TOWN OF SAWPIT
LAND USE CODE

Adopted May 11th, 1995, by the Board of Trustees
of the Town of Sawpit
**TABLE OF CONTENTS**

<table>
<thead>
<tr>
<th>Article</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article I</td>
<td>Preliminary Provisions</td>
<td>P. 1</td>
</tr>
<tr>
<td>Article II</td>
<td>Definitions</td>
<td>P. 2</td>
</tr>
<tr>
<td>Article III</td>
<td>General Regulations</td>
<td>P. 7</td>
</tr>
<tr>
<td>Article IV</td>
<td>Residential Zone District</td>
<td>P. 9</td>
</tr>
<tr>
<td>Article V</td>
<td>Commercial Zone District</td>
<td>P. 11</td>
</tr>
<tr>
<td>Article VI</td>
<td>Open Space Zone District</td>
<td>P. 12</td>
</tr>
<tr>
<td>Article VII</td>
<td>Public Facilities Zone District</td>
<td>P. 13</td>
</tr>
<tr>
<td>Article VIII</td>
<td>Hazard Overlay Zone District</td>
<td>P. 14</td>
</tr>
<tr>
<td>Article X</td>
<td>Special Use Permit Process</td>
<td>P. 15</td>
</tr>
<tr>
<td>Article XI</td>
<td>Water Protection Overlay Zone District</td>
<td>P. 17</td>
</tr>
<tr>
<td>Article XII</td>
<td>Subdivisions</td>
<td>P. 20</td>
</tr>
<tr>
<td>Article XIV</td>
<td>Land Use Code Amendments and Zoning Changes</td>
<td>P. 25</td>
</tr>
<tr>
<td>Article XV</td>
<td>Administration and Enforcement</td>
<td>P. 26</td>
</tr>
<tr>
<td>Appendix A</td>
<td>Ordinance No. 95-1</td>
<td></td>
</tr>
<tr>
<td>Appendix B</td>
<td>Reduced Zone District Map</td>
<td></td>
</tr>
<tr>
<td>Appendix C</td>
<td>Special Use Permit Application Form</td>
<td></td>
</tr>
</tbody>
</table>
ARTICLE I. PRELIMINARY PROVISIONS

SECTION 101. TITLE

This land use code shall be referred to as the 'Town of Sawpit Land Use Code' or the 'LUC.'

SECTION 102. CONTENT

This LUC contains the language of the Land Use Code, the standards for the Planning and Zoning Commission, and a map designated as the Official Zoning Map of Town of Sawpit, Colorado. The Official Zoning Map, and all notations, references and other information shown on it are part of this LUC and have the same effect as if fully set forth.

SECTION 103. FILING

The LUC, together with the Official Zoning Map which accompanies it is on file with the San Miguel County Clerk and a certified copy is on file with the Sawpit Town Clerk.

SECTION 104. LEGISLATIVE INTENT

The Town of Sawpit declares that in the interest of protecting our most priceless resource, the natural environment, while at the same time allowing for the use of the land, this LUC shall be adopted. This LUC implements in part the Town of Sawpit Master Plan adopted on July 21st, 1994. It is the intent of this LUC to lessen congestion in the streets, to prevent the overcrowding of population, to promote the health, safety, and general welfare, to provide adequate light, air and solar access, and to provide a safe environment in which residents can live. It is the intent of the Town of Sawpit to maintain the historic flavor of the town, while allowing for harmonious new construction.

SECTION 105. ADOPTION OF UNIFORM BUILDING CODE

The Town of Sawpit has adopted the Uniform Building Code, and each of its subsequent revisions, and the Uniform Building Code shall apply and take effect except where it conflicts with the provisions of this LUC.
ARTICLE II. DEFINITIONS

SECTION 201. DEFINITIONS

The words and phrases in this section shall have the following meaning throughout the LUC:

Accessory Building: A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel with the main building or use. Accessory buildings should not be provided with kitchen or bath facilities sufficient for rendering them suitable for permanent residential occupancy.

Alley: A public way permanently reserved as a secondary means of access to abutting property.

Attached: A physical connection of the foundation wall or roof of two (2) buildings. If the method by which the buildings are attached includes an above grade wall, or an above grade wall with roof, or has a common above grade wall, then the attached buildings shall be considered a single structure for the purpose of determining site coverage and floor area. If the attachment does not enclose area and does not include an above grade wall, then the area of the attachment shall not be counted for the purposes of determining site coverage.

Basement: A portion of a building located partially or wholly underground having seventy-five percent or more of it's floor to ceiling height below the average grade of the adjoining ground.

Buffer Zone: All areas where development could impact waters of the Town of Sawpit as defined in this Section, extending at least 100 feet around such areas.

Building: Any permanent structure built for the shelter or enclosure of persons, animals or property of any kind, not including fences.

Building Height: The highest point of the roof above the natural pre-construction grade.

Building Inspector: The Building Inspector of the Town of Sawpit contracted or hired by the Town of Sawpit to perform the duties described in this LUC.

Condominium: A building, or buildings, consisting of separate fee simple estates to individual units of a multi-unit property together with an undivided fee simple interest in
common elements.

**Dwelling:** A permanent building or portion thereof which contains kitchen and bath facilities rendering the structure suitable for residential use, but not including structures used primarily for commercial purposes or portable structures.

**Dwelling, Single Family:** A detached building containing only one dwelling.

**Dwelling, Multi-Family:** A detached building containing more than one dwelling.

**Family:** Any individual, or two or more persons related by blood or by marriage or between whom there is a legally recognized relationship, or a group of not more than five unrelated persons, excluding servants, occupying the same building.

**Floor Area:** The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls.

**Garage, Private:** A building used for the housing of motor vehicles and other customary uses incident to residential use.

**Hazardous Areas:** Areas which are subject to geologic hazards that constitute a significant hazard to public health, safety and property, including, but not limited to: landslides, rock falls, mudflows, unstable or potentially unstable slopes, seismic effects, radioactivity and ground subsidence.

**Home Occupation:** A business occupation or trade conducted in the residential district for gain or support by a resident or residents of the dwelling, and no other, which:

1. Is clearly incidental and secondary to the residential use of the building;
2. Does not change the essential residential character of the use;
3. Operates pursuant to a valid occupational license for the use held by the resident of the dwelling unit, if required;
4. Is confined to no more than fifty percent of the total floor area of the dwelling;
5. Does not advertise, display, or otherwise indicate the presence of the home occupation on the premises;
6. Does not sell any stock in trade, supplies or products on the premises other than
those goods produced or manufactured on the premises;

(7) Does not store any equipment or materials used for the home occupation outside of the dwelling;

(8) Does not create any noise, odor, vibration, dust, smoke, haze or other nuisance greater than customary residential uses outside any building on the premises or outside the boundary of the premises;

(9) Provides off-street parking to accommodate the parking demand generated by the home occupation; and,

(10) Does not include retail shops, lodging or restaurants.

Lot: A parcel of real property as shown with a separate and distinct number or letter on a plat recorded in the San Miguel County Court House.

Lot Line, Front: The property line dividing the lot from the street.

Lot Line, Rear: The line opposite the front lot line.

Lot Area: The total horizontal area within the lots lines of a lot.

Mitigation Plan: A plan describing the restoration of wetland areas destroyed or otherwise negatively impacted by an activity; or, a plan to minimize safety concerns associated with land use activities in hazardous areas; or, a plan to address impacts related to land use activities, such impacts to include, but not limited to: parking, noise, traffic, storm water run-off, and odors.

Mobile Home: Any portable structure originally intended to have no foundation other than wheels, jacks or posts, and so designed to permit residential use.

Non-Conforming Building: A building or structure or portion thereof conflicting with the provision of this LUC applicable to the zone district in which it is situated.

Non-Conforming Use: The use of a structure or premises or any portion thereof conflicting with the provisions of this LUC.

Natural Materials: Stone, stucco, adobe, natural wood or stained wood, but not to include plywood, press board, or other highly processed wood products.
Occupied: The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

Open-Use Recreation Site: Land devoted to the public use for recreation, including such facilities as playgrounds and play-fields, golf, tennis or similar court installation.

Principal Building: Principal building means that main structure or building on a building site or lot in which the primary use by right occurs.

Recreation Club: A building devoted to public use including such facilities as golf club house, swimming pool club house, tennis club house, playground and play-field activity centers, or club houses, and may include kitchen facilities, assembly halls, meeting rooms, locker facilities, etc.

Restoration: A human activity that returns wetland areas from a disturbed or altered condition with lesser wetland area acreage and/or function values to an enhanced or improved condition with greater wetland area acreage and/or functional values.

Scenic Views: Views of mountain ridges and slopes, natural landscapes, rivers, waterfalls, forests and the sky.

Sign: Any device fixed to, painted on or incorporated in the building surface, or displayed from or with a building or structure, or free standing upon the site and which is visible from a public right-of-way, designed to convey or direct a message to the public concerning the identification of the premises or to advertise or promote the interests of any private or public firm, person or organization.

Site Coverage: Site coverage means that portion of a building site or lot that is covered by buildings and structures, excluding open decks, porches, roof eaves and stoops.

Street: A public way other than an alley, which affords the principal means of access to abutting property.

Structure: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet (6) in height.

Use: The purpose for which land or a building is designated, arranged, or intended, or for which it either is or may be occupied, maintained, or used.

Vehicle, Parking: One vehicle parking space is defined as a parking space which is 10 feet
in width by 15 feet in length.

**Waters of the Town of Sawpit:** All waters, including without limitation, lakes, rivers, streams, intermittent streams, natural sloughs, wet meadows, natural ponds, impoundments and tributaries. Waste treatment systems presently in use, including treatment ponds and lagoons designed to meet the requirements of the Clean Water Act (33 U.S.C. sec. 1341), and treated water distribution and storage facilities or treated water that otherwise meets the criteria of this definition, are not waters of the Town of Sawpit.

**Wetland:** An area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support, vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetland areas include all waters of the Town of Sawpit, all riparian areas in the Town, and are presumed to include all areas identified on official wetland area maps of the Town of Sawpit available through the Town Clerk.

**Yard:** A space on the same lot with a principal building that is open, unoccupied, and unobstructed by buildings or structures from the ground upward, except as otherwise provided herein.

**Yard, Front:** A yard extending the full width of the lot or parcel, the depth of which is measured in the least horizontal distance between the front lot line and the nearest wall of the principal building; such distance being referred to as the front yard setback.

**Yard, Rear:** A yard extending the full width of the lot or parcel, the depth of which is measured in the least horizontal distance between the rear lot line and the nearest wall of the principal building; such depth being referred to as the rear yard setback.

**Yard, Side:** A yard extending from the front yard to the rear yard, the width of which is measured in the least horizontal distance between the side lot line and the nearest wall of the principal building.

**Yard, Service:** Any yard area used for storage of materials accessory to or used in conjunction with the principal building, or used for garbage or trash containers, or for the location of mechanical equipment accessory to the principal building or use.

**Utilities:** All poles, lines, cables and other transmission or distribution facilities of public utilities.
ARTICLE III. GENERAL REGULATIONS

SECTION 301. ZONE DISTRICTS

For the purposes of this LUC, the Town of Sawpit is divided into five Zone Districts to be known as follows:

- Residential Zone District (R Zone)
- Commercial Zone District (C Zone)
- Public Facilities Zone District (PF Zone)
- Open Space Zone District (OS Zone)
- Water Protection Overlay Zone District (WPO Zone)
- Hazard Overlay Zone District (Haz Zone)

SECTION 302. ZONING MAP

The boundaries of these districts are shown on the official Zoning Map and Water Protection Overlay Zone District Map of the Town of Sawpit which accompanies and is made a part of this LUC.

