Chapter 15

ZONING

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ARTICLE 1. IN GENERAL

DIVISION 1. DEFINITIONS

Sec. 15-1-10. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory dwelling unit (ADU) means a secondary independent dwelling unit, subordinate in size to the principal dwelling unit and located on the same buildable residential parcel as the primary dwelling unit in residentially zoned districts and shall meet all requirements for the principal use in the zone in which the ADU is located, as provided in this chapter.

Accessory use or structure means one which is clearly incidental and secondary to the permitted use, customarily a part thereof, and which does not change the character thereof, including, but not limited to, a garage, guesthouse greenhouse or tool shed.

Alley means a minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

Animal hospital means a veterinary hospital where animals are brought for medical attention and surgical treatment and may be held during the time of such treatment.

Apartment means a room or group of rooms used as a single unit residence.

Apartment building means a building or portion thereof used or intended to be used as a home for three or more families or households, living independently of each other and individually equipped for preparation of food.

Balcony means an outdoor extension of the main structure open to the elements.

Bathroom means a room connected to water and sewer with bathing facilities, sink and toilet.

Bed and breakfast (B&B) means a dwelling which rents out rooms on a temporary basis and furnished with breakfast for not more than three guest families.

Board of adjustment means the board of adjustment of the town.

Breezeway means a covered passage, one story in height, connecting a main structure and an accessory structure.

Building means any structure built for the support, shelter or enclosure of persons, chattels or movable property of any kind and which is affixed to the land.

Building height means the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the building.

Building inspector means the town clerk or his duly authorized representative.

Building, temporary, is a building which is non-inhabited, without plumbing, water and sewer and is removable. If persons are living in the building then it becomes an accessory dwelling unit or guesthouse and then must conform to setbacks and all applicable zoning regulations.

Business or professional office means the office of an engineer, dentist, doctor, attorney, real estate broker, insurance broker, architect or other

similar professional person and any office used primarily for accounting, correspondence, research, editing or administration.

Cafe, restaurant or *cafeteria* means a commercial eating establishment where snacks or meals are vended for consumption indoors or outdoors on the premises.

Camping unit means any self-propelled or towed vehicle, motorized or otherwise (but excluding those defined as mobile homes which affix to permanent or semi-permanent foundations), and which are designed and used for travel, recreation and short-term working or living facilities.

Canopy means a permanent shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

Clinic means offices for one or more physician, surgeon, dentist or other practitioner of the healing arts.

Club means any membership organization, including a lodge catering exclusively to members and their guests and whose facilities are limited to meeting, eating and recreational uses and, further, whose activities are not conducted principally for monetary gain.

Commercial amusement means any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity, where tickets are sold or fees collected at the gates of the activity. Commercial amusements include carnivals, expositions, miniature golf courses, driving ranges, arcades, fairs, exhibitions, athletic contests, rodeos, tent shows, Ferris wheels, children's rides, roller coasters, skating rinks, ice rinks, traveling shows, bowling alleys, pool parlors and similar enterprises.

Commercial use, highway-oriented, means a commercial use which is intended primarily to serve the commercial retail needs of the motorist, including, but not limited to, gasoline service stations, motels and restaurants.

Common property means a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites.

Compatible commercial use means a commercial use which is compatible with neighboring uses in terms of noise, traffic and other relevant factors.

Conditional use means a use which, although not permitted outright in a particular district, may be permitted by the town board after consideration by the planning commission in accordance with the standards and procedures of this chapter.

Condominium means a cooperative apartment building or development jointly owned by its tenants who also own their own dwellings.

Court means an open, unoccupied space bounded on more than two sides by the walls of the building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanently open space.

Day care center or *nursery* means a place where five or more children are kept for care between the hours of 6:00 a.m. to 12:00 midnight for compensation.

Density means the number of dwelling units per gross acre of land devoted to housing and related open space.

Dependent mobile home means any camping unit as herein defined and any mobile home which does not have an approved toilet and bathtub or shower.

District or *zone* means an area or areas for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

Drive-in eating establishment means any structure and premises specifically designed for the preparation and dispensing of food and meals for consumption either indoors or in a vehicle parked on the premises or taken away for consumption at other places.

Dwelling, manufactured home means a single unit residence which:

(1) Is partially or entirely manufactured in a factory;

(2) Is designed for and placed upon a permanent foundation;

(3) Has brick, wood, stucco or cosmetically equivalent exterior siding on all exterior walls, and has a pitched roof; and

(4) Is not manufactured before ten years prior to its on-site placement in the town and is a preconstructed complete building unit or combination of preconstructed complete building units without motor power designed and commonly used for single-family, single units residential occupancy by persons in either temporary or permanent locations, which unit or units are manufactured in a factory or at a location other than the residential site of the completed home and which unit or units are not licensed as a recreational vehicle pursuant to the National Manufactured Housing Construction and Safety Standards Act, including all regulations enacted pursuant thereto, including any local modifications that are expressly allowed by federal law.

Dwelling, mobile home.

(1) The term "mobile home dwelling" means a detached, single unit residence having the following characteristics:

a, Designated as a detached, single unit residence for long-term occupancy and containing sleeping accommodation, a flush toilet, a tub or shower bath and only one kitchen, and has plumbing, sewer and electrical connections provided for attachment to outside systems;

b. Designed to be transported after fabrication on its own wheels, on flatbeds, other trailers or detachable wheels;

c. Arrives at the site where it is to be occupied as a complete dwelling and is ready for occupancy except for minor and incidental unpacking and assembly operation, location on foundation sports or jacks, underpinned, connections to utilities and the like;

d. Is without motive power;

e. Is not manufactured before ten years prior to its on-site placement in the town and pursuant to the National Manufactured Housing Construction and Safety Stan-

dards Act, including all regulations enacted pursuant thereto; including any local modifications that are expressly allowed by federal law; and

f. Complies with town ordinance modifications as authorized by state or federal law.

(2) The term "mobile home dwelling" does not include recreational vehicles, trailer coaches, motor homes, multipurpose trailers, camper coaches, camper trailers, fifth-wheel trailers, recreational park trailers, recreational vehicles, travel trailers, or truck campers, as the same are defined in the Colorado Revised Statutes.

Dwelling, multi-unit, means a building used by more than two households living independently of each other in separate dwelling units but not including hotels, motels or resorts.

Dwelling, one-unit, means a detached principal building designed for or occupied as a dwelling exclusively by one household as an independent living unit and may include yurts which are secured to the ground and hooked up to approved water and sanitation.

Dwelling, two-unit, means a detached principal building designed for or occupied by two households living independently of each other in separate but attached dwelling units, but not including mobile homes.

Dwelling unit means one room or rooms connected together constituting a separate independent housekeeping establishment for owner occupancy or rental or lease on a monthly or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure, and served by not more than one gas meter and one electric meter.

Employees means all persons, including proprietors, working on the premises during the largest shift at peak season.

Fence or *wall* means a freestanding structure of metal, masonry, composition, or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level used for confinement, screening or partition purposes.

Frontage means that portion of a lot, parcel, tract or block abutting upon a street measured by an extension of the side lot lines intersecting the street.

Garage, private, means an enclosed building for parking only of motor vehicles belonging to the occupant of the same building.

Garage, public, means a building other than a private or parking garage used for the care or repair of vehicles or where such vehicles are kept for remuneration, hire or sale.

Gasoline station means a building or premises involving the retail sale of gasoline, diesel, or electricity for motor vehicles, which may also include food or health care items.

Grade (ground level) means the average of the finished ground level at the center of all walls of the building or at the center of the structure.

Grazing animal means any horse, cow, goat, sheep or any similar split-hoofed or single-hoofed animal.

Guesthouse means an accessory structure, without a kitchen, which is physically detached from a principal dwelling, not to be used as a

rental unit, serviced through the same utility meters or connections as the principal dwelling, and intended for occupancy only by guests of the household residing in the principal dwelling.

Guestroom means a room in a hotel, apartment, motel or tourist home offered to the public for compensation and which room is used only for transient occupancy.

Hedge means a fence or boundary formed by a dense row of shrubs or low trees.

Home business occupation means an occupation consistent with existing federal, state and local laws and regulations carried on in the dwelling or accessory building by persons occupying the dwelling, provided the residence character of the building is maintained.

Homeowners' association means an incorporated, nonprofit organization operating under recorded land agreements through which each lot and/or homeowner in a planned unit development or other described land area is automatically a member, and through which each lot is automatically subject to charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and the charge, if unpaid, becomes a lien against the property.

Hotel means a building used or intended to be used as living quarters for transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes pressing shop, gift shop, barbershop or other service facilities for the guests for compensation.

Junk or *salvage* means scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc and all other scrap metals and their alloys, bones, rags, used cloth, used rubber, used rope, used aluminum foil, used bottles, old cotton, used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane parts and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, and all other products subject to being dismantled or recycled.

Kennel means a lot or building in which four or more adult dogs or cats are kept with the primary purpose of commercial board, propagation or sale.

Kitchen means a room with utilities or facilities for food preparation.

Lot means a subdivision of a block or other parcel of land intended as a unit for the transfer of ownership or for development of at least sufficient size to meet minimum requirements for use, coverage and area, and to provide required yard and other open spaces. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of the following, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter:

(1) A single lot of record.

(2) A portion of a lot of record.

(3) A combination of complete lots of record; complete lots of record and portions of lots of record; or portions of lots of record.

(4) A parcel of land described by metes and bounds.

Lot area means the total horizontal area within the lot lines of a lot.

Lot, corner, means a lot abutting upon two or more streets at their intersection.

Lot coverage means the percent of the total lot area available for bulk or buildings.

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

Lot, double-frontage, means a lot which runs through a block from street to street, and which has two nonintersecting sides abutting on two or more streets.

Lot, interior, means a lot other than a corner lot.

Lot line, front, means the property line dividing a lot from the right-of-way of the street. For a corner lot, the shortest street right-of-way line shall be considered the front line.

Lot line, rear, means the property line opposite the front lot line, except on a double-frontage lot.

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

Lot of record means a lot, which is part of a subdivision, the plat of which has been recorded in the office of the county clerk, or a parcel of land, the deed for which was recorded in the office of the county clerk prior to passage of the ordinance from which this article is derived.

Lot width means the distance on a horizontal plane between the side lot lines of a lot, measured at right angles, to the line establishing the lot depth of the established building setback line, provided that no residential lot width shall measure less than 50 feet.

Master plan means the master plan for the town which has been officially adopted to provide long-range development policies for the town and which includes, among other things, the plan for land use, circulation and public facilities.

Mixed use means a building used partially for residential living space and partially for commercial purposes.

Motel means a hotel which usually is arranged in such a manner that individual guestrooms are directly accessible from an automobile parking area.

Non-conforming use or structure means a use or structure which existed at the time of the regulations in this chapter and did not conform to the requirements herein.

Off-street loading space means a space located outside of a public street or alley for the discharge of passengers or a space directly accessible to the building it serves for bulk pickup and deliveries of delivery vehicles.

Off-street parking area means any parking area located wholly within the limits of one or more lots.

Open space means an area devoted to the enhancement of light, air and aesthetic qualities of a neighborhood. Open space will also be devoted to landscaped vegetation, and no buildings or structures will be permitted, unless for purposes of maintaining and/or enhancing the open space or relatively unnoticeable from the adjoining streets or walkways.

Parking space means a rectangular area containing not less than 200 square feet with maneuvering and access space required for an automobile to park within the rectangle.

Patio means a surface area open to the elements.

Permitted use means a use specifically allowed in one or more of the various zone districts without the necessity of obtaining a use permit.

Person means any individual, firm, partnership, corporation, joint venture, company or association.

Personal service shop means an establishment for the purpose of supplying limited personal services, such as, but not limited to, barber, shoe, boot, or beauty shops.

Planned unit development means a project of a single owner or a group of owners acting jointly, involving a related group of residences or businesses, and associated uses, planned as a single entity and, therefore, subject to development and regulation as one land use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract and is designed to provide variety and diversity through the variance of normal zoning and subdivision standards so the maximum long-range benefits can be gained and the unique features of the development or site are preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing. A preliminary plat and a final plat must be submitted and processed through the subdivision procedures as provided in the town subdivision regulations.

Planning commission means the officially appointed planning and zoning commission of the town.

Porch means a building or part of the main building which is covered but is open to the elements.

Premises means part or all of any lot, parcel or tract, or part or all of any building or structure or group of buildings or structures located thereon.

Principal structure means the principal structure which fulfills the purpose for which the building plot was intended.

Private utility means any utility other than a governmentally owned and operated utility, including telephone, electric, gas and other privately owned and operated utilities.

Property line means the outer boundary of any lot, parcel or tract or combination thereof under single ownership, as the same is described in the conveyance to the owner, and does not include the streets or alleys upon which the lot, parcel or tract may abut.

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

Retail means sale to the ultimate consumer for direct consumption and/or use and not for resale.

Right-of-way, public, means all streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel, whether developed or undeveloped.

Screening means decorative fencing, evergreen hedges or earth berms maintained for the purpose of concealing from view the area behind the screening. When fencing is used for screening, it shall be not less than six feet in height.

Service building means a building housing toilet and bathing facilities for men and women, with laundry facilities and such other facilities as may be required by this Code and other regulations.

Setback line means a line or lines designating the area within which buildings may not be erected.

Short-term rental unit means a dwelling unit which can be rented for not more than 21 consecutive days.

Sign means any object or device, or part thereof, situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. Signs do not include the following:

(1) Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations.

(2) Merchandise, pictures or models or products or models of products or services incorporated in a window display.

(3) Time and temperature devices not related to a product.

(4) National, state, religious, fraternal, professional and civic symbols or crests.

(5) Works of art which in no way identify a product.

(6) Scoreboards located on athletic fields.

Site-specific development plan means a plan that has been submitted to a local government by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for specific or parcels or property. Such plan may be in the form of, but need not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a specially planned area, a planned building group, a general submission plan, a preliminary or general development plan, a conditional or special use plan, a development agreement, or any other land use approval designation as may be utilized by the town. What constitutes a site-specific development plan under this definition that would trigger a vested property right shall be finally determined by this Code or upon an agreement entered into by the town and the landowner, and the document that triggers such vesting shall be so identified at the time of its approval. The developer shall submit an ILC (improvement location certificate) to the planning commission with any site-specific development plans. The term "site-specific development plan" shall not include a variance, a preliminary plan as defined in C.R.S. § 30-28-101(6), or any of the following:

(1) A sketch plan as defined in C.R.S. § 30-28-101(8);

(2) A final architectural plan;

(3) Public utility filings; or

(4) Final construction drawings and related documents specifying materials and methods for construction of improvements.

Street means the entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and placement of utilities.

Street, arterial, means any street serving major traffic movements which is designed as a traffic carrier in the town, or between various sections of the town, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function.

Street, collector, means any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

Street, cul-de-sac, means a street having one end open to vehicular traffic and having one end closed and terminated by a turnaround.

Street, dead-end, means a street, other than a cul-de-sac, having only one outlet.

Street, half, means a street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the ultimate and intended street width.

Street, local, means any street designated primarily to provide access to abutting property.

Structural alteration means any change to the supporting members of a structure, including foundations, bearings walls or partitions, columns, beams, girders or any structural change in the roof.

Structure means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Temporary building means a non-inhabited structure lacking plumbing and sewer, which is removable and not affixed to the land.

Use means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Use, principal, means the main use of land or structures as distinguished from a subordinate or accessory use.

Variance means a minimum easing of the terms of this chapter, where such easing will not be contrary to the public interest or to the interest and purposes of this chapter, and where, owning to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship, and the condition or situation is not of so general or recurrent a nature as to make reasonable and practical the formulation of an amendment containing a general regulation for such condition or situation.

Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

Vision clearance area means a triangular area on a lot at the intersection of two streets, or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in the regulations contained in this chapter concerning vision clearance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines and intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

Yard means a redefined open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this chapter.

Yard, front, means the portion of the yard between the side lot lines measured horizontally at right angles to the front lot line to the nearest point of the principal structure.

Yard, rear, means the portion of the yard extending between side lot lines and measured horizontally at right angles to the rear lot line, from the rear lot line to the nearest point of the principal structure.

Yard, side, means the portion of the yard between a building and the side lot line, measured horizontally at right angles to the side lot line, from the side lot line to the nearest point of the main building.

