CHAPTER 12

Zoning

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ARTICLE 1

General Provisions

Sec. 12-1-10. 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:

Adult-oriented business means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to specified sexual activities or specified anatomical areas as the primary attraction to the premises. The term *adult-oriented business* includes, but is not limited to, bookstores, video stores, gift stores, cabarets, motels, hotels, theaters, nightclubs and similar establishments.

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 day care facility means an indoor establishment that cares for pet animals in the absence of the owner during daytime business hours and may provide activities such as animal training, grooming, socialization and entertainment.

Bed and breakfast means a building other than a hotel, cafe or restaurant where for compensation, directly or indirectly, short-term lodging and/or meals are provided for three (3) or more boarders and/or roomers exclusive of the occupant's family.

Board of Adjustment means the Board of Adjustment of the City.

Boardinghouse means a building other than a hotel, cafe or restaurant where for compensation, directly or indirectly, long-term lodging and/or meals are provided for three (3) or more boarders and/or roomers exclusive of the occupant's family.

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

Building facade means the frontage of a building which faces and is most nearly parallel to a public or private street. There can be only one (1) building facade for each street upon which a building faces. If a business faces an alley, that portion of the building which is used as a business entrance shall be known as the front facade.

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 City Manager or his or her duly authorized representative.

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 on the premises.

Campground means an area for the use of overnight and transient camping, including the use of tents, campers, trailers, motor coaches and equivalent motorized or nonmotorized camping equipment. It also includes buildings and structures used for the administration and accommodation of the camping use and shall be complementary thereto.

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

City Manager means the Monte Vista City Manager or his or her designee.

Commercial Mobile Radio Systems (CMRS) means facilities related to any carrier or licensee whose wireless network is connected to the public switched telephone network and/or is operated for profit.

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.

Correctional facility means a prison or other institution where criminals are confined.

Day care facility means a place where children are kept for care for compensation.

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

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.

Dwelling, multi-unit or multi-family means a building used by three (3) or more families living independently of each other in separate living units, but not including hotels, motels or resorts.

Dwelling, one-unit means a detached principal building designed for or occupied exclusively by one (1) family as an independent living unit. The term *one-unit dwelling* shall not include *mobile home*, *manufactured home* or *manufactured home single-wide* as defined in this Chapter.

Dwelling, two-unit means a detached principal building designed for or occupied by two (2) families living independently of each other in separate but attached living units, but not including mobile homes or manufactured home single-wide.

Dwelling unit means one (1) 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 living units which may be in the same structure.

Employees means all persons, including proprietors, working on the premises.

Erect means to construct or allow to be constructed.

Face means the surface of a sign directed to the viewer (which may be single-face, double-face or multi-face) upon, against or through which the message is displayed or illuminated.

Family means a single individual living upon the premises as a separate, independent housekeeping unit; or a collective body of persons related by blood or marriage living together upon the premises as a separate housekeeping unit. Notwithstanding the foregoing, a *family* shall be deemed to include five (5) or more persons (but not in excess of twelve [12] persons) who are not related by blood, marriage, adoption or legal custody occupying a dwelling unit and living as a single housekeeping unit if the occupants are handicapped persons as defined in Title III of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, or disabled persons as defined by Section 24-34-301, C.R.S.

Fence means a freestanding structure of iron, metal, chain link, brick, masonry, PVC, stone, wood or wood composition, resting on or partially buried in the ground and rising above ground level used for confinement, screening or partition purposes. The term *fence* shall include walls, hedges and similarly designed plantings that restrict vision, but it does not include the use of materials that are not generally used and/or sold specifically for fencing, such as plywood, corrugated tin or fiberglass roofing panels. Fences are allowed up to and including the property line or the interior edge of the sidewalk.

Floodplain means the same as stated in the U.S. Army Corps of Engineers Floodplain Study for the City.

Floor area, gross means the total square footage of a building measured within the exterior face of exterior walls or the centerline of walls separating two (2) abutting buildings, but excluding 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.

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

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.

Guesthouse means an accessory structure which is physically detached from a principal dwelling unit, does not contain cooking facilities and is intended for occupancy by a guest of the family residing in the principal dwelling unit, for a short period of time. The guesthouse may be serviced through the same utility meters or connections as the principal dwelling unit and cannot be used as a rental unit.

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

Home occupation means an occupation carried on in the dwelling or an accessory building by members of the family occupying the dwelling, provided that the residence character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance or manifest any characteristic of a business in the ordinary meaning of the term, or infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

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, 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 tinfoil, 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.

Junkyard or *salvage yard* means any lot, parcel or tract used for the storage, keeping, sale or abandonment of junk and/or for the dismantling, demolition or abandonment of automobiles, other junk or parts thereof.

Kennel means a facility that boards and cares for pet animals in the absence of the owner.

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):

a. A single lot of record.

b. A portion of a lot of record.

c. A combination of complete lots of record; complete lots of record and portions of lots of record; or portions of lots of record.

d. A parcel of land described by metes and bounds.

Lot area means the total surface area within the lot boundaries.

Lot, corner means a lot located at the intersection of and abutting two (2) or more streets.

Lot coverage means the percent of the total lot area which may be occupied by principal and accessory structures and which includes parking lots, impervious materials, patios, decks and other structures or buildings.

Lot depth means the 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 (2) nonintersecting sides abutting two (2) 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 this Chapter.

Lot width means the distance 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.

Manufactured home, Class A means a one-unit dwelling that:

a. Is partially or entirely manufactured in a factory.

b. Has not been manufactured more than three (3) years prior to its on-site placement.

c. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length.

d. Is installed on an engineered permanent foundation.

e. Has brick, wood or cosmetically equivalent exterior siding on all exterior walls, which provides a consistent facade from the bottom of the soffit (top of wall section), downward to the top of the exposed perimeter wall or foundation, or to finished grade, whichever is applicable, and has a pitched roof.

f. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq.

Manufactured home, Class B means a one-unit dwelling that:

a. Is partially or entirely manufactured in a factory.

b. Has been manufactured more than three (3) years ago, but not more than ten (10) years prior to its on-site placement.

c. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length.

d. Is installed on an engineered permanent foundation.

e. Has brick, wood or cosmetically equivalent exterior siding on all exterior walls, which provides a consistent facade from the bottom of the soffit (top of wall section), downward to the top of the exposed perimeter wall, foundation, or to finished grade, whichever is applicable, and has a pitched roof.

f. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq.

Manufactured home single-wide means a single-family dwelling which is a structure that:

a. Is partially or entirely manufactured in a factory.

b. Is a minimum size of two hundred fifty-six (256) square feet.

c. Has brick, wood or cosmetically equivalent exterior siding and a pitched roof.

d. Has not been manufactured more than ten (10) years prior to its on-site placement.

e. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq.

Manufactured home, single-wide park means any area under single management and ownership upon which two (2) or more manufactured homes single-wide, occupied or intended to be occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

Manufactured home space means a plot of ground within a manufactured home single-wide park designed for the accommodation of one (1) manufactured home.

Master plan means the Monte Vista Plan Element of the Rio Grande County Joint Master Plan for the City which has been officially adopted to provide long-range development policies for the City and which includes, among other things, the plan for land use, circulation and public facilities.

Mobile office means a mobile facility with or without wheels, erected upon a foundation or parked upon its wheels, assembled at a place of manufacture in whole or in part, designed and contrived for occupancy other than as a residential unit for living and sleeping purposes.

Municipality or *municipal* means cities, towns, villages and other incorporated political subdivisions, but does not include incorporated improvements districts formed for special classes of improvements.

Nonconforming sign, structure or use means a lawful existing sign, structure or use at the time this Chapter or any amendments thereto become effective which does not conform to the requirements and provisions of this Chapter.

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 (1) or more lots.

Open space means an area devoted to the enhancement of light, air and aesthetic qualities of a neighborhood. It 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 they are relatively unnoticeable from the adjoining streets or walkways.

Permitted use means a use specifically allowed in one (1) 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.

Pet shop means a retail establishment which sells domesticated or tamed animals, birds, reptiles and fish as household pets, as well as sells related supplies. *Pet shop* may also include as an accessory use the grooming of pets. *Pet shop* does not include the sale of large agricultural animals such as horses, cattle, pigs, sheep or goats, or the boarding of animals, birds or fish.

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 or industries and associated uses, planned as a single entity and therefore subject to development and regulation as one (1) land use unit rather than as an aggregation of individual buildings located on separate lots.

Planning and Zoning Commission means the officially appointed Planning and Zoning Commission of the City.

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.

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

Public hearing means a meeting called by a public body for which 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.

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.

Roof line means the low edge of the roof or parapet.

Salvage yard. See *Junkyard***.**

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 (6) feet in height.

Setback, front means the distance from the front lot line to the nearest point of a principal or accessory structure.

Setback line means a line or lines designating the area outside of which buildings may not be erected. A setback denotes the distance that buildings are required to be placed from the property lines of a parcel of land.

Setback, rear means the distance from the rear lot line to the nearest point of a principal or accessory structure.

Setback, side means the distance from the side lot line to the nearest point of a principal or accessory structure.

Sign means any object, device, display, structure or part thereof 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.

Site-specific development plan means a final plat as described under the Final Plat Division of this Code and the procedures enacted under said Division, together with any accompanying documents described under Section 13-3-60 of this Code, unless another definition is otherwise agreed upon in writing between the City and the applicant or developer.

Special review use means a use which, although not permitted outright in a particular district, may be permitted by the City Council upon recommendation by the Planning and Zoning Commission in accordance with the standards and procedures of this Chapter.

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 primarily as a traffic carrier between cities or between various sections of the City, 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 (1) end open to vehicular traffic and having one (1) end closed and terminated by a turnaround.

Street, freeway means any divided street or highway with complete access control and grade-separated interchanges with all other public streets and highways.

Street, frontage means a local street, collector street, arterial street or freeway right-of-way, which provides access to abutting properties.

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, bearing walls or partitions, columns, beams, girders or any structural change in the roof.

Structure means anything constructed, the use of which requires location on the ground or attachment to something having a location on the ground. *Structures* do not include ditches and their appurtenances, poles, lines, cables or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences.

Structure, accessory means a structure which is incidental or subordinate to the permitted principal structure of the property and is detached from the principal structure of the property.

Structure, principal means the main structure as distinguished from a subordinate or accessory structure.

Travel trailer means a vehicular portable structure built on a chassis designed to be towed by a standard automobile and designed to be used as a temporary living facility for travel and recreational purposes, having a body width not exceeding eight (8) feet and a length not exceeding twenty-eight (28) feet, but not necessarily having all sanitary facilities within the trailer.

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

Use, accessory means a *use* which is clearly incidental and secondary to the permitted use, customarily found in connection with the principal use, and which does not change the character thereof. The accessory use shall be located upon the same ownership parcel as the principal use.

Use, principal means the main use of land 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, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the 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 the site-specific development plan.

Vision clearance area means a triangular area on a lot at the intersection of two (2) streets, or a street and a railroad, two (2) sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in the regulations contained in Section 12-17-70 of this Chapter. The third side of the triangle is a line across the corner of the lot joining the ends of the other two (2) 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. (Ord. 789 §18-1, 2006; Ord. 792 §2, 2007; Ord. 805 §1, 2008; Ord. 811 §1, 2009)

Sec. 12-1-20. Title.

This Chapter shall be cited as the "Zoning Ordinance of the City of Monte Vista." (Ord. 789 §18-2, 2006)

Sec. 12-1-30. Authority.

This Chapter is authorized by Section 31-23-101, et seq., C.R.S., and is declared to be in accordance with all provisions of these statutes. (Ord. 789 §18-3, 2006)

Sec. 12-1-40. Purpose.

(a) In pursuance to the authority conferred by Section 31-23-101, et seq., C.R.S., Section 19 of the City Charter and Section 2-9-10 of this Code, this Chapter is adopted for the purpose of promoting the health, safety, morals and welfare of the present and future inhabitants of the City 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) This Chapter is 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. (Ord. 789 §18-4, 2006)

Sec. 12-1-50. 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) This Chapter is not intended to interfere with, abrogate or annul any easements, covenants or agreements between parties; provided, however, that wherever this Chapter proposes a greater restriction upon use of buildings or land or upon the location or height of buildings or structures, or requires larger open spaces about the structures than are imposed or required by other laws, ordinances, resolutions, regulations or easements, covenants or agreements between parties, the provisions of this Chapter shall govern.

(c) Wherever the provisions of any other laws, ordinances, resolutions, regulations or easements, covenants or agreements between parties propose a greater restriction upon the use of buildings or land or upon the location or height of buildings or structures, or require larger open space about the structures than is required by this Chapter, the more restrictive requirements shall govern. (Ord. 789 §18-5, 2006)

Sec. 12-1-60. Application.

(a) No structure or premises shall be used or occupied after the effective date of the ordinance codified in this Chapter, and no structure or portion thereof shall be erected, moved, constructed, reconstructed, extended, enlarged or altered contrary to the provisions of this Chapter.

