

**TOWN OF BOW MAR
ORDINANCE NO. 323**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
BOW MAR AMENDING CHAPTER 2 AND SECTIONS 16-8(C), 16-18, 18-
4(J) AND 18-8 OF THE BOW MAR MUNICIPAL CODE CONCERNING
THE CREATION OF A DESIGN REVIEW BOARD**

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR AS FOLLOWS:

Section 1. Chapter 2 of the Bow Mar Municipal Code is hereby amended by the addition of a new Article VI to read as follows:

ARTICLE VI – DESIGN REVIEW BOARD

Sec. 2-111. Creation; appointment; terms.

There is hereby created a Design Review Board consisting of seven (7) members, each to be appointed by the Board of Trustees for two (2) year terms; provided that, to establish a stagger in initially establishing the Design Review Board, the Board of Trustees shall appoint three (3) of the members to one (1) year terms. Members of the Design Review Board shall not be subject to term limits.

Sec. 2-112. Organization; meetings; removal; vacancies.

- (a) The members of the Design Review Board shall elect a chair from among the appointed members. The term of the chair shall be one (1) year, with eligibility for reelection.
- (b) The Design Review Board shall hold at least one (1) regular meeting each month, provided that the chair may cancel the meeting for lack of business or lack of quorum.
- (c) The Design Review Board shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations.
- (d) Members may be removed after notice and an opportunity for hearing by the Board of Trustees for inefficiency, neglect of duty or malfeasance in office. The notice shall include a written statement of the reason for such removal.
- (e) Vacancies occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by the Board of Trustees.

Sec. 2-114. Design Guidelines.

The Board of Trustees shall develop and adopt by resolution the Town of Bow Mar Design Guidelines (the "Design Guidelines") and may amend the Design Guidelines at any time by resolution.

Sec. 2-115. Powers and duties.

(a) The Design Review Board shall hold public hearings on proposed applications for construction of any building, structure or improvement or alteration of the exterior of any property within the Town and approve, modify or disapprove such proposals in compliance with the Design Guidelines.

(b) In evaluating plans and specifications for the construction of buildings and structures in compliance with the Design Guidelines, the Design Review Board shall take into consideration factors that include without limitation the conformity and harmony of external design of the proposed structures in the Town, and the location of the building, shrubs, trees and other structures with respect to topography, view and finish ground elevation.

(c) The Design Review Board shall follow all rules and regulations enacted by the Board of Trustees and conduct all meetings in accordance with the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.*

Sec. 2-116. Appeals.

All appeals from decisions of the Design Review Board will be referred to the Board of Adjustments in accordance with Section 16-18.

Section 2. Section 16-8 of the Bow Mar Municipal Code is hereby repealed in its entirety and reenacted as follows:

Sec. 16-8. Agricultural District.

(a) Use regulations. No buildings, accessory structures or land shall be used and no building or accessory construction shall be erected, converted or structurally altered except for the following:

- (1) Growing of crops.
- (2) The keeping of livestock in accordance with this Code.

(3) Maximum of three single family dwellings meeting the bulk requirements (height, area regulations, dwelling size and footprint and lighting regulations) of the Residential District 2. For purposes of determining dwelling size, each single-family dwelling shall be deemed to be located on a lot consisting of one acre in size.

(4) Accessory uses or structures incidental to the enumerated uses (1) through (3) above, provided that:

- a. No more than three accessory structures shall be permitted on any property zoned Agricultural.
- b. The maximum height of any accessory structure on property zoned Agricultural shall not exceed 20 feet.
- c. The maximum square footage of any accessory structure permitted on property zoned Agriculture shall not exceed two thousand five hundred (2,500) square feet.
- d. Guest quarters for use by temporary guests or invitees of the property owner are permitted within the accessory structure provided that: (1) such guests or invitees shall not occupy the quarters for more than 30 continuous days, (2) the property owner is not permitted to collect any rental or lease income from the guests or invitees, and (3) not more than forty-nine percent (49%) of the square footage of the accessory structure may be devoted for use as guest quarters.