(Ord. No. 2006-013, att.(I-1), 8-14-2006; Ord. No. 2018-001, 1-13-2018)

DIVISION 2. PURPOSE AND INTERPRETATION

Sec. 15-1-110. Title.

This chapter shall be cited as the zoning regulations of the town.
(Ord. No. 2006-013, att.(I-51), 8-14-2006)

Sec. 15-1-120. Authority.

These zoning regulations are authorized by C.R.S. § 31-23-301 et seq., as amended, and is declared to be in accordance with all provisions of such statutes.
(Ord. No. 2006-013, att.(I-52), 8-14-2006)

Sec. 15-1-130. Purpose.

(a) Pursuant to the authority conferred by C.R.S. § 31-23-301 et seq., these zoning regulations are adopted for the purpose of promoting the health, safety, morals and welfare of the present and future inhabitants of the town by regulating and restricting the height, number of stories, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence and other purposes.

(b) These zoning regulations are adopted for the purpose of promoting coordinated and sound development; encouraging innovation in residential development or renewal, so that housing demands may be met by a greater variety of types and design of housing units; providing for higher quality in site and land planning; conserving open space; and providing more efficient and attractive use of open space.

(c) In implementing these purposes, the town shall work to achieve a coordinated adjusted and harmonious development of the town and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic; the promotion of safety from fire, floodwaters and other dangers; adequate provision for light and air; the promotion of healthful and convenient distribution of population; the promotion of good civic design and arrangement; wise and efficient expenditure of public funds; and the adequate provision of public utilities and other public requirements.

(Ord. No. 2006-013, att.(I-53), 8-14-2006)

Sec. 15-1-140. Interpretation.

(a) The provisions of this chapter may be regarded as the minimum requirements for the promotion of public health, safety, comfort, convenience, prosperity and general welfare.

(b) These zoning regulations are not intended to interfere with or abrogate or annul any easements, covenants or agreements between parties; provided, however, that wherever this chapter proposes a greater restriction upon use of land or buildings, upon the location or height or buildings or structures that are imposed or required by other laws, ordinances, resolutions, regulations or easements, covenants or agreements between parties, the provisions of these zoning regulations shall govern.

(c) Payment of costs. In addition to any and all other fees and charges imposed by this chap-

ter, the applicant for approval of a site-specific development plan shall pay all costs occasioned to the town as a result of the site-specific development plan review, including publication of notices, public hearing and review costs.

(d) Other provisions unaffected. Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other provisions of the subdivision regulations or zoning regulations of the town pertaining to the development and use of property.

(e) Limitations. Nothing in this section is intended to create any vested property right, but only to implement the provisions of C.R.S. § 24-68-101 et seq., as amended.

(Ord. No. 2006-013, att.(I-54), 8-14-2006)

Sec. 15-1-150. Penalty.

The owner of any buildings or premises, or part thereof, where anything in violation of this chapter exists or is placed or maintained and any architect, builder, or contractor who assists in the commission of any such violation; and all persons who violate or maintain any violation of any or the provisions of this chapter, or who fail to comply therewith or with any requirements thereof, or who build in violation of any statement or plan submitted and approved thereunder, are in violation of this chapter and, upon conviction thereof, shall be punishable as provided in section 1-4-10. Each day in which the violation continues shall be considered a separate offense.

(Ord. No. 2006-013, att.(I-55), 8-14-2006)

ARTICLE 2. ADMINISTRATION AND ENFORCEMENT

Sec. 15-2-10. Planning commission.

(a) *Planning commission to serve as zoning commission.* Planning commission of the town is hereby appointed the zoning commission and is charged with the responsibilities of such zoning commission as specified in the statutes.

(b) *Responsibility.* It is the responsibility of the planning commission to review all applications for zone changes in this chapter and conditional uses, and to recommend approval or disapproval to the town board of trustees. The planning commission has no authority to approve variances from the zoning regulations and, if presented with such a request, it shall be sent forward to the board of adjustment for processing and hearing.

(c) *Purpose.* The planning commission is created for the following purposes:

(1) To assist, advise and coordinate with the board of trustees with regard to the careful and comprehensive studying, planning, zoning and growth of the town, as more specifically set forth in this article, and as provided in additional ordinances, rules and regulations of the town.

(2) To implement the provisions of chapters 24 and 18, and to perform all functions and powers referred to in said chapters where reference is made.

(3) To study and recommend to the board of trustees amendments to the zoning map of the town.

(4) To study and recommend appropriate zoning classifications for all annexations to the town.

(5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the board of adjustment.

(6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the planning commission to make amendments or changes in the zoning of the town, such powers expressly being reserved by the board of trustees.

(d) *Development.* It shall be the specific purpose of the planning commission to use its powers for guiding and accomplishing a coordinated, adjusted and harmonious development of the town. The development shall be in accordance with the present and future needs of the town and shall further promote health, safety, morals, order, convenience, prosperity and general welfare in an efficient and economic process, making adequate provisions for traffic safety, fire safety, floodwater safety and any other dangers to the citizens of the community or visitors thereto.

(e) *Authority.* The planning commission shall be empowered and authorized to review, act upon and advise the board of trustees with respect to all zoning, rezoning, planning, subdividing, annexation and other related activities as provided in the revised zoning and subdivision regulations of the town. The planning commission is empowered to make and submit to the board of trustees a master plan for physical development of the town, including such areas outside of its boundaries, subject to the jurisdictional limitations as provided by state law where the planning commission determines that the planning and developing of the community, with relation to the municipal boundaries, must extend beyond said municipal boundaries. The development of the master plan for the community shall show the planning commission's recommendations with respect to the following matters:

(1) A comprehensive zoning ordinance together with a zoning plan and subdivision of the land regulation which, when adopted by the board of trustees, shall become an ordinance governing said matters within the community.

(2) Appropriate plans showing the general location, character and extent of streets, bridges, boulevards, parkways and other types of transportation corridors within and without the community.

(3) A plan for the location and extent of public utilities, including, but not limited to, water and sewer development, communications and electrical utilities, together with the location and extent of other public improvements to be created within the town, such as parks, buildings, fire departments, police stations, schools and other public buildings.

(4) Any and all plans for the eventual redesignation of specific areas within the community, condemnation plans, change of use plans or other alterations regarding the existing community structure.

(Ord. No. 2006-013, att.(II-1), 8-14-2006)

Sec. 15-2-20. Responsibility of building inspector.

The building inspector is charged with the interpretation and enforcement of this chapter. Appeals from a decision of the building inspector shall be presented to the town clerk, who shall forward the appeal with all pertinent information to the board of adjustment for hearing.
(Ord. No. 2006-013, att.(II-2), 8-14-2006)

Sec. 15-2-30. Responsibility of board of adjustment.

The board of adjustment shall hear and decide all questions on appeal from decisions of the town clerk and all other questions as provided in article 7 of this chapter.
(Ord. No. 2006-013, att.(II-3), 8-14-2006)

Sec. 15-2-40. Responsibility of town board of trustees.

The town board of trustees has responsibility for changes in the zoning map and amendments to this chapter. The town board of trustees shall not hear complaints of or decide questions of interpretation or enforcement that are reserved for the board of adjustment. The town board of trustees also has the responsibility for appointing the planning commission and the board of adjustment.
(Ord. No. 2006-013, att.(II-4), 8-14-2006)

Sec. 15-2-50. Town clerk as administrator.

(a) The town clerk, or his designee, is designated to administer this chapter and the code enforcement officer shall enforce the same.

(b) The town clerk, or his designee, shall have the power to make inspections of buildings and premises to carry out the duties of the enforcement of this chapter, subject to the special provisions where stipulated in this chapter.

(c) Issuance of building permits requires prior site inspection. The building inspector shall approve building permit applications and the town clerk shall issue building permits. Permit fees shall be established by resolution of the town board of trustees.

(d) The town clerk, or his designee, under no circumstances is permitted to grant an exception to the actual meaning of any clause, order or regulation contained in this chapter to any person making application to construct, move, alter or use either building, structure or land.

(e) The town clerk, or his designee, under no circumstances is permitted to make changes in this chapter or to vary the terms of this article in carrying out his duties as town clerk.

(Ord. No. 2006-013, att.(II-5), 8-14-2006; Ord. No. 2009-009, § 1, 12-14-2009)

Sec. 15-2-60. Building permit—Required.

It shall be unlawful to begin the excavation for the construction or moving of a building until the town clerk has issued for such work a building permit, in accordance with the requirements of this chapter. Permit fees shall be waived on sidewalks installed on town property. A building permit is required to:

(1) Begin excavation for construction or placing of a new building;

(2) Add an addition or a second story on existing buildings;

(3) Apply fill in excess of 20 cubic yards.

(Ord. No. 2006-013, att.(II-6), 8-14-2006)

Sec. 15-2-70. Building permit—Application.

(a) Every application for a building permit for construction, moving or change in the type of use or type of occupancy shall be accompanied by a written statement and plans or plots showing the following in sufficient detail to enable the town clerk or his designee to ascertain whether the proposed work or use is in compliance with the provisions of this chapter.

(b) All such material is required in duplicate form and shall include:

(1) The actual shape, location and dimensions of the lot or building plot on the ground.

(2) The shape, size and location of all buildings, or other structures, to be erected, altered or moved, and of any other buildings, or other structures, already on the plot.

(3) The existing and intended use of the plot and all structures upon it.

(4) Such information concerning the plot or adjoining lots or other matters as may be essential for determining whether the provisions of this chapter and other ordinances are being observed.

(c) All building permit applications for the commercial district shall be scheduled for review by the planning commission at its next regularly scheduled meeting, prior to issuance of a building permit.

(Ord. No. 2006-013, att.(II-7), 8-14-2006; Ord. No. 2009-009, § 1, 12-14-2009)

Sec. 15-2-80. Building permit—Issuance.

(a) If the proposed construction, moving, alteration, or use of the land, as set forth in the application for a building permit under this article, is in conformity with the provisions of this chapter, the town clerk or his designee, upon receipt of a building permit approved and signed by the building inspector, shall issue the building permit.

(b) The permit shall require a construction portable toilet or inspected vaulted privy located on the subject property before construction commences.

(Ord. No. 2006-013, att.(II-8), 8-14-2006)

Sec. 15-2-90. Building permit—Not a waiver of time limitation.

(a) Issuance of a building permit shall in no case be construed as waiving any provision of this chapter or any other town ordinance.

(b) The permittee shall have one year from the date of issuance of the building permit to commence substantial construction and two years from the date of issuance of the building permit to complete the exterior of the structure for which the permit was issued, including all roofing, siding or facing, windows and other exterior completion associated with the structure for residential areas, and one year for commercial areas. If either of said conditions are not followed, the permit shall be cancelled and declared null and void

(c) If an extension for exterior completion is requested due to unusual hardships or unanticipated difficulties which are not the fault of the permittee, such requests shall require an application to the board of adjustment in accordance with its rules and procedures.

(Ord. No. 2006-013, att.(II-9), 8-14-2006)

Sec. 15-2-100. Building permit—Compliance required.

The building inspector shall approve and sign a building permit application and the town clerk or his designee shall issue a building permit when the imposed conditions of this article are complied with by the applicant, regardless of the effect of such a permit on contracts, such as deed covenants, deed restrictions or private agreements.
(Ord. No. 2006-013, att.(II-10), 8-14-2006)

Sec. 15-2-110. Building permit—Disapproval.

If any application for a building permit is not approved by the building inspector, the cause for such disapproval shall be stated in writing.
(Ord. No. 2006-013, att.(II-11), 8-14-2006)

Sec. 15-2-120. Building permit—Plan approval.

Plans submitted with an application for a building permit shall be reviewed and approved by the town clerk or his designee.
(Ord. No. 2006-013, att.(II-12), 8-14-2006; Ord. No. 2009-009, § 1, 12-14-2009)

Sec. 15-2-130. Building permit—Unplatted land.

There shall be no building permit issued on a plot which does not consist of a platted lot or lots duly approved and recorded, except that on five acres or more where the use of the land is entirely for agricultural purposes, a building permit may be issued.
(Ord. No. 2006-013, att.(II-13), 8-14-2006)

Sec. 15-2-140. Building permit—Time limit for variance or conditional use.

A building permit for a conditional use or for a use involving variance shall be void after one year from the day of issuance if no substantial construction has taken place.
(Ord. No. 2006-013, att.(II-15), 8-14-2006)

Sec. 15-2-150. Use permit—Issuance, requirements not exempt.

A use permit is a document recognizing the approval of a conditional use or a variance as these terms are defined in this chapter.
(Ord. No. 2006-013, att.(II-16), 8-14-2006)

Sec. 15-2-160. Use permit—When required, time limitation.

A use permit is required for all conditional uses and for all variances. A use permit may have a specified time limitation attached and may impose conditions other than those which are specifically set forth in this article.
(Ord. No. 2006-013, att.(II-17), 8-14-2006)

Sec. 15-2-170. Use permit—Conditional uses and variances.

The town clerk or his designee shall issue use permits for approved conditional uses and variances.
(Ord. No. 2006-013, att.(II-18), 8-14-2006; Ord. No. 2009-009, § 1, 12-14-2009)

Sec. 15-2-180. Use permit—Compliance required for completion, cancellation.

Following the issuance of a use permit, the town clerk or his designee shall ensure that if the development is undertaken, it is completed in compliance with the permit. However, if a use permit has not been used within one year after the date granted, the permit is automatically cancelled, which fact shall be noted by the signature of the town clerk or his designee, on the file copies of the permit, and the owner shall be so notified in writing.
(Ord. No. 2006-013, att.(II-19), 8-14-2006)

Sec. 15-2-190. Certificate of occupancy.

A certificate of occupancy will be issued for commercial structures that are in compliance with the town's zoning regulations, and state electrical and plumbing codes, and upon exterior completion.

Sec. 15-2-200. Violations.

If the town clerk or his designee finds, or if any person files with him a complaint alleging that any of the provisions of this chapter are being violated, the town clerk shall cause the violation to be investigated and, when necessary, give written notice to the person responsible to cease and remedy such violation forthwith.
(Ord. No. 2006-013, att.(II-20), 8-14-2006)

ARTICLE 3. AMENDMENTS

Sec. 15-3-10. Authorization.

(a) An amendment to the text of this chapter may be initiated by the town board or by the planning commission, pursuant to procedures established for amending an ordinance of the town.

(b) An amendment to the zoning map of this chapter may be initiated by the town board or by the planning commission, or by application of an owner of a property affected thereby within the town or his authorized agent, which application shall be considered only at the regularly scheduled meetings of the town planning commission, and which amendment may be considered and enacted pursuant to the procedures described in this article.

(Ord. No. 2006-013, att.(III-1), 8-14-2006)

Sec. 15-3-20. Zoning district map—Application, fee.

(a) An application for an amendment of the zoning map shall be made on a form provided by the town.

(b) The application must be accompanied by a minimum nonrefundable review and processing fee as set forth in the consolidated fee schedule, appendix 2-F. The applicant shall also pay actual costs in excess of the established fee, which are incurred by the town relative to review and processing of the amendment.

(Ord. No. 2006-013, att.(III-2), 8-14-2006)

Sec. 15-3-30. Zoning district map—Recommendation of commission.

(a) The planning commission shall, within 30 days of receipt of the application for an amendment to the zoning map, unless a longer time is necessary for consideration of the application for reasons specifically stated by the planning commission, recommend either approval, approval with modifications, or disapproval of the application to the town board.

(b) The recommendation of the planning commission shall be transmitted to the town board and the applicant.

(Ord. No. 2006-013, att.(III-3), 8-14-2006)

Sec. 15-3-40. Zoning district map—Hearing, notice, time limit.

(a) The town board of trustees shall hold a public hearing on all proposed zoning map amendments after receiving the written report of recommendations from the planning commission.

(b) The property to be re-zoned shall be posted, and a notice of the hearing shall be published in a newspaper of general circulation within the town at least 15 days prior to the hearing date.

(c) A written notice of the hearing shall be hand-delivered evidenced by a signature, or sent by certified mail, at least 15 days prior to the hearing date, to property owners within 300 feet of the property in question, as such ownership information is available in the town clerk's office.

(d) The town board of trustees, within 30 days of the public hearing, shall approve, approve with modifications, or disapprove the application. The decision of the town board of trustees shall be transmitted to the planning commission and to the applicant.

