

**TOWN OF GRAND LAKE
ORDINANCE NO. 06 – 2016**

**AN ORDINANCE REPEALING AND REPLACING
MUNICIPAL CODE 12-2-28 PARKING REGULATIONS**

WHEREAS, Chapter 12, Section 2, Article 28 Parking Regulations of the Municipal Code (the "Parking Regulations") have been adopted by the Town of Grand Lake (the "Town"); and,

WHEREAS, the Parking Regulations contain minor errors; and,

WHEREAS, the Parking Regulations lack clarity on a Variance Review Procedure; and,

WHEREAS, the Town Planning Commission forwarded a favorable recommendation by Resolution 05-2016; and,

WHEREAS, the Town Board of Trustees reviewed the proposed revisions to the Municipal Code at a regularly scheduled meeting.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES THE TOWN OF GRAND LAKE, COLORADO,

THAT, the Municipal Code 12-2-28 Parking Regulations be replaced as presented and attached herein.

THAT, if any article, 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 of the remaining portions of this Ordinance. The Board of Trustees declares that if would have passed this Ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.


THAT, existing Ordinances or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the taking effect of this Ordinance.

DULY MOVED, SECONDED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO THIS 9TH DAY OF MAY, 2016.

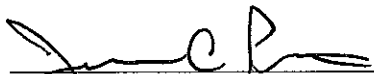
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| | |
|------------------|---|
| Votes Approving: | 6 |
| Votes Opposed: | 0 |
| Votes Abstained: | 0 |
| Absent: | 1 |

ATTEST:


Katie Nicholls,
Town Clerk

TOWN OF GRAND LAKE


James C. Peterson
Mayor



2. The Town Board of Trustees shall hear the variance application, with Planning Commission recommendation, at their next regularly scheduled meeting. The Board of Trustees may elect to hold a Public Hearing regarding the variance application. The Board of Trustees shall grant or deny the variance within 45 days of receipt from the Planning Commission.
3. The following factors should be considered by the Planning Commission and Town Board of Trustees in determining whether to issue a variance:
 - (a) The compatibility of the proposed action with the surrounding area; and
 - (b) Whether the proposed action is in harmony with the character of the neighborhood; and
 - (c) The need for the proposed action; and
 - (d) The effect of the proposed action upon future development in the area; and
 - (e) The shape, size, topography, slope, soils, vegetation, and other physical characteristics; and
 - (f) Whether alternative designs are possible; and
 - (g) With due consideration for the Town's Comprehensive Plan.

12-2-28 Parking Regulations and Design Standards

(A) Administration

All uses and structures of the date of adoption of this Section shall be deemed in compliance with the regulations set forth in this Section.

For reference, the following ordinances have been adopted revising the Municipal Code parking regulations and design standards:

(A) Ordinance 06-1989, Ordinance 01-2000, Ordinance 23-2006, Ordinance 33-2009

(B) Parking Regulations Requirements

(B) —No building shall be erected, enlarged to the extent of increasing the floor area by more than ten percent (10%), changed in Use as defined in this Article, or rezoned (excluding Town initiated rezoning) unless there is either an approved parking plan in place or a parking fee in lieu is paid to the Town if allowed, or there is provided on the lot, space for parking and space for the loading and unloading of automobiles or trucks in accordance with the following standards and requirements. *Nothing in this part shall supersede the on-site utility requirement for structures built on property within the commercial district.*

