

CHAPTER 16

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ARTICLE 1

General Provisions

Sec. 16-1-10. Interpretation.

In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare. (Ord. 11-2007 §1)

Sec. 16-1-20. Uniformity of regulations.

The regulations established by this Article within each zone shall apply uniformly to each class or kind of structure or land. Unless exceptions are specified in this Article, the following interpretations shall apply:

(1) No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, changed, constructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the zone in which it is located. Where a lot is divided by a zoning district boundary line by the current official zoning map or by subsequent amendments to the zoning map, the zoning requirements may be extended within the lot for a distance of not more than twenty-five (25) feet.

(2) No building or other structure shall be erected or altered:

- a. To exceed the height limitations;
- b. To accommodate or house a greater number of families;
- c. To occupy a greater percentage of the area; or

d. To have narrower or smaller rear yards, front yards, side yards or other open spaces.

(3) No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Article, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building unless specific exception therefor is stated in this Article.

(4) No yard or lot existing or approved at the time of passage of the ordinance codified herein shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the ordinance codified herein shall meet at least the minimum requirements established by this Chapter.

(5) Any use not permitted in a zone either specifically or by interpretation by the Town is hereby specifically prohibited from that zone. (Ord. 11-2007 §1)

Sec. 16-1-30. Conflict with other provisions of law.

Whenever the requirements of this Land Use Code are at a variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern. (Ord. 11-2007 §1)

Sec. 16-1-40. Conflict with private covenants or deeds.

In case of a conflict between this Land Use Code and any private restrictions imposed by

covenant or deed, the responsibility of the Town shall be limited to the enforcement of this Land Use Code. When provisions within this Land Use Code are more restrictive than those imposed by covenant or deed, or when any such private instruments are silent on matters contained within this Land Use Code, the provisions of this Code shall rule. (Ord. 11-2007 §1)

Sec. 16-1-50. Zoning of annexed territory.

(a) Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this Section and state law, including Section 31-12-115(1), C.R.S. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.

(b) Any area annexed shall be brought under the provisions of this Section and the map thereunder within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety-day period, or such portion thereof as is required to zone the territory, the Town shall refuse to issue any building permit for any portion or all of the newly annexed area. (Ord. 11-2007 §1)

Sec. 16-1-60. Purpose.

The purpose of this Chapter is to create a vital, cohesive, well-designed community in order to enhance the Town's small-town character and further the citizens' goals as identified in the Comprehensive Master Plan. These zoning regulations are designed to:

(1) Encourage the most appropriate use of land through the Town and ensure a logical growth of the various physical elements of the Town.

(2) Regulate and restrict the location and use of buildings, structures and land for residence, business, trade, industry or other purposes.

(3) Regulate and determine the size of building lots, yards and other open spaces.

(4) Promote good design and arrangement of buildings or clusters of buildings and uses in residential, business and industrial development.

(5) Encourage innovative, quality site planning, architecture and landscaping that reflect improvements in the technology of land development.

(6) Prevent the overcrowding of land, poor quality in development, waste and inefficiency in land use, danger and congestion in travel and transportation and any other use or development that might be detrimental to the stability and livability of the Town.

(7) Promote the health, safety, morals and general welfare of Town residents. (Ord. 11-2007 §1)

ARTICLE 2

Definitions

Sec. 16-2-10. Definitions.

The definitions contained in this Article apply to terms used in Chapters 16 and 17 of this Code. Definitions contained in this Article may also be used to interpret other sections of the Code, but the definitions are not necessarily intended to define terms outside of the context of the Land Use Code.

Accessory building means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot (or on a contiguous lot in the same ownership) with the main building or use. Accessory buildings are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.

Accessory dwelling means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. Accessory dwellings shall be limited to eight hundred fifty (850) square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one-half (½) dwelling unit. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single-family dwelling.

Accessory use means a subordinate use, clearly incidental and related to the main structure, building or use of land and located on the same lot (or on a contiguous lot in the same ownership) as that of the main structure, building or use.

Adjacent means meeting or touching at some point or separated from a lot or parcel by one (1) of the following: a street, alley or other right-of-way, lake, stream or open space.

Adjacent property owner is an owner of record of any estate, right or interest in real property abutting and within three hundred (300) feet of the subject property.

Adult-oriented or sexually oriented use. Definitions related to adult or sexually oriented uses are contained in Section 16-11-20 of this Code.

Arterial street means a street which is anticipated to carry in excess of three thousand five hundred (3,500) vehicles per day in traffic volume, at desirable speeds ranging from thirty (30) to forty-five (45) miles per hour, and which is defined specifically as such on the Master Street Plan of the Town and is used for travel between areas within and outside the Town.

Bar means an establishment providing or dispensing fermented malt beverages and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches or light snacks, is secondary (also known as a *tavern*).

Bed and breakfast means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.

Boarding and rooming house means a building or portion of which is used to accommodate, for compensation, four (4) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word *compensation* shall include compensation in money, services or other things of value.

Building means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:

- a. Is permanently affixed to the land.
- b. Has one (1) or more floors and a roof.

Building frontage means the horizontal, linear dimension of that side of a building, which abuts a street, a parking area, a mall or other circulation area open to the public and has either a main window display or a public entrance to the building.

Building height means the vertical distance measured from the established curb level to the highest point of the roof. Chimneys, spires, towers, elevator penthouses, tanks and similar projections, other than signs, shall not be included in calculating the height.

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Child care center means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of seven (7) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes, except that a child care center shall not include any of the following three (3) types of family care homes as defined by the State: family child care home, infant/toddler home or experienced family child care provider home. The term includes, but is not limited to, facilities commonly known as day care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, large child care homes as defined by the State, centers for developmentally disabled children and those facilities which give twenty-four-hour-per-day care for dependent and neglected children. *Child care centers* are

also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades.

Church or place of worship and assembly means a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. *Church or place of worship and assembly* shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including but not limited to commercial motion picture houses or stage productions.

Clinic means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Clubs and lodges means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

Code means the Municipal Code of the Town, including this Land Use Code.

Collector street means a street which is anticipated to carry from two thousand five hundred (2,500) to five thousand (5,000) vehicles per day in traffic volume at desirable speeds ranging from twenty-five (25) to thirty-five (35) miles per hour and which

serves a collecting function by distributing traffic between local streets and arterial streets, thereby providing access to adjacent properties and linking neighborhoods with arterial streets.

Common open space shall have the same meaning as *common open space* in Section 24-67-103, C.R.S.

Comprehensive Master Plan or *Comprehensive Plan* means the Comprehensive Master Plan.

Convenience retail store means a retail store containing less than five thousand (5,000) square feet of gross floor area which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs and sundries.

Convenience shopping center means a shopping and service center located in a complex which is planned, developed and managed as a single unit and located within and intended to primarily serve the consumer demands of adjacent employment areas and residences.

Deck means an exterior platform adjacent to the principle structure which may be covered by roof or uncovered, and has no walls other than a open hand rail in compliance with current building codes. (Ord. 7-2010, §1)

Dedicated land means land transferred to the Town by platting, title, deed or other legal method approved by the Town Attorney.

Dedication means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.

Density means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated

on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].

Design standards includes the Town Standard Design Criteria and Standard Construction Standards, the Lot and Block Standards beginning at Section 16-3-110; Street Standards beginning at Section 16-3-130; Parking Standards beginning at Section 16-3-150; Sidewalk and Path Standards beginning at Section 16-3-240; Park Standards beginning at Section 16-3-270; Landscape Design beginning at Section 16-3-330.

Developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land or the dividing of land into two (2) or more parcels. When appropriate in context, *development* shall also mean the act of developing or to the result of development. *Development* shall also include:

- a. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land;
- b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;

- c. Any change in the use of land or a structure;
- d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
- e. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- f. The demolition of a structure;
- g. The clearing of land as an adjunct of construction;
- h. The deposit of refuse, solid or liquid waste or fill on a parcel of land;
- i. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
- j. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

Development shall not include:

- a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- b. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;

- c. The maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
- d. The use of any land for an agricultural activity;
- e. A change in the ownership or form of ownership of any parcel or structure; or
- f. The creation or termination of rights of access, easements, covenants concerning development of land or other rights in land.

Drive-through facility means an establishment which, by design, physical facilities, services or packaging procedures, encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

Driveway means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.

Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multi-family dwellings.

Dwelling, multi-family means a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.

Dwelling, single-family means a building designed exclusively for occupancy by one (1) family, but not including mobile homes, otherwise provided herein.

Dwelling, single-family attached means a residential building containing dwelling units, each of which has primary ground

floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

Dwelling, single-family detached means a single-family dwelling which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.

Dwelling, two-family or duplex means a building occupied by two (2) families living independently of each other.

Dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.

Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

Eave means the overhanging lower edge of a roof.

Enclosed mini-storage means a building containing separate, individual, private storage spaces, which may be of various sizes and which are rented pursuant to individual leases for varying periods of time.

Entertainment facility and theater means a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances, but does not include a sexually oriented business as defined in Article 11.

Excess-weight vehicle means any vehicle, excepting any vehicle owned by any or in the control of any governmental authority, which weighs in excess of any adopted weight limit. The weight limit within the Town shall be **ten thousand (10,000) pounds** on all residential and minor collector streets **unless otherwise established for a defined area in the Town by this Code or by the Town Board by ordinance or resolution** or as otherwise may be posted by the Town. For purposes of this section, residential and minor collector streets are residential and minor collector streets as defined by the Town’s Master Street Plan as part of the Town’s Comprehensive Plan. (Ord. 13-2008 §1; Ord. 2-2009 §1).

Family means an individual living alone, or either of the following groups living together in a single dwelling unit and share common living, sleeping, cooking and eating facilities:

- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, unless such number is otherwise specifically limited in this Code; or
- b. Any unrelated group of persons consisting of (i) not more than four (4) persons; or (ii) not more than two (2) unrelated adults and their related children, if any.
- c. and includes family foster care of up to four children which is licensed according to the statutes of the state but does not include individuals living in a Group Home. (Ord. 10-2008).

Floodplain or flood hazard area. See Section 16-10-30 for definitions pertaining to floodplain regulations.

Floor area, also called gross floor area, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas and not including one-half (½) of all storage and display areas for durable goods.

Food catering or small food product preparation means an establishment in which the principal use is the preparation of food and/or meals on the premises, and where such food and/or meals are delivered to another location for consumption or distribution, and where such use occupies not more than five thousand (5,000) square feet in gross floor area.

Foot-candle means a unit of measurement referring to illumination incident to a single point. One (1) foot-candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.

Functional open space means open space which is large enough to serve a practical purpose, such as recreation, wildlife habitat or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances or other hazards to the public.

Funeral home means a building used for the preparation of the deceased for burial or cremation, for the display of the deceased

and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.

Garage sale means a sale of personal belongings or household effects held on the seller's premises, usually in the garage or yard, and is a permitted accessory use in all residential districts, provided that:

- (a) No property may be offered for sale which has not been owned and used by the occupant of the premises or the co-participants in "neighborhood" *garage sales*. Neighborhood *garage sales* are allowed only if occupant of the premises receives no profit or commission from sale of other participant's property.
- (b) No *garage sale* shall be conducted for longer than three (3) days duration.
- (c) No more than three (3) *garage sales* are allowed annually at any premises.
- (d) *Garage sales* may be conducted during the daylight hours only.
- (e) Goods may not be stored outside during non-sale hours. (Ord. 4-2011 §1)

Gasoline station means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities, such as engine tune-ups, lubrication, minor repairs and carburetor cleaning, may be conducted. *Gasoline station* shall not include premises where heavy automobile maintenance activities, such as engine overhaul, automobile

painting and body fender work, are conducted.

Grade means:

- a. The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

- b. The degree of rise or descent of a sloping surface.

Grade, finished means the final elevation of the ground surface after development.

Grade, natural means the elevation of the ground surface in its natural state, before man-made alterations.

Grocery store, large or supermarket means a retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies a space greater than twenty-five thousand (25,000) square feet. The term *large grocery store* is synonymous with *supermarket*.

Grocery store, small means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not more than twenty-five thousand (25,000) square feet.

Group home means state-licensed facilities for developmentally disabled, handicapped, seniors or children as defined by and meeting the requirements of Section 31-23-303(2), C.R.S., or similar state statute.

Growth boundary means the growth boundaries established by the Comprehensive Master Plan.

Health club means an establishment that is open only to members and guests and that provides facilities for at least three (3) of the following: aerobic exercises, running and jogging, exercise equipment, game courts and swimming facilities, and that also includes amenities such as spas, saunas, showers and lockers.

Home occupation means an occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit and is subordinate to the residential use of the dwelling unit.

Horticulture means the growing of fruits, vegetables, herbs, flowers or ornamental plants.

Hospital means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and includes related facilities such as laboratories, out-patient departments, training and central services facilities and staff offices.

Hotel/motel/lodging establishment means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.

Industrial means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. *Heavy industrial* shall also mean those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments and transport terminals (truck terminals, public works yard, container storage).

Industrial, light means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, *light industrial* means uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like.

Infrastructure means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

Kennel means a facility licensed to house dogs, cats or other household pets and/or where grooming, breeding, boarding or training or selling of animals is conducted as business.

Land Use Code means Chapters 16 and 17 of this Code (Sections 16-1-10 et seq. and 17-1-10 et seq.).

Landscaping means any combination of living plants, such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of existing trees.

Large retail establishment means a retail establishment, or any combination of retail establishments in a single building, occupying more than twenty-five thousand (25,000) gross square feet of floor area, except that no supermarket shall be deemed to be a large retail establishment.

Laundry and dry-cleaning retail outlet means a laundry or dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.

Limited indoor recreation facility means a place where recreation activities occur completely within an enclosed structure, including but not limited to bowling alleys, skating rinks, pool halls, video and pinball parlors.

Limited outdoor recreation facility means a place with outdoor activities, including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges and go-cart tracks.

Livestock includes horses, cattle, sheep and llamas, but does not include swine,

chickens, goats, roosters, fowl, peacocks, guinea hens or other animals not allowed to be maintained within the Town by this Code (except that swine, chickens, goats, roosters, fowl, peacocks or guinea hens may be permitted with the Board of Trustees' approval in isolated circumstances, including for 4-H-type projects that do not unreasonably impact neighbors).

Local street means a street which is anticipated to carry under two thousand five hundred (2,500) vehicle trips per day in traffic volume at desirable speeds of up to twenty-five (25) miles per hour, and which provides access to abutting property and primarily serves local traffic.

Lodging establishment means a building intended and used for occupancy as a temporary abode for individuals who are lodged, with or without meals, in which there are five (5) or more guest rooms.

Long-term care facility means any of the following:

a. *Convalescent center* means a health institution that is planned, organized, operated and maintained to offer facilities and services to in-patients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.

b. *Nursing care facility* means a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to in-patients who require regular medical care and twenty-four-hour-per-day nursing services for illness, injury or disability. Each patient shall be

under the care of a physician licensed to practice medicine in the State. The nursing services shall be organized and maintained to provide twenty-four-hour-per-day nursing services under the direction of a registered professional nurse employed full time.

c. *Intermediate health care facility* means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four-hour-per-day nursing services are required.

Lot means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.

Lot depth means the average distance between the front lot line and the rear lot line.

Lot, double frontage means a lot which fronts on one (1) public street and backs on another.

Lot, flag means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

Lot line, front means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

Lot line, rear means the line opposite the front lot line.

Lot line, side means any lot lines other than the front lot line or rear lot line.

Lot, reverse corner means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot size means the total horizontal area within the lot lines of a lot; synonymous with *area of lot*.

Lot width means the distance parallel to the front lot line, measured at the front building setback line. *Lot width on a curving front lot line* means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

Manufactured home means a single-family dwelling which is partially or entirely manufactured in a factory; which is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; which is installed on an engineered permanent foundation; which has brick, wood or cosmetically equivalent siding extending to the ground level; which has a pitched roof; which has the delivery system including wheels, tires, axles and tongue hitch removed; and which is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended.

Manufacturing means a business which makes products by hand or by machinery.

Medical and dental offices and clinics means an establishment operated by one (1) or more duly licensed members of the human health care professions, including but not limited to physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for examination and/or treatment.

Mini-storage warehouse means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage or personal goods, materials and equipment.

Mixed use means the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mixed-use building means a building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses, including but not limited to office, retail, public uses, personal service or entertainment uses.

Mixed-use dwelling unit means the dwelling unit in a mixed-use building. For purposes of calculating residential density, each dwelling unit shall count as one-half (½) dwelling unit.

Mobile home means a transportable, single-family dwelling unit built on a permanent chassis with attached undercarriage consisting of springs, axles, wheels and hubs, and

which is suitable for year-round occupancy and contains the same water supply, waste disposal and electrical conveniences as immobile housing. A mobile home is designed to be transported on streets to the place where it is to be occupied as a dwelling unit and may or may not be attached to a permanent foundation.

Multiple-family dwelling means a dwelling containing three (3) or more dwelling units, including what is commonly known as an apartment building, but not including group, row or townhouses, or hotels, motels or condominiums, fraternity and sorority houses and similar group accommodations.

Nightclub means a bar or similar nonalcoholic establishment containing more than one hundred (100) square feet of dance floor area.

Nonconforming building means a building or structure, or portion thereof, that does not conform to the regulations of this Land Use Code, but that was lawfully constructed under the regulations in force at the time of construction.

Nonconforming use means a use that does not conform to the use regulations of this Land Use Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

Off-street parking area means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a recreational vehicle, boat or truck storage use, storage areas for landscaping and other bulk items or public streets and rights-of-way.

Oil and gas operation means any structure, facility or activity which is constructed on or disturbs land in association with oil or gas drilling, production or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress and pipelines.

Oil well or gas well means a well, the principal production of which at the mouth of the well is oil or gas.

Open space means any land or water area with its surface open to the sky, which serves specific uses of providing park and recreation opportunities, conserving natural areas and environmental resources, structuring urban development form and protecting areas of agricultural, archeological or historical significance. *Open space* shall not be considered synonymous with vacant or unused land but serves important urban functions. *Usable open space* shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances or other hazards to the public.

Outdoor recreation facility means an area devoted to active sports or recreation, such as go-cart tracks, miniature golf, archery ranges, sport stadiums or the like, and may or may not feature stadium-type seating.

Outdoor storage means the keeping in an unroofed area of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites.

Outlot means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to

the public for open space or other public purposes, be retained by the developer for later subdivision or be conveyed to an owners association.

Open-air farmers' market means an occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

Park means an area open to the general public and reserved for recreational, educational or scenic purposes.

Parking garage means an off-street parking area within a building.

Parking lot means off-street parking area or vehicular use area.

Patio Cover means a cover of any material over an exterior surface that has no walls. (Ord. 7-2010, §1)

Personal and business service shops means shops primarily engaged in providing services generally involving the care of the person or such person's apparel, or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing or copy shops.

Plant nursery and greenhouse means any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting and may include the sale of nonliving landscape and decorating products.

Plat means a map of certain described land prepared in accordance with the requirements of this Code and Section 38-51-106, C.R.S., as an instrument for recording of

real estate interests with the County Clerk and Recorder.

Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.

Print shop means an establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint or offset printing equipment and may include the collating of booklets and reports.

Private property rights means the rights of a property owner within the Town to use his or her property within the legal parameters set forth in this Code and subject to applicable state, federal and constitutional law. Nothing herein guarantees any private property rights to develop in a particular manner except pursuant to a valid vested right.

Private school means a school that is established, conducted and primarily supported by a nongovernmental agency.

Professional office means an office for professionals, such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who, through training, are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State.

Property means all real property subject to land use regulation by the Town.

Property line means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the

owner; and does not include the streets or alleys upon which said lot, parcel or tract abuts.

Public areas means streets, parks, open spaces and other property designated or described as for public use on a map or plat of the Town and fee title is vested in the Town, other public body or a special district as defined in Section 32-1-103, C.R.S.

Public facilities means those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities and publicly owned buildings or facilities.

Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.

Public open space means an open space area conveyed or otherwise dedicated to the Town, State or County or other public body for recreational or conservation uses. Public open spaces are to be unencumbered by oil and gas wells, their appurtenances or other hazards to the public.

Public school means a free, tax-supported school.

Public use means uses which are owned by and operated for the public by the Town, county, state or federal governments or by school districts.

Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or stormwater service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

Quasi-public means having the nature or characteristics of being public, but owned by a private or not-for-profit entity.

Raw water means water rights acceptable to the Town for domestic purposes, or water rights acceptable to the Town that may be used for irrigation of public facilities.

Recreational vehicle (RV). Definitions pertaining to recreational vehicles and recreational vehicle parks are contained in Section 16-9-10 of this Code.

Recycling facility means a building used for the collection and/or processing of recyclable material. *Processing* means the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.

Resource extraction, processes and sales means removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged.

Restaurant, drive-through means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of

operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

Restaurant, fast food means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes the following characteristics:

- a. Food and beverages are usually served in paper, plastic or other disposable containers; and
- b. The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building or for carry-out.

Restaurant, standard means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:

- a. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
- b. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.

Retail establishment (also known as *retail store*) means an establishment of twenty-five thousand (25,000) square feet or less of gross leasable floor area in which sixty percent (60%) or more of the gross floor area is devoted to the sale or rental of goods, including stocking, to the general public for personal or household consumption or to services incidental to the sale or rental of such goods.

Retention basin means a pond, pool or basin used for permanent storage of water runoff.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term *right-of-way* for land platting purposes means that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

Setback means the required open space unoccupied and unobstructed between the nearest projection of a structure and the property line of the lot on which the structure is located, with the exception of eaves which may project a maximum of eighteen (18) inches into the setback.

Setback, front yard means the setback distance a building or structure must be placed from the front lot line.

Setback, rear yard means the setback distance a building or structure must be placed from the rear lot line.

Setback, side yard means the setback distance a building or structure must be placed from the side lot line.

Shopping center means a group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.

Sight distance triangle means the area at the four (4) corners of an intersection that is to be kept free of shrubs, ground cover, berms, fences, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows: at the intersection of any two (2) streets or where a street intersects with an alley, a triangle measuring thirty (30) feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two (2).

Sign, projecting means any sign supported by a building wall and projecting therefrom.

Sign, wall means any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.

Sign, window is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.

Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed

buildings, the location of the lot in relation to abutting streets and other details such as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

Site specific development plan means the final plat of a subdivision or final development plan of a PUD (Planned Unit Development) when approved by the Board of Trustees pursuant to this Code.

Small animal boarding (kennels/catteries) means a facility approved to board dogs, cats or other household pets as a business.

Street means a public way (whether publicly or privately owned) used or intended to be used for carrying vehicular, bicycle and pedestrian traffic, and shall include the entire area within the public right-of-way and/or public access easement.

Streetscape means the distinguishing character of a particular street, within the public right-of-way, including paved materials and the adjacent space extending along both sides of a street, including landscaping, sidewalks, medians, lighting, street furniture and signage.

Structure means a combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water.

Subdivider or developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Subdivision means the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots or sites.

Supermarket means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not less than twenty-five thousand one (25,001) square feet.

Tavern means an establishment providing or dispensing fermented malt beverages and/or malt, special malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.

Title commitment means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property, such as easements, rights-of-way or liens.

Tourist facility means an establishment set up to primarily provide local tourist information to visitors.

Town means the Town of Wellington, a municipal corporation of the State, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

Town Comprehensive Plan means the plan, which was adopted by the Planning Commission and Board of Trustees in accordance with Section 31-23-206, C.R.S., to guide the future growth, protection and development of the Town, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

Townhouse means a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

Vehicle major repair, servicing and maintenance means any building, or portion thereof, where heavy maintenance activities, such as engine overhauls, automobile/truck painting, body or fender work, welding or the like are conducted. Such use shall not include the sale of fuel, gasoline or petroleum products.

Vehicle minor repair, servicing and maintenance means the use of any building, land area, premises or portion thereof, where light maintenance activities, such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like are conducted.

Veterinary facilities, small animal clinic means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

Veterinary hospital means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases.

Warehouse means a building used primarily for the storage of goods or materials.

Warehouse, distribution and wholesale means a use engaged in storage, wholesale and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental

retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Warehousing means a business which stores or stocks merchandise or commodities.

Wireless telecommunication equipment means any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication service facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose.

Wireless telecommunication facility means any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

Wireless telecommunication services means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunication, personal communication services or cellular telephone.

Workshop and custom small industry means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, custom car or motorcycle restoring or other similar uses.

Yard means that portion of the open area on a lot extending open and unobstructed

from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, front setback means the distance a building or structure must be placed from the back of the front property line.

Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, rear setback means the distance a building or structure must be placed from the back of the rear property line.

Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Yard, side setback means the distance a building or structure must be placed from the back of the side property line.

Zone district means a zone district of the Town as established in Article 5 of this Code, unless the term is used in a context that clearly indicates that the term is meant to include both the zone districts of the Town and the zone districts of an adjoining governmental jurisdiction. Also referred to as *zoning district*.

Zoning map means the official zoning map adopted by the Board of Trustees by ordinance, as amended. (Ord. 11-2007 §1)

ARTICLE 3

Design Standards

Sec. 16-3-10. Applicability.

All development applications and building permit applications shall comply with the density, dimension, design and zoning standards contained in this Chapter. (Ord. 11-2007 §1)

Sec. 16-3-20. Relation to zone district standards.

In the event of a conflict between a standard or requirement contained in this Article and Articles 5 and 6 of this Chapter, the requirements of Articles 5 and 6 shall prevail. (Ord. 11-2007 §1)

Sec. 16-3-30. Vision and intent.

The intention of the Town in enacting this Article is to provide minimum standards to ensure development consistent with the Comprehensive Master Plan. (Ord. 11-2007 §1)

Sec. 16-3-40. Application of community design principles.

(a) The community design standards as set forth in this Article are to be considered in every development proposal. The Town's goal is to expedite the planning review process by clearly outlining the Town's expectations for new development.

(b) The Planning Commission and Board of Trustees will evaluate each proposal based on these standards set forth in this Article and the context within which a project is located. The standards are intended to be specific enough to guide development, but not to preclude creative design solutions. Applicants must substantially conform to the design standards unless it can be

demonstrated that an acceptable alternative meets one (1) or more of the following conditions:

(1) The alternative better achieves the stated intent;

(2) The intent will not be achieved by application of the standards in this circumstance;

(3) The effect of other standards will be improved by not applying a specific standard; and/or

(4) Strict application or unique site features make the standard impractical. (Ord. 11-2007 §1)

Sec. 16-3-50. Design elements.

One (1) of the greatest challenges facing small towns is the successful integration of new development with the original Town pattern. Suburban development patterns which have included numerous cul-de-sacs and limited street connections have often separated communities and created enclaves of the original towns. In order to maintain the Town's unique, small-town character and clearly describe the Town's vision, the following design elements are set forth:

(1) Compact urban growth. As the community grows from the original Town limits, it is important to maintain a continuity of density, diversity and interconnectedness. Urban development should occur adjacent to the Town's core so that the community's prime agricultural land and natural areas are preserved and public infrastructure and utilities are used as efficiently as possible.

(2) Neighborhood design. New developments should help create neighborhoods, rather than residential subdivisions adjacent to one another. Neighborhoods should be

organized around a strong center, which may include elements such as common open space, civic and commercial or mixed uses. Strong consideration should be given to pedestrian movement, the character of streets and sidewalks as inviting public space and the interconnectedness of the streets within the neighborhood and as they connect to the rest of the community. In addition, new neighborhoods should have a variety of housing sizes and types that help to create a distinct identity rather than a monotonous replication of styles.

(3) Lots and blocks, streets and sidewalks. The layout of lots and blocks should be designed to continue the Town's existing block pattern to form a grid or modified grid pattern that is adapted to the topography, natural features and environmental considerations. The streets should be interconnected in order to create a comprehensive transportation network that facilitates the movement of pedestrians, cars and bicycles.

(4) Parks and open space. New developments shall use natural open spaces and developed public space (such as parks and plazas) to organize and focus lots, blocks and circulation patterns, protect natural areas and quality agricultural land and to create an identity for each neighborhood.

(5) Site design, architecture and landscaping. One (1) of the fundamental intentions of this Chapter is to encourage innovative, quality site design, architecture and landscaping in order to create new places that can be integrated with the existing community and reflect the traditional patterns of the region.

(6) Environment. New developments should be designed to fit within the environment. To the greatest extent feasible, sites should be designed to preserve natural areas and the plants and wildlife inhabiting those areas. In addition, new developments are encouraged to conserve natural resources, especially water.

(7) Water conservation. As the Town and the State grow, increasing pressure will be placed on the limited supply of water resources. Town residents have emphasized the importance of preserving the quality and quantity of water. All new development is encouraged to use raw water for irrigation and to incorporate water-saving measures in building design and landscaping. Developments are required to use stormwater management techniques that address water quality as well as quantity. (Ord. 11-2007 §1)

Sec. 16-3-60. Compact urban growth.

The Comprehensive Master Plan includes a compact urban growth policy that encourages and directs development to take place within areas contiguous to existing development in the community. This policy will accomplish several goals, including:

(1) Improving air quality by reducing vehicle miles traveled and by promoting alternatives to the private automobile;

(2) Preserving natural areas and features, particularly in the periphery of the Town;

(3) Making possible the efficient use of existing infrastructure and cost effective extensions of new services;

(4) Encouraging in-fill development and reinvestment in built-up areas of the Town; and

(5) Promoting physical separation from neighboring communities to help each maintain its individual identity and character. (Ord. 11-2007 §1)

Sec. 16-3-70. Growth boundary.