(b) Minimum lot size. The minimum lot size for any property zoned Agricultural is 30 acres. Contiguous lots under common ownership may be aggregated for purposes of determining minimum lot size. If adjoining properties are aggregated in order to meet the minimum lot size requirement of the Agricultural District (thirty (30) acres or larger), said adjoining properties must remain under common ownership to preserve the zoning classification. Common ownership includes ownership by spouses or children of the original owner, or entities controlled by such persons.

(c) Design Review Board review. All new construction and building alterations shall be approved by the Design Review Board.

Section 3. Section 16-17 of the Bow Mar Municipal Code is hereby repealed in its entirety and reenacted as follows:

Sec. 16-17. Variance Procedures.

(a) An applicant for a variance from the restrictions imposed by any of the Town's zoning ordinances shall submit an application for a variance to the Design Review Board.

(b) The information to be provided by the variance-seeking applicant shall include, at a minimum, all of the information that is described in the annually distributed Directory of the Town under the caption "Construction Procedures in the Town of Bow Mar."

(c) The information that a variance-seeking applicant must provide to the Design Review Board shall include the following:

(1) Name, address and telephone numbers of the applicant and current address or legal description of property.

(2) For minor improvements, an accurate plot plan showing the relationship between the setbacks and the boundaries. This does not need to be signed by a registered engineer. Minor improvements would include a shed or other accessory construction within a setback or a variance to fence height.

(3) For additions and new construction:

a. Map of the property (minimum 24" x 36"), which shall depict the residence at an appropriate and commonly used scale and shall also depict and identify all property boundaries and adjacent property owners, all public rights-of-way and easements and the location, type and size of all utility lines, and clearly depicting the proposed improvement and the precise dimensions of the variance requested. The property map shall include the name, address, telephone number and license number of the engineer or licensed architect who prepared such map.

b. Accurate surface area calculations (which may be depicted on the above-described map) of all existing structures and all proposed improvements.

c. Accurate elevations of all existing structures and proposed improvements, noting the point of reference from which all such elevations are measured.

d. A drainage study or map of the property, including thereon the name, address, telephone number and license number of the registered engineer and/or land surveyor who prepared such instrument.

(d) The Town may impose reasonable fees for consideration of variance requests.

(e) The Board of Adjustment will conduct a public hearing to consider and act upon an application for a variance. To provide notice of the requested variance to all impacted or potentially impacted residents, the applicant shall post a sign in front of the property, for at least twenty-one (21) days prior to the hearing.

(f) The sign to be posted in front of the property for which a variance is requested shall be at least thirty-six (36) by forty-eight (48) inches in dimension. The sign shall be posted in a conspicuous location along each public street that abuts the applicant's property. The sign shall include, in letters at least one inch high, and bold enough to be visible from the public street, the legends:

TOWN OF BOW MAR
PUBLIC HEARING NOTICE
REQUEST FOR VARIANCE

The sign shall also include, in similarly bold type, the following paragraph:

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE CONDUCTED BY THE BOARD OF ADJUSTMENT OF THE TOWN OF BOW MAR, ON [insert date] AT [insert location] TO CONSIDER AN APPLICATION FOR VARIANCE BY THE PROPERTY OWNER AT [insert relevant address] FROM THE ZONING RESTRICTION THAT [describe restrictive ordinance, and the relief to be requested therefrom]. ALL THOSE WISHING TO BE HEARD SHOULD BE PRESENT AT THE TIME AND PLACE STATED ABOVE. FOR MORE INFORMATION CALL THE TOWN CLERK AT 303-794-6065.

(g) A notice that is substantially similar to the sign shall also be published in the Bow Mar Bulletin not less than ten (10) days prior to the hearing.

Section 4. Section 16-18 of the Bow Mar Municipal Code is hereby repealed in its entirety and reenacted as follows:

Sec. 16-18. Board of Adjustment.