(e) Proceedings of the public hearing shall be recorded. In addition, at the expense of any participant in the hearing, proceedings of the public hearing may be transcribed by a certified court reporter.

(Ord. No. 2006-013, att.(III-4), 8-14-2006)

Sec. 15-3-50. Zoning district map—Changes, amendments.

When the zoning district map is in any way to be changed or amended incidental to or as a part of a general revision of this chapter, whether the revision is made by repeal of the existing zoning ordinance and enactment of a new zoning ordinance, or otherwise, the notice by mailing designated in section 15-3-40(c) shall not be required.

(Ord. No. 2006-013, att.(III-5), 8-14-2006; Ord. No. 2009-009, § 2, 12-14-2009)

Sec. 15-3-60. Zoning district map—Additional street right-of-way, screening.

In granting an amendment to the zoning map, upon application by a property owner or his authorized agent, the town board may require the dedication of additional street rights-of-way where an officially adopted street plan indicates a need for increased width or where the nature of the proposed development warrants increased street width. The board may require permanent screen strips or other devices to minimize conflict with residential land use.

(Ord. No. 2006-013, att.(III-6), 8-14-2006)

Sec. 15-3-70. Court review of decisions.

(a) Any person applying to the courts for a review of any decision made under the terms of this article shall apply for review within 30 days after the date of decision and is required to pay the cost of preparing a transcript of proceedings.

(b) The application for review shall be in the nature of certiorari under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(c) The town is entitled to appeal any decision of the district court under Rule 106 proceedings.

(Ord. No. 2006-013, att.(III-7), 8-14-2006)

Sec. 15-3-80. Records.

The town clerk shall maintain a record of amendments to the text and map of this chapter in a form convenient for the use of the public.

(Ord. No. 2006-013, att.(III-8), 8-14-2006)

Sec. 15-3-90. Rezoning policy.

(a) For the purpose of establishing and maintaining sound, stable and desirable development within the town, rezoning of land is to be permitted.

(b) Rezoning may only be considered if:

(1) The land to be rezoned was zoned in error, and as presently zoned is inconsistent to the policies and goals of the town's comprehensive plan.

(2) The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area.

(3) The proposed rezoning is necessary in order to provide land for a community related use which was not anticipated at the time of adoption of the town's master plan, and if such rezoning will be consistent with the policies and goals of the master plan.

(4) The area for which rezoning is requested is of such a nature and so located that the proposed zone change will not adversely affect existing or anticipated uses or property values in the vicinity, and the proposed zone change will not result in land uses that are incompatible with the town's comprehensive plan.

(Ord. No. 2006-013, att.(III-9), 8-14-2006)

Sec. 15-3-100. Minimum size of parcel.

No amendment changing the zoning classification of any lot, parcel or tract of land shall be adopted unless such lot, parcel or tract has 150 feet of frontage on a public street, or has a minimum of one acre of area, or abuts on a lot, parcel or tract of land that has the same zoning classification as that which is proposed for the property which is the subject of the proposed amendments.

(Ord. No. 2006-013, att.(III-10), 8-14-2006)

Sec. 15-3-110. Annexed territory.

(a) Zoning of land in the process of annexation may be done in accordance with the procedure and notice requirements of this article and the Colorado Revised Statutes. The proposed zoning amendment shall not be passed on final reading prior to the date when the annexation ordinance is passed on final reading, but the ordinance annexing the property can also zone the property. If the zoning process is commenced prior to the effective date of the annexation ordinance, the legal protest area for rezoning shall be determined solely on geographic location, irrespective of whether the land in such legal protest area is within or without, or partly within and partly without, the town limits.

(b) Any area annexed shall be brought under the provisions of this chapter and the map thereunder within 90 days from the effective date of the annexation ordinance, irrespective of any legal review, which may be instituted challenging the annexation. During the 90-day period, or such portion thereof as is required to zone the territory, the town shall refuse to issue any building permit for any portion or all of the newly annexed area.

(Ord. No. 2006-013, att.(III-11), 8-14-2006)

ARTICLE 4. ZONING DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 15-4-10. Zoning districts.

In order to implement the provisions of this chapter, the town establishes the following basic zoning districts:

(1) *Rural residential (RR).* The rural residential (RR) district is comprised of areas which are primarily in a natural

state or areas utilized for growing of crops and plant materials, or where similar farming activities are practiced.

(2) *Residential low-density (RL).* The residential low-density (RL) district is comprised of areas which provide for residential development of one-unit dwellings in the community, plus certain open space areas where similar residential development appears likely to occur.

(3) *Residential medium-density (RM).* The residential medium-density (RM) district is comprised of areas which provide for residential development of one-unit dwelling areas in the community, plus certain open spaces areas where similar residential development appears likely to occur. The intent of this district is to encourage development that relates to the historic development pattern; to promote compact, well-defined, sustainable neighborhoods that enhance the town's character; to create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles; and to protect sensitive, natural, historic areas and environmental quality.

(4) *Residential high-density (RH).* The residential high-density (RH) district is comprised of areas which are primarily used for or permit high-density, multi-unit development.

(5) *Mobile home (MH).* The mobile home (MH) district provides for mobile home lots and residential development.

(6) *Commercial (C).* The commercial business (C) district is comprised of areas to provide a full range of retail sales and services, as well as small fabrication facilities as conditional uses.

(7) *Community services/recreational (CSR).* The community services/recreational (CSR) district is comprised of areas to provide for the use and service of the community at-large. This district covers operations and structures of benefit to the general community.

(Ord. No. 2006-013, att.(IV-1), 8-14-2006)

Sec. 15-4-20. Zone specifications summary.

ZONE SPECIFICATIONS

	Minimum Lot Size in Zone	*Minimum Lot Area per Dwelling Unit*	*Minimum Lot Length*	*Minimum Lot Width*	*Setback Front*	*Setback Side Street*	*Setback Interior Lot Line*	*Setback Rear and Alley*	*Setback Accessory Use*	*Maximum Height*	*Total Coverage All Buildings*
Zone RR (Division 2 of this Article)	5 acres	5 acres	N/A	N/A	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	30 ft.	21,000 sq. ft.
Zone RL (Division 3 of this Article)	21,300 sq. ft.	21,300 sq. ft.	142 ft.	120 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.	30 ft.	30%
Zone RM (Division 4 of this Article)	10,650 sq. ft.	10,650 sq. ft.	142 ft.	75 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.	30 ft.	30%
Zone RH (Division 5 of this Article)	7,100 sq. ft.	7,100 sq. ft.	142 ft.	**	20 ft.	10 ft.	5 ft.*	15 ft.	5 ft.	30 ft.	60%
Zone MH (Division 6 of this Article)	10,650 sq. ft.	10,650 sq. ft.	142 ft.	75 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.	30 ft.	40%
Zone C (Division 7 of this Article)	**	7,100 sq. ft.	142 ft.	50 ft.	8 ft.	8 ft.	5 ft.	15 ft.	15 ft.	30 ft.	80% as conforms with setbacks
Zone CSR (Division 8 of this Article)	**	Dwelling units not permitted	**	**	**	**	**	**	**	30 ft.	**

*Minimum side setback from an interior lot line, five feet, if any side yard is provided. Side yards must be provided unless structures utilize common walls and individual units and the land on which they are located are sold, as is commonly the case in townhouse developments.

**The planning commission shall review all community services/recreational district building permit applications and make recommendations to the town board of trustees that include lot sizes and setbacks.

DIVISION 2. RURAL RESIDENTIAL (RR) DISTRICT

Sec. 15-4-110. Purpose.

The rural residential (RR) district is comprised of areas which are primarily in a natural state or areas utilized for growing of crops and plant materials, or where similar farming activities are practiced.
(Ord. No. 2006-013, att.(IV-51), 8-14-2006)

Sec. 15-4-120. Permitted uses.

Permitted uses in the RR district shall be as follows:

(1) One-unit dwellings.

(2) Accessory buildings and uses.

(3) Manufactured homes.

(4) Agricultural or commercial crop or animal production, not including feedlots. Animal density shall not exceed one large grazing animal and two small grazing animals per acre, up to a maximum of ten large grazing animals and 20 small grazing animals on any lot of up to 40 acres. No more than 50 fowl may be kept on any rural residential district lot.

(5) Cemeteries.

(Ord. No. 2006-013, att.(IV-52), 8-14-2006)

Sec. 15-4-130. Conditional uses.

Conditional uses in the RR district shall be as follows:

(1) Non-personal nonrenewable energy projects, utility installations, such as electric substations, sewer lift stations, telephone exchanges, gas regulators, major transmission lines, and irrigation ditch rights-of-way (not including utility offices, repair, and storage or production facilities).

(2) Recreational and social facilities, such as parks, playfields, and playgrounds.

(3) Community-wide sewage treatment plants, water supply and treatment plant, and solid waste disposal sites and facilities.

(4) Campgrounds.

(5) Radio, television and microwave transmitting, receiving or relay stations or towers must be at least 300 feet from any dwelling or school and not exceeding 30 feet in height.

(6) Spiritual centers.

(7) Well-located, clean and safe home business occupations.

(8) B&Bs.

(Ord. No. 2006-013, att.(IV-53), 8-14-2006)

Sec. 15-4-140. Minimum lot size.

Minimum lot size in the RR district shall be 5 acres.
(Ord. No. 2006-013, att.(IV-54), 8-14-2006)

Sec. 15-4-150. Setback requirements.

Setback requirements in the RR district shall be as follows:

(1) Minimum front setback: 20 feet.

(2) Minimum side setback from a street right-of-way: 20 feet.

(3) Minimum side setback from an interior lot line: 20 feet.

(4) Minimum rear setback for principal uses: 20 feet.

(5) Minimum rear setback for accessory uses: 20 feet.

(Ord. No. 2006-013, att.(IV-55), 8-14-2006)

Sec. 15-4-160. Lot coverage.

The total coverage of all buildings in the RR district or any buildable lot shall not occupy more than 21,000 square feet.

(Ord. No. 2006-013, att.(IV-56), 8-14-2006)

Sec. 15-4-170. Building height.

The maximum height of buildings in the RR district shall be 30 feet.

(Ord. No. 2006-013, att.(IV-57), 8-14-2006)

DIVISION 3. RESIDENTIAL LOW-DENSITY (RL) DISTRICT

Sec. 15-4-210. Purpose.

The residential low-density (RL) district is comprised of areas which provide for residential development of single-unit residence dwelling areas in the community, plus certain open spaces areas where similar residential development appears likely to occur.

(Ord. No. 2006-013, att.(IV-101), 8-14-2006)

Sec. 15-4-220. Permitted uses.

Permitted uses in the RL district shall be as follows:

(1) One- and two-unit dwellings.

(2) Accessory dwelling units.

(3) Accessory buildings and uses.

(4) Manufactured homes.

(Ord. No. 2006-013, att.(IV-102), 8-14-2006)

Sec. 15-4-230. Conditional uses.

Conditional uses in the RL district shall be as follows:

(1) Utility installations, such as electric substations, sewer lift stations, telephone exchanges, gas regulators, and major transmission lines (not including utility offices, repair, storage or production facilities) if located at least 300 feet from any dwelling or school.

(2) Public and private schools, hospitals, rest homes, nursing and convalescent homes and retirement homes.

(3) Children's homes, nurseries and day care centers.

(4) Churches, chapels, temples and synagogues, mortuaries and funeral chapels.

(5) Recreational and social facilities, such as parks, playfields, and playgrounds.

(6) Town, special districts, county, state and federal facilities, uses and buildings.

(7) Personal services, retailing goods serving only residents of an area in which these uses are located, if part of a residential planned unit development.

(8) B&Bs.

(9) One grazing animal per acre. For each additional one acre, one additional horse, mule, donkey, or pony may also be housed or maintained. No more than 7,500 square feet may be used for grazing and corral open area. Manure storage shall not be maintained within 50 feet from any dwelling or adjoining lot.

(10) Medical, dental offices.

(11) Art studios and galleries.

(12) Clean and safe home business occupations.

(Ord. No. 2006-013, att.(IV-103), 8-14-2006)

Sec. 15-4-240. Lot size.

Lot size requirements in the RL district shall be as follows:

(1) Minimum lot area: 21,300 square feet.

(2) Minimum lot length: 142 feet.

(3) Minimum lot width: 120 feet.

(Ord. No. 2006-013, att.(IV-104), 8-14-2006; Ord. No. 2009-009, § 4, 12-14-2009)

Sec. 15-4-250. Setback requirements.

Setback requirements in the RL district shall be as follows:

(1) Minimum front setback: 20 feet.

(2) Minimum side setback from a street right-of-way: Ten feet.

(3) Minimum side setback from an interior lot line: Ten feet.

(4) Minimum rear setback for principal uses: Ten feet.

(5) Minimum rear setback for accessory uses: Ten feet.

(Ord. No. 2006-013, att.(IV-105), 8-14-2006)

Sec. 15-4-260. Lot coverage.

The total coverage of all buildings in the RL district shall not occupy more than 30 percent of the building lot area. ADUs are included in the density calculations for a building lot.

(Ord. No. 2006-013, att.(IV-106), 8-14-2006)

Sec. 15-4-270. Building height.

The maximum height for all uses in the RL district shall be 30 feet.

(Ord. No. 2006-013, att.(IV-107), 8-14-2006)

DIVISION 4. RESIDENTIAL MEDIUM-DENSITY (RM) DISTRICT

Sec. 15-4-310. Purpose.

The residential medium-density (RM) district is comprised of areas which provide for residential development of single-unit residence dwelling areas in the community, plus certain open spaces areas where similar residential development appears likely to occur. The intent of this district is to allow development that relates to the historic development pattern; to promote compact, well-defined, sustainable neighborhoods that enhance the town's character; to create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles; and to protect sensitive, natural, historic areas and environmental quality.

(Ord. No. 2006-013, att.(IV-151), 8-14-2006)

Sec. 15-4-320. Permitted uses.

Permitted uses in the RM district shall be as follows:

(1) One- and two-unit dwellings.

(2) Accessory dwelling units.

(3) Boardinghouses with no more than five bedrooms.

(4) Accessory buildings and uses.

(5) Manufactured homes.

(Ord. No. 2006-013, att.(IV-152), 8-14-2006)

Sec. 15-4-330. Conditional uses.

Conditional uses in the RM district shall be as follows:

(1) Utility installations, such as electric substations, sewer lift stations, telephone exchanges, gas regulators, and major transmission lines (not including utility offices, repair, storage or production facilities).

(2) Public and private schools, hospitals, rest homes, nursing and convalescent homes and retirement homes.

(3) Children's homes, nurseries and day care centers.

(4) Churches, chapels, temples and synagogues, mortuaries and funeral chapels.

(5) Recreational and social facilities, such as parks, playfields, and playgrounds.

(6) Town, special districts, county, state and federal facilities, uses and buildings.

(7) Personal services, retailing goods serving only residents of an area in which these uses are located, if part of a residential planned unit development.

(8) B&Bs.

(9) Well-located clean and safe home business occupations.

(10) Medical and dental clinics.

(11) Art studios and galleries.

(Ord. No. 2006-013, att.(IV-153), 8-14-2006)

Sec. 15-4-340. Lot size.

Lot size requirements in the RM district shall be as follows:

(1) Minimum lot area: 10,650 square feet.

(2) Minimum lot length: 142 feet.

(3) Minimum lot width: 75 feet.

(Ord. No. 2006-013, att.(IV-154), 8-14-2006)

Sec. 15-4-350. Setback requirements.

Setback requirements in the RM district shall be as follows:

(1) Minimum front setback: 20 feet.

(2) Minimum side setback from a street right-of-way: Ten feet.

(3) Minimum side setback from an interior lot line: Ten feet.

(4) Minimum rear setback for principal uses: Ten feet.

(5) Minimum rear setback for accessory uses: Ten feet.

(Ord. No. 2006-013, att.(IV-155), 8-14-2006)

Sec. 15-4-360. Lot coverage.

The total coverage of all buildings in the RM district (including ADUs) shall not occupy more than 30 percent of the lot area. ADUs are included in the density calculations for a building lot.

(Ord. No. 2006-013, att.(IV-156), 8-14-2006)

Sec. 15-4-370. Building height.

The maximum height for all uses in the RM district shall be 30 feet.

