

## **CHAPTER****ARTICLE** **1: GENERAL PROVISIONS**

### **1.01 Purpose and Organization**

1.01.1 Purpose. The purpose of this Land Use Code is to create a vital, cohesive, well-designed community in order to enhance the Town's small-town character and further the residents' goals as identified in the Comprehensive Plan. These zoning regulations are designed to:

- A. Promote the health, safety, values, and general welfare of Town residents.
- B. Establish a variety of zoning district classifications according to the use of land and buildings with varying intensities of uses and standards whose interrelationships of boundary zones form a compatible pattern of land uses and buffer areas which enhance the value of each zone.
- C. Ensure adequate provision of transportation, water supply, sewage disposal, schools, parks, and other public improvements.
- D. Regulate and restrict the location, use, and appearance of buildings, structures and land for residence, business, trade, industry, or other purposes, including federal requirements pertaining to floodplains.
- E. Regulate and restrict the height, number of stories and size of buildings and structures including their distance from any street or highway; the percentage of each lot that may be occupied by buildings and other structures; and size of yards, courts, and other open spaces.
- F. Promote good design and arrangement of buildings or clusters of buildings and uses in residential, business, and industrial development.
- G. Encourage innovative and quality site planning, circulation on sites and transportation to sites, architecture and landscaping that reflect land development best practices.
- H. Prevent the overcrowding of land; poor quality development; waste and inefficiency in land use; danger and congestion in travel and transportation, and any other use or development that might be detrimental to the stability and livability of the Town.
- I. Encourage the redevelopment, infill, and renewal of developed spaces in a manner that protects the Town's existing development context.
- J. Establish streets and availability of active transportation routes that promote walking, bicycling, and other active transportation forms that create safe and viable options for all.
- K. Establish regulations that promotes adequate light and air, maintains acceptable noise levels, and conserves energy and natural resources.

1.01.2 Organization. The Wellington Land Use Code is organized into nine (9) chaptersarticles as follows:

- ChapterArticle 1 General Provisions – The General Provisions address the Land Use Code’s organization, its purpose and authority, rules for interpretation, and legal provisions.
- ChapterArticle 2 Application Procedures – The Application Procedures guides the reader through the procedural and decision-making process by providing divisions pertaining to general procedural requirements and a common development review process, as well as providing a separate division for each type of development application and other land use requests.
- ChapterArticle 3 Zoning Districts – All zone districts within the Town of Wellington and their respective list of permitted uses, prohibited uses and particular development standards are located in ChapterArticle 4 Use Regulations and ChapterArticle 5 Development Standards.
- ChapterArticle 4 Use Regulations – The Use Regulations identify permitted and prohibited use allowances for their respective zoning districts, while also providing use-specific standards that meet certain development needs.
- ChapterArticle 5 Development Standards – The Development Standards establish standards which apply to all types of development applications unless otherwise indicated. This chapter article is divided into sections addressing standards for site planning and design, engineering, environmental and cultural resource protection, buildings, and transportation.
- ChapterArticle 6 Subdivision Regulations – The Subdivisions Regulations establish the Town’s land division requirements.
- ChapterArticle 7 Nonconforming Uses – The Nonconforming Uses protects and regulates nonconforming uses, structures, lots, site improvements, and applications (referred to collectively as “nonconformities”) and specifies the circumstances and conditions under which those nonconformities may continue.
- ChapterArticle 8 Floodplain Regulations – The Floodplain Regulations address the Town’s development and planning measures to mitigate for potential flood hazards.
- ChapterArticle 9 Definitions – The Definitions encompass the terms used throughout the Land Use Code.

1.01.3 Organizational Method. This method of organization provides a user-friendly and easily accessible Land Use Code by consolidating most town regulations addressing land use and development, standardizing the regulatory format, providing common development review procedures, separating and clarifying standards, and maintaining definitions.

## 1.02 Authority

A. This Land Use Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.). 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 development regulation.

- B. Whenever a section of the Colorado Revised Statutes cited in this Land Use Code is later amended or superseded, this Land Use Code shall be deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

### 1.03 Effective Date

This Land Use Code is effective **immediately** upon approval of the Board of Trustees and 30 days following publication of Ordinance No. ##-2022.