(b) No building permit shall be issued unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all zoning regulations in effect. If any authorized agent of the City issues a building permit in violation of this Chapter or in conflict with any of the provisions herein, such permit shall be deemed null and void.

(c) No portion of a lot area, open space, off-street parking space or yard required about or in connection with any building for the purposes of complying with this Chapter may be included as a portion of a lot area, an open space, off-street parking area or yard similarly required for any other building or its use, except as provided for in Article 18 of this Code. (Ord. 789 §18-6, 2006)

Sec. 12-1-70. Jurisdiction.

The territorial jurisdiction of this Chapter shall, pursuant to state law, include all land located within the legal boundaries of the City and, limited only to control with reference to a major street plan and not otherwise, shall also include all land lying within three (3) miles of the corporate limits of the City and not located within any other municipality. (Ord. 789 §187, 2006)

Sec. 12-1-80. Violations.

If the City Manager finds, or if any person files with him or her a complaint alleging, that any of the provisions of this Chapter are being violated, he or she shall immediately investigate and, when necessary, give written notice to the person responsible to cease such violations forthwith. (Ord. 789 §18-8, 2006)

Sec. 12-1-90. Penalty.

The owner or owners of any building, buildings, 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 of the provisions of this Chapter, who fail to comply therewith or with any requirements thereof, or who build in violation of any statement of plan submitted and approved hereunder, are, for each and every violation or noncompliance, guilty of a violation of this Chapter and, upon conviction thereof, shall be punished in accordance with the provisions of Section 1-4-20 of this Code. (Ord. 789 §18-9, 2006; Ord. 811 §1, 2009)

Sec. 12-1-100. Liability for damages.

This Chapter shall not be construed to hold the City or its authorized representatives responsible for any damage to persons or property by reason of any inspection or reinspection authorized in this Chapter. (Ord. 789 §18-10, 2006)

Sec. 12-1-110. Major activity notice.

The City is hereby exempt from the major activity notice required by Section 31-23-225, C.R.S. (Section 31-23-225, C.R.S., requires the municipality to notify the Colorado Land Use Commission, the State Geologist and the Board of County Commissioners of the county in which the improvement is located of the proposal prior to approval of any zoning change, subdivision or building permit application

associated with commercial and industrial activity consisting of five [5] or more acres). (Ord. 789 §18-11, 2006)

ARTICLE 2

Board of Adjustment

Sec. 12-2-10. Application procedures.

The application for a variance shall be made on such a form as provided by the City. The application shall be submitted to the City Manager, who shall be responsible for ensuring that a complete application has been submitted. (Ord. 789 §18-41, 2006; Ord. 811 §1, 2009)

Sec. 12-2-20. Public notice requirements.

(a) Within thirty (30) days after the City Manager receives a completed application, the Board of Adjustment shall hold a public hearing to consider the application.

(b) Public notices shall comply with Section 12-3-320 of this Chapter.

(c) Either the applicant or his or her representative must be present at the public hearing to present the application. Nonappearance may justify denial of the application. (Ord. 789 §18-42, 2006; Ord. 811 §1, 2009)

Sec. 12-2-30. Policy determinations.

(a) In granting or denying variances, the Board shall consider the following criteria and standards:

(1) Whether there are unique physical circumstances or conditions, such as exceptional irregularity, narrowness or shallowness of a piece of property at the time of the ordinance codified in this Chapter, or whether there are exceptional topographic or other physical conditions or other extraordinary and exceptional situations or conditions peculiar to the affected property.

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

(3) Whether the hardship has been created by the applicant.

(4) 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 City or create any significant obstacle to implementation of the zoning plan evidenced by this Chapter or by any master plan of the City.

(5) 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.

(b) The Board of Adjustment shall have the following duties:

(1) To hear and decide such other special questions not inconsistent with the regulations contained in this Chapter, upon which the Board of Adjustment is authorized by resolution of the City.

(2) To hear and decide whether a specific use is expressly permitted in a use group as specified in Article 5 of this Chapter.

(3) 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.

(c) The Board shall render written decisions accompanied by findings of fact and conclusions based thereon. (Ord. 789 §18-43, 2006; Ord. 811 §1, 2009)

Sec. 12-2-40. 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 City affected by any decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of this Chapter.

(b) Appeals pursuant to Subsection (a) above must be filed with the City Clerk within thirty (30) days of any administrative decision. (Ord. 789 §18-44, 2006)

Sec. 12-2-50. 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 or her that, by reason of fact stated in the certificate, the stay would, in his or her 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. 789 §18-45, 2006)

Sec. 12-2-60. Hearing; notice.

The Board of Adjustment shall hold a hearing within thirty (30) days of the appeal, give due notice thereof to the parties in the manner presented by its rules and decide the same within a reasonable time. Upon hearing, any party may appeal in person or by his or her agent or attorney. (Ord. 789 §18-46, 2006)

Sec. 12-2-70. Court review.

(a) Any person applying to the courts for a review of any decision made under the terms of this Chapter shall apply for review within thirty (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 City or Board of Adjustment shall be entitled to appeal any decision of the District Court under Rule 106 proceedings. (Ord. 789 §18-47, 2006)

ARTICLE 3

Administration

Sec. 12-3-10. Review process generally.

The following chart establishes the required review steps applicable to different forms of approval which may be requested. Applicants should refer to Table 12-1 below to determine which one (1) or more "APPROVAL REQUESTED" under the left-hand column of Table 12-1 applies to their proposed development. The required stages of review for each approval are shown on the lines to the right. Submission requirements and the specific review process for each stage are set out in detail in the balance of this Chapter under the appropriate headings. Unless otherwise indicated, amendment or modification of a prior approval follows the procedure for review of the original application.

Table 12-1
Review Process

Approval Requested	*Staff*	*P&Z*	*CC*	*BOA*
Map Amendment (Rezoning)	A	M	H	
Planned Unit Development	A	H/M	H/M	
Special Use Review	A	H	M	
Sign Permit	A			
Manufactured Home Single-Wide Parks & RV Parks	A	H	M	
Variance	A			H

Key:
P&Z Planning & Zoning Commission
CC City Council
BOA Board of Adjustment
A Application Required
M Meeting Required
H Hearing Required

(Ord. 789 §18-60, 2006)

Sec. 12-3-20. Responsibility of Planning and Zoning Commission.

It is the responsibility of the Planning and Zoning Commission to review all applications for zone changes in this Chapter and special review uses, as prescribed by law and this Chapter, and to recommend action to the City Council. The Planning and Zoning Commission has no authority to approve variances from the Building Official and, if within the province of Article 2 of this Chapter, the request shall be sent forward to the Board of Adjustment for hearing. (Ord. 789 §18-61, 2006)

Sec. 12-3-30. Responsibility of City Manager.

The City Manager is charged with the interpretation and enforcement of this Chapter. Appeals from a decision of the City Manager shall be filed with the City Clerk, who shall forward the appeal with all pertinent information to the Board of Adjustment for hearing. (Ord. 789 §18-62, 2006)

Sec. 12-3-40. Responsibility of Board of Adjustment.

The Board of Adjustment shall hear and decide all questions on appeal from decisions of the City Manager and all other questions as provided in Article 2 of this Chapter. (Ord. 789 §18-63, 2006)

Sec. 12-3-50. Responsibility of City Council.

The City Council has responsibility for changes in the zoning map and changes in this Chapter. The City Council shall not hear complaints of or decide questions of interpretation or enforcement that are reserved for the Board of Adjustment. (Ord. 789 §18-64, 2006; Ord. 811 §1, 2009)

Sec. 12-3-60. City Manager as administrator.

(a) The City Manager is designated to administer and enforce the provisions of this Chapter.

(b) The City Manager 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 site permits requires approval of the City Manager prior to issuance.

(d) Issuance of certificates of occupancy requires approval by the Building Inspector.

(e) The City Manager 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.

(f) The City Manager under no circumstances is permitted to make changes in this Chapter or to vary the terms of this Chapter in carrying out his or her duties as City Manager. (Ord. 789 §18-65, 2006; Ord. 811 §1, 2009)

Sec. 12-3-70. Site permit required.

It shall be unlawful to begin the excavation for the construction, moving, alteration or repair (except as may be exempted in the Building Code) until a site permit has been issued for such work in accordance with the requirements of this Chapter and Section 12-3-90 below and until a building permit has been issued. Permit fees shall be waived on sidewalks installed on City property. (Ord. 789 §18-66, 2006)

Sec. 12-3-80. Application of site permit.

(a) Every application for a site permit for construction, moving, alteration or change in the type of use or type of occupancy shall be accompanied by a written statement and plans, or plats, drawn to scale,

showing the following in sufficient detail to enable the City Manager 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 with sufficient information to locate the 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 regulations are being observed. (Ord. 789 §18-67, 2006)

Sec. 12-3-90. Issuance of site permit.

If the proposed construction, moving, alteration or use of the land, as set forth in the application for a site permit under this Article, is in conformity with the provisions of this Chapter, the City Manager shall approve the issuance of the site permit. (Ord. 789 §18-68, 2006; Ord. 811 §1, 2009)

Sec. 12-3-100. Site permit not a waiver.

Issuance of a site permit shall in no case be construed as waiving any provision of this Chapter or any other City regulation. (Ord. 789 §18-69, 2006)

Sec. 12-3-110. Compliance required for site permit.

The City Manager shall approve issuance of a site permit when the imposed conditions of this Chapter 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. 789 §18-70, 2006; Ord. 811 §1, 2009)

Sec. 12-3-120. Site permit disapproval.

If any application for a site permit is not approved by the City Manager, the cause for such disapproval shall be stated in writing. (Ord. 789 §18-71, 2006)

Sec. 12-3-130. Plan approval with application for site permit.

Plans submitted with an application for a site permit shall be reviewed and approved by the City Manager. (Ord. 789 §18-72, 2006; Ord. 811 §1, 2009)

Sec. 12-3-140. Site permit for unplatted land.

There shall be no site permit issued on a plot which does not consist of a platted lot or lots duly approved and recorded, except that on five (5) acres or more where the use of the land is entirely for agricultural purposes, a site permit may be issued. (Ord. 789 §18-73, 2006)

Sec. 12-3-150. Temporary site permit.

(a) The City Manager may approve temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property and for construction signs.

(b) Temporary buildings or signs shall be removed prior to issuance of the certificate of occupancy. (Ord. 789 §18-74, 2006; Ord. 811 §1, 2009)

Sec. 12-3-160. Time limit for variance or special review use for site and/or building permit.

A site and/or building permit for a special review use or for a use involving variance shall be void after six (6) months from the day of issuance if no substantial construction has taken place. (Ord. 789 §18-75, 2006)

Sec. 12-3-170. Certificate of occupancy required; contents.

(a) No building or structure authorized by a building permit shall be occupied, and no change in occupancy of a building, part of a building or land shall be made until after the Building Inspector has issued a certificate of occupancy therefor.

(b) The certificate of occupancy shall not only state the information as required under the Building Code, but shall also state that the occupancy authorized has been approved by the City Manager as being in compliance with this Chapter.

(c) Occupancy other than that authorized in the certificate of occupancy is unlawful. (Ord. 789 §18-76, 2006; Ord. 811 §1, 2009)

Sec. 12-3-180. Application, issuance and record on file of certificate of occupancy.

(a) A certificate of occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such buildings has been completed in conformity with the provisions of the regulations contained in this Chapter.

(b) A record of all certificates shall be kept on file in the office of the City Clerk.

(c) Copies shall be furnished on request to any persons having a property or tenancy interest in the building affected. (Ord. 789 §18-77, 2006; Ord. 811 §1, 2009)

Sec. 12-3-190. Issuance of use permit; requirements not exempt.

(a) A use permit is a document recognizing the approval of a special review use or a variance as these terms are defined in this Chapter.

(b) The issuance of a use permit may be a prerequisite to the issuance of a site permit, building permit or certificate of occupancy, but shall not alleviate the requirement for a building permit or certificate of occupancy where this requirement would otherwise exist. (Ord. 789 §18-78, 2006)

Sec. 12-3-200. Time limitation of use permit; when required.

A use permit is required after approval for all special review 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 Chapter. (Ord. 789 §18-79, 2006)

Sec. 12-3-210. Use permit for special review uses and variances.

The City Manager shall issue use permits for approved special review uses and variances. (Ord. 789 §18-80, 2006)

Sec. 12-3-220. Compliance required for completion or cancellation of use permit.

Following the issuance of a use permit, the City Manager 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 six (6) months after the date granted, the permit shall be automatically cancelled. (Ord. 789 §18-81, 2006)

Sec. 12-3-230. Continuation of nonconforming uses and structures.

Subject to the provisions of this Article, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended. 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 codified in this Chapter is not an extension of a nonconforming use. (Ord. 789 §18-82, 2006)

Sec. 12-3-240. Alteration of nonconforming uses and structures.

A structure conforming as to use but nonconforming as to height, setback or coverage may be altered or extended, provided that the alteration or extension does not result in a violation of this Chapter. (Ord. 789 §18-83, 2006)

Sec. 12-3-250. Discontinuance of nonconforming uses and structures.