(Ord. No. 2006-013, att.(IV-157), 8-14-2006)

DIVISION 5. RESIDENTIAL HIGH-DENSITY (RH) DISTRICT

Sec. 15-4-410. Purpose.

The residential high-density (RH) district is comprised of areas which are primarily used for or permit residential high-density, multi-unit development.
(Ord. No. 2006-013, att.(IV-201), 8-14-2006)

Sec. 15-4-420. Permitted uses.

Permitted uses in the RH district shall be as follows:

(1) One- and two-single unit residence buildings.

(2) Accessory dwelling units.

(3) Boardinghouses and lodginghouses.

(4) Accessory buildings and uses.

(5) Manufactured homes.

(6) Multi-unit dwellings, of not more than six single-unit residence or clusters of single unit residences.

(Ord. No. 2006-013, att.(IV-202), 8-14-2006)

Sec. 15-4-430. Conditional uses.

Conditional uses in the RH district shall be as follows:

(1) Utility installations, such as electric substations, sewer lift stations, telephone exchanges, gas regulators, and major transmission lines (not including utility offices, repair, storage or production facilities).

(2) Public and private schools, hospitals, rest homes, nursing homes and retirement homes.

(3) Children's homes, nurseries and day care centers.

(4) Churches, chapels, temples and synagogues, mortuaries and funeral chapels.

(5) Recreational and social facilities, such as parks, playfields, and playgrounds.

(6) Town, special districts, county, state and federal facilities, uses and buildings.

(7) Personal services, retailing goods serving only residents of an area in which these uses are located, if part of a residential planned unit development.

(8) Medical and dental clinics.

(9) Compatible commercial uses.

(10) Art studios/galleries.

(11) Well-located, clean and safe home business occupations.

(12) B&Bs.

(Ord. No. 2006-013, att.(IV-203), 8-14-2006)

Sec. 15-4-440. Lot size.

Lot size requirements in the RH district shall be as follows:

(1) Minimum lot area per dwelling unit shall be 7,100 square feet.

(2) Minimum lot length: 142 feet.

(Ord. No. 2006-013, att.(IV-204), 8-14-2006)

Sec. 15-4-450. Setback requirements.

Setback requirements in the RH district shall be as follows:

(1) Minimum front setback: 20 feet.

(2) Minimum side setback from a street right-of-way: Ten feet.

(3) Minimum side setback from an interior lot line, or alley: Five feet, if any side yard is provided. Side yards must be provided unless structures utilize common walls and individual units and the land on which they are located are to be sold, as is commonly the case in townhouse developments.

(4) Minimum rear setback for principal uses: Ten feet.

(5) Minimum rear setback for accessory uses: Five feet.

(Ord. No. 2006-013, att.(IV-205), 8-14-2006)

Sec. 15-4-460. Lot coverage.

The total coverage of all buildings (including ADUs) in the RH district shall not occupy more than 60 percent of the lot area.

(Ord. No. 2006-013, att.(IV-206), 8-14-2006)

Sec. 15-4-470. Building height.

The maximum height for all uses in the RH district shall be 30 feet.

(Ord. No. 2006-013, att.(IV-207), 8-14-2006)

DIVISION 6. MOBILE HOME (MH) DISTRICT

Sec. 15-4-510. Purposes.

The mobile home (MH) district provides for individual mobile home lots and residential development.

(Ord. No. 2006-013, att.(IV-251), 8-14-2006)

Sec. 15-4-520. Permitted uses.

Permitted uses in the MH district shall be as follows:

(1) Manufactured homes.

(2) Mobile homes.

(3) One-unit dwellings and two-unit dwellings.

(4) Accessory buildings and uses.

(Ord. No. 2006-013, att.(IV-252), 8-14-2006)

Sec. 15-4-530. Conditional uses.

Conditional uses in the MH district shall be as follows:

(1) Utility installations, such as electric substations, sewer lift stations, telephone exchanges, gas regulators, and major transmission lines (not including utility offices, repair, and storage or production facilities).

(2) Children's homes, nurseries and day care center.

(3) Recreational and social facilities such as parks, playfields, and playgrounds).

(4) Well-located, clean and safe home occupations.

(5) B&Bs.

(Ord. No. 2006-013, att.(IV-253), 8-14-2006)

Sec. 15-4-540. Lot size.

The lot size requirements in the MH district shall be as follows:

(1) Minimum lot area: 10,650 feet.

(2) Minimum lot width: 75 feet.

(3) Minimum lot length: 142 feet.

(Ord. No. 2006-013, att.(IV-254), 8-14-2006)

Sec. 15-4-550. Setback requirements.

Setback requirements in the MH district shall be as follows:

(1) Minimum front setback: 20 feet.

(2) Minimum side setback from a street right-of-way: Ten feet.

(3) Minimum side setback from an interior lot line or alley: Ten feet.

(4) Minimum rear alley setback for principal uses: Ten feet.

(5) Minimum rear setback or alley for accessory uses: Ten feet.

(Ord. No. 2006-013, att.(IV-255), 8-14-2006)

Sec. 15-4-560. Lot coverage.

The total coverage of all building shall not occupy more than 40 percent of the lot area.
(Ord. No. 2006-013, att.(IV-256), 8-14-2006)

Sec. 15-4-570. Height of buildings.

Maximum height for all uses in the MH district shall be 30 feet.
(Ord. No. 2006-013, att.(IV-257), 8-14-2006)

Sec. 15-4-580. Supplementary provisions.

(a) The crawl space beneath mobile homes shall be enclosed by skirting within 90 days after location on site. The skirting shall be, or shall be equal to, skirting manufactured for that purpose.

(b) All mobile homes shall be installed in accordance with state division of housing standards for installation of manufactured homes and factory-built housing.

(c) A dwelling on a site less than 21,300 square feet must be connected to the municipal sewer system.

(Ord. No. 2006-013, att.(IV-258), 8-14-2006)

DIVISION 7. COMMERCIAL (C) DISTRICT

Sec. 15-4-610. Purpose.

The commercial (C) district is comprised of areas to provide a full range of retail sales and services.
(Ord. No. 2006-013, att.(IV-301), 8-14-2006)

Sec. 15-4-620. Permitted uses.

Permitted uses in the C district shall be as follows:

(1) Medical and dental clinics.

(2) Professional offices.

(3) Financial institutions.

(4) Membership clubs.

(5) Mixed use buildings.

(6) Multi-unit dwellings, boardinghouses and lodginghouses.

(7) Churches, chapels, temples and synagogues.

(8) Hotels and motels, including restaurants and other incidental vocational, business and private schools.

(9) Vocational, business and private schools.

(10) Automobile parking lots and parking garages.

(11) Personal services, including, but not limited to, barbershops and beauty shops, dry cleaning outlets, self-service laundries, shoe repair shops and similar service activities.

(12) Indoor eating and drinking establishments.

(13) Indoor amusement and entertainment establishments.

(14) Indoor retail establishments.

(15) Establishments for a wide variety of commercial uses, including, but not limited to, cleaning and laundry plants, furniture and appliance repair, lumber dealers, building equipment and wholesaling services.

(16) Parks, playfields and playgrounds.

(17) Accessory buildings and uses.

(18) Outdoor sales and repair.

(19) Hospitals.

(20) Automobile, boat, truck or trailer storage, sales, repair and rental.

(21) Drive-in eating restaurants.

(22) Miniature golf courses, outdoor amusement and entertainment establishments.

(23) Retail liquor stores. Drive-through sales prohibited.

(24) Retail marijuana stores (subject to Ordinance No. 2016-002).

(25) One- and two-unit dwellings.

(Ord. No. 2006-013, att.(IV-302), 8-14-2006)

Sec. 15-4-630. Conditional uses.

Conditional uses in the C district shall be as follows:

(1) Manufactured structures.

(2) Utility installations, such as electric substations, sewer lift stations, telephone exchanges, gas regulators, and major transmission lines (not including utility offices, repair, and storage or production facilities).

(3) Small fabrication facilities.

(4) Recycling centers.

(5) Gasoline service stations.

(6) News, radio, television, and microwave transmitting, receiving or relay stations or towers. (Must be at least 300 feet from any dwelling or school.)

(Ord. No. 2006-013, att.(IV-303), 8-14-2006; Ord. No. 2009-009, § 4, 12-14-2009; Ord. No. 2010-007, 11-8-2010)

Sec. 15-4-640. Lot size.

Lot size requirements in the C district shall be as follows:

(1) Minimum lot width: 50 feet.

(2) Minimum lot length: 142 feet.

(3) Minimum lot size: 7,100 square feet.

(4) Minimum lot area per dwelling unit: 7,100 square feet.

(Ord. No. 2006-013, att.(IV-304), 8-14-2006; Ord. No. 2009-009, § 4, 12-14-2009)

Sec. 15-4-650. Setback requirements.

Setback requirements in the C district shall be as follows:

(1) Minimum front setback: Eight feet.

(2) Minimum side setback from a street right-of-way: Eight feet.

(3) Minimum side setback from an interior lot line: Five feet.

(4) Minimum rear setback: 15 feet.

(5) Minimum rear setback for accessory uses: 15 feet.

(Ord. No. 2006-013, att.(IV-305), 8-14-2006)

Sec. 15-4-660. Lot coverage.

The total coverage of all buildings in the C district may occupy 80 percent of the lot area as it conforms with setbacks and parking requirements.
(Ord. No. 2006-013, att.(IV-306), 8-14-2006)

Sec. 15-4-670. Building height.

The maximum height for buildings in the C district shall be 30 feet.
(Ord. No. 2006-013, att.(IV-307), 8-14-2006)

DIVISION 8. COMMUNITY SERVICES AND RECREATIONAL (CSR) DISTRICT

Sec. 15-4-710. Purpose.

The community services/recreational (CSR) district is comprised of areas to provide for the use and service of the community at-large. This district covers operations of benefit to the general community.
(Ord. No. 2006-013, att.(IV-351), 8-14-2006; Ord. No. 2009-009, § 4, 12-14-2009)

Sec. 15-4-720. Permitted uses.

Permitted uses in the CSR district shall be as follows:

(1) Youth and adult public and private educational facilities.

(2) Specialized training facilities.

(3) Local government offices.

(4) Conference centers.

(5) Libraries.

(6) Fire departments.

(7) Police stations.

(8) Courthouses.

(9) Postal centers.

(10) Nonprofit service organizations.

(11) Nursery and day care centers.

(12) Recreational centers.

(13) Parks, playfields and playgrounds.

(14) Miniature golf courses, outdoor amusement and entertainment establishments.

(15) Tennis clubs.

(16) Swimming facilities.

(17) Animal shelters.

(18) Greenhouses and gardens.

(19) Churches, chapels, temples and synagogues.

(Ord. No. 2006-013, att.(IV-352), 8-14-2006; Ord. No. 2009-009, § 4, 12-14-2009)

Sec. 15-4-730. Conditional uses.

Conditional uses in the CSR district shall be as follows:

(1) Utility installations, such as electric substations, sewer lift stations, telephone exchanges, gas regulators, and major transmission lines (not including utility offices, repair, storage or production facilities) not to exceed 40 feet.

(2) Recycle centers/community Freebox.

(Ord. No. 2006-013, att.(IV-353), 8-14-2006; Ord. No. 2009-009, § 4, 12-14-2009)

Sec. 15-4-740. Lot size and setback requirements.

The planning commission shall review all CSR district building permit applications and make recommendations to the town board of trustees that include lot sizes and setbacks.
(Ord. No. 2006-013, att.(IV-354), 8-14-2006; Ord. No. 2009-009, § 4, 12-14-2009)

Sec. 15-4-750. Building height.

The maximum height for buildings in the CSR district shall be 30 feet.
(Ord. No. 2006-013, att.(IV-355), 8-14-2006; Ord. No. 2009-009, § 4, 12-14-2009)

ARTICLE 5. SUPPLEMENTARY REGULATIONS

Sec. 15-5-10. District boundaries.

Wherever possible, district boundaries shall be the centerlines of streets, alleys, railroad rights-of-way or such lines extended.
(Ord. No. 2006-013, att.(V-1), 8-14-2006)

Sec. 15-5-20. Permitted uses and conditional uses in same building.

Permitted uses and conditional uses may be located in the same building.
(Ord. No. 2006-013, att.(V-2), 8-14-2006)

Sec. 15-5-30. Accessory use provisions.

Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this chapter, and shall also comply with the following limitation: Accessory buildings shall be set back from the side street a distance not less than that required for the principal building.
(Ord. No. 2006-013, att.(V-3), 8-14-2006)

Sec. 15-5-40. Temporary uses permitted.

The following uses of land are permitted in each zoning district, unless restricted to particular zoning districts, subject to the specific regulations and time limits, which follow, and to the other applicable regulations of the district in which the use is permitted:

(1) Christmas tree sales in any district, for a period not to exceed 60 days; display of Christmas trees need not comply with the yard and setback requirements of this chapter, provided that no tree shall be displayed within 30 feet of the intersection of the right-of-way line of any two streets.

(2) Contractors' office quarters and equipment sheds accessory to a construction project, to continue only during the duration of the project.

(3) Real estate offices incidental to a new housing development to continue only until the sale or lease of all lots on the development, but not exceeding one year and subject to renewal under the discretion of the town board of trustees.

(Ord. No. 2006-013, att.(V-4), 8-14-2006)

Sec. 15-5-50. Mandatory sewer connection and approved water connection.

(a) Any structure constructed or designed as a dwelling or dwelling unit in all districts shall be required to include plumbing facilities and must connect to the town sewer system wherein such structure lies within the sewer service area (as described in the town sewer service ordinance, Ordinance No. 2018-06), regardless of whether such structure lies upon a lot or lots totaling less than 21,000 square feet or whether a conditional use or variance has been granted for said structure.

(b) Where the town sewer system is not available, a permitted or other state approved system

must be obtained for all dwelling units and a septic system, or other approved system, shall be installed upon approval of the application. In addition, such structure shall have a water connection in accordance with the state plumbing code and an adequate supply of potable water, as approved by the town prior to occupancy, as set forth in Ordinance No. 2018-01.

(Ord. No. 2006-013, att.(V-5), 8-14-2006)

Sec. 15-5-60. Installation of culverts.

If during site inspection for a building permit the public works coordinator determines that a culvert is needed to channel water through a drainage way where private property abuts town property, the public works coordinator will determine the size of the culvert needed, and the property owner is responsible for purchasing and installing the culvert.

Sec. 15-5-70. Maintenance of minimum requirements.

No lot area setback, or other open space, or required off-street parking or loading area existing on or after the effective date of the ordinance from which this chapter is derived shall be reduced in area, dimension, or size below the minimum required by this chapter. Any off-street parking or loading area which is required by this chapter for one use may be used as the off-street parking or loading area requirement for another use.

(Ord. No. 2006-013, att.(V-6), 8-14-2006)

Sec. 15-5-80. Exceptions—Setback requirements.

The following exceptions to the front setback requirements for a dwelling is authorized for a lot in any district:

(1) If there are dwellings on both abutting lots with front setbacks of less than the required depth for the district, the front setback for the lot need not exceed the average front setback of the abutting dwellings.

(2) If there is a dwelling on one abutting lot with a front setback of less than the required depth for the district, the front setback for the lot need not exceed a depth one-halfway between the depth of the abutting lot and the required front setback depth.

(Ord. No. 2006-013, att.(V-8), 8-14-2006)

Sec. 15-5-90. Exceptions—Building height limitations.

The following types of structures or structural parts are not subject to the building height limitations of this chapter: chimneys, storage tanks, water towers, church spires, belfries, domes, public monuments, fire and hose towers, observation towers, transmission towers, utility poles, flagpoles, radio and television towers, masts, aerials, cooling towers, elevator shafts, grain elevators, ranch and farm accessory uses, silos, outdoor movie screens and other similar projections.

(Ord. No. 2006-013, att.(V-9), 8-14-2006)

Sec. 15-5-100. Projections from buildings.

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may project not more than three feet into a required setback or into required open space as established by coverage standards.

(Ord. No. 2006-013, att.(V-10), 8-14-2006)

Sec. 15-5-110. Vision clearance.

(a) The vision clearance area shall contain no opaque plantings, walls, structures or tempo-

rary or permanent obstructions between 2½ feet and eight feet in height, except for trees or signs where no foliage or sign itself exists between 2½ feet and eight feet. The height shall be measured from the top of the curb or existing grade.

