



Lone Tree City Council Agenda Tuesday, October 21, 2014

Meeting Location: City Council Meeting Room, Lone Tree Civic Center, 8527 Lone Tree Parkway.
Meeting Procedure: The Lone Tree City Council and staff will meet in a public Study Session at 4:30pm. At 6:00pm and following the meeting, if necessary, the Council Meeting will adjourn and convene in Executive Session. If an Executive Session is not necessary, Council will recess for dinner. The Regular Session will be convened at 7:00pm. Study Sessions and Regular Sessions are open to the public, Executive Sessions are not. Comments from the public are welcome at these occasions: 1. Public Comment (brief comments on items not scheduled for a public hearing) 2. Public Hearings. Contact the City Clerk if special arrangements are needed to attend (at least 24 hours in advance).

4:30pm Study Session Agenda

1. Morningstar SIP
 2. Walk & Wheel Grant Update
 3. Construction Defect Ordinance
 4. Douglas County Library Property Transfer IGA
-

6:00pm Executive Session Agenda

1. Roll Call
 2. Executive Session
-

7:00pm Regular Session Agenda

3. Opening of Regular Meeting/Pledge of Allegiance
4. Amendments to the Agenda and Adoption of the Agenda
5. Conflict of Interest Inquiry
6. Public Comment
7. Announcements
8. Consent Agenda
 - a. Minutes of the October 7, 2014 Regular Meeting
 - b. Minutes of the October 15, 2014 Special Meeting
 - c. Claims for the Period of September 29 - October 13, 2014
 - d. Treasurer's Report for August, 2014
9. Community Development
 - a. Ordinance 14-05, ADOPTING BY REFERENCE AND AMENDING THE 2012 INTERNATIONAL BUILDING CODE, THE 2012 INTERNATIONAL RESIDENTIAL CODE, THE 2012 INTERNATIONAL MECHANICAL CODE, THE 2012 INTERNATIONAL PLUMBING CODE, THE 2012 INTERNATIONAL FUEL GAS CODE, THE 2012 INTERNATIONAL FIRE CODE, THE NATIONAL ELECTRICAL CODE (2014 EDITION) AND THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE; AND TO PROVIDE PENALTIES FOR CODE VIOLATIONS (First Reading)
 - b. Ordinance 14-06, RECONSTITUTING THE BOARD OF ADJUSTMENT AND APPEALS (First Reading)
10. Public Works
11. Administrative Matters
12. Council Comments
13. Adjournment

City of Lone Tree Upcoming Events

more info available at www.cityoflonetree.com and www.lonetreeartscenter.org

- The next Council Meeting on Tuesday, November 4 will be cancelled – reminder this is Election Day and the Municipal Offices are a drop off location for Douglas County ballots
- Guys & Dolls in Concert – Wednesday, October 22 – Sunday, October 26, matinee and evening performances, LTAC
- SF Family Tree: SMIRK – Saturday, November 1 at 10:00am, LTAC
- Nature as Subject: Abrams, Gumpper, Margolius Exhibition – Tuesday, September 30 – Thursday, November 13, LTAC
- 80's Night – Friday, November 7 at 8:00pm, LTAC
- Seasons of Broadway, Sunday, November 9 at 7:30pm, LTAC
- Duo Classica - German Inspirations, Wednesday, November 12 at 1:30pm, LTAC
- Seedlings: Funny Bunny Magic Show, Tuesday, November 18 at 9 & 11:00am, LTAC
- 2014 Lone Tree Arts Expo (previously Art Exhibition & Sale) runs from November 17th – January 5, Opening Reception will be on November 22 from 4:30–6:30pm, LTAC

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF LONE TREE
HELD
October 7, 2014**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, October 7, 2014, at 6:00 p.m., at the Lone Tree City Council Chambers located at 8527 Lone Tree Parkway, Lone Tree, Colorado 80124.

Attendance

In attendance were:

James D. Gunning, Mayor
Jacqueline Millet, Mayor Pro Tem
Harold Anderson, Council Member
Kim Monson, Council Member
Susan Squyer, Council Member

Also in attendance were:

Seth Hoffman, City Manager
Jennifer Pettinger, City Clerk
Steve Hebert, Deputy City Manager
Jeff Holwell, Economic Development Director
Chief Jeffery Streeter, Lone Tree Police Department
Heather Lunde, Accountant
Kelly First, Community Development Director
Neil Rutledge, City Attorney, White, Bear and Ankele, P.C.
John Cotten, Public Works Director, TTG Corp.

Call to Order

Mayor Gunning called the meeting to order at 6:10 p.m., and observed that a quorum was present.

Executive Session

Mayor Gunning announced City Council intends to convene in Executive Session. Neil Rutledge, City Attorney, stated the Executive Session was for a personnel matter under C.R.S. Section 24-6-402(4)(f)(I) that did not involve any specific employee who has requested discussion of the matter in open session. Council Member Squyer moved, seconded by Council Member Anderson, for City Council to recess and convene in Executive Session for the reasons stated. The motion passed with a vote of 5-0.

Council adjourned to an Executive Session at 6:11 p.m.

The Executive Session was adjourned at 6:34 p.m.

Mayor Gunning reconvened the meeting in Regular Session at 7:04 p.m., following a short recess.

Pledge of Allegiance

Mayor Gunning led those assembled in reciting the Pledge of Allegiance.

Amendments to the Agenda

There were no amendments to the agenda.

Conflict of Interest

There was no conflict of interest.

Public Comment

There was no public comment.

Announcements

Mayor Gunning announced upcoming events.

Consent Agenda

Mayor Gunning noted the following items on the Consent Agenda, which consisted of:

- § *Minutes of the September 16, 2014 Regular Meeting*
- § *Claims for the period of September 8-20, 2014*

Council Member Squyer moved, Mayor Pro Tem Millet seconded, to approve the Consent Agenda. The motion passed with a vote of 5-0.

Community Development

Approval of SIP 3rd Amendment to Douglas County SIP#2011-037 (Kaiser Building 3) Project #SP13-48

Kelly First, Community Development Director, introduced both the item and also the next agenda item, approval of 1st Amendment to Annexation & Development Agreement w/Kaiser Foundation Hospitals (for vesting). Ms. First also introduced the applicant, Mike Schultz, Project Manager for Kaiser Permanente. Mr. Schultz

spoke about the project and introduced the project architect, Jeff Stoecklein, from Davis Partnership Architects. Mr. Stoecklein also spoke about the project. Mr. Schultz and Mr. Stoecklein answered questions from Council.

Council Member Anderson moved, Mayor Pro Tem Millet seconded, to approve SIP 3rd Amendment to Douglas County SIP#2011-037 (Kaiser Building 3) Project #SP13-48, subject to final approval by the Public Works Department. The motion passed with a vote of 5-0.

Public Hearing: Approval of 1st Amendment to Annexation & Development Agreement w/Kaiser Foundation Hospitals (for vesting)

Mayor Gunning opened the public hearing at 7:43 p.m.

Kelly First, Community Development Director, reintroduced the item.

Mayor Gunning opened the public hearing for comment at 7:43 p.m.

There was no public comment.

The public hearing was closed at 7:43 p.m.

Mayor Pro Tem Millet moved, Council Member Anderson seconded, to approve the 1st Amendment to the Annexation & Development Agreement between Kaiser Foundation Hospitals (for vesting). The motion passed with a vote of 5-0.

Public Works

Approval of Public Improvement Project Designation Addendum No. 1 Master IGA w/Park Meadows Metro District re: widening of I-25 ramp at Lincoln Ave.

John Cotten, Public Works Director, introduced the item.

Council Member Squyer moved, Mayor Pro Tem Millet seconded, to approve the Public Improvement Project Designation Addendum No. 1 Master IGA w/Park Meadows Metro District re: widening of I-25 ramp at Lincoln Avenue. The motion passed with a vote of 5-0.

Approval of Revised IGA w/Douglas County re: Snow Removal on Lincoln Avenue and County Line Road

John Cotten, Public Works Director, introduced the item.

Council Member Monson moved, Mayor Pro Tem Millet seconded, to approve the revised IGA w/Douglas County regarding snow removal services on Lincoln Avenue, County Line Road, Havana Street and Surrey Drive within the City. The motion passed with a vote of 5-0.

Administrative Matters

Public Hearing, Ordinance 14-04, AMENDING, RESTATING AND APPROVING A FRANCHISE AGREEMENT WITH QWEST BROADBAND SERVICES INC., D/B/A CENTURYLINK, TO PROVIDE CABLE SERVICES IN THE CITY (Second Reading)

Mayor Gunning opened the public hearing at 7:47 p.m.

Neil Rutledge, City Attorney, introduced the item. John McCormack, Century Link, answered questions from Council.

Mayor Gunning opened the public hearing for comment at 7:52 p.m.

There was no public comment.

The public hearing was closed at 7:52 p.m.

Council Member Squyer moved, Council Member Anderson seconded, to approve **Ordinance 14-04, AMENDING, RESTATING AND APPROVING A FRANCHISE AGREEMENT WITH QWEST BROADBAND SERVICES INC., D/B/A CENTURYLINK, TO PROVIDE CABLE SERVICES IN THE CITY (Second Reading)**. The motion passed with a vote of 5-0.

Approval of Southeast Public Improvement Metro District IGA to Support the Lone Tree Link Circulator Shuttle Service

John Cotten, Public Works Director, introduced the item.