The Town has established a Growth Management Boundary and a Planned Growth Boundary as part of the Comprehensive Master Plan. The purpose is to direct growth within the established growth boundaries. No development shall be approved unless it is located within the established planning boundaries and is consistent with the Comprehensive Master Plan. (Ord. 11-2007 §1)

Sec. 16-3-80. Neighborhood design principles.

To encourage the creation of viable neighborhoods that interconnect with each other and integrate new projects into the existing community, thereby strengthening the original Town, the neighborhood layout should consider the street, lot and block pattern of the original Town, as well as solar orientation, topography, sensitive wildlife and vegetation, drainage patterns and environmental and regional climate issues. Further, the edges of neighborhoods should be formed by features shared with adjacent neighborhoods, such as major streets, changes in street pattern greenways or natural features such as streams and major drainage or riparian corridors. New streets, bikeways, sidewalks, paths and trails should connect to existing adjacent neighborhoods. (Ord. 11-2007 §1)

Sec. 16-3-90. Neighborhood structure.

The following is a summary of essential elements to consider integrating into new neighborhoods:

(1) Street, sidewalk and trail connections within new neighborhoods that connect to adjacent existing neighborhoods and strengthen the connection to the existing town.

(2) Streets that encourage pedestrian activity by creating an inviting atmosphere through attention to the details of landscaping and tree locations, sidewalks, lighting and the building architecture, etc.

(3) A mixed-use neighborhood center located for easy access.

(4) A variety of housing types, sizes, densities and price ranges that are well integrated.

(5) A variety of land uses that are well integrated and a transition of intensity. Non-residential uses, larger buildings and attached multi-family housing should be encouraged to be located near commercial centers with a transition to smaller buildings closer to low density neighborhoods.

(6) Pedestrian and bike connections throughout residential neighborhoods and linked to neighborhood commercial or civic centers and open space systems.

(7) Parks, open space, public plaza and greens that are well integrated into the neighborhood.

(8) Street trees (subject to water conservation considerations).

(9) Architectural, landscaping and site design elements of new developments as outlined in this Article. (Ord. 11-2007 §1)

Sec. 16-3-100. Neighborhood; general provisions.

The following principles are contained in the original "Old Town" of the Town. The Comprehensive Plan identifies them as contributing to the Town's small-town character. Although the size of individual development proposals will vary, projects will be evaluated with consideration to these neighborhood design principles and the context within which a project is located. Failure to incorporate these design principles into a project may be cause for denial of the project by the Board of Trustees.

(1) Each neighborhood has a center and an edge. It is important that every neighborhood have activity centers that draw people together. Use natural and man-made features, such as a drainage ways, major roadways and ditches to define neighborhood edges. Buildings or other features located at gateways entering a neighborhood shall mark the transition into and out of the neighborhood in a distinct fashion using massing, additional height, contrasting materials and/or architectural embellishments to obtain this effect.

(2) Mix of types of dwelling units. A mix of dwelling unit types shall be distributed throughout the development.

(3) Focal points. Focal points, or points of visual termination, shall generally be occupied by more prominent, monumental buildings and structures that employ enhanced height, massing, distinctive architectural treatments or other distinguishing features, as well as landscape features.

(4) Public space as development framework. Public space is used to organize blocks and circulation patterns and to enhance surrounding development. Public open space must be functional and easily accessible and shall be designed to organize the placement of buildings to create an identity for each neighborhood. Buildings should face public open space to allow for casual surveillance.

(5) Design streets as public spaces.

a. Buildings shall define streets through the use of relatively uniform setbacks along each block. Subject to water use considerations, the streetscape shall also be reinforced by lines of shade trees planted in the right-of-way landscape strip and may be further reinforced by walls, hedges, landscaping or fences which define front yards.

b. On a lot with multiple buildings, those located on the interior of the site shall relate to one another both functionally and visually. A building complex may be organized around features such as courtyards, greens or quadrangles which encourage pedestrian activity and incidental social interaction. Smaller, individualized groupings of buildings are encouraged. Buildings shall be located to allow for adequate fire and emergency access.

(6) Order rather than repetition. The orderly arrangement of design elements can unify a space even when the elements are not the same. The location of sidewalks relative to streets, building setbacks and orientation and the placement of trees (subject to water use considerations) can all help create an overall impression of unity even though each home or building has a distinct character.

(7) Use human proportion. Buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale. (In a small town, this means generally one-, two- and three-story buildings.)

(8) Define the transition between the public and private realm. Buildings shall be located to front towards and relate to public streets or parks, both functionally and visually, to the greatest extent possible. Whenever possible, buildings shall not be oriented to front towards a parking lot.

(9) Encourage walking and bicycling. Sites shall be designed to minimize conflicts between vehicles, bicycles and pedestrians. Pedestrian and bicycle access and connections shall be designed to enhance transportation on foot and by bicycle.

(10) Neighborhoods shall have a mix of activities available rather than a purely residential land use. Neighborhood residents shall have convenient access to parks, schools, open space, trails and services. The optimum size of a neighborhood is one-quarter (1/4) mile from center to edge.

(11) Fit within the environment rather than on top of it. New developments shall be designed to respond to the natural environment, fit into the setting and protect scenic view corridors. Key design considerations shall include a site layout that responds to natural features both on- and off-site, the size of structures and materials used in the development and the transition between the development and the surrounding landscape.

(12) Housing types and styles that reflect the architecture of the region. Familiar architectural styles shall play an important role in developing an architectural identity for neighborhood dwellings. (Ord. 11-2007 §1)

Sec. 16-3-110. Lots and blocks.

The intent of the block and lot standards is to continue the Town's existing block pattern in a manner that is compatible with site-specific environmental conditions. (Ord. 11-2007 §1)

Sec. 16-3-120. Lots and blocks; general provisions.

Streets shall be designed in accordance with this Chapter and the Town's Design Standards to create blocks that consider interconnectedness, topography, solar orientation, views and other design features. The length of blocks in "Old Town" is typically four hundred (400) feet. Thus, to the greatest extent possible, blocks shall be designed to have a length of between three hundred (300) feet and seven hundred (700) feet (nonresidential streets). The lengths, widths and shapes of blocks shall be determined with due regard to the following:

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

(2) Need for convenient access, control and safety of vehicular and pedestrian traffic circulation.

(3) Limitations and opportunities of topography.

(4) Lot dimension and configuration. Lot size, width, depth, shape and orientation and minimum building setback lines shall conform to Articles 5 and 6 of this Chapter and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view.

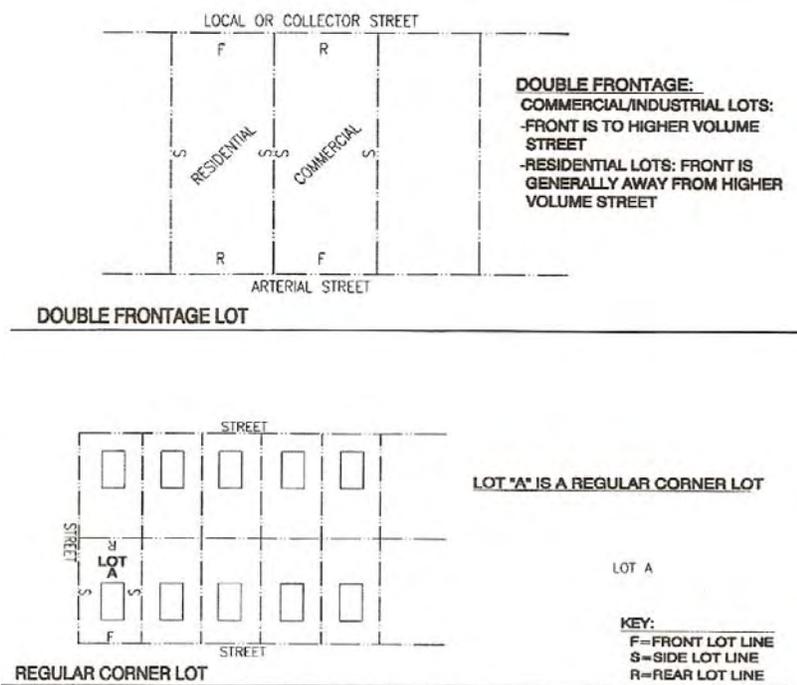
(5) Depth and width of properties shall be adequate to provide for off-street parking, landscaping and loading areas required by the type of use and development contemplated.

(6) Lot frontage. All lots shall have frontage that is either adjacent to or directly accessible to a street. Flag lots are prohibited unless otherwise approved by the Board of Trustees.

(7) Corner lots. Corner lots for residential use shall have extra width to accommodate side elevation enhancements, such as porches and bay windows, the required building setback and utility easements on both street frontages. For a corner lot, the front of the lot is defined as the side having the shortest street frontage. In the case of

a reverse corner lot, both sides abutting a street shall maintain a front yard setback.

(8) Double frontage. Double frontage lots for residential uses shall not be permitted except where essential to provide separation of residential properties from arterial streets or commercial uses, or to overcome specific disadvantage of topography and orientation. A planting screen easement of at least ten (10) feet in width, across which there shall be no vehicular right of access, may be required along the property line of lots abutting an arterial street or other high traffic or conflicting use.



(9) Residential lots adjacent to arterial streets. When residential lots are adjacent to, and the houses do not face, an arterial street (i.e., rear yards abut the street), they shall be a minimum of one hundred fifty (150) feet

deep and direct access to the street shall be prohibited. The setback to the house shall be a minimum of seventy-five (75) feet. When houses face the arterial street or are side loaded relative to the street, the front or side

setback to the house, respectively, shall be a minimum of fifty (50) feet. Additional buffering techniques must also be applied.

(10) Residential lot access to adjacent street.

a. Driveway access to a local or collector street from a single-family detached residential lot shall be limited to one (1) driveway curb-cut or driveway access of no greater than twenty (20) feet in width. A circular drive in which each access to the local or collector street is less than ten (10) feet in width, separated by at least thirty (30) feet, and which is constructed as an integral part of the overall architectural design of the single-family residence, may be considered as a single driveway access.

b. Driveway access to a local street from a single-family detached residential lot shall be greater than fifty (50) feet from the intersection of the local street and a collector street or one hundred twenty-five (125) feet from the intersection of the local street and an arterial street as measured from the intersecting right-of-way lines.

c. Driveway access to a collector street from a single-family detached residential lot shall be greater than one hundred twenty-five (125) feet from the intersection of the collector street and a local street, another collector street or an arterial street as measured from the intersecting right-of-way lines.

(11) Multi-family residential, commercial, business and industrial lot access to adjacent street.

a. Driveway access to a local or collector street from a multi-family residential, commercial, business or industrial lot shall be greater than one hundred twenty-five (125) feet from any street intersection as measured from the intersecting right-of-way lines;

b. Driveway access to an arterial street from a commercial, business or industrial lot shall be not less than two hundred fifty (250) feet from any intersection on the arterial street, or from another commercial, business or industrial lot's access as measured from the intersecting right-of-way lines or driveways; or

c. At the sole option of the Town, driveway access to a local street, collector street or arterial street from a multi-family residential, commercial, business or industrial lot shall be as determined by a traffic study approved by the Town. (Ord. 11-2007 §1)

Sec. 16-3-130. Streets.

The intent of the design standards is to establish a safe, efficient, attractive transportation system that promotes all modes of transportation and is sensitive to the environment. (Ord. 11-2007 §1)

Sec. 16-3-140. Streets; general provisions.

The local street system of any proposed development shall be designed to be safe, efficient, convenient and attractive and consider

the use by all modes of transportation that will use the system. streets should be an inviting public space and an integral part of community design. Local streets shall provide for both intra- and inter-neighborhood connections to knit developments together, rather than forming barriers between them. All streets should interconnect to help create a comprehensive network of public areas to allow free movement of cars, bicycles and pedestrians.

(1) Street layout. All streets shall be aligned to join with planned or existing streets consistent with the approved Street Master Plan included in the Comprehensive Master Plan. The street layout shall form an interconnected system of streets primarily in a grid or modified pattern adapted to the topography, unique natural features, environmental constraints and peripheral open space areas. The street layout shall emphasize the location of neighborhood focus points, other internal open space areas, gateways and vistas. The use of cul-de-sacs and other roadways with a single point of access shall be minimized. The integration of traffic-calming features within and adjacent to residential areas shall be utilized when appropriate.

(2) Controlling street access. A strip of land between a dedicated street and adjacent property shall not be reserved for the purpose of controlling access to such street from such property.

(3) Visibility at intersections. No shrubs, ground cover, berms, fences, structures or other materials or items greater than thirty (30) inches in height shall be planted, created or maintained at street intersections within the site distance triangle. The site distance triangle is described by starting at the point where the flow-line of the two (2) intersecting streets meet. Two (2) of the legs follow down the flow-line of the

respective streets thirty (30) feet to a point, with the final leg between these two (2) endpoints. Trees shall not be planted in the site distance triangle.

(4) Pedestrian crossings at street intersections and mid-block. Pedestrian crossings shall be accessible to handicapped individuals and mid-block crossings may be required at the direction of the Board of Trustees.

(5) Street and path alignment. Street, path and sidewalk alignment shall provide for the safety of pedestrians, bicyclists and motorists. The street pattern shall be the most advantageous to serve the adjoining areas. When possible, proposed streets shall be continuous and in alignment with existing and proposed streets.

(6) Access. Access to all subdivisions shall be from a public street. Driveways shall not be permitted to have direct access to arterial streets.

(7) Street right-of-way dedication. The full width of rights-of-way for all streets being platted must be dedicated to the Town. All streets within the Town shall afford public access for emergency services and utilities. In cases where streets form the perimeter of any development have a portion of the proposed right-of-way on an adjacent property, the following standards will apply:

a. The developer shall:

1. Purchase the other one-half (½) of the proposed right-of-way property for the Town at the appraised fair market value and then dedicate the right-of-way to the Town;

2. If the landowner of the proposed right-of-way property is unwilling to

sell the proposed right-of-way property to the developer for its appraised fair market value, pay for the cost of an appraisal for the proposed right-of-way property and legal fees for the Town Attorney to condemn such property in the future; or

3. Provide for a traffic study establishing that construction of such right-of-way will not be necessary before the likely development of such adjacent property.

b. The developer shall finalize an agreement with the Town which guarantees the construction of the street to Town standards.

(8) Street standards. Rights-of-way shall be dedicated and streets shall be designed and constructed to accommodate present and future traffic volumes in accordance with all standards.

(9) Street names. Names of new streets comply with the IGA with Larimer County and the Municipalities of Larimer County concerning standardization of street names. New streets which are extensions of, or which are in alignment with, existing streets shall bear the names of such streets. (Ord. 11-2007 §1)

Sec. 16-3-150. Parking.

The intent of the parking standards is to provide adequate parking for motor vehicles while minimizing the visual impact of parking lots and structures. (Ord. 11-2007 §1)

Sec. 16-3-160. Parking; general provisions.

(a) Adequate parking. In all zoning districts, off-street parking facilities for the storage of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended shall be provided and maintained as prescribed.

(b) Surface. All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or similar impervious materials.

(c) Integrate parking lots with surroundings. Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian routes or negatively impact surrounding neighborhoods. The pedestrian character of streets and buildings shall be maximized through continuity of buildings and landscape frontage.

(d) Landscaping. Parking lots shall be landscaped, screened and buffered.

(e) Share access. Where feasible, parking lots shall share access drives with adjacent property with similar land uses.

(f) Off-street parking design. Any off-street parking area, with the exception of driveways accessing a garage of a single-family residential unit, shall be designed so that vehicles may exit without backing onto a public street. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way or sidewalks, or strike against or damage any wall, vegetation, utility or other structure.

(g) Circulation area design. Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.

(h) Lighting. All parking area lighting shall be full cutoff type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to reflect the light away from nearby residential properties and away from the vision of passing motorists. Lighting intensities shall conform to the Town's lighting standards.

(i) Shared off-street parking. When there are opportunities to support parking demand through shared off-street parking for compatible uses (such as a movie theater and an office building), a parking study and shared parking agreements shall be used to demonstrate the

adequacy of the parking supply as a substitute for standard parking requirements.

(j) Cleveland Avenue parking. For all new commercial uses located on Cleveland Avenue bounded by Sixth Street on the east, the alley between Cleveland and Harrison Avenues on the north or a projection of said easements east and west of those points, First Street on the west, and the alley between Cleveland and McKinley Avenues on the south or a projection of said easement east and west of those points, parking shall be required from the east property line to the west property line along the rear setback. The rear setback shall be a minimum of twenty-five (25) feet. (Ord. 11-2007 §1)

Sec. 16-3-170. Paved off-street parking requirements.

Paved off-street parking shall be provided according to the minimum requirements as specified below:

<i>Use</i>	<i>Required Parking (must be outside rights-of-way)</i>
1. <i>Single-family detached</i>	<i>2 spaces per unit</i>
2. <i>Townhouse and duplex</i>	<i>1 space per bedroom, up to 2 per unit</i>
3. <i>Multi-family dwellings</i>	<i>1 space per bedroom, up to 2 per unit</i>
4. <i>Accessory dwellings</i>	<i>1 space per bedroom, up to 2 per unit</i>
5. <i>Hotels/motels</i>	<i>1 space per guest room plus 1 space per 500 square feet of common area*</i>
6. <i>Office/business uses</i>	<i>1 space for every 300 square feet of gross floor area*</i>
7. <i>Restaurant</i>	<i>1 space for every 100 square feet of gross floor area *</i>
8. <i>Retail</i>	<i>1 space for every 200 square feet of gross floor area*</i>
9. <i>Health club</i>	<i>1 space for every 100 square feet of gross floor area*</i>
10. <i>Schools</i>	<i>1 space per 3.5 seats in assembly rooms plus 1 per faculty member</i>
11. <i>Warehouse</i>	<i>1 space for every 100 square feet of gross floor area*</i>
12. <i>Institutional/Churches</i>	<i>1 space for every 6 seats</i>
13. <i>Industry</i>	<i>1 space each for the maximum number of employees present at any one time</i>

* Off-street parking for commercial uses shall be sufficient to provide parking for employees of all proposed uses, as well as long-term customer parking. Spaces reserved for employees shall be designated as such by means of striping and signage.

(Ord. 11-2007 §1)

Sec. 16-3-180. Location of spaces.

(a) Off-street parking facilities for residential uses shall be provided and located on the same lot as the building they are intended to serve. Except within a garage or in conjunction with an approved affordable housing project, tandem parking is not allowed to meet required off-street parking requirements.

(b) The location of required off-street parking facilities for other than residential uses shall be within seven hundred (700) feet of the building they are intended to serve when measured from the nearest point of the building or structure. (Ord. 11-2007 §1)

Sec. 16-3-190. Handicap parking spaces.

(a) Handicap parking spaces shall be required for all office, business, industrial, institutional and multi-family uses.(b)

Handicap parking spaces shall be designated as being for the handicapped with painted symbols and standard identification signs.

(c) Handicap parking spaces shall be located as close as possible to the nearest accessible building entrance.

(d) Number of handicap parking spaces:

<i>Total parking spaces in lot</i>	<i>Minimum required number of handicap parking spaces</i>
1–25	1
26–50	2
51–75	3
76–100	4
101–150	5
151–200	6
201–300	7
301–400	8
401–500	9
501–1,000	2% of total
1,000 and over	20 plus 1 for every 100 over 1,000

For every eight (8) handicap parking spaces, there must be at least one (1) van-accessible space. If there are less than eight (8) handicap parking spaces, one (1) space must be van-accessible. (Ord. 11-2007 §1)

Sec. 16-3-200. Handicap parking space dimensions.

(a) Handicap parking spaces must be eight (8) feet by eighteen (18) feet with a five-foot-wide access aisle.

(b) Van-accessible handicap parking spaces must be eight (8) feet by eighteen (18) feet with an eight-foot-wide access aisle.

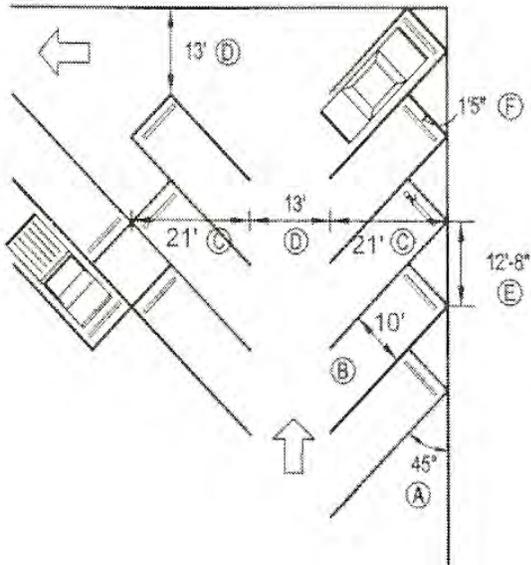
(c) Handicap parking spaces that are parallel to a pedestrian walk which is handicap accessible may have the same dimensions as those for standard vehicles. (Ord. 11-2007 §1)

Sec. 16-3-210. Parking stall dimensions.

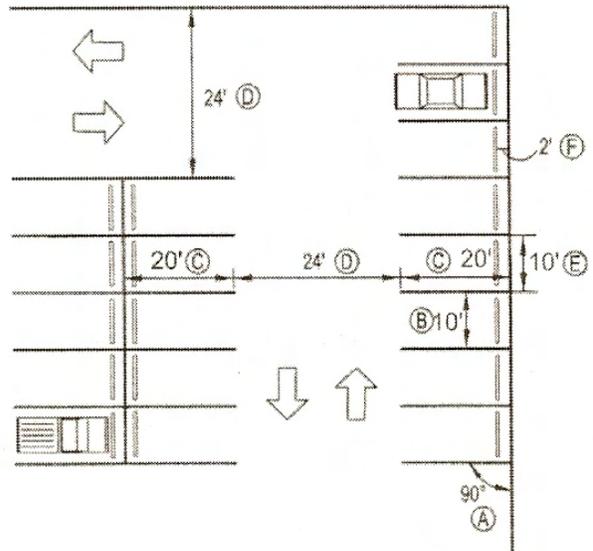
Parking stalls for automobiles shall meet the following standards. All dimensions represent the minimum requirement for any required parking space.

<i>Parking Stall Dimensions</i>					
<i>Parking angle (A)</i>	<i>Stall width (B)</i>	<i>Stall to curb (C)</i>	<i>Aisle width (D)</i>	<i>Curb length (E)</i>	<i>Overhang (F)</i>
45°	10 ft.	21 ft.	13 ft.	14'4"	1'5"
60°	10 ft.	21 ft.	13 ft.	11'6"	1'8"
90°	10 ft.	20 ft.	24 ft.	10 ft.	2 ft.
0° (parallel)	9 ft.	9 ft.	20 ft.	24 ft.	0 ft.

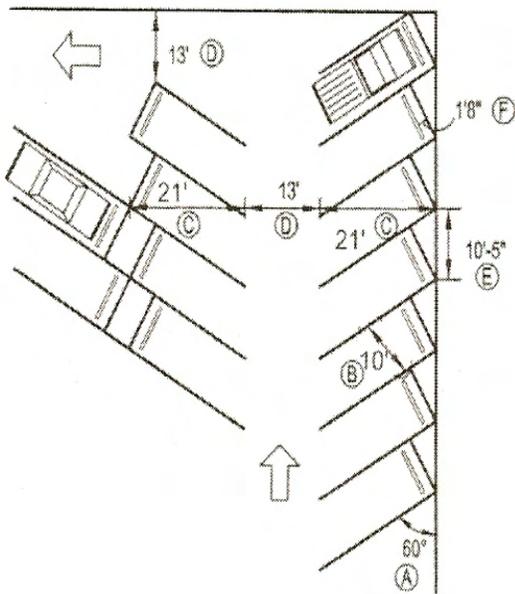
45° PARKING ANGLE



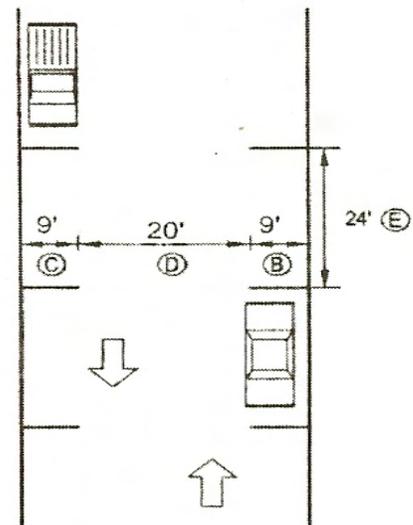
90° PARKING ANGLE



60° PARKING ANGLE



0°/PARALLEL PARKING ANGLE



RESIDENTIAL LOCAL STREET

(Ord. 11-2007 §1)

Sec. 16-3-220. Bicycle parking spaces.

Commercial, industrial, civic, employment, multi-family and recreational uses shall provide bicycle facilities as follows:

- (1) A minimum number of bicycle parking spaces shall be provided, equal in number to two percent (2%) of the total number of automobile parking spaces provided by the development, but not less than one (1) space.
- (2) For convenience and security, bicycle parking facilities shall be located near building entrances.
- (3) Within the Downtown Zone, however, a grouping of spaces may be utilized as directed by the Town. (Ord. 11-2007 §1)

Sec. 16-3-230. Parking restrictions for excess-weight vehicles and recreational vehicles.

(a) No owner or operator of any excess-weight vehicle or semi-vehicle, other than emergency vehicles, shall operate or park the vehicle on any public right-of-way or roadway, excepting garbage trucks and trucks when making local deliveries or performing work on property or in areas served by such right of way, nor shall excess-weight vehicles, boats, boat trailers, tractors, trailers, semi-trailers, motor homes, buses or detached/ dismantled campers be parked or kept on private property for longer than seventy-two (72) hours, except as herein provided. (Ord. 13-2008 §1; Ord. 2-2009 §1).

(b) No boat, boat trailer, tractor, trailer, semi-trailer, motor home, bus or detached/ dismantled camper shall be kept or parked upon any public right-of-way or roadway, except for visitation purposes not exceeding twenty-four (24) hours.

(c) All excess-weight vehicles, boats, boat trailers, motor homes, buses or detached/ dismantled campers kept or stored on private

residential property for longer than seventy-two (72) hours shall be kept or stored in the rear yard screened from view, or within an enclosed building. No such vehicle shall be used for storage or as a business or residential premises.

(d) No mobile home may be located permanently or temporarily in any residential area unless said area is zoned for the same. (Ord. 11-2007 §1)

(e) Notwithstanding the forgoing provisions of this section, parking of excess weight vehicles in Public areas, including streets shall be allowed in the following areas where reinforced streets or pads have been constructed:

(1) the west side of First Street starting north from Kennedy Avenue for two hundred (200) feet.

(2) on Cleveland Avenue in the following locations:

a. The south side of Cleveland Avenue between Sixth Street and Fifth Street.

b. The north side of Cleveland Avenue from Sixth Street to the access point of Lot 2B.

c. The south side of Cleveland from Fifth Street to one hundred sixty (160) feet west of Fifth Street. (Ord. 13-2008 §1).

Sec. 16-3-240. Sidewalks, pathways and trails.

The intent of the standards for sidewalks, pathways and trails is to assure a safe, convenient and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles and pedestrians. (Ord. 11-2007 §1)

Sec. 16-3-250. Pathways; general provisions.

(a) Interconnected network. A sidewalk network that interconnects all dwelling units with other dwelling units, nonresidential uses and common open space shall be provided throughout each development. Sidewalks shall be separate and distinct from motor vehicle circulation to the greatest extent possible. The pedestrian circulation system shall include gathering or sitting areas and provide benches, landscaping and other street furniture where appropriate.

(b) Sidewalks required. In all zoning districts, except for the R-1, LI and I Districts, sidewalks are required along both sides of a street. Within the R-1 District, pedestrian movement may be accomplished with trails through common space if approved by the Board of Trustees. Requirements for sidewalks in the LI and I Districts shall be determined based on reasonably anticipated pedestrian needs and uses on a case-by-case basis.

(c) Sidewalk width. Sidewalk widths shall comply with the design standards for the category of streets. Sidewalks adjacent to storefronts in commercial areas shall be a minimum of ten (10) feet in width, or consistent with the average sidewalk width on a block if building in an area with existing sidewalks.

(d) Sidewalk location. Sidewalks shall be located within the right-of-way unless otherwise authorized by the Board of Trustees.

(e) Accessibility. Sidewalks and plazas shall be accessible to handicapped individuals as required by the Americans with Disabilities Act (ADA) and related requirements.

(f) Lighting. All sidewalks and other pedestrian walkways shall have appropriate lighting, using poles and fixtures consistent with the overall design theme for the development.

(g) Pathways. Pathways shall be provided to link internal open space areas with peripheral open space areas and shall connect to pathway routes throughout the Town. Pathway routes shall be designated between residential areas and commercial and employment centers and schools. Pathways on local streets may be delineated by painted "bicycle only" lanes. All other pathways shall be constructed in accordance with standards established in the Town Parks and Trails Master Plan.

