



**TOWN OF RED CLIFF, COLORADO
ORDINANCE 1, SERIES 2022**

**AN ORDINANCE AMENDING CHAPTER 16, PLANNING & ZONING OF THE RED
CLIFF MUNICIPAL CODE TO CLARIFY PROCEDURES AND LAND USE
APPLICATION REQUIREMENTS**

WHEREAS, the Town of Red Cliff (“Town”) is a legal and political subdivision of the State of Colorado for which the Red Cliff Town Board of Trustees (“Town Board”) is authorized to act; and

WHEREAS, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, §29-20-101 through §29-20-108, C.R.S., as amended, and §31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town’s jurisdiction, and to enact zoning, subdivision, and other land use and development regulations; and

WHEREAS, the Town Board and Planning and Zoning Commission have held various work sessions and public hearings to receive public input on changes to the Red Cliff Municipal Code (the “Code”) and, specifically, Chapter 16, Planning and Zoning (“Zoning Code”); and

WHEREAS, §31-23-304, C.R.S., provides that the Town shall provide for the manner in which its land use and development regulations are amended, supplemented, or changed; and

WHEREAS, §1-3-70, Amendments to the Code, and §1-3-80, Supplementation of the Code, provide processes to amend the Code; and §16-3-30, Planning and Zoning Commission, provides that the Town’s Planning and Zoning Commission shall review all proposed amendments to the Town’s Zoning Code at a duly noticed public hearing and shall recommend approval or denial of a proposed amendment to the Town Board, and

WHEREAS, §16-3-40, Town Board of Trustees, provides that the Town Board shall finally approve, continue, or deny recommendations by the Planning and Zoning Commission on any proposed Code amendments at a duly noticed public hearing; and

WHEREAS, the Planning Commission at a duly noticed public hearing on February 1, 2022 and considered the Zoning Code amendments and provided a recommendation to the Town Board; and

WHEREAS, the Town Board at a duly noticed public hearing on February 1, 2022 considered the proposed Zoning Code amendments and recommendation of the Planning and

Zoning Commission and determined that the amendments are in the best interest of the public health, safety and welfare of the citizens of the Town and conformed in all respects to the Red Cliff Municipal Code.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF RED CLIFF, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapter 16 of the Red Cliff Municipal Code, the Zoning Code of the Town of Red Cliff, is hereby amended to read as follows, with additions shown in double underlined text, and ~~strike-through language is deleted~~. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

Sec. 16-5-50. Approval by Planning and Zoning Commission.

(a) All development not exempt pursuant to § 16-5-20 and not administratively approved by the Planning Director pursuant to § 16-5-40 shall be approved pursuant to this section and § 16-5-60.

(b) The proponent of development subject to this section shall submit an application for development approval to the Commission on a form to be provided by the Planning Director. The application shall include and be accompanied by:

(1) The name and address of the owner of the site at which the development will occur and/or applicant and a statement that the applicant, if not the owner, has the permission of the owner to make the application and undertake the development;

(2) The legal description, street address and other identifying information for the site at which the development will occur;

(3) A current title report or commitment or other proof of ownership;

(34) A survey of the site at which the development will occur dated no more than one year before the date of application is made;

(45) A ~~general~~ detailed description of the development; ~~and~~

(56) A detailed site plan drawn to scale and showing existing and proposed features on the site pertinent to the development, including: site boundaries, easements, required structure setbacks, existing and proposed structure locations, existing and proposed site coverage, areas devoted to landscaping, existing and proposed grades and contours, existing and proposed drainage, existing and proposed off-street parking, traffic circulation, and areas devoted to snow storage;

(7) Scaled plans, elevations and perspective drawings sufficient to indicate the dimensions, including building height and roof overhangs, and as well as interior plans showing all rooms and spaces of any structure that will be constructed, reconstructed, altered or expanded as part of the development; and

(8) Any development approval application fee established by the Town and any fees required pursuant to § 16-3-80, which development approval application fee shall be nonrefundable.