1. The criteria to calculate the required number of parking spaces shall be as follows:

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| GROUP TYPE OF STRUCTURE | REQUIRED # OF OFF-STREET PARKING SPACES PER UNIT |
|--|--|
| I. SINGLE FAMILY DWELLING | 2 Spaces |
| II. ACCESSORY DWELLING UNITS (ADUs), APARTMENTS AND ANY RENTED HOTEL, MOTEL, CABIN/LODGE ROOM | |
| Studio or One Bedroom Unit | 1 Space |
| Two Bedroom Unit | 1.5 Spaces |
| Three Bedroom Unit | 2 Spaces |
| Four + Bedroom Unit | 2.5 Spaces |
| III. OTHER LIVING ARRANGEMENTS | |
| Elderly and Group Home Living | 2 Spaces PLUS 1 Space/4 Beds |
| IV. COMMERCIAL, RETAIL, SERVICE AND OFFICE ESTABLISHMENTS | |
| Bed and Breakfasts | 2 Spaces PLUS 1 Space per Rental Room |
| Restaurant, Lounge, Bar, Coffee Shop | 1 Space/250 S.F. Total Floor Area |
| General Retail | 1 Space/350 S.F. Total Floor Area |
| Retail/Automotive Service and Repair | 1 Space/425 S.F. Total Floor Area |
| Pharmacy, Grocery Store, and Convenience Store | 1 Space/250 S.F. Total Floor Area |
| Bank, Office, Government and Public Facilities | 1 Space/350 S.F. Total Floor Area |
| Recreational Rental, Amusement Services, Greenhouses and Nurseries | 1 Space/300 S.F. Total Indoor Floor Area PLUS 1 Space/1,000 S.F. Total Outdoor Floor Area |
| Personal Services (to include Health Care and Spas) | 1 Space/350 S.F. Total Floor Area – OR – 1 Space/Service Stall or Room, Whichever is Greater |
| Commercial Assembly | 1 Space/6 Fixed Seats |
| V. OTHER FACILITIES | |
| Daycare | 1 Space/8 Students |
| Recreational Amenities | Shall be determined by the Town based on the submitted Parking Plan |
| VI. INDUSTRIAL ESTABLISHMENTS | |
| Storage Units | 1 Space/8 Units |
| Industrial Storage, Production and Warehousing | 1 Space/1,000 S.F. Total Floor Area |
| VII. ADDITIONAL REQUIREMENTS WHICH WILL BE IN ADDITION TO THE REQUIREMENTS SET FORTH IN GROUPS I-VI | |
| Guest Parking | 1 Space/5 Units |
| Assembly | 1 Space/6 Fixed Seats |
| Vehicle Stacking (Drive Through) | 1 Space/Service Area PLUS 1 Space/Lane |
| Service Bay and Gas Pump | 1 Space/1 Service Bay or Gas Pump |
| Loading/Unloading Areas | 1 Space/4 Units |

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2. Parking Spaces Required

~~2.~~ The method used to calculate the required number of parking spaces shall be as follows:

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(a) The total number of required parking spaces shall be calculated based on the table from Part 1. Any fraction shall be rounded up to the next whole number. In cases of mixed uses on one property, the requirements of each group shall be calculated and applied independently of the requirements of other groups. In cases of an existing building being enlarged so as to increase the floor area by more than ten percent (10%), changed in use as defined in this Article 2, or rezoned (excluding Town initiated rezoning), the total floor area and/or number of bedrooms of the resultant building after enlargement, change in use, or rezoning (excluding Town initiated rezoning) shall be used to calculate the required number of parking spaces to be provided.

1. Group I, Group II, and Group III structures shall be required to supply one hundred percent of the resulting number on the property where the structure is located.
2. After allowing for the on-street parking credit, if eligible, Group IV, Group V, and Group VI structures shall be required to satisfy seventy five (75%) percent of the resulting number of required - parking spaces off-street, unless a variance is obtained by the Town.

3. On-Street Parking Credits

~~3.~~ ~~In determining the number of required off-street parking spaces required~~ Parking Spaces.

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(a) ~~In determining the amount of off street parking required,~~ credit will be given for the available on-street parking adjacent and contiguous to any property subject to the provisions of this Section which adjoins a public right-of-way of eighty (80') feet or more in the Multiple-Family, Commercial, Commercial Transitional, Resort, Light Industrial, and General Industrial Districts.

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~~(b)~~(a) The amount of parking spaces required as determined elsewhere in this Section shall be reduced by the number of available on-street parking spaces on a one-to-one basis.

~~(c)~~(b) For qualifying lots, as described ~~in (A)above,~~ the amount of off-street parking will be calculated at 0.085 spaces per foot of frontage on a road that has available on-street credit.

4. Parking Fee in Lieu

~~The non-refundable parking fee shall be ten thousand (\$10,000.00) dollars for~~ For each parking space unable to be provided by the applicant, owner, or developer; a fee payment ~~shall shall~~ be in-lieu of the parking space required and shall be non-refundable. This fee may be amended from time to time by resolution adopted by the Board of Trustees. The parking fee shall be assigned to a particular lot or parcel, and may not thereafter be conveyed, assigned or transferred to any other property. The parking fee shall be paid in full concurrent with the Town's approval of a Building Permit Application, or a fee-in-lieu may be in equal and portioned payments over a five-year period. Portioned payments shall be assessed to the

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property tax statement of the subject parcel(s) and shall carry with the parcel(s) until the full payment has been made.