Mayor Pro Tem Millet moved, Council Member Squyer seconded, to approve the Southeast Public Improvement Metro District IGA to Support the Lone Tree Link Circulator Shuttle Service. The motion passed with a vote of 5-0.

Adjournment

There being no further business, Mayor Gunning adjourned the meeting at 8:15 p.m.

Respectfully submitted,

Jennifer Pettinger, CMC, City Clerk



**CITY OF LONE TREE
FINAL
STAFF REPORT**

TO: Mayor Gunning and City Council
FROM: Kelly First, Community Development Director
DATE: October 15, 2014
SUBJECT: Heritage Hills Filing 2, 3rd Amendment, Lot 9-A (Kaiser South Multi-Specialty Care Center)
Site Improvement Plan, Project File #SP13-48, third amendment to Douglas County SIP#2011-037

Owner:
Kaiser Foundation Health Plan of Colorado
Mike Schultz
10350 East Dakota Ave
Denver, CO 80247

Representative:
Davis Partnership Architects
Jeff Stoecklein
2301 Blake Street Suite 100
Denver, CO 80205

Planning Commission Meeting Date: September 9, 2014
City Council Meeting Date: October 7, 2014

- A. COUNCIL ACTION:**
The City Council approved the SIP amendment, subject to final approval by the City Public Works Department.

END



**CITY OF LONE TREE
STAFF REPORT**

TO: Mayor Gunning and City Council

FROM: Kelly First, Community Development Director

DATE: October 15, 2014

SUBJECT: First Amendment to Annexation and Development Agreement between Kaiser Foundation Hospitals and the City of Lone Tree.

Owner:
Kaiser Foundation Health Plan of Colorado
Mike Schultz
10350 East Dakota Ave
Denver, CO 80247

Representative:
Davis Partnership Architects
Jeff Stoecklein
2301 Blake Street Suite 100
Denver, CO 80205

City Council Public Hearing Date: October 7, 2014

- A. CITY COUNCIL ACTION:**
The City Council approved the First Amendment to the Annexation and Development Agreement between Kaiser Foundation Hospitals and the City of Lone Tree.

END

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF LONE TREE
HELD
October 15, 2014**

A special meeting of the Council of the City of Lone Tree was held on Wednesday, October 15, 2014, at 6:30 p.m., at the Lone Tree City Council Chambers located at 8527 Lone Tree Parkway, Lone Tree, Colorado 80124.

Attendance

In attendance were:

James D. Gunning, Mayor
Jacqueline Millet, Mayor Pro Tem
Harold Anderson, Council Member
Kim Monson, Council Member
Susan Squyer, Council Member

Also in attendance were:

Seth Hoffman, City Manager
Steve Hebert, Deputy City Manager
Neil Rutledge, City Attorney, White, Bear and Ankele, P.C.
Carolyn White, Special Counsel

Call to Order

Mayor Gunning called the meeting to order at 6:35 p.m., and observed that a quorum was present.

Executive Session

Mayor Gunning announced City Council intends to convene in Executive Session. Neil Rutledge, City Attorney, stated the Executive Session is for a conference with the City Attorney and Special Counsel for the purpose of receiving legal advice on specific legal questions, under C.R.S. Section 24-6-402 (4)(b) regarding RidgeGate Annexation. Council Member Squyer moved, seconded by Council Member Anderson, for City Council to recess and convene in Executive Session for the reasons stated. The motion passed with a vote of 5-0.

Council adjourned to an Executive Session at 6:36 p.m.

The Executive Session was adjourned at 7:41 p.m.

Mayor Gunning reconvened the meeting in Regular Session at 7:41 p.m.

Adjournment

There being no further business, Mayor Gunning adjourned the meeting at 7:42 p.m.

Respectfully submitted,

Steve Hebert, Deputy City Manager

DRAFT



CITY OF LONE TREE

STAFF REPORT

TO: Mayor Gunning and City Council

FROM: Kelly First, Community Development Director
Matt Archer, Chief Building Official

DATE: October 15, 2014

FOR: October 21, 2014 City Council Meeting

SUBJECT: Ordinance 14-05, an ordinance adopting by reference and amending the 2012 International Building Code, the 2012 International Residential Code, the 2012 International Plumbing Code, the 2012 International Mechanical Code, the 2012 International Fuel Gas Code, the 2012 International Fire Code, the National Electrical Code (2014 Edition) and the 2009 International Energy Conservation Code; and to provide penalties for code violations. (First Reading)

Summary

Staff proposes adopting, by reference, the 2012 International Building Code and other related codes along with local amendments to the codes.

Cost

No direct cost to the City is anticipated other than the purchase of new building code books, which has been budgeted.

Recommended Action

I move to approve Ordinance 14-05, an ordinance adopting by reference and amending the 2012 International Building Code, the 2012 International Residential Code, the 2012 International Plumbing Code, the 2012 International Mechanical Code, the 2012 International Fuel Gas Code, the 2012 International Fire Code, the National Electrical Code (2014 Edition) and the 2009 International Energy Conservation Code; and to provide penalties for code violations, on first reading.

Background

The City of Lone Tree currently uses the 2009 International Code Council (ICC) Codes, adopted in November 2011. The ICC updates the codes on a three-year cycle. The 2012 edition of the ICC codes reflects the concerted effort of code officials, industry

representatives and the public. During this time, proposed code changes are debated by various groups who have an interest in the outcome of the proceedings. Committees hear the debate and vote whether or not the provision should be added to the code. Results of hearings are published and subject to a final vote by the Class A members of the ICC (officials representing public code enforcement agencies). The various approved changes reflect the following: acceptance of new products on the market, new techniques in construction, the results of analyzing various natural catastrophes with a loss control perspective, as well as ever changing societal demands.

The following is a brief summary of the most significant changes from the 2009 to the 2012 codes:

2012 – International Residential Code (IRC)

- Added a floor protection requirement (see amendment below)
- Deleted the hail map. This allows for a roof overlay of up to 2 layers.
- Requires ‘kick-out’ and rake flashing for new roofs.
- Added a requirement for whole house ventilation.

2012 – International Building Code (IBC)

- New requirements for high rise buildings over 75 ft., 120 ft. and 420 ft. above fire department access.
- Added a new section for ambulatory care facilities
- Added a new section for play structures inside buildings
- Clean up the language and scoping for live work units
- Adoption of the 2012 IBC will bring us in line with the State and their requirements for licensing for medical facilities.

2012 –Int’l Mechanical Code (IMC), Int’l Plumbing Code (IPC) and Int’l Fuel Gas Code (IFGC)

- Require identification of manufacturer and third party certification of applicable reference standards on all materials
- Added requirements for grey water recycling systems to the body of the code

A more detailed summary of all the various changes between the 2009 and the 2012 versions is available upon request.

Proposed Local Amendments

It is common for a jurisdiction to adopt local amendments to the codes to address local concerns. Our goal is to limit the number of amendments to the most essential issues. The most significant amendments proposed include:

- 1. Amending Requiring Carbon Monoxide Detectors in the Residential Code –**
The 2012 IRC requires carbon monoxide detectors in one- and two-family dwellings. Adopted in 2009, the Colorado Revised Statutes, Title 38, Article 45 requires carbon monoxide detectors for certain single family homes and multi-

family units. Staff is proposing blending the two requirements into one document that is easier to follow and administer.

- 2. Deleting the Requirement of Residential Fire Sprinklers** – While fire sprinklers can react much quicker than humans and prevent significant spread of fire prior to the fire department’s arrival, staff and South Metro Fire and Rescue understand that more work needs to be completed before the State of Colorado can effectively administer the requirements of residential sprinkler installation in one- and two-family dwellings (IRC). Just as the City removed the requirement in the 2009 IRC, staff is recommending the same for the 2012 version, with a requirement for all new construction of dwelling units to submit a “Lone Tree Sprinkler Option” Form. A draft form is attached, for example.

Staff has met with representatives of South Metro Fire and Rescue and the Home Builders Association and this change reflects their comments. Both entities support this measure. These groups have been invited to attend the October 7th Study Session.

- 3. Fire-Rated Walls in Townhouses and Two-Family Dwellings** – The proposed amendment allows for and regulates fire-rated walls in townhouses and two-family dwellings. The 2012 IRC does not contain this provision because it was anticipated that the building would be protected by a fire sprinkler system. Since we are not adopting the provision for sprinklers at this time, it is important to keep this requirement (the requirement exists in the 2006 Edition, IRC).
- 4. Postponing Fire Protection of Floors** – Staff recommended postponement of this requirement until January 1, 2015 in the previous study session. However, now with a target date of January 1, 2015 for adoption, a delay is no longer needed. Century Homes and Berkeley Homes will have the entirety of their current project submitted for permitting before this new code becomes a requirement.

Floor protection is a result of building materials changing over time, increased fire loading in a home, and fire fighter safety. The intent of protecting floors is to provide an extended time (roughly 20 minutes) for the occupants to evacuate and for the fire department to enter the building to perform a rescue. The requirement for floor protection will add additional cost to the construction of a home and the delayed implementation was intended to give our customers the necessary time to price, budget and comply with the new requirement in the 2012 IRC.

- 5. Energy Conservation** - Staff is recommending the City remain on the 2009 Energy Conservation Code (IECC) and postpone adoption of the 2012 version. This is consistent with many, but not all jurisdictions in the Denver Metro area.
- 6. Electrical Code** – Staff is recommending the adoption of the 2014 National Electrical Code (NEC) to match the adoption of the State wide electrical code. No new amendments are proposed.

