TOWN OF PEETZ

ORDINANCE NO. 1-2024

AN ORDINANCE TO CREATE LAND USE STANDARDS FOR THE TOWN OF PEETZ

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF PEETZ, LOGAN COUNTY, COLORADO:

I. General Provisions

A. Title. The regulations contained herein shall be known and cited as the *Peetz Land Use Ordinance* and hereinafter referred to as "this Ordinance."

B. Purpose. This Ordinance is designed to encourage the most appropriate use of land throughout the town and to insure a logical growth of the various physical elements of the town; to secure safety from fire, panic and other dangers; to provide adequate light and air; to improve housing standards; to conserve property values; and in general, to promote health, safety and general welfare.

C. Authority.

1. This chapter is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.). Authority is granted to municipalities to enforce building and fire regulations (C.R.S. § 31-15-601), to regulate land use through zoning (C.R.S. § 31-23-301), to prohibit or regulate nuisances and enforce its major street plan within three miles of its boundaries (C.R.S. §§ 31-15-401 through 31-15-601, 31-23-212 and 31-23-213), as well as to adopt a comprehensive plan and generally plan for and regulate the use of land.

2. Whenever a section of the Colorado Revised Statues that is referred to in this chapter is later amended or superseded, this chapter is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

D. Jurisdiction. This Ordinance shall apply to all structures, uses, and land within the legal boundaries of the Town.

E. Applicability. Except as otherwise provided, no buildings or other structures, or land, shall be used, and no building or other structure shall be erected, reconstructed, moved into or within the town limits, or be structurally altered, except in conformance with the regulations specified in this Ordinance.

F. Resolution of Conflict. Where property is affected by the requirements of this Ordinance and by other governmental regulations, those that are more restrictive or which impose higher standards or requirements shall prevail.

II. Building Requirements

A. Building permit required. Anyone so desiring replacement of, or addition to, an existing structure; construction of a new structure over two hundred (200) square feet; or placement of manufactured structure or mobile home, shall be required to receive approval by the Town Board, or its designee, prior to the beginning of any such project in the form of a building permit. The Town Board, or its designee, shall ensure that the building permit application satisfactorily addresses the following criteria.

1. Building plans and specifications meet or exceed the requirements of the 1994 Uniform Building Code.
2. A plot plan, to scale, submitted by the applicant that shows the proposed structure will meet the requirements of applicable sections in this Ordinance and will not encroach into easements or other encumbrances.
3. The structure shall be situated on a lot so that the placement is consistent and compatible with the placement of other similar structures in the surrounding neighborhood.
4. The intended use of the structure is compatible with surrounding land uses and will not impede the health, safety, and welfare of the residents in the area.
5. An estimated timeline for completion. Construction related to an approved building permit shall commence within twelve (12) months of the approval date or the permit shall expire.
6. If the application is for a nonpermanent structure, it complies with the temporary structure requirements found in SUBSECTION.
7. If the application is for an accessory structure, it complies with the accessory structure requirements found in SUBSECTION.
    a. Building permits are not required for accessory structures that are under two hundred (200) square feet, such as a doghouse or children's playhouse.
8. If the application is for a residential dwelling, it complies with the following:
    a. Any applicable housing requirements found in SUBSECTION.
    b. The home shall be of average or above in quality and design. It shall also be of conventional design in the area where it is located. Subterranean, geodesic, and homes constructed of nonstandard recycled materials shall not be permitted.

B. Setbacks. The following setbacks apply to all new or moved buildings and additions to existing buildings. Attached dwellings or commercial buildings sharing a party wall may have a zero (0) setback, provided the shared wall meets local fire code and is placed precisely on the lot line.