(h) Trails. Trails shall be provided within and surrounding open space areas and connecting open space areas. Trails shall be a minimum of eight (8) feet in width and shall be constructed of an impervious service concrete; however, for specific uses and circumstances, the Board of Trustees may approve construction of other impervious surfaces. Unless the Board of Trustees determines the area would not be used, trails shall be flanked on one (1) side by a soft

surface path a minimum of four (4) feet in width. The soft surface path shall be constructed with a minimum depth of eight (8) inches of compressed gravel, crowned and compacted with edging to contain the surface material. (Ord. 11-2007 §1)

Sec. 16-3-260. Easement and utility standards.

(a) Utility easement width. Utility easement widths and locations shall comply with the requirements of the design standards. Location and adequacy of utility easements shall be subject to the approval and acceptance of the Town or applicable utility companies.

(b) Multiple installations within easements. Easements shall be designed so as to provide efficient installation of utilities. Public utility installations shall be located as to permit multiple installations within the easements. The developer will establish final utility grades prior to utility installations.

(c) Underground utilities. Telephone lines, electric lines, cable television lines and other like utility services shall be placed underground. The subdivider shall be responsible for complying with the requirements of this Section and shall make the necessary arrangements, including any construction or installation charges, with each utility provider for the installation of such facilities. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed underground or on the surface but not on utility poles. Screening or fencing is required to the satisfaction of the Board of Trustees. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 kV.

Such facilities shall be placed within easements or public streets, as therein provided, or upon private easements or rights-of-way provided for particular facilities.

(d) Street lighting. Street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirement shall be two hundred fifty (250) watt sodium vapor lamps at a maximum spacing of four hundred (400) feet for local streets. Arterial streets and commercial areas shall have a higher level of lighting as determined by the Board of Trustees.

(e) Northern Colorado Water Association. The Town and the Northern Colorado Water Association (NCWA) entered into a 1994 settlement agreement related to litigation filed by NCWA (the NCWA Agreement). By the NCWA Agreement, the Town is restricted from providing domestic water service to areas of the Town without NCWA's consent. All water service by the Town staff within the areas to be jointly served or served by NCWA shall only be provided with the consent of NCWA and after existing and any new easements of NCWA have been approved by NCWA. (Ord. 11-2007 §1)

Sec. 16-3-270. Parks and open space.

To ensure that a comprehensive, integrated network of parks and open space is developed and preserved as the community grows, the Town shall maintain a Park Plan affording varying types of public and private park settings for Town residents' uses. (Ord. 11-2007 §1)

Sec. 16-3-280. Types of parks and open space.

(a) Plazas. A plaza is typically located in a commercial or industrial area to serve as a gathering place. A plaza is usually bordered by civic or private buildings. Plazas may range from

very active places with adjacent complimentary uses, such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and amenities, such as fountains or public art. Developers are responsible for developing and providing the appropriate amenities for each plaza.

(b) Pocket parks. Pocket parks provide places within walking distance of residential units for supervised play for young children and unstructured activities for neighborhood residents. Developers must provide the land and develop a one-acre pocket park for every two hundred (200) residential units. At a minimum, a pocket park shall include sodded areas or other live grass ground cover approved by the Board of Trustees, trees and irrigation plus one (1) of the following: playground equipment, contemplative garden areas or other active or passive recreation opportunities for the neighborhood.

(1) Projects with less than two hundred (200) dwelling units must provide a pocket park or demonstrate that they are within one-quarter (¼) mile of a neighborhood park. If credit is taken for proximity to a neighborhood park, the developer must provide a cash-in-lieu equivalent for a development's pro rata share of the cost of land and improvements for a pocket park (i.e., provide twenty-five percent [25%] of a pocket park for fifty [50] units).

(2) The land and amenities of a pocket park may be added to a centrally located neighborhood park. The pocket park amenities placed in a neighborhood park must be within one-quarter (¼) mile of the sub-neighborhood's two hundred (200) residences served. For example, a neighborhood park serving a neighborhood of four hundred (400) residences shall have two (2) pocket park amenity pods, located to conveniently serve each of the sub-neighborhoods.

(c) Neighborhood parks. Neighborhood parks are places for recreation and social gatherings that are within walking distance of most residents. These parks can include multiple-use lawn areas, picnic areas, playground equipment, court game facilities and community gardens. At the direction of the Board of Trustees, residential development shall either provide land for a neighborhood park or pay park land dedication fees for the park that will serve the neighborhood. This can be credited toward the twenty-percent land dedication required at the time of subdivision. The Town will be responsible for the development and maintenance of the park.

(d) Community parks. Community parks serve the residents of several neighborhoods. Community parks are to be located on or near arterial streets at the edge of residential areas or in nonresidential areas to minimize the impact of organized recreational activities, such as lighted ball fields. These parks will generally be purchased and developed by the Town.

(e) Trails. The trail system shall link neighborhoods, parks, schools, open spaces, employment centers, community facilities and neighboring communities and thus provide important transportation connections as well as recreational opportunities and access. Developers must provide trails in all areas designated "Parks and Trails" on the Comprehensive Public Facilities Map or the Park Plan, as well as connections to the Town's trail system and destinations within the neighborhood.

(f) Storm drainage facilities. Storm drainage facilities, including stormwater detention and stormwater retention ponds, may function as park areas or as open space for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately. Credit toward

the open space dedication requirements will be considered on a case-by-case basis by the Board of Trustees at the time of platting.

(g) Maintenance by others. The Board of Trustees may require that pocket parks, trails and open spaces be dedicated to the Town but maintained by the owners or a property owners' association. (Ord. 11-2007 §1)

Sec. 16-3-290. Parks and open space; general provisions.

(a) Open space should serve as the neighborhood focus. Open space, such as the Town drainage ways and developed parks and plazas, shall be used to organize and focus lot, block and circulation patterns and to enhance surrounding development. Street, block, lot and building patterns shall respond to the views, landscape and recreational opportunities provided by the open space.

(b) Public access. Areas designated as public open space shall be both visibly and physically accessible to the community. Public access shall be provided to all public open space, natural and developed, directly from the public street and trail system. Open space areas shall be bounded along at least fifty percent (50%) of the perimeter by a street, except for pocket parks and plazas, unless otherwise authorized by the Board of Trustees. Pocket parks and plazas shall be integrated into the neighborhood design and be accessible to pedestrians and bicyclists.

(c) Buildings shall front public open space. Development adjacent to open spaces shall front onto the area as much as possible, so that the areas are not enclosed by back yards. Open space and trail areas shall have a minimum of three hundred (300) feet of street frontage unless otherwise authorized by the Board of Trustees.

(d) Open space uses. Uses designated within the open space shall be appropriate to the context and character of the site and the intensity of the proposed development.

(e) Ownership and maintenance of open space. Ownership and maintenance of public open space shall be determined by the Town on a case-by-case basis through the review process.

(1) Unless approved by the Board of Trustees, all parks, trails and open spaces shall be dedicated to or otherwise owned by the Town.

(2) Pocket parks, landscaped outlots and private recreational facilities may, with the Board of Trustee's approval, be owned and maintained by a homeowners' association or the landowner.

(3) Environmentally sensitive, archeological and historic resources may be dedicated to the Town and maintained by the Town if approved by the Board of Trustees.

(4) Stormwater detention and retention areas that function as open space shall be owned and maintained by a homeowners' association or the landowner, unless otherwise approved by the Board of Trustees.

(5) Areas designated as open space shall be maintained according to the designated function of the area. If the area is to remain in private ownership, a mechanism which will assure maintenance will be funded in perpetuity must be in place at the time of final plat.

(f) Open space protection. Areas designated as open space shall be dedicated or conveyed to the Town or, at a minimum, shall be protected by a deed restriction, conservation easement or other appropriate method to ensure that they cannot be subdivided or developed in the future and that such areas shall remain as

open space in perpetuity. Uses of open space may include recreational or agricultural activities if approved by the Board of Trustees. (Ord. 11-2007 §1)

Sec. 16-3-300. Open space requirements.

(a) Open space includes:

(1) Areas within the community designated for the common use of the residents of an individual development or the community at large;

(2) Areas designated for preservation and protection of environmental resources, including floodplains, natural drainage ways and wetland areas;

(3) Areas designated for agricultural preservation; and

(4) Areas of archeological and historic significance.

(b) Non-open space. Open space shall not include the following:

(1) Required setback areas around oil and gas production facilities;

(2) Disconnected remnants of land created by division of sites into lots or parcels that do not qualify as functional open space, unless approved by the Board of Trustees;

(3) Private yards;

(4) Tree areas within a street right-of-way; or

(5) Required parking lot landscaping associated with all uses, except parking specifically designated for access to open space areas and within commercial or industrial projects.

(c) Amount of open space required. The amount of functional open space required in each development will be based on the density of the development, the recreational requirements of the anticipated users and the anticipated opportunities for public recreation within walking distance of the site (one-quarter [$\frac{1}{4}$] mile). All development within the Town shall meet the following open space requirements:

(1) Single-family residential developments. Open space for single-family residential development shall include, at a minimum:

a. Twenty percent (20%) of the gross land being subdivided as functional open space, which may include pocket parks, plazas, trails, recreational amenities, homeowner association owned landscaped areas (excluding parking lots), natural areas and amenities for residents or other civic purposes;

b. One (1) centrally located pocket park for every two hundred (200) residential units;

c. The land for one (1) neighborhood park within one-quarter ($\frac{1}{4}$) mile radius of the proposed homes or a fair-share, cash-in-lieu contribution for the cost of the neighborhood park that will serve the development; and

d. An internal trail, taking into account trails designated in the Comprehensive Plan and the Park Plan.

(2) Multi-family residential developments. Multi-family residential development shall include, at a minimum:

a. Twenty-five percent (25%) of the gross land being subdivided as functional open space, which may include pocket parks, plazas, trails, recreational amenities, homeowner association or landowner owned landscaped areas (excluding parking lots), natural areas and amenities for residents or other civic purposes;

b. One (1) centrally located pocket park for every two hundred (200) residential units;

c. The land for one (1) neighborhood park within one-quarter ($\frac{1}{4}$) mile radius of the proposed homes or a fair-share, cash-in-lieu contribution for the neighborhood park that will serve the development; and

d. An internal trail system, taking into account trails designated in the Comprehensive Plan and the Park Plan.

(3) Commercial and industrial developments. Commercial and industrial development shall include, at a minimum:

a. Twelve percent (12%) of the gross land being subdivided as functional open space, which may include plazas, trails, landscaped areas (including parking lots), recreational amenities and natural areas and other civic purposes; and

b. An internal trail system, taking into account trails designated in the Comprehensive Plan and the Park Plan.

(d) Open space and plans. All land development applications, with the exception of plot plan applications for individual single-family residences, shall be accompanied by the appropriate open space plan. The open space plan shall be included with the landscape plans or submitted as a separate map based on direction from the Town Administrator/Clerk. (Ord. 11-2007 §1)

Sec. 16-3-310. Fee in lieu of dedication.

As determined by the Board of Trustees, a developer of property may, with the consent of the Board of Trustees, pay fee-in-lieu impact fees in those cases where dedication of land is not feasible or not the preferred alternative. Such payment shall be based on the fair market value of the developed property that otherwise would have been required to be dedicated as open space, to be determined after completion of the platting process. Such payment shall be held by the Board of Trustees for the acquisition of open space sites and land areas by the Town. At the option of the Board of Trustees, a developer may meet open space dedication requirements through a combination of payment of fee-in-lieu impact fees and land dedication. (Ord. 11-2007 §1)

Sec. 16-3-320. Fair contribution for public school sites.

All development shall dedicate or convey land for public school purposes to the Poudre School District, or make payment in lieu of land dedication or conveyance in accordance with the intergovernmental agreement between the Town and the Poudre School District. (Ord. 11-2007 §1)

Sec. 16-3-330. Landscape design.

The intent of the landscape design criteria is to preserve the Town's special character and integrate and enhance new development by promoting quality landscape design that:

- (1) Reinforces the identity of the community and each neighborhood;
- (2) Subject to water conservation practices, provides tree-lined streets in urban areas;
- (3) Anchors new buildings in the landscape;
- (4) Subject to water conservation practices, provides tree canopies within paved areas; and
- (5) Is environmentally sensitive by preserving existing trees, using water conservation techniques, planting native species (when appropriate) and enhances valuable habitat. (Ord. 11-2007 §1)

Sec. 16-3-340. Landscaping; general provisions.

All land development applications shall be accompanied by an appropriate landscape plan. Building permit applications for individual single-family residences will not require landscape plans. However, all landscaping within the community shall comply with the intent of these regulations.

- (1) Street trees. Subject to water conservation practices, all collector and arterial streets shall be tree-lined streets. Trees shall meet the Town's tree standards. Street trees

shall include a mix of species and be aligned in straight rows. Subject to water conservation practices, street trees shall be placed within the right-of-way within a tree lawn. Spacing of trees shall allow for their mature spread. Trees installed along streets that will be widened in the future shall take into account plans for future widening of streets so that established trees will not be disturbed during future construction.

(2) Site landscape design. Landscape improvements shall be an integral part of the overall site design for each property. Landscape improvements shall be designed to complement and enhance the character of neighborhoods and shall follow these guidelines:

a. Landscaped areas shall be configured to maximize their interconnectivity within the site, to natural areas and to landscaped areas in adjacent developments. Small, isolated islands of landscaping should be avoided except as required in parking lots and for screening along roadways.

b. Landscape improvements in all developments shall be consistent with the character of the proposed development and the surrounding area to reinforce neighborhood identity.

c. Landscape design shall enhance natural features, drainage ways and environmental resources.

d. All landscape improvements shall be designed for mature landscapes and shall provide appropriate visibility for cars and pedestrians.

e. The elements of gateway, path and destination shall be incorporated into the design of landscapes. *Gateways* are entries that provide transitions from one (1) space to another. *Pathways* are routes that lead to a destination. *Destinations* are focal points that can include anything from a garden bench at the end of a path to a civic building at the end of a street.

f. Landscaping shall be no more than thirty (30) inches high when located in a sight distance triangle.

(3) Environmental considerations.

a. Landscapes shall use the following xeriscape design principles to facilitate water conservation:

1. Well-planned planting schemes;
2. Appropriate turf selection to minimize the use of bluegrass;
3. Use of mulch to maintain soil moisture and reduce evaporation;
4. Zoning of plant materials according to their microclimatic needs and water requirements;
5. Improving the soil with organic matter, if needed;
6. Efficient irrigation systems; and
7. Proper maintenance and irrigation schedules.

b. All landscapes shall strive to maximize the use of native species. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and noninvasive should be emphasized.

c. Landscapes shall consist of a variety of species to enhance biodiversity. No one (1) species may make up more than twenty-five percent (25%) of the total nongrass plant materials on one (1) site.

d. Buildings and parking areas shall be located to preserve and promote the health of existing trees, environmental resources and natural drainage ways. No healthy tree shall be removed without good cause. This requirement is not intended to prevent the removal of unhealthy trees in conjunction with site development.

e. Trees shall be located to provide summer shade and limit winter shade on walks and streets.

f. All areas disturbed by construction shall be reseeded to prevent erosion. Native, noninvasive grasses shall be used for revegetation where practical. Weed control is the responsibility of the landowner on all reseeded areas.

(4) New buildings and paved areas. Development shall be designed so as to anchor structures in the landscape through the use of trees, shrubs and ground cover. The size and intensity of plantings shall be appropriate to the size and context of the improvements. Development shall be designed so as to:

a. Integrate adjacent land uses of different intensities through a combination of berming, plantings and fencing. Use opaque screening only when necessary to mitigate the impact of noise, light, unattractive aesthetics and traffic. A fence shall not be the only screening material used.

b. Use landscaping to provide a transition from developed, managed landscape to more natural vegetation.

c. Provide a tree canopy by installing shade trees within and adjacent to paved areas.

(5) Plant materials.

a. Subject to water conservation practices approved by the Board of Trustees, minimum planting sizes on all required landscaping shall be two-inch caliper deciduous trees, one-and-one-half-inch caliper ornamental trees, six-foot-tall evergreen trees and five-gallon shrubs.

b. Required plant materials shall be grown in a recognized nursery in accordance with proper horticultural practice. Plants shall be healthy, well-branched, vigorous stock with a growth habit normal to the species and variety and free of diseases, insects and injuries.

c. All plants shall conform to standards for measurements, grading, branching, quality, ball and burlapping as stated in the American Standard for Nursery Stock, 1990 Edition, American Association of Nurserymen, Inc. (AAN-ASNS) and the Colorado Nursery Act of 1965 (CNA).

(6) Irrigation. All required landscaping shall be irrigated as required for plant establishment and maintenance. Irrigation shall be appropriate to the type and scope of the improvements.

a. Use of nontreated water for irrigation is encouraged if a permanent, suitable supply is available.

b. Required landscaping in urban developments shall be irrigated with a permanent irrigation system.

c. Temporary irrigation may be used to establish native grasses and vegetation.

(7) Guarantee of installation. Required landscape improvements shall be installed prior to issuance of a certificate of occupancy (CO) for all structures. If weather conditions prevent installation, the developer shall post a financial guarantee for the improvements. This guarantee shall be released upon completion of the installation of the landscaping.

(8) Maintenance. In order to provide for the ongoing health and appearance of landscape improvements, all landscaping shall be maintained and replaced by the landowner or occupant as necessary. All property owners or occupants shall be responsible for maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property, unless the Town has specifically agreed in a development agreement to take over maintenance. (Ord. 11-2007 §1)

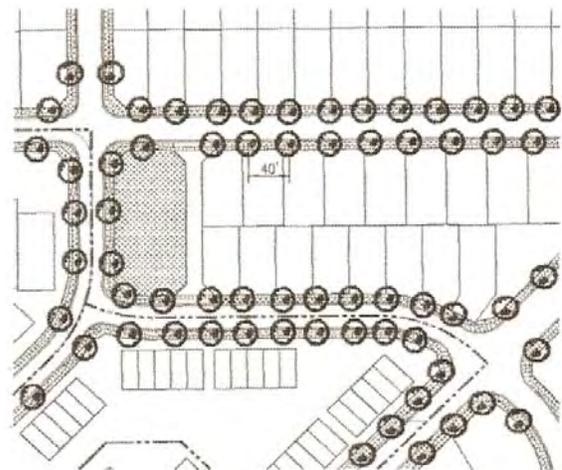
Sec. 16-3-350. Landscaping design standards.

(a) Landscaping within the right-of-way and required common open space. Development shall be designed so as to:

(1) Street trees. Subject to water conservation practices approved by the Board of Trustees, all streets shall be landscaped with one (1) deciduous or ornamental tree for every forty (40) linear feet of block frontage or portion thereof. Street trees shall be planted within the tree lawn portion of the right-of-way with adequate spacing to allow for the mature spread of the trees.

(2) Collector streets. Collector streets shall be landscaped with live ground cover, including a combination of grass, trees, flowers, grass or shrubs. In commercial areas, particularly in the downtown district, collector streets may be paved in areas which function as pedestrian access to storefronts and which are integrated into the overall design of the other improvements on the site.

(3) Arterial streets. Arterial streets shall be landscaped with live ground cover as appropriate to the use and function of the area, including a combination of grass, trees, flowers, paving and one (1) shrub for every one hundred fifty (150) square feet of landscape area clustered into planting beds. New development shall also install an automatic irrigation system for all landscaping within arterial rights-of-way. In commercial areas, particularly in the downtown district, arterial streets may be paved in areas which function as pedestrian access to storefronts and which are integrated into the overall design of the other improvements on the site.



(4) Landscaping for required common open space. Landscaping in open space areas, such as pocket parks and trails, shall be

appropriate to the use and function of the area subject to water conservation practices and include trees, shrubs, ground cover, irrigation and paving.

(5) Long-term landscape maintenance. Development shall provide a mechanism for long-term maintenance of common open space and arterial and collector street right-of-way landscaping, such as a homeowners' association and covenants.

(b) Single-family residential development landscaping standards. In addition to landscaping the right-of-way tree lawn, subject to water conservation practices, single-family development shall provide:

(1) Sod for the front yard setback of each single-family residential structure. There shall be a minimum of seventy-five percent (75%) live materials between the front of the single-family residential structure and the curb, except in paved driveway areas, unless otherwise approved by the Board of Trustees.

(2) Five (5) shrubs for the front yard setback of each single-family residential structure.

(3) Each single-family residential owner shall:

a. Install the remainder of the owner's yard and, subject to water conservation practices, is encouraged to plant additional trees, shrubs and flowers using xeriscape principles and the general provisions set forth in this Section.

b. Maintain the owner's yard and landscaping within the adjacent road right-of-way.

(c) Multi-family and mixed-use residential landscaping standards: In addition to right-of-way landscaping, multi-family development shall provide:

(1) Site trees. Subject to water conservation practices, a minimum of one (1) tree per one thousand (1,000) square feet of landscaped area, distributed on the site.

(2) Shrubs. A minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Shrubs shall be grouped and distributed throughout the site. With the Board of Trustees' approval, trees may be substituted for up to one-half (½) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.

(3) Ground cover. Irrigated turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed-free and maintained at a maximum height of eight (8) inches. There shall be a minimum of seventy-five percent (75%) live materials between the front of the house and the curb unless approved by the Board of Trustees.

(4) Landscape setback to parking lots thirty (30) feet from arterials or twenty-five (25) feet from other streets. The purpose of the setback is to provide a buffer between street parking areas. This setback may be reduced to fifteen (15) feet if used in combination with a three-foot to four-foot masonry or stone decorative wall. Signage may be included in this setback.

(d) Large lot single-family residential zoning district development landscaping standards. Landscaping shall be designed to keep natural resource areas in their natural state as much as possible and should be in character with surrounding properties.

(1) Development of large single-family rural density (Zoning District R-1) shall provide:

a. Ground cover for the front yard setback of each home. The ground cover may be a combination of irrigated and native grasses and wildflowers as appropriate to the design of the individual home. There shall be a minimum of seventy-five percent (75%) live materials between the front of the house and the edge of the roadway unless approved by the Board of Trustees.

b. Ten (10) shrubs for the front yard setback of each home.

(2) The homeowner shall install the remainder of the yard and, subject to water conservation practices, is encouraged to plant additional trees, shrubs and flowers using xeriscape principles and the general provisions set forth in these landscape standards.

(3) Maintain the yard and landscaping within the adjacent road right-of-way.

(e) Business/commercial and industrial development landscaping standards.

(1) Landscape improvements shall be designed to enhance the overall appearance of the development and integrate the project with adjacent land uses and into the surrounding neighborhood. All improvements shall consider the people who will use the

site, travel through or by the site and adjacent land uses. With the exception of properties within the Downtown (D) Zone, a minimum of twenty percent (20%) of the site (gross) shall be landscaped area, outside of street rights-of-way, building footprints or hard surfaced or landscaped areas used as parking lots and driveways.

(2) Development of commercial or industrial properties shall:

a. Site trees. Subject to water conservation practices, provide a minimum of one (1) tree per one thousand (1,000) square feet of landscaped area, distributed on the site.

b. Shrubs. Provide a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group shrubs and distribute throughout the site. With approval from the Board of Trustees, trees may be substituted for up to one-half (½) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.

c. Sod. Establish irrigated grass turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed-free and maintained at a maximum height of eight (8) inches. There shall be a minimum of seventy-five percent (75%) live materials between the building and the street unless approved by the Board of Trustees.

d. Landscape setback to parking lots. Establish a setback thirty (30) feet from arterials or twenty-five (25) feet from other streets. The purpose of the setback

is to provide a buffer between street parking areas. This setback may be reduced to fifteen (15) feet if used in combination with a three-foot to four-foot masonry or stone decorative wall. Signage may be included in this setback.

e. Screen loading areas. Create screened loading areas (including areas for vehicles being loaded) and service and storage areas which, using acceptable materials, screen areas visible from the public right-of-way or adjacent property with an opaque screen that is an integral part of the building architecture or by landscaping. Chain link fencing with slats, tires or used building materials are not acceptable screening materials.

f. Compatibility. Integrate activities on the subject property with adjacent land uses by utilizing a combination of landscaping, building orientation and appropriate architectural elements.

(3) The building owner or occupant shall maintain the yard and landscaping within the adjacent road right-of-way.

(f) Parking lot landscaping standards. Parking lot landscaping is intended to break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and development and enhance the overall appearance of each project.

(1) Applicability. All parking lots with ten (10) spaces or more shall be subject to the following requirements.

(2) The developer or assignees shall provide:

a. Site trees. Subject to water conservation practices, a minimum of one (1) tree per twenty (20) parking spaces. Trees shall be grouped together in islands

which are a minimum of ten (10) feet wide. Landscaping shall be used to break up large expanses of pavement and to create a canopy for summer shade.

b. Shrubs. A minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area, with group plantings in landscape islands.

c. Ground cover. Limited areas of irrigated sod. Grass is discouraged in areas less than ten (10) feet wide and grass buffers (native grass where possible) around the lot perimeter to filter runoff and improve water quality is encouraged.

d. Parking setback. Landscape setbacks for parking areas thirty (30) feet from arterials or twenty-five (25) feet from other streets. The purpose of the setback is to provide a buffer between the street and parking areas and to screen the parking from the street. This setback may be reduced to fifteen (15) feet if used in combination with a three-foot to four-foot articulated masonry or stone decorative wall with trees and shrubs on both the street and parking lot sides of the wall to soften its appearance. Signage may be included in this setback.

e. Provide a mechanism for long-term maintenance of landscaping. All landscaping within and adjacent to parking lots shall be owned and maintained by the landowner or occupant.

(g) Landscape covenant. The Town may require that an owner requesting development approvals shall provide a mechanism for ensuring that landscape improvements will be maintained in order to ensure the continued upkeep of the property. (Ord. 11-2007 §1)

Sec. 16-3-380. Prohibited plant materials list.

The following trees are prohibited in the Town:

- (1) Russian olive (an invasive species that threatens native trees in riparian ecosystems).
- (2) Lombardy poplar (susceptible to cancer-forming fungi for which there are no available controls).
- (3) Siberian elm (can dominate native vegetation, especially in disturbed areas; is weak-wooded and subject to continuous die-back when large; can be devastated by the elm leaf beetle).
- (4) Boxelder maple (primary host plant of the boxelder bug).
- (5) Cotton-bearing cottonwood. The Board of Trustees will consider cotton-bearing cottonwood areas on a case-by-case basis for restoration projects along riparian corridors. (Often considered a public nuisance.) (Ord. 11-2007 §1)

Sec. 16-3-390. Buffering and screening techniques.

Properties shall be buffered and screened from adjoining areas with the goal of integrating adjacent land uses and providing seamless transitions from one (1) use to another through the use of building orientation and access, landscaping and appropriate architectural elements. (Ord. 11-2007 §1)

Sec. 16-3-400. Buffering; general provisions.

(a) Buffering shall be provided between uses and by new users, with special consideration given to adjacent land uses of different intensities. Uses shall be required to ensure that the transition from one (1) use to another is attractive, functional and minimizes conflicts between the current and planned uses.

(b) Uses shall be required to demonstrate compatibility. This can be accomplished through the effective use of shared access and parking, appropriate building orientation and setbacks, landscaping, architectural treatment and limited use of fencing and screening walls. Special consideration shall be given to the impact of aesthetics, noise, lighting and traffic.

(c) Under no circumstances shall a fence be the only screening material used as a buffer between land uses. (Ord. 11-2007 §1)

Sec. 16-3-410. Location and screening of required loading and service areas.

(a) Loading docks, solid waste facilities, recycling facilities and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations.

(b) Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the public rights-of-way. Screening and landscaping shall also prevent spill-over glare, noise or exhaust fumes. Screening and buffering shall be achieved through walls, architectural features and landscaping; and shall be visually impervious. Building recesses or depressed access ramps may be used. (Ord. 11-2007 §1)

Sec. 16-3-420. Dumpsters.

(a) Every development that is required to provide one (1) or more Dumpsters for solid waste collection shall provide sites for such Dumpsters that are:

(1) Located to facilitate collection and minimize negative impacts, including to site occupants, neighboring properties and public rights-of-way; and

(2) Constructed to allow for collection without damage to the development site or the collection vehicle.

(b) All such Dumpsters shall be screened to prevent them from being visible to:

(1) Persons located within any dwelling unit on residential property other than that where the Dumpster is located;

(2) Occupants, customers or other invitees located within any building on nonresidential property other than that where the Dumpster is located; and

(3) Persons traveling on any public street, sidewalk or other public way. (Ord. 11-2007 §1)

Sec. 16-3-430. Fences and walls.

The intent is to ensure that walls and fences are attractive and in character with the neighborhood. Recognizing that fences are used to create privacy, the Town encourages privacy fences be located close to residences or other primary buildings on a property and not along side and rear property lines. (Ord. 11-2007 §1)

Sec. 16-3-440. Fences and walls; general provisions.

(a) Compatibility. Walls and fences shall be architecturally compatible with the style, materials and colors of the principal buildings on the same lot. If used along collector or arterial streets, such features shall be made visually interesting by integrating architectural elements, such as brick or stone columns, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings or through similar techniques. A fence or wall may not consist of a solid, unbroken expanse for more than fifty (50) feet.

(b) Materials.

(1) Stone walls, or brick walls with a stone or cast stone cap, treated wood fences, decorative metal, cast iron fences, stucco walls and stone piers are encouraged. Solid walls and fences are permitted only in rear and side yards. Retaining walls are permitted where required for landscaping or architectural purposes. Hedges may be used in the same manner and for the same purposes as a fence or wall.

