

TOWN/CITY LAND USE CODE

ARTICLE 3 – ZONING

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3.1 General Provisions

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.

A. 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 buildings, 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;
 - 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 therefore is stated in this Article.
4. No yard or lot existing or approved at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.
5. Any use not permitted in a zone either specifically or by interpretation by the Board of Trustees/City Council per Section 3.4.A. is hereby specifically prohibited from that zone.

B. Conflict with Other Provisions of Law. Whenever the requirements of this Article 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.

- C. Conflict with Private Covenants or Deeds.** In case of a conflict between this Code and any private restrictions imposed by covenant or deed, the responsibility of the Town/City shall be limited to the enforcement of this Code. When provisions within this Code are more restrictive than those imposed by covenant or deed, or when any such private instruments are silent on matters contained within this Code, the provisions of this Code shall rule.
- D. Zoning of Annexed Territory.**
1. Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this Section. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.
 2. 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/City shall refuse to issue any building permit for any portion or all of the newly annexed area.

3.2 Purpose

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

- A.** Encourage the most appropriate use of land through the Town/City and insure a logical growth of the various physical elements of the Town/City.
- B.** Regulate and restrict the location and use of buildings, structures and land for residence, business, trade, industry or other purposes.
- C.** Regulate and determine the size of building lots, yards and other open spaces.
- D.** Promote good design and arrangement of buildings or clusters of buildings and uses in residential, business and industrial development.
- E.** Encourage innovative, quality site planning, architecture and landscaping that reflect improvements in the technology of land development.
- F.** 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/City.
- G.** Promote the health, safety, morals and general welfare of Town/City residents.

3.3 Zoning Districts and Boundaries

- A. Zoning Districts.** In order to carry out the provisions of this Code, the Town/City is divided into the following zoning districts:

DR	Developing Resource District
A-1	Agricultural District
A-2	Agricultural District, with Animals
E-1	Estate District, Large Lot
E-2	Estate District, with Common Open Space (Conservation Subdivision)
R-1	Residential District, Single-Family
R-1A	Residential District, Single-Family, Small Lot
R-2	Residential District, Two (2) Family and Multi-Family
R-3	Residential District, Multi-Family
MU-R	Mixed Use Residential District
MU-C-D	Mixed Use Commercial-Downtown District
MU-C-H	Mixed Use Commercial- <u>State Highway</u> District
MH	Manufactured Home Park District
MFH	Manufactured Housing Development District
B-1	Business District
C-N	Commercial District, Neighborhood
C-C	Commercial District, Community
BLI	Business/Light Industrial District
I	Industrial District
P-E	Public Established District
H	Hazard Overlay District
PUD	Planned Unit Development (PUD) Overlay District

- B. Zoning District Map.** The boundaries and classifications of districts established are as depicted on a map entitled Town/City Zoning District Map as may from time to time be revised, updated or redrafted. The official 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.

- a. *Zoning District Boundaries*** – In the event uncertainty is deemed to exist on 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.

- b.** *Hazard Overlay District Boundaries* – Hazard district boundaries, as depicted by separate maps, are estimates based upon:
 - i.** Data verified from the Colorado Geological Survey on geological hazards; and
 - ii.** Data verified from the Colorado Water Conservation Board, Federal Emergency Management Agency (FEMA) or the Board of Trustees/City Council on flood-prone areas.
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/City 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/City 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 Town/City Hall during normal business hours. In addition, one (1) original duplicate mylar copy of the current official map, and all prior official maps having been adopted, shall be held under lock and in a secure place by the Town/City Clerk, who shall act as custodian thereof, and the map shall not be amended, changed, updated or otherwise modified or let out of direct control of the Town/City Clerk for any reason whatsoever. The secured map is to be released for inspection only upon authorization of the Town/City Clerk.

3.4 Principal and Conditional Uses Permitted by Zoning District

- A. General Application of Uses.** Uses designated as “permitted uses” are allowed in a zone district as a matter of right. Uses classified as “conditional uses” are permitted upon the Board of Trustees’/City Council’s approval of a conditional use permit. Unless a use is designated as a “permitted use” or “conditional use” or is classified as a legal “non-conforming” structure or use, it is not permitted.

Land uses not otherwise identified in this Code 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/City Council to determine if the use can be reasonably interpreted to fit into a similar use category described in this Code. Unless such determination is made, the use is not permitted.

B. DR Developing Resource District.

1. Intent. The Developing Resource District is intended to provide for the annexation of those properties that are presently used for agriculture or other non-urban uses and for which there are no specific and immediate plans for development. These areas are designated on the Comprehensive Plan as potentially suitable for urban development, but not in the immediate future because of lack of utilities, other services, or other uses.
2. Permitted Uses.
 - a. The following uses are permitted in the DR District:
 - i. No use shall be permitted on properties in the DR District except such use as existed on the date the property was placed into this zone district. No permanent structures shall be constructed on any land in this District, except that at the time of zoning or rezoning of the property into this District, the Town Board/City Council may grant a waiver permitting the installation or enlargement of a permanent structure containing a use which was existing, or is ancillary to the use of the property, at the time of such zoning or rezoning upon the following conditions:
 - a) The owner of the property, prior to the Town Board/City Council meeting at which the zoning or rezoning is to be heard, shall submit a site plan showing in reasonable detail the existing and proposed uses of such property.

- b) The Town Board/City Council shall grant such waiver only upon a finding that the strict application of this Land Use Code relating to nonconforming uses would result in exceptional or undue hardship upon the owner of the property and that the waiver may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of the nonconforming use provisions of this Land Use Code.
- ii. After the property has been placed in the DR District, the Board of Trustees/City Council may grant a waiver in accordance with Section 3.10 and subject to the criteria established for the Town Board/City Council in subparagraphs B.2.a.i and ii of this section permitting installation or enlargement of a permanent structure containing a use which was existing at the time the property was placed in this District, or containing a use which is ancillary to such existing use.
- b. The owner of any property in the DR District may at any time petition the Town/City to remove the property from this zone district and place it in another zone district. Any such petition shall be referred to the Planning Commission to be considered consistent with rezoning procedures as established in Section 3.11 (Amendments).
- c. Any use which was nonconforming upon a parcel prior to placement into this zone district shall continue to be nonconforming upon removal of such parcel or property from this zone district unless such parcel is placed into a zone district where such use is listed as a permitted use.

C. A-1 Agricultural District.

- 1. 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.
- 2. Principal Uses. Permitted principal uses in the A-1 District shall be as follows:
 - a. Accessory buildings and accessory uses.
 - b. Accessory dwelling when associated with a permitted use.
 - c. Common equestrian stabling and grazing provided the number of horses does not exceed two (2) per acre and at least one-half (½) acre of pasture is available for each horse.
 - d. Cultivation, storage and sale of crops, vegetables, plants, flowers, and nursery stock produced on the premises.

- e. Farming, including but not limited to, gardening, horticulture, fruit growing, growing of vegetables, trees, shrubs, plants, turf and sod.
- f. Golf courses.
- g. Home occupations.
- h. Open air farmers' markets.
- i. Parks and open space.
- j. Plant nurseries and greenhouses.
- k. Single-family detached dwellings.
- l. Structures for storage of agricultural products produced on the premise.
- m. Veterinary facilities, small animal clinics.
- n. Veterinary facilities, large animal clinics.

3. Conditional Uses. Permitted conditional uses in the A-1 District shall be as follows:

- a. Cemeteries.
- b. Child care center.
- c. Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations).
- d. Limited outdoor recreation facilities.
- e. Public and private schools for elementary, intermediate and high school education.
- f. Public facilities, provided that business offices and repair and storage facilities are not included.
- g. Resource extraction, processes and sales establishments.
- h. Small animal boarding (kennels).

D. A-2 Agricultural District, with Animals.

1. Intent. This is an ultra low-density district intended for the pursuit of farm activities and limited animal raising and grazing activities or for transitional status. This zone is characterized by growing crops, raising animal livestock and related functions as described in item 2b, below.
2. Principal Uses. Permitted principal uses in the A-2 District shall be as follows:
 - a. All permitted principal uses in the A-1 District.
 - b. Livestock, limited to the following provisions:
 - i. Specific animals that are present on the land at the time of annexation may continue on the premises.
 - ii. Seasonal grazing of horses, cattle or sheep up to forty-five (45) days per year under similar fence setback locations that existed at the time of annexation, provided that grazing existed during the two (2) preceding years immediately prior to annexation.

- iii. Horses, cattle, llamas, deer, buffalo and beefalo are limited to two (2) per acre with the exception of sheep.
- iv. Any corral containing horses, cattle, llamas, deer, buffalo and/or beefalo must be at least one hundred (100) feet from any residence or retail sales building that exists. 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.

3. Conditional Uses. Permitted conditional uses in the A-2 District shall be as follows:

- a. All permitted conditional uses in the A-1 District.
- b. Church or place of worship and assembly.

E. E-1 Estate District, Large Lot.

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

2. Principal Uses. Permitted principal uses in the E-1 District shall be as follows:

- a. Accessory buildings and accessory uses.
- b. Accessory dwelling when associated with a permitted use.
- c. Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
- d. Home occupations.
- e. Group homes for up to eight (8) developmentally disabled persons, handicapped individuals, children or senior citizens.
- f. Single-family detached dwellings.
- g. Parks and open space.

3. Conditional Uses. Permitted conditional uses in the E-1 District shall be as follows:

- a. Public facilities, provided that business offices and repair and storage facilities are not included.
- b. Cemeteries.
- c. Child care centers.
- d. Church or place of worship and assembly.

- e. Community facilities.
- f. Gas, oil and other hydrocarbon well drilling and production (subject to state and local regulations).
- g. Golf courses.
- h. Limited outdoor recreation facilities.
- i. Public and private schools for elementary, intermediate and high school education.

F. E-2 Estate District, with Common Open Space (Conservation Subdivision).

1. Intent. This is a very low-density residential district intended to encourage the preservation of open space, natural features and agricultural land in conjunction with the clustering of single-family detached dwellings; the minimum lot size is eight thousand (8,000) square feet if adjacent to open space and ten thousand (10,000) square feet if not directly adjacent to open space.
2. Principal Uses. Permitted principal uses in the E-2 District shall be as follows:
 - a. Accessory buildings and accessory uses.
 - b. Accessory dwelling when associated with a permitted use.
 - c. Common equestrian stabling and grazing provided the number of horses does not exceed two (2) per acre and at least one-half (½) acre of pasture is available for each horse.
 - d. Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
 - e. Group homes for up to eight (8) developmentally disabled persons, handicapped individuals, children or senior citizens.
 - f. Home occupations.
 - g. Parks and open space.
 - h. Single-family detached dwellings.
3. Conditional Uses. Permitted conditional uses in the E-2 District shall be as follows:
 - a. Cemeteries.
 - b. Child care centers.
 - c. Community facilities.
 - d. Gas, oil and other hydrocarbon well drilling and production (subject to state and local regulations).
 - e. Golf courses.
 - f. Limited outdoor recreation facilities.
 - g. Public and private schools for elementary, intermediate and high school education.
 - h. Public facilities, provided that business offices and repair and storage facilities are not included.

G. R-1 Residential District, Single-Family.

1. Intent. This is a low-density housing district intended primarily for single-family uses on individual lots. This zone is characterized by tree-lined local streets, interconnected pedestrian circulation system and proximity to schools and parks.
2. Principal Uses. Permitted principal uses in the R-1 District shall be as follows:
 - a. Accessory buildings and accessory uses.
 - b. Accessory dwelling when associated with a permitted use.
 - c. Group homes for up to eight (8) developmentally disabled persons, handicapped individuals, children or senior citizens.
 - d. Home occupations.
 - e. Parks and open space.
 - f. Single-family detached dwellings.
3. Conditional Uses. Permitted conditional uses in the R-1 District shall be as follows:
 - a. Child care centers.
 - b. Community facilities.
 - c. Church or place of worship and assembly.
 - d. Gas, oil and other hydrocarbon well drilling and production (subject to state and local regulations).
 - e. Golf courses.
 - f. Limited outdoor recreation facilities.
 - g. Public and private schools for elementary, intermediate and high school education.
 - h. Public facilities, provided that business offices and repair and storage facilities are not included.

H. R-1A Residential District, Single-Family, Small Lot.

1. Intent. This is a single-family residential district intended to provide for the development of small lots, commonly referred to as patio homes, provided:
 - a. Up to thirty (30) percent of the total number of lots within the project may utilize the R-1A District if the patio home units are distributed throughout the overall development.