(a) If a nonconforming use involving a structure is discontinued from use for a period of one (1) year, 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 (6) months, further use of the property shall be for a conforming use. (Ord. 789 §18-84, 2006)

Sec. 12-3-260. Change of nonconforming uses and structures.

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. 789 §18-85, 2006)

Sec. 12-3-270. Destruction or restoration of nonconforming uses and structures.

(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 fifty percent (50%) of its appraised value for tax purposes, exclusive of its foundations, a future structure or use on the property shall conform to the provisions of this Chapter.

(b) If destruction is determined to be less than fifty percent (50%), restoration must be started within twelve (12) months of the calamity and completed within twenty-four (24) months of initiating restoration. (Ord. 789 §18-86, 2006)

Sec. 12-3-280. Completion of work for nonconforming uses.

Nothing contained in this Chapter 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 codified in this Chapter; however, if the designated use will be nonconforming, it shall, for the purposes of Section 12-3-240 of this Article, be a discontinued use if not in operation within two (2) years of the date of issuance of the building permit. (Ord. 789 §18-87, 2006)

Sec. 12-3-290. Screening of nonconforming use.

A use which is nonconforming with respect to a provision for screening shall provide screening within a period of five (5) years from the date of adoption of the ordinance codified in this Chapter. (Ord. 789 §18-88, 2006)

Sec. 12-3-300. District changes of nonconforming uses.

Whenever the boundaries of a district are changed so as to transfer an area from one (1) district to another district of a different classification, the nonconforming uses described in Sections 12-3-230 through 12-3-290 above shall also apply to any nonconforming uses existing therein. (Ord. 789 §18-89, 2006)

Sec. 12-3-310. Vested property rights.

(a) Site-specific development plan. For all developments the final approval step, irrespective of its title, which occurs prior to issuance of a site permit shall be considered the site-specific development plan for purposes of Title 24, Article 68, C.R.S. Such final approval step shall include the City Council's approval of a final plat, and designated by the City Council as a portion of the site-specific development plan for the purpose of creating a vested property right together with an infrastructure improvements plan, subdivision improvements agreement and any appended documents, which are specifically approved by the City Council, concerning such final plat, for the purpose of creating such vested property rights. Such approvals may be effected after receiving the recommendation of the Planning and Zoning Commission in accordance with procedures in this Section. Said approval process includes the recorded approval of the final plat and any appended documents.

(b) Procedure. No site-specific development plan shall be approved until after a public hearing preceded by written notice of such hearing. Such notice may, at the City's option, be combined with any

notices or hearings required by the subdivision regulations or zoning regulations of the City. At such hearing, interested persons shall have an opportunity to be heard. Such hearings shall be conducted before the Planning and Zoning Commission, which shall transmit its recommendation forthwith to the City Council for final approval or disapproval. Such approval may be transmitted at the same time of any recommendation of approval or disapproval of a final plat. Notice of the time or place of the public hearing shall be sent by first-class mail, postage prepaid, with a certificate of mailing, to the applicant and owners of land within three hundred (300) feet of the platted land or project not less than twenty (20) days prior to the public hearing. Additionally, notice of the public hearing shall be published in the newspaper of general circulation within the City at least fifteen (15) days prior to such hearing.

(c) Approval; effective dates; amendments. A site-specific development plan shall be deemed approved upon the effective date of the City Council's approval of the same (and any appended referenced documents). If amendments to a site-specific development plan are proposed and approved, the effective date of such amendments, for purposes of the duration of a vested property right, shall be the date of the approval of the original site-specific development plan, unless the City Council specifically finds to the contrary and incorporates such findings in its approval of the amendment.

(d) Notice of approval. Each map, plat, site plan or the document constituting a site-specific development plan shall contain the following language: "Approval of this plan may create a vested property right pursuant to Section 24-68-101, et seq., C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific parcel of property affected and stating that a vested property right has been created shall be prepared by the applicant, approved by the City Manager and published once, not more than fourteen (14) days after approval of the site-specific development plan, in a newspaper of general circulation within the City before such vested property right is considered effective.

(e) Costs. In addition to any and all other fees and charges imposed by this Section, the applicant for approval of the site-specific development plan shall pay all costs occasioned to the City as a result of the site-specific development plan review, including publication notices, public hearing and review costs, at the time of recording.

(f) Revocation. The City Council may revoke a vested property right for failure to abide by the terms and conditions of such vested property right. Prior to taking action to revoke a vested property right, the City Council shall provide a public hearing to the affected landowner and shall provide at least fifteen (15) days' prior written notice mailed to the property address of record in the County Assessor's office, as well as providing notice by publication. The mailed notice to the landowners shall specifically identify the terms and conditions which are not in compliance with the site-specific development plan approval. During the period of determining compliance with the terms and conditions of the site-specific development plan, the City may administratively withhold any building, utility, excavation, road cut or other City permit, and may withhold acceptance of additional development applications or processing of existing development applications for the property subject to the site-specific development plan.

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

(h) Applicable law. A pending site-specific development plan application will be governed by the adopted laws and regulations in effect at the time the application is submitted, with the exception that the City reserves the right, pursuant to Section 24-6-102.5(2), C.R.S., to enforce new or amended laws or regulations to pending applications when such law or regulation is necessary for the immediate preservation of public health and safety, including temporary development restrictions duly adopted by ordinance, for the purposes of preparing planning studies and considering land use regulations related to public health and safety, or for the purpose of promoting concurrency of the essential public infrastructure.

(i) Limitations. Nothing in this Section is intended to create any vested property right, but only to implement the provisions of Title 24, Article 68, C.R.S. In the event of the repeal of said article or judicial determination that said article is invalid or unconstitutional, this Section shall be deemed to be repealed and the provisions hereof no longer effective. (Ord. 789 §18-90, 2006; Ord. 811 §1, 2009)

Sec. 12-3-320. Public hearing notices generally.

(a) Published notice. At least fifteen (15) days prior to any public hearing which requires published notice (see Table 12-2), the City Manager shall cause to be published a notice of public hearing in the legal section of a newspaper of general circulation within the City. 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.

(b) Posted notice.

(1) At least twenty-one (21) days prior to any public hearing which requires posted notice (see Table 12-2 below), the City Manager shall cause to be prepared, and the applicant shall post a sign (one [1] 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 (1) 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.

(2) The sign shall be at least three (3) feet by four (4) feet in size, of a durable material, such as plywood, metal or particle board, with each letter being at least two (2) inches in height and being waterproof so as not to smear. The following information shall be placed on the sign:

NOTICE OF PUBLIC HEARING
MONTE VISTA BOARD OF ADJUSTMENT
(or other hearing authority, such as the City Council or the Planning and Zoning Commission)

PROPERTY OWNER: _____

ADDRESS: _____

LEGAL DESCRIPTION: _____

ACTION (E.G., VARIANCE)
REQUEST: _____

HEARING TO BE HELD: (date and time)

MONTE VISTA CITY HALL, 4 CHICO CAMINO, MONTE VISTA, COLORADO

(c) Mailed notice. At least twenty (20) days prior to any public hearing which requires notification by letter (see Table 12-2 below), the City shall cause to be sent, by first-class mail, postage prepaid, with a certificate of mailing, a letter to:

(1) All property owners within three hundred (300) feet; and

(2) Owners of property included within the application.

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.

Table 12-2
Public Hearing Notices

Approval Requested	*Publish*		*Post*	*PO Distance/Mail*
	P&Z	*CC*		
Map Amendment (Rezoning)		15 days	21 days	300 ft/20 days
Special Review Use	15 days		21 days	300 ft/20 days
Manufactured Home Single-Wide Park/RV Park	15 days		21 days	300 ft/20 days
Planned Unit Development		15 days	21 days	300 ft/20 days

Key: P&Z Planning & Zoning Commission
CC City Council
PO Property Owner

(Ord. 789 §18-91, 2006; Ord. 811 §1, 2009)

Sec. 12-3-330. Lots of record.

(a) In any district in which single-family dwellings are permitted, a single-family residence and customary accessory buildings may be erected on any single lot of record which exists as such at the time of adoption of the ordinance codified in this Chapter. Such a lot must have been in separate ownership and not of continuous frontage with other lots under the same ownership.

(b) This provision shall apply even though the lot fails to meet the requirements of the district in which it is located for area or width or both; provided, however, that the district standards shall be met unless a variance to the requirements has been granted by the Board of Adjustment.

(c) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of the ordinance codified in this Chapter, and part or all of the lots do not meet the requirements of the district in which they are located as to minimum area or frontage or both, the lands shall be considered, for the purpose of this Chapter, to be an undivided parcel.

(d) No portion of the parcel shall be sold or used in a manner which diminishes compliance with lot width and area requirements established by this Chapter. (Ord. 789 §18-92, 2006)

ARTICLE 4

Amendments

Sec. 12-4-10. Authorization.

(a) An amendment to the text of this Chapter may be initiated by the City Council or by the Planning and Zoning Commission, pursuant to procedures established for amending an ordinance of the City.

(b) An amendment to the zoning map (rezoning) may be initiated by the City Council, by the Planning and Zoning Commission or by application of an owner of a property affected thereby within the City or his or her authorized agent, which application shall be considered only at the regularly scheduled meetings of the City Planning and Zoning Commission, and which amendment may be considered and enacted pursuant to the procedures described in this Article. (Ord. 789 §18-101, 2006)

Sec. 12-4-20. Official zoning map.

(a) The location and boundaries of the districts designated in Article 5 of this Chapter are established as shown on the map entitled "Zoning District Map of the City," and referred to as the official zoning map after the effective date of the ordinance codified in this Chapter.

(b) The official zoning map and all the notations thereon are made part of this Chapter.

(c) The signed copy of the official zoning map containing the zoning districts designated at the time of the adoption of the ordinance codified in this Chapter shall be maintained on file in the office of the City Clerk.

(d) Changes made in district boundaries or other information portrayed on the official zoning map shall be made in accordance with the provisions of this Chapter and state law.

(e) Changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Council with an entry on the official zoning map.

(f) No amendment to this Chapter which involves information portrayed on the official zoning map shall become effective until after such change entries have been made on the map. (Ord. 789 §18-102, 2006)

Sec. 12-4-30. Rezoning policy.

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

(b) Rezonings should only be considered if:

(1) The land to be rezoned was zoned in error, and as presently zoned is inconsistent with the policies and goals of the City's master 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 rezoning 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 the adoption of the City'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 City's master plan.

(c) In any application for a zoning map amendment, the applicant shall carry the burden of showing that the area in question possesses physical and environmental conditions and land use characteristics compatible with the zone district requested, that the advantages of the zone district requested substantially outweigh the disadvantages to the City and neighboring land occasioned by the rezoning, and that the applicable provisions of this Chapter have been met. (Ord. 789 §18-103, 2006)

Sec. 12-4-40. Zoning map amendment; application, fee.

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

(b) The application must be accompanied by a minimum nonrefundable review and processing fee which is on file in the office of the City Clerk. The applicant shall also pay actual costs in excess of the established fee which are incurred by the City relative to review and processing of the amendment. (Ord. 789 §18-104, 2006)

Sec. 12-4-50. Zoning map amendment; data to be submitted.

(a) Prior to any consideration for amendments to the official zoning map, the applicant shall file the following data:

(1) All data must be submitted to the City Manager at least fifteen (15) working days prior to the regularly scheduled Planning and Zoning Commission meeting.

(2) The legal description and the deed by which title was taken of the land to be rezoned; and/or a certified boundary survey by a registered land surveyor or professional engineer.

(3) A list of names and addresses of all property owners within three hundred (300) feet of the subject property.

(4) A site plan, drawn to scale of one (1) inch equals one hundred (100) feet, to include the following:

a. Title, scale and north arrow, (Name, Zone change request from ____ Zone District (existing) to ____ Zone District (proposed);

b. A vicinity map to locate the development in relation to surrounding area, streets, etc.;

c. Location and size of all existing and proposed buildings and structures on the property to be rezoned;

d. Location and size of all parking areas and spaces and all off-street loading areas on or adjacent to the property;

e. Location and size of access from a public right-of-way;

f. Location and size of all drainageways or other natural features which would affect or would have an effect on property to be zoned;

g. Location of wooded areas to be retained;

h. Zoning classification for all adjoining lots, parcels or tracts; and

i. Such other additional information required by the City Manager.

(5) A written statement setting forth the gross land area, the area to be allotted for roads and driveways, the area to be allotted to open parking and the area to be reserved as open space. All areas shall be expressed in acres.

(6) A written statement setting forth the evidence upon which the petitioner relies to set forth a reason for the requested amendment based upon the standards contained in Section 12-4-30 above, as follows:

a. Evidence that the property was not properly zoned when existing zoning was imposed;

b. Evidence that there has been a material change in the neighborhood which justifies the requested zone change;

c. Evidence that the proposed rezoning is necessary in order to provide land for a community-related use which was not anticipated at the time of the adoption of the City's master plan, and that such rezoning will be consistent with the policies and goals of the City's master plan;

d. Evidence that the proposed zone change will be in conformance with the City's master plan and tend to preserve and promote property values in the surrounding neighborhood, and that the zone change will not result in land uses that are incompatible with the City's master plan;

(7) Provide a time schedule for any contemplated new construction or uses.