SECTION 303. GENERAL REQUIREMENTS

303.1 No building shall be erected, converted, enlarged or structurally altered, nor shall any building or premises be used for any purpose other than permitted in the district in which such building or premises is located. No building shall be erected, enlarged, moved or structurally altered except in conformity with the height, yard or other regulations prescribed herein for the district in which such lot is located; every part of a required yard shall be open to the sky, unobstructed, except as hereafter provided; the yard of any lot shall not be reduced so as to be smaller than the applicable district requirement.

303.2 Every building hereinafter erected or structurally altered shall be located on a lot as defined in Section 201, and in no case shall more than one residential building be located on a lot.

303.3 All buildings and structures shall have natural materials or non-reflecting materials for exterior surfaces excluding windows and roof surfaces. Roof surfaces shall be non-reflective metal, solar shingles, or other non-combustible materials.

303.4 No building shall be erected, converted, enlarged or structurally altered unless, prior to applying for a building permit in the Town of Sawpit, complete plans have been filed with the Sawpit Town Clerk indicating all lands to be used for determining site coverage,
floor area, and building height maximums.

SECTION 304. UTILITIES

Nothing in this LUC shall be construed to prevent the construction of a public utility structure necessary for the transmission of commodities or services of a utility company including mains, transmission and distribution lines, provided that all mains, transmission and distribution lines are completely buried beneath the surface of the ground. All construction and improvements of utility lines and structures are subject to the Special Use Permit process.

SECTION 305. EXTERIOR LIGHTING

All exterior lighting shall be shielded. The direct source of all exterior lighting shall not be visible off the property. The maximum allowable wattage for exterior lights is 40 (forty) watts and the maximum allowable lighting power is 900 (nine hundred) lumens.

SECTION 306. GRANDFATHER CLAUSE FOR NON-CONFORMING USE OR BUILDING

All non-conforming uses existing on the date enactment of this LUC shall be allowed to continue unless abandoned or discontinued for twelve consecutive months. Non-conforming uses or buildings shall not be allowed to increase the non-conforming use or expand the non-conforming building without a special use permit. Sub-standard parcels of land held or controlled by separate ownership from contiguous parcels of land existing prior to 1/1/94 in the residential zone district shall be allowed residential development per ARTICLE VI.

SECTION 307. APPLICATION TO THE TOWN OF SAWPIT

All provisions of the LUC shall apply equally to any improvement, construction or development activity of the Town of Sawpit.
ARTICLE IV
RESIDENTIAL ZONE DISTRICT

SECTION 401. USE REGULATIONS
The Residential Zone District allows the utilization of land for residential purposes and customary accessory uses incidental to residential use.

SECTION 402. USES PERMITTED BY RIGHT
Single family dwellings, accessory buildings and uses, and home occupations.

SECTION 403. USES BY REVIEW
Any use other than a Use Permitted by Right under Section 402 must be approved by the Town of Sawpit through the Special Use Permit (SUP) process.

SECTION 404. MINIMUM LOT AREA PER SINGLE FAMILY DWELLING
The minimum lot area for each single family dwelling in the Residential Zone District is ten thousand (10,000) square feet.

SECTION 405. FRONT AND REAR YARD SETBACKS
All structures shall be setback at least ten (10) feet from the front and rear lot lines. Raised decks, but not covered porches, shall be set back at least five (5) feet from the front and rear lot lines. Off-street parking shall be allowed in the front and rear yard setbacks. Propane tanks shall be allowed in the rear setback.

SECTION 406. MINIMUM SIDE YARD SETBACK

406.1 The minimum side yard setback for all structures in the Residential Zone District shall be as follows:

A. Principal and Accessory Buildings
   Lot size 0-5,000 sq.ft.------------------------------------- 7.5 ft.
   Lot size >5,000 & < or = 7,500 sq.ft.---------------------- 10 ft.
   Lot size >7,500 & < 10,000 sq.ft.-------------------------- 15 ft.

406.2 Off-street parking, propane tanks, ground level patios, and walkways are permitted in the Minimum Side Yard Setback areas.
SECTION 407. MINIMUM ROOF PITCH

The minimum roof pitch for residential buildings is 6 vertical unit to 12 horizontal units. The minimum roof pitch for accessory buildings is 2 vertical unit to 12 horizontal units.

SECTION 408. MAXIMUM BUILDING HEIGHTS

The maximum building heights are as follows:

408.1 Residential Building------------------------ 18 ft.
408.2 Accessory Building-------------------------- 12 ft.
408.3 Antennas, chimneys, flues, vents or similar structures may extend up to five feet above the specified maximum height limit.

SECTION 409. MAXIMUM FLOOR AREA

409.1 The Maximum Floor Area, not including basement floor area, for principal buildings shall be determined by the following formulas:

\[
\begin{align*}
\text{Lot Area} & \quad \text{Maximum Floor Area Formula} \\
< \text{or} & = 10,000 \text{ sq.ft.} & 875 \text{ sq.ft.} + .175 \times (\text{lot area} - 5,000 \text{ sq.ft.}) \\
> 10,000 \text{ sq.ft.} & & 1,750 \text{ sq.ft.}
\end{align*}
\]

409.2 The Maximum Floor Area, not including basement floor area, for accessory buildings shall be determined by the following equation:

Maximum Floor Area of accessory buildings = Lot Area x .05

SECTION 410. MAXIMUM SITE COVERAGE

410.1 The maximum site coverage for each lot in the residential district shall be determined according to the following equation:

\[
\text{Site coverage in sq.ft.} = \text{Lot Size in sq.ft.} \times .2
\]

SECTION 411. OFF-STREET PARKING

The minimum off-street parking requirement is two vehicles for a lot area equal to or less than 5,000 sq.ft. and is three vehicles for a lot area greater than 5,000 sq.ft.
ARTICLE V. COMMERCIAL ZONE DISTRICT

SECTION 501. INTENT AND PURPOSE

The Commercial Zone District allows the utilization of land for commercial purposes and provides standards which regulate the character and intensity of commercial use and development.

SECTION 502. USES ALLOWED BY RIGHT

The following uses are allowed by right in the Commercial Zone District:

502.1 Art Studio;
502.2 Bar/Tavern;
502.3 Bookstore;
502.4 Crafts shop;
502.5 Day Care;
502.6 Grocery store/neighborhood convenience store;
502.7 Guide service;
502.8 Offices;
502.9 Retail store;
502.10 Woodworking shop.

SECTION 503. FRONT AND REAR YARD SETBACKS

All structures shall be setback at least ten (10) feet from the front and rear lot lines. Raised decks, but not covered porches, shall be set back at least five (5) feet from the front and rear lot lines. Off-street parking shall be allowed in the front and rear yard setbacks. Propane tanks shall be allowed in the rear setback.

SECTION 504. MINIMUM SIDE YARD SETBACK

506.1 The minimum side yard setback for all structures in the Commercial Zone District shall be as follows:

A. Principal and Accessory Buildings
   Lot size 0-5,000 sq.ft.-------------------------------------------- 7.5 ft.
   Lot size >5,000 & < or = 7,500 sq.ft.-------------------------- 10 ft.
   Lot size >7,500 & < 10,000 sq.ft.----------------------------- 15 ft.

506.2 Off-street parking, propane tanks, ground level patios, and walkways are permitted in the Minimum Side Yard Setback areas.
SECTION 505. MAXIMUM BUILDING HEIGHTS

505.1 The maximum mean building height in the Commercial District is 15 ft.

505.2 Antennas, chimneys, flues, vents or similar structures may extend up to five feet above the specified maximum height limit.

SECTION 506. MAXIMUM SITE COVERAGE

510.1 The maximum site coverage for each lot in the Commercial District shall be determined according to the following equation:

Site coverage in sq.ft. = Lot Size in sq.ft. x .4

SECTION 507. OFF-STREET PARKING

The minimum off-street parking requirement is one vehicle for each 250 sq.ft. of floor area for retail commercial uses and one vehicle for each 500 sq.ft. of non-retail commercial uses.

ARTICLE VI. OPEN SPACE ZONE DISTRICT

SECTION 601. INTENT AND PURPOSE

The Open Space District is intended to preserve the natural values of undeveloped land for the benefit and enjoyment of the residents of the Town of Sawpit. Uses are restricted to non-motorized, minimal impact recreation activities.

SECTION 602. USE PERMITTED BY RIGHT

Nature trails for walking, hiking, and biking with natural surfaces and not more than twenty-four (24) inches in width.

SECTION 603. PROHIBITED USES

Developed recreational uses, including but not limited to playfields, campgrounds, courts, permanent buildings or other similar uses are not allowed in the Open Space Zone District.

SECTION 604. OTHER USES

All uses not permitted by right in Section 502 or prohibited by section 503 must be
approved through the Special Use Permit process.

ARTICLE VII  PUBLIC FACILITIES ZONE DISTRICT

SECTION 701. INTENT AND PURPOSE

The Public Facilities Zone is intended to allow the construction of public facilities desired by the Town of Sawpit and to insure that the public facility development is compatible with the Town of Sawpit.

SECTION 702. MASS AND SCALE

The Height, Bulk, Site-Coverage and Floor Area maximum limits for any principal building and accessory structure in the Public Facilities Zone shall be the same as the maximum limits in Article IV Residential Zone.

SECTION 703. USES PERMITTED BY RIGHT

Public buildings, structures, and facilities, including but not limited to Town Hall, club facilities open to the public, playground, play field, tennis and basketball courts, off-street parking, water system facilities, utility structures and buildings, storage buildings for public equipment, and public trash storage.

SECTION 704. OTHER USES

All uses not permitted by Section 702 and Section 703 must be approved through the Special Use Permit process.
ARTICLE VIII  HAZARD OVERLAY ZONE DISTRICT

SECTION 801. INTENTION AND PURPOSE

The Hazard Overlay Zone District is intended to define hazardous areas which threaten the health, safety and welfare of persons and property, and to restrict development in those areas.

SECTION 802. USE PERMITTED BY RIGHT

Open Space recreation uses as defined in Section 503.

SECTION 803. USES PERMITTED BY REVIEW

Any construction and development activity in the Hazard Overlay Zone District must be approved by the Special Use Permit process and must meet the following criteria in addition to the general criteria of Special Use Permit review:

803.1 The applicant and property owner must indemnify the Town of Sawpit from any liability associated with granting a SUP for construction or development in the Hazard Overlay Zone District with a signed agreement approved by the Town Attorney;

803.2 The applicant and property owner must submit a written report analyzing the potential hazards and the potential physical forces created thereby upon the proposed improvements or structure. The report must be prepared and signed by an engineer licensed in the State of Colorado and recognized by the Building Inspector of the Town of Sawpit. The report shall be recorded on the a map for the property; and,

803.3 The applicant shall provide certification from an engineer licensed in the State of Colorado stating that the proposed improvement or structure is designed to withstand the potential hazards as determined by the site-specific hazard report in section 603.2.

ARTICLES IX  [Reserved]
ARTICLE X  SPECIAL USE PERMIT PROCESS

SECTION 1001. INTENT AND PURPOSE

Article X sets forth the procedures and general criteria for review of all Special Use Permit ("SUP") applications. Additional application submission requirements and review criteria may be found under other sections in this LUC.

SECTION 1002. APPLICATION OF SPECIAL USE PERMIT PROCESS

Any use not permitted by right in other sections of this LUC shall only be allowed upon approval of a Special Use Permit by the Town of Sawpit.