- b. The site must integrate a minimum of twenty-five (25) percent of the gross acreage into a combination of public and private open space and/or parks, common areas and common elements within the R-1A District as an integral part of the site design.
 - c. Cluster homes may be designed as an alternative to individual patio home lots, provided the intent and development standards as specified in this district are adhered to.

- 2. Principal Uses. Permitted principal uses in the R-1A District shall be as follows:
 - a. All permitted principal uses in R-1 District.
 - b. Single-family detached dwellings located on lots no less than three thousand seven hundred (3,700) square feet.

- 3. Conditional Uses. Permitted conditional uses in the R-1A District shall be as follows:
 - a. All permitted conditional uses in the R-1 District.

- 4. Development Standards.
 - a. *Patio Home.*
 - i. Minimum lot area: three thousand seven hundred (3,700) square feet.
 - ii. Minimum open space on each lot: At least one-third (a) of each lot shall be devoted to outdoor living areas, including, but not limited to, landscaped areas, patios, walkways, fences, gardens and similar features, but excluding therefrom driveways and uncovered parking spaces.
 - b. *Cluster Home.*
 - i. Minimum lot area: none.
 - ii. Minimum lot width and depth: none.
 - iii. Minimum setback from a street or project boundary: ten (10) feet, otherwise none, provided the required parking does not face the street. In this case, required parking and/or garages must be located twenty-two (22) feet behind the sidewalk.
 - iv. Minimum common areas and elements: a minimum of twenty-five (25) percent of the total project area shall be devoted to common areas and elements, including but not limited to, landscaped areas, walkways, swimming pools, tennis courts, play areas, fountains, and patio areas, but excluding driveways, and all off-street parking facilities.

I. R-2 Residential District, Two (2) Family and Multi-Family.

1. Intent. This medium-density residential zone is intended to preserve the traditional building pattern of mixed residential development, which historically has been integrated to form a vibrant, active and cohesive neighborhood unit. This district provides for attached residential dwelling units in addition to single-family detached dwelling units.
2. Principal Uses. Permitted principal uses in the R-2 District shall be as follows:
 - a. All permitted principal uses in the R-1 District.
 - b. Two-family and multiple-family dwellings (no more than eight [8] units per building), provided that the density and dimensional standards (refer to Section 3.6 for details) for the R-2 District are met.
3. Conditional Uses. Permitted conditional uses in the R-2 District shall be as follows:
 - a. All permitted conditional uses in the R-1 District.
 - b. Bed and breakfasts.

J. R-3 Residential District, Multi-Family.

1. 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 neighborhood commercial center (i.e. B-1 Business District, C-N Commercial Neighborhood District, C-C Community Commercial District, MU-R Mixed Use Residential District). 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 (refer to Section 2.13 for details).
2. Principal Uses. Permitted principal uses in the R-3 District shall be as follows:
 - a. All permitted principal uses in the R-1 and/or R-2 zones, except home occupations, single-family detached dwellings and accessory dwellings.
 - b. Multiple-family dwellings (no more than twenty-four [24] units per building), provided that the density and dimensional standards for the R-3 Residential District are met (refer to Section 3.6 for details) and the lot upon which any such dwelling is located is of sufficient size so that twenty (20) percent thereof shall be devoted to functional open space.

- c. Senior housing provided that the density and dimensional standards for the R-3 Residential District are met (refer to Section 3.6 for details) and the lot upon which any such dwelling is located is of sufficient size so that twenty (20) percent thereof shall be devoted to functional open space. Senior housing is exempted from the maximum number of twenty-four (24) units per building requirement for multi-family dwellings.
3. Conditional Uses. Permitted conditional uses in the R-3 District shall be as follows:
- a. All permitted conditional uses in the R-1 and/or R-2 Districts.
 - b. Boarding and rooming houses.
 - c. Child care centers.
 - d. Home occupations.
 - e. Long term care facilities.

K. MU-R Mixed Use Residential District.

1. Intent. The Mixed Use Residential District is intended to facilitate the development of a mixed use neighborhood which is predominately residential and may include the following: a variety of housing types, a neighborhood commercial center, a civic component, recreational uses, parks, trails, good pedestrian access, a defined edge as well as an integrated network of streets which connect to adjoining neighborhoods. (Refer to Article 2, Community Design Principles and Development Standards.) The organization of these areas should provide appropriate integration of different uses, while protecting more sensitive low intensity residential neighborhoods and allowing easy access from these neighborhoods. These land uses and residential densities should generally transition in intensity from the activity center to surrounding lower density residential. Large scale multi-family projects are discouraged. The goal of the Mixed Use Residential District is to integrate a variety of land uses in a manner that encourages and facilitates diversity, interaction, safety and a high standard of design excellence. Refer to the Community Design Principles and Development Standards in Article 2 for design standards.
- a. *Application* – This District may only be used within the Primary Mixed Use Residential area identified on the Town/City Comprehensive Plan Land Use Map.
 - b. *Allowable Density* – The overall allowed density within this district is six (6) dwelling units per gross acre, as illustrated in the Town/City Comprehensive Plan land use designation.

2. Principal Uses. Permitted principal uses in the MU-R District include the following:
 - a. Any permitted principal use in the R-1, R-1A, R-2 and/or R-3 districts.
 - b. Artisan and photography studios and galleries, provided they are part of a neighborhood center.
 - c. Child care centers, provided they are part of a neighborhood center.
 - d. Church or place of worship and assembly, provided it is part of a neighborhood center.
 - e. Convenience shopping and retail establishments with less than five thousand (5,000) square feet of gross floor area, provided they are part of a neighborhood center. Offices and dwellings are encouraged to locate above ground floor retail.
 - f. Mixed use dwelling units, provided they are part of a neighborhood center.
 - g. Open air farmers' markets, provided they are in the neighborhood center.
 - h. Personal and business service shops, provided they are part of a neighborhood center. Offices and dwellings are encouraged to locate above ground floor service shops.
 - i. Professional offices, financial services, and clinics, provided they are part of a neighborhood center.
 - j. Restaurants/standard and fast food without drive through, provided they are part of a neighborhood center.
 - k. Small grocery store, provided that it is part of a neighborhood center.

3. Conditional Uses. Permitted conditional uses in the MU-R District include the following:
 - a. All permitted conditional uses in the R-1, R-1A, R-2 and/or R-3 Districts.
 - b. Boarding and rooming houses.
 - c. Church or place of worship and assembly, provided they are part of a neighborhood center.
 - d. Convenience shopping and retail establishments with greater than five thousand (5,000) square feet of gross floor area. Offices and dwellings are encouraged to locate above ground floor retail.
 - e. Gasoline stations provided they are part of a neighborhood center.
 - f. Health and membership clubs, provided they are part of a neighborhood center.
 - g. Limited indoor recreation establishments, provided they are part of a neighborhood center.
 - h. Limited outdoor recreation facilities, provided they are part of a neighborhood center.
 - i. Light industrial (production, assembly, packaging) provided they are located within a multi-neighborhood center.
 - j. Lodging establishments, provided they are part of a neighborhood center.
 - k. Long-term care facilities, provided they are part of a neighborhood center.
 - l. Plant nurseries and greenhouses.
 - m. Public and private schools, including colleges, vocational training, and technical training, provided they are part of a neighborhood center.

- n. Workshops and custom small industry provided they are located within a multi-neighborhood center.
4. MU-R Review Procedure. All MU-R District applications shall be submitted and processed simultaneously with the processing of subdivision and development plan applications for the property. The process set forth in Sections 4.5 – 4.8 in Article 4, Subdivision Regulations. This includes all pre-application conferences, Planning Commission visioning meetings, sketch plan, preliminary plat and final plat applications, and all required public hearings. Scheduling requirements for MU-R applications shall match those specified for sketch plans and preliminary and final plats. Development within a MU-R District cannot occur unless and until a final plat and final development plan for the portion of the property to be developed have been approved and recorded as provided in Article 4 and specified in the following Subparagraph K.5.
 5. MU-R Application Submittal Requirements. In addition to all of the information required as part of the sketch plan, preliminary plat, and final plat application packages (as specified in the Sections 4.5 through 4.8), applications for a MU-R District shall include a preliminary and a final PUD development plan.
 - a. *Preliminary MU-R Development Plan.*
 - i. MU-R application fee.
 - ii. As part of the general development information, provide written and visual materials which describe the MU-R and specifically address the following items:
 - a) Describe the mixture of primary and secondary uses within the MU-R development and how they will relate to one another and strengthen the diversity within the overall neighborhood. Include at least two of the following categories: civic, commercial, residential, parks or open space and recreation.
 - b) Describe a discernable activity center within the project that will serve to bring people together.
 - c) Describe how the development will connect to and interface with the Town's/City's pattern plan and help to knit the community together through the street and pedestrian network.
 - d) Describe the mixture of housing types and architectural styles and how they will contribute to the Town's/City's small-town character and diversity and reflect the Design Vocabulary outlined in Section 2.26 of this Code.
 - e) Describe how the site design of commercial, or civic areas serves to enhance the view from the streets by placing buildings closer to the street, locating parking to the side and rear of buildings. Further, describe how pedestrian movement will be given a priority within the development and how landscaping will be used to provide adequate shade.

- f) Provide any additional relevant information which the Town/City may deem necessary.
- iii. Preliminary MU-R Development Plan - Prepare the preliminary MU-R development plan using the preliminary plat map as the base. Include on the base a clear graphic and/or written representation of:
 - a) All principal, conditional and accessory uses within each land use category within the MU-R, i.e., single-family, multi-family, commercial, etc., either listed specifically or by reference to the zoning districts within the Town/City. In particular, note any modifications to the principal, conditional, and accessory uses of the underlying zone district(s).
 - b) Standards for principal and accessory uses within each land use category, to include:
 - (1) Minimum lot area.
 - (2) Minimum front, side and rear yard setbacks. (Include a graphic representation of a typical footprint of all residential structures in the development). Also provide setbacks for corner lots and garages.
 - (3) Maximum lot coverage.
 - (4) Maximum floor area ratio (total floor area to total lot area).
 - (5) Maximum building height.
 - c) Proposed phasing for the development.
- b. *Final MU-R Development Plan.*
 - i. MU-R application fee.
 - ii. Written and graphic MU-R description as part of the general development information, based on the materials submitted for the preliminary MU-R development plan and on comments received from the Town/City at the time of preliminary plan review. Include all of the items listed above for the preliminary MU-R development plan, in finalized form. Also include an explanation of how the final MU-R development plan is consistent with the preliminary MU-R development plan, or if there are differences, the rationale for the changes.
 - iii. Final MU-R Development Plan - Prepare the final MU-R development plan using the final plat map as the base. Include on the base a clear graphic and written representation of: all of the information/items required for a preliminary MU-R development plan as listed above, in finalized form.
 - iv. Provide any additional relevant information which the Town/City may deem necessary.

6. MU-R Review Criteria.

- a.** *Preliminary MU-R Development Plan Review Criteria.* The following review criteria will be used by the Staff, Planning Commission and Board of Trustees/City Council to evaluate all MU-R applications at the time of preliminary MU-R plan/preliminary plat review:

 - i.** The MU-R development plan proposes creative and innovative design, and high quality development and is therefore effectively consistent with the Community Design Principles and Development Standards established in Article 2.
 - ii.** The uses and densities in the proposed MU-R are compatible, and will be effectively integrated with adjacent neighborhoods which now exist or are proposed in the future.
 - iii.** The proposed MU-R is in general conformance with the comprehensive plan for the Town/City.
- b.** *Final MU-R Development Plan Review Criteria.* In addition to all of the review criteria for a preliminary MU-R development plan, the following review criteria will be used by the Staff and Board of Trustees/City Council to evaluate all MU-R applications at the time of final MU-R plan/final plat:

 - i.** The final MU-R development plan is substantially consistent with the preliminary MU-R development plan as approved by the Board of Trustees/City Council.
 - ii.** All preliminary MU-R development plan conditions of approval have been adequately addressed on the final MU-R development plan.

L. MU-C-D Mixed Use Commercial – Downtown District.

1. Intent. The Mixed Use Commercial-Downtown District is intended to reflect the character of the original downtown and to provide for a mixture of uses that will strengthen and expand the core community. The area identified for MU-C-D is identified on the Town/City Pattern Plan (Section 2.3 of this Code).

The district, and indeed as many of its internal parts as possible, must serve more than one primary function; preferably more than two. These must insure the presence of people who go outdoors on different schedules and are in the place for different purposes, but who are able to use many facilities in common. On successful city streets, people must appear at different times. This is time considered on a small scale, hour by hour through the day.

