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CHECKLIST VARIANCE APPLICATION

Authority: New Castle Municipal Code, §§16.08.060 & 17.08.010 et seq.

This is a helpful checklist and is not necessarily all inclusive for all Municipal Code requirements. It is still your responsibility to read and comply with all code requirements. All applications must include a non-refundable Application fee.

Signature _____ Date _____

The following items must be submitted to the Town Clerk:

- Development Application
- Statement of the zoning regulation from which you are requesting a variance, and the variance you are requesting. For example, "The side yard setback requirement in the R-1 Residential Zone District is 8 feet. I request a variance reducing the side yard setback to 5 feet."
- Complete site plan, drawn to scale, illustrating:
 - Adjacent land uses and location of adjacent structures, including sidewalks, alleys or streets
 - Boundary and size of site
 - Building location, height and setbacks; include any building modifications that the variance may create
 - Off-street parking and loading areas (see attached)
 - Points of ingress and egress
 - Service and refuse areas
 - Signs and exterior lighting
 - Fencing, landscaping and screening
 - Compliance with performance standards (see attached)
 - Location and size of easements, power poles, fire hydrants, gas lines, water and sewer lines and other items which might impact the property, as well as anticipated utility requirements
- Time schedule for development
- If you believe that any of the above requirements are not applicable, provide a statement explaining why you believe the requirements are not applicable.
- Other information supporting your application
- List of owners of property within 100 feet of your property along with their mailing addresses. Source: Assessors Office.
Exception: If you are applying for a variance regarding maximum building height or changing the front yard setback requirement, a list of owners within 250 feet of your property must be provided.
- \$100 Non-refundable Application Fee

Off-Street Parking

17-76-010 General Requirements

(A) At the time of the erection of a new structure or at the time of enlargement of an existing structure, off-street parking spaces and loading areas shall be as provided in this Chapter.

(B) Where square feet are specified, the area measured shall be the floor area primary to the functioning of the particular use of property and shall exclude stairwells, elevator shafts, hallways, ornamental balconies, space occupied by heating, air conditioning or other utility equipment, and space devoted to off-street parking or loading.

(C) The number of employees of a new or expanding business shall be estimated in a manner approved by the Planning Commission, and the number of employees of an established business shall be determined from an examination of employment information presented by the applicants.

(D) Loading areas shall be of adequate size and design to facilitate all loading activities off a public right-of-way.

(E) The Central Business District, as identified on the Town zoning map, may be exempt from the requirements of this Chapter.

Source: Ord. 261, Sec. 15.07.010, 1983

17-76-020 Standards Designated for Each Use

The parking space requirements for each use shall be as follows:

(A) Residential Uses.

(1) For dwelling units, two (2) spaces per dwelling unit (driveway and garage or carport areas are defined as off-street parking space);

(2) For rooming house or boarding house, one (1) space per guest accommodation;

(3) For housing restricted to the aged, disabled, etc., one-half (1/2) space per unit.

(B) Commercial Residential Uses.

(1) For hotels and motels, one (1) space per guest room plus one (1) space per two (2) employees;

(2) For a club or lodge, spaces to meet the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.

(C) Institutions.

(1) For a nursing home, rest home or home for the aged, one (1) space per three (3) beds;

(2) For a hospital, three (3) spaces per two (2) beds.

(D) Places of Public Assembly.

(1) For a church, one (1) space per three (3) seats;

(2) For a library or reading room, one (1) space per four hundred (400) feet of floor area, plus one (1) space per two (2) employees;

(3) For a preschool nursery, day care school, kindergarten, elementary school or intermediate school, one-and-one-half (1 1/2) spaces per teacher, plus one (1) space per administrative employee;

(4) For a high school, one (1) space per teacher, plus one (1) space per administrative employee, plus one (1) space for each three (3) students or one (1) space per three (3) seats in the main auditorium;

(5) For a vocational or commercial school, one (1) space per teacher, plus one (1) space per administrative employee, plus one (1) space per two (2) students;

(6) For auditoriums and meeting rooms, one (1) space per three (3) seats.

(E) Commercial Amusements.

(1) For a stadium, arena or theater, one (1) space per two (2) seats;

(2) For a bowling alley, five (5) spaces per alley, plus one (1) space per two (2) employees;

(3) For dance halls and skating rinks, one (1) space per fifty (50) feet of floor area, plus one (1) space per two (2) employees.

(F) Commercial.