Buildings shall be setback from:	**Distance**
Road right-of-way	20 feet
Rear lot line or Alley	5 feet, unless adjacent to an alley that is at least 20 feet wide and can hold utilities, then 5 feet

Side lot line, not adjacent to a road	5 feet
Other buildings	5 feet
Oil & gas well	250 feet
Oil & gas well, plugged and abandoned	50 feet

C. Building Design. The following standards apply to any building requiring a building permit.

1. Materials. Use natural materials such as painted or natural finish wood siding (horizontal lap, tongue-and-groove, board and batten, or vertical), brick, stone, stucco, ceramic, or terracotta tile. Synthetic alternatives to these natural materials may be used if manufacturer specifications and/or precedents for application demonstrate that it will perform equally or better than the principal materials in terms of maintenance, design, and aesthetic goals. Corrugated metal may be used for nonresidential structures.

2. Roof. All residential homes shall have a roof with a minimum roof pitch of three in twelve (3:12).

III. Accessory Structures

A. "Accessory building, structure, or use" means any building, structure, or use which is subordinate in purpose, area or intensity to the principal building or use served, is normally associated with the principal building or use, contributes to the needs of the occupants, business enterprise or industrial operation within the principal building or use served, and is located on the same lot as the principal building or use.

1. All accessory structures must be enclosed underneath to prohibit animals, rodents, etc. from getting under the structure.

B. Cargo containers. Cargo containers shall be subject to the following standards. See Ordinance 2019-1 for complete storage container regulations.

1. Owner must obtain a conditional use permit prior to construction which contains a site approved plan by the Town Permit Committee. It is the owner's responsibility to obtain verification in writing from the Peetz Telephone Co., Xcel Energy, the Town of Peetz, and other parties who may have easements that the container/shed is not set over utility lines or other easements, and includes any other conditions concerning placement or appearance as recommended by the Town Permit Committee. All fees must be paid prior to construction.

2. A cargo container located on a lot shall be setback a minimum of (5) feet from the property line.

3. No more than (1) cargo container may be placed at the back of a residential or commercial lot.

4. No cargo container shall be placed adjacent to or bordering Main Street.

5. Cargo containers shall be painted a neutral color or a color that matches the principal structure on the lot so that no lettering shows.

6. A cargo container shall not be used as s principal structure on any lot or in any capacity as a dwelling.
7. A cargo container shall not be used, converted, or altered for any purpose other than storage.
8. A cargo container shall not be used for commercial purposes including, but not limited to, rental or lease.
9. Cargo containers existing as of the date of this Ordinance shall be permitted to continue as a nonconforming structure, with the following conditions:
    a. That the container be painted a neutral color or a color that matches that principal structure on the lot so that no lettering shows; and
    b. Cargo containers/sheds must be enclosed underneath to prohibit animals, rodents, etc. from getting under the structure.

C. Accessory Dwelling Units. An accessory dwelling unit (ADU) is a secondary dwelling on the same lot as a principal dwelling. The ADU may be attached to, detached from, or contained within a single-family dwelling. Any residential lot may have one (1) ADU, provided the following requirements are met:

1. The ADU must comply with all requirements of this Ordinance applying to a dwelling.
2. The floor area (interior square footage) of the ADU shall be no greater than floor area of the principal dwelling. The ADU shall be able to be served with potable water and sanitary sewer service. Additional water dedication or tap purchase(s) shall be required for all detached ADUs and may be required for attached ADUs that exceed expected uses of original water dedication or tap capacity.

IV. Nonpermanent Structures

A. Intent. For the purpose of this Section, nonpermanent structures shall mean occupiable buildings without a permanent foundation, such as a modular dwelling or a construction office set on a block and tie foundation.

B. New or moved nonpermanent structures shall meet the following minimum requirements:

1. Be certified to meet all applicable construction and safety standards. Dwellings require Department of Housing and Urban Development (HUD) certification.
2. Be sited on a lot so that the placement is consistent and compatible with the placement of other residential units in the surrounding neighborhood.
3. Be set with the following minimum anchors and support stands:

Length	Tie-Down Sets	Anchors
Up to 50'	2	4
50' to 60'	3	6
61' to 80'	4	8

4. All supports shall provide adequate support for the placement of the homes and shall be provided with anchors and tie-downs such as cast in place concrete "deadman," eyelets embedded in concrete slabs or runways, screw augers, arrowhead anchors, or other devices to be used to stabilize the structure.