(a) There is hereby established a Board of Adjustment consisting of five (5) members, each to be appointed by the Board of Trustees for two-year terms or the remaining term filled. The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by the Building Commissioner or the Design Review Board. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Chapter. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner or the Design Review Board, or to decide in favor of the applicant any matter upon which it is required to pass under this Chapter, or to hear and decide any variance from this Chapter. A decision of the Board of Adjustment shall be subject, however, to review by certiorari by the District Court of any county within which the property in question is located. An appeal may be taken by any person aggrieved, by any officer or department of the Town or by the Town itself.

(b) An appeal from the Building Commissioner or the Design Review Board to the Board of Adjustment shall be taken by filing with the Building Commissioner or Design Review Board, within 60 days, a written notice of appeal, specifying the grounds therefor. The Building Commissioner or Chair of the Design Review Board shall at once transmit to the Board of Adjustment all of the papers constituting the record upon which the action appealed from was taken. The Board of Trustees may establish by resolution the filing fee required for an appeal.

(c) An appeal to the Board of Adjustment stays all proceedings in furtherance of the action appealed from unless the Building Commissioner or Design Review Board certifies to the Board of Adjustment after the notice of appeal has been filed that, by reason of factors stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on application, on notice to the Building Commissioner or Design Review Board, and on due cause shown.

(d) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, but in no event more than 90 days after the filing of a notice of appeal, and it shall decide the appeal within a reasonable period of time. At the hearing, all interested parties, including representatives of the Town, may be present and heard. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, subject to the provisions of subsection (a).

(e) Upon appeal, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Article, the Board of Adjustment has the power to vary or modify the application of the regulations or provisions of this Article relating to the use, construction or alteration of buildings or structures, or to the use of land, so that the spirit of this Article is observed, public safety and welfare secured and substantial justice done. No variance shall be granted to modify any lot, road or other detail shown on the map attached to the ordinance codified herein nor shall any variance be granted that is consistent with the values set forth in Section 16-1 of this Chapter.

(f) Every decision of the Board of Adjustment shall be subject to review by certiorari by the district court.

Section 5. Section 18-4 of the Bow Mar Municipal Code is hereby repealed in its entirety and reenacted as follows:

Sec. 18-4. Design Review Board Approval and Permit application.

(a) Approval and permits required. No person shall construct, add to, alter, repair or improve or remove the exterior of any building or structure in the Town, or cause the same to be done, without first obtaining written approval from the Design Review Board. A building permit shall be required for any construction, alteration, repair or improvement to the interior or exterior of a building or structure from the Building Commissioner. Neither the Town nor the Building Commissioner shall have any liability for the issuance of any permit for inadequate or defective plans or specifications.

(b) Application. An Applicant shall submit a completed application to the Design Review Board signed by the applicant, agent or representative and shall contain all necessary documentation required by the Town, including:

(1) Identification of the work to be covered by the permit for which application is made.

(2) Description of the land on which proposed work is to be done by plat description or by house address and street name. Any new house number required shall be assigned by the Building Commissioner in accordance with a master street plan which is in the office of the Town Clerk.

(3) A statement of the valuation and anticipated cost of the proposed work.

(4) Payment of all fees, including payment of the building permit fee and all inspection fees as set by the Board of Trustees.

(5) Two (2) sets of plans and specifications, except that for minor alterations or repairs of a nonstructural nature, the Building Commissioner may waive this requirement for plans and specifications. The plans and specifications shall contain at least the following information:

a. Plot plan. Scale shall be one-sixteenth (1/16) inch equals one (1) foot, one-eighth (1/8) inch equals one (1) foot, or one (1) inch equals twenty (20) feet, with the latter preferred, and shall show: (1) size and location of lot; (2) location of all buildings and structures on the lot; (3) all elevations including established street elevation at the extension of lot lines, existing and finished grade elevations at each corner of lot and at each corner of the setback lines, and roof elevations and elevations of each floor or level of each building or structure; and (4) all easements and setback requirements.

b. Foundation. For any construction involving a new foundation or modification of an existing foundation, a soil analysis by an accepted testing laboratory shall be required. The foundation design shall be based upon engineering calculations by an engineer registered in the State in accordance with results of the soil analysis, and the foundation plans must be signed by such engineer.