(1) For a retail store, except as provided in Section 13-16-020(F)(2), two (2) spaces per three hundred (300) square feet of floor space;

(2) For a service or repair shop or a retail store handling exclusively bulky merchandise, such as automobiles and furniture, one and one-half (1 1/2) spaces per three hundred (300) square feet of floor area;

(3) For offices other than medical and dental, one (1) space per three hundred (300) square feet of floor area;

(4) For medical and dental clinics, two (2) spaces per three hundred (300) square feet of floor area, plus one (1) space per two (2) employees;

(5) For an eating or drinking establishment, one (1) space per three (3) seats;

(6) For mortuaries, one (1) space per three (3) seats.

(G) Industrial.

(1) For a storage warehouse, manufacturing establishment, or an air, rail or trucking freight terminal, two (2) spaces per three (3) employees;

(2) For wholesale establishments, one (1) space per employee, plus one (1) space per five hundred (500) square feet of patron serving area.

17-76-030 Maintenance Restrictions

(A) The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner.

(B) No building permit or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space.

(C) The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Chapter.

(D) Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Chapter to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.

Source: Ord. 261, Sec. 15.07.030, 1983

17-76-040 Standards for Unlisted Uses

Requirements for types of buildings and uses not specifically listed in this Chapter shall be determined by the Town Council after a report and recommendation from the Planning Commission, based upon the requirements of comparable uses listed.

Source: Ord. 261, Sec. 15.07.040, 1983

17-76-050 Multiple-Use Requirements

In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed on the basis of maximum simultaneous use.

Source: Ord. 261, Sec. 15.07.050, 1983

17-76-060 Town Council May Change Number of Spaces

(A) The Town Council may increase or decrease the number of off-street parking spaces in consideration of the following factors:

- (1) Probable number of cars owned by occupants of dwellings in the planned unit development;
- (2) Parking needs of any nondwelling uses;
- (3) Varying time periods of use; and
- (4) Whatever joint use of common parking areas is proposed.

(B) Regardless of a reduction in off-street parking spaces by the Town Council, adequate space and site design shall be provided to accommodate the standard number of spaces for proposed use.

Source: Ord. 261, Sec. 15.07.060, 1983

17-76-070 Location of Spaces

Required parking spaces shall be located not farther than three hundred (300) feet from the building or use they are required to serve, measured in a straight line from the building.

Source: Ord. 261, Sec. 15.07.070, 1983

17-76-080 Spaces Not To Be Used for Storage

Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

Source: Ord. 261, Sec. 15.07.080, 1983

17-76-090 Setbacks

Except as provided in Section 13-16-020(A)(1), required parking and loading spaces shall be set back five (5) feet from the front lot line.

Source: Ord. 261, Sec. 15.07.090, 1983

17-76-100 Plans Required for Building Permit

A plan, drawn to scale, indicating how the off-street parking and loading requirements, excluding single dwelling unit areas, are to be fulfilled shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:

- (A) Delineation of individual parking and loading spaces;
- (B) Circulation area necessary to serve spaces;
- (C) Access to streets and property to be served;
- (D) Grading, drainage, surfacing and subgrading details;
- (E) Other pertinent details.

Source: Ord. 261, Sec. 15.07.100, 1983

17-76-110 Design Standards

(A) Access. Unobstructed, direct and convenient access for vehicles to and from a public street shall be provided for all off-street parking spaces. No off-street parking space shall be served by more than two (2) access ways to any one (1) public street. Access ways shall be designed so as to reduce the number and proximity of access points along highways.

(B) Paving. Except for single-family and two-family dwellings, all access ways between a public street and off-street parking spaces or areas and all off-street parking spaces or areas not covered or enclosed by a garage or carport shall be surfaced with asphalt, concrete, or other similar dustless material. For single-family and two-family dwellings, off-street parking spaces and access ways shall be covered as above or by lawn or grass, with asphalt or concrete parallel driving strips capable of providing a driving surface for a motor vehicle.

(C) Design of Parking Areas. The following design standards shall be met for all parking areas provided, whether or not the parking area is required by the Town, except where the parking area is to serve residential and lodging uses only as set forth in [subsection (D)] and fewer than ten (10) parking spaces are provided. Wherever a parking area is provided, the owner or developer shall provide the Town with a scale drawing of each building and the location and layout of off-street parking spaces and areas.