SECTION 1003. PROCEDURE FOR SPECIAL USE PERMITS

1003.1 Applications for a SUP shall be obtained from the Sawpit Town Clerk.

1003.2 Applications shall be returned to the Sawpit Town Clerk at least 12 days prior to a scheduled meeting of the Board of Trustees of the Town of Sawpit.

1003.3 The SUP Application shall be introduced at the Board of Trustee meeting and referred to the Town of Sawpit Planning and Zoning Commission for public hearing and review.

SECTION 1004. STANDARDS FOR REVIEW OF SUP APPLICATIONS

The general criteria in this section shall be used by the Town of Sawpit Planning and Zoning Commission, and the Board of Trustees upon appeal of the decision of the Planning and Zoning Commission, in addition to any other criteria in this LUC for certain SUP applications. The Town of Sawpit Planning and Zoning Commission, and the Board of Trustees upon reviewing an appeal of the decision of the Planning and Zoning Commission, must find that each of the following criteria is satisfied before approval of a Special Use Permit.

1004.1 The SUP complies with the Town of Sawpit Master Plan.

1004.2 The SUP is compatible with uses on adjacent properties.

1004.3 The SUP will not create additional impacts greater than uses allowed by right in the zone district, including but not limited to the following impacts:
parking, visual, odors, vibrations, noise, increased traffic, increased congestion, adverse impacts to wildlife, the natural environment and wetland areas, adverse impacts to existing and potential scenic view corridors of adjacent properties, and adverse impacts to the rural and alpine wilderness character of the Town of Sawpit.

SECTION 1005. DECISION OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission may approve, deny, or approve with conditions a SUP application, or the Planning and Zoning Commission may continue review of the SUP to allow the applicant to submit additional information. Six copies of any additional information must be submitted at least 14 days prior to the scheduled meeting in order to be considered by the Planning and Zoning Commission. The Planning and Zoning Commission may not continue review of a SUP application for more than 90 days without the consent of the applicant.

SECTION 1006. APPEALS

1006.1 The applicant, and any property owner within one hundred feet of the subject property (not including public rights-of-way), may appeal the decision of P&Z to the Board of Trustees of the Town of Sawpit. A written appeal stating the reasons for the appeal shall be submitted to the Town Clerk of the Town of Sawpit (P.O. Box 248, Sawpit, CO 81430) within 10 days of the P&Z decision. A public hearing before the Board of Trustees shall be scheduled within 50 days after the appeal is submitted to the Town Clerk. The applicant shall be notified of the public hearing date by first class mail sent at least fifteen days prior to the hearing date.

1006.2 After the public hearing, the Board of Trustees shall approve, approve with conditions, deny, or deny with conditions, the decision of P&Z with regard to the requested SUP based upon P&Z's record and based on specific findings of compliance, or non-compliance, with the standards in Section 1004. of this LUC.

SECTION 1007. THE APPLICANT SHALL BEAR THE COSTS FOR REVIEW

When an SUP application is submitted, any cost determined by the Planning and Zoning Commission, the Board of Trustees, or any other appropriate public body of the Town of Sawpit, to be necessary in reviewing the application, including obtaining expert or legal assistance, will be borne by the applicant. The cost of required notifications and publications of the SUP will also be borne by the applicant.
ARTICLE XI  WATER PROTECTION OVERLAY ZONE DISTRICT

SECTION 1101. INTENT AND PURPOSE

This section establishes regulations for development in and near, waters and wetland areas, of the Town of Sawpit to protect the waters and wetland areas and to protect the health, safety and welfare of the residents of the Town of Sawpit. These regulations recognize the importance of waters and wetland areas to both the human and natural environment. All waters and wetlands in the Town of Sawpit will receive maximum protection by prohibiting development activity in and adjacent to waterways and wetlands whenever possible. All development activity shall be required to minimize any adverse impact on waterways and wetlands to the greatest extent technically feasible.

SECTION 1102. APPLICATION

This section applies to all wetland areas and wetland buffer zones, and to all waters of the Town of Sawpit. This section does not repeal, abrogate, or impair any existing federal, state, and/or local laws, easements, covenants, or deed restrictions. However, where this section imposes more restrictive regulations than those otherwise imposed, the provisions of this section shall prevail.

SECTION 1103. WATERWAYS AND WETLAND AREAS MAPPING

1103.1 Official Zone District Map of the Town of Sawpit

The boundaries of the Water Protection Overlay Zone District of the Town of Sawpit, which includes waterways, rivers, wetland areas, and a 100 foot buffer zone extending from these areas, shall be set forth on the Official Zone District Map of the Town of Sawpit.

1103.2 Modification of Water Protection Overlay Zone District

A potential developer shall have the burden of showing that any area delineated as the Water Protection Overlay Zone District of the Town of Sawpit and/or on accompanying reference materials should not be classified as such. Water Protection boundaries may be modified at the potential developer's expense through the performance of a wetland, waterway, or river corridor boundary determination by a qualified expert wetland consultant and established on a plat executed by a Colorado licensed surveyor using the wetland definition in Section 201.
1103.3 Boundary Modification Application Review

A potential developer desiring to modify a wetland, waterway, river corridor, and/or buffer zone boundary must submit an application for such modification to the Town of Sawpit Planning and Zoning Commission for review under Article XIV. of this LUC.

SECTION 1104. DEVELOPMENT IN WATER PROTECTION AREAS

A potential developer desiring to develop within a waterway, river corridor, wetland, or within the 100 foot buffer zone must submit an application for approval of such activity to the Town of Sawpit for review under the Special Use Permit process.

No development activity shall be allowed within any water protection area without a Water Protection Area Special Use Permit issued in compliance with the terms of this section. All activities that are not permitted by Special Use Permit shall be prohibited.

SECTION 1105. ISSUANCE OF WATER PROTECTION AREA SPECIAL USE PERMITS

A Water Protection Area Special Use Permit may be issued only if the applicant has shown at least one of the following:

1105.1 The proposed activity is water-dependent;

1105.2 The proposed activity is necessary to achieve access to property, and no other access route avoiding waterways, wetlands and buffer zone areas is technically feasible;

1105.3 Denial of the permit sought would result in denying the land owner all practical, reasonable and/or economically viable use of the subject property and the land owner has not created the economic hardship by purchasing the land when these regulations were pending, or in effect, or by purchasing the land without regard to the requirements of the Federal Clean Water Act;

1105.4 The proposed activity is primarily for the promotion of the safety, health and general welfare of the residents of the Town of Sawpit, the public benefit is greater than the impact to wetlands, and there is no financially feasible alternative; or,

1105.6 In the case of development proposed in a buffer zone, the proposed land use would not adversely affect the adjacent waterways, river corridor or wetland area.
SECTION 1106. CRITERIA FOR REVIEW OF WATER PROTECTION AREA SPECIAL USE PERMIT

In review applications for Water Protection Area Special Use Permits, the Town of Sawpit Planning and Zoning Commission and the Board of Trustees shall apply the following criteria:

1106.1 Avoidance - Development activity within a designated water protection area should be avoided whenever technically possible; and,

1106.2 Minimization and Mitigation of Impact - The impacts of unavoidable development activity should be minimized to the greatest extent technically feasible by including appropriate project design modifications, control techniques or other conditions deemed appropriate by the Town of Sawpit.

SECTION 1107. IMPACT MITIGATION FOR WETLAND USES AND ACTIVITIES

As a condition of Wetland Special Use Permit approval, or in the event of a violation of any terms in this section, the Town of Sawpit may require a mitigation plan. The plan shall require the applicant, developer, or owner of the property causing the impact, to engage in the restoration of waterways or wetland areas in order to offset, in whole or in part, the impact to waterways, or wetland losses, resulting from an applicant's proposed or violator's historic actions. Approval of such plan by the Town of Sawpit Planning and Zoning Commission shall not constitute an alternative to compliance with the standards set forth in this LUC.

SECTION 1108. SUBMISSION REQUIREMENTS

An applicant for a Wetland Special Use Permit must submit an application in accordance with the Special Use Permit process in Article X. In addition to other requirements, an application must include site specific mapping showing wetland areas and the 100 foot buffer zone, two foot contour lines, a statement that the application complies with the criteria for review, detailed explanations of any proposed mitigation plans, and any other information the Planning and Zoning Commission determines is necessary for adequate review.

SECTION 1109. ENFORCEMENT AND INSPECTION OF WETLAND AREAS

For the purpose of carrying out the provisions of this section, the Town of Sawpit or its designee may enter upon private land in a reasonable and lawful manner during daylight hours for the purpose of inspection of any waterway, wetland area or buffer zone area proposed for development by an applicant for a Water Protection Area Special Use Permit.
If denied access for these purposes, the Town of Sawpit may inspect the subject property after following an appropriate legal process.

ARTICLE XII  SUBDIVISIONS

SECTION 1201. INTENT AND PURPOSE

This section establishes regulations and standards for subdivisions and sets forth the procedures to be followed in applying and administering these regulations and standards. This section is designed and enacted to promote the health, safety and welfare of the residents and property owners in the Town of Sawpit and to ensure that the Town of Sawpit can provide necessary and desired services to residents and property owners in the Town of Sawpit at the least possible cost.

SECTION 1202. APPLICABILITY

All applications for the subdivision of land shall be reviewed under these procedures. Subdivision of land shall include the following:

1202.1 The division of a lot into two or more lots;

1202.2 The division of land subject to annexation by the Town of Sawpit; and,

1202.3 The replatting of recorded lots and the vacation of existing lot lines.

SECTION 1203. SUBMISSION REQUIREMENTS

All applications for the subdivision of land in the Town of Sawpit shall submit the following information. Failure to submit any of the following items of information shall render the subdivision application incomplete.

1203.1 Three copies of a written request for the subdivision shall be delivered to the Town of Sawpit or mailed to the following address:

Town of Sawpit
Planning and Zoning Commission
P.O. Box 248
Placerville, CO 81430

The written request shall contain the following information:
A. Name, address, telephone number, and fax number of the applicant and any representatives authorized to act on behalf of the applicant.

B. The legal description of the property to be subdivided.

C. Proof of ownership by the applicant of the property to be subdivided and proof of agency for any representative of the applicant.

1203.2 Six copies of a statement describing the subdivision requested, including the number of lots or units proposed; the area of each lot or floor area of each unit, the intent of the subdivision, and a statement of compliance with the master plan and zoning.

1203.3. Six copies of a site map at a scale of at least one inch equals fifty feet or other scale authorized by P&Z. The map shall show the following:

a. Proposed lots and existing platted lots and lot lines;

b. Two foot contour lines;

c. Development hazards and natural constraints to development including the following:
   1) Slopes greater than 30%,
   2) Wetlands, Waterways, and the 100 foot buffer zone boundary from such areas,
   3) Hazardous Areas, and,
   4) Flood plains;

d. Proposed utility routes;

e. Proposed access routes, roads, and rights of way;

f. Proposed building site areas; and,

g. Existing structures within 150 feet of the subject property.

1203.4 Three copies of terms, or drafts, of all required improvement agreements and performance guarantees; and any proposed agreements with the Town of Sawpit.
1203.5 A septic plan certified by an engineer licensed in the State of Colorado and approved by the official health inspector of the Town of Sawpit.

1203.6 An adequate potable water supply plan certified by an engineer licensed in the State of Colorado.

SECTION 1204. PROCEDURES

1204.1 Application

If the application is complete, the Town of Sawpit Planning and Zoning Commission shall schedule the subdivision request for a public hearing on the next available agenda of a public Planning and Zoning Commission meeting. If the application is not complete, the application will be returned with a letter specifying the information missing from the application. The completed application may be scheduled for the next Planning and Zoning Commission agenda if returned to the Planning and Zoning Commission at least 21 days prior to a regularly scheduled meeting.