Building Permit and Plan Review Fees

No changes are proposed to the fee schedule.

Building permit fees, plan review fees, and use taxes are based on the value of a building project. The permit applicant is required to state the value of the work on the permit application. The codes allow for the Building Official or his designee to determine whether or not the stated value is reasonable. Typically, building departments use “cost per square foot multipliers” to help make this determination. The “multipliers” can be found in various published documents. Updated valuation tables are prepared by the International Code Council periodically to provide this resource to building departments.

Codes in Other Communities

The adoption of the 2012 ICC Codes will bring the City of Lone Tree into conformance with other jurisdictions throughout Colorado. Having codes that are generally consistent with other jurisdictions results in predictability for the building industry and maintains the City’s competitive position. Almost every city and town in Colorado, along with several State agencies, has adopted some version of the ICC codes. Nearby communities that have adopted the 2012 Codes include:

- Arapahoe County
- Castle Rock, City of
- Douglas County
- Golden, City of
- Greenwood Village, City of
- Jefferson County
- Longmont, City of
- Parker, Town of
- Thornton, City of

Jurisdictions planning to adopt the 2015 slate of codes next year include:

- Centennial, City of
- Parker, Town of

Public Notice and Outreach

In addition to public notice and publishing requirements for an ordinance, staff will notify contractors who do business in Lone Tree of the proposed changes. We have notified the Denver Metropolitan Home Builders Association and the Denver Metro Building Owners and Managers Association.

**ORDINANCE OF THE
CITY OF LONE TREE**

Series of 2014

Ordinance No. 14-05

AN ORDINANCE ADOPTING BY REFERENCE AND AMENDING THE 2012 INTERNATIONAL BUILDING CODE, THE 2012 INTERNATIONAL RESIDENTIAL CODE, THE 2012 INTERNATIONAL MECHANICAL CODE, THE 2012 INTERNATIONAL PLUMBING CODE, THE 2012 INTERNATIONAL FUEL GAS CODE, THE 2012 INTERNATIONAL FIRE CODE, THE NATIONAL ELECTRICAL CODE (2014 EDITION) AND THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE; AND TO PROVIDE PENALTIES FOR CODE VIOLATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE, COLORADO:

ARTICLE 1 – AUTHORITY

The City of Lone Tree (the "City") is a home rule municipality operating under the Lone Tree Home Rule Charter (the "Charter") adopted on May 5, 1998 and a Municipal Code (the "Code"), codified and adopted on December 7, 2004. Pursuant to the Charter, the Municipal Code and the authority given home rule cities, the City may adopt and amend Ordinances.

ARTICLE 2 – DECLARATIONS OF POLICY

- A. The City Council recognizes the need for modern, comprehensive Building Codes addressing the standards for the design and installation of building and related systems throughout the City that adequately protect the public health, safety and welfare.
- B. The International Building Code, 2012 Edition, the International Residential Code, 2012 Edition, the International Mechanical Code, 2012 Edition, the International Plumbing Code, 2012 Edition, the International Fuel Gas Code, 2012 Edition, and the International Fire Code, 2012 Edition, and all publications of the International Code Council, Inc., as well as the National Electrical Code, 2014 Edition, a publication of the National Fire Protection Association, are recognized internationally by building professionals for their performance and prescriptive code requirements. More than just incorporating existing codes, they are designed to provide a comprehensive set of regulations for building and related systems that provide safety standards that do not unnecessarily increase construction costs, or restrict or give preferential treatment to the use of new materials, products or methods of construction.

- C. These Codes are fully compatible with each other and are part of an integrated plan for building construction and related standards for the industry.
- D. The City Council wishes to update and improve the standards for building construction and related systems in the City by adopting by reference these Codes, along with amendments reflecting the unique circumstances of the City, and to provide penalties for violations.

ARTICLE 3 – SAFETY CLAUSE

The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

ARTICLE 4 – REPEAL AND ADOPTION

Chapter 18 of the Municipal Code, Building Regulations, is hereby repealed in its entirety and re-adopted as attached to this Ordinance as Exhibit A.

ARTICLE 5 - PROVISIONS EFFECTIVE

The provisions of this Ordinance shall go into effect on January 1, 2015.

ARTICLE 6 – CAUSES OF ACTION RETAINED

Nothing in this Ordinance or in the Building Regulations hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ARTICLE 7 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance which can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 8 - EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication after the first reading if no changes are made on second reading, or twenty (20) days after publication following second reading if changes are made upon second reading.

INTRODUCED, READ AND ORDERED PUBLISHED ON OCTOBER 21,2014.

CITY OF LONE TREE:

James D. Gunning, Mayor

ATTEST:

Jennifer Pettinger, CMC, City Clerk

(S E A L)

EXHIBIT A

CHAPTER 18

Building Regulations

Article I	General Provisions
	Sec. 18-1-10 Purpose
	Sec. 18-1-20 Valuation of work
	Sec. 18-1-30 Fees
	Sec. 18-1-40 USE Tax
	Sec. 18-1-50 Refunds
	Sec. 18-1-60 Noise mitigation
	Sec. 18-1-70 Site sanitation
	Sec. 18-1-80 Appeals
	Sec. 18-1-90 Penalties
Article II	Building Code
	Sec. 18-2-10 Title
	Sec. 18-2-20 Adoption by reference
	Sec. 18-2-30 Definition
	Sec. 18-2-40 Amendments
Article III	Residential Code
	Sec. 18-3-10 Title
	Sec. 18-3-20 Adoption by reference
	Sec. 18-3-30 Definition
	Sec. 18-3-40 Amendments
Article IV	Mechanical Code
	Sec. 18-4-10 Title
	Sec. 18-4-20 Adoption by reference
	Sec. 18-4-30 Definition
	Sec. 18-4-40 Amendments
Article V	Plumbing Code
	Sec. 18-5-10 Title
	Sec. 18-5-20 Adoption by reference
	Sec. 18-5-30 Definition
	Sec. 18-5-40 Amendments
Article VI	Fuel Gas Code
	Sec. 18-6-10 Title
	Sec. 18-6-20 Adoption by reference
	Sec. 18-6-30 Definition
	Sec. 18-6-40 Amendments
Article VII	Electrical Code
	Sec. 18-7-10 Title
	Sec. 18-7-20 Adoption by reference
	Sec. 18-7-30 Definition
	Sec. 18-7-40 Amendments
Article VIII	Fire Code
	Sec. 18-9-10 Title
	Sec. 18-9-20 Adoption by reference
	Sec. 18-9-30 Definition
	Sec. 18-9-40 Amendments

Article IX Energy Conservation Code
Sec. 18-10-10 Title
Sec. 18-10-20 Adoption by reference
Sec. 18-10-30 Definition
Sec. 18-10-40 Amendments

Article X Reserved

Article XI Emission Performance Standards for Fireplaces
Sec. 18-11-10 Adoption of Emission Performance Standards for Fireplaces
Sec. 18-11-20 Definitions
Sec. 18-11-30 Penalty for violation

ARTICLE I

General Provisions

Sec. 18-1-10. Purpose.

The purpose of the codes adopted herein is to provide standards for and to regulate the materials, design and construction methods for the planning, design and construction of buildings and other improvements and to provide a comprehensive fire code. The codes adopted herein contain considerable data, requirements, procedures and technical information designed to ensure the public health, safety and welfare

Sec. 18-1-20. Valuation of work.

The determination of value or valuation shall be established by the Building Official utilizing the most recent building valuation data printed in the Building Safety Journal, published by the International Code Council. When an applicant provides an estimated project valuation, the valuation shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

Sec. 18-1-30. Fees.

(1) Payment of fees.

A permit shall not be valid until the fees, prescribed by law, have been paid; nor shall an amendment to a permit be issued until the additional fee, if any, has been paid.

(2) Fee schedule.

Fees for each permit shall be calculated and applied in accordance with the City of Lone Tree Administrative Fee Schedule.

(3) Related fees.

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to, or concurrently with the work authorized by a building permit, shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(4) Elevator/escalator inspection fee.

An annual inspection fee in accordance with the City of Lone Tree Administrative Fee Schedule shall be paid for each separate elevator/escalator installed in the city. This fee shall cover annual safety inspections. Yearly notice of the fee shall be given to each conveyance owner by the building division.

Sec. 18-1-40. Use tax.

The use tax for materials used in construction will be collected by the City at the time of the issuance of the permit, pursuant to Chapter 4 of the Lone Tree Municipal Code.

Sec. 18-1-50. Refunds.

- (1) The Building Official may authorize the refunding of fees for the following:
 - a. The full amount of any fee erroneously paid or collected.
 - b. Not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this Chapter.
 - c. Not more than 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
- (2) The Building Official shall not authorize a refund of any fee paid later than 180 days after the date of fee payment, except upon written application filed by the original permittee.

Sec. 18-1-60. Noise mitigation.

- (1) Interior Noise Level.

All new residential structures, and the alteration or repair of existing structures, that are located in the Centennial Airport Overlay Area, requiring noise mitigation, shall comply with Table 18-1-60.

Exception:

An acoustical engineer, registered with the State of Colorado, may certify that construction practices and/or materials of the structure will achieve an interior noise level of DNL 45 dBA. The acoustical professional shall submit documentation of the proposed measures to the Building Official before permitting.