(1) *Access.* Each access way between a public street and the area containing the off-street parking spaces shall be not less than fifteen (15) feet nor more than thirty (30) feet wide at the intersection of the access way with the public street and a divider strip at least six (6) feet long shall be installed if the access way exceeds twenty-five (25) feet in width. Access from any parking area shall be to a public street.

(2) *Parking Area Layout.* Every parking area shall be designed according to the following table. The top line of figures for each parking angle constitutes minimum design standards and the lower two (2) lines constitute higher standards to be employed at the option of the owner or developer. The owner or developer may select the parking angle and the line of figures for such parking angles and then all figures in that line shall become requirements.

Minimum Parking Space and Driveway Requirements

- A = parking angle
- B = stall width
- C = length of stall to curb
- D = aisle width
- E = curb length per stall
- F = width of double row with aisle

A	B	C	D	E	F
10 degrees	9'0"	9.0	12.0	23.0	30.0
	9'6"	9.5	12.0	23.0	31.0
	10'0"	10.0	12.0	23.0	32.0
20 degrees	9'0"	15.0	11.0	26.3	41.0
	9'6"	15.5	11.0	27.5	42.0
	10'0"	15.9	11.0	29.2	42.0
30 degrees	9'0"	17.3	11.0	18.0	45.6
	9'6"	17.8	11.0	19.0	46.6
	10'0"	18.2	11.0	20.0	47.0
45 degrees	9'0"	19.8	13.0	12.7	52.5
	9'6"	20.1	13.0	13.0	53.3
	10'0"	20.5	13.0	14.1	54.0
60 degrees	9'0"	21.0	18.0	10.4	60.0
	9'6"	21.2	18.0	11.0	60.4
	10'0"	21.5	18.0	11.5	61.0
70 degrees	9'0"	21.0	19.0	9.6	61.0
	9'6"	21.2	18.5	10.1	60.9
	10'0"	21.2	18.0	10.6	60.4
80 degrees	9'0"	20.3	24.0	9.6	64.4
	9'6"	21.2	18.0	10.6	60.4
	10'0"	20.5	24.0	9.1	64.3
90 degrees	9'0"	19.0	24.0	9.0	64.0
	9'6"	19.0	24.0	9.5	62.0
	10'0"	19.0	24.0	10.0	62.0

(3) *Screening.* Every parking area shall be adequately screened from adjoining residential uses by a fence or wall not less than three-and-one-half (3 1/2) feet nor more than six (6) feet in height or by a strip at least four (4) feet wide of densely planted trees or shrubs having minimum mature height of three-and-one-half (3 1/2) feet which shall be maintained in good condition at all times and trimmed so as not to exceed six (6) feet in height.

(4) *Landscaping.* At least ten percent (10%) of the total parking area, including access ways, shall be devoted exclusively to landscaping of trees, shrubs, and ground cover which reduce the visual impact and assist in defining onsite traffic movement. Such landscaping shall include, adjacent to any public street, a strip at least four (4) feet wide of densely planted trees or shrubs having a minimum mature height of three and one-half (3 1/2) feet which shall be maintained in good condition at all times and trimmed so as not to exceed six (6) feet in height. Hedges provided to fulfill screening requirements under Section 13-16-110(C)(3) may be counted toward this ten percent (10%) landscaping requirement.

(5) *Lighting.* Security lighting shall be provided in all parking areas used or designed for use during evening hours. The lighting shall not be directed towards any adjacent residential uses or public streets.

(6) *Drainage.* All off-street parking areas and spaces shall be designed and graded to restrict site drainage to a rate no greater than the historical rate, before development, for the 25-year storm or shall include development of a storm drainage system to convey runoff water to a site approved by the Town Engineer. Such drainage plan or system shall be approved by the Town Engineer prior to the construction of the off-street parking.

(7) *Snow Storage.* All off-street parking areas shall include space for snow storage and removal of snow on parking areas when required by the Planning and Zoning Commission and Town Council when the size and location of the parking area are such that no public area is available for snow storage.

Source: Ord. 261, Sec. 15.07.110, 1983

Performance Standards

(A) Smoke. No use shall be permitted in any district unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of smoke.

(B) Particulate Matter. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of particulate matter.

(C) Dust, Odor, Gas, Fumes, Glare or Vibration. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of dust, odor, gas, fumes, glare or vibration.

(D) Radiation Hazards and Electrical Disturbances. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to radiation control.

(E) Noise. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to noise.

(F) Water Pollution. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to water pollution

Source: Ord. 261, Sec. 15.04.090, 1983