1204.2 Notice

The applicant shall be responsible for sending notice of the hearing on the proposed subdivision by first class mail to all property owners within 150 feet of the subject property. The notice shall identify the applicant, the subject property, the proposed subdivision, and the public hearing date. Notice shall be mailed at least 15 days prior to the hearing. A certificate of mailing shall be delivered to the Town of Sawpit prior to the public hearing.

1204.3 Recommendation by P&Z

The Planning and Zoning Commission shall consider all public comments at the public hearing. After the public hearing, P&Z shall make a recommendation to the Board of Trustees to approve, approve with conditions, or deny the subdivision application or shall continue the decision until additional information can be submitted. A request for additional information shall be reasonable and may include a request by P&Z for review and comment by state and/or federal agencies. Additional information requested by P&Z shall be submitted to P&Z at least 10 days prior to the continued hearing date. P&Z's recommendation shall be based upon specific findings of compliance, or non-compliance, with the standards in Section 1205. of this LUC and shall take into account any comments or recommendations from a board, commission, or other public body of the Town of Sawpit, or from any other local, state, or federal governmental body.
SECTION 1205. STANDARDS

1205.1 The following standards shall apply to the review of subdivision applications:

A. The proposed land use shall be consistent with zoning.

B. All lots shall have at least 50 feet frontage on a public street.

C. All lots shall have a building site that is at least 1000 square feet that is not in any areas that are known hazardous areas or other natural constraints to development.

D. Driveways and roads shall not exceed 10% grades. Road rights of way shall be at least fifty feet wide. Extension or continuation of the existing street pattern and right-of-way widths in the Town of Sawpit shall be encouraged.

E. The proposed subdivision shall be consistent with the Town of Sawpit's Master Plan.

F. The proposed subdivision must have an adequate septic plan to accommodate the proposed population. The septic plan must be approved by the official health inspector of the Town of Sawpit.

G. The proposed subdivision must provide an adequate potable water supply to serve the proposed population and use if the Town's existing water system infrastructure cannot serve the proposed population and use. A plan to provide an adequate potable water supply for the proposed subdivision shall be certified by an engineer licensed in the State of Colorado.

SECTION 1206. IMPROVEMENT AGREEMENTS AND PERFORMANCE GUARANTEES

1206.1 In order to insure installation of necessary public facilities planned to accommodate a subdivision, the applicant shall provide a financial guarantee and enter into an improvements agreement prior to approval of a final plat of the subdivision by the Board of Trustees for no less than 125 percent of the current estimated cost of such public improvements as estimated by an engineer approved by the Town of Sawpit. Acceptable forms of financial guarantees include: cash bonds, certificates of deposit, and letters of credit from a federally insured financial institution, or other such legal assurances as may be approved by the Mayor and Town Attorney.

1206.2 Upon written notification of completion of the improvements, the Town may release up to 75 percent of the total original required collateral following a resolution of preliminary
acceptance. No sooner than 12 months after preliminary acceptance and as soon thereafter as the local climate and conditions permit, the Town shall inspect all public improvements for final acceptance. The Town will release all collateral upon adopting a resolution of final acceptance. Reasons for non-acceptance shall be stated and corrective measures shall be outlined.

1206.3 If the Town Mayor determines that reasonable grounds for insecurity exist with respect to the performance of the applicant, the Mayor shall notify the subdivider in writing, stating that the Town intends to withdraw funds from the collateral for the purpose of completing the improvements, giving the reasons therefor and informing the subdivider of his right to be heard before the Board of Trustees within 30 days from the date of notification. Following a hearing thereon or 30 days after notification, whichever is earlier, if the Board of Trustees determines that the subdivider will not or cannot construct the improvements in accordance with the subdivision improvement agreement, the Town may withdraw funds from the collateral and expend such funds as may be necessary to construct the agreed public improvements, to include such costs as are necessary for the Town to administer the construction.

SECTION 1207. APPLICANT BEARS COSTS

The applicant shall bear all reasonable and necessary costs for review of a subdivision application by the Planning and Zoning Commission or any other public body of the Town of Sawpit, and the applicant shall bear all costs incurred by the Town of Sawpit to prepare and review improvement agreements and performance guarantees. The Planning and Zoning Commission may request payment by the applicant for the cost of review prior to the Town of Sawpit incurring any specific review related costs. The applicant shall bear the costs for inspection of any improvements for preliminary and final acceptance by the Town of Sawpit. The applicant may request estimates of costs prior to being incurred. The applicant shall pay all costs incurred by the Town of Sawpit under this section prior to approval of the final plat by the Town of Sawpit.
ARTICLE XIV
LAND USE CODE AMENDMENTS AND ZONING CHANGES

SECTION 1401. INTENT AND PURPOSE

This section shall govern amendments, supplements, additions, revisions, or repeals of this LUC or any Article thereof, or any changes to the Official Zone Map of the Town of Sawpit, or any zoning changes.

SECTION 1402. PROCEDURE

1402.1 An application for LUC amendments and zoning changes may be initiated by qualified electors of the Town of Sawpit, any owner of property owner within the Town of Sawpit, the Planning and Zoning Commission of the Town of Sawpit, or the Board of Trustees of the Town of Sawpit.

1402.2 Application for an amendment to this LUC shall be filed with the Town Clerk of Sawpit, and shall contain the following information:

a. A legal description of the land to be rezoned, and requested new classification, along with a sketch to scale showing boundaries of the area requested to be rezoned, along with an indication of the existing zoning on all sides of the area.

b. A statement of justification for the rezoning, including one of the following conditions: Changed conditions in area, compliance with the Town of Sawpit Master Plan for the area, or peculiar suitability of the site to a certain use.

c. Description and sketches, if available, of buildings or uses within 200 feet of the proposed area of change, in all directions.

d. Time schedule for any contemplated construction.

e. Justification for change of use.

f. Effect that zoning would have on adjacent uses.

SECTION 1403. RECOMMENDATION BY P&Z, ADOPTION BY ORDINANCE.

All applications for changes to the LUC or Official Zone Map shall be referred by the Town Clerk to the Planning and Zoning Commission for recommendation, then to the Board of
Trustees, who shall decide either for or against the change, unless it is determined that additional information is needed from the applicant. Adoption of any changes shall be by ordinance.

SECTION 1404. PUBLIC HEARING

A public hearing shall be held prior to any decision by the Board of Trustees. Notice of the public hearing shall be published in an official newspaper of record in San Miguel County at least 15 days prior to the date of the hearing and written notice shall be mailed to owners of land within 150 feet of the proposed change in zoning at least 15 days prior to the hearing. Cost of such notice shall be borne by the applicant.

SECTION 1405. APPLICANT BEARS THE COST OF REVIEW

The applicant shall bear all reasonable and necessary costs for review of a land use code amendment and zoning change applications by the Planning and Zoning Commission or any other public body of the Town of Sawpit. The applicant may request estimates of costs prior to being incurred. The applicant shall pay all costs to the Town of Sawpit under this section prior to approval of any application under this section by the Town of Sawpit.

ARTICLE XV ADMINISTRATION AND ENFORCEMENT

SECTION 1501 ADMINISTRATION

1501.1 Enforcing Official: The provisions of this LUC shall be enforced and administered by the Building Inspector of the Town of Sawpit, his authorized representative, the Planning and Zoning Commission of the Town of Sawpit, or such other authority as appointed by the Board of Trustees of the Town of Sawpit.

1501.2 Right to Trespass: The Building Inspector or any duly authorized person shall have the right to enter upon any premises at any reasonable time during daylight hours for the purpose of making inspections of buildings or premises necessary to carry out his duties for the enforcement of this LUC.

1501.3 Liability: The Building Inspector or any employee charged with the enforcement of this code, or any member of the Planning and Zoning Commission or any other public body of the Town of Sawpit, acting in good faith and without malice for the town in the discharge of his duties, shall not thereby render himself or herself personally liable and is hereby relieved of all personal liability for any damage which may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his
duties. Any suit brought against the Building Inspector, his or her employee, or any member of a public body of the Town of Sawpit when acting in his or her official capacity, shall be defended by the Town of Sawpit.

1501.4 Stop Work Orders: Whenever any building work is being done contrary to the provisions of this LUC or the authorized building permit, the Building Inspector may order the work stopped by notice in writing served on any such person engaged in doing or causing such work to be done. Any such person shall forthwith stop such work until authorized by the Building Inspector or the Town of Sawpit to resume work.

1501.5 Building Permit Required: It shall be unlawful to commence the excavation for or the construction of any building or any structure, including accessory structures until the Building Inspector of the Town of Sawpit has each issued a building permit for such work.

1501.6 Application for Permit: Application for a building permit shall be made to the Building Inspector of the Town on forms provided for that purpose.

1501.7 Requirements for Permits: The Building Inspector and of the Town shall require that every application for a building permit be accompanied by 4 copies of a plan drawn to scale and 4 elevation drawings drawn to scale showing specified information in sufficient detail to enable the Building Inspector to ascertain whether the proposed excavation, construction, reconstruction or conversion, moving or alteration is in compliance with this LUC. In addition, a benchmark elevation site shall be located on the lot for use as a reference to the natural undisturbed ground slope. The benchmark elevation site shall not be moved or disturbed until a certificate of occupancy is issued. All building permits expire after one year if the Building Inspector determines that sufficient progress has not been made.

Plans and drawings shall include the following:

A. Lot dimensions and corners: the actual shape, proportion and dimension of the lot to be built on, and satisfactory evidence that actual corners of the lot are known and established on the ground.

B. Proposed Structures: The shape, size and location of all buildings, fences, or other structures to be erected, altered or moved and of any buildings, fences or other structures already on the lot.

C. Use of Structure: The existing and intended uses of the building and other structures, including the number of units.
D. Existing Yards: The dimensions of all yards and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the LUC are being observed regarding yards, areas, site-coverage, and other such requirements or standards.

E. Building Code: Any other information as required by the Uniform Building Code.

F. Any planned roads, driveways, or access routes, and parking areas.

G. The location of the benchmark elevation site with descriptions of the elevation change to the highest and lowest point of the natural, undisturbed, pre-construction grade of each structure.

H. A description of all exterior materials and lighting to be used on all structures.

I. Certified approval of the plans by the Planning and Zoning Commission signed by the Planning and Zoning Chairperson and the Town Clerk of the Town of Sawpit.

J. Evidence of payment of the watertap fee and any other applicable fees, issuance of a septic permit, and compliance with any other restrictive covenants and special assessments.

1501.8 Issuance of Permit: If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provision of this LUC and all other ordinances of the Town, the Building Inspector, shall issue a Building Permit.

1501.9 Disapproval of Permit: If an application for a building permit is not approved, the Building Inspector, shall state in writing his reason for such a disapproval.

1501.10 Null and Void Permits: Any permit issued in conflict with the provisions of this LUC shall be null and void and may not be construed as waiving any provision of this LUC.

1501.11 Certificate of Occupancy Required: After the effective date of this LUC no change in the use or occupancy of land, nor any change of use or occupancy in an existing building other than for single family residence shall be make, nor shall any new building be occupied for any purpose other than that allowed by existing zoning until a certificate of occupancy has been issued by the Building Inspector of the Town of Sawpit.
1501.12 Record Kept by Building Inspector: A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request at the expense of any person having a proprietary interest in the land or building affected by such certificate of occupancy.