Field testing to show compliance with minimum STC ratings listed in Table 18-1-60, shall be performed and reported in accordance with ASTM E966 (current version at time of testing), 'Standard Guide for Field Measurements of Airborne Sound Insulation of Building Facades and Facade Elements'. Field measured outdoor to indoor transmission loss (OITL) ratings shall be no more than 5-points less than the minimum STC ratings listed in Table 18-1-60.

- (2) Penetrations.

All membrane or through penetrations in the construction assemblies for piping, electrical devices, recessed cabinets, bathtubs, soffits, heating, combustion, ventilation or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings.

**Table 18-1-60
Minimum Sound Transmission Class (STC)^a**

A-weighted DNL	Wall, Floor and Roof Assemblies	Window and Door Assemblies
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≥75	50	42
≥ 70 to 75	45	37
≥ 65 to 70	39	28

a. The STC of construction assemblies shall be determined by a certified sound testing laboratory.

Sec. 18-1-70. Site sanitation.

(1) Sanitation facilities required.

Every building site during construction, remodeling or demolition activities, shall be furnished with approved sanitation facilities for workers pursuant to the International Plumbing Code and an appropriate enclosure or other means approved by the City to contain trash and debris.

(2) Location.

Sanitary facilities and approved trash enclosures shall be located within three hundred (300) feet of the building site. Sanitary facilities and trash enclosures shall not be located within the public right-of-way without the approval of the Public Works Department.

Sec. 18-1-80. Appeals

(1) Board of Adjustment and Appeals.

The Board of Adjustment and Appeals shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Chapter, pursuant to Chapter 2, Article V of the Municipal Code.

(2) Application.

An application for appeal shall be filed on a form obtained from the building official within 20 days after a notice of an order, decision or determination is served.

(3) Notice of meeting.

The Board of Adjustment and Appeals shall set a reasonable time for hearing the appeal, and the Director of Community Development shall provide notice to the parties.

(4) Board Decision.

The Board of Adjustment and Appeals shall modify or reverse the decision of the building official by a concurring vote of four of its members. The building official shall take immediate action in accordance with the decision of the board.

Sec. 18-1-90. Penalties.

Any person, firm or corporation violating any of the provisions of this Article or any code incorporated herein shall be deemed guilty of a misdemeanor, and any such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed, continued or permitted, and upon conviction of any such violations, such person, firm or corporation shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. The issuance or granting of a permit or approval of plans and

specifications shall not be deemed or construed to be a permit for or an approval of, any violation of any provisions of the codes adopted herein.

ARTICLE II

Building Code

Sec. 18-2-10. Title.

This Article shall be known as the *Lone Tree Building Code*.

Sec. 18-2-20. Adoption by reference.

- (1) The International Building Code, 2012 Edition, as published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the building code of the City. Except as otherwise provided, this code is adopted in its entirety. Appendices to the code are adopted only to the extent specified.
- (2) One (1) copy of the International Building Code, 2012 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City of Lone Tree offices at a price reflecting the cost to the City.

Sec. 18-2-30. Definition.

Jurisdiction, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City.

Sec. 18-2-40. Amendments.

The International Building Code, 2012 Edition, shall be amended as follows:

- (1) Section 103.2 is deleted and replaced by the following:

103.2 Appointment. The Building Official for the City, as designated by the City Manager, is hereby appointed the Building Official under this code.

- (2) A new Section 105.3(8) is added to read as follows:

8. Include a soils test of the building site prepared by a professional engineer registered by the State of Colorado to be submitted with the application for a building permit. A professional engineer registered by the State of Colorado shall design the foundation in accordance with the Soils Report. When the building site is located in a hillside area, or in the opinion of the Building Official, is located in an area subject to geological hazards or steep slopes, the Building Official may require an engineering geologist, working within their field of expertise, to submit specific recommendations regarding the building site and the proposed location and design. Such recommendations shall include, but are not limited to, the relationships of site grading, structural integrity, site vegetation characteristics (or potential), location of septic drain fields, and protection of adjacent property.

- (3) A new Section 105.3.1.1 is added to read as follows:

105.3.1.1 Election to proceed under previous code. Within the first 180 days following the adoption of this code, an applicant under subsection 105.3 may elect to, and if approved by the Building Official, proceed under the set of codes previously adopted and in effect on December 1, 2011; provided, however, that said election must be made certain and in writing, and under no circumstances shall an applicant be permitted to proceed partially under one set of codes and partially under the other.

- (4) Section 109, Fees, is deleted in its entirety and replaced by the following:

109.1 Fees. For buildings, structures, electrical, gas, mechanical, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Lone Tree Administrative Fee Schedule.

- (5) Section 110.3.1 is amended by adding a new sentence to the end of the paragraph to read as follows:

Inspections shall be performed by a Colorado licensed professional engineer. A stamped written report shall be provided to the Building Official of the results for these inspections by a Colorado licensed professional engineer.

- (6) Section 113, Board of appeals, is deleted in its entirety and replaced by the following:

113.1 Means of appeal. Appeals shall be heard by the Board of Adjustment and Appeals.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provision of this code do not fully apply or an equally good or better form of construction is proposed. The Board of Adjustment and Appeals shall have no authority to waive requirements of this code.

- (7) Section 1608.2 is deleted and replaced by the following:

1608.2 Ground snow loads. The ground snow load shall be a minimum 30 pounds per square foot.

- (8) Section 1609.3 is deleted and replaced by the following:

1609.3 Basic wind speed.

- a) Category I buildings and structures the ultimate design wind speed (V_{ult}) shall be 105 miles per hour.
- b) Category II buildings and structures the ultimate design wind speed (V_{ult}) shall be 115 miles per hour.
- c) Category III and IV buildings and structures the ultimate design wind speed (V_{ult}) shall be 120 miles per hour.

- (9) Section 1609.4.3 is amended by adding to the sentence at the end of the paragraph to read as follows:

, but the design wind exposure for the City of Lone Tree shall not be less than Exposure C.

- (10) Section 1809.5 is amended by adding a new sentence to the beginning of the paragraph to read as follows:

The frost depth for all areas in the City of Lone Tree shall be a minimum of 36 inches below the finish grade.

- (11) Section 3412.2 the first sentence of the paragraph is deleted and replaced by the following:

Structures existing prior to the adoption and implementation of this code, in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409.

- (12) Section 114.4 is deleted and replaced by the following:

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorneys' fees. Each day that a violation continues shall be considered a separate offense.

- (13) Section 115.3 is deleted and replaced by the following:

115.3 Unlawful continuance. It shall be a violation of this code for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

ARTICLE III

Residential Code

Sec. 18-3-10. Title.

This Article shall be known as the *Lone Tree Residential Code*.

Sec. 18-3-20. Adoption by reference.

- (1) The International Residential Code, 2012 Edition, as published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the residential code of the City. Except as otherwise provided, this code is adopted in its entirety. Appendices to the code are adopted only to the extent specified.
- (2) One (1) copy of the International Residential Code, 2012 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City of Lone Tree offices at a price reflecting the cost to the City.

Sec. 18-3-30. Definition.

Jurisdiction, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City.

Sec. 18-3-40. Amendments.

The International Residential Code, 2012 Edition, shall be amended as follows:

- (1) Section R103.2 is deleted and replaced by the following:

"R103.2 Appointment. The Building Official for the City, as designated by the City Manager, is hereby appointed the Building Official under this code."

- (2) A new Section R104.2.1 is added to read as follows:

R104.2.1 Election to proceed under previous code. Within the first 180 days following the adoption of this code, an applicant under subsection 105.3 may elect to, and if approved by the Building Official, proceed under the set of codes previously adopted and in effect on December 1, 2011; provided, however, that said election must be made certain and in writing, and under no circumstances shall an applicant be permitted to proceed partially under one set of codes and partially under the other.

- (3) Section R105.2(10) is deleted and replaced by the following:

10. The replacement or repair of roofing less than one square (100 square feet).

- (4) A new Section 105.3(8) is added to read as follows:

8. Include a soils test of the building site prepared by a professional engineer registered by the State of Colorado to be submitted with the application for a building permit. A professional engineer registered by the State of Colorado shall design the foundation in accordance with the Soils Report. When the building site is located in a hillside area, or in the opinion of the Building Official, is located in an area subject to geological hazards or steep slopes, the Building Official may require an engineering geologist, working within their field of expertise, to submit specific recommendations regarding the building site and the proposed location and design. Such recommendations shall include, but are not limited to, the relationships of site grading, structural integrity, site vegetation characteristics (or potential), location of septic drain fields, and protection of adjacent property.

- (5) Section 108, Fees, is deleted in its entirety and replaced by the following:

R108.1 Fees. For buildings, structures, electrical, gas, mechanical, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Lone Tree Administrative Fee Schedule.

- (6) Section R109.1.1 is amended by adding a new sentence to the end of the paragraph to read as follows:

Inspections shall be performed by a Colorado licensed professional engineer or architect that is registered in the State of Colorado. A stamped written report shall be provided to the Building Official of the results for these inspections by a Colorado licensed professional engineer or architect that is registered in the State of Colorado.

- (7) Section 112, Board of appeals, is deleted in its entirety and replaced by the following:

112.1 Means of appeal. Appeals shall be heard by the Board of Adjustment and Appeals.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provision of this code do not fully apply or an equally good or better form of construction is proposed. The Board of Adjustment and Appeals shall have no authority to waive requirements of this code.