(8) Explain what effect the proposed rezoning will have on existing traffic.

(9) Evidence demonstrating compliance with applicable provisions of this Chapter.

(b) In the event that the Planning and Zoning Commission deems that further information is necessary, it may require submittal of additional data, including but not limited to an environmental impact study, an economic feasibility study or any other appropriate information. If additional data is requested, the Planning and Zoning Commission may withhold review for a period not to exceed forty-five (45) days. (Ord. 789 §18-105, 2006)

Sec. 12-4-60. Zoning map amendment; hearing, notice, time limit.

(a) The City Council shall hold a public hearing on all proposed zoning map amendments after receiving the written report of recommendations from the Planning and Zoning Commission.

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

(c) At least twenty-one (21) days prior to the scheduled public hearing, the applicant shall provide and post on a sign a notice declaring that rezoning is being requested. The sign shall be placed along the part of the property fronting a street. The sign shall be at least three (3) feet by four (4) feet in size, of durable material, such as plywood, metal or particle board, with each letter being at least two (2) inches in height and being waterproof so as not to smear. The following information shall be placed on the sign:

NOTICE OF PUBLIC HEARING
MONTE VISTA CITY COUNCIL

RE: ZONE CHANGE REQUEST

SITE: (address and/or legal description of property)

PRESENT ZONE: (present zoning of property)

REQUESTED ZONE: (request zoning of property)

APPLICANT(S): _____

HEARING TO BE HELD (date and time of hearing), CITY OF MONTE VISTA MUNICIPAL BUILDING, COUNCIL CHAMBERS, 4 CHICO CAMINO ST., MONTE VISTA, COLORADO

(d) A written notice of the hearing shall be sent first-class mail, postage prepaid, with a certificate of mailing, by the City at least twenty (20) days prior to the hearing date, to property owners within three hundred (300) feet of the subject property.

(e) The City Council, within thirty (30) days of the public hearing, shall approve, approve with modifications or disapprove the application. The decision of the City Council shall be transmitted to the Planning and Zoning Commission and to the applicant. (Ord. 789 §18-106, 2006; Ord. 811 §1, 2009)

Sec. 12-4-70. Zoning map amendment; exemption for notice.

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 12-3-320 of this Chapter shall not be required. (Ord. 789 §18-107, 2006)

Sec. 12-4-80. Zoning map amendment; additional street right-of-way, screening.

In granting an amendment to the official zoning map, upon application by a property owner or his or her authorized agent, the City Council 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 City Council may require permanent screening or other buffering techniques to minimize conflict with residential land use. (Ord. 789 §18-108, 2006)

Sec. 12-4-90. 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 thirty (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 City is entitled to appeal any decision of the district court under Rule 106 proceedings. (Ord. 789 §18-109, 2006)

Sec. 12-4-100. Records.

The City Clerk shall maintain a record of amendments to the text and official zoning map of this Chapter in a form convenient for the use by the public. (Ord. 789 §18-110, 2006)

Sec. 12-4-110. 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 Section 31-12-101, et seq., C.R.S. The proposed zoning 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.

(b) Any area annexed shall be brought under the provisions of this Chapter and the map thereunder within ninety (90) days from the effective date of the annexation ordinance, irrespective of any legal review which may be instituted challenging the annexation. During the ninety-day period, or such portion thereof as is required to zone the territory, site permits and building permits shall not be issued for any portion of the newly annexed area. (Ord. 789 §18-111, 2006)

ARTICLE 5

Zoning District Regulations

Sec. 12-5-10. Established.

In order to implement the provisions of this Chapter, the City establishes the following basic zoning districts:

(1) Rural (RU).

(2) Residential estate (RE).

(3) Residential low-density (RL).

(4) Residential medium-density (RM).

(5) Residential high-density (RH).

(6) Manufactured homes (Mfg-H).

(7) Manufactured home single-wide (MSW).

(8) Commercial highway (CH).

(9) Commercial business (CB).

(10) Industrial (I). (Ord. 789 §18-131, 2006)

Sec. 12-5-20. District boundaries.

(a) Wherever possible, district boundaries shall be the centerlines of streets, alleys, railroad rights-of-way, municipal corporation limits, section lines, lot lines, center lines of water courses or such lines extended.

(b) Where a zone district boundary divides a land parcel under a single ownership into two (2) districts, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided that the boundary adjustment is a distance of less than one hundred (100) feet.

(c) If the adjustment involves a distance of more than one hundred (100) feet, the procedures for a zoning district amendment shall be followed.

(d) In unsubdivided land or where a zone district boundary divides a lot or parcel, the location of such boundary, unless indicated by dimensions, shall be determined by scale of the zoning map.

(e) Where a zone district boundary coincides with a right-of-way line and said right-of-way is subsequently abandoned, the zone district boundary shall then follow the centerline of the former right-of-way.

(f) Land not part of public rights-of-way and which is not indicated as being in any zone district shall be considered to be included in the most restrictive adjacent zone district, even when such district is separated from the land in question by a public right-of-way. (Ord. 789 §18-132, 2006)

Sec. 12-5-30. Permitted uses.

Permitted uses are those uses specifically allowed in one (1) or more of the various zone districts without the necessity of obtaining a use permit. (Ord. 789 §18-133, 2006)

Sec. 12-5-40. Special review uses.

Although each zone district is primarily intended for a permitted, 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 Chapter. (Ord. 789 §18-134, 2006)

Sec. 12-5-50. Special review uses; application.

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

(b) The application must include:

(1) A nonrefundable processing fee in an amount which is on file in the office of the City 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, major landscaping or screening proposals, signs, pedestrian areas and pertinent dimensions.

(3) A time schedule for development.

(4) Zoning classification for all adjoining lots, parcels or tracts.

(5) Pertinent information about abutting property and existing land uses needed in evaluating the proposed use.

(6) Such other additional information required by the City Manager, Planning and Zoning Commission or City Council.

(7) Any other information the applicant believes will support his or her application.

(c) The applicant shall enter into a cost agreement with the City. The applicant shall be responsible for reimbursing the City for all legal, engineering, planning and other professional or consultant fees or costs related to the City's review of the application. (Ord. 789 §18-135, 2006)

Sec. 12-5-60. Special review uses; notice.

Written notice that a special review use application has been filed and that it may be reviewed during regular office hours of the City Hall will be sent to owners of property within three hundred (300) feet of the property in question. The written notice shall also specify the date, time and place of the public hearing to be held regarding the special review use application. (Ord. 789 §18-136, 2006)

Sec. 12-5-70. Special review uses; public hearing; recommendation.

(a) Within sixty (60) days after the Planning and Zoning Commission receives a completed application, the Planning and Zoning Commission shall hold a public hearing to consider the application.

(b) Public notices shall comply with Section 12-3-320 of this Chapter.

(c) Either one (1) applicant or an applicant's representative shall be present at the public hearing to present the application.

(d) The Planning and Zoning Commission shall, within thirty (30) days of the public hearing, unless a longer time is necessary for consideration of the application for reasons specifically stated by the Planning and Zoning Commission, either recommend approval of the application, in whole or in part, with or without modifications and conditions, or recommend disapproval of the application to the City Council.

(e) The recommendation of the Planning and Zoning Commission shall be transmitted to the City Council and to the applicant.

(f) All actions and proceedings shall be recorded in the minutes of the Planning and Zoning Commission. (Ord. 789 §18-137, 2006)

Sec. 12-5-80. Special review uses; public meeting.

(a) The City Council shall hold a public meeting on any proposed special review use after receiving the written report of recommendations from the Planning and Zoning Commission.

(b) The City Council shall either approve the application, in whole or in part, with or without modifications and conditions, or disapprove the application.

(c) Final approval of the special use application shall be by action of the City Council. (Ord. 789 §18-138, 2006)

Sec. 12-5-90. Special review uses; approval criteria and conditions.

(a) No special review 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 the City's master plan.

(3) Is designed to be compatible with surrounding land uses.

(b) In considering an application for a special review use, the Planning and Zoning Commission and City Council shall consider and may impose modifications or conditions concerning the following:

(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.

(8) Impact of the proposed use on surrounding uses, with consideration given to the cumulative effect of similar actions in the area.

(9) Adequacy and availability of public infrastructure and services. (Ord. 789 §18-139, 2006)

Sec. 12-5-100. Special review uses; 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 thirty (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 City shall be entitled to appeal any decision of the district court under Rule 106 proceedings. (Ord. 789 §18-140, 2006)

Sec. 12-5-110. Special review uses; modification after approval.

No approved special review 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 special review use. (Ord. 789 §18-141, 2006)

Sec. 12-5-120. Permitted uses and special review uses in zoning districts.

(a) Table 12-3 below indicates permitted uses and special review uses for each zoning district.

(b) Permitted uses and special review uses may be located on the same property.

Table 12-3
Use Chart

USE GROUPS	*ZONING DISTRICTS*									
	RU	***RE***	***RL***	***RM***	***RH***	***Mfg-H***	***MSW***	***CH***	***CB***	***I***
Accessory buildings and uses	P	P	P	P	P	P	P	P	P	P
Adult-oriented businesses (see Article 21 of this Chapter)								SR	SR	SR

Agriculture, commercial plant crops	P							SR		SR
Airports	SR									P
Amusements, indoor								P	P	P
Amusement, outdoor								SR		
Animal day care facilities and indoor kennels	SR							P	SR	
Animal hospitals	SR							P		
Artisan and photography studios and galleries								P	P	
Automobile parking lots and parking garages								P	SR	P
Bed and breakfasts	P	SR	SR						SR	
Boardinghouses				SR	SR				SR	
Campgrounds, gun clubs and shooting ranges	P									
Car washes and auto detailing								P		SR
Cemeteries	P									
Colleges and universities	SR							SR		
Commercial establishments, including but not limited to bulk cleaning and laundry plants, lumberyards, building equipment and wholesaling services, nursery stock production, yard equipment and supply dealers, firewood operations, transportation centers, trucking services, warehouses, wholesale operations and cold storage lockers.								SR		P
Commercial services (excluding retail stores), including but not limited to: furniture, household equipment, appliance repair; lumber brokers (excluding on-site inventory), nursery stock sales; building, plumbing, electrical, landscaping contractors and equipment; and rental establishments.								P	SR	P
Community-wide sewage treatment plants, water supply and treatment plants	SR									SR
Convalescent and nursing homes				SR	P		SR			
Correctional facilities										SR
Day care centers				SR	P		SR	SR	SR	
Drive-in eating and drinking establishment								P		
Dwelling units									P	
Financial institutions								SR	P	
Gasoline sales								P	SR	
Group residences	P	SR	SR	SR	SR	SR	SR			
Hospitals, medical and dental clinics, emergency or urgent medical care centers					SR			P	SR	
Hotels and motels, including restaurants and other incidental commercial uses inside the principal building								P	P	
Housing for seasonal farm labor	P									
Indoor eating and drinking establishments								P	P	P
Indoor retail establishments								P	P	P

Manufactured home, auto, boat, truck and trailer storage, sales, repairs and rentals								SR		P
Manufactured homes Class A	P		SR	SR		P	P			
Manufactured homes Class B						P	P			
Manufactured homes single-wide							P			
Membership clubs								P	SR	
Mobile offices						P	P			
Mortuaries and funeral chapels	P							P		
Multi-unit dwellings				P	P			SR	SR	
Museums								SR	SR	SR
One-unit dwellings	P	P	P	P	SR	P	P			
Outdoor sales and repair								P		SR
Pawn shops								SR		
Personal services, including, but not limited to barbershops, beauty shops, dry-cleaning outlets, self-service laundries, shoe repair shops, printing and similar services								P	P	P
Personal services, retailing goods serving only residents of an area in which these uses are located	SR	SR	SR	SR	SR	SR	SR			
Private schools	SR	SR	SR	SR	SR	SR	SR	SR	SR	
Professional offices, including such fee-for-service establishments as legal, insurance, real estate and similar service providers.								SR	P	
Public parks, playfields and playgrounds	P	P	P	P	P	P	P	SR	SR	SR
Publicly owned buildings and uses, including schools, libraries and emergency services	SR	SR	SR	SR	SR	SR	SR	P	P	P
Radio, television and microwave transmitting, receiving or relay stations or towers - commercial mobile radio systems (See Section 12-17-150)	SR							SR		SR
Recreational, tennis clubs, swimming pools, golf courses and exhibit halls	SR	SR	SR	SR	SR	SR	SR			
Religious institutions	P	P	P	P	P	P	P	SR	SR	
Self-storage units								P		P
Two-unit dwellings				P	P	P	P			
Utility installations, electric substations, sewer lift stations, telephone exchanges, gas regulators, major transmission lines and irrigation ditch rights-of-way; not including utility offices, repair, storage or production facilities. Primary structures, such as electric substations, sewer lift stations, etc., must be located more than 100 feet from residential units and approved by the Public Works Director	P	P	P	P	P	P	P	P	P	P
Utility uses, including utility offices, repair, storage or production facilities, primary structures, such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines, must be located more than 100 feet from residential districts								SR	SR	P
Vocational and business schools	SR							SR		P

* Within the Central Business District, dwelling units are subordinate to a permitted use in an existing building, and comprising not more than ½ of the floor area of the entire structure.