1501.13 Appeal from decisions: The applicant may appeal to the Board of Trustees of the Town of Sawpit in the following manner. The aggrieved applicant must file notice of appeal with the town clerk of Sawpit within 30 days of the mailing of the written order of the Building Inspector. The Town Clerk shall place the appeal on the agenda of the next Town Meeting. The Board of Trustees shall consider the recommendations of the Building Inspector and the arguments of the aggrieved applicant, and shall, within 30 days of the filing of said appeal, either confirm or overrule the decision of the Building Inspector.

SECTION 1502. PENALTY

Violation of any provision of this LUC is hereby deemed to be a misdemeanor and any person found guilty hereunder shall be fined not less than $20.00 nor more than $1,000 or sentenced to jail for a term of not more than 90 days or by both fine and sentence. Every day the LUC is violated shall constitute a separate offense.

SECTION 1503. COMPLAINTS

Any person aggrieved by violation, or apparent violation, of this LUC shall file a written complaint with the Building Inspector or the Board of Trustees, who shall immediately investigate such complaint and take legal action to have the violation penalized and removed if such a violation is found to exist.
Appendix A

Ordinance 95-1
ORDINANCE 95-1

TOWN OF SAWPIT

AN ORDINANCE ADOPTING THE TOWN OF SAWPIT LAND USE CODE AND THE UNIFORM BUILDING CODE

WHEREAS, the Board of Trustees of the Town of Sawpit adopted the Town of Sawpit Master Plan on July 21st, 1994, which recommends the adoption of various design guidelines and regulations;


WHEREAS, the Planning Commission of the Town of Sawpit conducted a public hearing on the proposed Sawpit Land Use Code, such hearing was duly noticed in the Telluride Times-Journal, and after considering all public comments recommended the adoption of the Sawpit Land Use Code to the Board of Trustees;

WHEREAS, the Town of Sawpit held a public hearing on April 6th, 1995, such hearing was duly noticed in the Telluride Times-Journal and by first class mail to all property owners, regarding the adoption of the recommended Sawpit Land Use Code;

WHEREAS, the Town of Sawpit held a public hearing on April 6th, 1995, and May 11th, 1995, regarding the adoption of the Sawpit Land Use Code by reference and the adoption of the Uniform Building Code by reference, such public hearings were duly noticed in the Telluride Times-Journal; and,

WHEREAS, the Board of Trustees of the Town of Sawpit finds that the adoption of the Sawpit Land Use Code and the Uniform Building Code will promote the health, safety and general welfare of the Sawpit community, will promote the Town of Sawpit Masterplan, and will preserve and promote property values in the Town of Sawpit;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SAWPIT, STATE OF COLORADO, the following:
SECTION 1. TOWN OF SAWPIT LAND USE CODE ADOPTED

The Town of Sawpit Land Use Code is hereby adopted by reference along with the Official Zone District Map of the Town of Sawpit.

SECTION 2. UNIFORM BUILDING CODE ADOPTED

The Uniform Building Code, and all of its subsequent revisions, is hereby adopted by reference in its entirety except where the provisions of the Uniform Building Code conflict with the Sawpit Land Use Code or other ordinances of the Town of Sawpit.

SECTION 3. GRANT OF AUTHORITY

It is the intention of the Board of Trustees of the Town of Sawpit in adopting this Sawpit Land Use Code to fully exercise all of the powers granted to the Town of Sawpit by: the provisions of the Local Government Land Use Control Enabling Act, Article 12 of Title 29, C.R.S.; local government planning, zoning, and subdivision authority under Article 23 of Title 31, C.R.S.; Areas and Activities of State Interest under Article 65.1 of Title 24, C.R.S.; and all other powers granted, either express or implied, to municipalities by the State of Colorado or by the United States of America.

SECTION 4. SEVERABILITY

If any one or more sections or parts of this Ordinance, the Sawpit Land Use Code, or the Uniform Building Code, are adjudged unenforceable or invalid, such judgement shall not affect, impair, or invalidate the remaining provisions of this Ordinance, Sawpit Land Use Code, or Uniform Building Code, it being the intention that the various provisions hereof are severable.

SECTION 5: SAFETY CLAUSE

The passage of this ordinance is necessary for the immediate preservation of the public health, safety, morals, and welfare of the Town of Sawpit community.

SECTION 6: EFFECTIVE DATE

This ordinance shall become effective immediately upon publication of final adoption.

SECTION 7: IMMEDIATE PRESERVATION OF PUBLIC HEALTH AND SAFETY

This ordinance shall become effective immediately upon publication of final adoption, rather than 30 days after final adoption and publication, because delay in the effective date of this
ordinance may impair the Town's ability and legal authority to regulate the use of land in the Town of Sawpit for the purpose of protecting the public health and safety of the Sawpit community.

SECTION 8: PUBLICATION

After final adoption, the Town Clerk shall cause a copy of this ordinance to be published in full once in a newspaper having general circulation within the limits of the Town of Sawpit.

FIRST READING INTRODUCED, READ, ADOPTED, ORDERED PUBLISHED, and REFERRED TO A PUBLIC HEARING this 6th Day of April, 1995, by the Board of Trustees of the Town of Sawpit.

SECOND READING READ AND ADOPTED this 11th day of May, 1995, by the Board of Trustees of the Town of Sawpit.

[Signature]
By: Kevin Green, Mayor of Sawpit

[Signature]
Attest: Debbie Feste, Town Clerk
Appendix B

Reduced Zone District Map
Appendix C

Special Use Permit
Application Form
SPECIAL USE PERMIT APPLICATION
TOWN OF SAWPIT, COLORADO

Applicant: __________________________________________

Mailing Address: ____________________________________

________________________________________________________________________

________________________________________________________________________

Telephone: __________________________________________

________________________________________________________________________

Fax: ________________________________________________

________________________________________________________________________

Please Complete the Following:

1. Type and purpose of special use permit:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

2. Legal description of land, including lot and block number:

________________________________________________________________________

3. Attach a map showing the following information:

   a. Location of the proposed special use on the property, and,
   b. Location of structures on the property.

Please include any other information with this application which addresses, supports compliance
with, or is required by, specific review standards for the special use requested.

I certify that the information provided above and with this application is true and accurate
to the best of my knowledge:

________________________________________________________________________

Signature of Applicant ___________________________ Date ____________
ORDINANCE 98-1
TOWN OF SAWPIT

ORDINANCE AMENDING SECTION 404 OF THE TOWN OF SAWPIT LAND USE CODE
BY MODIFYING THE MINIMUM LOT SIZE OF LOTS WITHIN THE 100 FOOT BUFFER
ZONE AS DELINEATED ON THE OFFICIAL ZONING MAP OF THE TOWN OF SAWPIT
FROM 10,000 SQUARE FEET TO 15,000 SQUARE FEET.

WHEREAS, the Town of Sawpit’s Master Plan states that it is the goal of the Town of Sawpit to
"ensure the protection and encourage the restoration of the natural, environment and
continued health of both the human and wildlife environment for the area within and
surrounding Sawpit;

WHEREAS, the Town of Sawpit’s Master Plan also states that it is the goal of the Town of Sawpit
"to maintain the rural character of the residential community and enhance the living,
environment of all citizens of the Town of Sawpit;

WHEREAS, the Board of Trustees finds that certain lots within the corporate boundaries of the
town of Sawpit lie within the one hundred year plain of the San Miguel River, and in order
to provide for the safety of those who live along and adjacent to the river and for the safety
of personal property, the Board has determined that minimum lot sizes of lots near the San
Miguel river must be increased;

WHEREAS, the Board of Trustees also finds that the central water system for the Town of Sawpit
is at capacity and cannot provide for any additional water taps for residential or commercial
development, and therefore, any new development within the Town of Sawpit must provide
for its own water needs;

WHEREAS, the Planning and Zoning Commission of the Town of Sawpit held a public hearing on
January 14, 1998, and notice of such public hearing to consider and adopt this amendment
to the Land Use Code was given in the official newspaper of San Miguel County prior to
hearing;

WHEREAS, the Planning and Zoning Commission of the Town of Sawpit recommended to the
Board of Trustees that the Board adopt Ordinance 98-1;

WHEREAS, the Board of Trustees finds that the adoption of this amendment will promote the
health, safety and welfare of the citizens of the Town of Sawpit, will promote the Town of
Sawpit Master Plan, and will preserve and promote the property values in the Town of
Sawpit,
NOW THEREFORE BE IT ORDAINED BY THE TOWN OF SAWPIT BOARD OF TRUSTEES that

Section 1. Amendment of Section 404 of the Land Use Code

Section 404 of the Land Use Code shall be amended as follows:

Delete the paragraph under Section 404 and insert the following:

A. Except for those lots described in Paragraph 404(B), the minimum lot area for each single family dwelling in the Residential Zone District is ten thousand (10,000) square feet.

B. For those lots which are located within the 100 foot buffer zone and within the Residential Zone District as delineated on the Official Zoning Map of the Town of Sawpit, the minimum lot area for each single family dwelling is fifteen thousand (15,000) square feet.

C. Any lots which are less than 15,000 square feet and which have been subdivided and approved by the Town of Sawpit shall be exempted from the foregoing Paragraph 404(B).

Section 2: Publication

Following final adoption, the Town Clerk shall cause a copy of this ordinance to be published in accordance with C.R.S. 31-16-101, et seq.

Section 3: Effective Date

The Board of Trustees hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the health, safety and welfare of the Town of Sawpit and that upon approval of this Ordinance, this Ordinance shall become effective and in force.

Section 4: Conflicts with Other Laws

This Ordinance shall supersede any existing laws of the Town of Sawpit or existing or future laws of the State of Colorado or of the United States of America, to the maximum extent permissible by home rule communities, that are in conflict with the provisions of this Ordinance.

Section 5: Severability

If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.
Section 6: Ordinance Recorded with the County

After passage and adoption by second reading, the Town Clerk of the Town of Sawpit shall cause a copy of this ordinance to be recorded with the San Miguel County Clerk and Recorder.

FIRST READING OF THIS ORDINANCE HEARD AND APPROVED ON THIS 11TH DAY OF FEBRUARY, 1998.

SECOND READING OF THIS ORDINANCE HEARD, APPROVED AND ADOPTED ON THIS 19TH DAY OF MARCH, 1998.

Town of Sawpit, by Kevin Green, Mayor

Approved as to form:
Elizabeth M. Covington, Town Attorney

Attest: Debbie Feste, Town Clerk
ORDINANCE NO. 2010-1

AMENDMENT OF THE SAWPIT LAND USE CODE

PROVIDING FOR NEW DEFINITIONS; REVISIONS PROCEDURES AND STANDARDS TO ADDRESS CHANGES AND UPGRADES TO NON-CONFORMING BUILDINGS, USES AND LOTS; INCREASE OF CERTAIN SIDEYARD SETBACKS ADJACENT TO OPEN SPACE; ELIMINATION OF SIDEYARD SETBACKS FOR INTERIOR LOT LINES; INCREASING MAXIMUM BUILDING HEIGHTS, MAXIMUM FLOOR AREA OF PRINCIPAL AND ACCESSORY BUILDINGS, AND MAXIMUM SITE COVERAGES IN THE RESIDENTIAL ZONE DISTRICT; INCREASING MAXIMUM BUILDING HEIGHT IN THE COMMERCIAL ZONE DISTRICT; AMENDING THE OPEN SPACE ZONE DISTRICT TO CLARIFY INCLUSION OF PUBLIC RIGHTS OF WAY.