(8) Table R301.2(1) is amended to read as follows:

"TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD:	30
WIND SPEED (mph-3 sec. gust):	90 mph Exposure C
SEISMIC DESIGN CATEGORY:	B
SUBJECT TO DAMAGE FROM:	
Weathering	Severe
Frost line depth	36"
Termite	Slight to Moderate
WINTER DESIGN TEMP:	-3°F
ICE BARRIER UNDERLAYMENT REQUIRED:	No
FLOOD HAZARDS:	Current FEMA FIRM Maps
AIR FREEZING INDEX:	867
ANNUAL MEAN TEMP:	48.1°F"

(9) The Exception in Section R302.2 is deleted and replaced by the following:

Exception: A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with NFPA 70. Penetrations of electrical outlet boxes shall be in accordance with Section 302.4.

(10) Section R313, Automatic Fire Sprinkler System, is deleted in its entirety and replaced by the following:

**SECTION R313
AUTOMATIC FIRE SPRINKLER SYSTEMS**

R313.1 Townhouse automatic fire sprinkler system. Although not required, if an automatic residential fire sprinkler system for a townhouse is desired, it shall be designed and installed in accordance with Section P2904.

R313.2 One- or two-family dwelling automatic fire sprinkler system. Although not required, if an automatic residential fire sprinkler system for a one- or two-family dwelling is desired, it shall be designed and installed in accordance with Section P2904 or NFPA 13D.

(11) Section R315 is deleted in its entirety and replaced by the following:

R315.1 Carbon monoxide alarms. All dwellings with an attached garage or a fuel-fired appliance shall be provided with a carbon monoxide alarm. All single-station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with this code and the manufacturer's installation instructions.

R315.2 Alterations, repairs and additions. When alterations, repairs or additions requiring a permit for interior work occur, the individual dwelling unit shall be equipped with carbon monoxide alarms located as required for new dwellings.

Exception:

Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition of a porch or deck, are exempt from the requirements of this Section.

R315.3 Location. Carbon monoxide alarms shall be installed outside each separate sleeping area within fifteen (15) feet of a bedroom's entrance.

R315.4 Interconnection. When more than one carbon monoxide alarm is required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit.

Exception:

Interconnection of carbon monoxide alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

R315.5 Power source. Carbon monoxide alarms shall be supplied from two separate power sources. The primary power shall be from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exceptions:

1. Carbon monoxide alarms shall be permitted to be battery operated when installed in buildings without commercial power. Battery-powered alarms shall be attached to the wall or ceiling in accordance with the manufacturer's installation instructions.
2. Hard-wiring of carbon monoxide alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard-wiring without the removal of interior finishes.

(12) Section R501.3, Fire protection of floors, is amended by adding a new phrase to the beginning of the paragraph to read as follows:

Effective one year from the adoption and implementation of this code,

(13) Section R905.7.4 is deleted and replaced by the following:

R905.7.4 Material standards. Wood shingles shall have a minimum class C rating, be of naturally durable wood and comply with the requirements of Table R905.7.4.

(14) Section R905.8.5 is deleted and replaced by the following:

R905.8.5 Material standards. Wood shakes shall have a minimum class C rating and comply with the requirements of Table R905.8.5.

(15) Sections N1101 through N1105 are deleted in their entirety and replaced with a new section N1101 to read as follows:

Section 1101
General

N1101.1 Scope. This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

N1101.2 Criteria. Buildings shall be designed and constructed in accordance with the 2009 edition of the International Energy Conservation Code (IECC). The climate zone for the City of Lone Tree is established as Zone 5B.

(16) Section G2406.2(3) and (4), Prohibited locations, are deleted.

(17) Sections G2417.4 and G2417.4.1 are deleted and replaced by the following:

G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall be 20 psi (137.8 kPa) gauge pressure. For pipe conveying gas at or exceeding a 14 inch (356 mm) water column, the test pressure shall be 60 psi (413.4 kPa) gauge pressure.

(18) Section G2425.8(7), Appliances not required to be vented, is deleted.

(19) Section G2445, Unvented room heaters, is deleted in its entirety.

(20) Chapters 34 through 43 (Part VIII – Electrical) are deleted in their entirety and replaced by a new chapter 34 General Requirements to read as follows:

Chapter 34
General Requirements

Section E3401
General

E3401.1 Scope. This chapter governs all electrical components, equipment and systems used in buildings and structures regulated by this code.

E3401.2 Criteria. All electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of NFPA 70 (National Electric Code, NEC), as adopted and amended by the City of Lone Tree.

(21) The provisions of Appendix G, Swimming Pools, Spas and Hot Tubs, are hereby adopted.

(a) Section AG 105.2 of Appendix G, Outdoor Swimming Pool, Subsection No. 9 is deleted.

(22) Section R113.4 is deleted and replaced by the following:

R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorneys' fees. Each day that a violation continues shall be considered a separate offense.

(23) Section R114.2 is deleted and replaced by the following:

R114.2 Unlawful continuance. It shall be a violation of this code for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

ARTICLE IV

Mechanical Code

Sec. 18-4-10. Title.

This Article shall be known as the *Lone Tree Mechanical Code*.

Sec. 18-4-20. Adoption by reference.

- (1) The International Mechanical Code, 2012 Edition, as published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the mechanical code of the City. Except as otherwise provided, this code is adopted in its entirety. Appendices to the code are adopted only to the extent specified.
- (2) One (1) copy of the International Mechanical Code, 2012 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City of Lone Tree offices at a price reflecting the cost to the City.

Sec. 18-4-30. Definition.

Jurisdiction, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City.

Sec. 18-4-40. Amendments.

The International Mechanical Code, 2012 Edition, shall be amended as follows:

- (1) Section 103.2 is deleted and replaced by the following:

103.2 Appointment. The building official for the City, as designated by the City Manager, is hereby appointed the code official under this code.

- (2) Section 106.5, Fees, is deleted in its entirety and replaced by the following:

106.5 Fees. For buildings, structures, electrical, gas, mechanical, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Lone Tree Administrative Fee Schedule.

- (3) Section 109, Means of appeal, is deleted in its entirety and replaced by the following:

109.1 Means of appeal. Appeals shall be heard by the Board of Adjustment and Appeals.

109.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provision of this code do not fully apply or an equally good or better form of

construction is proposed. The Board of Adjustment and Appeals shall have no authority to waive requirements of this code.

- (4) Section 108.4 is deleted and replaced by the following:

108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters or repairs mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorneys' fees. Each day that a violation continues shall be considered a separate offense.

- (5) The last sentence of Section 108.5 is deleted and a new Section 108.5.1 is added to read as follows:

108.5.1 Unlawful continuance. It shall be a violation of this code for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

ARTICLE V
Plumbing Code

Sec. 18-5-10. Title.

This Article shall be known as the *Lone Tree Plumbing Code*.

Sec. 18-5-20. Adoption by reference.

- (1) The International Plumbing Code, 2012 Edition, as published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the plumbing code of the City. Except as otherwise provided, this code is adopted in its entirety. Appendices to the code are adopted only to the extent specified.
- (2) One (1) copy of the International Plumbing Code, 2012 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City of Lone Tree offices at a price reflecting the cost to the City.

Sec. 18-5-30. Definition.

Jurisdiction, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City.

Sec. 18-5-40. Amendments.

The International Plumbing Code, 2012 Edition, shall be amended as follows:

- (1) Section 103.2 is deleted and replaced by the following:

103.2 Appointment. The building official for the City, as designated by the City Manager, is hereby appointed the code official under this code.

- (2) Section 106.6, Fees, is deleted in its entirety and replaced by the following:

106.6 Fees. For buildings, structures, electrical, gas, mechanical, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Lone Tree Administrative Fee Schedule.

- (3) Section 109, Means of appeal, is deleted in its entirety and replaced by the following:

109.1 Means of appeal. Appeals shall be heard by the Board of Adjustment and Appeals

109.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provision of this code do not fully apply or an equally good or better form of construction is proposed. The Board of Adjustment and Appeals shall have no authority to waive requirements of this code.

- (4) Section 305.4.1, Sewer depth, is deleted.
- (5) Section 903.1 is deleted and replaced by the following:

903.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least twelve (12) inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 7 feet above the roof.

- (6) Section 108.4 is deleted and replaced by the following:

108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters or repairs plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorneys' fees. Each day that a violation continues shall be considered a separate offense.

- (7) The last sentence of Section 108.5 is deleted and a new Section 108.5.1 is added to read as follows:

108.5.1 Unlawful continuance. It shall be a violation of this code for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

ARTICLE VI

Fuel Gas Code

Sec. 18-6-10. Title.

This Article shall be known as the *Lone Tree Fuel Gas Code*

Sec. 18-6-20. Adoption by reference.

- (1) The International Fuel Gas Code, 2012 Edition, as published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the fuel gas code of the City. Except as otherwise provided, this code is adopted in its entirety. Appendices to the code are adopted only to the extent specified.

- (2) One (1) copy of the International Fuel Gas Code, 2012 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City of Lone Tree offices at a price reflecting the cost to the City.

Sec. 18-6-30. Definition.

Jurisdiction, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City.

Sec. 18-6-40. Amendments.

The International Fuel Gas Code, 2012 Edition, shall be amended as follows:

- (1) Section 103.2 is deleted and replaced by the following:

103.2 Appointment. The building official for the City, as designated by the City Manager, is hereby appointed the code official under this code.