(b) Vision clearance areas at street corners shall be triangular, with 15 feet of each street from the corner being the sides of the triangle and the hypotenuse of the triangle connecting the ends of the sides furthest from the corners. At alleys the sides of the vision clearance triangle shall be formed from the street and the alley and shall each be ten feet long.

(Ord. No. 2006-013, att.(V-11), 8-14-2006)

Sec. 15-5-120. Screening.

Screening may be required for all exterior business activity areas, including, but not limited to, parking areas, service areas and outdoor storage areas, by means of plant materials, earth mounding, architectural screens or locating so as to provide visual and aural separation between these elements and adjacent residential property whether existing or proposed.

(Ord. No. 2006-013, att.(V-12), 8-14-2006)

Sec. 15-5-130. Home business occupation.

A home business occupation shall be an accessory use by a bona fide resident of the dwelling that is clearly secondary and incidental to the residential use of the dwelling unit. Home business occupations shall be allowed as provided for and shall be governed by the following regulations:

(1) A home business occupation must be clearly secondary to the use of the building and shall not occupy more than 50 percent of the total floor area of the main building and shall not occupy more than 25 percent of total lot area.

(2) A home business occupation shall be operated entirely from an enclosed structure and all exterior storage of materials and equipment shall be adequately screened.

(3) The residential character shall be maintained.

(4) The operation shall not generate objectionable traffic, substantially increase traffic or result in increased on-street parking in the area.

(5) The operation shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

(6) Signage may not exceed two square feet and may not be illuminated except when it is identifying a home business occupation of an emergency service nature.

(Ord. No. 2006-013, att.(V-13), 8-14-2006)

Sec. 15-5-140. Renting of rooms.

No more than six unrelated adults may live in the same single unit residence.

(Ord. No. 2006-013, att.(V-14), 8-14-2006)

Sec. 15-5-150. Adult-oriented businesses.

(a) *Restricted locations.*

(1) It shall be unlawful to operate or cause to be operated an adult-oriented business in any location other than the commercial zone (C). An adult-oriented business shall be deemed to be a conditional use.

(2) It shall be unlawful to operate or cause to be operated an adult-oriented business within 750 feet of a church, school, child care or day care home or facility, dormitory, health services center or hospital, public park, or residential property. For the purposes of this subsection, the distance between an adult-oriented business and church, school, child care or day care home or facility, dormitory, health services center or hospital, public park, or residential property shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure in which the adult-oriented business is conducted to the nearest property line of the premises in which a church, school, child care or day care home or facility, dormitory, health services center or hospital, public park, or residentially zoned property is located.

(3) It shall be unlawful to operate or cause to be operated an adult-oriented business within 750 feet of another adult-oriented business. The distance between any two such businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structures in which the adult-oriented businesses are located.

(4) It shall be unlawful to operate or cause to be operated more than one adult-oriented business in the same facility or portion thereof.

(b) *Restricted hours of operation.*

(1) It shall be unlawful for an adult-oriented business to be open for business, or for a licensee to allow patrons on the premises, from 2:00 a.m. to 12:00 noon of any day.

(2) Subsection (b)(1) of this section shall not apply to private rooms within an adult-oriented motel or hotel.

(c) *Minimum age limitations.* All minors, being persons under 18 years of age, shall be prohibited admission to an adult-oriented business; provided, however, that this prohibition shall not apply to the non-adult-oriented business portion of a business's premises, if the interior of the adult-oriented business portion of the premises is not visible from the non-adult-oriented business portion of the premises, and access is restricted and regulated so as to bar entrance by minors. It shall be unlawful for either a licensee or minor to violate this provision.

(Ord. No. 2006-013, att.(V-15), 8-14-2006)

Sec. 15-5-160. Accessory dwelling units (ADUs).

(a) Purpose and density. ADUs are especially created to increase residential districts and are not allowed as short-term rentals. Not more than one ADU may be located on the same buildable parcel as the primary dwelling unit.

(b) A building permit must be secured prior to the construction and installation of the ADU in compliance with the requirements of section 15-2-60.

(c) All setbacks as required by the zoning regulations for the primary dwelling apply to the ADU.

(d) The provisions of the lot coverage area of all buildings in the residentially zoned district lot shall include the ADU and all other buildings.

(e) Utility connections for ADUs. ADUs are permitted only on lots connected to water and sewer or on lots with wells, and septic systems approved by the town. All Colorado state plumbing and electrical requirements, permits and extensions must be met, as well as requirements of chapter 7, relating to utilities and water and sewer taps and other requirements; provided, however, the ADU may be connected to the same taps as the principal dwelling unit; and the water connection shall contain a cross-connection control device.

(f) The ADU shall be installed on a permanent foundation in the same manner as the principal dwelling.

(g) The ADU may be attached or detached from the principal dwelling unit.

(h) The size of the ADU shall be no more than 600 square feet total living area, and have not more than two bedrooms and must have a kitchen area and bathroom.

(i) If the ADU is attached to the principal dwelling unit it shall have a separate entrance.

(j) The ADU shall be entitled to use a different number than the principal dwelling unit as its address and assigned by the town clerk for "911" and mail delivery purposes.

(k) If the primary dwelling unit is served by a private well, the ADU must file documented approval by the state division of water resources.

(l) There shall be no on-street parking for the ADU. There shall be one dedicated off-street parking space for each bedroom located in the ADU.

(m) ADUs shall only be allowed in RR, RL, RM, RH, and MH districts.

(n) ADU approvals shall require a complete improvement location certificate to be furnished by the applicant.

(o) Pets. There shall not be more than a combination of four dogs/cats on the entire parcel including the primary dwelling and the ADU.

(Ord. No. 2018-001, 1-7-2018)

ARTICLE 6. CONDITIONAL USES

Sec. 15-6-10. Purposes.

Although each zone district is primarily intended for a predominant type of use, such as dwellings in residential districts, there are a number of uses which may or may not be appropriate in a particular district, depending upon, for example, the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effect. These factors may dictate that the circumstances of development should be individually reviewed. It is the purpose of this article to provide review of such uses so that the community is assured that they are compatible with their locations and surrounding land uses and will further the purposes of this article.

(Ord. No. 2006-013, att.(VI-1), 8-14-2006)

Sec. 15-6-20. Application, information.

(a) An application for approval of a conditional use may be filed by a person having an interest in the property for which the conditional use is requested and shall be made on a form provided by the town.

(b) The application must include:

(1) A nonrefundable processing fee in an amount which is on file in the office of the town clerk which shall be submitted with the application.

(2) A complete site plan showing the major details of the proposed development consisting of the following: location of buildings and structures, off-street parking areas, off-street loading areas, service and refuse areas, means of ingress and egress, amount of traffic generated, amount and location of fill, major landscaping or screening proposals, signs, pedestrian areas, and pertinent dimensions and any areas to be used for large animals.

(3) A time schedule for development and completion.

(4) Such other information as the planning commission requires.

(5) Any other information the applicant believes will support his application.

(Ord. No. 2006-013, att.(VI-2), 8-14-2006)

Sec. 15-6-30. Notice.

Written notice that a conditional use application has been filed and that it may be reviewed during regular office hours of the town hall will be sent to owners of property within 500 feet of the property in question. If the planning commission decides to hold a public meeting, such owners will also be sent written notice of the date, time and place of the public meeting.

(Ord. No. 2006-013, att.(VI-3), 8-14-2006)

Sec. 15-6-40. Public meeting; recommendation.

(a) Within 30 days after the planning commission receives a completed application, the planning commission may, at its discretion, hold a public meeting to consider the application.

(b) The planning commission shall, within 30 days of the public meeting, unless a longer time is necessary for consideration of the application for reasons specifically stated by the planning commission, either recommend approval of the application, in whole or in part, with or without modifications and conditions, or recommend disapproval of the of the application to the town board of trustees.

(c) The recommendation of the planning commission shall be transmitted to the town board of trustees and to the applicant.

(Ord. No. 2006-013, att.(VI-4), 8-14-2006)

Sec. 15-6-50. Public hearing.

(a) The town board may, at its discretion, hold a public hearing on any proposed conditional use after receiving the written report of recommendations from the planning commission.

(b) A notice of the hearing shall be published in a newspaper of general circulation within the town at least 15 days prior to the hearing date.

(c) A written notice of the hearing will be sent by first-class mail, at least 15 days prior to the hearing date, to property owners within 500 feet of the property in question, as such ownership is available in the town clerk's office.

(d) The town board of trustees shall either approve the application, in whole or in part, with or without modifications and conditions, or disapprove the application. The de-

cision of the town board of trustees shall be transmitted to the planning commission and to the applicant.

(Ord. No. 2006-013, att.(VI-5), 8-14-2006)

Sec. 15-6-60. Site plans.

All approved site plans for conditional uses, including modifications and conditions, shall be certified by the town board and made a permanent part of the zoning map by reference.

(Ord. No. 2006-013, att.(VI-6), 8-14-2006)

Sec. 15-6-70. Review of decision, right to appeal.

(a) Any person applying to the courts for a review of any decision made under the terms of this article shall apply for review within 30 days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings.

(b) The application for review shall be in the nature of certiorari under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(c) The town shall be entitled to appeal any decision of the district court under Rule 106 proceedings.

(Ord. No. 2006-013, att.(VI-7), 8-14-2006)

Sec. 15-6-80. Application—Approval criteria.

No conditional use application shall be approved unless it is found that the application:

(1) Complies with all requirements imposed by this article and with all applicable written rules.

(2) Is consistent with the objectives and purposes of section 15-6-10.

(3) Is designed to be compatible with surrounding land uses and the area of its location.

(Ord. No. 2006-013, att.(VI-8), 8-14-2006)

Sec. 15-6-90. Application—Imposed modifications and conditions.

In considering an application for a conditional use, the planning commission and town board shall consider and may impose modifications or conditions concerning, by way of illustration and not limitation, the following development features, to the extent that such modifications or conditions are necessary to ensure compliance with the criteria of section 15-6-10:

(1) Size and location of site.

(2) Internal traffic circulation and access to adjoining public streets.

(3) Location and amount of off-street parking.

(4) Fencing, screening and landscaped separations including open space.

(5) Building bulk and location.

(6) Signs and lighting.

(7) Noise, vibration, air pollution and other environmental influences.

(Ord. No. 2006-013, att.(VI-9), 8-14-2006)

Sec. 15-6-100. Modification after approval.

No approved conditional use may be substantially modified, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to initial approval of a conditional use.

(Ord. No. 2006-013, att.(VI-10), 8-14-2006)

Sec. 15-6-110. Preexisting.

Any approved conditional use which existed prior to the effective date of the ordinance from which this article is derived shall continue to be an approved conditional use, unless modified as noted in section 15-6-100.
(Ord. No. 2006-013, att.(VI-11), 8-14-2006)

Sec. 15-6-120. Termination.

Any approved conditional use will automatically terminate unless completed in accordance with the approved applicant timetable.
(Ord. No. 2006-013, att.(VI-12), 8-14-2006)

Sec. 15-6-130. Extension.

The applicant may submit an application for an extension of time, along with an extension fee in an amount which is on file in the town clerk's office.
(Ord. No. 2006-013, att.(VI-13), 8-14-2006)

ARTICLE 7. BOARD OF ADJUSTMENT

Sec. 15-7-10. Appeals generally.

The BOA shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the enforcement of any ordinance adopted pursuant to C.R.S. Title 31, Article 23 (C.R.S. § 31-23-101 et seq.), and shall hear and decide all matters referred to it upon which it is required to pass. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinance, the BOA has the power, in passing upon appeals, to vary or modify the application of the regulations or provisions of such ordinance relating to the construction, or alteration of buildings or structures, so that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.

Sec. 15-7-20. Powers.

The board of adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, decision or refusal made by an administrative official or agency based on or made in the enforcement of this chapter. The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.

(2) To grant or deny variances from the provisions of this chapter when the strict application of the regulations codified in this chapter would result in peculiar and exceptional and undue hardship upon the owner of the property. The board may authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, provided relief may be granted without substantially impairing the intent and purpose of this chapter. In granting any variance, the board of adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter. In granting or denying variances the board shall consider the following criteria and standards:

a. Whether there are unique physical circumstances or conditions, such

as exceptional irregularity, narrowness or shallowness of a piece of property at the time of codification of the ordinance from which this chapter is derived, or whether there are exceptional topographic or other physical conditions or other extraordinary and exceptional situations or conditions peculiar to the affected property.

b. Whether the unusual circumstances or conditions exist throughout the neighborhood or district in which the property is located.

c. Whether the hardship has been created by the applicant.

d. Whether the grant of the requested variance will cause a significant hazard, annoyance or inconvenience to the owners or occupants of nearby property, significantly change the character of the neighborhood or reduce the value of nearby property, impose any significant cost burden upon the town or create any significant obstacle to implementation of the zoning plan evidenced by this chapter or by any master plan of the town.

e. Whether the variance, if granted, will alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use or development of adjacent property.

(3) To hear and decide such other special questions not inconsistent with this chapter, upon which the board is authorized by resolution of the town.

(4) To hear and decide whether a specific use is expressly permitted in a use group as specified in article 4, division 2 of this chapter.

(5) To decide questions concerning the interpretation of this chapter where any ambiguity or conflict exists or concerning the application of this chapter to specific property where any ambiguity might exist.

(Ord. No. 2006-002, 2-13-2006; Ord. No. 2006-013, att.(VII-10), 8-14-2006)

Sec. 15-7-30. Application procedures.

The application for a variance shall be made on such a form as provided by the town. The application shall be submitted to the town clerk, who shall be responsible for ensuring that a complete application has been submitted.

Sec. 15-7-40. Hearing, notice.

(a) The BOA shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney. The BOA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end has all the powers of the officer from whom the appeal is taken.

(b) Within 30 days after the town clerk receives a completed application, the board of adjustments shall hold a public hearing to consider the application.

(c) Published notice. At least 15 days prior to any public hearing which requires published notice, the town clerk shall cause to be published a notice of public hearing in the legal section of a newspaper of general circulation within the town. The notice shall specify the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel under consideration, by both address and legal description.

(d) Posted notice.

(1) At least 21 days prior to any public hearing which requires posted notice, the town clerk shall cause to be prepared, and the applicant shall post a sign (one per street frontage) upon the parcel under consideration which provides notice of the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel by both address and legal description. The signs shall consist of at least one sign facing each adjacent public right-of-way. The fact that a parcel was not continuously posted the full period may not, at the sole discretion of the hearing authority, constitute grounds for continuance where the applicant can show that a good faith effort to meet this posting requirement was made.

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(2) The sign shall be at least three feet by four feet in size, of a durable material, such as plywood, metal or particle board, with each letter being at least two inches in height and being waterproof so as not to smear. The following information shall be placed on the sign:

NOTICE OF PUBLIC HEARING

(Crestone board of adjustment or other hearing authority, such as the town board of trustees or the planning commission)

PROPERTY OWNER: _____
ADDRESS: _____
_____
LEGAL DESCRIPTION: _____
ACTION (E.G., VARIANCE, ZONE CHANGE, CONDITIONAL USE, ETC.)

REQUEST: _____
_____

HEARING TO BE HELD: (date and time)

_____
CRESTONE TOWN HALL
CRESTONE, COLORADO

(e) Mailed notice. At least 20 days prior to any public hearing which requires notification by letter, the town shall cause to be sent, by first-class mail, postage prepaid, with a certificate of mailing, a letter to:

(1) All property owners within 300 feet; and

(2) Owners of property included within the application.

(f) The letter shall include a vicinity map, a short narrative describing the application and an announcement of the date, time and location of the scheduled hearing. The letter shall specify the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel under consideration by address or approximate address. Failure of a property owner to receive a mailed notice will not necessitate the delay of a hearing and shall not be regarded as constituting inadequate notice.

(g) Either the applicant or his representative must be present at the public hearing to present the application. Non-appearance may justify the denial of the application.

(Ord. No. 2006-013, att.(VII-13), 8-14-2006)

Sec. 15-7-50. Appeals—Time limit.

(a) Appeals to the board of adjustment may be taken by any person aggrieved by any administrative decision based upon or made in the course of the administration or enforcement of the provisions of this chapter. Appeals to the board of adjustment may also be taken by any officer, department, board or bureau of the town or the town officer or agency based on or made in the course of the administration or enforcement of the provisions of this chapter.