***The Death and Life of Great American Cities*, Jane Jacobs**

2. Principal Uses. Permitted principal uses in the MU-C-D District shall be as follows:
 - a. *Residential Uses:*
 - i. All permitted principal uses in the R-2 residential district except single-family residential and accessory dwelling.
 - b. *Institutional/Civic/Public Uses:*
 - i. Church or place of worship and assembly.
 - ii. Parks and open space.
 - iii. Public facilities, no business offices or repair and storage facilities.
 - c. *Commercial/Retail Uses:*
 - i. Artisan and photography studios and galleries.
 - ii. Bed and breakfasts.
 - iii. Boarding and rooming houses.
 - iv. Child care centers.
 - v. Convenience shopping and retail establishments without fuel sales.
 - vi. Health and membership clubs.
 - vii. Limited indoor recreation facilities.
 - viii. Medical and dental offices and clinics.
 - ix. Mixed use dwelling units.
 - x. Open air farmers' market.
 - xi. Personal and business service shops.
 - xii. Professional offices, financial services and clinics.
 - xiii. Restaurants - standard and fast food without drive-through facilities.

- xiv. Small grocery store.
- xv. Tourist facilities.

3. Conditional Uses. Permitted conditional uses in the MU-C-D District shall be as follows:

- a. All permitted conditional uses in the R-1, R1-A, R-2, R-3 and B-1 districts.
- b. *Residential Uses:*
 - i. Single-family residential, and accessory dwelling when associated with a principal use.
- c. *Institutional/Civic/Public Uses:*
 - i. Community facilities.
 - ii. Public and private schools, including colleges, universities, vocational and technical training.
 - iii. Public facilities with business offices and repair and storage facilities.
- d. *Commercial/Retail Uses:*
 - i. Bars and taverns.
 - ii. Entertainment facilities and theaters.
 - iii. Gasoline stations.
 - iv. Limited outdoor recreation facilities.
 - v. Lodging establishments.
 - vi. Long-term care facilities.
 - vii. Motor vehicle service and repair.
 - viii. Parking lots and parking garages as a principal use.
- e. *Industrial Uses:*
 - i. Gas, oil and other hydrocarbon well drilling and production (subject to state and local regulations).
 - ii. Light industrial (production, assembly packaging).
 - iii. Workshops and custom small industry uses.

4. Approval Procedure, Application Submittal Requirements and Review Criteria. The approval procedure, application submittal requirements and review criteria for the MU-C-D District are the same as those required for the MU-R District and are outlined in Section 3.4.K.5 of this Code.

M. MU-C-H Mixed Use Commercial-Highway District.

1. Intent. The Highway Mixed 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. Secondly, it can accommodate a wide range of other uses including multi-family housing and mixed use dwelling units. The MU-C-H District is intended to integrate various commercial and multi-family uses while transitioning from the highway to adjacent lower density neighborhoods.

While some Highway Mixed Use Commercial District areas may continue to meet the need for auto-related and other auto-oriented uses, it is the Town's/City's intent that the MU-C-H District emphasize safe and convenient personal mobility in many forms, with planning and design that accommodates pedestrians. Further, the MU-C-H District is intended to function with, rather than compete with, the downtown area. The Town/City Pattern Plan (Section 2.3 of this Code) is to be used as a guide to connect and strengthen both commercial districts.

The Highway corridor is a visible commercial area for the community; attention to the Community Design Principles and Development Standards outlined in Article 2 is required for approval. The area identified for MU-C-H is identified on the Town/City Pattern Plan (Section 2.3 of this Code).

2. Permitted Uses. Permitted principal uses in the MU-C-H District are as follows:
 - a. *Accessory/Miscellaneous Uses:*
 - i. Accessory buildings.
 - ii. Accessory uses.
 - b. *Residential Uses:*
 - i. Group homes.
 - ii. Multiple family dwellings.
 - c. *Institutional/Civic/Public Uses:*
 - i. Church or place of worship and assembly.
 - ii. Parks and open space.
 - iii. Public facilities, without business offices or repair and storage facilities.
 - iv. Transit facilities without repair or storage.

- d.** *Commercial/Retail Uses:*
 - i.** Bed and breakfasts.
 - ii.** Boarding and rooming houses.
 - iii.** Car wash.
 - iv.** Child care centers.
 - v.** Convenience retail stores with or without fuel sales.
 - vi.** Equipment rental establishments (without outdoor storage).
 - vii.** Food catering.
 - viii.** Funeral homes.
 - ix.** Gasoline stations.
 - x.** Health and membership clubs.
 - xi.** Limited indoor recreation facilities.
 - xii.** Lodging establishments.
 - xiii.** Long term care facilities.
 - xiv.** Mixed use dwelling units.
 - xv.** Motor vehicle service and repair (minor repairs).
 - xvi.** Open-air farmers' markets.
 - xvii.** Personal and business service shops.
 - xviii.** Plant nurseries and greenhouses.
 - xix.** Print shops.
 - xx.** Professional offices, financial services and clinics.
 - xxi.** Restaurants, with or without drive-through facilities.
 - xxii.** Large retail establishments.
 - xxiii.** Small grocery stores.
 - xxiv.** Supermarkets.
 - xxv.** Tourist facilities.
 - xxvi.** Veterinary facilities, small animal clinics.
- e.** *Industrial uses:*
 - i.** Workshop and custom small industry uses.

3. Conditional Uses. Permitted conditional uses in the MU-C-H District include the following:

- a.** *Residential Uses:*
 - i.** Single-family attached dwellings.
 - ii.** Two-family dwellings.
- b.** *Institutional/Civic/Public Uses:*
 - i.** Community facilities.
 - ii.** Golf courses.
 - iii.** Public and private schools, including colleges, universities, vocational and technical training.
 - iv.** Public facilities with business offices and repair and storage facilities.

- c.** *Commercial/Retail Uses:*
- i.** Artisan and photography studios and galleries.
 - ii.** Auto, RV, boat and truck sales.*
 - iii.** Auto, RV, boat and truck storage*
 - iv.** Bars and taverns.
 - v.** Clubs and lodges.
 - vi.** Entertainment facilities and theaters.
 - vii.** Equipment, truck and trailer rental establishments.
 - viii.** Hospitals.
 - ix.** Limited outdoor recreation facility.
 - x.** Motor vehicle service and repair (major repairs).
 - xi.** Nightclubs.
 - xii.** Parking lots and parking garages.
 - xiii.** Retail and supply yard establishments with outdoor storage.
 - xiv.** Veterinary hospitals.

*Automobile sales and rental uses shall be limited to ten (10) percent of the total linear frontage along Highway within the Town/City limits.

- d.** *Industrial Uses:*
- i.** Enclosed mini-storage facilities.
 - ii.** Gas, oil and other hydrocarbon well drilling and production (Subject to state and local regulations).
 - iii.** Light industrial uses.
 - iv.** Research, experimental or testing laboratories.

- 4.** Approval Procedure, Application Submittal Requirements and Review Criteria. The approval procedure, application submittal requirements and review criteria for the MU-C-H District are the same as those required for the MU-R District and are outlined in Section 3.4.K.5 of this Code.

N. MH Manufactured Home Park District.

- 1.** 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.
- 2.** General Requirements. Requirements applicable to MH Districts include the following:
 - a.** This District may only be used in conjunction with the PUD Overlay District.
 - b.** The minimum number of acres which may constitute a MH district shall be five (5) acres.

- c. Uses in this District must comply with the standards and provisions set forth in Article 12, MH Manufactured Home Park District.
- 3. Principal Uses. Permitted principal uses in the MH District include the following:
 - a. Accessory buildings and accessory uses.
 - b. Home occupations.
 - c. Manufactured homes.
 - d. Public facilities, provided business offices and repair and storage facilities are not included.

O. MFH Manufactured Housing Development District.

- 1. Intent. This is a low density residential zoning district intended primarily for single-family uses on individual lots within a subdivision, consisting of dwellings partially or entirely manufactured in a factory.
- 2. General Requirements. Requirements applicable to MFH districts include the following:
 - a. This District may only be used in conjunction with the PUD Overlay District.
 - b. The minimum number of acres which may constitute a MFH district shall be five (5) acres.
 - c. Uses in this District must comply with the standards and provisions set forth in Article 12, MFH Manufactured Housing Development District.
- 3. Principal Uses. Permitted principal uses in the MFH District include the following:
 - a. Accessory buildings and accessory uses.
 - b. Home occupations.
 - c. Manufactured homes.
 - d. Public facilities, provided business offices and repair and storage facilities are not included.

P. B-1 Business District.

1. Intent. This is a downtown business district intended to:
 - a. Encourage the redevelopment and expansion of Town's/City's existing town/city center;
 - b. Provide a concentration and mixture of civic, office, retail, restaurant, housing and cultural land uses;
 - c. Maintain and enhance the historic character of the original downtown; and
 - d. Facilitate pedestrian movement.

The architectural design principles (Section 2.19 and 2.20) permit the construction of attached apartment, civic and shopfront building types in close proximity to each other. Individual buildings are encouraged to be mixed vertically with street level commercial and upper level offices and/or residential dwellings.

2. Principal Uses. Permitted principal uses in the B-1 District shall be as follows:
 - a. All permitted principal uses in the R-2 residential district except single-family residential and accessory dwelling.
 - b. Artisan and photography studios and galleries.
 - c. Bed and breakfasts.
 - d. Boarding and rooming houses.
 - e. Child care centers.
 - f. Community facilities.
 - g. Convenience shopping and retail establishments.
 - h. Health and membership clubs.
 - i. Limited indoor recreation establishments.
 - j. Lodging establishments.
 - k. Medical and dental offices and clinics.
 - l. Mixed use dwelling units.
 - m. Open air farmers' market.
 - n. Personal and business service shops.
 - o. Professional offices, financial services.
 - p. Public and private schools, including colleges, vocational training, and technical training.
 - q. Public facilities with business offices, no repair or storage facilities.
 - r. Restaurants – standard and fast food without drive-through facilities.
 - s. Small grocery stores.
 - t. Tourist facilities.

3. Conditional Uses. Permitted conditional uses in the B-1 District shall be as follows:
 - a. Bars and taverns.
 - b. Car wash.
 - c. Church or place of worship and assembly.
 - d. Clubs and lodges.
 - e. Entertainment facilities and theaters.
 - f. Gas, oil and other hydrocarbon well drilling and production (subject to state and local regulations).
 - g. Gasoline stations.
 - h. Golf courses.
 - i. Long-term care facilities.
 - j. Limited outdoor recreation facilities.
 - k. Motor vehicle service and repair.
 - l. Parking lots and parking garages as a principal use.
 - m. Public facilities with business offices and repair and storage facilities.
 - n. Workshops and custom small industry uses.

Q. C-N Commercial District, Neighborhood.

1. Intent. The Neighborhood Commercial District is intended to provide for the development of a mixed use commercial center to serve the convenience shopping and service needs of the neighborhood, as well as provide a location for community facilities. This district is intended to serve as a focal point for pedestrian activities within a neighborhood and should be scaled in size to the surrounding neighborhood. Individual buildings are encouraged to be mixed vertically with street level commercial and upper level office and/or residential.
2. Principal Uses. Permitted principal uses in the C-N District are as follows:
 - a. All permitted principal uses in the B-1 District, except bed and breakfasts and lodging establishments.
 - b. Church or place of worship and assembly.
 - c. Equipment rental without outdoor storage.
 - d. Small grocery stores.
 - e. Veterinary facilities, small animal clinics.
3. Conditional Uses. Permitted conditional uses in the C-N District are as follows:
 - a. All permitted conditional uses in the B-1 zone except for:
 - i. Long-term care facilities.
 - ii. Parking lots and parking garages as a principal use.
 - iii. Workshops and custom small industry uses.
 - b. Bed and breakfasts.
 - c. Limited outdoor recreational facilities.

- d. Lodging establishments.

R. C-C Commercial District, Community.

1. Intent. This is a commercial district intended to provide for the location of auto-oriented and auto-dependent uses and/or uses which provide a wide range of general retail goods and services for residents of the entire community, as well as businesses and highway users, primarily inside of enclosed structures.

The intent of these provisions is to facilitate convenient auto and pedestrian access, minimize traffic congestion and give consideration to site and architectural aesthetics. Locations for this zone require good access to major arterial streets and adequate water, sewer and power.

2. Principal Uses. Permitted principal uses in the C-C District are as follows:

- a. All permitted principal uses in the C-N Zone except for:
 - i. Boarding and rooming houses.
 - ii. Group homes.
- b. Bars and taverns.
- c. Bed and breakfast.
- d. Car wash.
- e. Clubs and lodges.
- f. Entertainment facilities and theaters.
- g. Funeral homes.
- h. Gasoline stations.
- i. Large retail establishments.
- j. Lodging establishments.
- k. Long-term care facilities.
- l. Restaurants, including those with drive-through facilities.
- m. Supermarkets.