WHEREAS, the Sawpit Planning and Zoning Commission conducted a duly-noticed public meeting on the 18th day of March, 2010, and considered proposal to amend the Sawpit Land Use Code (“LUC”) and public comments thereon and recommended to the Sawpit Board of Trustees that it adopt the proposed LUC amendments with certain revisions thereto; and

WHEREAS, the Sawpit Board of Trustees conducted a duly-noticed public hearing on the 6th day of May, 2010, and considered the application to amend the Sawpit LUC as recommended by the Sawpit Planning and Zoning Commission and public comments on said proposal; and

WHEREAS, the Sawpit Board of Trustees finds that the adoption of the amendments to the Sawpit LUC as set forth herein will promote the public health, safety and welfare of the citizens of Sawpit and will preserve and promote the property values in the Town of Sawpit.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF SAWPIT HEREBY ORDAINS:

SECTION 1 AMENDMENT OF ARTICLES II, III, IV, V, AND VI OF THE LAND USE CODE.

The Town of Sawpit Land Use Code is hereby amended as follows:

A. 1) Section 201, DEFINITIONS, is hereby amended by the addition of the following terms and definitions:

Building Height, Maximum: Maximum Building Height is the height above which the building height shall not exceed, as described in the applicable zone district article of this LUC.

Lot Line, Interior: The property line dividing a Lot from an adjoining Lot.
Open Space: Open Space is land located within the Open Space District boundaries as depicted on the Sawpit Zoning Map, together with and including public rights-of-way within or adjoining such Open Space District.

2) The definition of Building Height is hereby amended in its entirety to read as follows:

Building Height: The maximum possible upward distance to the top of a building, measured adjacent to a building at a right angle to the horizon line from each and every point on the finished grade, or the pre-construction grade, whichever is more restrictive.

B. Subsection 1 of Section 406, MINIMUM SIDE YARD SETBACK, is hereby amended by the addition of new subsection 406.1B, Open Space Exception, and new subsection C, Interior Sideyards, and the entire subsection 406.1 shall hereafter read as follows:

406.1. The Minimum Side Yard Setback for all structures in the Residential Zone District shall be as follows:

A. Principal and Accessory Buildings
   Lot size 0-5,000 sq.ft. ------------------------------- 7.5 ft.
   Lot size >5,000 & < or = 7,500 sq.ft. -------------- 10 ft.
   Lot size >7,500 & < 10,000 sq.ft. ------------------ 15 ft.

B. Open Space Exception
   Notwithstanding subsection 406.1 A, above, for residential lots that adjoin Open Space consisting of unpaved right-of-way, the Minimum Side Yard Setback shall be reduced to five feet along such portion of the lot that adjoins such Open Space.

C. Interior Lot Line Exception.
   There shall be no Minimum Side Yard Setback for interior lot lines within a group of adjoining Lots under common ownership.

C. Section 408, MAXIMUM BUILDING HEIGHTS, is revised in its entirety to read as follows:

The maximum building heights in the Residential Zone District are as follows:

408.1 Residential Building-------------------24 ft.
408.2 Accessory Building-------------------16 ft.
408.3 Antennas, chimneys, flues, vents or similar structures may extend up to five feet above the specified maximum building height limit.
D. Subsection .1 of Section 409, MAXIMUM FLOOR AREA, is revised in its entirety to read as follows:

409.1 The Maximum Floor Area, not including basement floor area, of principal buildings shall be determined by the following equation:

\[
\begin{align*}
\text{Lot Area} & \quad \text{Maximum Floor Area Formula} \\
< \text{or} \ 10,000 \text{ sq. ft.} & \quad 1,100 \text{ sq. ft.} + .22x (\text{lot area} - 5,000 \text{ sq. ft.}) \\
\geq 10,000 \text{ sq. ft.} & \quad 2,200 \text{ sq. ft.}
\end{align*}
\]

E. Subsection .2 of Section 409, MAXIMUM FLOOR AREA, is revised in its entirety to read as follows:

409.2 The Maximum Floor Area, not including basement floor area, of accessory buildings shall be determined by the following equation:

Maximum Floor Area of accessory buildings = Lot Area x .055

Maximum Floor Area of all accessory buildings shall not exceed 1,100 sq. ft. No single accessory building shall exceed a Maximum Floor Area of 750 sq. ft.

F. Subsection .1 of Section 410, MAXIMUM SITE COVERAGE, is revised in its entirety to read as follows:

410.1 The Maximum Site Coverage for each lot in the Residential Zone District shall be determined according to the following equation:

Site coverage in sq.ft. = Lot Size in sq.ft. \times .25

G. Section 306, GRANDFATHER CLAUSE FOR NON-CONFORMING USE OR BUILDING, is retitled and revised in its entirety to read as follows:

Section 306, Grandfather Clause For Non-Conforming Use, Building or Lot.
All non-conforming uses existing on the date enactment of this LUC shall be allowed to continue unless abandoned or discontinued for twelve consecutive months. Where a non-conforming use has been discontinued for at least three (3) years, it may only be resumed, expanded, or replaced by a use which conforms to the provisions of this LUC, or the Planning Commission issues a special use permit in conformance with the provisions of Section 308. Non-conforming uses or buildings shall not
be allowed to expand, change, or increase the degree or intensity of a non-conforming use or building without a special use permit issued in compliance with LUC Section 308. A sub-standard parcel of land or non-conforming lot held or controlled by separate ownership from contiguous parcels of land existing prior to 1/1/94 in the Residential Zone District and which separate ownership has continuously existed since 1/1/94 shall be allowed separate residential development per ARTICLE VI.

H. There is hereby added to the LUC a new Section 308, RESUMPTION OF A DISCONTINUED NON-CONFORMING USE AND EXPANSION, CHANGE IN USE, OR RELOCATION OF NON-CONFORMING USES, BUILDINGS AND LOTS:

Section 308, Resumption of a Discontinued Non-conforming Use and Expansion, Change in Use, or Relocation of Non-Conforming Uses, Buildings and Lots.

A. Adoption of land use controls and development limitations in the LUC have resulted in buildings which lawfully existed at the time of their creation, but which do not conform to provisions of the LUC. The purpose of this section is to allow such nonconforming buildings to be changed and upgraded without requiring the complete reduction or elimination of the non-conformity, if certain adverse effects are reduced or mitigated and a special use permit is issued.

B. Certain changes and upgrades of non-conforming buildings should be permitted if they promote the public health, safety or welfare and do not adversely affect traffic or the surrounding environment. Examples may include but are not limited to: a remodel that brings all or a portion of a non-conforming building into compliance with applicable fire, electrical, building, mechanical or plumbing codes; a change would reduce the degree of nonconformity of the use or improve the physical appearance of the structure or site; an upward extension of a structure within a setback area if neighbor’s access to light and air is not substantially diminished. Nothing in this section, however, shall be construed to permit expanding the height of a building any part of which exceeds the maximum building height.

C. Planning Commission may issue a special use permit approving or approving with conditions an application for the resumption of a discontinued non-conforming use, or for the expansion or change in use of a non-conforming use or structure or of a building on a non-conforming lot, when it determines all of the following criteria have been met in addition to those of LUC section 1004:

1. The applicant has agreed to undertake all reasonable measures to reduce or alleviate the effects of the non-conformity upon the surrounding neighborhood including, without limitation, visual or noise pollution, vehicular traffic, storage of necessary equipment, materials and refuse, and on street parking.
2. The proposed change or expansion will either reduce the degree of nonconformity of the use, building or lot, or improve the physical appearance of the structure of the site without substantially increasing the degree of nonconformity.

3. The proposed change or expansion in use complies with all requirements of this Code, unless a variance to these requirements has been granted.

4. The existing building or lot cannot otherwise reasonably be utilized or made to conform to the requirements of the underlying zone district.

I. AMENDMENT OF COMMERCIAL ZONE DISTRICT

Subsection 5.5.1 of Section 505, MAXIMUM BUILDING HEIGHTS, is hereby revised in its entirety, to read as follows:

The maximum building height in the Commercial District is 24 ft.

J. AMENDMENT OF OPEN SPACE DISTRICT

Section 601 of the Open Space Zone District, “Intent and Purpose”, is revised in its entirety to read as follows:

The Open Space Zone District is intended to preserve the natural values of undeveloped land for the benefit and enjoyment of the residents of the Town of Sawpit. Uses are generally restricted to non-motorized, minimal impact recreation activities, except that motorized uses and underground utility uses with small surface appurtenances may occur on and within Open Space consisting of public rights-of-way.

SECTION 3. PUBLICATION. After final adoption, notice of passage shall be published in the manner prescribed by C.R.S. 31-16-101, et seq.

SECTION 4. SEVERABILITY. If any one or more sections or parts of this Ordinance is adjudged unenforceable or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various provisions herein are severable.
SECTION 5: **EFFECTIVE DATE.**
This Ordinance is necessary for the immediate preservation of the public health and safety and shall take effect immediately upon final adoption.

Introduced, Read and Referred to Public Hearing by the Board of Trustees of the Town of Sawpit on the 6th day of May, 2010.

Approved and Adopted on Second and Final Reading by the Board of Trustees of the Town of Sawpit on the 2nd day of June, 2010.

By: __________________________
Mike Kimball, Mayor

Attest: _________________________
Debbie Feste, Town Clerk

Approved as to Form: Stephen B. Johnson, Town Attorney
TOWN OF SAWPIT
ORDINANCE 2012-2

AN ORDINANCE AMENDING AND CLARIFYING THE TOWN OF SAWPIT, COLORADO LAND USE CODE AND ORDINANCE 95-1 TO RE-ADOPT THE TOWN OF SAWPIT OFFICIAL ZONE DISTRICT MAP, CLARIFY THE UNIFORM BUILDING CODE PUBLICATION DATE, REVISE THE ENFORCING OFFICIAL DEFINITION, AND AMEND THE PENALTY SECTION

WHEREAS, on May 11, 1995 the Town of Sawpit adopted Ordinance 95-1, "An Ordinance Adopting the Town of Sawpit Land Use Code And The Uniform Building Code"; and

WHEREAS, the Town of Sawpit desires to record the Town of Sawpit Official Zone District Map in the public records of the San Miguel County Clerk and Recorder, and the Town desires to re-adopt the same without modification prior to such recording; and

WHEREAS, Section 105 of the LUC, "Adoption of Uniform Building Codes", adopted the "Uniform Building Code, and each of its subsequent revisions" (the "UBC") without reference to a specific UBC publication date; and

WHEREAS, the Town of Sawpit finds it appropriate to clarify that the Uniform Building Code edition, in effect at the time of adoption of LUC Section 105, was and is the 1994 Uniform Building Code, and to re-adopt the same; and

WHEREAS, The Town of Sawpit desires to amend section 1501.1 of the Town of Sawpit Land Use Code ("LUC") to remove the Planning and Zoning Commission as an "Enforcing Official"; and

WHEREAS, Ordinance 95-1 did not contain a penalty clause, although penalties are addressed in the LUC, and the Town of Sawpit finds that it is appropriate to amend the Administration section and re-adopt and publish penalties for violation of the Town of Sawpit LUC, UBC and this Ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SAWPIT, COLORADO, THAT:

1. Zone District Map Clarification.

A. The Town of Sawpit hereby re-adopts and incorporates by this reference the Town of Sawpit Official Zone District Map, prepared by Foley & Associates, Inc., Project # 93155, dated March 1995, a reduced copy of which is attached hereto and incorporated herein by this reference.

B. LUC Section 302 is hereby revised and re-enacted in its entirety, to read as follows:

SECTION 302. ZONING MAP

The boundaries of these districts are shown on the Town of Sawpit Official Zone District Map which accompanies and is made a part of this LUC. All references in the Town of Sawpit Land Use Code to the Town of Sawpit Official Zone District Map, shall be deemed to refer and have referred to the Town of Sawpit Official

The Sawpit Town Clerk shall cause a full size copy of such Zoning Map to be filed of record with the San Miguel County Clerk and Recorder's Office.