(2) Fences used in front yards (being the yard area that the primary or front entrance of the primary building on the property is oriented towards) shall be at least fifty percent (50%) open. Allowable fences within front yards are split rail, wrought iron, picket or other standard residential fences of fences of similar material or nature approved by the Building Inspector.

(3) Other materials may be incorporated in fences and walls as may be approved by the Board of Trustees.

(c) Prohibited materials. Fencing, including concertina or razor wire, are prohibited unless specifically allowed by the Board of Trustees. Barbed wire or electrically charged fences are only allowed in the Agricultural (A) or Rural Residential (RR) Districts. Electrically charged fences shall have signage at least every twenty-five (25) feet identifying such fencing as being electrically charged. Chain link fencing with or without slats shall not be used as a fencing material for screening purposes.

(d) Retaining walls. Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property.

(e) Height limitations. Fences or walls shall be:

(1) No more than forty-two (42) inches high between the front building line and the front property line. Such walls shall not be solid except for retaining walls. For corner lots, front yard fence regulations shall apply to both street sides of the lot.

(2) No more than forty-two (42) inches high if located on a side yard line in the front yard, except if approved by the Board of Trustees and required for unique security purposes. Such fences and walls shall not be solid, except for retaining walls.

(3) No more than thirty (30) inches high when located within the site distance triangle, and fences or walls within this site distance triangle shall not be solid. In the Industrial (I) Zone District, chain link fence is permitted so long as the height of the fence is not higher than six (6) feet, the fence is not used for screening and the fencing does not obstruct visibility at any intersection.

(4) No more than six (6) feet high for an opaque privacy fence located on a rear property line or on a side yard line in the rear yard.

(5) Fences around a recreation court (e.g., tennis, squash racket, squash tennis or badminton) or around a publicly owned recreation area may exceed six (6) feet in height if the fence is at least fifty percent (50%) open.

(f) Maintenance. Dilapidated, unsightly or dangerous fences shall be removed or repaired when removal is ordered by the Code Enforcement Officer. Hedges shall be maintained in a healthy condition, trimmed and pruned as appropriate for the plant type. Dead plant material in hedges shall be removed or replaced as appropriate when so ordered by the Code Enforcement Officer. Hedges shall not encroach upon sidewalks or street rights-of-way. (Ord. 11-2007 §1)

Sec. 16-3-450. Site lighting.

All site lighting for industrial and commercial uses shall conform to the following standards and minimum and maximum lighting levels for outdoor facilities used at night:

(1) Lighting levels.

<i>Area</i>	<i>Minimum foot-candles</i>	<i>Maximum foot-candles</i>
<i>Parking areas/pedestrian walkways</i>	<i>1</i>	<i>10</i>
<i>Loading docks</i>	<i>5</i>	<i>20</i>
<i>Under-canopy fueling area</i>	<i>20</i>	
<i>Offsite (20 ft. beyond property line on residential area or public right-of-way)</i>		<i>0.1 (as a direct result of on-site lighting)</i>

(2) Site plan. A lighting plan indicating location and type of all outdoor light sources and indicating lighting levels achieved at all points on the site shall be submitted with the application for any land use change requiring review by the Planning Commission. For projects not requiring Planning Commission review, the lighting plan shall be submitted at the time of building permit application.

(3) Design standards. The lighting plan shall meet the following design standards:

a. Site lighting that may be confused with warning, emergency or traffic signals is prohibited.

b. Light sources shall be concealed and fully shielded and shall feature sharp cut-off capability minimizing up-light, spill-light, glare and diffusion. Under-canopy fueling areas shall feature flush-mount, flat lens light fixtures. (Ord. 11-2007 §1)

Sec. 16-3-460. Commercial and industrial architecture.

(a) Elevation and site plans. Front-, back- and side-dimensioned elevation drawings and a site plan shall be submitted with any application for a land use change requiring review by the Planning Commission. For projects not requiring Planning Commission review, the site plan and elevations shall be submitted at the time of filing any building permit application. Elevations shall indicate materials to be installed on all building surfaces.

(b) Building form. The design of all buildings shall employ textured surfaces, projections, recesses, shadow lines, colors, window patterns, overhangs, reveals, changes in parapet heights and similar architectural features to avoid monolithic shapes and surfaces and to emphasize building entries. Designs shall not contain unbroken flat walls of greater than fifty (50) feet in length. Buildings having single walls

exceeding fifty (50) feet in length shall incorporate one (1) or more of the following at a minimum of every fifty (50) feet:

- (1) Changes in color, graphical patterning, texture or material;
- (2) Projections, recesses and reveals;
- (3) Windows and fenestration;
- (4) Arcades and pergolas;
- (5) Towers;
- (6) Gable projections;
- (7) Horizontal/vertical breaks; or
- (8) Other similar techniques.

(c) Facade treatment. The architectural treatment of the front facade shall be continued, in its major features, around all visibly exposed sides of a building.

(d) Screening. All air-conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements and landscaping. In addition, all trash facilities, loading and parking areas shall be properly screened.

(e) Architectural details. All materials, colors and architectural details used on the exterior of a building shall be compatible with the building's style and with other nearby buildings.

(f) New buildings and exterior modifications of existing buildings on Cleveland Avenue within the C-2 Downtown Commercial District shall comply with the Cleveland Avenue Architectural Guidelines contained in Appendix A to the ordinance codified herein, a copy of which is on file at the Town Clerk's office. (Ord. 11-2007 §1)

ARTICLE 4

**Nonconforming Uses and
Nonconforming Buildings**

Sec. 16-4-10. Continuation of use.

A nonconforming use may be continued and a nonconforming building or structure may continue to be occupied or used, except as otherwise provided in this Article. (Ord. 11-2007 §1)

Sec. 16-4-20. Change of use.

A nonconforming use may only be changed to a conforming use. (Ord. 11-2007 §1)

Sec. 16-4-30. Abandonment of use.

If active operation of a nonconforming use activity is not carried on as part of the operation of a nonconforming use or nonconforming building during a period of twelve (12) consecutive months, the building, other structure or tract of land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing. A nonconforming use home occupation business activity shall be considered to be abandoned if the occupants of the dwelling who were conducting such nonconforming use home occupation business discontinue either their occupancy of the dwelling or the nonconforming use home occupation. (Ord. 11-2007 §1)

Sec. 16-4-40. Reconstruction.

A nonconforming building or structure or a building or structure containing a nonconforming use which has been taken by governmental acquisition or damaged by fire or other accidental cause or natural catastrophe may be reconstructed, provided that such work is started within six (6) months of the date of occurrence

of such damage and completed within one (1) year of the time the reconstruction is commenced, and provided that, to the extent reasonably feasible, such restoration complies with the standards contained in this Chapter. (Ord. 11-2007 §1)

Sec. 16-4-50. Enlargement of building and expansion of facilities, equipment or structures.

(a) A proposal for the enlargement or expansion of a building containing a nonconforming use, a proposal for an expansion of existing facilities and equipment which are located on the lot and associated with the nonconforming use (such as expanding the number of fuel pumps at a gas station) and a proposal for adding facilities or structures to the lot which are associated with the nonconforming use (such as a new canopy over a fuel pump island), shall require the approval of the Board of Trustees after review by the Planning Commission. In considering such proposals, the Board of Trustees after review by the Planning Commission shall make a finding as to whether or not the enlargement, expansion or addition would adversely affect the surrounding properties. In making such determination, the Board of Trustees and the applicant shall be governed by the following limitations:

- (1) The nonconforming use shall not be changed (except to a conforming use) as a result of enlargement, expansion or construction.
- (2) The enlargement, expansion or construction shall not result in the conversion of the nonconforming use of a seasonal to a year-round operation.
- (3) The nonconforming use shall not be expanded beyond the limits of the parcel of property upon which such use existed at the time it became nonconforming.

(4) Additional traffic generated by an enlargement, expansion or construction must be incorporated into the neighborhood and community transportation network without creating safety problems, or causing or increasing level of service standard deficiencies.

(5) The noise and vibration levels that may be generated by the nonconforming use shall not be increased beyond the levels that existed prior to the enlargement, expansion or construction that is under consideration.

(6) The outdoor storage areas shall not be expanded or located any closer to an adjoining residential development as a result of the enlargement, expansion or construction.

(7) The proposed enlargement, expansion or construction shall not add more than twenty-five percent (25%) of new floor area to existing buildings on the site.

(8) The enlargement, expansion or construction shall not exceed the building height requirements of the zone district in which the property is located.

(9) The enlargement, expansion or construction shall not further encroach upon any nonconforming setback.

(10) The enlargement, expansion or construction shall not increase or amplify any inconsistency with the parking standards contained within the Land Use Code.

(11) The enlargement, expansion or construction shall not hinder the future development of surrounding properties in accordance with the Land Use Code.

(12) The enlargement, expansion or construction shall not present a threat to the health, safety or welfare of the Town or its residents.

(b) Where a building, facility, equipment or structure is enlarged, expanded or added pursuant to this Section , the parcel of ground upon which the building, facility, equipment or structure is located shall be brought into compliance with the applicable general development standards contained in Article 3 and the applicable district standards contained in Article 5 of this Chapter. Any new structure that is added to said parcel of ground shall also comply with the applicable general development standards and district standards referenced above. (Ord. 11-2007 §1)

Sec. 16-4-60. Alteration or repair of building.

A nonconforming building may not be structurally altered or repaired in any way except as specifically permitted by the Land Use Code. Any building or other structure containing a nonconforming use or any nonconforming building or portion declared unsafe by the Building Permits and Inspections Administrator may be strengthened or restored to a safe condition. (Ord. 11-2007 §1)

ARTICLE 5

Zoning Districts and Boundaries

Sec. 16-5-10. Zoning districts.

In order to carry out the provisions of this Code, the Town is divided into the following zoning districts:

- A *Agricultural District*
- R-1 *Residential District, Single-Family Rural Density*

Sec. 16-3-360. Storm drainage facilities.

(a) Intent. Stormwater facilities shall be installed to serve a development to promote innovative and effective land and water management techniques that protect and enhance water quality.

(b) Storm drainage; general provisions.

(1) Storm drainage improvements shall be constructed to serve development and landscaping associated with storm drainage facilities shall be integrated into the overall design of the project.

(2) Landscaping installed to address storm drainage shall enhance the overall appearance of the project, prevent erosion and improve water quality of stormwater runoff whenever possible.

(3) Storm drainage facilities may function as open space for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately and approved by the Board of Trustees.

(4) The use of planting strips and shallow, landscaped depressions in parking lots and along roads is encouraged to help trap and remove pollutants from stormwater runoff.

(c) Applicability. All storm drainage facilities shall be appropriately landscaped.

(d) Minimum requirements. Minimum storm drainage improvements shall be constructed such that:

(1) All facilities shall be seeded to grass appropriate to the function of the area. Areas to be used for active recreation shall be

seeded to a turf-type grass and irrigated with a permanent irrigation system. Areas to be maintained for habitat enhancement shall be seeded to native grasses and wildflowers. Development shall establish complete, weed-free grass areas. Trail corridors may be seeded to native grasses if appropriately integrated with adjacent improvements.

(2) The maximum side slope of drainage facilities shall be no more than 4:1 and the minimum slope at the bottom of a drainage facility shall be no more than one-half percent (0.5%).

(3) Landscape improvements shall be designed to enhance the function of the facility. Subject to water conservation policies, areas designed for recreation shall include clusters of trees to provide shade, located so they do not impair the function of the facility.

(4) Habitat and water quality enhancement, including wetland plantings in low wet areas, is encouraged.

(e) Ownership and maintenance. Easements for drainage facilities shall be dedicated to the Town but not accepted for maintenance and shall be maintained by the landowner or occupant unless otherwise approved by the Board of Trustees. (Ord. 11-2007 §1)

Sec. 16-3-370. Submittal standards for landscape plans.

All land development applications will be accompanied by a landscape plan. (Ord. 11-2007 §1)

<i>R-2</i>	<i>Residential District, Single-Family Medium Density</i>
<i>R-3</i>	<i>Residential District, Single-Family Senior Housing</i>
<i>R-4</i>	<i>Residential District, Multi-Family</i>
<i>MH</i>	<i>Manufactured Home Park District</i>
<i>C-1</i>	<i>Community Commercial District</i>
<i>C-2</i>	<i>Downtown Commercial District</i>
<i>C-3</i>	<i>Highway Commercial District</i>
<i>LI</i>	<i>Light Industrial District</i>
<i>TR</i>	<i>Transitional District</i>
<i>I</i>	<i>Industrial District</i>
<i>P</i>	<i>Public District</i>
<i>PUD</i>	<i>Planned Unit Development (PUD) Overlay District</i>

(Ord. 11-2007 §1)

Sec. 16-5-20. Zoning District Map.

The boundaries and classifications of districts established are as depicted on the Zoning District Map as may from time to time be revised, updated or redrafted. The Zoning District Map adopted, and to be used for present reference, shall be that map bearing the most recent date of publication which has been signed by the Chair of the Planning Commission and the Mayor.

(1) Interpretation of boundary lines. If uncertainty is deemed to exist relative to the Zoning District Map, district boundaries shall be on section lines; lot lines; the center lines of highways, streets, alleys, railroad rights-of-way or such lines extended; municipal corporation lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the map. Where a lot is divided by a zoning district boundary line at the time of enactment of the ordinance codified in this Section or by subsequent amendments to that ordinance

or this Article, either zone requirements may be extended within the lot for a distance of not more than twenty-five (25) feet.

(2) Amendment upon zoning or modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town shall amend the prior existing official map to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

(3) Cost for amending zoning. Any person who proposes zoning for property being annexed or proposes modifying existing zoning shall bear the entire cost of amending the official zoning map, including all notification costs. The Town shall provide applicants with a copy of the current fee schedule and fee agreement form.

(4) Public inspection; storage of original. The official Zoning District Map shall be available and on display at the office of the Town Administrator/Clerk during normal business hours. (Ord. 11-2007 §1)

Sec. 16-5-30. General application of uses.

(a) Uses designated as permitted uses are allowed in a zone district as a matter of right. Uses classified as conditional uses are permitted with the Board of Trustees' approval after recommendation of the Planning Commission of a conditional use permit. Unless a use is designated as a permitted use or conditional use, subject to a variance or is classified as a legal non-conforming structure or use, it is not permitted.

(b) Land uses not otherwise identified in this Chapter may be proposed for development. In order to provide for such uses, the classification of any new or unlisted land use shall be made by the Board of Trustees to determine if the use can be reasonably interpreted to fit into a similar use category described in this Chapter. Unless such determination is made, the use is not permitted. (Ord. 11-2007 §1)

Sec. 16-5-40. A – Agricultural District.

(a) Intent. This is an ultra low-density district intended for the pursuit of farm activities or for a transitional status. This zone is characterized by the growing of crops and related functions.

(b) Principal uses. Permitted principal uses in the A District shall be as follows:

- (1) Accessory buildings and accessory uses.
- (2) Accessory dwellings when associated with a permitted use.
- (3) Livestock, limited to the following provisions:
 - a. Specific animals that are present on the land at the time of annexation may continue to be monitored on the premises. If property is annexed into the Town or has been zoned such that the number of livestocked animals allowed on the property has been reduced from the number previously allowed before the annexation or the rezoning, a land owner may, within sixty (60) days after the effective date of the rezoning or the recordation of the annexation ordinance, provide the Town Administrator/Clerk with proof that the owner has consistently maintained a number of livestocked animals in excess

of the limits allowed within the Town. So long as the Town Administrator/Clerk, whose decision shall be subject to appeal, as provided for at Section 2-11-50 of this Code, determines that no health or safety hazard shall be created as a result of the presence of such excess number of animals, the excessive number of animals shall be treated as a nonconforming use as allowed by Article 4 of this Chapter.

b. Horses, cattle, sheep and llamas, limited to two (2) per acre of land area with at least one-half (½) acre of pasture available to each animal.

(4) Any corral containing horses, cattle, sheep or llamas must be at least one hundred (100) feet from any residence or retail sales building that exists on the property. If a residence or retail sales building is constructed on the property, the corral must be relocated to a location at least one hundred (100) feet away from such structure.

(5) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the property.

(6) Farming, including but not limited to gardening, horticulture and growing and harvesting of fruit, vegetables, trees, shrubs, plants, turf and sod.

- (7) Home occupations.
- (8) Open-air farmers' markets.
- (9) Parks and open space.
- (10) Plant nurseries and greenhouses.
- (11) Single-family dwellings.
- (12) Structures for storage of agricultural products produced on the property.

(13) Veterinary facilities, small animal clinics.

(14) Veterinary facilities, large animal clinics.

(c) Conditional uses. Permitted conditional uses in the A District shall be as follows:

(1) Cemeteries.

(2) Child care centers.

(3) Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations).

(4) Limited outdoor recreation facilities.

(5) Public and private schools for elementary, intermediate and high school education.

(6) Public facilities; provided that business offices and repair and storage facilities are not included.

(7) Resource extraction, processes and sales establishments.

(8) Small animal boarding (kennels and catteries).

(9) Golf courses. (Ord. 11-2007 §1)

Sec. 16-5-50. R-1 – Residential District, Single-Family Rural Density.

(a) Intent. This is a very low-density residential district intended for no more than two (2) single-family dwellings per acre and one (1) or more accessory buildings. This zone has been developed to provide for large-lot, single-family development in areas more characteristically rural and on the outskirts of the planning area.

(b) Principal uses. Permitted principal uses in the R-1 District shall be as follows:

(1) Accessory buildings and accessory uses.

(2) Accessory dwelling when associated with a permitted use.

(3) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the property.

(4) Home occupations.

(5) Group homes.

(6) Single-family detached dwellings.

(7) Parks and open space.

(c) Conditional uses. Permitted conditional uses in the R-1 District shall be as follows:

(1) Public facilities; provided that business offices and repair and storage facilities are not included.

(2) Cemeteries.

(3) Child care centers.

(4) Churches or places of worship and assembly.

(5) Community facilities.

(6) Golf courses.

(7) Limited outdoor recreation facilities.

(8) Public and private schools for elementary, intermediate and high school education.

(9) Horses, subject to densities based on specified number per acre of ground and pasture area. (Ord. 11-2007 §1)

Sec. 16-5-60. R-2 – Residential District, Single-Family Medium Density.

(a) Intent. This is a medium-density housing district intended primarily for single-family uses on individual lots. This zone is characterized by tree-lined local streets, an interconnected pedestrian circulation system and proximity to schools and parks.

(b) Principal uses. Permitted principal uses in the R-2 District shall be as follows:

- (1) Accessory buildings and accessory uses.
- (2) Accessory dwellings when associated with a permitted use.
- (3) Group homes.
- (4) Home occupations.
- (5) Parks and open space.
- (6) Single-family detached dwellings.

(c) Conditional uses. Permitted conditional uses in the R-2 District shall be as follows:

- (1) Child care centers.
- (2) Community facilities.
- (3) Churches or places of worship and assembly.
- (4) Limited outdoor recreation facilities.
- (5) Public and private schools for elementary, intermediate and high school education.
- (6) Public facilities; provided that business offices and repair and storage facilities are not included. (Ord. 11-2007 §1)

Sec. 16-5-70. R-3 – Residential District, Single-Family Senior Housing.

(a) Intent. This District is intended primarily for single-family detached dwellings on small lots with minimal yard space (patio homes) for senior housing. Housing must be developed and maintained in compliance with the Housing for Older Persons Act of 1995 (HOPA) as amended. Covenants and/or deed restrictions will be required to be recorded on the property to guarantee perpetual use as senior housing in compliance with HOPA.

(b) Principal uses. Permitted principal uses in the R-3 District shall be as follows:

- (1) Single-family detached dwellings.
- (2) Accessory dwellings when associated with a permitted use.
- (3) Group homes.
- (4) Accessory buildings and accessory uses.
- (5) Parks and open space.

(c) Conditional uses. Permitted conditional uses in the R-3 District shall be as follows:

- (1) Community facilities.
- (2) Churches or places of worship and assembly.
- (3) Limited outdoor recreation facilities.
- (4) Public facilities; provided that business offices and repair and storage facilities are not included.
- (5) Home occupations. (Ord. 11-2007 §1)

Sec. 16-5-80. R-4 – Residential District, Multi-Family.

(a) Intent. This is a high-density residential zone intended primarily for multi-family uses on individual lots. In order to facilitate appropriate higher densities near viable business centers, multi-family buildings are generally encouraged near a C-1 or C-2 Commercial District or within a mixed-use PUD. Street and open space designs in these areas shall be used to create compatibility among frontages, which encourage pedestrian interaction and discourage high automobile speeds. Multi-family residential developments shall be designed around or adjacent to open space.

(b) Principal uses. Permitted principal uses in the R-4 District shall be as follows:

(1) All permitted principal uses in the R-2 zone, except home occupations and single-family detached dwellings.

(2) Multiple-family dwellings (no more than twelve [12] units per building); provided that the density and dimensional standards for the R-4 District are met and the lot upon which any such dwelling is located is of sufficient size so that twenty percent (20%) thereof shall be devoted to functional open space.

(3) Senior housing; provided that the density and dimensional standards for the R-4 District are met and the lot upon which any such dwelling is located is of sufficient size so that twenty percent (20%) thereof shall be devoted to functional open space. Senior housing is exempted from the maximum number of twelve (12) units per building requirement for multi-family dwellings.

(4) Group homes.

(5) Parks and open space.

(c) Conditional uses. Permitted conditional uses in the R-4 District shall be as follows:

(1) All permitted conditional uses in the R-1, R-2 and/or R-3 Districts.

(2) Boarding and rooming houses.

(3) Child care centers.

(4) Home occupations.

(5) Long-term care facilities. (Ord. 11-2007 §1)

Sec. 16-5-90. C-1 – Community Commercial District.

(a) Intent. The Community Commercial District is intended to preserve the character of the original downtown and to provide for a mixture of uses that will strengthen and expand the core community.

(b) Principal uses. Permitted principal uses in the C-1 District shall be as follows:

(1) Accessory/miscellaneous uses.

a. Accessory buildings.

b. Accessory uses.

(2) Residential uses:

a. All permitted principal uses in the R-3 District, except single-family residential and accessory dwellings.

b. Residential lofts above ground-level retail or office space.

c. Group homes.

- (3) Institutional/civic/public uses:
 - a. Churches or places of worship and assembly.
 - b. Parks and open space.
 - c. Public facilities, no business offices or repair and storage facilities.
- (4) Commercial/retail uses.
 - a. Artisan and photography studios and galleries.
 - b. Bed and breakfasts.
 - c. Boarding and rooming houses.
 - d. Child care centers.
 - e. Convenience shopping and retail establishments without fuel sales.
 - f. Health and membership clubs.
 - g. Limited indoor recreation facilities.
 - h. Medical and dental offices and clinics.
 - i. Mixed-use dwelling units.
 - j. Open-air farmers' markets.
 - k. Personal and business service shops.
 - l. Professional offices, financial services and clinics.
 - m. Restaurants, standard and fast food without drive-through facilities.
 - n. Small grocery stores.

- o. Tourist facilities.
- (c) Conditional uses. Permitted conditional uses in the C-1 District shall be as follows:
 - (1) Residential uses.
 - a. Single-family residential and accessory dwellings when associated with a principal use.
 - (2) Institutional/civic/public uses.
 - a. Community facilities.
 - b. Public and private schools, including colleges, universities, vocational and technical training.
 - c. Public facilities with business offices and repair and storage facilities.
 - d. Parks or open space.
 - (3) Commercial/retail uses:
 - a. Bars and taverns.
 - b. Entertainment facilities and theaters.
 - c. Gasoline stations.
 - d. Limited outdoor recreation facilities.
 - e. Hotel/motel/lodging establishments.
 - f. Long-term care facilities.
 - g. Motor vehicle service and repair facilities.
 - h. Parking lots and parking garages as a principal use.

i. Restaurants, standard and fast food with drive-through facilities.

(4) Industrial uses:

a. Light industrial (production, assembly packaging).

b. Workshops and custom small industry uses. (Ord. 5-2008 §3, Ord. 17-2008, §1.)

Sec. 16-5-100. C-2 – Downtown Commercial District.

(a) Intent. The Downtown Commercial District is intended to preserve the character of the original downtown and to provide for a mixture of uses that will strengthen and expand the core community.

(b) Principal uses. Permitted principal uses in the C-2 District shall be as follows:

(1) Residential uses:

a. Residential lofts above ground-level retail or office space.

(2) Institutional/civic/public uses.

a. Churches or places of worship and assembly.

b. Parks and open space.

c. Public facilities, no repair and storage facilities.

(3) Commercial/retail uses.

a. Artisan and photography studios and galleries.

b. Bed and breakfasts.

c. Boarding and rooming houses.

d. Child care centers.

e. Convenience shopping and retail establishments without fuel sales.

f. Health and membership clubs.

g. Limited indoor recreation facilities.

h. Medical and dental offices and clinics.

i. Mixed-use dwelling units.

j. Open air farmers' market.

k. Personal and business service shops.

l. Professional offices, financial services and clinics.

m. Restaurants, standard and fast food without drive-through facilities.

n. Small grocery stores.

o. Tourist facilities.

(c) Conditional uses. Permitted conditional uses in the C-2 District shall be as follows:

(1) Residential uses.

a. Single-family residential and accessory dwelling when associated with a principal use.

(2) Institutional/civic/public uses.

a. Community facilities.

b. Public and private schools, including colleges, universities, vocational and technical training.

c. Public facilities with repair and storage facilities.

(3) Commercial/retail uses.

a. Bars and taverns.

b. Entertainment facilities and theaters.

c. Gasoline stations.

d. Limited outdoor recreation facilities.

e. Hotel/motel/lodging establishments.

f. Long-term care facilities.

g. Motor vehicle service and repair facilities.

h. Parking lots and parking garages as a principal use.

(4) Industrial uses:

a. Light industrial (production, assembly packaging.)

b. Workshops and custom small industry uses. (Ord. 17-2008 §1)

Sec. 16-5-110. C-3 – Highway Commercial District.

(a) Intent.

(1) The Highway Commercial Use District is intended to be a setting for development of a wide range of community and regional retail uses, offices and personal and business services, and it is intended to accommodate a wide range of other uses, including multi-family housing and mixed-use dwelling units. The C-3 District should

integrate various commercial and multi-family uses while transitioning from the highway to adjacent lower density neighborhoods.

(2) While some Highway Commercial District areas may continue to meet the need for auto-related and other auto-oriented uses, it is the Town's intent that the C-3 District emphasize safe and convenient personal mobility in many forms, with planning and design that accommodate pedestrians. Further, the C-3 District is intended to function with, rather than compete with, the Downtown District.

(3) The highway corridor is a visible commercial area of the community. Attention to the architectural standards outlined in Section 16-3-460 is required for approval.

(b) Permitted uses. Permitted principal uses in the C-3 District are as follows:

(1) Accessory/miscellaneous uses.

a. Accessory buildings.

b. Accessory uses.

(2) Residential uses.

a. Group homes.

b. Multiple-family dwellings.

(3) Institutional/civic/public uses.

a. Churches or places of worship and assembly.

b. Parks and open space.

c. Public facilities, without business offices or repair and storage facilities.

d. Transit facilities without repair or storage.

(4) Commercial/retail uses.

a. Bed and breakfasts.

b. Boarding and rooming houses.

c. Car washes.

d. Child care centers.

e. Convenience retail stores with or without fuel sales.

f. Equipment rental establishments (without outdoor storage).

g. Food catering.

h. Funeral homes.

i. Gasoline stations.

j. Health and membership clubs.

k. Limited indoor recreation facilities.

l. Hotel/motel/lodging establishments.

m. Long-term care facilities.

n. Mixed-use dwelling units.

o. Motor vehicle service and repair (minor repairs).

p. Open-air farmers' markets.

q. Personal and business service shops.

r. Plant nurseries and greenhouses.

s. Print shops.

t. Professional offices, financial services and clinics.

u. Restaurants, with or without drive-through facilities.

v. Large retail establishments.

w. Small grocery stores.

x. Supermarkets.

y. Tourist facilities.

z. Veterinary facilities, small animal clinics.

(5) Industrial uses.

a. Workshop and custom small industry uses.

(c) Conditional uses. Permitted conditional uses in the C-2 District include the following:

(1) Residential uses.

a. Single-family attached dwellings.

b. Two-family dwellings.

(2) Institutional/civic/public uses.

a. Community facilities.

b. Golf courses.

c. Public and private schools, including colleges, universities, vocational and technical training.

d. Public facilities with business offices and repair and storage facilities.

(3) Commercial/retail uses.

- a. Artisan and photography studios and galleries.
 - b. Auto, RV, boat and truck sales.
 - c. Auto, RV, boat and truck storage.
 - d. Bars and taverns.
 - e. Clubs and lodges.
 - f. Entertainment facilities and theaters.
 - g. Equipment, truck and trailer rental establishments.
 - h. Hospitals.
 - i. Limited outdoor recreation facilities.
 - j. Motor vehicle service and repair (major repairs).
 - k. Nightclubs.
 - l. Parking lots and parking garages.
 - m. Retail and supply yard establishments with outdoor storage.
 - n. Veterinary hospitals.
 - o. Small animal boarding (kennels and catteries).
- (4) Industrial uses.
- a. Enclosed mini-storage facilities.
 - b. Gas, oil and other hydrocarbon well drilling and production (subject to state and local regulations).

c. Light industrial uses.

d. Research, experimental or testing laboratories. (Ord. 17-2008 §1)

Sec. 16-5-120. MH – Manufactured Home Park District.