(b) The time within which such an appeal must be made, and the form or other procedure relating thereto, shall be as specified in the rules of procedure adopted by the board of adjustment, and in the absence of specific rules, the time period shall be 30 days.

(Ord. No. 2006-002, 2-13-2006; Ord. No. 2006-013, att.(VII-11), 8-14-2006)

Sec. 15-7-60. Appeals—Effect on proceedings.

An appeal stays all proceedings and furtherance of the action appealed from, unless the officer from whom the appeal was taken certifies to the board of adjustment after the notice of appeal which was filed with him that, by reason of fact stated in the certificate, the stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, other than by restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal was taken and on due cause shown.

(Ord. No. 2006-002, 2-13-2006; Ord. No. 2006-013, att.(VII-12), 8-14-2006)

Sec. 15-7-70. Vote to revoke official order.

The concurring vote of four members of the board of adjustment shall be necessary to revoke any order, requirement decision or determination of any administrative official charged with the enforcement of this chapter or to decide in favor of the applicant any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.

(Ord. No. 2006-002, 2-13-2006; Ord. No. 2006-013, att.(VII-6), 8-14-2006)

Sec. 15-7-80. Decisions.

The board shall render written decisions accompanied by findings of fact and conclusions based thereon.

Sec. 15-7-90. Oaths, witnesses.

The chairperson of the board of adjustment or, in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses by subpoena.
(Ord. No. 2006-013, att.(VII-8), 8-14-2006)

Sec. 15-7-100. Records.

The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each decision, or, if absent or failing to vote, indicating such fact, all of which shall be a public record and immediately filed in the office of the town clerk.
(Ord. No. 2006-013, att.(VII-9), 8-14-2006)

Sec. 15-7-110. Court review.

(a) Any person applying to the courts for a review of any decision made under the terms of this article shall apply for review within 30 days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings.

(b) The application for review shall be in the nature of certiorari under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(c) The town or board of adjustment shall be entitled to appeal any decision of the district court under Rule 106 proceedings.

(Ord. No. 2006-013, att.(VII-14), 8-14-2006)

ARTICLE 8. NONCONFORMING USES, SIGNS, ETC.

Sec. 15-8-10. Continuation.

Subject to the provisions of this article, a nonconforming structure or use may be continued and maintained in reasonable repair and may be altered or extended if a conditional use is applied for and approved. The extension of a nonconforming use to a portion of a structure which is under construction for the nonconforming use at the time of adoption of the ordinance from which this article is derived is not an extension of a nonconforming use.
(Ord. No. 2006-013, att.(VIII-1), 8-14-2006)

Sec. 15-8-20. Alteration.

A structure conforming as to use but nonconforming as to height, setback or coverage may be altered or extended, providing the alteration or extension does not result in a violation of this chapter.
(Ord. No. 2006-013, att.(VIII-2), 8-14-2006)

Sec. 15-8-30. Discontinuance.

(a) If a nonconforming use involving a structure is discontinued from use for a period of one year, a notice of abandonment of use shall be sent to the owner, and if after a second year the use is not continued, then further use of the property shall be for a conforming use.

(b) If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use.

(Ord. No. 2006-013, att.(VIII-3), 8-14-2006)

Sec. 15-8-40. Change.

If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the district and, after change, it shall not be changed back again to a nonconforming use.
(Ord. No. 2006-013, att.(VIII-4), 8-14-2006)

Sec. 15-8-50. Destruction; restoration.

(a) If a nonconforming structure or a structure containing a nonconforming use is destroyed by fire, flood, wind, explosion or act of God to an extent exceeding 50 percent of its appraised value for tax purposes, exclusive of its foundations, the structure may not be rebuilt.

(b) If destruction is determined to be less than 50 percent, restoration must be started within 12 months of the calamity and completed within 24 months of initiating restoration.

(Ord. No. 2006-013, att.(VIII-5), 8-14-2006)

Sec. 15-8-60. Completion of work.

Nothing contained in this article shall require any change in the plans, construction, alteration, or designated use of a building for which a building permit has been issued and construction work has commenced prior to the adoption of the ordinance from which this article is derived, except that if the designated use will be nonconforming, it shall, for the purposes of section 15-8-30, be a discontinued use if not in operation within two years of the date of the issuance of the building permit.

(Ord. No. 2006-013, att.(VIII-6), 8-14-2006)

Sec. 15-8-70. Screening.

A use which is nonconforming with respect to provision for screening shall provide screening within a period of three years from the date of adoption of the ordinance from which this article is derived.

(Ord. No. 2006-013, att.(VIII-7), 8-14-2006)

Sec. 15-8-80. District changes.

Whenever the boundaries of a district are changed so as to transfer an area from one district to another district of a different classification, this article shall also apply to any nonconforming uses existing therein.

(Ord. No. 2006-013, att.(VIII-8), 8-14-2006)

ARTICLE 9. PLANNED UNIT DEVELOPMENT

Sec. 15-9-10. Purpose.

In accordance with C.R.S. §§ 31-23-101 et seq., and 24-67-101 et seq., and in order that the public health, safety, morals, integrity and general welfare may be furthered in an era of increasing urbanization and growing demand for housing of all types and design, this article is designed to implement the following purposes:

(1) Provide for necessary commercial, recreational, and educational facilities conveniently located to such housing.

(2) Ensure that the provisions of the zoning laws which direct the uniform treatment of dwelling type, bulk, density and open space within each zoning district will not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of the zoning laws.

(3) Encourage innovation in residential and commercial development and renewal so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to the buildings.

(4) Encourage a more efficient use of land and of public services in lieu thereof, and to reflect changes in the technology

of land development so that resulting economies may inure to the benefit of those who need homes.

(5) Lessen the burden of traffic of streets and highways.

(6) Conserve the value of the land.

(7) Provide a procedure which can relate the type, design and layout of residential and commercial development to the particular site, thereby encouraging the preservation of the site's natural characteristics.

(8) Encourage integrated planning in order to achieve the purposes designated in this section.

(Ord. No. 2006-013, att.(IX-1), 8-14-2006)

Sec. 15-9-20. Scope.

(a) Application for a planned unit development may be made for land located in any zoning district.

(b) The yard and bulk requirements stated in article 5 of this chapter shall not apply to planned unit developments, except minimum lot area will be utilized in determining density as provided for in section 15-9-40. In specific cases, the off-street parking requirements stated in article 10 of this chapter may be reduced. These requirements shall be controlled by the criteria and standards of this article and as shown on the approved planned development plan.

(Ord. No. 2006-013, att.(IX-2), 8-14-2006)

Sec. 15-9-30. Types designated.

(a) The following types of planned unit developments may be established by overlaying a PUD development plan over the applicable existing zoning district. The overlays are as follows:

(1) Planned residential development over zones RR, RL, RM, RH and MH.

(2) Planned commercial development over zone C.

(b) A zoning change is not required; however, the area included in each approved planned unit development shall be indicated on the zoning map.

(Ord. No. 2006-013, att.(IX-3), 8-14-2006)

Sec. 15-9-40. Planned unit development—Residential (PUDR).

It is the intent of this article that any residential property may be developed as PUDR (Planned Unit Development—Residential). Within a PUDR, the following uses and densities will be permitted subject to the approval of the town board of trustees:

(1) Uses permitted by right or permitted by conditional in the underlying residential district.

(2) Commercial uses, subject to the following requirements:

a. The centers, including parking, shall be included as an integral part of the PUDR and shall not occupy more than 16.67 percent of the total area of the PUDR, if not less than 16.67 percent of the total square footage of housing is dedicated to low income housing, which is defined as 80 percent of the median income of the town residents.

b. Commercial uses in any one development stage shall not be open to use prior to the completion of 50 percent of the dwelling units in that stage.

(3) The total number of units permitted in a PUDR shall be determined by dividing the gross residential acreage (the total acreage less land to be dedicated for public use, including streets, parks, schools and greenbelts) by the minimum lot area per dwelling unit requirements of the underlying district as stated in article 5 of this chapter, or as approved by the town board, as provided for in section 15-9-60. If the amount of land to be dedicated exceeds the requirements stipulated in the town subdivision regulations, the amount of land in excess shall be included in gross residential acreage.

(Ord. No. 2006-013, att.(IX-4), 8-14-2006)

Sec. 15-9-50. Planned unit development—Commercial (PUDC).

The PUDC (Planned Unit Development—Commercial) is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional and commercial uses and to provide areas large enough to establish harmonious relationships between structures, people and the automobiles through the use of well-planned parking, access, pedestrian walkways, courtyards, malls and open spaces. Any commercial zoned area may be developed as a PUDC. Uses permitted by right or by special use review in the underlying zoning district are permitted in the PUDC.

(1) Except as stated in section 15-9-20, all requirements applicable to the C district are applicable to the commercial center in the PUDC.

(2) The commercial centers shall be limited to categories reasonably necessary to efficiently serve residents of the planned unit development in which it is located.

(Ord. No. 2006-013, att.(IX-5), 8-14-2006)

Sec. 15-9-60. Standards.

The following provisions apply to all planned unit developments:

(1) The number of off-street parking spaces in each planned unit development must not be less than the requirements as stated in article 10 of this chapter, except that the town board of trustees may increase or decrease the required number of off-street parking spaces in consideration of the following factors:

a. Probable number of cars owned by occupants of dwellings in the planned unit development.

b. Parking needs of any non-dwelling uses.

c. Varying time periods of use, and whatever joint use of common parking areas is proposed.

d. Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the town board of trustees shall obtain assurance that the nature of the occupancy will not change.

(2) The minimum lot area per dwelling unit requirements, as stated in article 5 of this chapter, applies to the planned unit development, except that the town board of trustees may reduce the requirements up to 25 percent if common and/or dedicated open space exceeds the public sites and dedication requirements of the town subdivision regulations, or if exceptional amenities and/or other improvements warrant an increase in density and the reduction would not be detrimental to the character of the planned unit development or surrounding area.

(3) All other requirements applicable to the underlying zoning district shall apply.

(4) The town board of trustees must be satisfied that the final development plan has met with each of the following criteria or can demonstrate that one or more of them is not applicable and that a practical solution consistent with public interest has been achieved for each of these elements:

a. There is an appropriate relationship to the surrounding area.

b. Circulation in terms of internal street circulation system is designed for the type of traffic generated, safety, separation from living areas, convenience, access, and noise and exhaust control. Proper circulation in parking areas in terms of safety, convenience, separation and screening.

c. Consideration for low- and moderate-income housing.

d. Functional open space in terms of optimum preservation of natural features, including trees and drainage areas, recreation, views, density relief and convenience of function.

e. Variety in terms of housing types, densities, facilities and open space.

f. Privacy in terms of needs of individuals, families and neighbors.

g. Pedestrian and bicycle traffic in terms of safety, separation, convenience, access points of destination and attractiveness.

h. Building types in terms of appropriateness to density, site relationship and bulk.

i. Building design in terms of orientation, spacing, materials, color and texture, storage, signs and lighting.

j. Landscaping of total site in terms of purpose, such as screening, ornamental types used and materials used, if any, maintenance, suitability and effect on the neighborhood.

(5) It is the intent of this article that subdivision review under the town subdivision regulations can be carried out contemporaneously with the review of a planned unit development under this article.

(6) The requirements of both this article and those of the town subdivision regulations apply to all planned unit developments. All actions of the town board of trustees pertaining to planned unit

developments shall be based upon a recommendation by the town planning commission.

(Ord. No. 2006-013, att.(IX-6), 8-14-2006)

Sec. 15-9-70. Pre-application conference.

A pre-application conference shall be held with the planning commission in order for the applicant to become acquainted with the planned unit development procedures and related town requirements and to obtain copies of any guidelines or ordinance interpretations.

(Ord. No. 2006-013, att.(IX-7), 8-14-2006)

Sec. 15-9-80. Application—Submission.

(a) An applicant shall make application for the approval of the planned unit development to the planning commission. The applicant shall accompany his application with a preliminary development plan as specified in this section.

(b) The preliminary development plan must include both a preliminary development plan map and a written statement.

(c) The preliminary development plan map must contain the following information:

(1) The existing topographic character of the land at a contour interval of two feet. Spot elevations may be required if land is too flat for contours.

(2) Proposed land uses and their respective acreage.

(3) The type and character of proposed development and, if applicable, the proposed number of dwelling units per gross residential acre.

(4) The location of proposed streets.

(5) The location and size of proposed public and semipublic uses, both dedicated and other.

(6) The 100-year floodplain and floodway, if applicable.

(7) The location of existing utility facilities and recorded easements.

(d) The written statement to accompany the preliminary development plan map must contain the following information:

(1) An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.

(2) A statement of the present ownership and legal description of all the land included within the planned unit development.

(3) A general indication of the expected schedule of development.

(e) The applicant may submit any other information or exhibits he deems pertinent in evaluation of the proposed planned unit development. The planning commission may request additional information which it deems necessary for adequate review and evaluation.

(f) Accompanying the application will be a nonrefundable filing fee in the amount which is on file in the office of the town clerk. The fee satisfies the requirements of the town subdivision regulations.

(Ord. No. 2006-013, att.(IX-8), 8-14-2006)

Sec. 15-9-90. Application—Review, recommendation.

(a) The planning commission shall, within 60 days of receipt of the application, unless a

longer time is necessary for consideration of the application for reasons specifically stated by the planning commission, recommend either approval, approval with modifications and conditions, or disapproval of the application to the town board.

(b) The recommendation of the planning commission shall be transmitted to the town board of trustees and to the applicant.

(Ord. No. 2006-013, att.(IX-9), 8-14-2006)

Sec. 15-9-100. Application—Public hearing.

(a) The town board shall hold a public hearing on all planned unit development applications after receiving the written report of recommendations from the planning commission.

(b) A notice of the hearing shall be published in a newspaper of general circulation within the town at least 15 days prior to the hearing date.

(c) A written notice of the hearing shall be sent by certified mail, at least 15 days prior to the hearing date, to property owners within 300 feet of the property in question, as such ownership is available in the town clerk's office.

(d) The town board of trustees shall, within 60 days of the public hearing, approve, approve with modifications or disapprove the application. The decision of the town board of trustees shall be transmitted to the planning commission and to the applicant.

(Ord. No. 2006-013, att.(IX-10), 8-14-2006)

Sec. 15-9-110. Application—Approval; building permit issuance.

(a) Approval of the application shall constitute approval of the preliminary development plan and shall be valid for one year.

(b) A one-year extension of approval time may be applied for in writing to the planning commission.

(c) All or any portion of an approved preliminary development plan may be submitted for final development plan purposes.

(d) In the case of partial submission, the approval of the remaining portion of the preliminary development plan shall automatically gain an extension of one year before another phase of the plan must be submitted in final form.

(e) No building permits may be issued on land within the planned unit development until the final development plan for subject land has been approved by the town board of trustees.

(Ord. No. 2006-013, att.(IX-11), 8-14-2006)

Sec. 15-9-120. Final development plan—Submission.

The final development plan, which may reflect the entire preliminary development plan, or any logical part thereof, must be submitted within one year following approval of the preliminary development plan, unless written request is made for an extension of one year and approved by the planning commission.

(Ord. No. 2006-013, att.(IX-12), 8-14-2006)

Sec. 15-9-130. Final development plan—Specifications.

(a) The final development plan shall be prepared at a scale of not less than one inch equals 200 feet and shall be submitted with sufficient detail to evaluate the building design and other features of the planned unit.

(b) In addition, the final development plan will conform in all respects to the contents, supplementary information and procedure requirements of the subdivision regulations. In such cases where this article conflicts with the subdivision regulations, the provisions of this article shall apply.

(c) The final development plan must contain, insofar as applicable, the following minimum information in graphic or written form:

(1) The existing topographic character of the land at a contour interval of two feet. Spot elevations may be required if land is too flat for contours.

(2) The proposed land uses and their respective acreage.

(3) The location and size of all proposed buildings, structures, utilities and other improvements.

(4) The maximum height of all buildings may be stipulated as a general note; however, where significant views may be obscured by building heights, the maximum height of individual structures shall be indicated.

(5) The density and type of dwellings, if applicable.

(6) The location, number of lanes, median width, curb cuts, access control and proposed turning movement restrictions or arterial streets.

(7) The location of collector and local streets.

(8) The off-street parking and loading areas.

