooding; and

(4) Ensure that all areas, including but not limited to rights-of-way and alleys, are kept free of dead vegetation, refuse, trash, and debris.

Section 11. Section 8-2-20 of the Keenesburg Municipal Code is hereby amended to add the following definitions, to be inserted in alphabetical order:

Trailer means any wheeled vehicle, without motive power and having an empty weight of more than two thousand pounds, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

Utility Trailer means any wheeled vehicle weighing two thousand pounds or less, without motive power, which is designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, or not to exceed two horses over the public highways.

Section 12. Article II of Chapter 8 of the Keenesburg Municipal Code is amended to add a new Section 8-2-90, to read as follows:

Sec. 8-2-90.- Parking on improved surface required.

No person shall park a vehicle, utility trailer, or trailer on private property except on an improved surface. For purposes of this Section, improved surface means a surface comprised of asphalt, recycled asphalt, concrete, brick, cement pavers, compacted or crushed stone or gravel, or similar materials installed and maintained according to industry standards. The term improved surface does not include dirt, landscape mulch, or other similar materials. Parking on lawns, whether public or private, is expressly prohibited within the Town.

Section 13. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 14. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED BY
TITLE ONLY this 17th day of August, 2020.

TOWN OF KEENESBURG, COLORADO

Ken Gfeller, Mayor

ATTEST:

Christina Fernandez, Town Clerk