- (2) Section 106.6, Fees, is deleted in its entirety and replaced by the following:

106.6 Fees. For buildings, structures, electrical, gas, mechanical, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Lone Tree Administrative Fee Schedule.

- (3) Section 109, Means of appeal, is deleted in its entirety and replaced by the following:

109.1 Means of appeal. Appeals shall be heard by the Board of Adjustment and Appeals

109.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provision of this code do not fully apply or an equally good or better form of construction is proposed. The Board of Adjustment and Appeals shall have no authority to waive requirements of this code.

- (4) Section 303.3(3) and (4), Prohibited locations, are deleted.
- (5) Section 501.8(8), Equipment not required to be vented, is deleted.
- (6) Sections 406.4 and 406.4.1 are deleted and replaced by the following:

406.4.1 Test pressure. The test pressure to be used shall be 20 psi (137.8 kPa) gauge pressure. For pipe conveying gas at or exceeding a 14 inch (356 mm) water column, the test pressure shall be 60 psi (413.4 kPa) gauge pressure.

- (7) Section 621, Unvented room heaters, is deleted in its entirety.

- (6) Section 108.4 is deleted and replaced by the following:

108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters or repairs work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorneys' fees. Each day that a violation continues shall be considered a separate offense.

- (8) The last sentence of Section 108.5 is deleted and a new Section 108.5.1 is added to read as follows:

108.5.1 Unlawful continuance. It shall be a violation of this code for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

ARTICLE VII

Electrical Code

Sec. 18-7-10. Title.

This Article shall be known as the *Lone Tree Electrical Code*.

Sec. 18-7-20. Adoption by reference.

- (1) The National Electrical Code, 2014 Edition, as published by the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02169, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the electrical code of the City. Except as otherwise provided, this code is adopted in its entirety. Appendices to the code are adopted only to the extent specified.
- (2) One (1) copy of the National Electrical Code, 2014 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City of Lone Tree offices at a price reflecting the cost to the City.

Sec. 18-7-30. Definition.

Jurisdiction, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City.

Sec. 18-7-40. Amendments.

The National Electrical Code, 2014 Edition, shall be amended as follows:

- (1) Section 210.52(B)(3), Kitchen Receptacle Requirements, is amended by adding a new sentence to the end of the paragraph to read as follows:

There shall be no more than four (4) outlet openings on a residential kitchen small appliance branch circuit.

- (2) Section 220.14(I), Receptacle Outlets, is amended by adding a new sentence to the end of the paragraph to read as follows:

For dwellings and general purpose outlets, the number of outlets per circuit shall not exceed ten (10) on a 15-ampere circuit or thirteen (13) on a 20-ampere circuit.

(3) The provisions of Appendix K from the 2012 International Building Code (IBC), Administrative Provisions, are hereby adopted.

(a) Appendix K is amended by the addition of a new Section K103.3, to read as follows:

K103.3 Fees. For buildings, structures, electrical, gas, mechanical, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Lone Tree Administrative Fee Schedule.

(b) Appendix K is amended by the addition of a new Sections K112, Means of appeal, to read as follows:

K112.1 Means of appeal. Appeals shall be heard by the Board of Adjustment and Appeals

K112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provision of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

(c) Appendix K is amended by the addition of a new Section K111.8, to read as follows:

K111.8 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters or repairs work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorney's fees. Each day that a violation continues shall be considered a separate offense.

(d) Appendix K is amended by the addition of a new Section K111.9, to read as follows:

K111.9 Unlawful continuance. It shall be a violation of this code for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

ARTICLE VIII

FIRE CODE

Sec. 18-9-10. Title.

This Article shall be known as the *Lone Tree Fire Code*.

Sec. 18-9-20. Adoption by reference.

- (1) The International Fire Code, 2012 Edition, as published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the fire code of the City. Except as otherwise provided, this code is adopted in its entirety. Appendices to the code are adopted only to the extent specified.
- (2) One (1) copy of the International Fire Code, 2012 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City of Lone Tree offices at a price reflecting the cost to the City.

Sec. 18-9-30. Definition.

Jurisdiction, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City.

Sec. 18-9-40. Amendments.

The International Fire Code, 2012 Edition, shall be amended as follows:

- (1) The following Appendices are hereby adopted as part of this code:

Appendix B, Fire-Flow Requirements for Buildings.

Appendix C, Fire Hydrant Locations and Distribution.

- (2) Section 103.1 is deleted and replaced by the following:

103.1 General. The South Metro Fire Rescue Authority is hereby designated as the department of fire prevention within the jurisdiction of the City under the direction of the fire code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

- (3) Section 103.2 is deleted and replaced by the following:

103.2 Appointment. The Chief of the South Metro Fire Rescue Authority or a designee is hereby appointed as the fire code official for the department of fire prevention.

- (4) Section 108.1 is deleted and replaced by the following:

108.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be created a Regional Fire Code Board of Appeals by the entry of various fire districts into an intergovernmental agreement ("IGA"). The board of appeals shall be appointed through the operation of the IGA. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

- (5) Section 507.3 is deleted and replaced by the following:

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B or by an approved method.

- (6) Section 507.5 is deleted and replaced by the following:

507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C.

- (7) Section 1103.7.6(3) Group R-2, is amended to read as follows:

3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1026.6, Exception 4.

- (8) Section 5601.1.3 Fireworks, is deleted and replaced by the following:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. The use of fireworks for display as allowed in Section 5608.
2. The possession, storage, sale, handling and use of permissible fireworks as defined by Section 12-28-101, C.R.S.

- (9) Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited, is deleted in its entirety.

- (10) Section 5706.2.4.4 Locations where above-ground tanks are prohibited, is deleted in its entirety.

- (11) Section 5806.2 Limitations, is deleted in its entirety.

- (12) Section 6104.2 Maximum capacity within established limits, is deleted in its entirety.

- (13) Section 109.4 is deleted and replaced by the following:

109.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters, repairs

or does work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorneys' fees. Each day that a violation continues shall be considered a separate offense.

(14) Section 111.4 is deleted and replaced by the following:

111.4 Failure to comply. It shall be a violation of this code for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

ARTICLE IX

Energy Conservation Code

Sec. 18-10-10. Title.

The provisions of this Article shall be known and cited as the *Lone Tree Energy Conservation Code*.

Sec. 18-10-20. Adoption by reference.

- (1) The 2009 International Energy Conservation Code, as amended herein, published by the International Code Council Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference and incorporated into this Article as though fully set forth herein, as the energy conservation code of the City. Except as otherwise provided, this code is adopted in its entirety. Appendices to the code are adopted only to the extent specified.
- (2) Copies of the 2009 International Energy Conservation Code, including the amendments herein, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and Chief Building Official and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City of Lone Tree offices at a price reflecting the cost to the City.

Sec. 18-10-30. Definition.

Jurisdiction, as used in this code, means within the corporate limits of the City and any area annexed to the City.

Sec. 18-10-40. Amendments.

The 2009 International Energy Conservation Code shall be amended as follows:

- (1) Section 302.1, reference to "72°F (22°C)" is deleted and replaced by "70°F (21°C)."

- (2) Section 502.4.7 is amended to add new Exceptions as follows:

7. Doors protected with an engineered air curtain in compliance with ANSI 220.

- (3) Section 107, Fees, is deleted in its entirety and replaced by the following:

107.1 Fees. For buildings, structures, electrical, gas, mechanical, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Lone Tree Administrative Fee Schedule.

- (4) Section 109, Means of appeal, is deleted in its entirety and replaced by the following:

109.1 Means of appeal. Appeals shall be heard by the Board of Adjustment and Appeals

109.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provision of this code do not fully apply or an equally good or better form of construction is proposed. The Board of Adjustment and Appeals shall have no authority to waive requirements of this code.

- (5) Section 108.4 is deleted and replaced by the following:

108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters, repairs or does work in violation of the approved construction documents or directive of the building code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorneys' fees. Each day that a violation continues shall be considered a separate offense.

- (6) A new Section 108.5 is added to read as follows:

108.5 Failure to comply. It shall be a violation of this code for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

ARTICLE X

Reserved

ARTICLE XI

Emission Performance Standards for Fireplaces

Sec. 18-11-10. Adoption of Emission Performance Standards for Fireplaces.

(a) Emission Performance Standards for Fireplaces in the Unincorporated Area of Douglas County, Resolution R-991-128, is adopted by reference and incorporated into this Article as though fully set forth herein as the City of Lone Tree Emission Performance Standards for Fireplaces, with the exception of Provision No. 2 of the Resolution.

(b) One (1) copy of the Emission Performance Standards for Fireplaces in the Unincorporated Area of Douglas County, Resolution R-991-128, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City of Lone Tree offices at a price reflecting the cost to the City.

Sec. 18-11-20. Definitions.

(a) *Douglas County, County of Douglas, unincorporated area of Douglas County and unincorporated territory of Douglas County* means the City of Lone Tree.

(b) *Board of County Commissioners* means the City Council.

Sec. 18-11-30. Penalty for violation.

Any person who violates any provision of this Article commits a criminal offense and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. Each day a violation continues shall be considered a separate offense.

Sec. 18-11-40. Exceptions.

The Douglas County Grading, Erosion and Sediment Control ("GESCC") Manual, as adopted in March, 2004, is adopted by the City with the following exceptions:

(1) Where the term *Douglas County* or *County* is found, the term *City of Lone Tree* or *City* shall be substituted.