P – Permitted Use	SR – Special Review Use	Blank – Use Prohibited
Zoning Districts:	RU – Rural	RE – Residential Estate
	RL – Residential Low-Density	RM – Residential Medium-Density
	RH – Residential High-Density	Mfg-H – Manufactured Housing
	MSW – Manufactured Housing Single-Wide	CH – Commercial Highway
	CB – Commercial Business	I – Industrial

(Ord. 789 §18-142, 2006; Ord. 792 §1, 2007; Ord. 805 §2, 2008 Ord. 811 §1, 2009)

ARTICLE 6

Rural (RU) District

Sec. 12-6-10. Purpose.

The Rural (RU) 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. 789 §18-151, 2006)

Sec. 12-6-20. Permitted uses.

Permitted uses in the RU District are shown on Table 12-3 above. (Ord. 789 §18-152, 2006)

Sec. 12-6-30. Special review uses.

Special review uses in the RU District are shown on Table 12-3 above. (Ord. 789 §18-153, 2006)

Sec. 12-6-40. Lot size.

Lot area and width requirements in the RU District are shown on Table 12-4 below.

Table 12-4
RU District Standards

Minimum lot area	5 acres
Minimum lot width	150 feet
Minimum lot area per one-unit dwelling	5 acres
Minimum gross floor area per one-unit dwelling	1,200 square feet
Minimum front setback	30 feet
Minimum side setback from a street right-of-way	30 feet
Minimum side setback from an interior lot line	20 feet
Minimum rear setback for principal	25 feet

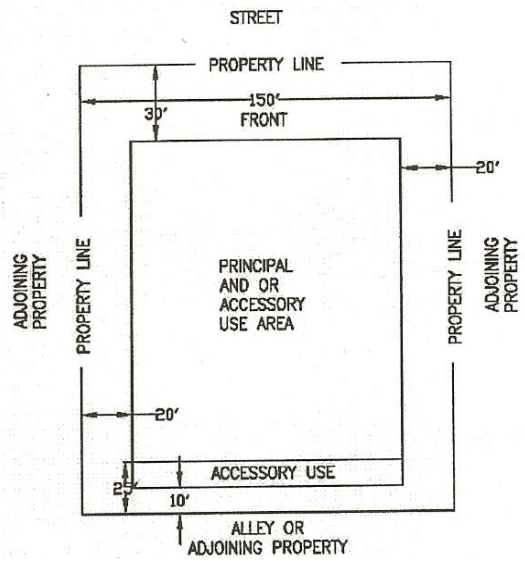
structures	
Minimum rear setback for accessory structures	10 feet
Maximum lot coverage	20%
Maximum building height	45 feet

(Ord. 789 §18-154, 2006)

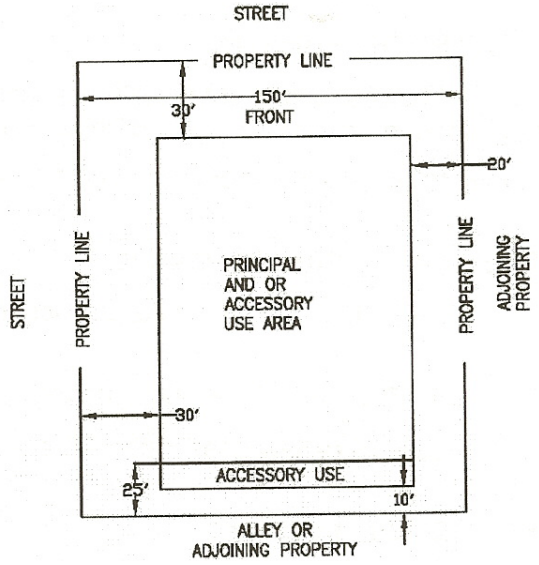
Sec. 12-6-50. Setback requirements.

Setback requirements in the RU District are shown on Table 12-4 above and Diagram 12-A below.

Diagram 12-A
RU District Typical Lot Layout



RU District Corner Lot Diagram



(Ord. 789 §18-155, 2006)

Sec. 12-6-60. Lot coverage.

Lot coverage requirements in the RU District are shown on Table 12-4 above. Lot coverage shall be measured to include the footprint of buildings. Only the first floor square footage in structures of two (2) or more stories shall be included when calculating lot coverage. (Ord. 789 §18-156, 2006)

Sec. 12-6-70. Building height.

Building height requirements in the RU District are shown on Table 12-4 above. (Ord. 789 §18-157, 2006)

Sec. 12-6-80. Gross floor area.

Minimum gross floor area requirements in the RU District are shown in Table 12-4 above. (Ord. 789 §18-158, 2006)

Sec. 12-6-90. Parking requirements.

For parking requirements in the RU District, see Sections 12-19-100 and 12-19-110 of this Chapter. (Ord. 789 §18-159, 2006)

Sec. 12-6-100. Vision clearance requirements.

For vision clearance requirements in the RU District, see Section 12-17-70 of this Chapter. (Ord. 789 §18-160, 2006)

ARTICLE 7

Residential Estate (RE) District

Sec. 12-7-10. Purpose.

The Residential Estate (RE) District is comprised of areas which are primarily for large-lot one-unit residential dwellings and other necessary and compatible uses. (Ord. 789 §18-176, 2006)

Sec. 12-7-20. Permitted uses.

Permitted uses in the RE District are shown on Table 12-3 above. (Ord. 789 §18-177, 2006)

Sec. 12-7-30. Special review uses.

Special review uses in the RE District are shown on Table 12-3 above. (Ord. 789 §18-178, 2006)

Sec. 12-7-40. Lot size.

Lot area and width requirements in the RE District are shown on Table 12-5 below.

Table 12-5
RE District Standards

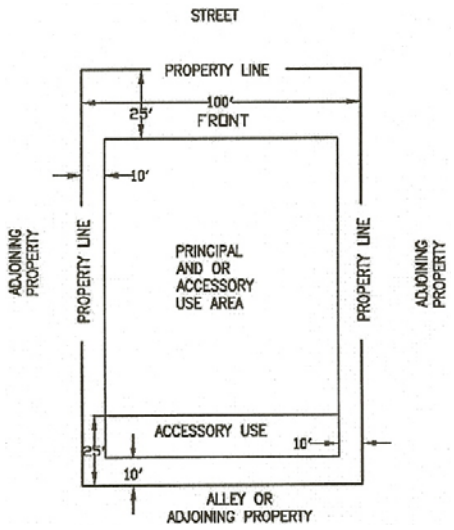
Minimum lot area	21,780 square feet
Minimum lot width	100 feet
Minimum lot width for all lots facing a cul-de-sac turnaround or curve on a minor loop street	75 feet
Minimum lot area per one-unit dwelling	½ acre
Minimum gross floor area per one-unit dwelling	1,200 square feet
Minimum front setback	25 feet
Minimum side setback from a street right-of-way	25 feet
Minimum side setback from an interior lot line	10 feet
Minimum rear setback for principal structures	25 feet
Minimum rear setback for accessory structures	10 feet
Maximum lot coverage	30%
Maximum building height	35 feet

(Ord. 789 §18-179, 2006)

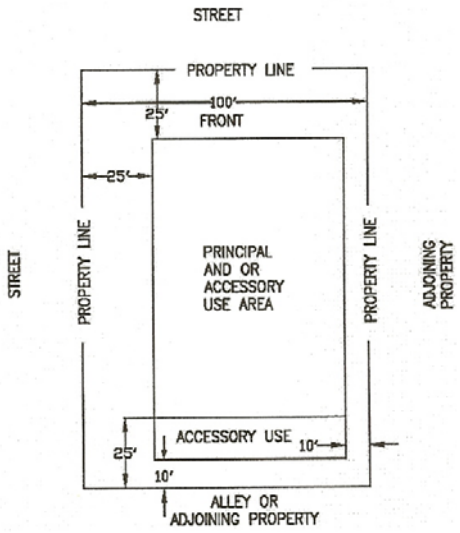
Sec. 12-7-50. Setback requirements.

Setback requirements in the RE District are shown on Table 12-5 above and Diagram 12-B below.

Diagram 12-B
RE District Typical Lot Layout



RE District Corner Lot Diagram



(Ord. 789 §18-180, 2006)

Sec. 12-7-60. Lot coverage.

Lot coverage requirements in the RE District are shown on Table 12-5 above. Lot coverage shall be measured to include the footprint of buildings. Only the first floor square footage in structures of two (2) or more stories shall be included when calculating lot coverage. (Ord. 789 §18-181, 2006)

Sec. 12-7-70. Building height.

Building height requirements in the RE District are shown on Table 12-5 above. (Ord. 789 §18-182, 2006)

Sec. 12-7-80. Gross floor area.

Minimum gross floor area requirements in the RE District are shown in Table 12-5 above. (Ord. 789 §18-183, 2006)

Sec. 12-7-90. Parking requirements.

For parking requirements in the RE District, see Sections 12-19-100 and 12-19-110 of this Chapter. (Ord. 789 §18-184, 2006)

Sec. 12-7-100. Vision clearance requirements.

For vision clearance requirements in the RE District, see Section 12-17-70 of this Chapter. (Ord. 789 §18-185, 2006)

ARTICLE 8

Residential Low-Density (RL) District

Sec. 12-8-10. Purpose.

The Residential Low-Density (RL) District is comprised of areas which provide for residential development of one-unit dwelling areas in the community plus certain open space areas where similar residential development appears likely to occur. (Ord. 789 §18-201, 2006)

Sec. 12-8-20. Permitted uses.

Permitted uses in the RL District are shown on Table 12-3 above. (Ord. 789 §18-202, 2006)

Sec. 12-8-30. Special review uses.

Special review uses in the RL District are shown on Table 12-3 above. (Ord. 789 §18-203, 2006)

Sec. 12-8-40. Lot size.

Lot area and width requirements in the RL District are shown on Table 12-6 below.

Table 12-6
RL District Standards

Minimum lot area	7,000 square feet (interior lot) 8,000 square feet (corner lot)

Minimum lot width	60 feet
Minimum lot width for all lots facing a cul-de-sac turnaround or curve on a minor loop street	50 feet
Minimum lot area per one-unit dwelling	7,000 square feet
Minimum gross floor area per one-unit dwelling	1,200 square feet
Minimum front setback	25 feet
Minimum side setback from a street right-of-way (See Subsection 12-17-10(b))	25 feet for principal structure
	15 feet for accessory structure
Minimum side setback from an interior lot line	5 feet
Minimum rear setback for principal structures	25 feet
Minimum rear setback for accessory structures	5 feet
Maximum lot coverage	30%
Maximum residential density	One dwelling unit per 7,000 square feet of lot area (6 units per acre)
Maximum building height	35 feet

(Ord. 789 §18-204, 2006)

Sec. 12-8-50. Setback requirements.

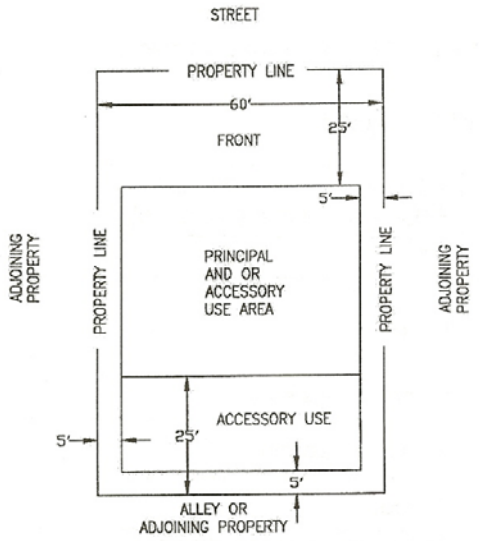
(a) Setback requirements in the RL District are shown on Table 12-6 above and Diagram 12-C below.

(b) The following exceptions to the front setback requirement for a dwelling are authorized for a lot in the RL District:

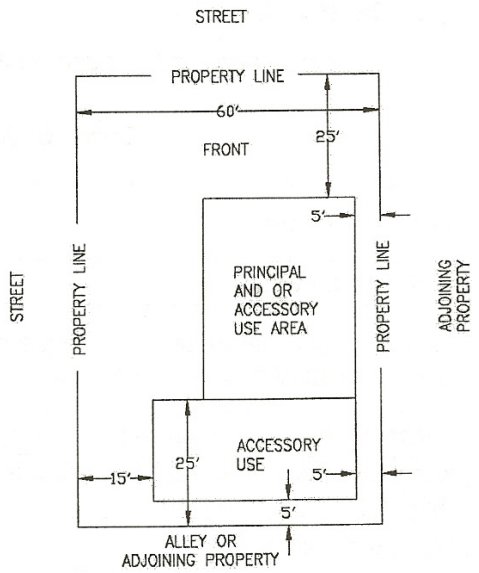
(1) If there are dwellings on both abutting lots with front setbacks of less than the required depth for the district, the front setback for the lot need not exceed the average front setback of the abutting dwellings.

