

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

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

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

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

ARTICLE VI – DESIGN REVIEW BOARD

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

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

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

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

Sec. 2-113. Qualifications of members.

All members of the Design Review Board shall be residents of the Town, and if any member ceases to reside in the Town, his or her membership shall immediately terminate. All members shall serve without compensation.

Sec. 2-114. Design Guidelines.

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

Sec. 2-115. Powers and duties.

- (a) The Design Review Board shall hold public hearings on proposed applications for construction of any building, structure or improvement or alteration of a property within the Town and approve, modify or disapprove such proposals in compliance with the Design Guidelines.
- (b) The Design Review Board shall follow all rules and regulations enacted by the Board of Trustees and conduct all meetings in accordance with the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.*

Sec. 2-116. Appeals.

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

Section 2. Section 16-8(c) of the Bow Mar Municipal Code is hereby amended as follows:

Sec. 16-8(c). Agricultural District.

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- (c) ~~Architectural committee review~~ Design Review Board Review. All new construction or proposed building alteration must obtain approval of review by the ~~BMOI Architectural Control Commission~~ Design Review Board prior to construction or alteration.

Section 3. Section 16-18 of the Bow Mar Municipal Code is hereby amended as follows:

Sec. 16-18. Board of Adjustment.

- (a) There is hereby established a Board of Adjustment consisting of five (5) members, each to be appointed by the Board of Trustees for two-year terms or the remaining term filled. The Board of Adjustment shall hear and decide

appeals from and review any order, requirement, decision or determination made by the Building Commissioner or the Design Review Board. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Chapter. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner or the Design Review Board, or to decide in favor of the applicant any matter upon which it is required to pass under this Chapter, or to hear and decide any variance from this Chapter. Each decision of the Board of Adjustment shall be subject, however, to review by certiorari by the District Court of any county within which the property in question is located. An appeal may be taken by any person aggrieved, by any officer or department of the Town or by the Town itself.

- (b) Any appeal from the Building Commissioner or the Design Review Board to the Board of Adjustment shall be taken by filing with the Building Commissioner or Design Review Board within a period of time to be established by the Board of Adjustment, but in no event more than 60 days, a written notice of appeal, specifying the grounds therefor. The Building Commissioner or Chair of the Design Review Board shall at once transmit to the Board of Adjustment all of the papers constituting the record upon which the action appealed from was taken. The Board of Trustees may establish by resolution from time to time the filing fee required to be paid in order to maintain such an appeal.
- (c) An appeal to the Board of Adjustment stays all proceedings in furtherance of the action appealed from unless the Building Commissioner or Design Review Board certifies to the Board of Adjustment after the notice of appeal has been filed that, by reason of factors stated in the certificate, a stay would, in ~~his or her~~ their opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on application, on notice to the Building Commissioner or Design Review Board, and on due cause shown.
- (d) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, but in no event more than 90 days after the filing of a notice of appeal, and it shall decide the appeal within a reasonable period of time. At the hearing, all interested parties, including representatives of the Town, may be present and heard. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, subject to the provisions of Subparagraph (a) of this Section.

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- (f) ~~Any applicant, the Building Commissioner or any other person who is a party to the proceeding before the Board of Adjustment may seek judicial review of the decision of the Board of Adjustment in the manner provided by state law. The Town or any officer thereof may appeal any decision of the Board of Adjustment or of a reviewing court regardless of whether the Town or said officer was a party to the proceedings before the Board of Adjustment. Every decision of the Board of Adjustments shall be subject to review by certiorari by the district court.~~

Section 4. Section 18-4(j) of the Bow Mar Municipal Code is hereby amended as follows:

Sec. 18-4. Permit application.

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- j. ~~Compliance with architectural control. the Town of Bow Mar Design Guidelines. There must be included certification in writing of approval of the Bow Mar Owners, Inc., Architectural Control Committee or its designee or successor that the plans and specifications are consistent with, and in harmony with, the requirements of the restrictive covenants. Approval by the Design Review Board indicating that the application is consistent with the Town of Bow Mar Design Guidelines.~~

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

Sec. 18-8. Adoption of building code.

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"K103.1 Permits Required. Except as specified in Section K103.2 of this section, no person shall do any grading without first having obtained a grading permit from the Building Official. A grading permit may be issued by the Building Official for excavation, filling or grading within any project to be completed in phases, provided that a final site development plan has been submitted, approved and recorded for the entire project or the first phase of a project, in which case a grading plan shall include maps indicating: existing and proposed topography at no greater than two-foot contour intervals unless otherwise approved by the Building Official; all existing trees greater than 4" diameter (MBH), with clear designation of those that are to be retained and those that are to be removed; existing structures, with clear designation of those to be retained and to be removed; the location, type and size of all existing public utilities, and those proposed for relocation; and an erosion/sediment control plan prepared in accordance with the City of Littleton's Storm Drainage Design and Technical Criteria Manual. The grading plan shall be compatible with the final site development plan as approved or recommended by the ~~Architectural Control Committee of BMOI,~~ Design Review Board and such grading plan shall also bear the stamp of a competent professional who is registered

and in good standing in the State of Colorado prior to issuance by the Building Official of a grading permit. When required erosion/sediment control facilities will not be installed contemporaneously with the completion of grading, the Building Official may require a financial guarantee in an amount sufficient to guarantee installation, construction, and operation of such erosion/sediment control facilities, plus twenty-five percent (25%) of such estimated amount. Said guarantee shall be cash, a letter of credit, surety bond, or suitable guarantee in a form satisfactory to the Building Official.

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Section 6. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Board of Trustees hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 7. The Board of Trustees hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 17th day of September 2018, in the Columbine Valley Town Hall, Columbine Valley, Colorado.

Tom Feldkamp, Mayor

ATTEST:

Sue Blair, Town Clerk