C. Residential nonpermanent structures shall meet the following additional requirements:

1. Siting. The home shall be sited on a lot so that he placement is consistent and compatible with the placement of other residential units in the surrounding neighborhood.

2. Skirting. Within sixty (60) days of moving onto a platted lot, skirting shall be installed which completely encloses the space beneath the home. Readily openable access panels or doors shall be installed to permit entrance for servicing utility connections. The skirting shall at a minimum be constructed of materials which are the same or similar in design, texture and color as the exterior material used in the construction of the home. The skirting shall not be permanently attached to the ground or used to anchor the home.

V. Housing

A. Housing Types. The following types of housing are allowed within the Town as permanent dwellings. Lots with a single detached dwelling may have one (1) accessory dwelling unit.

Housing Type	Max # of units/ structure	Foundation Type
Detached dwelling	1	nonpermanent (i.e. block and tie)
Detached dwelling	1	permanent
Attached dwelling (duplex, townhouse, multifamily house)	2 - 6	permanent
Multifamily dwelling (apartment complex)	unlimited	permanent
Multiuse building	unlimited	permanent

B. Main Street. Lots fronting Main Street are intended for commercial uses. No residential dwellings shall be constructed on or moved to lots adjacent to Main Street unless they are located on the upper floors or rear two-thirds of a commercially-used building.

C. Recreational vehicles are not allowed as permanent dwellings. Recreational vehicle means a vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motor power or is mounted on or towed by another vehicle and includes camping trailers, fifth wheel trailers, motor homes, travel trailers, multipurpose trailers, and truck campers.

VI. Nuisance mitigation.

A. Weeds. No owner of any property within the Town, nor tenants or agents in charge thereof, shall allow or permit weeds to grow or remain on such property, or on that adjacent area between the property and streets or alleys. "Weed" shall mean any plant that meets any of the following criteria:

1. A plant of a species that is listed as a weed by the Colorado Department of Agricultural (any list, as amended);
2. Useless, troublesome, or injurious plants, including all vegetation more than twelve (12) inches in height, excluding flower garden plants, shrubbery and trees, vegetable garden plants, plots of grain plants, plants in pastures used for feed, fodder or forage, provided they are adequately weeded and maintained.

B. Trash and junk. No owner of any property within the Town, nor tenants or agents in charge thereof, shall allow or permit weeds or brush to grow or remain on such property, or on that adjacent area between the property and adjacent sidewalks, streets or alleys.

C. Property maintenance. It shall be the responsibility of the owner of any property within the Town, or tenants or agents in charge thereof, to maintain the exterior finish of all structures on such property in good structural condition and in good repair at all times, which shall include, but shall not be limited to, paint, siding, windows and roofing.

VII. Enforcement

A. Violations of this Ordinance are hereby declared public nuisances and shall be punishable as here described. Lack of or delay in enforcement of any provision of this Ordinance shall not constitute a waiver of such provision. The Town assumes no liability for any such violation.

1. Whenever the Town Board, or its designee, finds a violation of any of the provisions of this Ordinance, the person responsible for the violation will be notified in writing and shall be ordered the necessary correction within a period of three (3) months.

2. Unless a variance has been authorized by the Town Board, failure to comply with conviction, is punishable by a fine, the range of which shall appear on the fee schedule adopted by the Town Board. Each day that such violation continues to exist shall be considered a separate offense.

INTRODUCED, READ, AND APPROVED ON FIRST READING THE 14TH DAY OF OCTOBER 2024.

READ, PASSED, AND ADOPTED ON SECOND READING ON THIS 12TH DAY OF NOVEMBER 2024.

TOWN OF PEETZ, COLORADO

Traci Davenport, Mayor

Evelyn Gardiner, Clerk