2. **Uniform Building Code Clarification.**

Section 105 of the Town of Sawpit Land Use Code, "Adoption of Uniform Building Codes", is revised and re-enacted in its entirety to read as follows:

The Town of Sawpit has adopted the 1994 Uniform Building Code. The Uniform Building Code shall take effect except where it conflicts with the provisions with this LUC. The Town Clerk shall keep or have available a reference copy of the 1994 Uniform Building Code to make available for public inspection and copying.

3. **Enforcing Official.**

Section 1501.1 of the LUC, "Enforcing Official", is revised and re-enacted in its entirety, to read as follows:

1501.1 Enforcing Official: The provisions of this LUC shall be enforced and administered by the Building Inspector of the Town of Sawpit, his or her authorized representative, or such other authority as appointed by the Board of Trustees of the Town of Sawpit.

4. **Penalty Clause.**

Section 1502 of the Sawpit Land Use Code, "Penalties", is revised and re-enacted in its entirety, to read as follows:

1502. Penalties.

A. It is unlawful to erect, construct, reconstruct, or alter any building or structure in violation of any regulation in, or of any provisions of, The Town of Sawpit Land Use Code, or any amendment thereof, enacted or adopted by the Board of Trustees. Any person, firm, or corporation violating any such regulation, provision, or amendment thereof, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than ten days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, or alteration continues shall be deemed a separate offense.

B. It is unlawful to use any building, structure, or land in violation of any regulation in, or of any provision of, The Town of Sawpit Land Use Code, enacted or adopted by any Board of Trustees or any amendment thereof. Any person, firm, or corporation violating any such regulation, provision, or amendment thereof is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand
dollars, or by imprisonment in the county jail for not more than ten days, or by both such fine and imprisonment. Each day during which such illegal use of any building, structure, or land continues shall be deemed a separate offense.

C. Whenever the Land Use Code Enforcing Official has personal knowledge of any violation of the Land Use Code, he or she shall give written notice to the violator to correct the violation within thirty (30) days after the date of the notice. Should the violator fail to correct the violation within the thirty-day period, the Enforcing Official may request that the Town Attorney issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of the charge to the violator. The summons and complaint shall require that the violator appear in municipal or district court at a definite time and place stated therein to answer and defend the charge.

D. One copy of said summons and complaint shall be served upon the violator by the sheriff of the county in the manner provided by law for the service of a criminal summons, and a copy shall be posted upon the violator’s property. One copy each shall be retained by the sheriff and the Land Use Code enforcement official, and one copy shall be transmitted by the sheriff to the clerk of the municipal or district court.

E. Upon request by the Mayor or the Enforcing Official, it is the responsibility of the Town Attorney to enforce the provisions of the Land Use Code.

F. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, or used, or any land is or is proposed to be used, in violation of any regulation or provision of any Land Use Code, or amendment thereto, enacted or adopted by any Board of Trustees, the Town Attorney, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding in municipal court or district court to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use.

5. Ordinance Violation Penalty.

A. Any person, firm, or corporation violating any Land Use Code or Uniform Building Code regulation, provision, or amendment thereof, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand
dollars, or by imprisonment in the county jail for not more than ten days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, alteration or use continues shall be deemed a separate offense.

B. The Town Clerk shall cause a notice of adoption of this Ordinance to be published by title, and shall include penalty clauses in paragraphs 4 and 5 of this Ordinance in such publication.

6. **Repealer: Survival.** All orders, bylaws, ordinances, and resolutions of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict; provided, however, that nothing herein shall impair or curtail any existing administrative or judicial proceedings that may have been initiated prior to any such repeal to the extent based on or involving any repealed, revised, or re-enacted section of the LUC.

7. **Severability.** If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

INTRODUCED, READ, AND REFERRED TO PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF SAWPIT on the 26th day of July, 2012.

READ, HEARD, AND APPROVED ON THE SECOND AND FINAL READING BY THE BOARD OF TRUSTEES OF THE TOWN OF SAWPIT on the 23rd day of August, 2012.

By: Mike Kimball, Mayor

Attest: Debbie Feste, Town Clerk

Approved as to Form:
Stephen B. Johnson, Town Attorney

Attachment: Town of Sawpit Official Zone District Map (reduced).
TOWN OF SAWPIT
ORDINANCE NO. 94-2

AN ORDINANCE CONCERNING REVENUE, AND IMPOSING A SALES TAX ON THE SALE OF TANGIBLE PERSONAL PROPERTY AT RETAIL AND THE FURNISHING OF TAXABLE SERVICES IN THE TOWN OF SAWPIT, COLORADO, AND IMPOSING A USE TAX FOR THE PRIVILEGE OF USING OR CONSUMING IN SAWPIT, COLORADO, ANY CONSTRUCTION AND BUILDING MATERIALS AND FOR STORING, AND PROVIDING FOR AN ELECTION ON THE PROPOSALS HEREIN CONTAINED.

WHEREAS, the Town of Sawpit desires to enhance its revenues in order to provide government services and other municipal purposes; and,

WHEREAS, the Board of Trustees of the Town of Sawpit has determined that the imposition of a sales and use tax in the Town of Sawpit will provide revenues for municipal purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SAWPIT, COLORADO, the following:

This Ordinance may be known and cited as the "Town of Sawpit Sales and Use Tax Ordinance".

ARTICLE I. SALES TAX

A. Purpose. The purpose of this Article is to impose a sales tax upon the sale at retail of tangible personal property and the furnishing of certain services in the Town of Sawpit, Colorado, pursuant to the authority granted to incorporated towns of the State of Colorado by Article 2 of Title 29, Colorado Revised Statutes, as amended. This Article shall be so construed and interpreted as to effectuate the general purpose of making in uniform with the sales tax of the State of Colorado, levied by Article 26 of Title 39, C.R.S. as amended.

B. Definitions. For the purposes of this Article, the definition of words herein contained shall be as said words are defined in Section 39-26-102, C.R.S., as amended, and the definitions are incorporated herein.

C. Licenses

(1) It shall be unlawful for any person to engage in the business of selling tangible personal property at retail, or to furnish certain as herein specified, without first having obtained a license therefore, which license shall be granted and issued by the Town Clerk, and shall be in force and effect until the thirty-first day of December of the year in which it is issued, unless sooner revoked. Such license shall be granted to or renewed on upon application stating the name and address of the person desiring such license, the name of such business and location, and such other facts as the
Town Clerk may require.

(2) It shall be the duty of each such licensee on or before January first of each year during which this Article remains in effect to obtain a renewal thereof if the licensee remains in retail business or is liable to account for the tax herein provided, but nothing herein contained shall be construed to empower the Town Clerk to refuse such renewal except revocation for cause of licensee's prior license.

(3) For each license issued, a fee shall be paid according to the following schedule:

<table>
<thead>
<tr>
<th>License</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual License</td>
<td>$50.00</td>
</tr>
<tr>
<td>6 Month License</td>
<td>$25.00</td>
</tr>
<tr>
<td>Monthly License</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

(4) In case business is transacted at two or more separate places by one person, a separate license for each place of business shall be required.

(5) Each license shall be numbered and shall show the name and place of business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable.

(6) Any license may be revoked for cause as provided in Section 39-26-103, C.R.S., as amended, which provision is incorporated herein by this reference.

(7) Any person engaged in the business of selling tangible personal property at retail, or the furnishing of certain services as herein specified, without having first secured a license therefore as provided in this Article, shall be guilty of a violation of this Article.

D. Property and Services Taxed

(1) There is hereby levied and there shall be collected and paid a sales tax in the amount as in this Article provided, upon the sale at retail of tangible personal property and the furnishing of certain services, as provided in Section 39-26-104, C.R.S., as amended.

(2) The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, C.R.S., as amended.

(3) The gross receipts from sales shall include delivery charges when such charges are subject to the State Sales and Use Tax imposed by Article 26 of Title 39, C.R.S., as amended, regardless of the place to which delivery is made.

(4) No sales tax shall apply to the sale of construction and building materials, as the term is used in Section 29-2-109, C.R.S., as amended, if such materials are picked up by the purchaser and if the purchaser of such materials presents to the
retailer a building permit or other documentation acceptable to such local government evidencing that a local use tax has been paid or is required to be paid.

(5) No sales or use tax shall apply to the sale of food purchased with food stamps. For the purposes of this paragraph, "food" shall have the same meaning as provided in 7 U.S.C. Section 2012(g), as such section exists on October 1, 1987, or is thereafter amended.

(6) No sales or use tax shall apply to the sale of food purchased with funds provided by the special supplemental food program for women, infants, and children, 42 U.S.C. Section 1786. For the purposes of this paragraph, "food" shall have the same meaning as provided in 42 U.S.C. Section 1786, as such section exists on October 1, 1987, or is thereafter amended.

(7) No sales tax shall apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule city and county, city or town equal to or in excess of that sought to be imposed by Sawpit, Colorado. A credit shall be granted against the sales tax imposed by Sawpit, Colorado with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule city and county, city, or town. The amount of the credit shall not exceed the sales tax imposed by Sawpit, Colorado.

(8) Notwithstanding any other provision of this Article, the value of construction and building materials on which a use tax has previously been collected by an incorporated town, city, or county shall be exempt from the town, city or county sales tax if the materials are delivered by the retailer or his agent to a site within the limits of such town, city, or county.

E. Exemptions

(1) There shall be exempt from taxation under the provisions of this Article, all of the tangible personal property and services which are exempt under the provisions set forth in Article 26, Title 39, C.R.S., as amended, which exemptions are incorporated herein by this reference, except the exemption allowed by Section 39-26-114(11), C.R.S., as amended, for the purchases of machinery or machine tools, and except the exemption of sales and purchases of electricity, coal, gas, fuel oil and coke as provided in Section 39-26-114(1)(a)(XXI), C.R.S., as amended.

(2) All sales of tangible personal property on which a specific ownership tax has been paid or is payable shall be exempt from sales tax when such sales meet both of the following conditions:

(a) The purchaser is a nonresident of, or has its principal place of business outside of the Town; and
(b) Such tangible personal property is registered or required to be registered outside the limits of the Town under the laws of the State of Colorado.

F. Amount of Tax

(1) There is hereby imposed upon all sales of tangible personal property and the Property and Services Taxed Section of this Article, a three per cent (3%) sales tax upon the sale at retail of tangible personal property and the furnishing of certain services as provided herein.

G. General Provisions

(1) For the purposes of this Article, all retail sales are consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of the Town or to a common carrier for delivery to a destination outside the limits of the Town.

(2) In the event a retailer has no permanent place of business in the Town, or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of the sales tax imposed by this Article shall be determined by the provisions of Article 26 of Title 39, C.R.S., as amended, and by rules and regulations promulgated by the Department of Revenue of the State of Colorado.

H. Collection, Administration and Enforcement

(1) The collection, administration, and enforcement of the sales tax imposed by this Article shall be performed by the Executive Director of the Department of Revenue of the State of Colorado in the same manner as the collection, administration, and enforcement of the Colorado State Sales Tax. Accordingly, the provisions of Articles 26 and 21 of Title 39 and Article 2 of Title 29, C.R.S., as amended, and all rules and regulations promulgated by the Executive Director of the Department of Revenue pertaining to such collection, administration, and enforcement, are incorporated herein by this reference.

I. Revenues Derived - Disposition

This shall be up to the individual town. See Section 29-2-111 C.R.S., as amended.