(2) If there is a dwelling on one (1) 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.

Diagram 12-C
RL District Typical Lot Diagram



RL District Corner Lot Diagram



(Ord. 789 §18-205, 2006)

Sec. 12-8-60. Lot coverage.

Lot coverage requirements in the RL District are shown on Table 12-6 above. Lot coverage shall be measured to include the footprint of buildings. Only the first floor square footage in structures of two (2) or more stories shall be included when calculating lot coverage. (Ord. 789 §18-206, 2006)

Sec. 12-8-70. Building height.

Building height requirements in the RL District are shown on Table 12-6 above. (Ord. 789 §18-207, 2006)

Sec. 12-8-80. Gross floor area.

Minimum gross floor area requirements in the RL District are shown in Table 12-6 above. (Ord. 789 §18-208, 2006)

Sec. 12-8-90. Parking requirements.

For parking requirements in the RL District, see Sections 12-19-100 and 12-19-110 of this Chapter. (Ord. 789 §18-209, 2006)

Sec. 12-8-100. Vision clearance requirements.

For vision clearance requirements in the RL District, see Section 12-17-70 of this Chapter. (Ord. 789 §18-210, 2006)

ARTICLE 9

Residential Medium-Density (RM) District

Sec. 12-9-10. Purpose.

The Residential Medium-Density (RM) District is comprised of areas which are primarily used for or permit medium-density multifamily development. (Ord. 789 §18-226, 2006)

Sec. 12-9-20. Permitted uses.

Permitted uses in the RM District are shown on Table 12-3 above. (Ord. 789 §18-227, 2006)

Sec. 12-9-30. Special review uses.

Special review uses in the RM District are shown on Table 12-3 above. (Ord. 789 §18-228, 2006)

Sec. 12-9-40. Lot size.

Lot area and width requirements in the RM district are shown on Table 12-7 below.

Table 12-7
RM District Standards

Minimum lot area	7,000 square feet (interior lot) 8,000 square feet (corner lot)
Minimum lot width	60 feet, plus 15 feet per dwelling unit over 1 unit

Minimum lot area per one-unit dwelling	3,500 square feet
Minimum gross floor area per one-unit dwelling	900 square feet
Minimum front setback	25 feet
Minimum side setback from a street right-of-way (See Subsection 12-17-10(b))	25 feet for principal structure
	15 feet for accessory structure
Minimum side setback from an interior lot line	5 feet
Minimum rear setback for principal structures	10 feet
Minimum rear setback for accessory structures	5 feet
Maximum lot coverage	35%
Maximum residential density	One dwelling unit per 3,500 square feet of lot area (12 units per acre)
Maximum building height	40 feet

(Ord. 789 §18-229, 2006)

Sec. 12-9-50. Setback requirements.

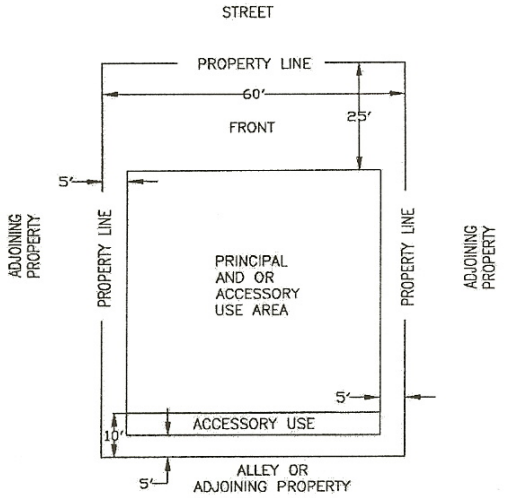
(a) Setback requirements in the RM District are shown on Table 12-7 above and Diagram 12-D below.

(b) The following exceptions to the front setback requirement for a dwelling are authorized for a lot in the RM District:

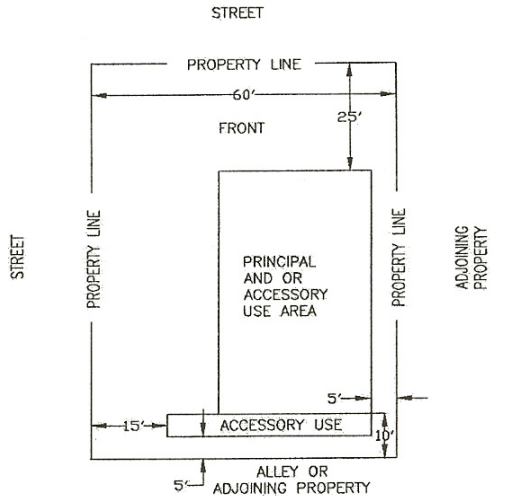
(1) If there are dwellings on both abutting lots with front setbacks of less than the required depth for the district, the front setback for the lot need not exceed the average front setback of the abutting dwellings.

(2) If there is a dwelling on one (1) 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.

Diagram 12-D
RM District Typical Lot Diagram



RM District Corner Lot Diagram



(Ord. 789 §18-230, 2006)

Sec. 12-9-60. Lot coverage.

Lot coverage requirements in the RM District are shown on Table 12-7 above. Lot coverage shall be measured to include the footprint of buildings. Only the first floor square footage in structures of two (2) or more stories shall be included when calculating lot coverage. (Ord. 789 §18-231, 2006)

Sec. 12-9-70. Building height.

Building height requirements in the RM District are shown on Table 12-7 above. (Ord. 789 §18-232, 2006)

Sec. 12-9-80. Gross floor area.

Minimum gross floor area requirements in the RM District are shown in Table 12-7 above. (Ord. 789 §18-233, 2006)

Sec. 12-9-90. Parking requirements.

For parking requirements in the RM District, see Sections 12-19-100 and 12-19-110 of this Chapter. (Ord. 789 §18-234, 2006)

Sec. 12-9-100. Vision clearance requirements.

For vision clearance requirements in the RM District, see Section 12-17-70 of this Chapter. (Ord. 789 §18-235, 2006)

ARTICLE 10

Residential High-Density (RH) District

Sec. 12-10-10. Purpose.

The Residential High-Density (RH) District is comprised of areas primarily used for multi-unit residential development at apartment densities. It is a district to provide a high range of housing types to meet diversities in the housing market. (Ord. 789 §18-251, 2006)

Sec. 12-10-20. Permitted uses.

Permitted uses in the RH District are shown on Table 12-3 above. (Ord. 789 §18-252, 2006)

Sec. 12-10-30. Special review uses.

Special review uses in the RH District are shown on Table 12-3 above. (Ord. 789 §18-253, 2006)

Sec. 12-10-40. Lot size.

Lot area and width requirements in the RH District are shown on Table 12-8 below.

Table 12-8
RH District Standards

Minimum lot area	7,000 square feet (interior lot) 8,000 square feet (corner lot)
Minimum lot width	60 feet, plus 10 feet per dwelling unit over 2 units
Minimum lot area per one-unit dwelling	1,750 square feet
Minimum gross floor area per one-unit dwelling	600 square feet
Minimum front setback	25 feet

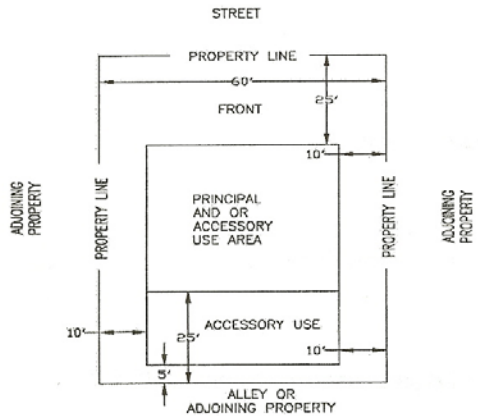
Minimum side setback from a street right-of-way (See Subsection 12-17-10(b))	25 feet for principal structure
	15 feet for accessory structure
Minimum side setback from an interior lot line	10 feet
Minimum rear setback for principal structures	25 feet
Minimum rear setback for accessory structures	5 feet
Maximum lot coverage	70%
Maximum residential density	One dwelling unit per 1,750 square feet of lot area (24 units per acre)
Maximum building height	50 feet

(Ord. 789 §18-254, 2006)

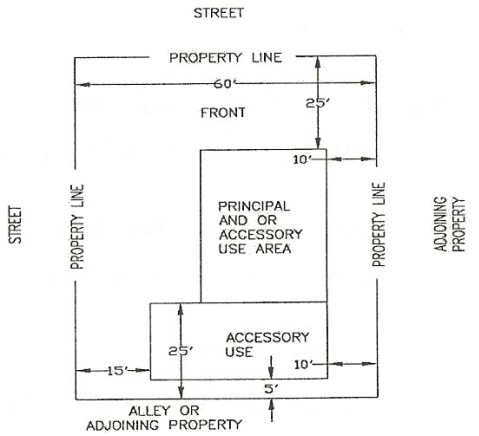
Sec. 12-10-50. Setback requirements.

Setback requirements in the RH district are shown on Table 12-8 above and Diagram 12-E below.

Diagram 12-E
RH District Typical Lot Diagram



RH District Corner Lot Diagram



(Ord. 789 §18-255, 2006)

Sec. 12-10-60. Lot coverage.

Lot coverage requirements in the RH District are shown on Table 12-8 above. Lot coverage shall be measured to include the footprint of buildings. Only the first floor square footage in structures of two (2) or more stories shall be included when calculating lot coverage. (Ord. 789 §18-256, 2006)

Sec. 12-10-70. Building height.

Building height requirements in the RH District are shown on Table 12-8 above. (Ord. 789 §18-257, 2006)

Sec. 12-10-80. Gross floor area.

Minimum gross floor area requirements in the RH District are shown in Table 12-8 above. (Ord. 789 §18-258, 2006)

Sec. 12-10-90. Parking requirements.

For parking requirements in the RH District, see Sections 12-19-100 and 12-19-110 of this Chapter. (Ord. 789 §18-259, 2006)

Sec. 12-10-100. Vision clearance requirements.

For vision clearance requirements in the RM District, see Section 12-17-70 of this Chapter. (Ord. 789 §18-260, 2006)

ARTICLE 11

Manufactured Homes (Mfg-H) District

Sec. 12-11-10. Purpose.

The Manufactured Homes (Mfg-H) District is comprised of areas which provide for manufactured homes plus certain open space areas where similar residential development appears likely to occur. (Ord. 789 §18-261, 2006)

Sec. 12-11-20. Permitted uses.

Permitted uses in the Mfg-H District are shown on Table 12-3 above. (Ord. 789 §18-262, 2006)

Sec. 12-11-30. Special review uses.

Special review uses in the Mfg-H District are shown on Table 12-3 above. (Ord. 789 §18-263, 2006)

Sec. 12-11-40. Lot size.

Lot area and width requirements in the Mfg-H District are shown on Table 12-9 below.

Table 12-9
Mfg-H District Standards

Minimum lot area	7,000 square feet (interior lot) 8,000 square feet (corner lot)
Minimum lot width	60 feet
Minimum lot width for all lots facing a cul-de-sac turnaround or curve on a minor loop street	50 feet
Minimum lot area per one-unit dwelling	7,000 square feet
Minimum gross floor area per one-unit dwelling	1,000 square feet
Minimum front setback	25 feet
Minimum side setback from a street right-of-way (See Subsection 12-17-10(b))	25 feet for principal structure
	15 feet for accessory structure

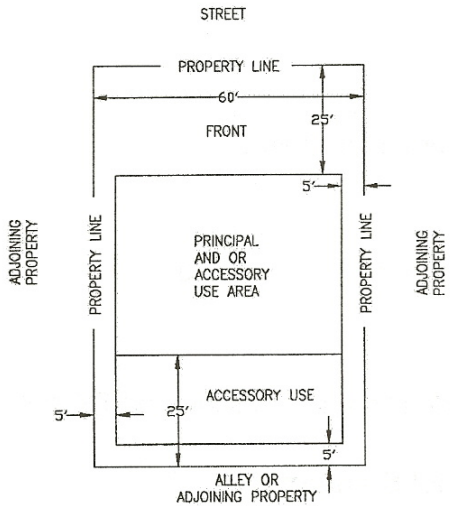
Minimum side setback from an interior lot line	5 feet
Minimum rear setback for principal structures	25 feet
Minimum rear setback for accessory structures	5 feet
Maximum lot coverage	30%
Maximum residential density	One dwelling unit per 7,000 square feet of lot area (6 units per acre)
Maximum building height	30 feet

(Ord. 789 §18-264, 2006)

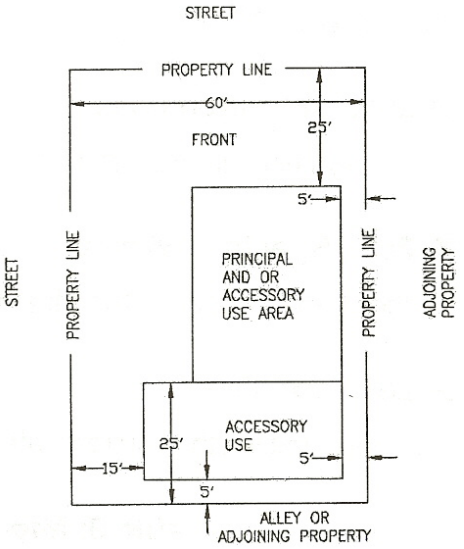
Sec. 12-11-50. Setback requirements.