### 1.04 Applicability

1.04.1 Generally. Unless otherwise provided, this Land Use Code applies to any:

- A. Development or redevelopment of land;
- B. New building or use;
- C. Addition or enlargement of an existing building or use;
- D. Change in occupancy of any building; or
- E. Change of use.

1.04.2 Applications. Unless otherwise provided, this Land Use Code applies to any of the following development applications:

- A. Any subdivision plat;
- B. Any site plan;
- C. Any plot plan;
- D. Any land entitlement process plan;
- E. Any special use authorization;
- F. Any conditional use review;
- G. Any building permit for a use other than a single-family detached dwelling; or
- H. Any certificate of occupancy.

### 1.05 Relationship to Other Ordinances

The standards of this Land Use Code are in addition to all other standards, guidelines, policies, and Municipal Code requirements otherwise applicable to land use and development. To the extent that there is a conflict between a requirement of this Land Use Code and another Town standard, guideline, policy or requirement, refer to *Chapter Section 1.07 Interpretation and Conflicting Provisions.*

### 1.06 Relationship to Comprehensive Plan

1.06.1 ~~The adopted Wellington Comprehensive Plan is the official policy document of the Town of Wellington. This provides a consistent statement of the Town's plan and policies for future development to bring~~

~~about the Town's vision for the future. This Land Use Code implements the policies established in the comprehensive plan. The Wellington Comprehensive Plan, adopted pursuant to C.R.S. § 31-23-206, is the official master plan of the Town of Wellington and the official advisory document to guide Town land development decisions. This provides a consistent statement of the Town's plan and policies for future development to bring about the Town's vision for the future. This Land Use Code implements the Comprehensive Plan.~~

## 1.07 Interpretation and Conflicting Provisions

1.07.1 Interpretation. In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, values, convenience, comfort, prosperity, and general welfare. ~~(Ord. 11-2007 §1)~~

1.07.2 Conflicting Provisions.

- A. Conflict with Other Provisions of Law. Whenever the requirements of this Land Use Code are at a variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the more restrictive or ~~that imposing~~ the higher standards shall govern. ~~(Ord. 11-2007 §1)~~
- B. Conflict with Private Covenants or Deeds. In case of a conflict between this Land Use Code and any private restrictions imposed by covenant or deed, the responsibility of the Town shall be limited to the enforcement of this Land Use Code. When provisions within this Land Use Code are more restrictive than those imposed by covenant or deed, or when any such private instruments are silent on matters contained within this Land Use Code, the provisions of this Code shall rule. ~~(Ord. 11-2007 §1)~~

## 1.08 Transition from Prior Regulations

A development application for approval, including the approval, conditional approval, or denial of approval of that plan, shall be governed only by the duly adopted laws and regulations in effect at the time the complete application is submitted.

## 1.09 Application Fees

1.09.1 Generally.

- A. All fees assessed pursuant to this Land Use Code are non-refundable.
- B. Any property owner submitting a development application is responsible for paying all costs and fees incurred by the Town in reviewing and processing that application, including, but not limited to: attorney fees; engineering fees; surveying fees; consulting fees; recording fees; and legal publications and notice expenses.
- C. Final approval of any application submitted pursuant to this Land Use Code shall be contingent upon payment of all fees and expenses to the Town. The Town is not obligated to record documents, issue

building permits or process any applicant submittals until all outstanding costs and fees have been paid.

- D. If the Town must pursue collection of an applicant's outstanding fees or costs, it is the applicant's responsibility for the payment of all attorney fees and costs incurred by the Town in such collection efforts. The Town reserves the right to suspend an application, withhold approval or postpone public hearings if an applicant fails to pay any fee due under this Land Use Code. In addition to any other remedy available, any delinquent charges due under this Land Use Code may be certified to Larimer County and collected in the same manner as municipal taxes.

## **1.10 Review and Decision-Making Bodies**

This Land Use Code uses the review and decision-making bodies established in ~~Chapter~~Article 2 *Administration of the Wellington Municipal Code* to make development application decisions.

DRAFT

DRAFT