(a) Intent. This is a high-density residential district on a parcel of land under single ownership or control on which two (2) or more manufactured homes are occupied as residences.

(b) General requirements. Requirements applicable to MH Districts include the following:

(1) The minimum lot size for lots within the MH District shall be five (5) acres.

(2) Uses in this District must comply with the standards and provisions set forth in Article 8.

(c) Principal uses. Permitted principal uses in the MH District include the following:

(1) Accessory buildings and accessory uses.

(2) Home occupations.

(3) Manufactured homes.

(4) Public facilities; provided that business offices and repair and storage facilities are not included. (Ord. 11-2007 §1)

Sec. 16-5-130. LI – Light Industrial District.

(a) Intent. This zoning district is intended to provide locations for a variety of workplaces, including light industrial uses, research and development offices and institutions. This District shall accommodate secondary uses that complement and support primary workplace

uses, such as hotels, restaurants, convenience shopping, child care and housing, to encourage the development of planned office and business parks and to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities and streetscapes.

(b) Principal uses. Permitted principal uses in the LI District shall be as follows:

- (1) Accessory buildings and accessory uses.
- (2) Bars and taverns.
- (3) Car washes.
- (4) Clubs and lodges.
- (5) Community facilities.
- (6) Convenience shopping and retail establishments.
- (7) Equipment rental establishments without outdoor storage.
- (8) Gasoline stations.
- (9) Health and membership clubs.
- (10) Light industrial uses.
- (11) Mixed-use dwelling units.
- (12) Parking lots and parking garages (as principal use).
- (13) Parks and open space.
- (14) Plant nurseries and greenhouses.
- (15) Professional offices, financial services.
- (16) Public and private schools, including colleges, vocational and technical training.

(17) Restaurants without drive-through facilities.

(18) Tourist facilities.

(19) Veterinary facilities, small animal clinics.

(20) Warehouse, distribution and wholesale uses.

(21) Wireless telecommunications facilities.

(22) Workshops and custom small industry uses.

(23) Small animal boarding/kennels.

(c) Limitations. Any use in this District shall conform to the following requirements:

(1) All manufacturing and similar uses shall be carried on entirely within a completely enclosed structure.

(2) Dust, fumes, odors, smoke, vapor and noise shall be confined to the site and be controlled in accordance with the state air pollution laws.

(3) Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts.

(4) Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compressed gravel or equivalent maintainable surfacing with erosion control.

(5) Light fixtures in parking areas shall be hooded and mounted not more than twenty-five (25) feet above the ground level and oriented in such a manner so as not to shine into residential areas. Lighting shall conform to the requirements in Section 16-3-450 of this Code.

(d) Conditional uses. Permitted conditional uses in the LI District shall be as follows:

- (1) Accessory dwellings when associated with a permitted use.
- (2) Artisan and photography studios and galleries.
- (3) Auto, recreational vehicle, boat and truck sales.
- (4) Bed and breakfasts.
- (5) Boarding and rooming houses.
- (6) Child care centers.
- (7) Enclosed mini-storage facilities.
- (8) Entertainment facilities and theaters.
- (9) Funeral homes.
- (10) Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations).
- (11) Golf courses.
- (12) Group homes.
- (13) Hospitals.
- (14) Limited indoor recreation facilities.
- (15) Limited outdoor recreation facility.
- (16) Hotel/motel/lodging establishments.
- (17) Long-term care facilities.
- (18) Manufacturing, assembly or packaging of products from previously prepared materials.

(19) Manufacturing of electric or electronic instruments and devices.

- (20) Medical and dental offices and clinics.
- (21) Motor vehicle service and repair (minor repairs).
- (22) Open-air farmers' markets.
- (23) Personal and business service shops.
- (24) Public facilities; provided that business offices and repair and storage facilities are not included.
- (25) Public facilities with business offices and repair and storage facilities.
- (26) Research, experimental or testing laboratories.
- (27) Restaurants with drive-throughs.
- (28) Retail and supply yard establishments with outdoor storage.
- (29) Small animal boarding (kennels and catteries).
- (30) Small grocery stores.
- (31) Veterinary hospitals. (Ord. 11-2007 §1)

Sec. 16-5-140. TR – Transitional District.

(a) Intent. This zoning district is intended to encompass existing areas containing a mixture of residential and commercial and/or light industrial uses or areas which are currently older neighborhoods of mostly nonconforming residential structures immediately adjacent to

expanding commercial and/or light industrial areas and where it is anticipated the neighborhood will transform over time to consist of entirely, or almost entirely, commercial or light industrial uses. All new uses and expansion of existing uses shall require processing as a conditional use.

(b) Principal uses. Permitted principal uses in the TR District shall be as follows:

(1) Accessory buildings and accessory uses.

(2) All existing legal uses as of the date of adoption of this Code shall be considered conforming uses on the lots on which they exist.

(c) Limitations. Any use in this District shall conform to the following requirements:

(1) All manufacturing and similar uses shall be carried on entirely within a completely enclosed structure.

(2) Dust, fumes, odors, smoke, vapors and noise shall be confined to the site and be controlled in accordance with the state air pollution laws.

(3) Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts.

(4) Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compressed gravel or equivalent maintainable surfacing with erosion control.

(5) Light fixtures in parking areas shall be hooded and mounted not more than twenty-five (25) feet above the ground level and oriented in such a manner so as not to shine into residential areas. Lighting shall conform to the requirements in Section 16-3-450 of this Code.

(d) Conditional uses. Permitted conditional uses in the TR District shall be as follows: All permitted principal uses in the R-1, R-2, R-3, C-1, C-2 and LI zones. In considering a proposed new or expanded use in the TR District, the Planning Commission shall consider impacts on existing residential uses and compatibility with other commercial and light industrial uses, with due consideration of the future land use of the area. (Ord. 11-2007 §1)

Sec. 16-5-150. I – Industrial District.

(a) Intent. This zoning district is intended to provide a location for a variety of employment opportunities, such as manufacturing, warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations. This District also accommodates complementary and supporting uses, such as convenience shopping and child care centers. Locations for this zone require good access to major arterial streets and adequate water, sewer and power.

(b) Principal uses. Permitted principal uses in the I District shall be as follows:

(1) Accessory buildings and accessory uses.

(2) Auto, RV, boat and truck storage.

(3) Car washes.

(4) Clubs and lodges.

(5) Community facilities.

(6) Enclosed mini-storage facilities.

(7) Equipment rental facilities.

(8) Gasoline stations.

- (9) Health and membership clubs.
- (10) Heavy industrial uses.
- (11) Light industrial uses.
- (12) Manufacturing and preparing food products.
- (13) Manufacturing, assembly or packaging of products from previously prepared materials.
- (14) Manufacturing of electric or electronic instruments and devices.
- (15) Motor vehicle service and repair establishments (minor and major repairs).
- (16) Parking lots and parking garages (as principal use).
- (17) Parks and open space.
- (18) Plant nurseries and greenhouses.
- (19) Plumbing, electrical and carpenter shops.
- (20) Public facilities, with or without business offices and repair and storage facilities.
- (21) Research, experimental or testing laboratories.
- (22) Restaurants, standard and fast food without drive-through facilities.
- (23) Retail and supply yard establishments with outdoor storage.
- (24) Veterinary facilities, small animal clinics.
- (25) Warehouse, distribution and wholesale uses.

(26) Workshops and custom small industry uses.

(c) Limitations. Any use in this District shall conform to the following requirements:

(1) All manufacturing and similar uses shall be carried on entirely within a completely enclosed structure.

(2) Dust, fumes, odors, smoke, vapors and noise shall be confined to the site and be controlled in accordance with state air pollution laws.

(3) Light fixtures in parking areas shall be hooded and mounted not more than twenty-five (25) feet above the ground level and oriented in such a manner so as not to shine into residential areas. Lighting shall conform to the requirements in Section 16-3-450 of this Code.

(4) Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts.

(5) Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compressed gravel or equivalent maintainable surfacing with erosion control.

(d) Conditional uses. Permitted conditional uses in the I District shall be as follows:

(1) Accessory dwellings when associated with a permitted use.

(2) Adult uses, including product sales and entertainment.

(3) Airports.

(4) Artisan and photography studios and galleries.

(5) Automobile, recreational vehicle, boat and truck sales.

(6) Bars and taverns.

(7) Child care centers.

(8) Convenience shopping and retail establishments.

(9) Dry-cleaning plants.

(10) Entertainment facilities and theaters.

(11) Equipment, truck and trailer rental establishments with outdoor storage.

(12) Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations).

(13) Golf courses.

(14) Limited outdoor recreational facilities.

(15) Night clubs.

(16) Open-air farmers' markets.

(17) Public and private schools, including colleges, vocational training and technical training.

(18) Public facilities; provided that business offices and repair and storage facilities are not included.

(19) Public facilities with business offices and repair and storage facilities.

(20) Recycling facilities.

(21) Research, experimental or testing laboratories.

(22) Resource extraction, processes and sales establishments.

(23) Restaurants with drive-throughs.

(24) Sales and leasing of farm implements, heavy equipment sales, mobile and manufactured homes and heavy excavation equipment.

(25) Sexually oriented businesses (as permitted in Article 11 of this Chapter).

(26) Small animal boarding (kennels and catteries).

(27) Veterinary facilities, large animal clinics.

(28) Veterinary hospitals.

(29) Wireless telecommunications facilities (as permitted in Article 16 of this Chapter). (Ord. 11-2007 §1)

(30) Poultry slaughtering. (Ord. 2-2010 §1).

(e) Prohibited Uses. All uses that are not expressly allowed as permitted or conditional uses in this Section, or determined to be permitted or conditional uses by the Planning Commission shall be prohibited. In addition, the following uses are specifically prohibited in the Industrial District:

(1) Feedlots

(2) Petroleum refining

(3) Blast furnaces, and rolling and finishing mills

(4) Electric power generation for wholesale distribution

(5) Cattle, hogs and sheep slaughtering

(6) Animal rendering. (Ord. 2-2010 §2)

Sec. 16-5-160. P – Public District.

(a) Intent. This District is intended to identify and perpetuate the existence of public parks, playgrounds, recreation facilities and public and quasi-public buildings, whether publicly owned or leased.

(b) Principal uses. Principal permitted uses in the P District shall be as follows:

- (1) Accessory buildings and accessory uses.
- (2) Cemeteries.
- (3) Churches or other places of worship and assembly.
- (4) Community facilities.

- (5) Golf courses.
- (6) Parks and open space.
- (7) Tourist facilities.

(c) Conditional uses. Permitted conditional uses in the P District shall be as follows:

- (1) Health and membership clubs.
- (2) Hospitals.
- (3) Limited indoor recreation facilities.
- (4) Limited outdoor recreation facilities.
- (5) Public and private schools for elementary, intermediate and high school education.
- (6) Public and private schools, including colleges, vocational training and technical training.
- (7) Public facilities with business offices and repair and storage facilities.
- (8) Recycling facilities.
- (9) Resource extraction, processes and sales establishments.
- (10) Airports. (Ord. 11-2007 §1)

Sec. 16-5-170. PUD – Planned Unit Development Overlay District.

(a) Intent. This Planned Unit Development (PUD) Overlay District is enacted pursuant to the Planned Unit Development Act of 1972 as amended (Section 24-67-101 et seq., C.R.S.). A PUD is an area of land, controlled by one (1) or more landowners, to be developed under unified

control or unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk or type of use, density, lot coverage, open space or other restriction to the existing land use regulations. The PUD is intended to be used as an overlay zone district that supplements the underlying standard zone district. The intent and purpose of this District is to permit and encourage innovative design and high quality, master-planned developments on large parcels of land. This District is created to allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood. The PUD Overlay District is intended to permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community. PUDs are expected to preserve critical environmental resources, provide above-average open space and recreational amenities, including exceptional design and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure.

(b) Permitted uses. Uses permitted in the PUD Overlay District shall be those uses permitted in the underlying standard zone district for the property, except as otherwise set forth in this Section, shall be governed by the PUD Act of 1972, pursuant to Title 24 Article 7, C.R.S. An applicant for a PUD Overlay District may request modifications to the permitted uses of the underlying zone district to remove those uses that may be deemed incompatible or inappropriate for the overall PUD development. Conditional uses may be permitted if it can be demonstrated that such uses meet the conditional use review criteria for the underlying zone districts.

(c) PUD restrictions and general requirements. Properties utilizing the PUD Overlay District shall be subject to the following:

(1) The area of land for the PUD may be controlled by one (1) or more landowners and must be developed under unified control or a unified plan of development.

(2) Areas designated as private streets and/or common open space, including land, an area of water or a combination of land and water within the site designated for a PUD, shall be designed and intended primarily for the use or enjoyment of residents, occupants and owners of the PUD; and provisions shall be made for the establishment of an organization for the ownership and maintenance of such private streets and/or common open space areas unless other adequate arrangements for the ownership and maintenance thereof are provided in a manner acceptable to the Town.

(3) All requirements set forth in this Code otherwise applicable to the area of land proposed for a PUD shall govern, except to the extent that the unified plan of development for residential, commercial, educational, recreational or industrial uses or any combination thereof may propose exceptions in lot size, bulk, type of use, density, lot coverage, open space or other standards within the existing land use regulations.

(4) No PUD may be approved by the Town without the written consent of the landowner whose property is included within the PUD.

(d) PUD approval procedure.

(1) All PUD Overlay District applications shall be submitted and processed simultaneously with the processing of subdivision applications for the property. The processes set forth in Chapter 17, Article 3 of

this Code, for major subdivisions, shall be followed. In addition, an application for a PUD Overlay District amendment to the official zoning map shall be processed and subject to public hearings in the same manner as for other amendments to the official zoning map.

(2) Rezoning to a PUD Overlay District shall occur concurrently with a preliminary plat/preliminary PUD development plan. Public hearings for the zoning of a property as a PUD Overlay District and for preliminary PUD development plan approval may be combined or can occur separately. Development within a PUD Overlay District cannot occur unless and until a final plat for the portion of the property to be developed has been approved and recorded as provided in Chapter 17 of this Code.

(3) Upon approval of a final PUD development plan, the Board of Trustees shall adopt an ordinance establishing the PUD Overlay District for the property in accordance with that plan.

(4) In addition to all of the information required as part of the sketch plan, preliminary plat and final plat application packages, applications for a PUD development plan and PUD Overlay District shall include additional information as outlined below.

(e) Sketch PUD development plan application submittal requirements. A developer requesting sketch plan PUD approval shall submit:

(1) A PUD application fee.

(2) A written PUD description as part of the general development information, which includes:

a. A list of all subdivision regulation exceptions proposed for the PUD.

- b. Identification of the underlying zoning districts for the property and a description of any proposed modifications and/or restrictions to the allowed uses and/or standards within the districts. If any conditional uses are requested, explain how the conditional use review criteria will be addressed.
- c. Identification and explanation of the benefits which will be provided by the PUD to offset the impact of the modifications requested (i.e., if the minimum lot size is decreased, additional functional, centrally located common open space will be provided; or if the width of the local street right-of-way is decreased by eliminating on-street parking, then there will be designated parking areas within five hundred [500] feet of all residences, etc.). All proposed benefits must offset the proposed modifications.
- d. An explanation of how the proposed PUD will be compatible with adjacent neighborhoods which now exist or are proposed in the future. Describe any proposed buffering techniques which serve to achieve such compatibility.
- e. Any additional relevant information which the Town may deem necessary.
- (f) Preliminary PUD development plan application submittal requirements. Following sketch plan approval, a developer requesting preliminary PUD plan approval shall submit:
- (1) A PUD application fee.
 - (2) A written PUD description as part of the general development information which includes:
 - a. A list of all subdivision regulation exceptions being proposed for the PUD and an explanation of why such exceptions are justified.
 - b. Identification of the underlying zoning districts for the property and a description of any proposed modifications and/or restrictions to the allowed uses and/or standards within the districts. Provide a comparison between the proposed preliminary PUD plan to the elements and standards of the underlying zone districts as contained in this Chapter. If any conditional uses are requested, explain how the conditional use review criteria will be addressed.
 - c. A description of how the proposed PUD overlay rezoning satisfies one (1) or more of the criteria for amendments to the official zoning map.
 - d. Identification and an explanation of the benefits which will be provided by the PUD to offset the impact of the modifications requested. The proposed benefits must offset the proposed modifications.
 - e. An explanation of how the proposed PUD will be compatible with adjacent neighborhoods which now exist or are proposed in the future. Buffering techniques which serve to achieve such compatibility shall be described.
 - f. An explanation of how the preliminary PUD development plan is consistent with the sketch PUD development plan or, if there are differences, the rationale for the changes.

g. Draft copies of owners' association documents (covenants, conditions, restrictions and any architectural design guidelines) that provide an acceptable program for the continuing maintenance of open space, recreational areas, walkways and private streets within the PUD that detail the type of organizational structure responsible for such ongoing maintenance and that provide for architectural review based on the design guidelines.

h. Any additional relevant information which the Town may deem necessary.

(3) Preliminary PUD development plan map. The preliminary PUD development plan map shall be prepared using the preliminary plat map as the base. (Refer to Chapter 17 of this Code for drawing standards and format.) The base shall include a clear graphic or written representation of:

a. All principal, conditional and accessory uses within each land use category within the PUD (i.e., single-family, multi-family, commercial, etc.), either listed specifically or by reference to the zoning districts within the Town. In particular, any modifications to the principal, conditional and accessory uses of the underlying zone districts shall be noted.

b. Standards for principal and accessory uses within each land use category, to include:

1. Minimum lot area.
2. Maximum lot coverage.
3. Maximum floor area ratio (total floor area to total lot area).

4. Maximum building height.

5. Parking requirements for principal, accessory and conditional uses.

6. Any additional relevant information which the Town may deem necessary.

c. Proposed phasing for the development.

(g) Final PUD development plan application submittal requirements. Following preliminary approval, a developer requesting final PUD approval shall submit:

(1) A PUD application fee.

(2) A written PUD description as part of the general development information, based on the materials submitted for the preliminary PUD development plan and on comments received from the Town at the time of preliminary plan review. All of the items listed above for the preliminary PUD development plan in finalized form shall be included. An explanation shall also be included of how the final PUD development plan is consistent with the preliminary PUD development plan, or if there are differences, the rationale for the changes.

(3) A final PUD development plan map. The final PUD development plan map using the final plat map as the base shall be prepared. (Refer to Chapter 17 of this Code for drawing standards and format.)

(4) Any additional relevant information which the Town may deem necessary.

(h) PUD review criteria.

(1) Sketch PUD development plan review criteria. The following review criteria will be used by the Town staff, Planning Commission and Board of Trustees to evaluate all PUD applications at the time of sketch PUD plan/sketch plan review:

a. The proposed benefits offset the proposed exceptions to the zoning and subdivision standards, and the exceptions are in the best interest of the public health, safety and welfare.

b. The proposed PUD conforms to the PUD restrictions, and the proposed zoning is compatible with the surrounding land uses.

c. The PUD proposes creative and innovative design and high-quality development, thereby protecting and promoting public safety, convenience, health and general welfare.

d. The uses and densities in the proposed PUD are compatible and will be effectively integrated with adjacent neighborhoods which now exist or are proposed in the future.

e. The proposed PUD is in general conformance with the Comprehensive Plan.

f. One (1) or more of the criteria for amendment of the official zoning map has been satisfied.

(2) Preliminary PUD development plan review criteria. In addition to all of the review criteria for a sketch PUD development plan, the following review criteria will be used by the Town staff and Board of Trustees to evaluate all PUD applications at the time of the preliminary PUD plan/preliminary plat:

a. The preliminary PUD development plan is substantially consistent with the sketch development plan as approved by the Board of Trustees.

b. All sketch PUD development plan conditions of approval have been adequately addressed on the preliminary PUD development plan.

(3) Final PUD development plan review criteria. In addition to all of the review criteria for a preliminary PUD development plan, the following review criteria will be used by the Town staff and Board of Trustees to evaluate all PUD applications at the time of the final PUD plan/final plat:

a. The final PUD development plan is substantially consistent with the preliminary PUD development plan as approved by the Board of Trustees.

b. All preliminary PUD development plan conditions of approval have been adequately addressed on the final PUD development plan.

(i) Compliance with PUD Overlay District/final development plan. The Board of Trustees may initiate the process to repeal the ordinance establishing the PUD Overlay District if:

(1) The project for which the PUD overlay zone was established is not carried out pursuant to the approved final PUD development plan; provided, however, that the Board of Trustees may approve appropriate modifications to the final PUD development plan from time to time prior to completion of the proposed development; or

(2) Building activity for the PUD Overlay District has not commenced within a period of one (1) year after the effective date of the creating ordinance, unless otherwise approved by the Board of Trustees. (Ord. 11-2007 §1)

ARTICLE 6

Density and Dimensional Standards

Sec. 16-6-10. Agriculture and residential density and dimensional standards.

The following specifications shall be required in the zones identified:

<i>Zones</i> <i>Standards</i>	<i>A Agriculture</i>	<i>R-1 Residential Single-family Rural Density</i>	<i>R-2 Residential Single-family Medium Density</i>	<i>R-3 Residential Single-family senior housing</i>	<i>R-4 Residential Multi-family</i>	<i>MH Mobile/ Manufactured Home Park</i>
<i>Minimum site area</i>	5 acres	1 acre	6,500 sq. ft.	1 acre	11,500 sq. ft.	10 acres (80 acres maximum)
<i>Minimum lot area per dwelling (sq. ft. unless otherwise noted)</i>	5 acre	0.5 acre	6,500 ^l	4,000	11,500 (plus 2,000 per each unit over two)	4,000
<i>Maximum net density (units per acre)</i>	0.2	1	4	7	12	7
<i>Minimum lot width (at setback line) (feet per dwelling)</i>	120	120	60	50	25 (Townhomes)	50
<i>Minimum front yard setback (feet)</i>						
<i>Principal building</i>	50	50	20	15	15	Front - 10 Entry side - 15
<i>Attached garage</i>			25	25		
<i>Accessory building/detached garage</i>	60	60	35	35	35	25
<i>Minimum side yard setback</i>	20	20	7 15 on nonentry side of corner lot	7	7 (at end of each row)	10 Opposite entry
<i>Minimum distance between buildings</i>	20	20	10	10	10	10

<i>Zones</i> <i>Standards</i>	<i>A</i> <i>Agriculture</i>	<i>R-1</i> <i>Residential</i> <i>Single-</i> <i>family</i> <i>Rural</i> <i>Density</i>	<i>R-2</i> <i>Residential</i> <i>Single-</i> <i>family</i> <i>Medium</i> <i>Density</i>	<i>R-3</i> <i>Residential</i> <i>Single-</i> <i>family</i> <i>senior</i> <i>housing</i>	<i>R-4</i> <i>Residential</i> <i>Multi-family</i>	<i>MH Mobile/</i> <i>Manufactured</i> <i>Home Park</i>
<i>Minimum rear yard setback (feet)</i>						
<i>Principal building</i>	20	20	20	10	15	10
<i>Accessory building or structures</i>	5	5	5	5	5	5
<i>Deck</i>	10	10	10	10	10	10
<i>Patio Cover</i>	10	10	10	10	10	10
<i>Minimum floor area (above grade) per dwelling unit</i>	864	864	864	864	600	480
<i>Maximum building height (feet)</i>	35	35	35	One-story 25 feet	35	16 35 Park-owned common structures
<i>Maximum dwelling units per structure</i>	1	1	1	1	12	1

¹ For Subdivisions of over 10 single-family lots, the average lot size shall be a minimum of 7,500 sq. ft. (Ord. 11-2007 §1)

Sec. 16-6-20. Commercial, industrial and public density and dimensional standards.

The following codes are used in the table below: (— = No specific requirement)

<i>Zones</i> <i>Standards</i>	<i>C-1</i> <i>Community</i> <i>Commercial</i>	<i>C-2</i> <i>Downtown</i> <i>Commercial</i>	<i>C-2</i> <i>Highway</i> <i>Commercial</i>	<i>LI</i> <i>Light</i> <i>Industrial</i>	<i>I</i> <i>Industrial</i>	<i>P</i> <i>Public</i>
<i>Minimum front yard setback (feet)</i>	25	0	25	25	25	—
<i>Minimum rear yard setback (feet)</i>	20	25 ²	20	20	20	—
<i>Minimum side yard setback (feet)¹</i>	0 ¹	0	0 ¹	0 ¹	20	—

<i>Zones</i>	<i>C-1 Community Commercial</i>	<i>C-2 Downtown Commercial</i>	<i>C-2 Highway Commercial</i>	<i>LI Light Industrial</i>	<i>I Industrial</i>	<i>P Public</i>
<i>Standards</i>						
<i>Maximum floor area ratio (ratio of total floor area to total lot area)</i>	1:1	2:1	1:1	1:1	1:1	—
<i>Maximum net density (residential units per acre)</i>	12	12	12	—	—	—
<i>Maximum building height (feet)</i>	35	35	45	45	45 ³	45

- ¹ Adjacent to residential uses, the minimum setback shall be 10 feet. The entire setback area shall be landscaped and include a minimum six-foot high privacy fence or hedge.
- ² For all new commercial uses located in the Downtown Commercial District, parking shall be required from the east property line to the west property line along the rear setback. The rear setback shall be a minimum of 25 feet.
- ³ Maximum height may be increased by 1 foot for each additional 2 feet horizontal distance beyond minimum setback.
or
- ³ Subject to conditional review process and increased setback consideration.

(Ord. 11-2007 §1)

ARTICLE 7

Conditional Uses

Sec. 16-7-10. Purpose.

(a) In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a conditional use. Specific conditional uses for each zone district are listed in Article 6.

(b) Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Article is intended to assure compatibility and harmonious development between conditional uses, surrounding properties

and the Town at large. Conditional uses may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied. (Ord. 11-2007 §1)

Sec. 16-7-20. Conditional use review process.

(a) Step 1: Optional preapplication conference. The applicant may attend a preapplication conference with the Town Administrator/Clerk. The purpose of the meeting is to discuss the conditional use submittal requirements and review process.

(b) Step 2: Conditional use application submittal. The applicant shall submit one (1) copy (twenty [20] copies of all plans and maps which are larger than 11" x 17") of the complete conditional use application package to the Town Administrator/Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. Conditional use requests shall include:

- (1) A land use application form.
- (2) A conditional use/technical criteria form.
- (3) Title commitment. The title commitment must be current and dated no more than thirty (30) days from the date of conditional use application submittal.
- (4) A written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied.
- (5) A map showing the proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped area and utilities and drainage features.
- (6) Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.
- (7) Such additional material as the Town Administrator/Clerk may prescribe or the applicant may submit pertinent to the application.
- (8) A surrounding and interested property ownership report. Provide a current list (not more than thirty [30] days old) of the

names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

(9) A public hearing notification envelope. One (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the return address, and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies.

(c) Step 3: Conditional use application certification of completion and report to Planning Commission. Within a reasonable period of time, The Town staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the conditional use technical criteria form). The original application and all documents requiring a signature shall be signed in blue ink. After a complete application is received, the Town staff shall prepare a report to the Planning Commission explaining how the application is or is not consistent with the conditional use application review criteria.

(d) Step 4: Planning Commission review of the conditional use application. The Planning Commission shall hold a meeting to review the application and determine if the application complies with the conditional use review

criteria. The Planning Commission will then recommend to the Board of Trustees approval, approval with conditions or denial.

(e) Step 5: Set conditional use public hearing date and notify public of hearing. The Town Administrator/Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies no less than thirty (30) days before the hearing. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. The Town Administrator/Clerk shall also publish notice of the hearing in a newspaper of general circulation. The Town Administrator/Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant. The hearing may be held no less than thirty (30) days from the date of property posting and newspaper publication. If the conditional use request is accompanying another application which is scheduled for public hearing before the Board of Trustees, one (1) public hearing may be held on both applications.

(f) Step 6: Board of Trustees public hearing and action on the conditional use. The Board of Trustees shall hold a public hearing on the conditional use application. Following the public hearing, the Board of Trustees may approve, conditionally approve or deny the conditional use application based on the conditional use review criteria. A conditional use permit may be revocable, may be granted for a limited time period or may be granted subject to conditions as the Board of Trustees may prescribe. Conditions may include, but shall not be limited to, requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation,

control of potential nuisances, prescription of standards for maintenance of buildings and grounds and prescription of development schedules.

(g) Step 7: Record conditional use map. The Town Administrator/Clerk shall record one (1) original Mylar of the conditional use map in the office of the County Clerk and Recorder. The recording fee shall be paid by the applicant. (Ord. 11-2007 §1)

Sec. 16-7-30. Conditional use review criteria.

The Town shall use the following criteria to evaluate the applicant's request:

(1) The conditional use will satisfy all applicable provisions of this Chapter and Chapter 17 of this Code unless a variance is being requested.

(2) The conditional use will conform with or further the goals, policies and strategies set forth in the Comprehensive Plan.

(3) The conditional use will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

(4) The conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.

(5) The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse

impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

(6) Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:

- a. Traffic;
- b. Activity levels;
- c. Light;
- d. Noise;
- e. Odor;
- f. Building type, style and scale;
- g. Hours of operation;
- h. Dust; and
- i. Erosion control.