Setback requirements in the Mfg-H District are shown on Table 12-9 above and Diagram 12-F below.

Diagram 12-F
Mfg-H Typical Lot Diagram



Mfg-H District Corner Lot Diagram



(Ord. 789 §18-265, 2006)

Sec. 12-11-60. Lot coverage.

Lot coverage requirements in the Mfg-H District are shown on Table 12-9 above. Lot coverage shall be measured to include the footprint of buildings. Only the first floor square footage in structures of two (2) or more stories shall be included when calculating lot coverage. (Ord. 789 §18-266, 2006)

Sec. 12-11-70. Building height.

Building height requirements in the Mfg-H District are shown on Table 12-9 above. (Ord. 789 §18-267, 2006)

Sec. 12-11-80. Gross floor area.

Minimum gross floor area requirements in the Mfg-H District are shown in Table 12-9 above. (Ord. 789 §18-268, 2006)

Sec. 12-11-90. Parking requirements.

For parking requirements in the Mfg-H District, see Sections 12-19-100 and 12-19-110 of this Chapter. (Ord. 789 §18-269, 2006)

Sec. 12-11-100. Vision clearance requirements.

For vision clearance requirements in the Mfg-H District, see Section 12-17-70 of this Chapter. (Ord. 789 §18-270, 2006)

ARTICLE 12

Commercial Highway (CH) District

Sec. 12-12-10. Purpose.

The Commercial Highway (CH) District is comprised of areas which provide for highway-oriented commercial uses to serve both local and transient automotive and related needs. (Ord. 789 §18-276, 2006)

Sec. 12-12-20. Permitted uses.

Permitted uses in the CH District are shown on Table 12-3 above. (Ord. 789 §18-277, 2006)

Sec. 12-12-30. Special review uses.

Special review uses in the CH District are shown on Table 12-3 above. (Ord. 789 §18-278, 2006)

Sec. 12-12-40. Lot size.

Lot area and width requirements in the CH district are shown on Table 12-10 below.

Table 12-10
CH District Standards

Minimum lot area	7,000 square feet
Minimum lot width	50 feet

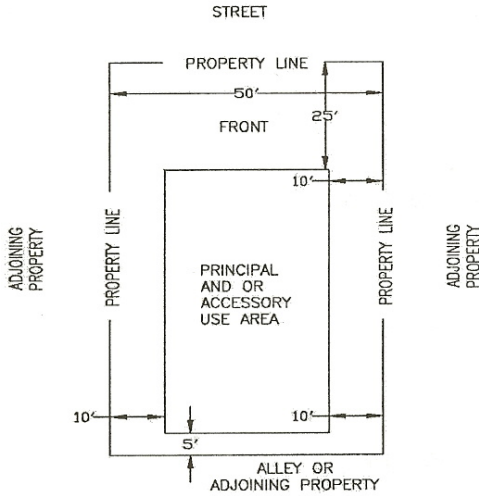
Minimum front setback	25 feet
Minimum side setback from a street right-of-way	25 feet
Minimum side setback from an interior lot line	10 feet
Minimum rear setback	5 feet
Maximum lot coverage	75%
Maximum building height	50 feet

(Ord. 789 §18-279, 2006)

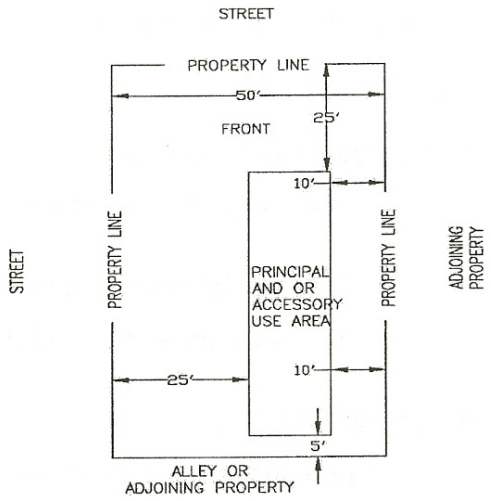
Sec. 12-12-50. Setback requirements.

Setback requirements in the CH District are shown on Table 12-10 above and Diagram 12-G below.

Diagram 12-G
CH District Typical Lot Diagram



CH District Corner Lot Diagram



(Ord. 789 §18-280, 2006)

Sec. 12-12-60. Lot coverage.

Lot coverage requirements in the CH District are shown on Table 12-10 above. Lot coverage shall be measured to include the footprint of buildings. Only the first floor square footage in structures of two (2) or more stories shall be included when calculating lot coverage. (Ord. 789 §18-281, 2006)

Sec. 12-12-70. Building height.

Building height requirements in the CH District are shown on Table 12-10 above. (Ord. 789 §18-282, 2006)

Sec. 12-12-80. Gross floor area.

Minimum gross floor area requirements in the CH District are shown in Table 12-10 above. (Ord. 789 §18-283, 2006)

Sec. 12-12-90. Parking requirements.

For parking requirements in the CH District, see Sections 12-19-100 and 12-19-110 of this Chapter. (Ord. 789 §18-284, 2006)

Sec. 12-12-100. Vision clearance requirements.

For vision clearance requirements in the CH district, see Section 12-17-70 of this Chapter. (Ord. 789 §18-285, 2006)

ARTICLE 13

Commercial Business (CB) District

Sec. 12-13-10. Purpose.

The Commercial Business (CB) District is comprised of areas to provide a full range of retail sales and services. (Ord. 789 §18-301, 2006)

Sec. 12-13-20. Permitted uses.

Permitted uses in the CB District are shown on Table 12-3 above. (Ord. 789 §18-302, 2006)

Sec. 12-13-30. Special review uses.

Special review uses in the CB District are shown on Table 12-3 above. (Ord. 789 §18-303, 2006)

Sec. 12-13-40. Lot size.

Lot area and width requirements in the CB District are shown on Table 12-11 below.

Table 12-11
CB District Standards

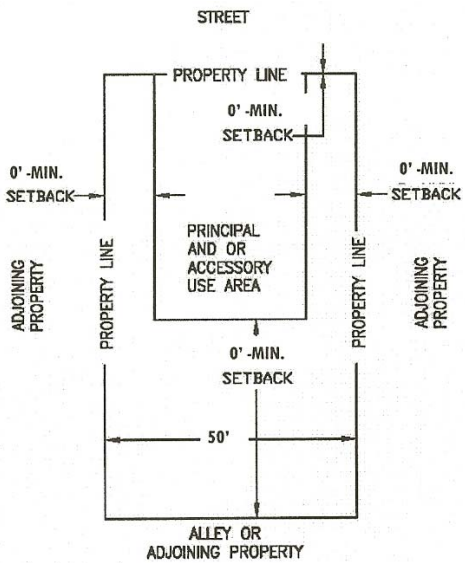
Minimum lot area	7,000 square feet
Minimum lot width	50 feet
Minimum front setback	0 feet
Minimum side setback from a street right-of-way	0 feet
Minimum side setback from an interior lot line	0 feet
Minimum rear setback	0 feet
Maximum lot coverage	40%
Maximum building height	50 feet

(Ord. 789 §18-304, 2006)

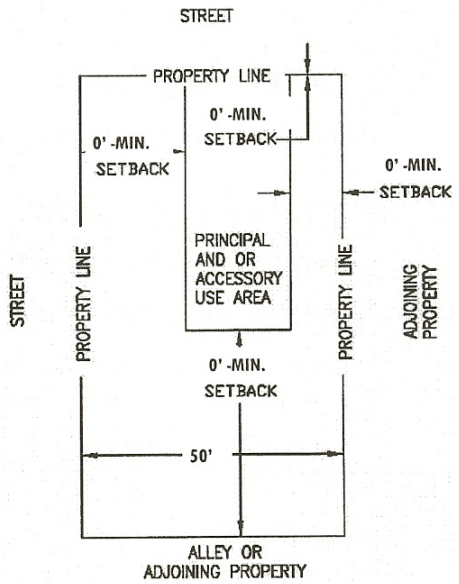
Sec. 12-13-50. Setback requirements.

Setback requirements in the CB District are shown on Table 12-11 above and Diagram 12-H below.

Diagram 12-H
CB District Typical Lot Diagram



CB District Corner Lot Diagram



(Ord. 789 §18-305, 2006)

Sec. 12-13-60. Lot coverage.

Lot coverage requirements in the CB District are shown on Table 12-11 above. Lot coverage shall be measured to include the footprint of buildings. Only the first floor square footage in structures of two (2) or more stories shall be included when calculating lot coverage. (Ord. 789 §18-306, 2006)

Sec. 12-13-70. Building height.

Building height requirements in the CB District are shown on Table 12-11 above. (Ord. 789 §18-307, 2006)

Sec. 12-13-80. Gross floor area.

Gross floor area requirements in the CB District are shown in Table 12-11 above. (Ord. 789 §18-308, 2006)

Sec. 12-13-90. Parking requirements.

For parking requirements in the CB District, see Article 19 of this Chapter. (Ord. 789 §18-309, 2006)

ARTICLE 14

Industrial (I) District

Sec. 12-14-10. Purpose.

The Industrial (I) District is comprised of areas which provide for nonoffensive types of manufacturing, processing and warehousing activities. (Ord. 789 §18-326, 2006)

Sec. 12-14-20. Permitted uses.

Permitted uses in the I District are shown on Table 12-3 above. (Ord. 789 §18-327, 2006)

Sec. 12-14-30. Special review uses.

Special review uses in the I District are shown on Table 12-3 above. (Ord. 789 §18-328, 2006)

Sec. 12-14-40. Lot size.

Lot area and width requirements in the I District are shown on Table 12-12 below.

Table 12-12
I District Standards

Minimum lot area	7,000 square feet
Minimum lot width	60 feet
Minimum front setback	25 feet
Minimum side setback from a street right-of-way	25 feet
Minimum side setback from an interior lot line	10 feet
Minimum rear setback for principal structures	20 feet
Minimum rear setback for accessory structures	5 feet
Maximum lot coverage	50%

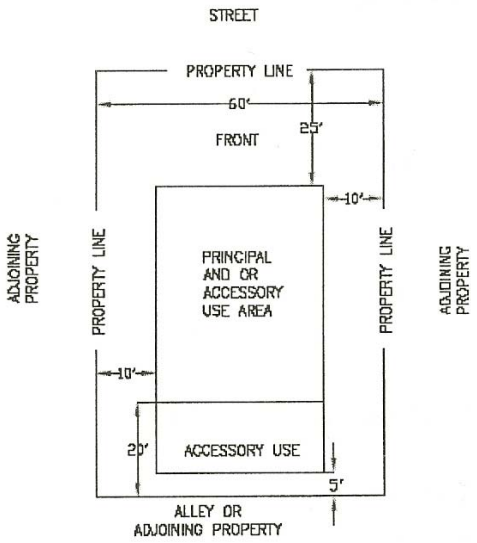
Maximum building height	50 feet

(Ord. 789 §18-329, 2006)

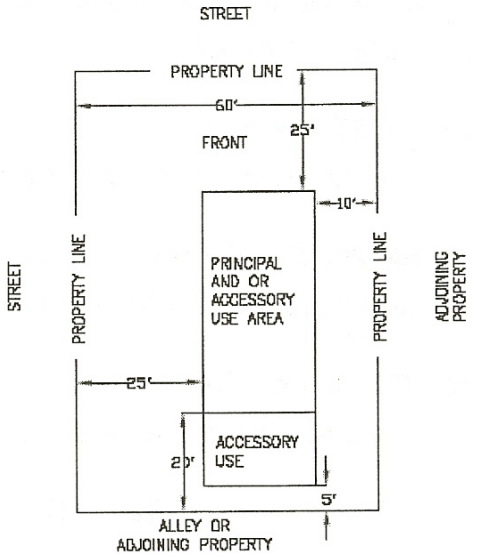
Sec. 12-14-50. Setback requirements.

Setback requirements in the I District are shown on Table 12-12 above and Diagram 12-I below.

Diagram 12-I
I District Typical Lot Diagram



I District Corner Lot Diagram



(Ord. 789 §18-330, 2006)

Sec. 12-14-60. Lot coverage.

Lot coverage requirements in the I District are shown on Table 12-12 above. Lot coverage shall be measured to include the footprint of buildings. Only the first floor square footage in structures of two (2) or more stories shall be included when calculating lot coverage. (Ord. 789 §18-331, 2006)

Sec. 12-14-70. Building height.