3. Conditional Uses. Permitted conditional uses in the C-C District are as follows:

- a. All permitted conditional uses in the C-N District.
- b. Auto, recreational vehicle, boat and truck sales.
- c. Enclosed mini-storage facilities.
- d. Gas, oil and other hydrocarbon well drilling and production (subject to state and local regulations).
- e. Hospitals.
- f. Night clubs.
- g. Parking lots and parking garages (as a principal use).
- h. Public and private schools for elementary, intermediate and high school education.
- i. Restaurants with drive-throughs.
- j. Retail and supply yard establishments with outdoor storage.

- k. Small animal boarding (kennels).
- l. Workshops and custom small industry uses.

S. BLI Business/Light Industrial District.

1. 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 is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, child care and housing.

Additionally, this district is intended to encourage the development of planned office and business parks; to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities and streetscapes.

2. Principal Uses. Permitted principal uses in the BLI District shall be as follows:

- a. Accessory buildings and accessory uses.
- b. Bars and taverns.
- c. Car wash.
- d. Clubs and lodges.
- e. Community facilities.
- f. Convenience shopping and retail establishments.
- g. Equipment rental establishments without outdoor storage.
- h. Gasoline stations.
- i. Health and membership clubs.
- j. Light industrial uses.
- k. Mixed use dwelling units.
- l. Parking lots and parking garages (as principal use).
- m. Parks and open space.
- n. Plant nurseries and greenhouses.
- o. Professional offices, financial services.
- p. Public and private schools, including colleges, vocational and technical training.
- q. Restaurants without drive-through facilities.
- r. Tourist facilities.
- s. Veterinary facilities, small animal clinics.
- t. Warehouse, distribution and wholesale uses.
- u. Wireless telecommunications facilities.
- v. Workshops and custom small industry uses.

3. Limitations. Any use in this district shall conform to the following requirements:

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

- b. Dust, fumes, odors, smoke, vapor and noise shall be confined to the site and be controlled in accordance with the state air pollution laws.
- c. Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts.
- d. Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compressed gravel or equivalent, maintainable surfacing with erosion control.
- e. 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 as not to shine into residential areas. Lighting shall conform to the requirements in Section 2.21 of this Code.

4. Conditional Uses. Permitted conditional uses in the BLI District shall be as follows:

- a. Accessory dwelling when associated with a permitted use.
- b. Artisan and photography studios and galleries.
- c. Auto, recreational vehicle, boat and truck sales.
- d. Bed and breakfasts.
- e. Boarding and rooming houses.
- f. Child care centers.
- g. Enclosed mini-storage facilities.
- h. Entertainment facilities and theaters.
- i. Funeral homes.
- j. Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations).
- k. Golf courses.
- l. Group homes.
- m. Hospitals.
- n. Limited indoor recreation facilities.
- o. Limited outdoor recreation facility.
- p. Lodging establishments.
- q. Long term care facilities.
- r. Manufacturing, assembly or packaging of products from previously prepared materials.
- s. Manufacturing of electric or electronic instruments and devices.
- t. Medical and dental offices and clinics.
- u. Motor vehicle service and repair (minor repairs).
- v. Open-air farmers' markets.
- w. Personal and business service shops.
- x. Public facilities provided that business offices and repair and storage facilities are not included.
- y. Public facilities with business offices and repair and storage facilities.

- z. Research, experimental or testing laboratories.
- aa. Restaurants with drive-throughs.
- bb. Retail and supply yard establishments with outdoor storage.
- cc. Small animal boarding (kennels).
- dd. Small grocery stores.
- ee. Veterinary hospitals.

T. I Industrial District.

1. 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. The Industrial 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.
2. Principal Uses. Permitted principal uses in the I District shall be as follows:
 - a. Accessory buildings and accessory uses.
 - b. Auto, RV, boat and truck storage.
 - c. Car wash.
 - d. Clubs and lodges.
 - e. Community facilities.
 - f. Enclosed mini-storage facilities.
 - g. Equipment rental.
 - h. Gasoline stations.
 - i. Health and membership clubs.
 - j. Heavy industrial uses.
 - k. Light industrial uses.
 - l. Manufacturing and preparing food products.
 - m. Manufacturing, assembly or packaging of products from previously prepared materials.
 - n. Manufacturing of electric or electronic instruments and devices.
 - o. Motor vehicle service and repair establishments (minor and major repairs).
 - p. Parking lots and parking garages (as principal use).
 - q. Parks and open space.
 - r. Plant nurseries and greenhouses.
 - s. Plumbing, electrical and carpenter shops.
 - t. Public facilities with or without business offices and repair and storage facilities.
 - u. Research, experimental or testing laboratories.
 - v. Restaurants/standard and fast food without drive-through facilities.
 - w. Retail and supply yard establishments with outdoor storage.
 - x. Veterinary facilities, small animal clinics.
 - y. Warehouse, distribution and wholesale uses.
 - z. Wireless telecommunications facilities (as permitted in Section 3.12 in this

Code).

aa. Workshops and custom small industry uses.

3. Limitations. Any use in this district shall conform to the following requirements:

- a.** All manufacturing and similar uses shall be carried on entirely within a completely enclosed structure.
- b.** Dust, fumes, odors, smoke, vapor and noise shall be confined to the site and be controlled in accordance with the state air pollution laws.
- c.** 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 as not to shine into residential areas. Lighting shall conform to the requirements in Section 2.21 of this Code.
- d.** Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts.
- e.** Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compressed gravel or equivalent, maintainable surfacing with erosion control.

4. Conditional Uses. Permitted conditional uses in the I District shall be as follows:

- a.** Accessory dwelling when associated with a permitted use.
- b.** Adult uses including product sales and entertainment.
- c.** Artisan and photography studios and galleries.
- d.** Automobile, recreational vehicle, boat and truck sales.
- e.** Bars and taverns.
- f.** Child care centers.
- g.** Convenience shopping and retail establishments.
- h.** Dry cleaning plants.
- i.** Entertainment facilities and theaters.
- j.** Equipment, truck, trailer rental establishments with outdoor storage.
- k.** Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations).
- l.** Golf courses.
- m.** Limited outdoor recreational facilities.
- n.** Night clubs.
- o.** Open-air farmers' markets.
- p.** Public and private schools including colleges, vocational training and technical training.
- q.** Public facilities provided that business offices and repair and storage facilities are not included.
- r.** Public facilities with business offices and repair and storage facilities.

- s. Recycling facilities.
- t. Research, experimental or testing laboratories.
- u. Resource extraction, processes and sales establishment
- v. Restaurants with drive-throughs.
- w. Sales and leasing of farm implements, heavy equipment sales, mobile/manufactured homes, and heavy excavation equipment.
- x. Small animal boarding (kennels).
- y. Veterinary facilities, large animal clinics.
- z. Veterinary hospitals.

U. P-E Public Established District.

1. 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.
2. Principal Uses. Principal permitted uses in the P-E district shall be as follows:
 - a. Accessory buildings and accessory uses.
 - b. Cemeteries.
 - c. Church or other place of worship and assembly.
 - d. Community facilities.
 - e. Golf courses.
 - f. Parks and open space.
 - g. Tourist facilities.
3. Conditional Uses. Permitted conditional uses in the P-E District shall be as follows:
 - a. Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations).
 - b. Health and membership clubs.
 - c. Hospitals.
 - d. Limited indoor recreation facility.
 - e. Limited outdoor recreation facility.
 - f. Public and private schools for elementary, intermediate and high school education.
 - g. Public and private schools, including colleges, vocational training and technical training.
 - h. Public facilities with business offices and repair and storage facilities.
 - i. Recycling facilities.
 - j. Resource extraction, processes and sales establishments.

V. H Hazard Overlay District.

1. Intent. This district is to be used where known geologic and flood-prone areas exist, as illustrated by Town/City Comprehensive Plan. It shall be used as an overlay to any other zone.
2. Principal Uses. Principal permitted uses in the H district shall be as follows:
 - a. Any use set forth in the existing zone provided that the hazard has been mitigated to the satisfaction of the Planning Commission and the Board of Trustees/City Council, and only by conditional use review.
 - b. Parks and open space.
3. Conditional Uses. Permitted conditional uses in the H District shall be as follows:
 - a. Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations).
 - b. Golf course.
 - c. Limited outdoor recreation facilities.
 - d. Resource extraction, processes and sales establishment.

W. Planned Unit Development (PUD) Overlay District.

1. Intent. This Planned Unit Development (PUD) Overlay District is enacted pursuant to the Planned Unit Development Act of 1972 as amended (C.R.S. 24-67-101, *et seq.*). 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, include exceptional design, and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure.

2. Permitted Uses. Uses permitted in the PUD Overlay District shall be those uses permitted in the underlying standard zone district for the property. 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 district(s).
3. PUD Restrictions and General Requirements. Properties utilizing the PUD Overlay District shall be subject to the following:
 - a. All PUD applications shall include a gross land area of not less than one hundred fifty (150) acres, except in MH and MFH zoning districts, where the gross land area shall not be less than five (5) acres.
 - b. The area of land for the PUD may be controlled by one or more landowners and must be developed under unified control or a unified plan of development.
 - c. 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/City.
 - d. 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, except those development standards that are not open to modification (see Article 4, Section 4.15).
 - e. No PUD may be approved by the Town/City without the written consent of the landowner whose property is included within the PUD.
4. PUD Approval Procedure. 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 the Town/City Subdivision Regulations, Article 4, Section 4.5 through 4.8, for Major Subdivisions shall be followed, including all pre-application conferences,

Planning Commission visioning meetings, sketch plan, preliminary plat, and final plat applications, and all required public hearings. Scheduling requirements for PUD applications shall match those specified for sketch plans and preliminary and final plats. 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, as outlined in Section 3.11 of this Code.

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 Article 4, Subdivision Regulations.

Upon approval of a final PUD development plan, the Town/City, through its Board of Trustees/City Council, shall adopt an ordinance establishing the PUD Overlay District for the property in accordance with that plan.

In addition to all of the information required as part of the sketch plan, preliminary plat and final plat application packages (as specified in the Subdivision Regulations, Sections 4.5 through 4.8), applications for a PUD development plan and PUD Overlay District shall include additional information as outlined below.

5. Sketch PUD Development Plan Application Submittal Requirements.

- a.** PUD application fee;
- b.** Written PUD description as part of the general development information which includes:
 - i.** List all subdivision regulation exceptions proposed for the PUD.
 - ii.** Identify the underlying zoning district(s) for the property and describe any proposed modifications and/or restrictions to the allowed uses and/or standards within the district(s). If any conditional uses are requested, explain how the conditional use review criteria (refer to Section 3.7) will be addressed.
 - iii.** Identify and explain 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 with 500 feet of all residences, etc.). All proposed benefits must offset the proposed modifications.

- iv. Explain 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.
- v. Provide any additional relevant information which the Town/City may deem necessary.

6. Preliminary PUD Development Plan Application Submittal Requirements.

- a. *PUD application fee;*
- b. Written PUD description as part of the general development information which includes:
 - i. List all subdivision regulation exceptions being proposed for the PUD and explain why such exceptions are justified.
 - ii. Identify the underlying zoning district(s) for the property and describe any proposed modifications and/or restrictions to the allowed uses and/or standards within the district(s). Provide a comparison between the proposed preliminary PUD plan to the elements and standards of the underlying zone district(s) as contained in this Code. If any conditional uses are requested, explain how the conditional use review criteria (refer to Section 3.7) will be addressed.
 - iii. Describe how the proposed PUD overlay rezoning satisfies one or more of the criteria for amendments to the official zoning map (Section 3.11).
 - iv. Identify and explain 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.
 - v. Explain how the proposed PUD will be compatible with adjacent neighborhoods which now exist or are proposed in the future. Describe buffering techniques which serve to achieve such compatibility.
 - vi. 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.

- vii. 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.
 - viii. Provide any additional relevant information which the Town/City may deem necessary.
 - c. *Preliminary PUD Development Plan Map.* Prepare the preliminary PUD development plan map using the preliminary plat map as the base. Refer to Article 4, Section 4.6 of the Subdivision Regulations for drawing standards and format. Include on the base a clear graphic and/or written representation of:
 - i. 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/City. In particular, note any modifications to the principal, conditional, and accessory uses of the underlying zone district(s).
 - ii. Standards for principal and accessory uses within each land use category, to include:
 - a) Minimum lot area.
 - b) Maximum lot coverage.
 - c) Maximum floor area ratio (total floor area to total lot area).
 - d) Maximum building height.
 - e) Parking requirements for principal, accessory, and conditional uses.
 - f) Provide any additional relevant information which the Town/City may deem necessary.
 - d. Proposed phasing for the development.
- 7. Final PUD Development Plan Application Submittal Requirements.
 - a. *PUD application fee.*
 - b. 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/City at the time of

preliminary plan review. Include all of the items listed above for the preliminary PUD development plan, in finalized form. Also include an explanation 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.