c. Detail. Drawings and specifications shall completely indicate and describe all of the proposed work, including the sizes, grade and quality of materials and equipment to be incorporated in the improvements. Except for the plot plan, drawings shall be accurately drawn to a scale not less than one-eighth (1/8) inch equals one (1) foot zero (0) inches.

d. Floor plans. Plans of all floors, basement and/or foundation shall be included, including direction, size and spacing of all framing members.

e. Heating and cooling. Size and layout of heating and cooling units, pipes, ducts, registers, radiators and any special arrangements shall be shown.

f. Plumbing. Location and size to scale of all fixtures and domestic hot water units.

g. Electric. Location of entry service, meters, panels and outlets and major electrical appliance.

h. Exterior elevations. Front, rear and side elevations shall be included showing all window and door openings, wall finish materials, flashing, present and finish grades, depth of footings, finish floor elevations and top of structure elevation.

i. Cross sections. Fully dimensioned cross sections through exterior walls shall be shown to scale, including all details of construction from bottom of footings to highest point of roof necessary for complete roof construction indication, plus fully dimensioned cross sections through stairwells, landings and stairs to scale clearly showing all headroom conditions and details of all surrounding construction.

j. Compliance with the Town of Bow Mar Design Guidelines. Approval by the Design Review Board indicating that the application is consistent with the Town of Bow Mar Design Guidelines.

k. A photometric (lighting plan and permit for new construction and major remodels defined as having a value of over two hundred fifty thousand dollars (\$250,000.00). A certificate of compliance shall be submitted and approved by the Building Inspector as part of the final inspection, although this is not required before a certificate of occupancy can be issued.

l. A drainage plan prepared by a licensed engineer for any new home or addition, which shall include an analysis of the effects of drainage caused by the construction on said home or adjacent properties.

m. Signature by professional architect or engineer registered by the State who is regularly engaged in the design of building structures. Supporting calculations may be required by the Building Commissioner.

Section 6. Section 18-8(b)(5) of the Bow Mar Municipal Code is hereby amended as follows:

Sec. 18-8. Adoption of building code.

* * *

K103.1 Permits Required. Except as specified in Section K103.2, no person shall do any grading without first having obtained a grading permit from the Building Official. A grading permit may be issued by the Building Official for excavation, filling or grading within any project to be completed in phases, provided that a final site development plan has been submitted, approved and recorded for the entire project or the first phase of a project, in which case a grading plan shall include maps indicating: existing and proposed topography at no greater than two-foot contour intervals unless otherwise approved by the Building Official; all existing trees greater than 4" diameter (MBH), with clear designation of those that are to be retained and those that are to be removed; existing structures, with clear designation of those to be retained and to be removed; the location, type and size of all existing public utilities, and those proposed for relocation; and an erosion/sediment control plan prepared in accordance with the City of Littleton's Storm Drainage Design and Technical Criteria Manual. The grading plan shall be compatible with the final site development plan as approved or recommended by the ~~Architectural Control Committee of BMOI~~, Design Review Board and such grading plan shall also bear the stamp of a competent professional who is registered and in good standing in the State of Colorado prior to issuance by the Building Official of a grading permit. When required erosion/sediment control facilities will not be installed contemporaneously with the completion of grading, the Building Official may require a financial guarantee in an amount sufficient to guarantee installation, construction, and operation of such erosion/sediment control facilities, plus twenty-five percent (25%) of such estimated amount. Said guarantee shall be cash, a letter of credit, surety bond, or suitable guarantee in a form satisfactory to the Building Official.

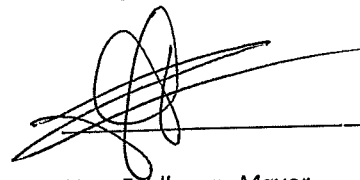
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Section 7. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Board of Trustees hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 8. The Board of Trustees hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 18th day of February 2019, in the Columbine Valley Town Hall, Columbine Valley, Colorado.

ATTEST:



Tom Feldkamp, Mayor

Sue Blair

Sue Blair, Town Clerk