(2) Where the term *Board of County Commissioners* is found, the term *City Council* shall be substituted.

(3) Where the term *Douglas County Zoning Resolution* is found, the term *City of Lone Tree Zoning Ordinance* shall be substituted.



CITY OF LONE TREE

STAFF REPORT

TO: Mayor Gunning and City Council

FROM: Kelly First, Community Development Director

DATE: October 15, 2014

FOR: October 21, 2014 City Council Meeting

SUBJECT: Ordinance 14-06, an Ordinance Reconstituting the Board of Adjustment and Appeals (First Reading)

Summary

Staff proposes consolidating the City's Board of Adjustment and Board of Appeals into a single board known as the Board of Adjustment and Appeals.

Cost

No direct cost to the City outside of staff time to develop, adopt and implement changes.

Recommended Action

I move to approve Ordinance 14-06, reconstituting the Board of Adjustment and Appeals, on first reading.

Background

The Board of Adjustment and the Board of Appeals are two boards that very seldom meet for official business. The Board of Adjustment has met twice since the city incorporated and the Board of Appeals has met eight times during that same time period. The Board of Adjustment is required by the City's home rule charter and the Board of Appeals is required by the building code.

Having two boards that seldom meet is an unnecessary use of resources to advertise, interview and train. It is often disappointing to the members who get appointed to sit on a board or commission that seldom, if ever, meets. Staff suggests amending the municipal code and the Council adopted policy on commissions, boards and committees to maintain one board instead of two.

The essential elements of the proposal are as follows:

- a) One board called the Board of Adjustment and Appeals
- b) Five board members
- c) At least three members should have experience in the building trades, such as construction, architecture, fire protection, civil engineering or related legal experience. Two members may not have any of the above background
- d) Terms of three years
- e) No term limits
- f) All current members of the two individual boards may be considered for the consolidated board
- g) Approval of zoning code variances would still require four affirmative votes
- h) Building code appeals would also require four affirmative votes.

The Planning Commission held a public hearing on this item on October 14, 2014, as it relates to amendments to Chapter 16 (Zoning). The Commission recommended unanimously in favor of the amendments to Chapter 16, with Commission Roy Kline moving to approve, and Commissioner Godden seconding the motion.

If approved on first reading, staff will prepare amendments to the Council adopted policy on commissions, boards and committees for consideration at second reading.

**ORDINANCE OF THE
CITY OF LONE TREE**

Series of 2014

Ordinance No. 14-06

**AN ORDINANCE RECONSTITUTING
THE BOARD OF ADJUSTMENT AND APPEALS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,
COLORADO:**

ARTICLE 1 – AUTHORITY

The City of Lone Tree (the "City") is a home rule municipality operating under the Lone Tree Home Rule Charter (the "Charter") adopted on May 5, 1998 and a Municipal Code (the "Code"), codified and adopted on December 7, 2004. Pursuant to the Charter, the Municipal Code and the authority given home rule cities, the City may adopt and amend Ordinances.

ARTICLE 2 – DECLARATIONS OF POLICY

- A. The City Charter, Article VII, Section 4, and City Ordinance, Chapter 2, Article V, provide for a Board of Adjustment and Appeals.
- B. To effectuate the intent of the Charter and City ordinances, the City divided the responsibilities between two Boards: the Board of Adjustment to hear variance requests and appeals; and the Board of Appeals to hear appeals under the building codes.
- C. Since the two Boards seldom have business before them, it is proposed that the Boards be combined into a single Board of Adjustment and Appeals.
- D. The Community Development Department brought amending language before the Planning Commission for the necessary changes to the Zoning Code, as is required by ordinance.
- E. The Planning Commission held a public hearing on October 14, 2014, where it evaluated the amendments, staff reports and public testimony. Following its evaluation, the Planning Commission unanimously recommended approval by the City Council.
- F. The City Council, following public hearings and consideration of the proposed amendments, now wishes to preserve and protect the public health, safety and

welfare of the residents of the City by adopting amendments to the Municipal Code and Zoning Code to consolidate and reconstitute the two Boards into one Board of Adjustment and Appeals.

ARTICLE 3 – SAFETY CLAUSE

The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

ARTICLE 4 – ADOPTION

A. Chapter 2, Articles IV and V of the Code are repealed and replaced by the following:

ARTICLE IV

Planning Commission

Sec. 2-4-10. Establishment.

The Planning and Zoning Commission, hereinafter referred to as the *Planning Commission*, is established pursuant to the provisions of Article VII of the Charter.

Sec. 2-4-20. Powers and duties.

(a) The Planning Commission shall elect from its members a chairman and secretary and such other officers as it may determine. The chairman shall conduct the meetings of the Planning Commission, and the secretary shall keep and record the minutes of the Planning Commission.

(b) The Planning Commission shall adopt rules for the transaction of its business and shall keep a record of its resolutions and actions. The Planning Commission shall operate in accordance with the Open Meetings Law, Section 24-6-401 et seq., C.R.S.

(c) The Planning Commission shall have the power to expend those funds appropriated for its use by the City Council.

(d) The Planning Commission shall have those powers delegated to it by City ordinances and resolutions, including but not limited to Chapters 16 and 17 of this Code.

(e) The Planning Commission shall exercise those powers specified in Section 31-23-306, C.R.S., acting in the capacity of a zoning commission.

(f) The Planning Commission shall select one (1) of its members to serve as an alternate on the Board of Adjustment and Appeals in the event of an absence or vacancy on that Board.

ARTICLE V

Board of Adjustment and Appeals

Sec. 2-5-10. Establishment.

The Board of Adjustment and Appeals is established pursuant to the provisions of Article VII of the Charter and shall consist of five members to be appointed by resolution of the Council. Each member shall be a registered elector of the City and shall have resided within the City for at least one year. If any member ceases to reside in the City, his or her membership shall automatically terminate. The term of each member shall be three years or until the member's successor takes office. Members shall be appointed on an at-large basis without reference to residence in a particular Council District. No Council member shall serve as a member of the Board of Adjustment and Appeal. When a member of the Board of Adjustment and Appeals is unavailable, a member of the Planning Commission may serve as an alternate member.

Sec. 2-5-20. Organization.

(a) The Board of Adjustment and Appeals shall elect from its members a chairman and secretary and such other officers as it may determine. The chairman shall conduct the meetings of the Board of Adjustment and Appeals, and the secretary shall keep and record the minutes.

(b) The Board of Adjustment and Appeals shall adopt rules for the transaction of its business and shall keep a record of its actions. The Board of Adjustment and Appeals shall operate in accordance with the Open Meetings Law, Section 24-6-401 et seq., C.R.S.

(c) The Board of Adjustment and Appeals shall have the power to expend those funds appropriated for its use by the City Council.

Sec. 2-5-30. Powers and duties.

(a) The Board of Adjustment and Appeals shall have those powers delegated to it by City ordinances and resolutions, including but not limited to Chapter 16, Zoning, and Chapter 18, Building Regulations, of this Municipal Code.

(b) The Board of Adjustment and Appeals may grant variances from Chapter 16, Zoning, when a strict application of the Chapter would cause peculiar and exceptional practical difficulties or exceptional and undue hardship, subject to the limitations and approval criteria set forth in Chapter 16, Article XX.

(c) The Board of Adjustment and Appeals shall hear and decide appeals from and review any administrative order, requirement, decision or determination made by any administrative official charged with the enforcement of Chapter 16, Zoning, in accordance with the procedures established in Article XXVI of said Chapter and this Article. If all five members of the Board of Adjustment and Appeals are not present, the hearing shall be postponed to a later date.

(d) The Board of Adjustment and Appeals shall also serve as the Board of Appeals and shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of Chapter 18, Building Regulations, in accordance with the procedures established in said Chapter and this Article. If all five members of the Board of Adjustment and Appeals are not present, the hearing shall be postponed to a later date.

(e) The concurring vote of four (4) members of the Board of Adjustment and Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or building official or to decide in favor of an applicant on any matter arising under Chapter 16 or Chapter 18, including the granting of variances.

Sec. 2-5-40. Appeals process.

(a) Any person who desires to appeal a decision of an administrative official enforcing Chapter 16 or 18 of this Municipal Code shall first file with the Planning Department an application and other documentation, as required by Chapter 16, Article XXVI, or Chapter 18, within the time specified, or if no time is specified, within a reasonable time. When the application is complete, the Director of Planning and Community Development (the "Director") shall transmit to the Board of Adjustment and Appeals the application and all papers constituting the record on which the action appealed from was taken. The applicant shall be responsible for complying with the public notice requirements contained in Chapter 16, Article XXVI.

(b) An appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Board of Adjustment and Appeals, specifying the facts that justify his or her opinion, that a stay would cause imminent peril to life or property. In that case, proceedings shall not be stayed unless a restraining order is granted by the District Court.

(c) The Board of Adjustment and Appeals shall set a reasonable time for hearing the appeal, and the Director shall provide notice to the parties. Such hearings shall be informal, and no transcript of proceedings or compliance with the rules of evidence shall be required. The Board of Adjustment and Appeals shall make its decisions, in writing, within a reasonable time.

(d) The Board of Adjustment and Appeals shall not have the power to grant a use variance or any variance authorizing a violation of any City ordinance or to waive the requirements of the codes in Chapter 18.