(7) The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained. (Ord. 11-2007 §1)

ARTICLE 8

Manufactured Home Park (MH) District

Sec. 16-8-10. Intent.

This is a high-density residential district on a parcel of land under single ownership or control on which manufactured homes are occupied as residences. (Ord. 11-2007 §1)

Sec. 16-8-20. MH District approval procedure.

(a) This District may only be used in conjunction with the PUD Overlay District.

(b) An amendment to the zoning district map to create an MH District shall follow the procedures set forth in Section 16-5-20 of this Chapter. Prior to, or simultaneously with the application for an amendment to the official zoning map for an MH District, the applicant shall submit an MH park development plan of the property for review and approval.

(c) Prior to or simultaneously with the application for an amendment to the official zoning map for an MH District, the applicant shall submit a subdivision plat of the property for review and approval as provided by Chapter 17 of this Code. Development within the manufactured home park shall be subject to review and approval through the preliminary and final plat process in compliance with all the standards in this Article and consistent with the applicable community design principles and development standards found in this Code.

(d) A manufactured home park development shall be subdivided for the purpose of dedication of adjacent public streets, internal public streets and ways, utility and other easements and other public facilities, and a final plat recorded as provided by Chapter 17 of this Code.

(e) Development in this District is permitted only in accordance with an MH District development plan and final plats prepared and approved in accordance with the provisions herein. The owners and their successors, heirs or assignees shall be bound by the approved MH

District development plan and final plats, including any amendments thereto approved by the Board of Trustees, as provided herein. (Ord. 11-2007 §1)

Sec. 16-8-30. General requirements applicable to MH Districts.

(a) In order to provide uniform administrative procedures and quality development standards, property zoned in the MH District shall conform to all provisions of this Code except as such provisions are specifically altered on the approved MH park development plan.

(b) Final approval of the MH manufactured home park amendment to the official zoning map and any development within an MH District shall not occur until a final plat for the portion to be developed is approved and recorded as provided in Chapter 17 of this Code.

(c) All public utility distribution lines shall be placed underground.

(d) Any property placed in the MH District shall be a minimum of five (5) acres.

(e) Building and occupancy permits for manufactured homes in a manufactured home park development shall comply with the following requirements.

(1) It shall be unlawful to erect, move or place any manufactured home or other structure on or onto any property in a manufactured home park development without first obtaining a building permit.

(2) Application for a building permit shall be made in accordance with the requirements of the Building Code, to the

extent applicable and shall be accompanied by a fee determined according to the current Building Code fee schedule.

(3) No building permit for the installation of a manufactured home shall be issued unless the manufactured home meets the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.) and applicable Town codes that are not in conflict therewith. (Ord. 11-2007 §1)

Sec. 16-8-40. Manufactured home design standards/building requirements.

(a) The manufactured home must be partially or entirely manufactured in a factory.

(b) The manufactured home must be not less than twenty-four (24) feet in width and thirty-six (36) feet in length.

(c) The manufactured home must be set on an excavated, backfilled, engineered foundation enclosed at the perimeter so that the top of the perimeter wall sits no more than twelve (12) inches above finish grade. The foundation shall be similar in appearance and durability to a masonry foundation of a site-built dwelling. The foundation shall provide an anchoring system for the manufactured home that is totally concealed under the structure.

(d) The manufactured home must have brick, wood or cosmetically equivalent exterior siding on all exterior walls, which provides a consistent, continuous facade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter foundation. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.

(e) The manufactured home must have a pitched roof with a pitch of at least a nominal three (3) in twelve (12). The roof must be covered with shingles, shakes or tile. Eaves of the roof must extend at least one (1) foot from the intersection of the roof and the exterior walls.

(f) The manufactured home must have windows that are wood, vinyl-coated or anodized aluminum.

(g) The manufactured home must have color-coordinated body and trim. Colors of both the factory components and the site-built components shall be the same.

(h) The main entrance to the manufactured home must face or be oriented toward an adjacent street.

(i) The transportation mechanisms, including the wheels, axles and hitch, must be removed.

(j) No manufactured home shall be occupied for dwelling purposes unless it is properly placed in a manufactured home space and connected to water, sewerage, electric and gas utilities, as appropriate.

(k) All manufactured homes shall be certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq., or shall be certified by the Colorado Division of Housing pursuant to Section 24-32-701 et seq., C.R.S.

(l) All manufactured homes shall have an enclosed crawlspace underneath the manufactured home and shall not provide a harborage for rodents or create a fire hazard. No enclosed crawlspace shall be used for storage unless the storage area is surfaced with concrete. Adequate access and ventilation shall be provided in accordance with the Guidelines For Manufactured Housing Installation.

(m) All manufactured homes shall meet or exceed equivalent engineering standards for other single-family residences.

(n) Additions to increase the floor area of manufactured home shall not be permitted except for patios, porches, garages, decks or carports. Garages may be detached or attached.

(o) Prior to occupancy, the Building Inspector shall inspect each manufactured home to determine compliance with this Code. No occupancy shall be permitted or certificate of occupancy issued until said inspection and all connections to public utilities have been made. The owner or home builder shall pay to the Town a building permit fee for each residential structure as may be required by this Code. Installation procedures and the building permit fee shall be in accordance with the then current Guidelines for Manufactured Housing Installation, including appendices, published by the International Conference of Building Officials for manufactured homes and as adopted by the Town.

(p) All additions shall comply with minimum yard requirements, and a building permit shall be required in advance for any such addition. (Ord. 11-2007 §1)

Sec. 16-8-50. Density, dimensional and spacing standards.

(a) The minimum area manufactured home space shall be four thousand (4,000) square feet.

(b) The minimum lot length shall be eighty (80) feet.

(c) The minimum lot width shall be fifty (50) feet.

(d) The maximum building height shall be thirty-five (35) feet.

(e) The maximum gross density shall be ten (10) units per acre.

(f) The distance between any building or manufactured home from a property line of the manufactured home park shall be twenty (20) feet.

(g) The front setback of a manufactured home shall be at least fifteen (15) feet from the back of the curb; provided, however, that in order to encourage the enclosed storage of parked vehicles, the setback from the back of the curb to a garage shall be either five (5) feet or fifteen (15) feet or greater.

(h) Side spacing shall provide for a minimum distance of twenty (20) feet between manufactured homes.

(i) Rear spacing shall provide for a minimum distance of twenty (20) feet between units when units are side-to-end and a minimum distance of ten (10) feet between units when units are end-to-end.

(j) There shall be a minimum setback of twenty (20) feet between any service facility or manufactured home park permanent building and any manufactured home.

(k) Accessory buildings and structures shall be constructed in accordance with the adopted Building Code. Accessory buildings and structures shall include steps, attached or detached patios that are open on three (3) sides, attached or detached decks that are open on three (3) sides, attached or detached storage units, attached or detached garages and attached or detached carports. Accessory buildings or structures may be located adjacent to a manufactured home space line; provided, however, that a minimum of six (6) feet of separation is provided between a garage and any other structure on an adjoining space. Any other

building or structure shall provide a minimum of ten (10) feet between it and any structure on an adjoining space.

(l) The limits of each manufactured home lot shall be clearly marked on the ground by permanent monuments set pursuant to Section 38-51-101, C.R.S. (Ord. 11-2007 §1)

Sec. 16-8-60. Street design standards.

(a) Unless otherwise approved by the Board of Trustees, all streets in a manufactured home park shall be dedicated to the Town and, unless accepted for maintenance by the Town, shall be maintained by the park owner or an owners' association and shall be a minimum width of twenty-two (22) feet from back of curb to back of curb, including the width of gutter pans.

(b) Primary through streets shall be thirty-four (34) feet from back of curb to back of curb with a four-foot detached sidewalk on one (1) side being located six (6) feet from the back of curb.

(c) The developer shall provide for covenants or other mechanisms, which shall be approved by the Town, ensuring that streets are maintained and replaced as required.

(d) All streets within the manufactured home park shall be constructed to the Town standards. (Ord. 11-2007 §1)

Sec. 16-8-70. Parking.

(a) Every manufactured home space shall have two (2) off-street parking spaces adjacent to the manufactured home. There shall be one (1) additional parking space for each manufactured home space within one hundred (100) feet for use by occupants and guests.

(b) Off-street vehicle parking for recreation facilities. Off-street vehicle parking shall be provided for recreation facilities located within a manufactured home park. One (1) space per two hundred fifty (250) square feet of gross floor area, plus one (1) space per employee at the maximum shift, shall be provided for enclosed recreation facilities. Twenty (20) spaces are to be provided for every diamond or athletic field, or one (1) space for every four (4) spectator seats, whichever is greater. (One [1] seat is equal to two [2] feet of bench seating length.) Handicapped parking spaces shall be provided in conformance with the Americans With Disabilities Act, as may be amended from time to time. (Ord. 11-2007 §1)

Sec. 16-8-80. Pedestrian circulation.

The developer shall provide for a system of pedestrian circulation within the development. The system shall connect with existing sidewalks, if any are adjacent to the property. The system shall be designed to link residential units with recreation facilities, school bus stops and existing sidewalks in the neighborhoods. Attached and detached sidewalks within the manufactured home park shall be a minimum of four (4) feet in width. (Ord. 11-2007 §1)

Sec. 16-8-90. Street and sidewalk lighting.

All streets and sidewalks shall be lighted in accordance with the standards contained in this Code. (Ord. 11-2007 §1)

Sec. 16-8-100. Access and circulation.

A manufactured home park development shall have two (2) means of access to public streets at the perimeter of the site. Internal circulation may be provided by public or private streets, driveways and alleys. Each manufactured home space shall be provided access to the internal circulation system. No manufactured home space shall have direct access to a public street on the perimeter of the site. (Ord. 11-2007 §1)

Sec. 16-8-110. Sidewalk between street and manufactured home.

Concrete sidewalks shall be provided between the manufactured home and the adjacent street sidewalk; except the paved parking area may satisfy this requirement, provided that a sidewalk is provided from the parking area to the manufactured home. (Ord. 11-2007 §1)

Sec. 16-8-120. Traffic control.

(a) Pursuant to Section 42-5-1102, C.R.S., the Town elects to impose and enforce stop sign regulations, speed limits and parking restrictions posted in accordance with the Manual of Uniform Traffic Control Devices upon all highways and streets which are privately maintained in manufactured home parks. The owner of the manufactured home park shall provide such signs as may be required by the Town Engineer and agree to erect and maintain such signs in conformity with the Model Traffic Code.

(b) The stop sign placement, speed limits and parking restrictions shall be determined by the Traffic Engineer, but shall be consistent with the provisions of Sections 42-5-1101—42-5-1104, 42-5-1204 and 42-5-1208, C.R.S.

(c) There shall be posted at each entrance to any such manufactured home park a sign giving notice of such enforcement in the following text:

"NOTICE: Stop sign, speed limits and parking restrictions enforced by the Town."

(d) When all signs are in place, stop sign, speed limit and parking regulations shall be enforced, and violations thereof punished, in accordance with the provisions of the Model Traffic Code then in effect. (Ord. 11-2007 §1)

Sec. 16-8-130. Utility design requirement.

(a) All public utilities shall be installed in accordance with the applicable Town standards.

(b) A manufactured home park may have multiple master meters for water service.

(c) Each manufactured home space shall have its own meter for water and electrical service. (Ord. 11-2007 §1)

Sec. 16-8-140. Manufactured home space landscaping.

The developer shall provide front and rear manufactured home space landscaping for each manufactured home space, including but not limited to sod and irrigation system and trees and shrubs. The developer shall provide a graphic representation of "typical" manufactured home space landscaping for each of the manufactured home designs to be located in the manufactured home park for review and approval by the Planning Commission and Board of Trustees. (Ord. 11-2007 §1)

Sec. 16-8-150. Manufactured home park perimeter and common space landscaping.

The developer shall landscape the perimeter and common open space of the manufactured home park in accordance landscaping plans approved by the Planning Commission and Board of Trustees. (Ord. 11-2007 §1)

Sec. 16-8-160. Outdoor living area.

(a) No less than eight percent (8%) of the gross site area shall be reserved for and devoted to improved recreation areas and facilities provided in locations convenient to all manufactured home spaces.

(b) An outdoor living area shall be provided on each space equal to at least ten percent (10%) of its area, provided that in no case shall such area be less than three hundred (300) square feet or required to be more than five hundred (500) square feet. The minimum horizontal dimension of such area shall be not less than fifteen (15) feet.

(c) Such outdoor living area shall be properly drained, located for convenience and optimum use and walled, fenced or landscaped to provide reasonable privacy. (Ord. 11-2007 §1)

Sec. 16-8-170. Tenant storage.

(a) A separate uniform tenant storage structure shall be provided for each space, located on each space.

(b) There shall be a minimum of two hundred twenty-four (224) cubic feet of storage area provided for each manufactured home space.

(c) Design and location of tenant storage shall enhance the appearance of the park, and the exterior siding of the structure shall have the same appearance as materials commonly used on residential dwellings. (Ord. 11-2007 §1)

Sec. 16-8-180. Street names; addressing; mail delivery.

All streets shall be named on the MH park development plan and submitted by the owner for approval. Each space shall be numerically designated for address and mail purposes and signs furnished and installed by the manufactured home park owner. Cluster postal boxes will be provided at central locations convenient to the residents. No individual street-side mailboxes are permitted unless otherwise approved by the Town. (Ord. 11-2007 §1)

Sec. 16-8-190. Solid waste disposal.

(a) The owner of the manufactured home park shall be responsible for the promulgation and enforcement of rules and regulations governing solid waste storage and handling that meet or exceed state or federal regulations.

(b) The owner shall provide containers for the storage of solid wastes awaiting collection for each manufactured home space. Containers are to be sized to completely contain all solid waste that is generated on the premises. Containers are to be fly-tight, watertight and rodent-proof and are to be kept off the street, curb, sidewalk and all other public ways and concealed from public view, except on collection day. (Ord. 11-2007 §1)

Sec. 16-8-200. Single ownership of a manufactured home park development.

(a) A manufactured home park development may not be converted to another use other than such uses provided for in the MH park development plan without the approval of the Town and meeting the appropriate lot size, lot width, setback and other requirements of the new use.

(b) The land within a manufactured home park development shall remain in a unified ownership, and the individual ownership of lots or portions of lots shall not be transferred.

(c) No dwelling unit other than a manufactured home shall be located within a manufactured home park development. (Ord. 11-2007 §1)

Sec. 16-8-210. Conformance of manufactured home park to state law.

A manufactured home park and its operation shall conform to the provisions of the Mobile Home Park Act, Section 38-12-201 et seq., C.R.S. (Ord. 11-2007 §1)

Sec. 16-8-220. Business license.

The owner or operator of a manufactured home park shall obtain a business license as provided in this Code. (Ord. 11-2007 §1)

Sec. 16-8-230. Application submission requirements.

(a) The applicant shall submit the required information to the Town Administrator/Clerk on paper and by electronic media as required. Accompanying the submission shall be a filing fee as established by the current fee schedule and a signed fee agreement form. The submission shall be reviewed by the Town staff for completeness and compliance with the provisions of the Comprehensive Plan, this Code and this Article. The applicant shall be notified of any deficiencies or inadequacies. An incomplete submission shall not be processed or considered by the Planning Commission or Board of Trustees.

(b) All maps and graphic plans shall be prepared, signed and stamped by a licensed engineer or registered surveyor. All narrative reports shall be prepared by a qualified professional in the field, signed by the author and shall contain a summary of the author's professional qualifications. (Ord. 11-2007 §1)

Sec. 16-8-240. MH District zoning application submission requirements.

(a) The following are the submission requirements for the zoning application.

- (1) A land use application form.
- (2) An application fee as established by resolution by the Board of Trustees.
- (3) Current proof of ownership in the form of title insurance issued within thirty (30) days of submission of the application.
- (4) A word processing file of the legal description of the property on an acceptable computer disk, formatted disk or by other acceptable electronic transfer as required by the Town Administrator/Clerk (Microsoft Word 6.0™ or higher, or WordPerfect 6.1™ or higher).
- (5) A notarized letter or authorization from the landowner permitting a representative to process the application, as necessary.

(6) MH park development plan. The MH park development plan shall be submitted on 24" x 36" paper with a minimum two-inch margin on the left side and a minimum of one-half-inch margins at the top, bottom and right side. The plan shall be drawn at a scale of 1" = 100' or 1" = 200', or another scale approved by the Town Administrator/Clerk. An AutoCAD™ drawing file (Release 12 or higher) of the MH park development plan on formatted computer disk or by other acceptable electronic transfer shall also be provided.

(b) The name of the MH park development plan shall be centered on the upper portion of each sheet. Each sheet shall have a title block in

the lower right-hand corner or along the right-hand margin and the sheet numbered in the lower right-hand corner. For processing purposes, the text information may be prepared on 8½" x 11 " paper. For recording purposes, the text information shall be displayed on the 24"x 36" sheets unless otherwise approved by the Town Administrator/Clerk.

(c) MH Park Development Plan Sheet 1.

(1) The name of the proposed MH park shall be centered at the top of the sheet along the long dimension of the sheet. There shall be a title block in the lower right-hand corner or along the right-hand margin.

(2) Centered on the sheet a vicinity map that depicts the relationship to the surrounding area within a two-mile radius shall be superimposed on a current Town land use plan map.

(3) The following "statement of commitments" shall be placed in columns, beginning in the upper left-hand column and may wrap around the vicinity map. The statement of commitments shall, in all cases, describe the development commitments, including a method for assigning responsibility to heirs, successors or assignees and timing of the fulfillment of these commitments for the following:

a. Dedication. A description of dedications for public use, either in specific acreage dedication (referenced by number, letter or symbol) or specific amounts of cash-in-lieu of land or facilities.

b. On- or off-site improvements. Provisions shall be made for the construction of community or off-site improvements through irrevocable letters of credit or the imposition of pro rata fees.

c. Payment of taxes on land to be dedicated for public use. A commitment to pay all taxes due at closing for land to be dedicated to public use.

d. Other commitments imposed by the Board of Trustees. (Ord. 11-2007 §1)

Sec. 16-8-250. MH manufactured home park review and approval criteria.

In addition to the criteria set forth for zoning amendments, the following criteria shall be considered by the Planning Commission and Board of Trustees in the review of MH manufactured home park zoning applications:

- (1) Whether the application is in compliance with the requirements of this Section;
- (2) Whether the proposed zoning is compatible with the surrounding land uses;
- (3) Whether the subject land is suitable for the intended use and is compatible with the natural environment; and
- (4) Whether the MH District is compatible with the Comprehensive Master Plan and related plans and documents. (Ord. 11-2007 §1)

Sec. 16-8-260. MH District post-approval actions.

(a) Upon approval by the Board of Trustees of the MH park development plan, the applicant shall comply with required plat and sketch plan submission requirements, as required, of the

approved MH park development plan for recording, accompanied by the recording fees and all other costs billed by the Town relative to the MH park development plan. Inaccurate, incomplete or poorly drawn plans shall be rejected.

(b) The MH park development plan shall be a tapeless, spliceless and creaseless original drawing on double matte Mylar film with a uniform thickness of not less than three one-thousandths (.003) of an inch, using only permanent black ink that will adhere to drafting films or an acceptable "fix-line" photographic reproduction (emulsion down) or computer-generated reproduction of the original drawing. In addition, the applicant shall submit one (1) 11" x 17" Mylar reduction of the plan and an AutoCAD™ drawing file (Release 12 or higher) of the plan on a formatted computer disk or by other acceptable electronic transfer.

(c) Within thirty (30) days of receipt of the MH park development plan, the Town Administrator/Clerk shall review the documents for compliance with the Board of Trustee's approval, obtain the Town Officials' signatures and submit the approved MH park development plan and the ordinance amending the official zoning map to the County Clerk and Recorder for recordation and shall cause the appropriate amendment to the official zoning map. (Ord. 11-2007 §1)

ARTICLE 9

Recreational Vehicle Parks

Sec. 16-9-10. Definitions.

As used in this Article, the following words and terms shall have the meaning ascribed to them in this Section:

Recreational vehicle means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle (RV):

a. Camping trailer. A canvas (or other type of material), folding vehicle of rigid construction, mounted on wheels and designed for travel and recreation.

b. Motorized home, motor home and/or recreational bus or van. A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses and constructed as an integral part of a self-propelled vehicle.

c. Pickup coach. A vehicle designed to be mounted on or loaded into a truck chassis for use as a temporary dwelling for travel and recreation.

d. Tent. Protective fabric erected to provide protection from the elements.

e. Travel trailer. A towable vehicle designed as a temporary dwelling for travel and recreation.

f. Travel trailer, self-contained. A trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Recreational vehicle park means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.

Recreational vehicle site means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent or other individual camping unit on a temporary basis.

Sanitary facilities means toilets, urinals, lavatories, showers, utility sinks, drinking fountains and the service buildings containing these units.

Sanitary waste station means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.

Service building means a structure housing a toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required. (Ord. 11-2007 §1)

Sec. 16-9-20. Review process.

(a) All new recreational vehicle parks or development on any recreational vehicle park, new or preexisting, must submit all plans and specifications in detail for such development to the Planning Commission and obtain approval after formal public hearing from the Board of Trustees. No construction or development shall be commenced until approved by the Board of Trustees and a building permit issued.

(b) Permits for development of recreational vehicle parks shall be granted according to the conditional review process of this Code.

(c) The Building Inspector and Town Engineer shall inspect each new recreational vehicle park or space/site addition or construction on existing parks to determine compliance with the provisions of this Article and all other applicable ordinances, rules, regulations or codes. No occupancy shall be permitted or certificate of occupancy issued until said officials have made

such determination in writing. Occupancy of the premises prior to issuance of a certificate of occupancy based on the above determination shall subject the violator to the penalties set forth in this Code. The above-named officials shall have authority to enter upon the premises for the purpose of such inspection at any reasonable time without notice or approval of the owner or manager. (Ord. 11-2007 §1)

Sec. 16-9-30. Location of recreational vehicle parks.

Recreational vehicle parks may be approved as a conditional use in the following Zoning Districts:

- (1) A – Agricultural District;
- (2) MH – Manufactured Home Park District;
- (3) C-3 – Highway Commercial District;
- (4) LI – Light Industrial District; or
- (5) TR – Transitional District. (Ord. 11-2007 §1)

Sec. 16-9-40. Areas not permitted.

Recreational vehicle parks will not be permitted in any area zoned residential or in floodplain areas. (Ord. 11-2007 §1)

Sec. 16-9-50. Park development standards.

(a) Site conditions. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

(b) Soil and ground cover. Exposed ground surfaces in all parts of the recreational vehicle park shall be paved or covered with stone screening or other solid materials or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

(c) Drainage requirements. A drainage plan in accordance with the provisions of the Town of Wellington Standard Design Criteria and Construction Requirements shall be developed for the recreational vehicle park. (Ord. 11-2007 §1)

Sec. 16-9-60. Park size and density.

(a) Park size. The minimum gross area for a recreational vehicle park is five (5) acres. The maximum gross area allowed is ten (10) acres.

(b) Park density. The maximum density shall not exceed twelve (12) recreational vehicles per gross acre.

(c) Minimum site size. Each recreational vehicle site shall contain a minimum of one thousand five hundred (1,500) square feet and shall have a minimum width of twenty-five (25) feet.

(d) Site pads. Each site shall contain a vehicle parking pad of concrete or asphalt paving. The minimum length of the parking pad shall be thirty-five (35) feet. No part of a recreational vehicle or other unit placed on the lot pad shall be closer than five (5) feet to the edge of the lot.

(e) Required separation between RV vehicles. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings or comports for purposes of this separation requirement shall be considered to be part of the recreational vehicle.

(f) Site identification. Each site for the parking of the recreational vehicle shall be identified by numbers, a minimum of three (3) inches in height, posted in a conspicuous place at the front of the site. (Ord. 11-2007 §1)

Sec. 16-9-70. Roadways and parking.

(a) Interior roads. All interior two-way roads shall be twenty-eight (28) feet minimum width and all interior one-way roads shall be twenty (20) feet minimum width. All roads shall be paved with asphalt and crowned to facilitate drainage. Roadways shall be designed for the safe and convenient movement of vehicles.

(b) Parking requirements. At least one and one-half (1½) off-road parking spaces shall be provided in the park per recreation vehicle site. At least one (1) off-road parking space shall be provided at each site. No on-street parking will be permitted. (Ord. 11-2007 §1)

Sec. 16-9-80. Access and locations of entrances and exits.

No entrance or exit from a recreational vehicle park shall be permitted through a residential district nor require movement of traffic from the park through a residential district. (Ord. 11-2007 §1)

Sec. 16-9-90. Design of access to park.

(a) Entrances and exits to recreational vehicle parks shall be designed for the safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets.

(b) Each recreational vehicle park shall have a separate entrance and exit roadway, each of which shall not be less than twenty-eight (28) feet wide from flow line to flow line, shall be hard-surfaced with asphalt or concrete and shall

connect to a dedicated public right-of-way not less than forty (40) feet in width. (Ord. 11-2007 §1)

Sec. 16-9-100. Access onto state highways.

Access onto state-controlled highways or roads will require a permit from the Colorado Department of Transportation. The design of the access will be according to CDOT requirements. (Ord. 11-2007 §1)

Sec. 16-9-110. Distance from intersection.

Entrance driveways shall be located not closer than one hundred fifty (150) feet from the intersection of public streets. (Ord. 11-2007 §1)

Sec. 16-9-120. Accessory uses.

(a) Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park and campground are permitted as accessory uses to the park.

(b) In addition, stores, restaurants and other convenience establishments shall be permitted as accessory uses in recreational vehicle parks in districts where such uses are not allowed as principal uses, subject to the following restrictions:

(1) Such establishments and the parking areas primarily related to their operations shall not occupy more than five percent (5%) of the gross area of the park.

(2) Such establishments shall be restricted in their uses to occupants of the park.

(3) Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.

(4) The structure housing such facilities shall not be located closer than one hundred (100) feet to any public street, but shall be accessible only from a street within the park. (Ord. 11-2007 §1)

Sec. 16-9-130. Open space and recreational areas.

(a) A general area amounting to not less than ten percent (10%) of the gross area of the recreational vehicle park, excluding any area dedicated as a public right-of-way, shall be provided for recreation and open space use.

(b) Such areas shall not include any area designated as a recreational vehicle space, storage area, required yard, service building or sanitary facility or waste station area.

(c) Recreational facilities shall be included in the ten percent (10%) requirement for open space. (Ord. 11-2007 §1)

Sec. 16-9-140. Yards and setbacks.

Each recreational vehicle park shall set aside along the perimeter of the park the following areas which shall be landscaped and used for no other purpose:

(1) Minimum front setback – Twenty-five (25) feet, except when the recreational vehicle park fronts on a state highway; then the minimum shall be fifty (50) feet.

(2) Minimum side setback – When abutting residential districts, the side setback shall be fifty (50) feet. When abutting a dedicated public right-of-way, the side

setback shall be twenty-five (25) feet on the side street. When abutting any other zone district, the side setback shall be fifteen (15) feet along the interior lot line.

(3) Minimum rear setback – If the rear yard abuts a dedicated public right-of-way, the minimum shall be twenty-five (25) feet. If the rear yard abuts any other zoning district, the setback shall be fifteen (15) feet.

<i>Summary of Yard Setbacks</i>				
<i>If yard abuts a:</i>	<i>Residential District</i>	<i>Other District</i>	<i>Public Right-of-Way</i>	<i>State Highway</i>
<i>Front yard</i>	<i>Not allowed</i>	<i>Not allowed</i>	25'	50'
<i>Side yard</i>	50'	15'	25'	50'
<i>Rear yard</i>	50'	15'	25'	50'

(Ord. 11-2007 §1)

Sec. 16-9-150. Landscaping.

A landscaping plan illustrating the placement and type of trees and shrubs must be submitted as part of the park development plan. The design of the landscaping must mitigate the visual impact of the recreational vehicle park on the surrounding area. (Ord. 11-2007 §1)

Sec. 16-9-160. Boundary fencing.

Except for the front boundary, each recreational vehicle park shall be enclosed by a solid fence of wood or wall of concrete block or brick not less than eight (8) feet in height. (Ord. 11-2007 §1)

Sec. 16-9-170. All utilities underground.

All public utilities within the recreational vehicle park shall be underground. (Ord. 11-2007 §1)

Sec. 16-9-180. Water supply.

The water supply for the recreational vehicle park shall be provided by the Town or a Water District. The water system shall be connected by pipes to all service buildings and all recreational vehicle spaces. The water distribution system within the park shall meet the following minimum standards:

(1) The water distribution system shall be designed, constructed and maintained in compliance with the Colorado Department of Public Health and Environment regulations and recommendations to provide a safe, potable and adequate supply of water.

(2) The distribution system shall not be connected to any nonpotable water supply nor be subject to any backflow or back siphonage.

(3) The distribution system shall deliver water at a minimum pressure of at least twenty (20) pounds per square inch and a minimum flow of at least one (1) gallon per minute at all outlets.

(4) The distribution system shall deliver a minimum volume of one hundred (100) gallons per day per recreational vehicle site.

(5) Water service lines, riser pipes and valves shall be installed and protected from damage by freezing, ground movement, vehicles or other damage sources.