(9) The location, height and size of proposed signs, lighting and advertising devices.

(10) The areas to be dedicated to the town or reserved as common park areas.

(11) The 100-year floodplain and floodway, if applicable.

(12) A general landscaping plan at the time of submission, to be followed by a detailed landscaping plan once the plan has been approved showing the spacing, sizes and specific types of landscaping material.

(13) The location of existing utility facilities and recorded easements.

(Ord. No. 2006-013, att.(IX-13), 8-14-2006)

Sec. 15-9-140. Final development plan—Related documents.

Copies of any special agreements, conveyances, restrictions or covenants which will govern the use, maintenance and continued protection of the planned unit development and any of its common park areas must accompany the final development plan.

(Ord. No. 2006-013, att.(IX-14), 8-14-2006)

Sec. 15-9-150. Final development plan—Additional information.

The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development. The planning commission may request additional information it deems necessary for adequate review and evaluation.

(Ord. No. 2006-013, att.(IX-15), 8-14-2006)

Sec. 15-9-160. Final development plan—Review; recording.

(a) The planning commission shall review the final development plan to determine conformity with the preliminary development plan as approved by the town board. If the final plan is in conformity, it will be certified by the planning commission and forwarded on to the town board for final approval and certification.

(b) The final development plan shall be recorded following approval and certification as if it were a final subdivision plat.

(Ord. No. 2006-013, att.(IX-16), 8-14-2006)

Sec. 15-9-170. Final development plan—Building permit and certificate of occupancy issuance.

(a) The building inspector shall approve and sign the building permit application, and the clerk, upon receiving the signed building permit application, shall issue a building permit for buildings and structures in the area covered by an approved final development plan if the time limit established by the tentative development schedule has not passed, the plan has been recorded, and the buildings and structures are in conformity with the approved final development plan and with all other applicable ordinances and regulations.

(b) The building inspector shall approve and sign the request for a certificate of occupancy, and upon receipt of such signed request the town clerk shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan, if the completed building or structure conforms to the requirements of the approved final development plan and all other applicable ordinances and regulations.

(c) If the time limit established by the development schedule has passed, no building permits or certificates of occupancy shall be issued until the planning commission has reviewed the development plan and a new development schedule has been established.

(Ord. No. 2006-013, att.(IX-17), 8-14-2006)

Sec. 15-9-180. Final development plan—Development schedule, compliance required, extension.

(a) From time to time, the planning commission shall compare the actual development accomplished in the various planned unit developments with the approved development schedules.

(b) If the owner of property in the planned unit developments have failed to meet the approved development schedule, proceedings may be initiated to revoke the approved final development plan.

(c) For good cause shown by the property owner, the planning commission may extend the limits of the development schedule.

(Ord. No. 2006-013, att.(IX-18), 8-14-2006)

Sec. 15-9-190. Final development plan—Development of common open space.

The town board of trustees shall require adequate assurance that the common open space shown in the final development plan will be provided and developed.

(Ord. No. 2006-013, att.(IX-19), 8-14-2006)

Sec. 15-9-200. Final development plan—Amendment procedure.

No changes may be made in the approved final development plan during the construction of the planned unit development, except upon application to the appropriate agency under the following procedures provided below:

(1) Minor changes in the location, siting and height of buildings and structures and other minor changes may be authorized by the planning commission, if required by engineering or other circumstances not foreseen at the time the final plan was approved.

(2) No change authorized by this section may increase the overall outside dimensions of any building or structure by more than ten percent.

(3) All changes in use, density or in the outline development plan must be approved by the town board under the procedures authorized by this article for the amendment of the zoning map.

(4) All other changes in the arrangement of lots, blocks, and buildings, any changes in the provision of common open spaces and all other changes in the approved final development plan must be approved by the town board under the procedures authorized for final plan approval, unless they are shown to be required by changes in the development policy of the community, or by conditions that were unforeseen at the time of approval of the final development plan.

(5) Any changes which are approved for the final development plan must be recorded as amendments to the recorded copy of the final development plan.

(Ord. No. 2006-013, att.(IX-20), 8-14-2006)

Sec. 15-9-210. Certificate of completion—Issuance.

The planning commission shall sign on the approved final development plan when the planned use development is complete, and the town clerk shall issue a certificate of completion of the planned unit development and note the issuance of such certificate on the approved final development plan.
(Ord. No. 2006-013, att.(IX-21), 8-14-2006)

Sec. 15-9-220. Certificate of completion—To govern after issuance.

After the certificate of completion has been issued, the use of the land and the construction, modification or alternation of any buildings or structures within the planned development will be governed by the approved final development plan rather than by any other provisions of this article.
(Ord. No. 2006-013, att.(IX-22), 8-14-2006)

Sec. 15-9-230. Provisions to run in favor of town.

To further the mutual interest of the residents, occupants and owners of a planned unit development and of the public in the preservation of the integrity of the final development plan, the provisions of the final development plan relating to the use of land and the location of common open space shall run in favor of the town and shall be enforceable at law or in equity by the town without limitation on any power or regulation otherwise granted by law.
(Ord. No. 2006-013, att.(IX-23), 8-14-2006)
State law reference—Similar provisions, C.R.S. § 24-67-106(1).

Sec. 15-9-240. Provisions to run in favor of residents.

All provisions of the final development plan shall run in favor of residents, occupants and owners of the planned unit development, but only to the extent expressly provided in the plan and in accordance with the terms of the final development plan, and, to that extent, the provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by residents, occupants or owners acting individually, jointly or through an organization designated in the plan to act on their behalf.
(Ord. No. 2006-013, att.(IX-24), 8-14-2006)
State law reference—Similar provisions, C.R.S. § 24-67-106(2).

Sec. 15-9-250. Changes restricted.

After the certificate of completion has been issued, no changes may be made in the approved final development plan, except upon application to the appropriate agency under the following procedures provided:

(1) Any extension, alteration or modification of existing buildings or structures may be authorized by the planning commission if they are consistent with the purposes and intent of the final plan.

(2) No change authorized by this section may increase the dimensions of any building or structure by more than ten percent.

(3) Any uses not authorized by the approved final development plan, but permitted in the planned unit development as a use by right under the provisions of this article or as a use permitted by a conditional in the zone in which the planned development is located, may be added to the final development plan under the procedures as stated in the subdivision regulations.

(4) A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan, unless an amendment to the final development plan is approved in accordance with this article.

(5) Changes in use of common open space may be authorized only by an amendment to the final development plan in accordance with this article.

(6) All other changes in the final development plan must be made by the town board under the procedures authorized by this article for the amendment of the zoning map.

(7) No changes may be made in the final development plan unless they are required for the continued successful functioning of the planned unit development or unless they are required by changes in conditions that have occurred since the final development plan was approved or by changes in the development policy of the town.

(Ord. No. 2006-013, att.(IX-25), 8-14-2006)

Sec. 15-9-260. Approved changes not to be considered waiver.

No changes in the final development plan which are approved under this article are to be considered as a waiver of the covenants limiting the use of land, buildings, structures and improvements within the area of the planned unit devel-

opment, and all rights to enforce these covenants against any changes permitted in this section are expressly reserved.
(Ord. No. 2006-013, att.(IX-26), 8-14-2006)

ARTICLE 10. OFF-STREET PARKING AND LOADING

Sec. 15-10-10. General maintenance and use of off-street parking; compliance.

(a) The provisions and maintenance of off-street parking spaces is a continuing obligation of the property owner.

(b) No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this article.

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

(Ord. No. 2006-013, att.(X-1), 8-14-2006)

Sec. 15-10-20. Buildings and uses not designated.

Requirements for types of buildings and uses not specifically listed in this article shall be determined by the board of trustees after a report and recommendation from the planning commission, based upon the requirements of comparable uses listed.
(Ord. No. 2006-013, att.(X-2), 8-14-2006)

Sec. 15-10-30. Multiple uses in single structure or parcel.

If several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
(Ord. No. 2006-013, att.(X-3), 8-14-2006)

Sec. 15-10-40. Joint use.

If approved by the town board of trustees, owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the building inspector in the form of deeds, leases or contracts to establish the joint use.
(Ord. No. 2006-013, att.(X-4), 8-14-2006)

Sec. 15-10-50. Location restriction.

(a) Off-street parking spaces for a dwelling may be located on the same lot with the dwelling.

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

(Ord. No. 2006-013, att.(X-5), 8-14-2006)

Sec. 15-10-60. Use restriction.

Required parking spaces shall be available for the parking of operable passenger vehicles of residents, customers, patrons and employees only,

and shall not be used for parking or storage of vehicles or materials used in conducting the business or use.
(Ord. No. 2006-013, att.(X-6), 8-14-2006)

Sec. 15-10-70. Plan required; contents.

(a) A plan, drawn to scale, indicating how the off-street parking and loading requirements, excluding single-dwelling unit areas, are to be fulfilled shall accompany an application for a building permit.

(b) The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:

(1) Delineation of individual parking and loading spaces.

(2) Circulation area necessary to serve spaces.

(3) Access to streets and property to be served.

(4) Curb cuts.

(5) Dimensions, continuity and substance of screening.

(6) Grading, drainage, surfacing and subgrading details.

(7) Delineation of obstacles to parking and circulation in finished parking area.

(8) Specifications as to sign and bumper guards.

(9) Other pertinent details.

(Ord. No. 2006-013, att.(X-7), 8-14-2006)

Sec. 15-10-80. Design requirements for parking lots.

Design requirements for parking lots shall be as follows:

(1) *Standing and maneuvering areas.* Areas used for standing and maneuvering of vehicles shall have durable surfaces maintained adequately for all-weather use.

(2) *Spaces along outer boundaries.* Parking spaces along the outer boundaries of a parking lot shall be contained by a curb or wheel stops at least four inches high and set back a minimum of four feet from the sidewalk or property line or shall be contained by the bumper rail set back a minimum of one foot from the sidewalk or property line.

(3) *Artificial lighting.* Artificial lighting which may be provided shall be so deflected as not to create glare in any residential district, on any adjacent dwelling, or on any public rights-of-way and in conformity with "dark sky" provisions of this chapter.

(4) *Interior access lanes.* Interior access lanes shall be of sufficient width for all vehicles turning and maneuvering.

(5) *Location.* Except for dwellings, parking lots shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

(6) *Service drives.*

a. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic; to provide maximum safety for pedestrians and vehicular traffic on the site.

b. The number of service drives shall be limited to the minimum that

will allow the property to accommodate the traffic to be anticipated.

c. In the case of a corner lot, service drives shall be located no closer than 30 feet to the intersecting street line. The access to service drives from a street shall be located no closer than 15 feet to a side lot line, except that the common service drive to two adjacent properties may be provided at the common lot line.

d. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining the lines through points 30 feet from their intersection.

(7) *Landscaping.* Landscaping is required with a minimum of one shade tree per eight parking spaces.

(8) *Pedestrian access.* Pedestrian access is required.

(Ord. No. 2006-013, att.(X-8), 8-14-2006)

Sec. 15-10-90. Parking lots, completion time.

(a) Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the building inspector.

(b) An extension of time may be granted by the building inspector providing a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the building inspector, provided the parking space is not required for immediate use.

(c) If the improvements are not completed within one year's time, the bond, or its equivalent, shall be forfeited and the improvements thenceforth constructed under the direction of the town.

(Ord. No. 2006-013, att.(X-9), 8-14-2006)

Sec. 15-10-100. General parking requirements.

(a) At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any district in the town, off-street parking spaces shall be provided as required in this article. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this article.

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

(c) The number of employees of a new or expanding business shall be estimated in a manner approved by the planning commission. The number of employees of an established business shall be determined from an examination of employment information presented by applicants.

(Ord. No. 2006-013, att.(X-10), 8-14-2006)

Sec. 15-10-110. Parking requirements for specific uses.

Required off-street parking spaces for the following uses shall be as set forth in this section:

(1) *Residential uses.*

a. Single-unit dwellings and two-unit dwellings with separate driveways: one space per dwelling unit located on private property and with direct access to the street or alley at all times.

b. Multi-unit dwellings containing three or more dwelling units: 1½ spaces per dwelling unit.

c. Residential lodging facility or hostel: four spaces per five guest accommodations, plus one additional space for owner.

(2) *Places of public assembly.*

a. Places of spiritual assembly: one space per four seats.

b. Library, reading room: one space per 400 feet of floor area, plus one space per employee.

c. Preschool nursery, day care school, kindergarten: two spaces per employee.

d. Vocational or commercial school: one space per two seats in classrooms, plus one space per employee.

e. Auditoriums, exercise facilities, other meeting rooms: one space per 300 square feet of floor area.

(3) *Indoor amusements and entertainment establishments.*

a. Bowling alley, skating rink: if developed in the commercial district, parking will be determined by the planning commission on a case to case basis.

(4) *Commercial.*

a. Retail store, service repair shop, offices, personal services, medical/dental office, eating or drinking establishment, lodging: one-half space per 400 square feet with a minimum of three parking places.

b. Parking lot for the following uses: grocery stores, hospital, nursing homes, auto repair shops, mortuaries, theaters, retail stores handling exclusively bulky merchandise such as automobiles and furniture, and other high intensity uses will be determined on a case by cases basis by the planning commission.

c. Mixed use: one space per living unit and one space per 400 square feet with a minimum of three parking places for commercial use.

(Ord. No. 2006-013, att.(X-11), 8-14-2006; Ord. No. 2009-009, § 5, 12-14-2009)

Sec. 15-10-120. Storage and parking of mobile homes, camping units and commercial vehicles.

Parking and operation restrictions of commercial (which for purpose of this section means a truck-trailer, or trailer exceeding 22 feet total length from bumper to bumper or a vehicle in excess of

two tons weight and operated for the transportation of property) and other specified vehicles upon town streets and rights-of-way are as follows:

(1) Commercial vehicles, railroad cars, truck-trailers, tractor-trailers and semi-trailers, and similar units designed primarily for conveying commercial products shall only be allowed in commercial areas of the town, upon the town public streets and rights-of-way; provided, however, truck-trailers, semi- and tractor-trailers, delivery trucks, moving vans, and other trucks delivering commercial products shall be allowed to enter residential areas for the purpose of delivery or retrieval of commercial products to specific residences in said areas as well as commercial vehicles necessarily utilizing the town streets for the purpose of construction or contracting in a residential area zoned RR, RL, RM, RH and MH, within the town.

(2) Parking restrictions in residential, commercial zones. No person shall park any trailer, semi-trailer, tractor-trailer or commercial vehicle upon any highway, street, alley, or public way or upon any public place otherwise ordinarily used for vehicular parking which is zoned RR, RL, RM, RH or MH for more than one hour. No person shall park any such vehicle in any such area which is zoned commercial for more than 72 hours. Movement of said vehicle from one location to another within the town shall be no defense to this section. These provisions shall not apply to any such trailer, semi-trailer, tractor trailer or commercial vehicle which is in the process of being loaded or unloaded, or disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the disabled trailer, semi-trailer, tractor-trailer or commercial trailer on that portion of the highway, alley, or public way or upon any public place ordinarily used for public parking. Neither shall such provision apply to any such trailer, semi-trailer, tractor-trailer or commercial vehicle which is leased or owned by any permittee granted a permit for construction or repair work or by a public utility engaged in work for which no such permit is required or a vehicle leased or owned by any contractor hired by such permittee or public utility provided that the trailer, semi-trailer, tractor-trailer or commercial vehicle is used on such construction or repair site or within 150 feet thereof as measured from the limits of the work area as specified in the permit and only during the period of actual construction or to any such trailer, semi-trailer, tractor trailer or commercial vehicle, which is leased or owned by a town department or contractor or vendor hired by such town department for construction or repair work or by a subcontractor thereof.

(3) Trucks carrying flammable liquids. No truck used for transportation of flammable gases or liquids shall be parked in the town in excess of 30 minutes in residential areas. No truck used for the transportation of flammable liquids shall be parked nearer than 25 feet to

any residence or business building except when loading or unloading such flammable liquids or gases.

(4) Parking of operable and licensed travel trailers, multipurpose trailers, camper coaches, camper trailers, fifth-wheel trailers, recreational park trailers, recreational vehicles, truck campers, and motor homes shall be permitted as long as such parking does not infringe upon safety regulations and other parking restrictions of the town and where not expressly prohibited by the town's nuisance ordinance and code of public safety of the town. Such units shall not be parked on street rights-of-way or adjacent to a neighbor's residence longer than 14 days in any year. Movement of such units from one location to another shall not be deemed a defense to this prohibition.