4.

5. Off-Site Parking Regulations

5. Parking spaces will be required to be located with a designated distance. Off-site parking spaces will be required to be owned by the same owner as the onsite parking spaces.

(a) Off-Site Street Parking Space is defined in 12-2-6 Definitions

~~(a)~~(b) Single Family Residential and Multiple Family Residential zones must have the required parking spaces be provided on the same property or use as the principal building or use.

~~(b)~~(c) Commercial, industrial and mixed use developments may satisfy the commercial and industrial off-street parking requirement by providing an off-site parking area. The off-site parking area shall be within three (3) blocks of the principal use. Residential units in mixed used developments must have the required parking spaces on the same property or use as the principal building.

1. The off site parking area shall have a deed restriction placed upon the property prohibiting sale, lease, transfer or conveyance without the prior approval of the Town and limiting its use to solely a parking lot servicing the off-street parking requirements of the property containing the principal use. The deed restriction shall be of a content and form approved by the Town and shall be recorded with the Grand County Clerk and Recorder.
2. The zoning for off-site parking area shall be the same as the principal use or a more intensive classification, except that in the C zone, land in the CT zone may be used as the off-site parking area. Parking areas shall be owned by the owner of the principal use for which parking space are being provided.
3. Off-Site parking areas must have positive pedestrian accesses and connectors to and from the principal use and/or structures which shall include mandatory or voluntary boardwalk, sidewalk and community greenways, if applicable.
4. Upon Board of Trustees approval (based on recommendation by the Planning Commission) Commercial, industrial and mixed used developments may provide on-street parking in areas where parking is under developed so long as the requirements of distance and the design standards set forth herein are met. Applications of this nature shall follow the variance procedure outlined in this Section.

6. Accessible Parking

~~6.~~ ~~One~~ designated accessible (handicapped) parking space shall be required as a part of the overall off-street parking requirements mandated under this Section for each twenty-five (25) off-street parking or fraction thereof. In all cases the accessible space shall be located in a manner close and convenient to the principal building main pedestrian ingress/egress.

7. Loading/Unloading Areas

(a) Loading/Unloading Areas may be a shared loading zone, located in the

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alleyway, for multiple-unit complexes provided it will adequately handle the commodities anticipated.

1. Changes in Structure (enlarged so as to increase the floor area by more than ten percent (10%) in any given two-year period) shall necessitate alley-access loading/unloading areas.
 2. Changes in Use shall necessitate alley-access loading/unloading areas.
- (b) Loading areas are to be designed to adequately accommodate both goods and people unloading at all residential and commercial buildings; the minimum loading area is fourteen feet (14') wide by twenty feet (20') long by sixteen feet (16') high.
- (c) Parking and loading areas are not to be used for the sale, repair, dismantling or storage of any vehicle or equipment. The sale of any materials, supplies, food or other goods is prohibited in parking and loading areas except by special permit from the Town.

(C) Parking Design Standards

(C) —The following requirements will apply to all projects that necessitate parking requirements as outlined in the previous section.

1. General Standards

1. Minimum Right of Way Width

(a) No parking is to be allowed on through public roads unless additional surface widths are provided for this purpose. The minimum Right of Way roadway width for on-street parking is eighty feet (80').

2. Snow Storage

(a) Convenient and accessible snow storage areas shall be provided for parking areas equivalent to one-third (1/3) of the total drive and parking areas.

(b) Snow storage areas must not drain directly into any stream, creek, lake or ditchway (that drains to any stream, creek or lake) without first passing through some water quality control device such as grassed waterways, retention pond or the like.

(c) Off-street parking areas created may be utilized to store snow.

1. Snow storage on off-street parking areas shall not exceed one-third (1/3) of the total on street parking credits.

2. If snow removal from the site is contemplated, a plan of action is to be drawn up and submitted to the Planning Commission for review.

3. Proper Materials

(a) All parking areas shall have a minimum of 2" Class C gravel ~~proper~~ surface material

~~(b) All parking areas and stalls are to be defined with cribbing or similar material, and surfaced with Class C gravel to a depth of two inches (2") as a minimum, if applicable.~~

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3.