(6) The riser pipe at each recreational vehicle site shall be at least one-half (½) inch in diameter and shall extend at least four (4) inches vertically above the ground elevation. It shall be equipped with a one-half-inch valve outlet with a threaded male spigot for attaching a standard garden hose.

(7) Tent camping sites shall be provided with common-use water faucets located no more than one hundred fifty (150) feet from any campsite.

(8) Drinking fountains, if provided, shall be approved angle-jet type with adequate water pressure.

(9) Spillage, overflow, drainage or wastewater from faucets and drinking fountains shall be discharged to approved drains to prevent impoundment of water, creation of mud holes or other nuisance conditions.

(10) A water station for filling camping vehicle water storage tanks shall be provided at a rate of one (1) station for every one hundred (100) campsites. These shall be located not less than fifty (50) feet from a sanitary station. The station shall be posted with signs of durable material, not less than two (2) square feet, which state:

POTABLE WATER — DO NOT USE TO FLUSH
CANTING VEHICLE WASTE TANKS.

Such water stations shall consist of at least a three-quarter-inch pipe and valve outlet and shall be protected against the hazards of backflow and back siphonage by an approved vacuum breaker located downstream from the shutoff valve. The fill hose shall be suspended so that no part of the hose and its appurtenances will come into contact with the ground. A sign shall be posted at the entrance of the park indicating the provision of a sanitary station and water station. (Ord. 11-2007 §1)

Sec. 16-9-190. Sewage disposal.

Facilities shall be provided and properly maintained for the collection and disposal or treatment and disposal of sewage.

(1) Where a public sewer system is available, all plumbing fixtures, building sewers and campground sewers shall be connected thereto. If a public sewer system is not available, a private sewage collection and disposal facility meeting requirements of the State Water Quality Control Commission, the Colorado Department of Public Health and Environment and other applicable local government sewage disposal requirements shall be installed and all building sewers and campground sewers connected thereto.

(2) Solid and liquid wastes shall not be discharged or otherwise disposed of on the surface of the ground or into any well, cave, open ditch, stream, lake or reservoir. (Ord. 11-2007 §1)

Sec. 16-9-200. Sewage collection.

(a) The sewer collection system shall meet the requirements of the Town of Wellington Standard Design Criteria and Construction Standards.

(b) Individual sewer connections shall meet the following requirements: A four-inch inside diameter sewer lateral and riser pipe with the surrounding ground graded to drain from the rim of the riser pipe. The sewer lateral shall be properly trapped and vented if camping vehicles without individually trapped and vented plumbing fixtures are accommodated.

(c) Dependent camping vehicles with a drain hose less than three (3) inches in diameter shall be connected with reducers and a screw or clamp-type fittings.

(d) Drain outlets from independent camping vehicles shall be capped or connected with a durable, readily cleanable, nonabsorbent, corrosion-resistant drain hose having an inside diameter of not less than three (3) inches. The

sewer service connection shall be installed and maintained with a grade not less than one-quarter (¼) inch per foot.

(e) When the campsite is not occupied, the sewer riser pipe shall be adequately covered.

(f) A flushing sink or other means of disposal shall be provided for disposal of liquid wastes from dependent camping vehicles, unless a sanitary waste station is provided and is conveniently located. The flushing sink shall be easily accessible and located at a distance of not more than three hundred (300) feet from any campsite. The sinks shall not be located in a room containing a toilet, lavatory or bathing facilities and toilets shall not be used for disposal of liquid wastes. Common-use faucets or hydrants and lavatories in service buildings shall not be used for cleaning fish and food or for washing dishes, utensils, clothing or other articles of household use.

(g) A sanitary waste station shall be provided for each one hundred (100) campsites or part thereof not equipped with individual sewer connections. Unless other approved means are used, the sanitary station shall be designed and constructed to include the following:

(1) Easy ingress and egress from a service road for camping vehicles and located not less than fifty (50) feet from a campsite.

(2) Connection to the sewer system by a trapped four-inch sewer riser pipe and vented not more than ten (10) feet downstream from the trap by a four-inch vent, adequately supported and extending at least eight (8) feet above the ground surface.

(3) The sewage inlet surrounded by a curbed concrete apron or trough of at least three (3) feet by three (3) feet, sloped to the inlet, and provided with a suitable hinged cover milled to fit tightly.

(4) A means for flushing the immediate area and a camping vehicle holding tank provided at each sanitary waste station. It shall consist of a properly supported water riser pipe, terminating two (2) feet above the ground with a three-quarter-inch valved outlet which shall be protected against back siphonage and backflow by an approved vacuum breaker installation located downstream from the shutoff valve.

(5) A sign, constructed of durable material and not less than two (2) feet square, posted adjacent to the water flushing outlet and inscribed with the warning:

UNSAFE WATER FACILITY

(h) The plumbing shall be installed according to the most recent edition of the Plumbing Code as adopted by the Town. (Ord. 11-2007 §1)

Sec. 16-9-210. Electricity and natural gas.

(a) An electric outlet approved by an electric utility shall be provided for each recreational vehicle space. The installation shall comply with all state and local electrical codes. Such electrical outlets shall be weatherproof.

(b) Street and yard lights shall be provided in such number and intensity as to ensure safe movement of vehicles and pedestrians at night. A light shall be located at each outside entrance of the service buildings, which shall be kept lighted during hours of darkness.

(c) Where natural gas is provided, the installation will comply with all applicable state and Town building code regulations. (Ord. 11-2007 §1)

Sec. 16-9-220. Refuse disposal.

The storage, collection and disposal of refuse shall be performed so as to minimize accidents,

fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.

(1) Durable, watertight, easily cleanable refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station or at a central storage area readily accessible and located not more than three hundred (300) feet from any campsite. Refuse containers shall be provided at the rate of eight (8) cubic feet (60 gallons) for each five (5) campsites. Individual trash cans at each recreational vehicle site may be provided. All containers for refuse shall be covered with close-fitting, fly-tight covers.

(2) Refuse shall be collected and removed from the premises as often as necessary, but not less than once weekly, and disposed of at a lawful disposal site.

(3) No burning of refuse will be permitted at the recreational vehicle park. (Ord. 11-2007 §1)

Sec. 16-9-230. Insect and rodent control.

Insects and domestic rodents shall be controlled by elimination of breeding and harborage sources, proper sanitary practices, extermination, vermin-proofing of buildings and other approved control methods. (Ord. 11-2007 §1)

Sec. 16-9-240. Fire prevention and protection.

(a) All recreational vehicle parks shall comply with the current Fire Code of the Town.

(b) Hand fire extinguishers of a type approved by the Fire Department shall be maintained in effective working order and located in convenient places in the ratio of one (1) fire extinguisher to eight (8) recreational vehicle spaces. The location of fire extinguishers must be approved by the Fire Chief.

(c) No outdoor fires shall be allowed except in grills, ovens, stoves or park-provided fire boxes. Park-provided boxes must be approved by the Fire Department. No open fires shall be allowed.

(d) Fire plugs shall be located so that every site within the park can be reached with three hundred (300) feet of hose. (Ord. 11-2007 §1)

Sec. 16-9-250. Sanitary facilities.

(a) Sanitary facilities shall be provided and installed in accordance with the latest edition of the Plumbing Code adopted by the Town.

(b) Required toilet, lavatory and bathing facilities shall be provided in the following minimum numbers:

<i>Campsites</i>	<i>Toilets</i>		<i>Urinals</i>	<i>Lavatories</i>		<i>Showers</i>	
	<i>M</i>	<i>F</i>	<i>M</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>
<i>15</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>16–30</i>	<i>1</i>	<i>2</i>	<i>1</i>	<i>2</i>	<i>2</i>	<i>1</i>	<i>1</i>
<i>31–45</i>	<i>2</i>	<i>2</i>	<i>1</i>	<i>3</i>	<i>3</i>	<i>1</i>	<i>1</i>
<i>16–60</i>	<i>2</i>	<i>3</i>	<i>2</i>	<i>3</i>	<i>3</i>	<i>2</i>	<i>2</i>
<i>61–80</i>	<i>3</i>	<i>4</i>	<i>2</i>	<i>4</i>	<i>4</i>	<i>2</i>	<i>2</i>
<i>81–100</i>	<i>3</i>	<i>4</i>	<i>2</i>	<i>4</i>	<i>4</i>	<i>3</i>	<i>3</i>
<i>101–120</i>	<i>4</i>	<i>5</i>	<i>3</i>	<i>5</i>	<i>5</i>	<i>4</i>	<i>4</i>

M = Male
F = Female

(c) At least one (1) toilet and shower facility shall be provided to accommodate handicapped persons.

(d) No portable toilets will be allowed in recreational vehicle parks. (Ord. 11-2007 §1)

Sec. 16-9-260. Service buildings.

Service buildings shall be constructed of easily cleanable, nonabsorbent materials, maintained in good repair and in a clean and sanitary condition. They shall be conveniently located at a distance of not less than ten (10) feet or more than four hundred (400) feet from any dependent camping vehicle lot or persons served in a recreational area.

(1) Separate rooms containing required plumbing fixtures shall be provided for each sex and clearly marked "men" and "women." If located in the same building, they shall be separated by a solid, sound-resistant wall extending from floor to ceiling. The entrances shall be designed so that the plumbing fixtures are not visible from the outside. A landing shall be provided beyond each exterior door opening and shall have a width and length not less than the door opening.

(2) The floors of service buildings shall have a smooth, impermeable and easily cleaned surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove wastewater and to facilitate cleaning. The walls and ceilings of such buildings shall be finished, and the walls shall have a smooth, nonabsorbent, easily cleanable surface extending to a height of four (4) feet in toilet rooms and six (6) feet in shower rooms.

(3) Every service building shall have a minimum ceiling height of seven and one-half (7½) feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least fifty percent (50%) of the rooms, and no portion of any room having a ceiling height of less than five (5) feet shall be considered as contributing to the minimum required areas.

(4) Every service building shall have at least one (1) window with direct and unobstructed opening to the outside for natural light and ventilation, unless other approved means of light and ventilation to the outside air are provided.

(5) When necessary for exclusion of flies, mosquitoes and other insects, all exterior openings of service buildings shall be protected with fly screening of not less than sixteen (16) mesh per square inch, unless other approved protective devices are provided.

(6) Every service building shall be provided with at least one (1) ceiling-type light fixture, at least one (1) separate double convenience outlet adjacent to the lavatories and a light fixture at the outside entrance of the service building. All lights shall have wall switches. No pull cords shall be allowed.

(7) Illumination levels of at least thirty (30) foot-candles shall be maintained at lavatory mirrors and laundry room work areas, and at least five (5) foot-candles shall be maintained for general seeing tasks and at the service building entrance area.

(8) Service buildings shall be provided with approved heating facilities which are properly installed, maintained in a safe working condition and capable of maintaining a room temperature of sixty-eight (68) degrees Fahrenheit.

(9) Toilets and showers shall be separately installed to be individually accessible and to permit simultaneous use.

(10) Each toilet shall be individually partitioned with a door to ensure privacy. The compartment shall be at least thirty (30) inches in width with at least twenty-four (24)

inches of clear space in front of a toilet. The dividing partitions shall be at least five (5) feet in height with not less than six (6) inches nor more than twelve (12) inches separating the partition bottom and the floor. Toilets shall be provided with open-front seats.

(11) Each shower shall be individually partitioned with a curtain, screen or door to afford privacy. Shower stalls shall not be less than thirty (30) inches by thirty (30) inches in area and shall be constructed to prevent water flow into the dressing room space. Shower floors shall be skid resistant or provided with disposable or with nonslip impervious mats. Wooden racks (dust boards) over shower floors are prohibited. Where impervious mats are used, they must be cleaned, dried and kept off the shower floor when not in use.

(12) Dressing room space, screened from view and equivalent to the size of the shower floor area, shall be provided adjacent to bathing facilities and shall be equipped with a bench and clothes hooks.

(13) Hot and cold water under pressure shall be supplied to all required plumbing fixtures, except that cold water only shall be supplied to toilets. Tempered water may be delivered to showers and sinks to conserve heated water and heating equipment. The system shall be designed to prevent discharge of water in excess of one hundred twenty (120) degrees Fahrenheit at shower heads.

(14) Hot water heating facilities shall have the capacity to provide a minimum of three (3) gallons of hot water (one hundred [100] degrees Fahrenheit rise) per hour per each campsite during times of peak demand.

(15) Required plumbing fixtures shall be maintained in good working order and in a

clean and sanitary condition. Every service room containing sanitary fixtures shall be provided with a wastebasket.

(16) Toilets shall be provided with a toilet paper holder or dispenser, a supply of toilet paper and a covered receptacle, and lavatory areas shall be provided with clothes hooks, shelves and trash receptacles.

(17) Service building construction shall conform to applicable provisions of the Building Code and existing local building codes, regarding "Specifications for making buildings and facilities accessible to and useable by the physically handicapped." (Ord. 11-2007 §1)

Sec. 16-9-270. Safety.

(a) All electrical wiring, equipment and appurtenances shall be installed and maintained in accordance with provisions of the Electrical Code currently adopted by the Town.

(b) Liquid petroleum gas, fuel oil, gasoline and other flammable liquids shall be handled and used in a safe manner and shall not be stored inside or beneath any camping vehicle or within five (5) feet of a door of a camping vehicle.

(c) The grounds, buildings and related facilities shall be constructed, maintained and used in accordance with applicable local and state fire prevention regulations.

(d) Play equipment, when provided for children, shall be designed for safety, maintained in good repair and located in areas free from hazards. (Ord. 11-2007 §1)

Sec. 16-9-280. Miscellaneous regulations.

(a) L.P. tanks shall be limited to a one-hundred-pound size.

(b) Storage buildings, lean-tos, bins or other outside storage facilities shall not be allowed at recreational vehicle sites. (Ord. 11-2007 §1)

Sec. 16-9-290. Permanent occupancy prohibited.

(a) No recreational vehicle shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Continuous occupancy extending beyond three (3) months in any twelve-month period shall be presumed to be permanent occupancy.

(b) Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair or to attach the trailer to the grounds for stabilizing purposes is hereby prohibited. (Ord. 11-2007 §1)

Sec. 16-9-300. Development application and site plan requirements.

Before any permit is issued for construction and/or operation of any recreational vehicle park, a site plan and required documentation shall be submitted to and approved by the Board of Trustees. The plan shall be prepared by a registered land surveyor or a registered professional engineer, shall be drawn to a scale of no less than 1" = 100' and shall include as a minimum the following:

- (1) The name, address and telephone number of the applicant.
- (2) The interest of the applicant in the proposed park.
- (3) The location, address and legal description of the entire proposed recreational vehicle park site.
- (4) The existing zoning of the subject property and all adjacent properties.

(5) The names and addresses of adjacent property owners.

(6) Complete engineering plans and specifications of the proposed recreational vehicle park showing:

a. The area and dimensions of the entire tract of land.

b. The land uses occupying the adjacent properties.

c. The number, size and location of the proposed vehicle sites and other parking areas.

d. The location, right-of-way and surfaced roadway width and surfacing material of roadways and walkways.

e. The proposed interior vehicular and pedestrian circulation patterns.

f. The location of service buildings, sanitary stations and any other existing or proposed structure.

g. The location of water and sewer lines and riser pipes.

h. Plans and specifications of the water supply, sewage disposal and refuse facilities.

i. The locations and details of lighting, electric and gas systems.

j. Plans for drainage, flood control and landscaping.

k. Plans and specifications of all buildings constructed or to be constructed within the recreational vehicle park.

l. The preliminary plat plan shall be drawn on 24" x 36" sheet size in blue or black ink.

m. An application fee as established by resolution by the Board of Trustees to offset the Town's costs.

(7) Where a recreational vehicle park development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.

(8) After final approval of the preliminary plat by the Board of Trustees, two (2) Mylar originals and seven (7) black-on-white or blue-on-white prints of the final plat with supporting documents shall be submitted to the Town Administrator/Clerk. The final plat shall conform to the preliminary plat as approved at public hearings and shall include all changes specified thereon or alterations of the preliminary plat required by the Board of Trustees. One (1) original shall remain with the Town Administrator/Clerk for the Town's records, and one (1) original shall be recorded in the office of the County Clerk and Recorder. All recording fees shall be paid by the developer. (Ord. 11-2007 §1)

Sec. 16-9-310. License required.

It shall be unlawful for any person to operate any recreational vehicle park within the limits of the Town unless he or she holds a valid recreational vehicle park license issued annually by the Board of Trustees in the name of such person for the specific recreational vehicle park. (Ord. 11-2007 §1)

Sec. 16-9-320. Application for license and fee.

Application for a recreational park license shall be filed each calendar year with the Town Administrator/Clerk. Applications shall be in writing, signed by the applicant and shall contain the following information:

- (1) The name of applicant.
- (2) The location and legal description of the recreational vehicle park.
- (3) A complete plan drawn to scale, showing all recreational vehicle lots, structures, roads, walkways and other service facilities. Plans shall be filed in subsequent years only if changes in the plan of the recreational vehicle park are to be made.
- (4) Such further information as may be requested by Town officials to enable them to determine if the proposed recreational vehicle park will comply with the requirements of this Article or other applicable laws and ordinances.
- (5) An annual license fee plus a fee per each recreational vehicle site, whether occupied or not, shall be assessed as established by resolution by the Board of Trustees to offset the Town's costs. (Ord. 11-2007 §1)

Sec. 16-9-330. License transfer.

Every person holding a license shall give written notice to the Town Administrator/Clerk within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of interest in or control of any recreational vehicle park. Such notice shall include the name and address of the person succeeding to the ownership or control of such recreational vehicle park. Upon application in writing for transfer of

the license and deposit of a fee as established by resolution by the Board of Trustees to offset the Town's costs, the license shall be transferred if the recreational vehicle park is in compliance with all applicable provisions of this Article and regulations issued hereunder. (Ord. 11-2007 §1)

Sec. 16-9-340. License to be posted.

The license certificate shall be conspicuously posted in the office of the recreational vehicle park at all times. (Ord. 11-2007 §1)

Sec. 16-9-350. Registration.

All recreational vehicles in the park must have a current valid registration. (Ord. 11-2007 §1)

Sec. 16-9-360. Inspection.

Any officer of the Town or the Fire Department may inspect each recreational vehicle park to determine compliance with the provisions of this Article and all other applicable ordinances, rules, regulations or codes. Such official shall have the authority to enter upon the premises for the purpose of such inspections at any reasonable time without notice to the owner or manager. (Ord. 11-2007 §1)

Sec. 16-9-370. Revocation of license.

(a) When it appears to any officer of the Town that any person holding a license under this Article has violated or may have violated any of the provisions hereof, a written notice shall be served on such licensee and/or recreational vehicle park manager in person or by certified United States mail, specifying the manner in which it is believed he or she has violated or may have violated this Article. Said notice shall require the owner and/or recreational park manager to appear before the Board of Trustees at a

time specified therein, not less than ten (10) days after the service of said notice, and show cause why such license should not be suspended or revoked.

(b) At such time, said licensee or recreational vehicle park manager and officer of the Town or Fire Department may produce such evidence as may be relevant to determine whether the violation charged in the notice has been committed. If the Board of Trustees finds from the evidence that such violation has not been committed, it shall so advise the licensee and/or recreational vehicle park manager and dismiss the charge. If the Board of Trustees finds from the evidence that such violation has been committed, it shall so advise the licensee or recreational vehicle park manager and may forthwith put said person on probation for thirty (30) days. If the violation is not corrected within such probationary period, the Board of Trustees may revoke or suspend the license held by such person or continue the probation for such period and on such conditions as it shall determine.

(c) It shall be unlawful for any person whose license has been revoked or suspended to operate, continue to operate or offer to operate any recreational vehicle park after the date of such revocation or during the term of such suspension, as the case may be. (Ord. 11-2007 §1)

Sec. 16-9-380. Enforcement of regulations.

The owner or operator of any recreational vehicle park shall arrange for the management and supervision of such recreational vehicle park so as to enforce or cause compliance with the provisions of this Article. (Ord. 11-2007 §1)

Sec. 16-9-390. Maintenance.

The owner, operator or attendant of every recreational vehicle park shall assume full

responsibility for maintaining in good repair and condition all facilities of the recreational vehicle park as required herein. (Ord. 11-2007 §1)

Sec. 16-9-400. Office.

In every recreational vehicle park there shall be a designated office building in which shall be located the office of the person in charge of said park. A copy of all required Town and state licenses and permits shall at all times be kept in said office. (Ord. 11-2007 §1)

Sec. 16-9-410. Management duties.

It shall be the duty of the attendant or person in charge, together with the owner or operator, to:

- (1) Keep at all times a register of all tenants (which shall be open at all times to inspections by state, county and federal officers and officers of the Town), showing for all tenants:
 - a. Dates of entrance and departure.
 - b. License numbers of all recreational vehicles and towing vehicles or automobiles.
 - c. States issuing such license.
- (2) Maintain the park in a clean, orderly and sanitary condition at all times.
- (3) See that provisions of this Article are complied with and enforced and report promptly to the proper authorities any violations of law which may come to his or her attention.
- (4) Report to local health authorities all cases known to the owner to be infected with any communicable diseases.

(5) Pay promptly to the Town all license fees required by Town ordinances or other laws.

(6) Prohibit the use of any recreational vehicle by a greater number of occupants than that which it is designed to accommodate. (Ord. 11-2007 §1)

(7) Ensure that potential buyers are notified that property is in a flood area. (Ord. 20-2006 §I-C; Ord. 11-2007 §1)

Sec. 16-10-20. Methods of reducing flood losses.

In order to accomplish its purposes, this Article uses the following methods:

(1) Restricting or prohibiting uses which are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;

(4) Controlling filling, grading, dredging and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands. (Ord. 20-2006 §I-D; Ord. 11-2007 §1)

ARTICLE 10

Floodplain Regulations

Division 1

Purpose and Definitions

Sec. 16-10-10. General purpose.

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions to specific areas by provisions designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

Sec. 16-10-30. Definitions.

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application:

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex

and is characterized by high-velocity flows; active processes of erosion, sediment transport and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Area of shallow flooding means a designated AO, AH or VO zone on the community's Flood Insurance Rate Map (FIRM) with a one-percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard means the land in the floodplain within the community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means a nonbasement building: (i) built, in the case of a building in Zones A, AE, AH, AO, A1-30, A99, B, C, D and X, to have the top of the elevated floor or, in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water; and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A, AE, AH, AO, A1-30, A99, B, C, D and X, *elevated building* also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-30, VE or V, *elevated building* also includes a building otherwise meeting the definition of *elevated building*, even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing construction means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *Existing construction* may also be referred to as *existing structures*.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters, and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map or FIRM means an official map of the community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles and water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of *flooding*).

Flood protection system means those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means this Chapter, Chapter 17 of this Code, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood-proofing means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or

2. Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term *manufactured home* does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

Recreational vehicle means a vehicle which is:

- a. Built on a single chassis;

- b. Four hundred (400) square feet or less when measured at the largest horizontal projections;

- c. Designed to be self-propelled or permanently towable by a light-duty truck; and

- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-348]) includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. *Permanent construction* does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, *the actual start of construction* means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structural damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the Code Enforcement Officer and which are the minimum necessary conditions; or
- b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance means a grant of relief to a person from the requirements of this Article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Article. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 20-2006 §II; Ord. 11-2007 §1)

*Division 2
General Provisions*

Sec. 16-10-110. Lands to which this Article applies.

This Article shall apply to all areas of special flood hazard within the jurisdiction of the Town. (Ord. 20-2006 §III-A; Ord. 11-2007 §1)

Sec. 16-10-120. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Larimer County, Colorado, and Incorporated Areas," dated December 19, 2006, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this Article. The Flood Study and FIRM is on file at the Town Hall. (Ord. 20-2006 §III-B; Ord. 11-2007 §1)

Sec. 16-10-130. Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations. (Ord. 20-2006 §III-D; Ord. 11-2007 §1)

Sec. 16-10-140. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another Code provision, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 20-2006 §III-E; Ord. 11-2007 §1)

Sec. 16-10-150. Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the Town; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 20-2006 §III-F; Ord. 11-2007 §1)

Sec. 16-10-160. Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazard or

uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town, any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder. (Ord. 20-2006 §III-G; Ord. 11-2007 §1)

Sec. 16-10-170. Establishment of development permit.

A development permit shall be required to ensure conformance with the provisions of this Article. (Ord. 20-2006 §III-C; Ord. 11-2007 §1)

*Division 3
Administration*

Sec. 16-10-210. Designation of Town official for administration.

The Town Administrator/Clerk or Building Official, if a Building Official Clerk other than the Town Administrator/Clerk has been appointed (the Town Administrator/Clerk or Building Official, if appointed, is hereinafter referred to as the Building Official) is hereby appointed to administer and implement this Article by granting or denying development permit applications in accordance with its provisions. (Ord. 11-2007 §1)

Sec. 16-10-220. Designation of Floodplain Administrator.

The Town Administrator/Clerk is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Article and other appropriate sections of 44 C.F.R. (National Flood Insurance Program Regulations) pertaining to floodplain management. (Ord. 20-2006 §IV-A)

Sec. 16-10-230. Duties and responsibilities of Floodplain Administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this Article.

(2) Review permit applications to determine whether the proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of the ordinance codified herein.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. § 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation has not been provided in accordance with Section 16-10-120 of this Article, obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Article 6.

(9) When a regulatory floodway has not been designated, require that no new construction, substantial improvements or other development, including fill, shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE and AH on the community's FIRM which increases the water surface elevation of the base flood by more than one (1) foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision). (Ord. 20-2006 §IV-B; Ord. 11-2007 §1)

Sec. 16-10-240. Permit procedures.

(a) The Town Administrator/Clerk shall accept applications on forms including but not

limited to the following information: plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 16-10-120 above;

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(5) Maintenance of a record of all such information in accordance with Section 16-10-120 above.

(b) Approval or denial of a development permit by the Town shall be based on all of the provisions of this Article and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas, electrical and water systems;

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to the facility of a waterfront location, where applicable;

(9) The availability of alternative locations not subject to flooding or erosion damage for the proposed use; and

(10) The relationship of the proposed use to the Comprehensive Plan for that area. (Ord. 20-2006 §IV-C; Ord. 11-2007 §1)

Sec. 16-10-250. Variance procedures.

(a) The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of this Article.

(b) The Board of Adjustment shall hear and render judgment on an appeal only when it is

alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Article.

(c) Any person aggrieved by the decision of the Board of Adjustment may appeal such decision in a court of competent jurisdiction.

(d) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Article.

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the relevant factors in Subsection 16-10-240(b) above have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Article as set forth in Section 16-10-10.

(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(k) Variances may be issued by the Town for new construction and substantial improvements and for other development necessary for

the conduct of a functionally dependent use, provided that:

- (1) The criteria outlined in Subsections (a) through (i) of this Section are met; and
- (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (Ord. 20-2006 §IV-D; Ord. 11-2007 §1)

Sec. 16-10-260. Conditions for variances.

(a) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, provided that Subsections (a) through (j) in Section 16-10-250 have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justifications required for issuing the variance increase.

(b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this Article.

(c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall be issued only upon:

- (1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisances, fraud on or victimization of the public as identified in Subsection 16-10-250(j) above or conflict with existing local laws or ordinances.

(f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation. (Ord. 11-2007 §1)

Sec. 16-10-270. General standards for flood hazard reduction.

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

(1) Anchoring. All new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) Construction materials and methods.

a. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

b. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.

c. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision proposals.

a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 16-10-10 and 16-10-20 of this Article;

b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of Sections 16-10-170 and 16-10-240 and the provisions of Sections 16-10-270 and 16-10-280 of this Article;

c. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres (whichever is less) if not otherwise provided pursuant to Section 16-10-120 or Paragraph 16-10-230(8) of this Article.

d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards; and

e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage.

(5) Encroachments. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point. (Ord. 20-2006 §§V-A, V-C; Ord. 11-2007 §1)

Sec. 16-10-280. Specific standards for flood hazard reduction.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 16-10-120, Subsection 16-10-230(8) and Subparagraph 16-10-270(4), the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated a minimum of twelve (12) inches above the

base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this Sub-section as proposed in Paragraph 16-10-240(a)(3) is satisfied.

(2) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated a minimum of twelve (12) inches above the base flood level or, together with attendant utility and sanitary facilities, be designed so that, below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Sub-section. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) Enclosures, new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect

or meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured homes.

a. All manufactured homes to be placed within Zone A on the Town's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

b. All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the Town's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home

park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of twelve (12) inches above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movements.

c. Manufactured homes that are placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the Town's FIRM that are not subject to the provisions of this Paragraph shall be elevated so that either:

1. The lowest floor of the manufactured home is a minimum of twelve (12) inches above the base flood elevation; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(5) Recreational vehicles. Recreational vehicles that are placed on sites within Zones A1-30, AH and AE on the Town's FIRM shall either:

a. Be on the site for fewer than one hundred eighty (180) consecutive days;

b. Be fully licensed and ready for highway use; or

c. Meet the permit requirements of Section 16-10-240 of this Article and the elevation and anchoring requirements for manufactured homes in Paragraph (4) above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect types utilities and security devices and has no permanently attached additions. (Ord. 20-2006 §V-B; Ord. 11-2007 §1)

ARTICLE 11

Sexually Oriented Businesses

Sec. 16-11-10. Operation of sexually oriented businesses.