- c. *Final PUD Development Plan Map.* Prepare the final PUD development plan map using the final plat map as the base. Refer to Article 4, Section 4.7 of the Subdivision Regulations for drawing standards and format. See *Workbook* for sample certificates for the owner, Planning Commission, Board of Trustees/City Council, and Clerk and Recorder. Include on the base a clear graphic and written representation of all of the information/items required for a preliminary PUD development plan as listed above, in finalized form.
- d. Provide any additional relevant information which the Town/City may deem necessary.

8. PUD Review Criteria.

- a. *Sketch PUD Development Plan Review Criteria.* The following review criteria will be used by the Staff, Planning Commission and Board of Trustees/City Council to evaluate all PUD applications at the time of sketch PUD plan/sketch plan review:
 - i. The proposed benefits offset the proposed exceptions to the Zoning and Subdivision standards, and that such exceptions are in the best interest of the public health, safety, and welfare.
 - ii. The proposed PUD conforms to the PUD restrictions, and that the proposed zoning is compatible with the surrounding land uses.
 - iii. The PUD proposes creative and innovative design, and high quality development thereby protecting and promoting public safety, convenience, health and general welfare.
 - iv. 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.
 - v. The proposed PUD is in general conformance with the Town/City Comprehensive Plan.
 - vi. One or more of the criteria for amendment of the official zoning map has been satisfied.

- b. 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/City Staff and Board of Trustees/City Council to evaluate all PUD applications at the time of preliminary PUD plan/preliminary plat:
 - i. The preliminary PUD development plan is substantially consistent with the sketch development plan as approved by the Board of Trustees/City Council.
 - ii. All sketch PUD development plan conditions of approval have been adequately addressed on the preliminary PUD development plan.
 - c. 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/City Staff and Board of Trustees/City Council to evaluate all PUD applications at the time of final PUD plan/final plat:
 - i. The final PUD development plan is substantially consistent with the preliminary PUD development plan as approved by the Board of Trustees/City Council.
 - ii. All preliminary PUD development plan conditions of approval have been adequately addressed on the final PUD development plan.
9. Compliance with PUD Overlay District/Final Development Plan - The Board of Trustees/City Council may initiate the process to repeal the ordinance establishing the PUD Overlay District if:
 - a. 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/City Council may approve appropriate modifications to the final PUD development plan from time to time prior to completion of the proposed development, or
 - b. 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/City Council.
10. Land Previously Zoned PUD.
 - a. Any land that is undeveloped as of date of adoption of this Code, and was previously zoned PUD, must either:

- i.** Request and obtain approval for an underlying standard zoning district(s) in conjunction with a PUD overlay district application; or
 - ii.** Request and obtain approval of a standard zoning district or districts, and develop the property without the use of a PUD Overlay District.
- b.** Any land previously zoned PUD, and partially developed prior to the date of adoption of this Code, may continue and complete such development under the terms and conditions of approval for that PUD; subject, however, to the provision that any major modifications, as determined by the Town/City, to that PUD shall require review and approval under the new requirements of this Code.

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3.5 Matrix of Permitted and Conditional Uses by Zoning District

The following codes are used in the table below:

P – Permitted Principal Use

C – Permitted Conditional Use

* – Use Prohibited

PERMITTED USES	A-1	A-2	E-1	E-2	R-1	R-1A	R-2	R-3	MU-R	MU-C-D	MU-C-H	MH	MFH	B-1	C-N	C-C	BLI	I	P-E	H
Residential Uses																				
Accessory buildings and accessory uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*
Accessory dwelling when associated with a permitted use ¹	P	P	P	P	P	P	P	*	P	C	C	*	*	*	*	*	*	*	*	*
Group homes	*	*	P	P	P	P	P	P	P	P	P	*	*	P	P	*	C	*	*	*
Multiple-family dwellings	*	*	*	*	*	*	P ²	P ³	P	P	P	*	*	P	P	P	*	*	*	*
Senior housing	*	*	*	*	*	*	*	P	P	P	P	*		*	*	*	*	*	*	*
Single-family detached dwellings	P	P	P	P	P	P	P	*	P	C	*	P	P	*	*	*	*	*	*	*
Single-family detached dwellings located on lots no less than 3,700 square feet	*	*	*	*	*	P	*	*	P	C	*	*	*	*	*	*	*	*	*	*
Two-family dwellings	*	*	*	*	*	*	P	P	P	P	C	*	*	*	*	*	*	*	*	*

¹Accessory dwellings shall be limited to eight hundred fifty (850) square feet in floor area, with no more than one (1) per lot in addition to the single-family dwelling.

²No more than eight (8) units per building.

³No more than twenty-four (24) units per building.

SECTION 3.5 MATRIX OF PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

PERMITTED USES	A-1	A-2	E-1	E-2	R-1	R-1A	R-2	R-3	MU-R	MU-C-D	MU-C-H	MH	MFH	B-1	C-N	C-C	BLI	I	P-E	H
Institutional/Civic/Public Uses																				
Cemeteries	C	C	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*
Churches or place of worship and assembly	*	C	C	*	C	C	C	C	C ⁴	P	P	C	C	C	P	P	*	*	P	*
Community facilities	*	*	C	C	C	C	C	C	C ⁴	C	C	C	C	P	P	P	P	P	P	*
Golf courses	P	P	C	C	C	C	C	C	C	*	C	C	C	C	C	C	C	C	P	C
Parks and open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public and private schools for elementary, intermediate and high school education	C	C	C	C	C	C	C	C	C	C	C	C	C	*	*	C	*	*	C ⁵	*
Public and private schools, including colleges, vocational training and technical training	*	*	*	*	*	*	*	*	C ⁴	C	C	*	*	P	P	P	P	C	C ⁵	*
Public facilities provided that business offices and repair and storage facilities are not included	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	*
Public facilities with business offices and repair and storage facilities	*	*	*	*	*	*	*	*	*	C	C	*	*	C	C	C	C	C	C	*
Transit facilities without repair or storage	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*	*

⁴Permitted conditional use provided that it is part of a neighborhood center.

⁵Private schools are not allowed in this zone.

SECTION 3.5 MATRIX OF PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

PERMITTED USES	A-1	A-2	E-1	E-2	R-1	R-1A	R-2	R-3	MU-R	MU-C-D	MU-C-H	MH	MFH	B-1	C-N	C-C	BLI	I	P-E	H
Business/Commercial/Retail Uses																				
Adult uses including product sales and entertainment	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	*
Artisan and photography studios and galleries	*	*	*	*	*	*	*	*	P ⁶	P	C	*	*	P	P	P	C	C	*	*
Auto, recreational vehicle, boat and truck sales	*	*	*	*	*	*	*	*	*	*	C ⁷	*	*	*	*	C	C	C	*	*
Auto, RV, boat and truck storage	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*	*	*	C	*	*
Bars and taverns	*	*	*	*	*	*	*	*	*	C	C	*	*	C	C	P	P	C	*	*
Bed and breakfasts	*	*	*	*	*	*	C	C	C ⁸	P	P	*	*	P	C	P	C	*	*	*
Boarding and rooming houses	*	*	*	*	*	*	*	C	C	P	P	*	*	P	P	*	C	*	*	*
Car wash	*	*	*	*	*	*	*	*	*	C	P	*	*	C	C	P	P	P	*	*
Child care centers	C	C	C	C	C	C	C	C	P ⁶	P	P	*	*	P	P	P	C	C	*	*
Clubs and lodges	*	*	*	*	*	*	*	*	*	C	C	*	*	C	C	P	P	P	*	*
Convenience shopping and retail establishments	*	*	*	*	*	*	*	*	P ⁹	P	P	*	*	P	P	P	P	C	*	*

⁶Permitted principal use provided that it is part of a neighborhood center.

⁷Automobile sales and rental uses shall be limited to ten (10) percent of the total linear frontage along *State Highway* within the Town/City limits.

⁸Permitted conditional use provided that it is part of a neighborhood center.

⁹Permitted principal use with size restrictions.

SECTION 3.5 MATRIX OF PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

PERMITTED USES	A-1	A-2	E-1	E-2	R-1	R-1A	R-2	R-3	MU-R	MU-C-D	MU-C-H	MH	MFH	B-1	C-N	C-C	BLI	I	P-E	H
Business/Commercial/Retail Uses (Continued)																				
Entertainment facilities and theaters	*	*	*	*	*	*	*	*	C	C	C	*	*	C	C	P	C	C	*	*
Equipment, rental establishments without outdoor storage	*	*	*	*	*	*	*	*	*	*	P	*	*	*	P	P	P	P	*	*
Equipment, truck and trailer rental establishments with outdoor storage	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*	*	*	C	*	*
Food catering	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*	*
Funeral homes	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	P	C	*	*	*
Gasoline stations	*	*	*	*	*	*	*	*	C ¹⁰	C	P	*	*	C	C	P	P	P	*	*
Health and membership clubs	*	*	*	*	*	*	*	*	C ¹⁰	P	P	*	*	P	P	P	P	P	C	*
Home occupations - with restrictions	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	*	*	*	*
Hospitals	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*	C	C	*	C	*
Large retail establishments	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	P	*	*	*	*
Limited indoor recreation facility	*	*	*	*	*	*	*	*	C ¹¹	P	P	*	*	C	C	C	C	*	C ¹²	*

¹⁰ Permitted conditional use provided that it is part of a neighborhood center.

¹¹ Conditional principal use provided that it is part of a neighborhood center.

¹² Conditional principal use as long as the establishment is public.

SECTION 3.5 MATRIX OF PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

PERMITTED USES	A-1	A-2	E-1	E-2	R-1	R-1A	R-2	R-3	MU-R	MU-C-D	MU-C-H	MH	MFH	B-1	C-N	C-C	BLI	I	P-E	H
Business/Commercial/Retail Uses (Continued)																				
Limited outdoor recreation facility	C	C	C	C	C	C	C	C	C ¹³	C	C	C	C	C	C	C	C	C	C ¹⁴	C
Lodging establishments	*	*	*	*	*	*	*	*	C ¹⁴	C	P	*	*	P	C	P	C	*	*	*
Long term care facilities	*	*	*	*	*	*	*	C	C ¹⁴	C	P	*	*	C	*	P	C	*	*	*
Medical and dental offices and clinics	*	*	*	*	*	*	*	*	*	P	P	*	*	P	P	P	C	*	*	*
Mixed-use dwelling units	*	*	*	*	*	*	*	*	P ¹⁵	P	P	*	*	P	P	P	P	*	*	*
Motor vehicle service and repair (minor repairs)	*	*	*	*	*	*	*	*	*	C	P	*	*	C	C	C	C	P	*	*
Motor vehicle service and repair establishments (major repairs)	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*	*	*	P	*	*
Night clubs	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	C	*	*
Open-air farmers' markets	P	P	*	*	*	*	*	*	P ¹⁴	P	P	*	*	P	P	P	C	C	*	*
Parking lots and parking garages (as a principal use)	*	*	*	*	*	*	*	*	*	C	C	*	*	C	*	C	P	P	*	*
Personal and business service shops	*	*	*	*	*	*	*	*	P ¹⁴	P	P	*	*	P	P	P	C	*	*	*

¹³Permitted principal use with size restrictions.¹⁴Permitted conditional use provided that it is part of a neighborhood center.¹⁵Permitted principal use provided that it is part of a neighborhood center.

SECTION 3.5 MATRIX OF PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

PERMITTED USES	A-1	A-2	E-1	E-2	R-1	R-1A	R-2	R-3	MU-R	MU-C-D	MU-C-H	MH	MFH	B-1	C-N	C-C	BLI	I	P-E	H
Business/Commercial/Retail Uses (Continued)																				
Plant nurseries & greenhouses	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*	*
Print shops	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*	*
Professional offices, financial services	*	*	*	*	*	*	*	*	P ¹⁶	P	P	*	*	P	P	P	P	*	*	*
Restaurants/standard & fast food without drive-throughs	*	*	*	*	*	*	*	*	P ¹⁶	P	P	*	*	P	P	P	P	P	*	*
Restaurants with drive-throughs	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	C	C	C	*	*
Retail and supply yard establishments with outdoor storage	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*	C	C	P	*	*
Sales and leasing of farm implements, heavy equipment sales, and heavy excavation equipment	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	*
Small animal boarding (kennels)	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	C	*	*
Small grocery stores	*	*	*	*	*	*	*	*	P ¹⁷	P	P	*	*	P	P	P	C	*	*	*
Supermarkets	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	P	*	*	*	*
Tourist facilities	*	*	*	*	*	*	*	*	*	P	P	*	*	P	P	P	P	*	P	*

¹⁶Permitted principal use provided that it is part of a neighborhood center.