(c) At the discretion of the ~~applicant~~ Planning Director, or assigns, the application ~~Applicant may also include and be accompanied by~~ be required to include and be accompanied by such additional documents, studies, maps, plans, specifications, and other materials as the applicant Planning Director, or assigns, deems necessary for the Commission to review, consider, and evaluate the development pursuant to the criteria described in § 16-5-70, including, but not limited to:

- (1) ~~A detailed description of the development;~~
- ~~(2) A site plan showing existing and proposed features on the site pertinent to the development, including site boundaries, required structure setbacks, existing and proposed structure locations, site topography and physical features, off street parking spaces and loading areas, snow storage areas, traffic circulation, areas devoted to landscaping, utilities, drainage features and stream setbacks;~~
- ~~(3) Scaled plans, elevations and perspective drawings sufficient to indicate the dimensions and interior plans of any structure that will be constructed, reconstructed, altered or expanded as part of the development;~~
- (4) Materials samples or detailed descriptions of the materials and fixture specification to be used in connection with the development; and
- (5) Such additional materials, plans, studies, specifications, or information as the applicant Planning Director, or assigns, deems necessary for adequate review of the application and development by the Commission.

~~(d) Upon receipt of an application for development approval complying with subsection (b), including payment of any required fees, and receipt of additional materials submitted by an applicant pursuant to subsection (c), if any, the Planning Director shall schedule a public hearing before the Commission for consideration of the application. The public hearing shall take place no more than 35 days after receipt of an application complying with subsection (b). The Planning Director shall give notice of the application and hearing to adjacent property owners at least 14 days before the hearing.~~

Upon receipt of an application, the Planning Director, or assigns, shall review the application for ten (10) business days from the date of receipt to determine application completeness. If, following the completeness review, the application is deemed incomplete, the Planning Director or assign will provide a written description of any application deficiencies to the Applicant. The Applicant shall have sixty (60) business days from the date of notice to respond to the Town's completeness review and to provide updated application materials and specifications to address any stated deficiencies.

(e) Upon receipt of an updated application, the Planning Director, or assigns, shall review the updated application for ten (10) business days to determine if the Applicant has adequately addressed application deficiencies enumerated by the Planning Director or assign. If,

following the second completeness review, the application is deemed incomplete, the Planning Director or assign shall provide written description of any outstanding deficiencies to the Applicant. The Applicant shall have sixty (60) days from the date of notice to respond to the Town's completeness review comments and this process shall continue until such time that the application is deemed complete; or, until such time the Applicant successfully appeals the Planning Director's determination of completeness pursuant to § 16-3-60 of the Code.

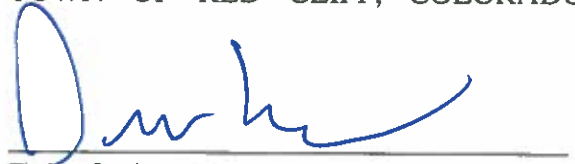
(df) Upon receipt ~~determination by the Planning Director, or assigns, of an complete~~ application for development approval complying with subsection (b), including payment of any required fees, and receipt of any additional materials submitted required by the Town pursuant to subsection (c), ~~if any,~~ the Planning Director, or assigns, shall review the application for fifteen (15) business days, prior to schedule scheduling a public hearing before the Commission for consideration of the application. The public hearing shall take place no more than ~~35 days~~ 30 business days after determination of an complete application by the Planning Director, or assigns, ~~complying with subsection (b).~~ The Planning Director, or assigns, shall give notice of the application and hearing to adjacent property owners at least fourteen (14) calendar days before the hearing.

(e) At the hearing, the Commission shall determine whether the information submitted by the applicant pursuant to subsections (b) and (c) is sufficient to allow it to evaluate and apply the criteria set forth in § 16-5-70 and recommend approval or disapproval of the development. If it determines that the information submitted by the applicant is sufficient allow it to evaluate and apply the criteria set forth in § 16-5-70, it shall proceed to issue a recommendation pursuant to § 16-5-60. If it determines that additional information is needed from the applicant in order to evaluate and apply the criteria set forth in § 16-5-70, it shall continue the hearing and request that the applicant provide such additional materials and information to allow it to evaluate and apply the criteria set forth in § 16-5-70. In conjunction with such a request, the Commission may preliminarily or conceptually approve the development, may propose such modifications or conditions on the development and otherwise provide such guidance to the applicant as it deems appropriate. At a continued hearing pursuant to this subsection, the Commission shall proceed in accordance with this subsection.

Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage.

The Ordinance was approved by majority vote of the Board of Trustees of the Town of Red Cliff this 1st day of February, 2022.

TOWN OF RED CLIFF, COLORADO



Duke Gerber, Mayor

ATTEST:


Melissa Matthews, Town Clerk

ORDINANCE 1, SERIES 2022 WAS ADOPTED AND ORDERED PUBLISHED
on this 15th day of March, 2022.



TOWN OF RED CLIFF, COLORADO

Duke Gerber, Mayor

ATTEST:

Melissa Matthews, Town Clerk