It shall be unlawful to operate or cause to be operated a sexually oriented business in violation of any of the following restrictions:

(1) Zoning district. Sexually oriented businesses are only allowed in the Industrial District if approved as a conditional use.

(2) Distance restriction. It is unlawful to operate or cause to be operated a sexually oriented business within seven hundred fifty (750) feet, measured in a straight line, without regard to intervening structures, objects or Town limits, from the closest exterior wall of the structure in which the sexually oriented business is located to the property line of any of the following:

a. A church;

b. A use approved for residential purposes;

c. A school or licensed child care facility; or

d. A park, recreational center or community center.

(3) Single building restriction. No sexually oriented business shall be operated in the same building, structure or portion thereof as any other sexually oriented business.

(4) Discontinued operations. A sexually oriented business lawfully operating is not rendered a nonconforming use by the subsequent location of any use outlined in Paragraph (1) above; however, if the sexually oriented business ceases operation for a period of sixty (60) days or more regardless of any intent to resume operation, it may not recommence operation in that location. (Ord. 4-2005 §1; Ord. 11-2007 §1)

b. The sale or rental of instruments, devices or paraphernalia which are designed for use in connection with, or marketed primarily for engaging in, specified sexual activities, excluding condoms and other medically recognized birth control devices and disease-prevention products.

Child care facility means any facility, by whatever name known, licensed by the State and maintained for compensation, for the whole or any part of a day, for the care of five (5) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager thereof.

Community center means a building or other structure which is Town-owned or used by the Town that provides services to the community and is open to the general public.

Park means a park, reservation, playground, recreation area, bikeway, trail, greenbelt or other area in the Town owned or used by the Town or landowner's association and devoted to use as a park, reservation, playground, recreation area, bikeway, trail, greenbelt for members of that association and devoted to active or passive recreation, including developed and undeveloped land.

Residential property means any area subdivided and approved by the Town for residential land use or any property or lot devoted to full-time residential use.

School means a facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

Sec. 16-11-20. Definitions.

The following definitions shall apply to this Article:

Adult bookstore, adult novelty store or adult video store means a commercial establishment which devotes a significant or substantial portion of its stock-in-trade, advertising, floor space, shelf space or storage space to, or receives a significant or substantial portion of its revenues from, any one (1) or more of the following:

a. The sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction, description, display or exhibition of specified sexual activities or specified anatomical areas; or

Sexually oriented business means:

a. Any business where individuals appear in a state in such a manner as to intentionally display specified anatomical areas or which encourages specified sexual activities, whether as the primary, or principal, use of the premises or whether as a secondary, or incidental or accessory, use of the premises for the purpose of entertaining the patrons of such establishments (but not including performances in which persons appear in a state of nudity and which, taken as a whole, contain serious literary, artistic, political or scientific value).

b. An adult bookstore, adult novelty store or adult video store.

Specified anatomical areas means:

a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the areolae; or

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

a. Human genitals in a state of sexual stimulation, tumescence or arousal;

b. Acts, actual or simulated, of human masturbation, sexual intercourse, oral copulation, bestiality or sodomy;

c. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast;

d. Flagellation, mutilation, sadism, sadomasochism or torture for purposes of sexual arousal, gratification or abuse; and

e. Excretory functions as part of or in connection with any of the activities set forth in Subparagraphs a through d of this definition. (Ord. 4-2005 §1; Ord. 11-2007 §1)

Sec. 16-11-30. Hours of operation.

Sexually oriented businesses may only operate from the hours of 7:00 a.m. to 12:00 a.m. each day. Businesses falling within the definition of a sexually oriented business may be open for such additional hours as their owners in their discretion desire, provided that no activities carried on by a sexually oriented business may be available during such additional hours, that is other lawful activity not involving sexually oriented businesses may freely occur. (Ord. 4-2005 §1; Ord. 11-2007 §1)

Sec. 16-11-40. Business premises.

Sexually oriented businesses shall only conduct or offer sexually oriented business activities indoors (within an enclosed structure), and no sexually oriented business may permit or cause any sexually oriented business activity from outside the structure in which it is enclosed. (Ord. 4-2005 §1; Ord. 11-2007 §1)

Sec. 16-11-50. Age limits.

No one under eighteen (18) years of age shall be admitted to or be present in any nude entertainment establishment from the hours of 7:00 a.m. to 12:00 a.m. on any day. This minimum age limitation also applies to any employees, agents, servants or independent contractors working on the premises. Notice of this minimum age limitation shall be posted prominently outside all entrances to any nude entertainment establishment. (Ord. 4-2005 §1; Ord. 11-2007 §1)

Sec. 16-11-60. Signage and exterior.

(a) In addition to the other requirements of this Code or the Land Use Code, it shall be unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct or maintain any sign for the sexually oriented business other than one (1) primary sign and one (1) secondary sign, as provided herein.

(b) Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:

- (1) Be a flat plane, rectangular in shape;
- (2) Not exceed seventy-five (75) square feet in area; and
- (3) Not exceed ten (10) feet in height or ten (10) feet in length. (Ord. 4-2005 §1; Ord. 11-2007 §1)

ARTICLE 12

Home Occupations

Sec. 16-12-10. Home occupations.

(a) A home occupation, when allowed as a permitted principal or conditional use in any residential district, shall be subject to the following conditions:

- (1) Such use shall be conducted entirely within a dwelling and carried on by the inhabitants of the dwelling. With the exception of daycare businesses which shall be allowed to commence operations as of 6:00 a.m. the hours of operation during which clients or customers are allowed to come to the home in connection with the business activity are limited to between 8:00 a.m. and 9:00 p.m. (Ord. 5-2008, §5)

(2) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof.

(3) The total area used for such purposes shall not exceed one-half (½) the floor area of the user's dwelling unit.

(4) There shall be no exterior advertising other than identification of the home occupation.

(5) There shall be only the incidental sale of stocks, supplies or products conducted on the premises.

(6) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.

(7) There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

(8) A home occupation shall provide additional off-street parking areas adequate to accommodate all needs created by the home occupation.

(b) In particular, a home occupation may include, but is not limited to, the following, provided that all requirements contained herein are met:

- (1) Art studio;
- (2) Dressmaking or millinery work;
- (3) Professional office;
- (4) Office for insurance or real estate sales; and
- (5) Teaching.

(c) A home occupation shall not be interpreted to include the following:

- (1) Animal hospital;
- (2) Long-term care facility;
- (3) Restaurant;
- (4) Bed and breakfast;
- (5) Group home;
- (6) Adult-oriented use; or
- (7) Vehicle repair, servicing, detailing or towing if vehicles are:
 - a. Dispatched from the premises;
 - b. Are brought to the premises; or
 - c. Are parked or stored on the premises or on an adjacent street.

(d) A home occupation shall be permitted only after the owner or inhabitant of the dwelling in which such occupation is conducted has obtained a home occupation license and business license from the Town. The fee for such a license shall be an amount established by resolution by the Board of Trustees to offset the Town's costs. At the time the ownership of the property is transferred or the home occupation is discontinued for a period of six months or more the home occupation license terminates. Following termination the license may be issued again upon the submission and review of a new application and the payment of an additional fee. If the Town is conducting an investigation of a violation of this Land Use Code with respect to the particular home occupation at the time such renewal application is made, the license will not be reissued until the investigation is completed and, if necessary, all violations have been corrected. The term of the previous license shall continue during the period of investigation. (Ord. 5-2008, §5)

ARTICLE 13

Commercial Animal Establishments

Sec. 16-13-10. Commercial animal establishments.

It shall be unlawful for any person to operate the following commercial animal establishments within the Town: guard dog training facility, animal auction, riding school or stable. It shall only be lawful for a kennel or cattery to operate if first approved as a conditional use in districts where allowed as a conditional use. (Ord. 11-2007 §1)

Sec. 16-13-20. Kennels and catteries.

(a) With approval of the Board of Trustees, kennels and catteries, as defined by Section 7-4-10 of this Code, may be conditionally maintained in commercial and industrial areas according to the following requirements, which shall be met in addition to the conditions contained in Section 16-13-10 above:

(1) At no time shall a kennel or cattery be used to board or house more than twenty (20) dogs per acre of lot area. At no time shall a kennel or cattery be used to board or house more than twenty (20) cats per acre of lot area. Under no circumstances shall more than fifty (50) dogs be kept on a lot, fifty (50) cats be kept on a lot or a total of one hundred (100) animals, including dogs and cats, be maintained on any lot. Multiple animals shall not be housed in the same enclosure except for animal, with the same owner, at the request of the owner. The total number of dogs and/or cats allowed, including in any structure, shall not apply to offspring under five (5) months of age belonging to one (1) of the adult animals.

(2) A building permit shall be obtained for all kennels, pens, shelters or other similar structures. Said building permit application

shall be reviewed and approved by the Town Administrator/Clerk, and any land use approval of a kennel or cattery shall be contingent on approval by the Town Administrator/Clerk (or, in the event of a denial, the Board of Trustees) of the building plans.

(3) All buildings and grounds on any lot where a kennel or cattery is operated shall be kept at all times in a safe, clean, repaired and sanitary condition.

(4) Maintenance of a kennel or cattery shall be allowed so long as the business is operated by or has employed on staff a veterinarian licensed to practice veterinary medicine by the State.

(5) All dogs and/or cats shall be contained on the building at all times unless under the control of a handler; no exterior animal runs will be allowed, including animal runs extending off of any structure. A kennel or cattery may maintain a fenced area on the exterior of the building where animals may be exercised by a handler. Except within the fenced exercise pen, animals outside the building shall be leashed at all times. Dogs shall be exercised by a handler at least twice each day for a period of not less than ten (10) minutes each. Dogs may not be exercised except during the hours of 7:30 a.m. and 7:00 p.m. A handler shall be present at all times that dogs are left within any exercise pen. No handler shall oversee more than five (5) dogs in the exercise pen at one (1) time and no handler shall oversee more than two (2) dogs outside the exercise pen at any one (1) time. Any exercise pen shall be located outside of any buffer yard.

(6) Kennels and catteries shall meet setback standards for the district in which they are located, but the depth of setback yards shall be increased to one hundred (100) feet

from commercial property and two hundred (200) feet from residential property.

(7) The following minimum space requirements shall be applicable to all kennels:

a. Dogs. Each dog shall be provided a minimum space equal to the following equation:

$$\text{Width of kennel} = \text{Length of dog from nose to base of tail} + 2 \text{ feet}$$

$$\text{Length of kennel} = \text{Width of kennel} + 2 \text{ feet}$$

$$\text{Height of kennel} = 1\frac{1}{2} \text{ times the height of the dog at the shoulder}$$

At a minimum, no individual kennel for housing any dog shall have less than six (6) square feet of floor space nor be required to have more than four hundred thirty-five (435) square feet of floor area.

b. Cats. Each adult cat shall be provided a minimum of six (6) cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of eight (8) cubic feet of area.

(8) All animal and food wastes (including waste from exercise areas or pens), bedding, debris and other organic wastes shall be handled and disposed of regularly in a sanitary manner so as to avoid vermin infestation, odors, disease hazards and nuisances. Disposal shall be as approved by the Town, but under no circumstances shall any solid waste be placed in the sanitary sewer. At a minimum, wastes will be bagged, sealed and properly disposed of off site at least every other day. Trash enclosures shall be covered at all times, shall be enclosed in a separate trash area and shall be placed a minimum of fifty (50) feet from the lot line of the property.

(9) Areas occupied by animals shall be cleaned and all surfaces sanitized regularly and at all times when one (1) animal ceases to occupy an area and another occupies the same space.

(10) Records showing compliance with kennel and cattery requirements, including cleaning and waste removal, shall be maintained and kept for a minimum of eight (8) months and shall be available for inspection by the Town on request.

(11) Environmental and/or chemical and scientific controls approved by the Colorado Department of Agriculture or other appropriate enforcement agency shall be provided for pest control.

(12) Adequate drainage facilities, catch basins or other improvements shall be constructed to protect any adjacent rivers, streams or other bodies of water from pollution.

(13) At least one (1) washroom consisting of a basin or sink and a lavatory shall be provided to maintain cleanliness among animal caretakers.

(14) Dogs shall not be housed in the same primary enclosure but shall be maintained in separate rooms with full walls separating such room from other enclosures with cats and animals in the stage of estrus (heat) or whelping.

(15) All operators of kennels or catteries shall provide annual verification to the Town that state licensing requirements, if any, have been met.

(16) All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by the responsible governmental agency.

(17) Information submitted for approval of a kennel or cattery to the Planning Commission or Board of Trustees shall be submitted at least fifty (50) days prior to its meeting and at a minimum shall include:

a. Plans and methods of disposal of sewage and other wastes;

b. Plans and methods of water supply;

c. Plans and methods of drainage facilities;

d. Plans for noise abatement, including types and explanations of berming, walls and landscaping,

e. An area map showing the location of surrounding buildings, structures, residences, roads, subdivisions and performance districts within a one-thousand-foot radius;

f. The names and addresses of property owners within a one-thousand-foot radius of the lot or property on which the kennel or cattery is to be located. However, the Town Administrator/Clerk may require the names of property owners in excess of one thousand (1,000) feet.

g. Written approval of at least one (1) owner of one-half (½) of all properties within the one-thousand-foot radius of the proposed use.

h. A map showing building and facility setbacks from each adjoining property.

(b) The applicant for any kennel or cattery use shall establish to the satisfaction of the Board of Trustees the compatibility of the proposed kennel or cattery with the surrounding area, that the business can be operated in harmony with the character of the neighborhood,

that there will be no detrimental effects to the immediate area, to the health, safety and welfare of the inhabitants of the area or to the animals proposed to be cared for, and that noise issues will be adequately addressed.

(1) All animals maintained in a kennel or cattery shall be properly licensed as required by Section 7-4-310 of this Code and have proof of legally required vaccinations.

(2) All kennels and catteries shall comply with all noise regulations of this Code.

(3) The Town, by an authorized representative during the kennel's or cattery's operation, may inspect the kennel or at reasonable times review records maintained by the kennel to confirm compliance with this Section.

(4) Four (4) or more violations of the noise, sanitary, licensing or other applicable ordinances of the Town within one (1) year shall allow the Town to terminate any kennel or cattery for up to three (3) weeks; six (6) or more violations within one (1) year shall authorize the Board of Trustees to terminate kennel or cattery approvals granted under this Section. No previously approved right to operate a kennel or cattery shall be terminated without an opportunity of the property owner to be heard and to present evidence. (Ord. 3-2006 §1; Ord. 11-2007 §1)

ARTICLE 13.5

MEDICAL MARIJUANA ESTABLISHMENTS

Sec. 16-13.5-1. Medical Marijuana Establishments

To the extent that the Town is allowed to impose prohibitions by Colorado Law, the sale of medical marijuana, and medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products

manufacturers' licenses as defined by Colorado Law, shall be prohibited within the Town. (Ord. 6-2010, §1(A))

ARTICLE 14

Sign Regulations

Sec. 16-14-10. Purpose.

The regulations in this Article are intended to coordinate the use, placement, physical dimensions and design of all signs within the Town. (Ord. 11-2007 §1)

Sec. 16-14-20. Definition.

A *sign* is any object, device, display, structure or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, symbols, fixtures, colors, illumination or projected images. Signs do not include the flag or emblem of any nation, state, city, religious, fraternal or civic organization; merchandise and pictures or models or products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields. (Ord. 11-2007 §1)

Sec. 16-14-30. Applicability of regulations.

(a) No person shall erect, alter or relocate any sign without first obtaining approval from the Town and obtaining a building permit.

(b) The following activities are exempt from these sign regulations:

(1) Signs existing on the effective date of the ordinance codified herein which do not conform to the regulations contained in this Article. This exemption shall terminate upon change or discontinuance of the use of an establishment in accordance with Section 16-4-50 below.

(2) Address numerals and signs not exceeding one (1) square foot in area.

(3) Legal notices.

(4) Traffic and parking signs which bear no advertising.

(5) Political signs displayed on private property with the permission of the property owner in accordance with an official election

or signs erected on behalf of candidates for public office, provided that:

a. All such signs may be erected no sooner than ninety (90) days in advance of the election for which they were made.

b. The signs are removed within seven (7) days after the election for which they were made.

c. A building permit will be required for any such signs over sixteen (16) square feet.

(6) Banners used to decorate or attract attention to a business establishment, provided that:

a. The banners are displayed in conjunction with a grand opening celebration or special sale for a period not to exceed thirty (30) days.

b. The banners are displayed no more than two (2) times per calendar year per establishment.

c. The total area of all signs and banners does not exceed two hundred percent (200%) of the allowable sign area for the establishment. (Ord. 11-2007 §1)

Sec. 16-14-40. Review procedure.

Unless exempted from all review as described above, all signs must be approved as a site plan review under Chapter 17, Article 5 of this Code. If the sign is an integral part of a

proposed land use change requiring review under this Code, review of the sign shall be combined with review of the land use change of which it is a part. (Ord. 11-2007 §1)

Sec. 16-14-50. General sign regulations.

(a) All signs shall be compatible with the use of the property upon which they are located and with property in the general vicinity.

(b) Except for time and/or temperature signs, no flashing or moving signs shall be permitted.

(c) No sign shall be affixed to a tree or utility pole.

(d) No signs, including traffic signs and similar regulatory notices except those of the Town, County or State, shall be allowed within road or street rights-of-way.

(e) Any spotlights or floodlights permitted to illuminate signs shall be shielded such that their light source shall not cause a safety hazard or glare into adjacent residential property.

(f) Signs identifying the use of the premises shall be located on the lot except as may be allowed by the Town after review as a "land use change of minor impact."

(g) Signs advertising the sale or lease of property shall be located on the property advertised, shall not exceed thirty-two (32) square feet in area and shall not be located on a wall or extend over a pedestrian walkway.

(h) The maximum size and height of signs allowed under this Article as set forth in the following table:

<i>Principal Use of Premises</i>	<i>Total Area of Signage (wall signs + freestanding signs)</i>	<i>Height if on Structure</i>	<i>Height if Freestanding</i>
<i>Residential</i>	<i>4 sq. ft.</i>	<i>No higher than structure</i>	<i>6 ft.</i>
<i>Industrial/commercial</i>	<i>The greater of: One sq. ft. per lineal foot of building visible from a public way 50 sq. ft.</i>		<i>No higher than primary structure</i>
<i>Public/quasi-public</i>	<i>100 sq. ft.</i>		
<i>Subdivision or commercial complex entrance sign</i>	<i>100 sq. ft.</i>	<i>N/A</i>	<i>8</i>

(i) Within a seven-hundred-fifty-foot radius of the center of the Interstate 25 and Colorado Highway 1 interchange, the Board of Trustees may increase the maximum height and size allowed for freestanding signs as necessary to allow visibility from the interstate for businesses which rely on interstate highway traffic for a significant portion of their business revenue. The burden of showing necessity for any increase in height or size shall be upon the business, and the decision to increase height or size shall be in the sole discretion of the Board of Trustees. No sign shall have more than two (2) faces with signs of more than one hundred fifty (150) square feet per face or be more than sixty (60) feet in height. All lighting associated with said signs shall be prevented from shining upon the ground.

(j) Window signs.

(1) Nonilluminated window signs do not count toward the allowable square footage, provided that the total area of all window signs fills less than twenty-five percent (25%) of the area of the window.

(2) The maximum total area of all window signs shall not cover more than fifty percent (50%) of the area of the window in which they are located.

(k) Signs existing on the effective date of the ordinance codified herein which conformed to the prior Wellington Land Use Code of 1985 or other applicable ordinances of the Town and which do not conform to the regulations contained in this Section shall be nonconforming.

(l) Nonconforming signs shall be removed by the property owner upon a change in use of the property.

(m) Whenever a business, industry, service or other use is discontinued, the signs pertaining to the use shall be removed or obscured by the person owning or having possession over the property within sixty (60) days of the discontinuance of such use. (Ord. 11-2007 §1)

ARTICLE 15

Vested Property Rights

Sec. 16-15-10. Purpose.

The purpose of this Article is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S. (Ord. 11-2007 §1)

Sec. 16-15-20. Definitions.

As used in this Article, unless the context otherwise requires:

Landowner means any owner of a legal or equitable interest in real property and includes the heirs, successors and assignees of such ownership interests.

Property means all real property subject to land use regulation by the Town.

Site-specific development plan means and is limited to the final plat of a subdivision or a development agreement when approved by the Board of Trustees by ordinance duly adopted.

Vested property rights means the right to undertake and complete the development and use of the property under the terms and conditions of a site-specific development plan. (Ord. 11-2007 §1)

Sec. 16-15-30. Request for site-specific development approval.

For those developments for which the landowner wishes the creation of vested property rights pursuant to Article 68 of Title 24, C.R.S., the landowner shall request the approval in writing at least thirty (30) days prior to the date said approval is to be considered. Failure of the landowner to request such an approval renders the plan not a site-specific development plan, and no vested property rights shall be deemed to have been created. (Ord. 11-2007 §1)

Sec. 16-15-40. Notice and hearing.

No site-specific development plan shall be approved until after a public hearing called for that purpose, preceded by notice of such hearing published as provided by law at least fourteen (14) days before the hearing. Such notice may,

at the Town's option, be combined with any other required notice. At such hearing, all interested persons shall have an opportunity to be heard. (Ord. 11-2007 §1)

Sec. 16-15-50. Approval, conditional approval, effective date, amendments, referendum and review.

(a) A site-specific development plan shall be deemed approved upon the effective date of the ordinance granting final approval of the plan. The vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan, including any amendments thereto.

(b) The Board of Trustees may approve a site-specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. Such conditional approval will result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights.

(c) In the event amendments to a site-specific development plan are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site-specific development plan, unless the Board of Trustees specifically finds to the contrary and incorporates such findings in its approval of the amendment.

(d) The approval of vested property rights shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication of a notice to the general public of the site-specific development plan and creation of vested property rights. (Ord. 11-2007 §1)

Sec. 16-15-60. Notice of approval.

Each plat or development agreement constituting a site-specific development plan shall contain the following notice:

Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.

Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of the use approved and the specific parcel or parcels of property affected and stating that a vested property right has been created shall be published once, not more than fourteen (14) days after approval of the site-specific development plan, in a newspaper of general circulation within the Town. Publication of the notice of creation of the vested property right shall be the obligation of the landowner. The Town shall have no obligation to see that the notice is properly published. (Ord. 11-2007 §1)

Sec. 16-15-70. Duration of vested property right.

A property right which has been vested as provided herein shall remain vested for a period of three (3) years; except that the Board of Trustees may, in its sole discretion, grant vested property rights for a longer period when warranted in light of all relevant circumstances, including but not limited to the size and phasing of the development, economic cycles and market conditions. The vesting period shall not be extended by any amendments to a site-specific development plan unless expressly authorized by the Board of Trustees in the Article approving such amendments. (Ord. 11-2007 §1)

Sec. 16-15-80. Other provisions unaffected.

Approval of a site-specific development plan shall not constitute an exemption or waiver of

any other provisions of this Code pertaining to the development or use of the property. (Ord. 11-2007 §1)

Sec. 16-15-90. Payment of costs.

In addition to any and all other fees and charges imposed by this Code, the applicant for approval of a site-specific development plan shall pay all costs occasioned to the Town pertaining to such application, including but not limited to publication of notices, public hearing and review costs, county recording fees and review costs. (Ord. 11-2007 §1)

Sec. 16-15-100. Limitations.

Nothing in this Article is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this Article shall be deemed to be repealed and the provisions hereof no longer effective. (Ord. 11-2007 §1)

ARTICLE 16

Wireless Telecommunication Services, Facilities and Equipment

Sec. 16-16-10. Permitted zoning district.

Wireless telecommunication services facilities shall be permitted only in the industrial zoning districts (I or LI). (Ord. 11-2007 §1)

Sec. 16-16-20. Use permitted by conditional review.

It is unlawful for any person to install or operate such a wireless telecommunication services facility unless a use by conditional review has first been approved by the Board of Trustees as provided in Section 16-7-20 of this Chapter. The approval of such use by conditional review

does not relieve the operator from otherwise complying with all applicable regulatory requirements of the Town, state and federal governments. (Ord. 11-2007 §1)

Sec. 16-16-30. Application requirements.

(a) Site plans. The site plans for a wireless telecommunication service facility shall be submitted on one (1) or more plats or maps, at a scale not less than 1" = 50', showing the following information:

(1) The proposed size, location and boundaries of the commercial mobile radio service facility site, including existing and proposed topography at two-foot intervals, referenced to USGS data, state plane coordinates and a legal description of the proposed site.

(2) Elevations of all towers and equipment, indicating materials, overall exterior dimensions and colors.

(3) True north arrow.

(4) Locations and size of existing improvements and existing vegetation, if any; and location and size of proposed improvements, including any landscaping.

(5) Existing utility easements and other rights-of-way of record, if any.

(6) Location of access roads.

(7) The names of abutting subdivisions or the names of owners of abutting, unplatted property within four hundred (400) feet of the site; and zoning and uses of adjacent parcels.

(8) Proof of ownership in a form acceptable to the Town.

(b) Vicinity maps. The vicinity maps submitted with an application under this Article shall include one (1) or more maps showing the location of existing and planned commercial mobile radio service facilities belonging to the applicant, within five (5) miles of the proposed facility. Planned facilities may be identified in general terms and need not be address-specific.

(c) Written narrative. The application shall include the following in narrative form:

(1) The applicant's and surface owner's names, addresses, signatures and designation of agent, if applicable.

(2) An explanation of the need for such a facility, operating plan and proposed coverage area.

(3) If a freestanding facility is proposed, an analysis of alternatives to a freestanding facility within a one-mile radius of the facility.

(4) A list of all permits or approvals obtained or anticipated to be obtained from local, state or federal agencies other than the Federal Communications Commission (FCC).

(5) Affirmation that the proposed facility, alone or in combination with other like facilities, will comply with current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields.

(6) Affirmation that the facility will comply at all times with current FCC regulations prohibiting localized interference with reception of television and radio broadcasts.

(7) Affirmation that the facility will not interfere with any public safety frequencies servicing the Town and its residents.

(8) Affirmation that, if approved, the applicant and surface owner will make the facility available, on a reasonable basis, to other service providers.

(9) An explanation of compatibility with the Comprehensive Plan. (Ord. 11-2007 §1)

Sec. 16-16-40. Height and setback requirements.

In all performance districts where wireless telecommunications service facilities are allowed as uses by conditional review, the following apply:

(1) Roof- or building-mounted commercial mobile radio service facilities may protrude no more than five (5) feet above the parapet line of the building or structure, nor more than two-and-one-half (2½) feet outside of the building wall unless sufficient screening methods are demonstrated and accepted as part of the approval;

(2) Roof- or building-mounted whip antennas of no more than three (3) inches in diameter, in groupings of five (5) or less, may extend up to twelve (12) feet above the parapet wall; and

(3) Applicable zoning setback requirements of this Article must be met. At a minimum, all freestanding facilities shall be set back at least three hundred (300) feet from all residentially zoned properties or residential structures on properties otherwise zoned. (Ord. 11-2007 §1)

Sec. 16-16-50. Accessory buildings requirements.

(a) Accessory buildings located on the ground shall be no larger than four hundred (400) square feet and must be constructed of durable, low-maintenance materials, architecturally compatible and integrated with existing buildings and structures. Sites with greater than one hundred (100) cubic feet of cabinet area, visible from a public right-of-way or residentially zoned or used area, must enclose the equipment in accessory buildings.

(b) Accessory buildings and facilities are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location or other techniques deemed sufficient. (Ord. 11-2007 §1)

Sec. 16-16-60. Building- or roof-mounted facilities requirements.

Building- or roof-mounted facilities are to be screened from public view, either by screening, location or other techniques deemed sufficient. (Ord. 11-2007 §1)

Sec. 16-16-70. Freestanding wireless telecommunications facilities requirements.

All freestanding wireless telecommunications facilities shall be designed and constructed in such a manner that they are:

(1) Capable of serving, through original construction, expansion or replacement, a minimum of two (2) users.

(2) Constructed as a monopole, which tapers toward the top of the pole to the degree allowed by structural requirements, unless some other decorative type of structure is proposed and approved.

(3) Of a neutral color, including fencing, buildings and cabinets, or to match existing buildings.

(4) Hold only lighting required by the Federal Aviation Administration, and no signage.

(5) No higher than fifty (50) feet from the ground, with an additional twenty (20) feet per co-locating user permitted, up to seventy (70) feet. Exceptions may be granted upon request by the applicant.

(6) Constructed in accordance with a certified engineer's specifications and in compliance with all applicable Building Code provisions. (Ord. 11-2007 §1)

Sec. 16-16-80. Conditional mitigation measures co-location.

(a) The Town encourages co-location of wireless telecommunications facilities to minimize the number of sites.

(b) No wireless telecommunications facility owner or operator shall unfairly exclude a competitor from using the same facility or location. Unfair exclusion of use by a competitor may result in the revocation of the use by conditional review or site development plan. (Ord. 11-2007 §1)

Sec. 16-16-90. Abandonment.

At the request of the Town, the operator must furnish a statement to the Town indicating the operational status of the facility. If the use has been discontinued, the date on which the facility was last used shall also be provided. Commercial mobile radio service facilities not used for a continuous period of six (6) months shall be disassembled within twelve (12) months of the last use. (Ord. 11-2007 §1)