¹⁷Permitted principal use provided that it is part of a neighborhood center.

SECTION 3.5 MATRIX OF PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

PERMITTED USES	A-1	A-2	E-1	E-2	R-1	R-1A	R-2	R-3	MU-R	MU-C-D	MU-C-H	MH	MFH	B-1	C-N	C-C	BLI	I	P-E	H
Business/Commercial/Retail Uses (Continued)																				
Veterinary facilities, small animal clinics	P	P	*	*	*	*	*	*	*	*	P	*	*	*	P	P	P	P	*	*
Veterinary facilities, large animal clinics	P	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	*
Veterinary hospitals	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*	*	C	C	*	*
Industrial Uses																				
Dry cleaning plants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	*
Enclosed mini-storage facilities	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*	C	C	P	*	*
Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Heavy industrial uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	*
Light industrial uses	*	*	*	*	*	*	*	*	C ¹⁸	C	C	*	*	*	*	*	P	P	*	*
Manufacturing and preparation of food products	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	*
Manufacturing, assembly or packaging of products from previously prepared materials	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	P	*	*

¹⁸Permitted conditional use provided that it is part of a neighborhood center

SECTION 3.5 MATRIX OF PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

PERMITTED USES	A-1	A-2	E-1	E-2	R-1	R-1A	R-2	R-3	MU-R	MU-C-D	MU-C-H	MH	MFH	B-1	C-N	C-C	BLI	I	P-E	H
Industrial Uses (Continued)																				
Manufacturing of electric or electronic instruments and devices	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	P	*	*
Plumbing, electrical and carpenter shops	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	*
Recycling facilities	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	*
Research, experimental or testing laboratories	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*	*	C	C	*	*
Resource extraction, processes and sales establishment	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	C
Sales and leasing of farm implements, heavy equipment sales, mobile/manufactured homes, and heavy excavation equipment	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	*
Warehouse, distribution and wholesale uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*
Wireless telecommunications facilities	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*
Workshops and custom small industry uses	*	*	*	*	*	*	*	*	C ¹⁹	C	P	*	*	C	*	C	P	P	*	*

¹⁹Permitted conditional use provided that it is a part of a neighborhood center

SECTION 3.5 MATRIX OF PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

PERMITTED USES	A-1	A-2	E-1	E-2	R-1	R-1A	R-2	R-3	MU-R	MU-C-D	MU-C-H	MH	MFH	B-1	C-N	C-C	BLI	I	P-E	H
Agricultural Use																				
Common equestrian stabling and grazing provided the number of horses does not exceed two (2) per acre and at least one-half (½) acre of pasture is available for each horse	P	P	*	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises	P	P	P	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Farming, including but not limited to, gardening, horticulture, fruit growing, growing of vegetables, trees, shrubs, plants, turf and sod	P	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Livestock (with limitations) ²⁰	*	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Plant nurseries and greenhouses	P	P	*	*	*	*	*	*	C	*	P	*	*	*	*	*	P	P	*	*
Structures for storage of agricultural products produced on the premises	P	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

²⁰As defined in A-2 Agricultural District on pages 3-7 and 3-8

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3.6 Density and Dimensional Standards

The following specifications shall be required in the zones identified:

A. Residential - Density and Dimensional Standards

Residential Density and Dimensional Standards									
Zones Standards	E-1/ SFD ¹	E-2/ SFD ¹	R-1/ SFD ¹	R-1A/ SFD ¹	R-2/ SFA ²	R-3/ MF ³	MH ⁴	MFH ⁵	MU-R
Minimum lot area per dwelling (square feet, unless otherwise noted)	1 acre	8,000 ⁶	6,250	3,700 ⁷	1,800	1,800 for town-homes 6,250 for apartments and condos	4,000	6,250	4,500 (SFD) 1,800 (SFA,MF)
Maximum net density (units per acre)	1	1 unit per 5 acres	5	8	10	25	8	5	6
Minimum lot width (feet per dwelling)	140	70	50	40	20	20 for town-homes 60 for apartments and condos	50	50	Subject to each residential type ⁸
Minimum lot frontage (feet)	50	40	40	30	18 for townhomes 35 for apartments and condos	35	40	40	Subject to each residential type ⁸

¹ SFD = Single Family Detached

² SFA = Single Family Attached

³ MF = Multi-Family

⁴ MH = Manufactured Home Park District

⁵ MFH = Manufactured Housing Development District

⁶ If adjacent to open space, otherwise 10,000 square feet

⁷ No minimum lot area, lot width, or lot depth for cluster homes in R1-A District

⁸ As specified by R-1, R-1A, R-2 and R-3 zoning districts

Residential Density and Dimensional Standards									
Zones Standards	E-1/ SFD ¹	E-2/ SFD ¹	R-1/ SFD ¹	R-1A/ SFD ¹	R-2/ SFA ²	R-3/ MF ³	MH ⁴	MFH ⁵	MU-R
Minimum front yard setback ⁹ (feet)									
Principal building	30	20	15	15	15	15	15 from back of curb	15	15
Front-loaded garage (measured from the back of sidewalk)	35 ¹⁰	25 ¹⁰	22	22	22	22	5 or 15 from back of curb	22	22
Accessory building	60	60	55	55	45	45	40	55	45
Minimum side yard setback (feet) ¹¹	20	5	5	5	8 (at end of each row)	8 (at end of each row)	10	5	Per each residential type ⁸
Minimum distance between buildings (feet)	40	10	10	10	Subject to building codes	Subject to building codes	20	10	Subject to building codes
Minimum rear yard setback (feet)									
Principal building	20	20	20	20	20	20	10 or 20 ¹²	20	20
Garage with its entrance facing an alley	10	5	5	5	5	5	5	5	5
Accessory building or structures	5	5	5	5	5	5	5	5	5
Minimum floor area per dwelling unit	1500	1000	850	750	600	400	864	864	Per each residential type ⁸
Maximum building height (feet)	35	35	35	35	35	35	35	35	35

⁹ *Swimming Pools, Spas and Hot Tubs; Rear Yard Requirements.* All swimming pools, spas and hot tubs, including aboveground and in-ground pools, having a depth greater than eighteen (18) inches shall only be placed or constructed in the rear yard of a residential lot. No swimming pools, spas or hot tubs shall be placed or constructed in the front yard or side yard of any residential lot.

¹⁰ Front-loaded garage setback is equal to the setback for the principal building if no sidewalk is present

¹¹ On corner lots, all sides of the lot with street frontage shall meet the applicable front yard setback.

¹² Rear spacing shall be 20 feet when units are side to end and 10 feet when units are end to end

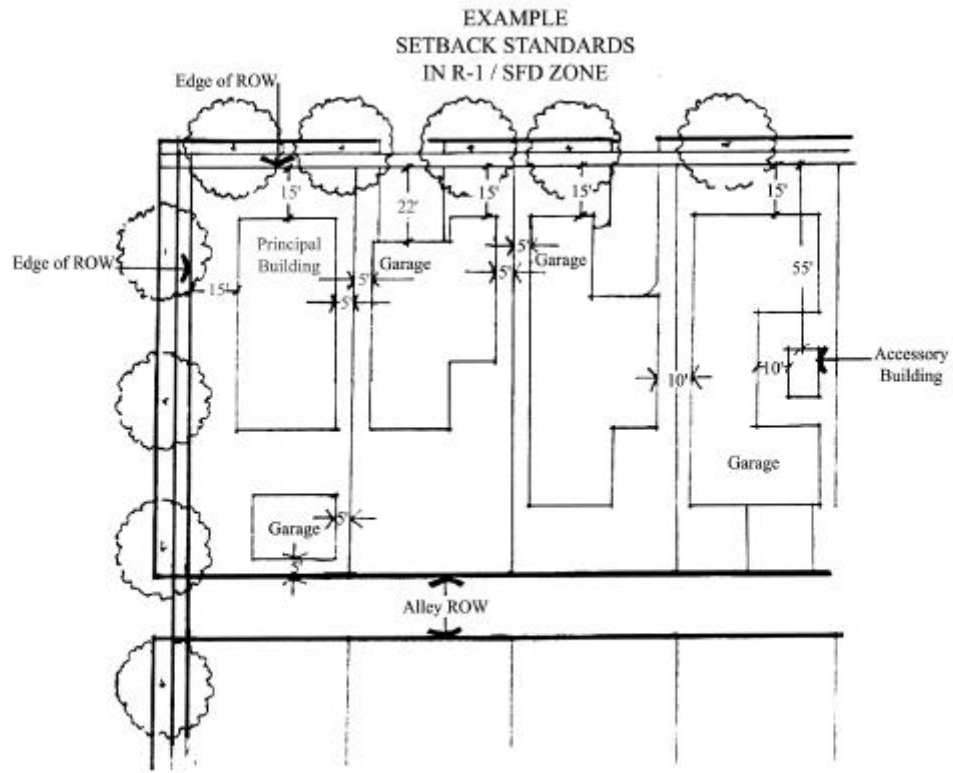


Figure 3-1

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B. Commercial, Industrial, Agricultural, Public Established and Hazard Overlay Density and Dimensional Standards

The following codes are used in the table below:

— = No specific requirement

Ag = Agricultural structure

SFR = Single family residence

Commercial, Industrial, Agricultural, Public Established and Hazard Density and Dimensional Standards											
Zones	B-1	C-N	C-C	MU-C-D	MU-C-H#52	I	BLI	A-1	A-2	P-E	H
Minimum front yard setback (feet)	0	10	15	0	15	25 ¹	25 ¹	30	30	—	—
Maximum front yard setback (feet)	10	—	—	10	—	—	—	—	—	—	—
Minimum rear yard setback (feet)	0 ²	10 ²	15 ²	0 ²	15	20	20	20	20	—	—
Maximum floor area ratio (ratio of total floor area to total lot area)	2:1	1:1	1:1	2:1	1:1	1:1	1:1	—	—	—	—
Maximum net density	—	—	—	—	—	—	—	3	3	—	—
Maximum building height (feet) ⁴	40	35	40	40	40	50 ⁵	50 ⁵	50 ⁵ Ag 30 SFR	50 ⁵	—	—
Maximum ground level footprint (square feet)	5000	—	—	5000	—	—	—	—	—	—	—

¹ 50' landscape setback required from Interstate 25, Highway 52, Del Camino Parkway and Weld County Road 13

(**OPTION:** Specify greater front setbacks from state highways and/or major arterial roadways).

² If alley-loaded parking is provided, minimum rear yard setback shall be 25'.

³ One additional single-family unit allowed in conjunction with a minor subdivision, subsequent to the date of adoption of the Town/City Land Use Code.

⁴ The building height limitations shall not apply to church spires, belfries, cupolas, or domes not used for human occupancy, nor to chimneys, water tanks, silos, nor to public building or structures located more than one (1) foot horizontally from the property line for each foot of building height.

⁵ Subject to conditional review process and increased setback consideration.

C. Setback Requirements.

- 1.** On double frontage lots (see Figure 2-7), both streets shall be considered street frontages for purposes of calculating front yard setbacks.
- 2.** On corner lots, all sides of the lot with street frontage shall meet the applicable front yard setback.
- 3.** For purposes of setback calculations, a two-family dwelling shall be construed as one (1) building occupying one (1) lot.
- 4.** On a vacant lot bordered on two (2) sides by previously constructed legal nonconforming buildings which do not meet the required front yard setback for the zoning district, the required front yard setback for the vacant lot shall be calculated as the average front yard setback of the two (2) adjacent buildings. Where a vacant lot is bordered on only one (1) side by such a legal nonconforming building, the required front yard setback shall be calculated as the average of the front yard setback of the adjacent building and the minimum front yard setback for the zoning district.
- 5.** Permanent features allowed within setbacks shall include:
 - a.** Cornices, canopies, eaves or other similar architectural features if they extend no more than two (2) feet into a required setback and if they do not encroach into or overhang an easement;
 - b.** Steps or ramps to the principal entrance and necessary landings, provided they do not extend more than six (6) feet into the required setback;
 - c.** Landscaping;
 - d.** Fences and walls, subject to height and other restrictions per Section 2.18;
 - e.** Utility service lines to a structure and utility lines, wires and associated structures within a utility easement;
 - f.** Fire escapes, provided they do not extend more than six (6) feet into the required setback;

- g.** Uncovered patios, porches and decks not more than thirty (30) inches above grade, provided they do not extend more than thirty (30) percent of the required setback distance into the required setback area; and
- h.** Covered patios, porches, and decks attached to residential dwellings greater than thirty (30) inches in height may extend no more than five (5) feet into a required front or rear setback or five (5) feet into a required side yard setback adjacent to a street, provided they do not encroach into or overhang an easement or property line and do not obstruct any sight distance triangle.