(i)(c) All parking areas are to be paved with concrete, *which is highly encouraged, or asphalt, compacted to a minimum depth of four inches (4")*, in the commercial, commercial transitional, and industrial districts. Concrete or asphalt may be required in the residential, open and resort districts if there is similar contiguous surfacing material.

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1. Gravel surfacing in the rear of structures may be permitted by the Planning Commission without obtaining a variance.
2. Gravel surfacing for residential units in the Commercial and Commercial Transitional Zones may be permitted by the Planning Commission without a obtaining a variance.

(ii)3. Residential, open and Resort zones where parking areas may be surfaced with compacted gravel (Class C) and treated to control fugitive dust.

~~1.(i) All parking areas and stalls are to be defined with cribbing or similar material and surfaced with Class C gravel to a depth of two inches (2") as a minimum, if applicable.~~

(d) Landscaping Required

4. Landscaping is required on the perimeters of parking areas to help screen them from public view.

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(i)1. Large parking areas are to be broken up with landscaped islands that provide a measure of aesthetics to the parking areas without seriously inhibiting snow plowing and storage; snow storage shall not reduce the required parking area.

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~~5. Off-Site parking areas must have positive pedestrian accesses and connectors to and from the principal use and/or structures which shall include mandatory or voluntary boardwalk, sidewalk and community greenways, if applicable.~~

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2-4. Additional Design Standards for Parking Lots and Parking Structures Standards

(a) Minimum Isle Widths

(a) Parking lot aisle lanes may vary from twenty-four (24) feet to twelve (12) feet depending upon the angle of parking with perpendicular parking requiring an aisle width of twenty-four (24) feet.

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(b) Lighting

(b) All parking areas are to be adequately lighted for security reasons.

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(c) Number of Access Points

(c) All parking lots (greater than thirty (30) spaces) and structures are to be provided with a minimum of two (2) accesses for the purpose of proper traffic ingress and egress traffic circulation.

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(d) Measurement of Spaces~~Parking Lots on 50' X 100' lots shall conform to the following:~~

1. The surface off-street parking space width shall be measured at a perpendicular angle for all parking spaces. Angled parking will require



individual parking blocks for each parking space.

(e) Engineering Required

~~2. Snow Storage will account for 1/3 of the total parking lot. This area shall be utilized for snow storage in the winter and may be placed directly on the paved surface.~~

~~(i) Snow storage areas must not drain directly into any stream, creek, lake or ditchway (that drains to any stream, creek or lake) without first passing through some water quality control device such as grassed waterways, retention pond or the like.~~

~~3. Parking lot plans shall be engineered and submitted to the Town for review and approval. Parking lots shall provide for an adequate drainage system that will connect to the municipal waste water system or provide for Best Management Practices that allow for onsite drainage.~~

~~4. Parking Structure Minimum Setbacks Lighting and signage plan will also be submitted to the Town for review and approval.~~

~~5. All other requirements of 12-2-28 Parking Regulations will apply.~~

(f)

~~(e) Parking structures shall be a minimum of ten (10) feet from public or private road right-of-ways. In the case of State Highway 34, the setback shall be twenty (20) feet from the ROW. No setback is required for at-grade parking lots.~~

~~(1) Underground or structured parking is encouraged.~~

(g) Boardwalks and Greenbelts Required

~~1. The creation of new parking lots will trigger the creation of mandatory boardwalks and greenbelts in those areas where they are required.~~

(D) Variances to Parking Regulations requirements and Design Standards

~~(D) Variances to the parking regulations and design standards may be granted by the Board of Trustees with recommendation from the Planning Commission.~~

~~1. Criteria to Grant a Variance Variances to parking requirements and standards may be granted by the Board of Trustees, with recommendation from the Planning Commission.~~

~~1. In order to grant approval of a variance, the Board shall find the following findings:~~

- ~~(a) that the proposed parking plan requesting the variance has a mitigation plan in place for the requested variance; and~~
- ~~(b) that the proposed parking plan requesting the variance has mitigated by providing enhanced pedestrian linkages between uses and structures with developed parking areas; and~~
- ~~(c) that the proposed parking plan requesting the variance has demonstrated that the enhanced pedestrian linkages and developed parking areas will be for the~~

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public good to link community uses, promote and increase pedestrian traffic as well as not to pose a detriment to existing parking conditions in the Town; and

- (d) that the cost of the of the pedestrian linkages and developed parking areas are 30% or greater of the total parking fee; and
- (e) that the parking spaces that are being proposed to be provided will be a minimum of 65% of the total parking space requirement.

