

1.1 Title

This ordinance establishes the regulations and standards governing the use and development of land within the Town. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews, and appeals. Also included are Town standards for site design, landscaping, parking and public infrastructure.

1.2 Short Title

This ordinance shall be known and may be cited as the *Nunn Land Use Code*, and shall simply be referred to as "This Code."

1.3 Authority

- A. This Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.), and the Colorado Constitution, Article XX, Section 6. Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, *et seq.* and Title 31, Article 23, *et seq.* of the C.R.S., as amended. Additional statutory authority may also exist for specific types of land use regulation.
- B. Whenever a section of the Colorado Revised Statutes that is referred to in this Code is later amended or superseded, This Code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

1.4 Jurisdiction

- A. This Code shall be effective throughout the Town's corporate boundaries. The Town's planning jurisdiction includes all land within the Town, and where applicable, the land within three miles of the Town's boundaries with reference to a major street plan. For purposes of zoning and subdivision, This Code only applies to lands within the Town's corporate boundaries.
- B. A copy of a map showing the boundaries of the Town and the area within the three-mile planning jurisdiction shall be available for public inspection in the Town offices.

1.5 Purpose

- A. The purpose of This Code is to create a vital, cohesive, well-designed community in order to enhance the Town's character and further the goals as identified in the *Nunn Comprehensive Plan* (Comprehensive Plan). This Code is designed to:
 - 1. Encourage the most appropriate use of land throughout the Town;
 - 2. Encourage innovative, eco-friendly, quality site design, architecture and landscaping;
 - 3. Encourage new developments to relate to Nunn's historic development pattern;
 - 4. Promote compact, well-defined, sustainable neighborhoods that enhance Nunn's character;

5. Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
6. Provide a variety of lot sizes and housing types in every neighborhood;
7. Protect sensitive natural and historic areas and Nunn's environmental quality;
8. Integrate a high quality natural environment into the developed portions of the community;
9. Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
10. Provide protection from geologic, flood and fire hazards and other dangers; and
11. Promote the health, safety, morals and general welfare of Town residents.

1.6 Interpretation

In their interpretation and application, the provisions of This Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of This Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall prevail. The Town Clerk shall bring conflicts to the Board of Trustees' attention.

1.7 Applicability of Article

- A. The provisions of This Code shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of This Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in This Code. Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
- B. This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the *Comprehensive Plan* and with adopted regulations, policies and other guidelines.

1.8 Grandfather Clause

Any building, structure or land, prior to the enactment of this Code, or any amendments to This Code, that does not conform to the regulations of This Code; but that was lawful prior to the effective date of This Code, is exempt from provisions within This Code provided that such continued use does not pose a significant safety or health hazard. Refer to Section 3.11, Non-Conforming Uses for additional information.

1.9 Relationship to Existing Ordinances

All ordinances or resolutions or motions of the Town Board of Trustees or parts thereof in conflict with this Code are to the extent of such conflict hereby superseded and repealed, provided that no such repealer shall repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby. The adoption of This Code shall not adversely affect the Town's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect.

1.10 Relationship to Comprehensive Plan

- A. It is the intention of the Town that This Code implement the planning policies adopted in the *Comprehensive Plan* for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither This Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the *Comprehensive Plan*.
1. Requirement for Comprehensive Plan Amendment. Where a development proposal would be in substantial conflict with the *Comprehensive Plan*, an amendment to the *Comprehensive Plan* will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the *Land Use Concept Plan* in the *Comprehensive Plan*.
 2. Criteria for Evaluating Amendment Proposals. Amendments to the *Comprehensive Plan* resulting from development proposals under This Code shall be evaluated according to the criteria and procedure outlined in the *Comprehensive Plan*.

1.11 Effective Date

The provisions of This Code became effective January 1, 2011. Development plans approved under previous regulations that received vested property rights through a site specific development plan shall be valid for the duration of that vested property right provided that all terms and conditions of the site specific development plan are followed.

1.12 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The fee schedule will be adopted periodically by the Board of Trustees and is available from the Town Office.

1.13 Severability

If any part, section, subsection, sentence, clause or phrase of This Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of This Code. The Board of

Trustees hereby declares that it would have passed This Code including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

1.14 Computation of Time

- A. In computing a period of days, the first day is excluded and the last day is included.
- B. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.
- C. If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

1.15 Miscellaneous

- A. As used in This Code, words used in the singular include the plural and words used in the plural include the singular.
- B. The words "must," "shall" and "will" are mandatory; "may," "can," "should" and "might" are permissive.
- C. The present tense includes the past and future tenses, and the future the present.
- D. The masculine gender includes the feminine and neutral.