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3.7 Conditional Uses

- A. Purpose.** 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 permit. Specific conditional uses for each zone district are listed in the *Matrix of Permitted Uses by Zoning District* (Section 3.5).

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 Section is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the Town/City at large. Conditional uses may be permitted subject to such conditions and limitations as the Town/City 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.

B. Conditional Use Review Process.

1. Step 1: Optional Pre-Application Conference. The applicant may attend a pre-application conference with a representative from the Town/City. The purpose of the meeting is to discuss the conditional use submittal requirements and review process.
2. Step 2: Conditional Use Application Submittal. The applicant shall submit one (1) copy of the complete conditional use application package to the Town/City Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees/City Council. Conditional use requests shall include:
 - a. Land Use Application Form.
 - b. Conditional Use – Technical Criteria Form (from *Workbook*).
 - c. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of conditional use application submittal.
 - d. 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.
 - e. 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.

- f. Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.
 - g. Such additional material as the Town/City Clerk may prescribe or the applicant may submit pertinent to the application.
 - h. Surrounding and Interested Property Ownership Report - Provide the Town/City Clerk with 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.
 - i. Public Hearing Notification Envelopes - one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's/City's address as the mailing address and 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.
3. Step 3: Conditional Use Application Certification of Completion and Report to Planning Commission. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. 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) to the Town/City Clerk. The original application and all documents requiring a signature shall be signed in blue ink. After a complete application is received, 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.
 4. 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/City Council approval, approval with conditions or denial.
 5. Step 5: Set Conditional Use Public Hearing Date and Notify Public of Hearing. The Town/City 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 to the appropriate referral agencies no less than forty-five (45) 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/City Clerk shall also publish notice in a newspaper of general circulation. The Town/City 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/City Council, one public hearing may be held on both applications.

6. Step 6: Board of Trustees/City Council Public Hearing and Action on the Conditional Use. The Board of Trustees/City Council shall hold a public hearing on the conditional use application. Following the public hearing, the Board of Trustees/City Council 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/Council 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.
7. Step 7: Record Conditional Use Map. The Town/City 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.

C. **Conditional Use Review Criteria.** The Town/City shall use the following criteria to evaluate the applicant's request:

1. The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.
2. The conditional use will conform with or further the goals, policies and strategies set forth in the Town/City 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.

3.8 Nonconforming Uses

- A. Requirements for Nonconforming Uses.** Except as provided in this Section, the lawful use of any building or land existing at the time of enactment of this Article, or of any amendments to this chapter, may be continued even though such use does not conform to the requirements of this Code.
1. Abandonment. Abandonment means whenever a nonconforming use has been discontinued for a period of one hundred eighty (180) days, such use shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this Article.
 2. Completion. Completion means that any building or structure for which a building permit has been issued prior to the date of enactment of this Article may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within sixty (60) days after the issuance of said permit and diligently prosecuted to completion.
 3. Displacement. Displacement means no nonconforming use shall be altered, extended or restored so as to displace any conforming use. A trailer house in any district may be improved or replaced with a newer model trailer house.
 4. Extensions. Extensions means a nonconforming use shall not be extended, but the extension of a conforming building shall not be deemed the extension of such nonconforming use; however, businesses in R-1 and R-2 zones shall not be extended under any circumstances.
 5. Repairs and Maintenance. Repairs and maintenance means ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of such nonconforming building and shall be permitted.
 6. Restoration. Restoration means a nonconforming building which has been damaged by fire or other causes and which may be restored to its original condition, provided that such work is commenced within one hundred eighty (180) days of such calamity and less than fifty (50) percent of the building is destroyed.
 7. Unsafe Buildings. Unsafe buildings means any nonconforming building or portion thereof declared unsafe by the Building Inspector, which may be replaced, strengthened or restored to a safe condition.

B. Termination of Nonconforming Uses Within Five (5) Years. The following nonconforming uses shall be terminated within five (5) years from the date of passage of the ordinance codified in this Article, in any district except that in which they are specifically allowed:

1. Auto salvage wrecking or similar salvage operations.
2. Mobile homes and house trailers.
3. Extractive land use.
4. Landfills.
5. Hazardous waste disposal site.

The five (5) year period is designated as an amortization period during which the market value of the property and use can reasonably be amortized. The owner of property or user shall have four (4) years from the date of the passage of this zoning ordinance to submit to the Board of Trustees/City Council an appeal setting forth his or her grounds asserting the five (5) year period is an inadequate amount of time to amortize the nonconforming use. **(OPTION:** Each community will need to decide which nonconforming uses it wishes to terminate and the appropriate length of time for the amortization period).

3.9 Appeals and Variances

A. Purpose. The Board of Adjustment shall hear and decide appeals from any order, requirement, decision, or determination made by any administrative official charged with the enforcement of this Code. In addition, the Board of Adjustment shall hear and decide all requests for a variance from the requirements of this Code. Such variance shall not be granted if it would be detrimental to the public good, create a conflict with the Town/City Comprehensive Plan or impair the intent and purpose of this Code.

B. Appeal Application.

1. Any aggrieved person of interest may appeal a denial of a building or other development permit, or any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this Code.
 - a. An appeal to the Board of Adjustment shall be made within ten (10) days after denial of a building permit or other development permit, or receipt of a written notice of an order, requirement, decision, interpretation or determination by an administrative official of the Town/City. Failure to

make a timely appeal shall be considered a waiver of the appellant's rights to appeal to the Board of Adjustment.

- b. The applicant shall file with the Town/City Clerk a written notice of appeal on a form approved by the Board/Council and pay the fee set by the current fee schedule.
- c. The Town/City Clerk shall forward a copy of the notice of appeal to the Planning Staff or other appropriate administrative officer, who shall prepare a record of the Town/City action that is being appealed for consideration by the Board of Adjustment.

C. Variance Application. Any person of interest, or an officer or department of the Town/City may apply to the Board of Adjustment for a variance from the literal interpretation of the provisions this Code.

- 1. For a variance request, the applicant shall submit the following to the Town/City Clerk:
 - a. *Land Use Application Form.*
 - b. *Variance – Technical Criteria Form (from Workbook).*
 - c. *Title Commitment.* The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.
 - d. *Explanation Letter* – identifying the variance being requested, a citation of the portion of the Town/City Land Use Code from which relief is requested and explaining what exceptional condition, practical difficulty, or unnecessary hardship exists to require the variance. The letter shall also address how the variance, if granted, will not be detrimental to the public good, create a conflict with the Town/City Comprehensive Plan or impair the intent and purpose of this Code.
 - e. *Map* – Staff will dictate map requirements based on the variance being requested. The map shall typically consist of a scale drawing depicting the property affected by the variance request, including, but not limited to, required or existing setbacks and proposed setbacks from adjacent lot lines or structures and any other information that will assist the Board of Adjustment in understanding the request.
 - f. *Surrounding and Interested Property Ownership Report* - Provide the Town/City Clerk with 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.

- g. *Public Hearing Notification Envelopes* - Provide the Town/City Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's/City'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.

D. Set Public Hearing and Complete Public and Referral Agency Notification.

1. The Town/City Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.
2. For a variance, in addition to the published notice, the Town/City 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 to the appropriate referral agencies no less than forty-five (45) before the hearing. The Town/City Clerk shall also publish notice in a newspaper of general circulation. The Town/City Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant no less than thirty (30) days before the hearing. The hearing may be held no less than thirty (30) days from the date of posting the property.

E. Board of Adjustment Public Hearing and Action on the Appeal or Variance

Request. The Board of Adjustment ("Board") shall make the decision on appeals and variances at a regular meeting of the Board.

1. The appellant, or the applicant for a variance, has the burden of proof to establish the necessary facts to warrant favorable action of the Board.
2. The Board shall have all the powers of the applicable Town/City administrative official on the action appealed. The Board may in whole or in part affirm, reverse or amend the decisions of the applicable Town/City administrative official.
3. The Board may impose reasonable conditions in its order to be complied with by the appellant in order to further the purposes and intent of the Town/City Land Use Code.
4. The Board may impose any reasonable conditions on the issuance of a variance and may amend the variance from that requested.
5. No single decision of the Board sets a precedent. The decision of the Board shall be made on the particular facts of each case.

6. Variances granted by the Board of Adjustment shall be recorded with the County Clerk and Recorder at the expense of the applicant.

Any appeal of the decision of the Board of Adjustment may be made to the District Court as provided by law; provided however, that such appeal must be made prior to thirty (30) days following the date of the final action taken by the Board of Adjustment, as provided by Rule 106, Colorado Rules of Civil Procedure.

F. Appeal Criteria for Approval. The Board of Adjustment, in hearing an appeal from an interpretation of the Town/City Land Use Code, shall consider:

1. The technical meaning of the provision being appealed;
2. Evidence of the manner in which the provision has been interpreted in the past;
3. The positive or negative impact of the requested appeal on the achievement of stated Town/City development goals and objectives; and
4. The intent of the provision in implementing the Town/City Comprehensive Plan.

In approving a requested interpretation, the Board of Adjustment shall provide a written record of its findings and the staff shall use it to propose amendments that address future interpretation problems.

G. Variance Criteria for Approval.

1. The Board of Adjustment shall not grant a variance to the Town/City Land Use Code, which:
 - a. Permits a land use not allowed in the zoning district in which the property is located; or
 - b. Is in the public right-of-way or on public property; or
 - c. Alters any definition of the Town/City Land Use Code; or
 - d. Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the Town/City Land Use Code; or
 - e. Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to of the Town/City Land Use Code; or
 - f. Is based exclusively on findings of personal or financial hardship. Convenience, profit or caprice shall not constitute undue hardship.
2. In order to grant a variance to the Town/City Land Use Code, the Board of Adjustment shall find that all the following have been satisfied:
 - a. That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition particular to the affected property;
 - b. That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the Town/City Land Use Code;
 - c. That due to such unique physical circumstances or conditions, the strict application of the Town/City Land Use Code would create a demonstrated hardship;
 - d. That the demonstrable hardship is not self-imposed;
 - e. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood;
 - f. That the variance, if granted ,will not change the character of the zoning district in which the property is located;

- g. That the variance, if granted, is in keeping with the intent of the Town/City Land Use Code; and
- h. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of Town/City.

The condition of any variance authorized shall be stated in writing in the minutes of the Board of Adjustment with the justifications set forth.

3.10 Waivers

- A. **Purpose.** The Board of Trustees/City Council may authorize waivers from the Town/City Land Use Code in cases where, due to exceptional conditions peculiar to the site, practical difficulties or an unnecessary hardship is placed on the landowner. Such waiver shall not be granted if it would be detrimental to the public good, create a conflict with the Town/City Comprehensive Plan or impair the intent and purpose of this Code.
- B. **Waiver Application.**
 - 1. Waiver Requests In Conjunction with Other Applications. The applicant shall submit the following to the Town/City Clerk in conjunction with another application (i.e. zoning amendment):
 - a. *Explanation Letter* – identifying the waiver being requested and explaining what exceptional condition, practical difficulty, or unnecessary hardship exists to require the waiver. The letter shall also address how the waiver, if granted, will not be detrimental to the public good, create a conflict with the Town/City Comprehensive Plan or impair the intent and purpose of this Code.
- C. **Waiver Criteria for Approval.** The condition of any waiver authorized shall be stated in writing in the minutes of the Board of Trustees/City Council with the justifications set forth. Waivers may be granted only if they meet the following criteria:
 - 1. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.
 - 2. The waiver, if granted, is the minimum variance that will afford relief and is the least modification possible of the subdivision ordinance provisions which are in question.
 - 3. That such practical difficulties or unnecessary hardship has not been created by the applicant.