Sec. 2-5-50. Review by Court.

Every decision of the Board of Adjustment and Appeals shall be subject to review by the District Court in and for Douglas County. The appeal shall be filed no later than thirty (30) days from the final action taken by the Board of Adjustment and Appeals. The appeal may be taken by any person aggrieved or by an officer, department or board of the City.

B. Chapter 16, Article XXVI of the Code is hereby repealed and replaced by the following:

ARTICLE XXVI

Variance and Appeal Standards and Procedures

Sec. 16-26-10. Intent.

The purpose of this Article is to provide a process and criteria for varying from certain provisions of this Chapter so as to afford a measure of flexibility in the standards, while ensuring that development is sensitive to the natural and built environment and to existing and future residents, and to support or advance community goals and policies.

Sec. 16-26-20. Variance limitations.

- (a) Variances shall be limited to the following:
 - (1) Minimum area of a lot.
 - (2) Maximum height of structures or fences.
 - (3) Minimum setbacks.

- (4) Minimum off-street parking requirements.
- (b) A variance for the following shall be strictly prohibited:
 - (1) A use variance to permit a use other than those listed in a specific zoning district.
 - (2) A variance authorizing a violation of this Chapter or any duly adopted ordinance of the City.

Sec. 16-26-30. Variance; approval criteria.

- (a) A variance may be granted only where it can be demonstrated that such:
 - (1) Is sensitive to and compatible with adjoining existing and future land uses;
 - (2) Will not adversely impact the natural environment through unwarranted or undesirable grading, altering of drainages or vegetation removal;
 - (3) Maintains a desirable balance with the overall bulk and massing of building architecture; and
 - (4) Promotes other community goals as set forth in the City's Comprehensive Plan, such as a well-planned, high-quality and, where appropriate, compact development.
- (b) A variance may be granted, provided that no substantial detriment to the public good is created and that the intent and purpose of this Chapter is not impaired.

Sec. 16-26-40. Administrative variance.

The Director may grant up to a twenty-five-percent adjustment in the zoning requirements for those items listed in Subsection 16-26-20(a) in accordance with the approval criteria listed in Section 16-26-30. The applicant shall submit the processing fee and the information required in Subsection 16-26-50(d) below to the Community Development Department. The applicant shall notify abutting landowners affected by the appeal or the request. Such notification shall be either a notice of the variance request sent by certified mail, return receipt requested, at least ten (10) days prior to the Director's consideration of such request, or the applicant may obtain a signed statement from the abutting landowners stating that they were notified of the variance request and submit those signatures with the application. A decision by the Director to deny such variance may be appealed to the Board of Adjustment and Appeals in accordance with the procedure in Section 16-26-50 below. A written appeal shall be submitted by the applicant to the Community Development Department within ten (10) days of such denial.

Sec. 16-26-50. Appeals or variances to Board of Adjustment and Appeals.

(a) Appeal. An appeal may be taken to the Board of Adjustment and Appeals by any person aggrieved by an inability to obtain a building permit or by an administrative decision of any official based upon or made in the course of the administration or enforcement of the provisions of this Chapter.

(b) Vote required. The concurring vote of four (4) members of the Board of Adjustment and Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on a variance request.

(c) Preapplication review for variance or appeal. The applicant shall discuss the variance or appeal informally with staff to discuss the procedures and submittal requirements.

(d) Submittal requirements. The applicant shall submit the following to the Community Development Department:

(1) A completed application form.

(2) Proof of ownership of the land which is the subject of the variance or appeal.

(3) Application fee (fee schedule available from the Community Development Department).

(4) A site plan, when applicable, indicating how the variance relates to the affected land drawn to scale, including the height and setbacks of all existing and proposed structures and any other information requested by the Director.

(5) An explanation in narrative form explaining the variance or appeal and how it meets the approval criteria in Section 16-26-30 herein.

(e) Formal review process.

(1) The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. An incomplete submittal shall not be processed.

(2) Once the submittal is determined to be complete, staff shall submit the application to the appropriate referral agencies, schedule the variance or appeal before the Board of Adjustment and Appeals and notify the applicant of the date and time of the public hearing.

(3) The applicant is responsible for posting notice on the property and notifying the abutting landowners in accordance with the public notice requirements in Section 16-26-60 below.

(4) The Board of Adjustment and Appeals shall evaluate the application, referral agency comments, staff report and public testimony, and shall approve, conditionally approve, table for further study or deny the appeal or variance.

(5) The concurring vote of four (4) members of the Board of Adjustment and Appeals shall be necessary for a variance. The Board's determination shall be based on the evidence presented and compliance with the applicable criteria.

Sec. 16-26-60. Public notice requirements.

The applicant shall be responsible for public notification. In calculating the time period for public notification, the day of posting or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

(a) Mailed notice. At least fifteen (15) days prior to the Board of Adjustment and Appeals hearing, the applicant shall send a written notice of said hearing by first class mail to all adjoining landowners and to homeowners' associations which have authority over property located within two hundred (200) feet of the land under consideration. The notice shall include:

- (1) An explanation of the variance or appeal in narrative form;
- (2) A vicinity map; and
- (3) A site plan (when applicable).

At least five (5) days prior to the public hearing, the applicant shall submit to the Community Development Department a copy of the notice sent to the landowners, an alphabetical listing of the parties receiving notice and a map illustrating the location of the abutting landowners.

(b) Posted notice. At least fifteen (15) days prior to the Board of Adjustment and Appeals hearing, the applicant shall post a notice on the land under consideration. The sign posting shall consist of at least one (1) sign facing each abutting right-of-way, within ten (10) feet of the lot line abutting the right-of-way, visible from the right-of-way, placed on posts at least four (4) feet above ground level. Each sign shall measure not less than three (3) feet by four (4) feet. Letter size shall be a minimum of three (3) inches high. The notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT AND APPEALS

This land shall be considered for (a variance/ appeal) pursuant to Chapter 16 of the Lone Tree Municipal Code to allow for a change in _____. For more information, call the Community Development Department, [list the phone number provided by the City]. The public hearing is (date), in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124 [or other designated place, if applicable] at (time).

Name of Proposal: _____
File Number: _____ Hearing Date: _____

a. An affidavit of sign posting shall be submitted for the file in the Community Development Department at least five (5) days prior to the hearing. The signs shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)

I, (applicant/representative), attest that the above sign was posted on (date), at (location) pursuant to Chapter 16 of the Lone Tree Municipal Code.

(signature)
(applicant/representative)

File name and number: _____

Signed and sworn before me this date: _____

NOTARIZED BY: _____

b. The sign shall be removed by the applicant within two (2) weeks following the final decision of the Board of Adjustment and Appeals or withdrawal of the application.

(c) Additional public notice may be required by the Director.

Sec. 16-26-70. Variance requests heard by City Council.

The City Council may grant a variance to the zoning requirements for those items listed in Subsection 16-26-20(a), where such request is made concurrent with a Site improvement Plan (SIP) application.

(a) Submittal requirements. In addition to the submittal requirements for an SIP, the applicant shall include a narrative explaining the need for the variance and how the request meets the approval criteria in Section 16-26-30 herein.

(b) Public notice. In addition to the notice of such variance request being sent to referral agencies and homeowners' associations as part of the SIP process, the Director may require additional noticing as provided in Section 16-26-60.

(c) Approval criteria. A variance or appeal may be granted by the City Council where it is determined that the applicant has met the approval criteria in Section 16-26-30.

Sec. 16-26-80. Post-approval action.

Construction pursuant to approval of a variance or an appeal shall be completed within eighteen (18) months from the date the variance/appeal was granted, unless otherwise specified by the reviewing authority as provided herein. An extension of time may be granted by the reviewing authority as provided herein for good cause shown, upon a written request by the applicant.

Sec. 16-26-90. Post-denial application.

If denied by the Board of Adjustment and Appeals or City Council, a resubmittal of the same or substantially same variance or appeal application shall not be accepted within one (1) year from the date of denial by the Board or, in the event of litigation, from the date of the entry of the final judgment. However, if evidence is presented to the Board of Adjustment and Appeals showing that there has been a substantial change in physical conditions or circumstances, the Board may reconsider the variance/appeal. A new application and processing fee shall be required.

Sec. 16-26-100. Review by Court.

Every decision of the Board of Adjustment and Appeals related to provisions of this Chapter shall be subject to review by the District Court in and for Douglas County. The appeal shall be filed no later than thirty (30) days from the final action taken by the Board of Adjustment and Appeals. The appeal may be taken by any person aggrieved or by an officer, department or board of the City.

C. Section 16-36-20 of the Code is hereby amended by repealing the definitions to *Board of Adjustment* and *Board of Appeals* and replacing them with the following definition:

Board of Adjustment and Appeals means the persons appointed by the City Council and acting pursuant to the provisions of the Charter.

ARTICLE 5 - PROVISIONS EFFECTIVE

The provisions of this Ordinance shall go into effect on January 1, 2015.

ARTICLE 6 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance which can be given the effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 7 – CAUSES OF ACTION RETAINED

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ARTICLE 8 – EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days following publication after first reading if no changes are made or twenty (20) days following publication after a second reading if changes are made upon a second reading.

INTRODUCED, READ AND ORDERED PUBLISHED ON OCTOBER 21, 2014.

CITY OF LONE TREE

James D. Gunning, Mayor

ATTEST:

Jennifer Pettinger, CMC, City Clerk

(SEAL)