2. Variance Procedure

2. Application for a parking variance shall be at the time of submittal of an application for development which the requirements and standards are set forth in this Section.

(a) Submittal of Application

The Applicant must submit a complete Variance Request Application at least twenty-one (21) days in advance of the next regularly scheduled Planning Commission meeting. The application must include the following:

1. Completed application
2. A Parking Plan
3. Agreement for Services
4. Deposit
5. Any other pertinent materials required by Town Staff necessary for review.

6. The Town of Grand Lake shall not review requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.

(b) Review by the Planning Commission

The Planning Commission shall review variance applications Applications of this nature shall first conduct a pre-application conference with the Planning Commission at a Public Hearing as defined by 12-2-27(B), regularly scheduled meeting. The Commission may require review at a Public Hearing. The Commission shall make a recommendation to the Board based on the criteria in 12-2-28(D)1. Pre-application conferences may be held onsite.

(c) Review by the Board of Trustees

The Board shall review the the recommendation made by the Planning Commission at a regularly scheduled meeting. The Board may require review at a Public Hearing. The Board shall determine whether to grant or deny the variance request based on the criteria in 12-2-28(D)1

1. The Town of Grand Lake shall not review requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.

(E) Acceptance of Parking Areas

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1. Before a Certificate of Occupancy (C.O.) is issued on any structure(s), all parking areas are, as a minimum, to be graveled. A temporary waiver may be granted for a set period of time, should weather conditions necessitate. All improvements bonds, escrow funds, etc., are to be held by the Town until paving is complete. [See CHAPTER 9:BUILDING REGULATIONS 9-1-7 Appeals.](#)

12-2-29 Shoreline and Surface Water Regulations

(A) Stream and Lake Setbacks

1. In order to help preserve the environmental quality of the water in the Grand Lake, a thirty (30) foot stream and lake setback from the mean identifiable high water mark shall be maintained for buildings, parking, snow storage areas and other improvements to a site. The setback applies to a stream, creek, river, irrigation ditch (dry or wet), lake, pond, wetland, or any other body of water.

2. When activities are proposed within the 30' setback, a variance may be requested by an Applicant. As scheduled by Town Staff and based on agenda availability, The Planning Commission shall review the request at a Public Hearing and make a recommendation to the Town Board of Trustees, who shall make the final determination. Fifteen (15) days prior to the scheduled Public Hearing date, legal notice shall be placed in the local newspaper of general circulation advertising the time, date, and location of the Public Hearing. In addition, certified letters are to be mailed at least fifteen (15) days prior to the Public Hearing to all property owners within two hundred (200') feet of any portion of the property.

The Town Board of Trustees may opt to hold a Public Hearing. The Town Board of Trustees will hold a Public Hearing within 45 days from receiving a recommendation from the Planning Commission. Fifteen (15) days prior to the scheduled date, legal notice shall be placed in the local newspaper of general circulation advertising the time, date, and location of the public hearing. In addition, certified letters are to be mailed at least fifteen (15) days prior to the Public Hearing to all property owners within two hundred (200') feet of any portion of the property.

During the public hearing the burden of the Applicant shall include but not be limited to, establishing that the activity conforms to one or more of the exceptions set in 12-3-5(A)4 (a) through (e). A non-refundable fee, set by resolution by the Board of Trustees, is required for a variance request to the Stream and Lake Setbacks.

(a) At a minimum, a variance request shall include the following information:

1. A site map that includes locations of all streams, wetlands, floodplain boundaries, slope, topography, and other natural features, as determined by field survey.
2. A description of the size, shape, soils, vegetation and other physical characteristics of the property.
3. A detailed site plan that shows the locations of all existing and proposed disturbances, both inside and outside the setback. The exact area of buffer to be affected shall be accurately and clearly indicated.
4. Documentation of unusual hardship should the setback be maintained. (Refer to 12-3-5(A)4 (a) through (e))

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