3.11 Amendments

- A. Initiation of Amendments to Text or Official Zoning Map.** The Board of Trustees/City Council may from time to time, amend, supplement, change or repeal the regulations and provisions of this Article. Amendments to the text of the zoning code may be initiated by the Board of Trustees/City Council, Town/City Staff, the Planning Commission, or by written application of any property owner or resident of the Town/City. Amendments to the zoning district map may be initiated by the Board of Trustees/City Council, Town/City Staff, the Planning Commission, or by a real property owner in the area to be included in the proposed amendment.
- B. General Rezoning of the Town/City.** Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the zoning code, whether such revision be made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town/City Hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.
- C. Zoning Amendment Application Process.**
1. Step 1: Optional Pre-Application Conference. The applicant may attend a pre-application conference with a representative from the Town/City. The purpose of the meeting is to discuss the zoning amendment, submittal requirements and review process.
 2. Step 2: Zoning Amendment Application Submittal. The applicant shall submit one (1) copy of the complete zoning amendment application package to the Town/City Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees/City Council. Note: In the case of text amendments, only Items a and b are required.
 - a. Completed Land Use Application Form, Zoning Amendment – Technical Criteria Form (see *Workbook*), application fee and fee agreement;
 - b. A written description of the proposed change to the text of this Article, including the citation of the portion of the Article to be changed and the wording of the proposed change. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in zoning codes of other jurisdictions that support the rationale of the proposed change. Particular attention should be given to addressing the criteria listed in Subsection E.

- c. A legal description for all property to be considered for rezoning;
- d. Current proof of ownership in the form of title insurance issued with thirty (30) days of submission of the application (for zoning map amendments only).
- e. A zoning amendment map of the area included in the proposed change, twenty-four (24) inches high by thirty-six (36) inches wide, with the following information:
 - i. North arrow, scale (1" = 100' or 1" = 200'), and date of preparation.
 - ii. The subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.
 - iii. Legal description of area to be zoned (entire area and individual zoning districts). In unsubdivided property, zone boundaries shall be determined by a metes and bounds description.
 - iv. Location and boundaries, including dimensions, of the property(s) proposed for rezoning. Note: Zone boundaries are to be the center lines of physical streets, roads, highways, alleys, railroad rights-of-way, and channelized waterways, or such lines extended.
 - v. The acreage or square footage contained within the property proposed for rezoning.
 - vi. All existing land uses in the proposed rezoning area.
 - vii. Zoning and existing land uses on all lands adjacent to the proposed rezoning.
 - viii. The location and dimensions for all existing public rights-of-way including streets, and centerlines of water-courses within and adjacent to the rezoning.
 - ix. The names of all adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.
 - x. Certificate blocks for Surveyor, Planning Commission, Board of Trustees/City Council, and County Clerk and Recorder (see *Workbook* for examples).

- xi. An AutoCAD™ drawing file (release 12 or higher) of the zoning amendment map on 3 ½" IBM formatted disk or by other acceptable electronic transfer shall also be provided.
- f. A written statement describing the proposal and addressing the following points:
 - i. Need for the proposed rezoning;
 - ii. Present and future impacts on the existing adjacent zone districts, uses, and physical character of the surrounding area;
 - iii. Impact of the proposed zone on area accesses and traffic patterns;
 - iv. Availability of utilities for any potential development;
 - v. Present and future impacts on public facilities and services, including, but not limited to, fire, police, water, sanitation, roadways, parks, schools, and transit;
 - vi. The relationship between the proposal and the Town/City Comprehensive Plan; and
 - vii. Public benefits arising from the proposal.
- g. Surrounding and Interested Property Ownership Report - Provide the Town/City Clerk with 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.
- h. Public Hearing Notification Envelopes - two (2) sets of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's/City's address as the mailing address and 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.

It is the applicant's responsibility to ensure that accurate and complete information is provided.

3. Step 3: Zoning Amendment Application Certification of Completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. 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 Zoning Amendment *Technical Criteria* form) to the Town/City Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
4. Step 4: Final Staff Review and Report to Planning Commission. Staff shall complete a final review of the resubmitted materials and prepare a report to the Planning Commission explaining how the application is or is not consistent with the Criteria for Amendments to the Official Zoning Map or Criteria for Amendments to the Text of the Zoning Code.
5. Step 5: Set Zoning Amendment Public Hearing and Complete Public Notification Process. The Town/City 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 to the appropriate referral agencies no less than forty-five (45) days before the initial Planning Commission public hearing. Such notice shall not be required for text amendments. The Town/City Clerk shall also publish notice in a newspaper of general circulation. For zoning map amendments, the Town/City 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 zoning amendment request is accompanying another application which is scheduled for public hearings before the Planning Commission and Board of Trustees/City Council, one public hearing may be held on both applications.
6. Step 6: Planning Commission Public Hearing and Action on the Zoning Amendment. The Planning Commission shall hold a public hearing to review the zoning amendment based on the Criteria for Amendments to the Official Zoning Map or the Criteria for Text Amendments to the Zoning Code. The Commission shall then make a recommendation to the Board of Trustees/City Council to approve, conditionally approve, or deny the zoning amendment application.
7. Step 7: Finalize Zoning Amendment Based on Planning Commission Comments. The applicant shall revise the zoning amendment application based on Planning Commission's comments and submit it to the Town/City.
8. Step 8: Notify Parties of Interest. Not less than thirty (30) days before the date scheduled for the initial Board of Trustees/City Council public hearing, Staff shall notify: surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other interested parties. The notice 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. Such notice shall not be required for text amendments.

9. Step 9: Set Board of Trustees/City Council Public Hearing and Complete Public Notification Process. The Board of Trustees/City Council shall schedule a public hearing for the purpose of taking action on the zoning amendment. The Town/City Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.
10. Step 10: Board of Trustees/City Council Public Hearing and Action on the Zoning Amendment. The Board of Trustees/City Council shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the Town Board/City Council shall consider the comments and evidence presented at the hearing and evaluate the application in accordance with the criteria listed below and approve, approve with conditions, or deny the application, in whole or in part.
11. Step 11: Post Approval Actions.
 - a. Upon approval of an amendment to the official zoning map by the Board of Trustees/City Council, the Town/City Clerk shall cause an appropriate revision of the official zoning map to be prepared for recording with the County Clerk and Recorder. In the event the zoning amendment was initiated by an interested party, the petitioner shall pay the Town's/City's cost for the preparation of the revision to the official zoning map.
 - b. Upon approval of an ordinance amending, changing or repealing part of the text of this Article, the Town/City Clerk shall certify a copy of the ordinance and place it in the official records of the Town/City and make appropriate supplements to this Article.
 - c. The applicant initiating the official zoning map amendment shall have thirty (30) days after approval of the amendment by the Board of Trustees/City Council to submit to the Town/City Clerk two (2) original drawings of the approved zoning amendment map for recording, along with the recording fees and all other costs billed by the Town/City relative to the zoning amendment.

The zoning amendment map shall be prepared by a licensed surveyor or engineer. Inaccurate, incomplete or poorly drawn plans shall be rejected. In addition, the petitioner shall submit one 11" x 17" mylar reduction of the zoning amendment map and an AutoCAD™ drawing file (release 12 or higher) of the zoning amendment map on 3 ½" IBM formatted disk, or by other acceptable electronic transfer.

- d. Within thirty (30) days of receipt of the zoning amendment map, the Town/City Clerk shall review the documents for compliance with the Board of Trustee's/City Council's approval, obtain the Town/City Officials' signatures and submit the approved zoning amendment map and the ordinance amending the official zoning map to the County Clerk and Recorder's Office for recordation.

D. Criteria for Amendments to the Official Zoning Map. For the purpose of establishing and maintaining sound, stable and desirable development within the Town/City, the official zoning map shall not be amended except:

1. To correct a manifest error in an ordinance establishing the zoning for a specific property;
2. To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town/City generally; or
3. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town/City Comprehensive Plan; or
4. The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Town/City Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan; or
5. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or
6. A rezoning to Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

This declaration of criteria for zoning map amendments shall not control an amendment that occurs incidentally to a general revision of the zoning map.

- E. Criteria for Text Amendments to the Zoning Code.** For the purpose of establishing and maintaining sound, stable and desirable development within the Town/City, the text of this Article shall not be amended except:
1. To correct a manifest error in the text of this Article; or
 2. To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town/City Staff; or
 3. To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Article; or
 4. To further the implementation of the goals and objectives of the Town/City Comprehensive Plan.
- F. Map – Amendment upon Zoning Establishment 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/City shall amend the prior existing official maps 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.

3.12 Zoning and Use of Wireless Telecommunication Services, Facilities and Equipment

- A. Permitted Zoning District.** Wireless telecommunication services facilities shall be permitted only in the industrial zoning districts (I or BLI).
- B. 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/City Council as provided in Section 3.7 of this Article. The approval of such use by conditional review does not relieve the operator from otherwise complying with all applicable regulatory requirements of the Town/City, state and federal governments.

C. Application Requirements.

1. 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:
 - a. The proposed size, location and boundaries of the commercial mobile radio service facility site, including existing and proposed topography at two (2) foot intervals, referenced to USGS data, state plane coordinates and a legal description of the proposed site;
 - b. Elevations of all towers and equipment, indicating materials, overall exterior dimensions and colors;
 - c. True north arrow;
 - d. Locations and size of existing improvements, existing vegetation, if any; location and size of proposed improvements, including any landscaping;
 - e. Existing utility easements and other rights-of-way of record, if any;
 - f. Location of access roads;
 - g. The names of abutting subdivisions or the names of owners of abutting, unplatted property within four hundred (400) feet of the site; zoning and uses of adjacent parcels; and
 - h. Proof of ownership in a form acceptable to the Town/City.
2. 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.
3. Written Narrative. The application shall include the following in narrative form:
 - a. The applicant's and surface owner's names, addresses, signatures and designation of agent, if applicable;
 - b. An explanation of the need for such a facility, operating plan and proposed coverage area;
 - c. If a freestanding facility is proposed, an analysis of alternatives to a freestanding facility within a one-mile radius of the facility;

- d. 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);
- e. 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;
- f. Affirmation that the facility will comply at all times with current FCC regulations prohibiting localized interference with reception of television and radio broadcasts;
- g. Affirmation that the facility will not interfere with any public safety frequencies servicing the Town/City and its residents;
- h. Affirmation that, if approved, the applicant and surface owner will make the facility available, on a reasonable basis, to other service providers; and
- i. An explanation of compatibility with the Town/City Comprehensive Plan.

D. Review Criteria. The recommendation of the Planning Commission and the decision of the Board of Trustees/City Council shall be based on whether the applicant has demonstrated that the proposed wireless telecommunications services facility meets the following standards:

- 1. The site plan complies with the foregoing requirements;
- 2. The vicinity map complies with the foregoing requirements;
- 3. The narrative for the application complies with the foregoing requirements;
- 4. When applicable, compliance with the setback and height requirements;
- 5. When applicable, compliance with the accessory building requirements; and
- 6. When applicable, compliance with conditional mitigation co-location requirements as set forth.

The review criteria shall be included in the ordinance granting approval of the conditional use.

- E. 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 antenna(s) 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.
- F. Accessory Buildings Requirements**
1. 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.
 2. 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.
- G. 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.

- H. 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; and
 6. Constructed in accordance with a certified engineer's specifications and in compliance with all applicable U.B.C. provisions.
- I. Conditional Mitigation Measures Co-location**
1. The Town/City encourages co-location of wireless telecommunications facilities to minimize the number of sites.
 2. 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.
- J. Application Fees.** Each applicant shall pay a non-refundable processing fee of five hundred dollars (\$500.00) to reimburse the Town/City for the legal, engineering and land planning costs of reviewing the application. Legal publication costs are in addition to the five hundred dollars (\$500.00) and will be billed separately by the Town/City. No permit will be issued until all fees are paid.
- K. Abandonment.** At the request of the Town/City, the operator must furnish a statement to the Town/City 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.

- L. Penalty.** Any person who constructs, installs or uses, or who causes to be constructed, installed or used, any wireless telecommunications facility in violation of any provision of this Article or of the conditions and requirement of the conditional use permit, may be punished as provided in Article 6 of this Code. Each day of unlawful operation constitutes a separate violation.
- M. Civil Action.** In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used or any land is or is proposed to be used in violation of any provision of this Article or the conditions and requirements of the commercial mobile radio service facility special use permit, the Town/City Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to the prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use.

3.13 Home Occupations

Home occupations must meet the following standards:

- A.** Medical, dental and real estate offices are not permitted as home occupations.
- B.** In addition to the family occupying the dwelling containing the home occupation, there shall not be more than one outside employee in the home occupation.
- C.** The employee and clients may park in on-street curbside parking spaces.
- D.** The home occupation shall not exceed one thousand (1,000) square feet or thirty (30) percent of the total square footage of the dwelling, whichever is less, or can be located in an accessory building not to exceed five hundred (500) square feet.
- E.** All exterior aspects of the home occupation operation shall not disrupt the residential character of the area.
- F.** The maximum number of clients which may visit the home occupation per day is ten (10).

3.14 – XX Reserved.

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