(5) Towing authorized. The town is authorized to remove and tow away or have removed and towed away by commercial towing service any vehicle, trailer, motor home, tractor-trailer, truck tractor, or other vehicle or trailer parked in violation of this section. Such vehicles, trailers, and motor homes so towed for illegal parking shall be stored in a safe place and shall be restored to the owner or operator of such vehicle upon payment of the towing and storage fees.

(Ord. No. 2006-013, att.(X-12), 8-14-2006)

ARTICLE 11. SIGNS

Sec. 15-11-10. Applicability.

(a) Signs shall only be allowed as permitted by this article. Permitted sign categories and sign characteristics are summarized in table A, section 15-11-80, and are fully described within this article.

(b) Sign permit required. It shall be unlawful to erect, place, construct, reconstruct, maintain or relocate a sign without first obtaining a sign permit from the town clerk.

(Ord. No. 2006-013, att.(XI-1), 8-14-2006)

Sec. 15-11-20. Prohibited signs.

The following signs shall not be erected, placed, constructed, reconstructed, maintained or relocated within the town:

(1) *Signs with flashing lights.* Signs with lights or illumination which flash, rotate, move, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electronic pulsations are not allowed, except historic signs with lights no larger than 25 watts.

(2) *Signs with moving parts.* Signs with visible moving, revolving, rotating parts, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic or mechanical means, including automatic electronically controlled copy changes, are not allowed.

(Ord. No. 2006-013, att.(XI-2), 8-14-2006)

Sec. 15-11-30. Special pennants and banners.

Nothing in this article shall be construed to prevent the erection of pennants and banners advertising a special civic event. Such pennants and banners may be erected two weeks prior to the opening of the event advertised and shall be removed promptly upon its conclusion.

(Ord. No. 2006-013, att.(XI-3), 8-14-2006)

Sec. 15-11-40. Permitted signs.

The types of signs which are allowed within the town shall meet the following conditions:

(1) *Freestanding signs.* A freestanding sign is any sign structurally separate from the building, being supported on itself or on a standard or legs. Freestanding signs shall be limited to one sign per principal use, shall not be located higher than the principal building, and shall be a minimum of eight feet above grade when located adjacent to a pedestrian way.

(2) *Projecting signs.* A projecting sign is any sign supported by a building wall and projecting therefrom. Projecting signs shall not be higher than the eave line or parapet wall of the principal building, shall be a minimum of eight feet above grade when located adjacent to or projecting over a pedestrian way and shall not extend more than four feet from the building wall except where such a sign is an integral part of an approved canopy or awning.

(3) *Wall signs.* A wall sign is any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall. Wall signs shall not be higher than the eave line or parapet wall of the principal building, and no sign part, including cut-out letters, shall project more than six inches from the building wall.

(4) *Sandwich board signs.* A sandwich board sign is a sign of A-frame design which is posted daily to reflect specials of the day. Sandwich board signs shall not be larger than two feet by three feet. Only one sign may be utilized per business and must be taken inside at the close of business each day.

(Ord. No. 2006-013, att.(XI-4), 8-14-2006; Ord. No. 2009-009, § 6, 12-14-2009)

Sec. 15-11-50. Sign categories and size limitations.

(a) *Generally.* Permitted signs shall only be erected, placed, constructed, reconstructed, maintained or relocated according to the following limitations:

(1) *Business identification signs.* Business identification signs are permitted in conjunction with permitted uses, except residences, provided such signs identify a business occupying the premises. The combined size of all signs at any one business shall not exceed 65 square feet. There may be a combination of the following three types of signs: freestanding, projecting and wall, including cut-out letter sign, subject to the following conditions:

a. *Freestanding sign.* One per use, not to exceed 24 square feet in area.

b. *Projecting sign.* Shall not extend more than four feet from the building wall except where such a sign is an integral part of an approved canopy or awning, and no projecting sign shall exceed 12 square feet in area where two faces are visible or 24 square feet where only one face is visible.

c. *Wall sign.* shall not exceed one-tenth of building frontage or 65 square feet on any one building wall.

d. *Sandwich board sign.* shall not be larger than two feet by three feet and may be illuminated. Only one sign may be utilized per business and must be taken inside at the close of business each day.

(2) *Office building registry.* A wall sign or freestanding sign identifying included business offices, not to exceed one square foot in area per office. Such sign shall be excluded from regular sign area limitations.

(3) *Historic sign.* A wall sign identifying a structure of historic interest, not to exceed four square feet in area. Such sign shall be excluded from sign area limitations and be located only on historic buildings.

(4) *Residential identification signs.* A freestanding or wall sign may be erected on the same lot with any dwelling identifying the occupant thereof or any home business occupation pursued therein, not to exceed two square feet per dwelling unit. Such a sign may be illuminated as prescribed in this section only when it is identifying a home business occupation of an emergency service nature, a multifamily dwelling complex or a mobile home park.

(5) *Institutional identification signs.* Freestanding and wall signs may be erected on the same lot with any school, church or public building for administration, provided that the aggregate sign area along one street shall not exceed one-tenth of the building frontage or a total of 65 square feet. In the case of institutional uses located in a residential zone district, illumination of signs shall be subject to approval of the planning commission.

(6) *Recreation identification signs.* Freestanding or wall signs may be erected on the same lot with any recreation club or open-use recreation site, provided the aggregate sign area does not exceed one-tenth of any building frontage or 65 square feet. In the case of such uses located in a residential district, illumination of signs shall be subject to the approval of the planning commission.

(7) *Directional signs.* A freestanding sign, non-illuminated and conforming to a standardized design, six inches by 30 inches in size, directing persons to tourist and cultural facilities, may be erected in any district on the public right-of-way.

(8) *For sale/for rent signs.* A freestanding or wall sign, non-illuminated, not to exceed six square feet in area, when advertising sale of the premises, and not to exceed three square feet when advertising rental of the premises, may be erected on any property for sale/rent.

(9) *Construction signs.* A freestanding non-illuminated sign not to exceed 24 square feet in area if single sided, and 12 square feet in area if double sided, may be erected on a project site for purposes of identifying all contractors and/or describing a project. Only one construc-

tion sign may be permitted per street frontage. Construction signs may remain in place for one year following completion of the building project, with a 90-day extension permitted at the discretion of the town manager.

(10) *Political signs.* For freestanding signs displayed on private property, in accordance with an official election, or erected on behalf of candidates for public office:

a. Signage may be displayed no more than 45 days prior to an election day and no more than ten days following election day.

b. Signage may only be placed on private property and with the written permission of the property owner and shall not be placed in the public right-of-way.

c. Signage in the commercial district shall not exceed 16 square feet total or four feet in height.

d. Signage in the residential district shall not exceed nine square feet total or three feet in height.

(b) *Illumination, animation and sign obstruction.* Signage shall not be illuminated, animated, shall not flash, blink, and shall not block the flow of traffic or pedestrians on streets, sidewalks, or trails or visually or physically obstruct a traffic control device and shall be in conformity with the "dark sky" provisions of this chapter.

(Ord. No. 2006-013, att.(XI-5), 8-14-2006; Ord. No. 2009-009, § 6, 12-14-2009; Ord. No. 2012-001, 6-11-2012; Ord. No. 2012-006, 11-12-2012)

Sec. 15-11-60. Sign measurement.

(a) *All signs counted.* The area allowed for signs in any category shall include all signs allowed, including window decals and signs identifying distinctive features and regional or national indications of approval of facilities.

(b) *Sign area.* Sign area shall be the area of the smallest geometric figure which encompasses the sign facing, including copy, insignia, background and borders.

(Ord. No. 2006-013, att.(XI-6), 8-14-2006; Ord. No. 2009-009, § 6, 12-14-2009)

Sec. 15-11-70. Sign location and appearance standards.

(a) *Location on same site.* Signs shall identify or advertise only interests conducted on the lot, unless the planning commission, upon request, makes a determination that an off-site sign, conforming to the regulations of the district in which the sign is located, is necessary to promote the interests of a use not occupying the same lot. All signs shall be maintained in good repair.

(b) *Traffic safety.* No sign shall be located so that the safety of a moving vehicle will be impaired by obscuring the driver's vision or such that direct glare is caused on any public right-of-way. The color or format of signs shall not resemble or conflict with traffic signs or signals.

(c) *Illumination.* Illumination of signs shall be arranged in such a manner as to be reflected away from residential properties and motorists' vision.

(Ord. No. 2006-013, att.(XI-7), 8-14-2006; Ord. No. 2009-009, § 6, 12-14-2009)

Sec. 15-11-80. Table A. Specifications for permitted signs.

The following are specifications and characteristics of signs permitted in the town:

TABLE A. PERMITTED SIGNS AND SIGN CHARACTERISTICS

Sign Category	*Sign Type Permitted*	*Maximum Number*	*Maximum Sign Area*	*Location*	*Illumination/Design*
Residential identification	Freestanding or wall	1	2 square feet	On the same lot	Only to identify a home occupation of an emergency service nature, a multifamily dwelling complex or a mobile home park
Institutional identification	Freestanding or wall	No limit	One-tenth (1/10th) of the building frontage or a total of 65 square feet	On the same lot	If located in a residential district, illumination is subject to approval by the planning commission
Recreation club or open-use recreation site identification	Freestanding or wall	No limit	One tenth (1/10th) of the building frontage or a total of 65 square feet	On the same lot	If located in a residential district, illumination is subject to approval by the planning commission
Directional	Freestanding	No limit	6 inches by 30 inches	In the public right-of-way	May not be illuminated; must conform to a standardized design
For sale/for rent	Freestanding or wall	1	For sale sign: 6 square feet; For rent sign: 3 square feet	On the same lot	May not be illuminated
Construction	Freestanding or wall	1/street frontage	24 square feet single-sided; 12 square feet double-sided	On the same lot	May not be illuminated
Business identification	See sections 15-11-40 and 15-11-50	3	The combined size of all signs at any one business shall not exceed 65 square feet	On the same lot	May be illuminated
Sandwich board signs	Freestanding	1	A-frame, not larger than 2 feet by 3 feet	On the same lot	Must be taken in at the close of business each day.

(Ord. No. 2006-013, att.(XI, table A), 8-14-2006; Ord. No. 2009-009, § 6, 12-14-2009)

ARTICLE 12. SHORT-TERM RENTALS

Sec. 15-12-10. Purpose.

Short-term rentals of dwelling units in any residentially zoned district for a period of 21 or less consecutive days shall be allowed as a conditional use in accordance with the procedures in article 5 of this chapter.

Sec. 15-12-20. Permits, insurance, and taxes.

(a) All owners of short-term rentals shall obtain a permit from the town clerk. The permit application must include the owner's name, address, the short-term rental address, the maximum number of guests, the owner representative and contact information, a parking plan for guests, evidence of property and liability insurance, and be accompanied by an application fee set forth in the consoli-

dated fee schedule (appendix 2-F). The parking plan shall comply with all provisions of the residential zone for parking for which the short-term rental is located.

(b) Before issuing or renewing a short-term rental related permit, all owners of said property within 300 feet of the proposed short-term rental property shall be notified of their opportunity to make comment or objection on the application. The notices shall contain the property location, that the full application may be copied and reviewed at town hall, and the date (at least 15 days from the date of the notice) by which comments must be received. The notice shall be posted on the property and at the town hall and mailed.

(c) Permits are issued for one year and, subject to the requirements of this section, may be renewed.

(d) All owners of short-term rentals are required to collect and remit lodging tax and sales tax. Evidence of issuance of a state sales tax license number is required as a condition of the town clerk's consideration of a short-term rental property license application to be complete.

(e) Short-term rental permits may be used only for the property for which they are issued and are not transferrable upon sale of the property.

Sec. 15-12-30. Occupancy; number of inhabitants.

No more than three persons per bedroom (including children) with a maximum of six persons for the dwelling shall be permitted to occupy a short-term rental.

Sec. 15-12-40. Licensing.

(a) The owner of a short-term rental property must possess a current town business license for each such short-term rental property. The business license must be renewed concurrently for every year the owner desires to let the premises as a short-term rental. The business license may be denied or revoked if the owner is not in conformance with the terms and conditions of the short-term rental permit, as well as other applicable laws.

(b) Short-term rentals shall be subject to all of the applicable provisions of the chapters of this Code addressing zoning regulations, nuisances, and offenses.

Sec. 15-12-50. Safety and operations.

All short-term rentals shall comply with the following safety and operational requirements:

(1) There shall be an owner representative within the 81131 zip code who is on call full-time (24/7) to manage the property during any period within which the property is occupied as a short-term rental. The name, address, and phone number of the owner representative shall be listed on the business license, which is on file at town hall, and shall be prominently posted inside and outside of the rental property. It is the responsibility of the owner representative to inform short-term rental tenants regarding town ordinances, including, but not limited to, pets, parking, trash, and noise.

(2) No trash or garbage shall be left outside the unit.

(3) The owner shall ensure compliance with the parking plan approved as part of the application.

(4) A notarized life safety inspection shall be submitted by the owner, on a town approved form, and provided to the town prior to issuance of the initial license, and within 60 days prior to each annual renewal. The owner shall attest to the following for the short-term rental residence:

a. Exit signs inside the residence;

b. Adequate fire extinguishers shall be installed and maintained together with smoke alarms and CO alarms;

c. Maximum occupancy notices shall be clearly posted based on square footage;

d. "Bear Beware" signs posted; and

e. No trash or garbage shall be left outside except in a "bear proof" container.

Sec. 15-12-60. Maximum duration of short-term rentals.

Short-term rentals of dwelling units in any residentially zoned district for a period of 21 or less consecutive days shall only be allowed as a conditional use in accordance with the procedures in article 6 of this chapter.

ARTICLE 13. STORAGE CONTAINERS

Sec. 15-13-10. Applicability.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Storage/shipping container means a metal, fiberglass, or similar unit designed for transport or storage of household or business equipment, goods, machinery, or furnishings on either a temporary or permanent basis. (If the container is a semi-trailer, it must have wheels and undercarriage removed.)

(b) Size. The maximum size of such unit shall not exceed eight feet, six inches in height not more than eight feet in width, and not more than 20 feet in length. Any size exceeding such dimensions will be subject to a conditional use procedure as set forth in article 6 of this chapter. Not more than one container will be allowed on each parcel of property, provided that parcels containing multiple lots may be considered for additional containers pursuant to the conditional use procedure.

(c) Placement of all storage/shipping containers will be subject to a permit issued by the town clerk and based upon a plot plan, submitted by the applicant, showing all principal and accessory structures upon the subject property and subject to the same setbacks and other requirements as accessory structures as set forth in section 15-4-20 and shall be placed on a suitable base.

(d) Placement of such container units in planned unit development (PUD) areas will be subject to conditional use approvals as set forth in article 6 of this chapter.

(e) Such containers shall not be placed in the front yard setbacks of any industrial, commercial, or residentially zoned districts, except as a conditional use in accordance with the procedures set forth in article 6 of this chapter, which procedures shall likewise apply to any such container over 160 square feet in floor space.

(f) Shipping/storage containers shall be of colors compatible with the industrial, commercial, or residential zoned areas upon which they are placed and/or reasonably suitable fencing, screening, or siding will be utilized by the property owner. The town administrator will notify and receive input from nearby property owners prior to receiving a permit.

(g) Temporary uses, such as construction sites, shall be considered by the town clerk on a case by case basis, prior to issuing or denying a permit, which may indicate a reasonable schedule of time duration for placement and removal of such containers based upon reasons for placement and compatibility with neighboring property. After the property owner has been issued a permit, the container shall be removed as scheduled by the town clerk unless it conforms to all other requirements of this section.

(h) Conformance to the standards and conditions established by the town clerk will be accomplished by the property owner within six months of issuing the permit, in the absence of which, the permit will be considered cancelled. Such placement may require screening, specific time duration, and like factors regarding plot compatibility.

(i) No shipping/storage containers shall be placed on public streets or rights-of-way and, if so placed, shall be subject to immediate removal and impoundment by the town.

(j) Existing containers which were placed prior to this section and prior to any previous moratoria concerning such placements shall conform to the standards in this section not later than one year after the effective date of such moratorium.