ARTICLE II. USE TAX

A. Purpose

The purpose of this Article is to impose a use tax of three percent (3%) thereof, for the privilege of using, or consuming in the Town of Sawpit, Colorado, any construction and building materials, purchased at retail.
B. Limitations

In no event shall the use tax imposed by this ordinance extend or apply:

1. To the storage, use or consumption of any tangible personal property, the sale of which is subject to a retail sales tax imposed by the Town of Sawpit.

2. To the storage, use, or consumption of any tangible personal property purchased for resale in the Town of Sawpit either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business;

3. To the storage, use or consumption of tangible personal property brought into the Town of Sawpit by a non-resident thereof for his own storage, use, or consumption while temporarily within the town; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this state by a non-resident to be used in the conduct of a business in this state;

4. To the storage, use or consumption of tangible personal property by the United States government, or the state of Colorado, or its institutions, or its political subdivisions in their governmental capacities only, or by religious or charitable organizations in the conduct of their regular religious or charitable functions;

5. To the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing of compounding for sale, profit, or use any article, substance or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which manufactured, compounded or furnished and the container, label, or the furnished shipping case thereof;

6. To the storage, use, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a legally imposed sales or use tax of another statutory or home rule town, city, or city and county equal to or in excess of that imposed by this article. A credit shall be granted against the use tax imposed by this article with respect to a person’s storage, use, or consumption in the town or city of tangible personal property purchased by him in a previous statutory or home rule town, city, or city and county. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of the previous statutory or home rule town, city, or city and county on his purchase or use of the property. The amount of the credit shall not exceed the tax imposed by the article;

7. To the storage, use, or consumption of tangible personal property and household effects acquired outside of the Town of Sawpit and brought into it by a non-resident acquiring residency;

8. To the storage or use of a motor vehicle;
(9) To the storage, use, or consumption of any construction and building materials written contract for the purchase thereof was entered into prior to the effective date of such use tax;

(10) To the storage, use or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into at any time prior to the effective date of this use tax ordinance;

C. **Construction and Building Materials Use Tax Collection**

(1) The collection of the use tax for construction and building materials shall be administered by the Board of Trustees of the Town of Sawpit, Colorado.

(2) The collection and administration of the use tax imposed by this ordinance shall be performed by the Board of Trustees of the Town of Sawpit in substantially the same manner as the collection, administration and enforcement of the Colorado Sales and Use Tax.

**ARTICLE III. ELECTION**

Upon adoption of this Ordinance by the Board of Trustees of the Town, this Ordinance shall be submitted to an election by the registered electors of the Town of Sawpit for their approval or rejection. There being no regular election within ninety (90) days of the adoption of this Ordinance, such election shall be held on the 8th day of November, and shall be conducted in the manner provided in "The Colorado Municipal Election Code of 1965."

**ARTICLE IV. EFFECTIVE DATE**

Upon approval of this Ordinance by the registered electors as herein provided, this Ordinance shall become effective and in force at 12:01 a.m. on the first day of January, 1995. As soon as practical after said approval, the Board of Trustees of the Town shall request the Executive Director of Revenue of the State of Colorado to collect, administer, and enforce this Ordinance as herein provided and shall at the time of said request submit a true and complete certified copy of this Ordinance and all necessary proceedings in connection herewith to the Executive Director of the Department of Revenue.

**ARTICLE V. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.
ARTICLE VI.  

EMERGENCY

The Board of Trustees hereby finds, determines and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health or safety and the same shall be in full force and effect after publication and final passage as provided by law.

FIRST READING INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED THIS 1st DAY OF SEPTEMBER, 1994.

SECOND READING READ AND ADOPTED THIS 13th day of October, 1994, by the Board of Trustees of the Town of Sawpit.

By: Kevin Green, Mayor of Sawpit

Date 10/13/94

Attest: Debbie Feste, Town Clerk

Date 10/13/94
ORDINANCE 96-2
TOWN OF SAWPIT, COLORADO

AN ORDINANCE ENACTING BUSINESS LICENSE FEES IN THE TOWN OF SAWPIT

WHEREAS, C.R.S.A. section 31-15-501(1)(c) authorizes municipalities to license, regulation, and tax any lawful occupation or business place and to fix the amount, terms, and manner of issuing and revoking licenses issued therefor;

WHEREAS the Board of Trustees of the Town of Sawpit, State of Colorado has determined that the licensing of businesses in the Town of Sawpit will promote accountability and will defray the cost of miscellaneous government administration caused by increased business activity;

WHEREAS, the Board of Trustees finds the adoption of business licenses and fees will promote the health, safety, and general welfare of the Sawpit community; and,

WHEREAS, the Board of Trustees held a public hearing on the first day of August, 1996, and considered all public comments given at such public hearing, prior to the adoption of this Ordinance No. 96-1;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SAWPIT, STATE OF COLORADO, the following:

SECTION 1: DEFINITIONS

A. "Business" includes all activities engaged in or caused to be engaged in with the object of gain, benefit, advantage or profit, direct or indirect.

B. "Employee" means an individual or combination of two individuals who works for compensation for a business licensee, subject to the following: an individual who works twenty hours per week or less shall be designated a part-time or "half employee"; and two part-time employees shall equal one employee. An individual who works more than twenty hours per week shall be considered one employee. An owner or licensee who works for and draws a salary from his/her business shall be designated as an employee or part-time employeé, depending on the number of hours worked each week.

C. "Person" includes any individual, firm, partnership, joint venture, corporation, state, or trust or any group or combination acting as a unit, in the plural as well as the singular number.

SECTION 2: LEVY

Section 2. Of Article I. Ordinance 94-2 Town of Sawpit concerning Sales and Use Tax is hereby repealed in its entirety and the licensing of businesses for both the purposes of this Ordinance and for the Sales and Use Tax Ordinance No. 94-2 shall be governed by this SECTION 2. An annual
Town of Sawpit - Ordinance No. 96-2 - Business License

business license fee is hereby levied on all persons doing business in Sawpit according to the following schedule:

A. Businesses with up to one and one-half employees: $75.00.
B. Businesses with more than one and one-half employees and up to five employees: $200.00.
C. Businesses with more than five employees and up to nine employees: $300.00.
D. Businesses with more than nine employees: $400.00

SECTION 3. LICENSE REQUIRED

It shall be unlawful for any person to do business within the Town of Sawpit without having first obtained a business license from the office of the Town Clerk. A separate license for each place of business shall be required. The annual business license fee must be paid either on or before January 1st for existing businesses and prior to commencement of a new business in the Town of Sawpit for new businesses. An annual business license shall be valid for the calendar year. The location of any licensed business may be changed, provided ten days notice thereof is given to the Town Clerk.

SECTION 4. EXEMPTIONS

Persons exempt from the provisions of this Ordinance are employees of the licensee, minors, churches or established religious organizations, non-profit organizations, charitable organizations, hospitals, and any person exempt under Federal or Colorado law. Construction activities which are exempt from this ordinance includes maintenance and repairs of existing structures and other construction which does not require a building permit.

SECTION 5. ADMINISTRATION

The power to administer the provisions of this Ordinance shall be vested in the Town Clerk, who is authorized to do the following:
A. Collect license fees and issue receipts therefore;
B. Adopt all forms for applications, exemptions and licenses; and prescribe the information to be provided on such forms;
C. Investigate and determine the eligibility of each applicant for an annual business license; and,
D. Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this ordinance.

SECTION 6. LICENSE REQUIREMENTS

The following requirements shall be met by each licensee to obtain and hold a business license:
A. Comply at all times with local, state and federal laws and regulations applicable to such licensed business;
B. Avoid all illegal or unlawful practices or conditions which do or may affect the public health,
Town of Sawpit - Ordinance No. 96-2 - Business License

C. Refrain from operating the licensed business or premises after expiration of a business license and during the period of that a business license is revoked.

SECTION 7. LICENSE REVOCABLE

The Board of Trustees may revoke or suspend any license for violation of this Ordinance after providing a public hearing with at least 10 days mailed notice. Grounds for revocation or suspension include violations of this Ordinance and non-compliance with the provisions of SECTION 6.

SECTION 8. ENFORCEMENT AND PENALTIES

The penalty for failure to comply with any provision of this Ordinance shall be a fine not to exceed $25 per day for each day of non-compliance. Each day of violation shall be deemed a separate offense. The Town may also seek an injunction to restrain a person from engaging business within the Town that does not obtain an annual business license or operating after a license is revoked or suspended. These remedies shall be in addition to all other remedies and penalties provided for by local ordinance or which are available at law.

SECTION 9. SEVERABILITY

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

SECTION 10. SAFETY CLAUSE

The adoption of this ordinance is necessary for the immediate protection of the public health, peace, safety and welfare.

SECTION 11. EFFECTIVE DATE

This ordinance shall be in full force and effect 30 days after publication in the Telluride Times-Journal.
FIRST READING HEARD, APPROVED AND REFERRED TO A PUBLIC HEARING
by the Board of Trustees of the Town of Sawpit this 8th day of July, 1996.

SECOND READING HEARD, APPROVED AND ADOPTED, by the Board of Trustees of
the Town of Sawpit this 1st day of August, 1996.

By: Kevin Green, Mayor

Attest: Debbie Feste, Town Clerk

Approved as to Form: Eric James Heil
Town Attorney
ORDINANCE 97-1
TOWN OF SAWPIT, COLORADO

AN ORDINANCE AMENDING ORDINANCE 96-2, AN ORDINANCE ENACTING BUSINESS LICENSE FEES IN THE TOWN OF SAWPIT

WHEREAS, pursuant to C.R.S., section 31-15-501(1)(c), which authorizes municipalities to license, regulate and tax any lawful occupation or business place and to fix the amount, terms and manner of issuing and revoking licenses issued therefor, the Board of Trustees of the Town of Sawpit enacted Ordinance 96-2, an ordinance enacting business license fees in the Town of Sawpit;

WHEREAS, The board of Trustees of the Town of Sawpit, State of Colorado, desires to clarify Ordinance 96-2 in order to promote the health, safety, and general welfare of the Sawpit community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SAWPIT, STATE OF COLORADO, the following:

Section 1. Definitions

Amendment to Section 1, “Definitions”: The following sentence is hereby added following the language “advantage or profit, direct or indirect in Section 1(A).”

“Business” includes, but is not limited to, deriving compensation from any and all construction activities which require a building or other permit issued by local, state and federal government (“a government entity”) or which may be part of a larger construction project requiring a building or other permit issued by a government entity. A “construction project” shall be all of those construction activities which are associated with or allowed by a building or other permit issued by a government entity.

Section 2. Exemptions - Section 4.

Amendment to Section 4, “Exemptions”: Delete the last sentence of Section 4 and add the following sentence:

Routine maintenance and repairs of existing structures which do not require a building or other permit issued by local government are exempt from this ordinance.

Section 3. License Requirements - Section 6.

Amendment to Section 6, “License Requirements”: Add to the end of the paragraph:
D. A business which begins operating after September 30th of any year shall only pay one-half (1/2) of the annual license fee.

Section 4. Severability

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 5. Safety Clause

The adoption of this ordinance is necessary for the immediate protection of the public health, peace, safety and welfare.

Section 6. Effective Date

This ordinance shall be in full force and effect 30 days after publication in the Telluride Times-Journal.

FIRST READING HEARD, APPROVED, AND REFERRED TO A PUBLIC HEARING by the Board of Trustees of the Town of Sawpit this 11th day of August, 1997

SECOND READING HEARD, APPROVED AND ADOPTED, by the Board of Trustees of the Town of Sawpit this 14th day of January, 1998.

By: Kevin Green, Mayor

Attest: Debbie Easte, Town Clerk

Approved as to form:
Elizabeth M. Covington, Town Attorney

(Town Seal)