Building height requirements in the I District are shown on Table 12-12 above. (Ord. 789 §18-332, 2006)

Sec. 12-14-80. Gross floor area.

Minimum gross floor area requirements in the I District are shown in Table 12-12 above. (Ord. 789 §18-333, 2006)

Sec. 12-14-90. Parking requirements.

For parking requirements in the I District, see Article 19 of this Chapter. (Ord. 789 §18-334, 2006)

Sec. 12-14-100. Vision clearance requirements.

For vision clearance requirements in the I District, see Section 12-17-70 of this Chapter. (Ord. 789 §18-335, 2006)

ARTICLE 15

Manufactured Home Single-Wide (MSW) District

Division 1
MSW District

Sec. 12-15-10. Purpose.

The Manufactured Home Single-Wide (MSW) District provides for individual manufactured home single-wide lots, manufactured home single-wide parks and similar residential development. (Ord. 789 §18-351, 2006)

Sec. 12-15-20. Permitted uses.

Permitted uses in the MSW District are shown on Table 12-3 above. (Ord. 789 §18-352, 2006)

Sec. 12-15-30. Special review uses.

Special review uses in the MSW District are shown on Table 12-3 above. (Ord. 789 §18-353, 2006)

Sec. 12-15-40. Lot size.

Lot area and width requirements for individual manufactured home single-wide lots in the MSW District are shown on Table 12-13 below.

Table 12-13
MSW District Standards

Minimum lot area	7,000 square feet (interior lot) 8,000 square feet (corner lot)
Minimum lot width	60 feet
Minimum lot area per dwelling unit	7,000 square feet
Minimum front setback	25 feet
Minimum side setback from a street right-of-way (See Subsection 12-17-10(b))	20 feet for principal structure
	15 feet for accessory structure
Minimum side setback from an interior lot line	9 feet 14 feet for entry sides
Minimum rear setback for principal structures	10 feet
Minimum rear setback for accessory structures	5 feet
Maximum lot coverage	35%
Maximum residential density	One dwelling unit per 7,000 square feet of lot area (6 units per acre)
Maximum building height	16 feet

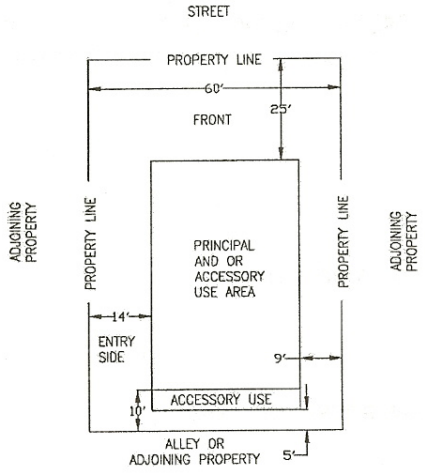
(Ord. 789 §18-354, 2006)

Sec. 12-15-50. Setback requirements.

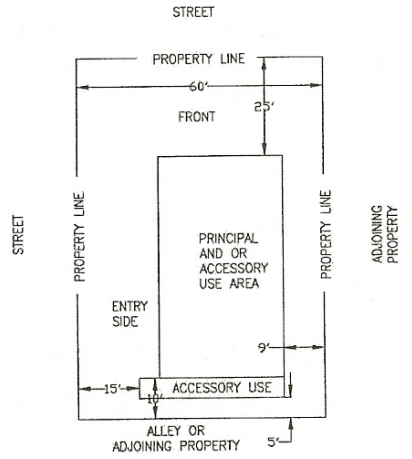
Setback requirements for individual manufactured home single-wide lots in the MSW District are shown on Table 12-13 above and Diagram 12-J below.

Diagram 12-J
MSW District

MSW District
Typical Lot Diagram



MSW District
Corner Lot Diagram



(Ord. 789 §18-355, 2006; Ord. 811 §1, 2009)

Sec. 12-15-60. Lot coverage.

Lot coverage requirements for individual manufactured home single-wide lots in the MSW District are shown on Table 12-13 above. Lot coverage shall be measured to include the footprint of buildings. Only the first floor square footage in structures of two (2) or more stories shall be included when calculating lot coverage. (Ord. 789 §18-356, 2006)

Sec. 12-15-70. Height of buildings.

Building height requirements for individual manufactured home single-wide lots in the MSW District are shown on Table 12-13 above. (Ord. 789 §18-357, 2006)

Sec. 12-15-80. Gross floor area.

Minimum gross floor area requirements in the MSW District are shown in Table 12-13 above. (Ord. 789 §18-358, 2006)

Sec. 12-15-90. Vision clearance requirements.

For vision clearance requirements in the MSW District, see Section 12-17-70 of this Chapter. (Ord. 789 §18-359, 2006)

Sec. 12-15-100. Supplementary provisions.

(a) All MSW units shall have a skirting of a rigid type of material manufactured for the purpose of covering the undercarriage of the manufactured home single-wide. Such skirting must be in place within sixty (60) days after the manufactured home single-wide is installed. Skirting shall be fastened according to the manufacturer's instruction and shall provide for adequate ventilation. The frame, axles, wheels, crawl space, storage area and utility connections of all manufactured homes shall be concealed from view by the skirting. The skirting shall be equal to skirting manufactured for that purpose. It shall be the duty of the person to whom the license for the manufactured home single-wide park is issued to see that the skirting is in place in compliance with this Article.

(b) Prior to occupancy, the wheels must be removed and the home placed and anchored on a suitable foundation.

(c) Each manufactured home single-wide shall be secured with supports, anchors and tie-downs fastened to the main framing as shown on Table 12-14 below. Supports, anchors and tie-downs shall be placed to resist the design wind pressures and shall be installed in compliance with local codes and the Colorado Manufactured Home Inspection Program.

Table 12-14
Tie-Down Requirements

Length of Manufactured Home Single-Wide (feet)	*Number of Tie-Down Sets**	*Number of Anchors*
Up to 50	3	6
50 to 70	4	8
Over 70	5	10

* Sets are characterized by pairs of tie-downs.

Anchor rods shall be capable of sustaining a load requirement of three thousand one hundred fifty (3,150) pounds. (Ord. 789 §18-360, 2006)

Division 2
Manufactured Home Single-Wide Parks

Sec. 12-15-210. License; site plan requirements.

(a) It shall be unlawful for any person to construct, maintain, operate or alter any manufactured home single-wide park, as defined in Section 12-1-10 of this Chapter, within the incorporated area of the City, unless he or she holds a valid license authorized by the City Council in the name of such person for the specific manufactured home single-wide park. All applications for licenses shall be made to the City Manager, who shall issue a permit or license upon compliance by the applicant with provisions of this Chapter, any regulations adopted pursuant thereto and any other applicable legal requirements.

(b) No manufactured home single-wide park shall be occupied until all improvements have been made as submitted in the approved site plan and until proper inspections by the City Manager have been made. (Ord. 789 §18-361, 2006)

Sec. 12-15-220. Site selection criteria.

Existing health regulations must be considered prior to selection of the site for a manufactured home single-wide park. The manufactured home single-wide park shall be on a well-drained site and shall be located so that its drainage will not cause an adverse effect on surrounding areas. Manufactured home single-wide parks shall not be exposed to chronic nuisances such as noise, smoke, fumes or odors. The topography shall be favorable to minimum grading and ease of maintenance. (Ord. 789 §18-362, 2006)

Sec. 12-15-230. Manufactured home single-wide park density.

The manufactured home single-wide park shall have a gross density of not more than twelve (12) units per acre. (Ord. 789 §18-362, 2006)

Sec. 12-15-240. Setbacks.

(a) Each manufactured home single-wide park shall be landscaped except for those portions used for ingress and egress. The minimum setback requirements shall be as follows:

(1) Abutting a state or federally designated highway or designated major arterial: fifty (50) feet.

(2) Abutting any public right-of-way other than Subparagraph a. above, including alleys: twenty-five (25) feet.

(3) Abutting any exterior boundary other than Subparagraph a. or b. above: fifteen (15) feet.

(b) All manufactured homes single-wide shall be parked in such spaces so that there will be a minimum of twenty (20) feet on all sides between manufactured homes single-wide. Additions to the manufactured home single-wide structure shall be considered a part of the manufactured home single-wide in measuring required setback.

(c) It shall be unlawful to allow any manufactured home single-wide to be occupied in a manufactured home single-wide park unless the manufactured home single-wide is situated on a manufactured home single-wide space. (Ord. 789 §18-362, 2006)

Sec. 12-15-250. Manufactured home single-wide space requirements.

(a) The required area for each manufactured home single-wide space does not include additional area required for access roads, off-street parking, service buildings, recreation areas, office and similar manufactured home single-wide park needs.

(b) The following minimum area requirements shall apply to manufactured home single-wide spaces:

(1) The minimum area of a manufactured home single-wide space shall be three thousand five hundred (3,500) square feet.

(2) Groups or clusters of manufactured homes single-wide may be placed on a combined lot where the area of the combined lot is equal to the minimum lot area required for an equal number of manufactured homes single-wide on standard lots and where the minimum setbacks are honored on the combined lots perimeter line and minimum spacing requirements are complied with.

(3) Manufactured home single-wide size, parking and storage shall be considered in sizing lots. (Ord. 789 §18-362, 2006)

Sec. 12-15-260. Access and interior roadways.

(a) The site shall have at least one (1) direct access to a public street by a roadway at least forty (40) feet in width, which meets City standards.

(b) Access shall be provided to each manufactured home single-wide space by interior roadways not less than thirty-two (32) feet in width and which meet City standards. (Ord. 789 §18-362, 2006)

Sec. 12-15-270. Walkways, paving and lighting.

All walkways within the park shall be hard-surfaced with asphalt or concrete. All roadways and walkways within a manufactured home single-wide park shall be well-lighted at night. (Ord. 789 §18-362, 2006)

Sec. 12-15-280. Public sites, open space and recreation areas.

A manufactured home single-wide park shall provide an amount not less than ten percent (10%) of the gross manufactured home single-wide park area for private recreational area or areas. The area allowed for recreation shall not include any area designated as a roadway, manufactured home single-wide space or storage area or any area required for setbacks. (Ord. 789 §18-362, 2006)

Sec. 12-15-290. Off-street and on-street parking.

Areas shall be provided for the parking of motor vehicles:

(1) A minimum of two (2) off-street parking spaces for each manufactured home single-wide shall be provided for each manufactured home single-wide space. The minimum size of each such off-street parking space shall be eight (8) feet by twenty (20) feet. Off-street parking spaces shall be surfaced with gravel, asphalt, concrete or similar substance.

(2) On-street parking may be permitted in addition to required off-street parking by widening roadways an additional ten (10) feet. (Ord. 789 §18-362, 2006)

Sec. 12-15-300. Storage areas.

(a) An outdoor storage area surfaced with gravel, asphalt, concrete or similar substance for boats, boat trailers, camping units and horse trailers shall be provided for within the manufactured home single-wide park in an amount equal to fifty (50) square feet per manufactured home single-wide space.

(b) An indoor storage area, either individual or common, for the personal use of manufactured home single-wide occupants shall be provided in an amount equal to fifty (50) square feet per manufactured home single-wide space. Space beneath the manufactured home single-wide shall not fulfill this requirement. (Ord. 789 §18-362, 2006)

Sec. 12-15-310. Camping units.

Camping units shall not be allowed in manufactured home single-wide parks unless bath and toilet facilities are provided by the manufactured home single-wide park. (Ord. 789 §18-362, 2006)

Sec. 12-15-320. Fire protection.

Every manufactured home single-wide park shall have adequate fire hydrants in good working order of such type, size and number and so located within the park as prescribed by the City Fire Department or Fire Protection District, to conform to the Fire Code as adopted by the City. (Ord. 789 §18-362, 2006; Ord. 811 §1, 2009)

Sec. 12-15-330. Utilities.

(a) Water and sewer systems. All manufactured home single-wide parks shall be responsible for installing water distribution and sewage collection systems in conformance with City standards. All such systems shall be connected to the City utility system.

(b) Plumbing standards.

(1) All plumbing in the manufactured home single-wide park shall comply with the City Building Code. Each manufactured home single-wide space shall be provided with a sewer connection which shall be closed when not linked to a manufactured home single-wide and shall be capped so as to prevent any escape of odors.

(2) The manufactured home single-wide drain shall be watertight and self-draining. This drain shall be constructed of smooth plastic pipe or of other material conforming to state manufactured home single-wide regulations.

(c) Electricity. An electrical outlet supplying at least one hundred ten (110) volts or one hundred ten/two hundred twenty (110/220) volts shall be provided for each manufactured home single-wide space. All installations shall comply with all state electrical regulations.

(d) Refuse disposal. The storage, collection and disposal of refuse in the manufactured home single-wide park shall be so managed as to conform to the City ordinances regarding refuse, trash and nuisances.

Satisfactory container racks or trash bins shall be provided at permanent locations convenient to manufactured home single-wide spaces in areas screened by appropriate landscaping features. (Ord. 789 §18-362, 2006)

Sec. 12-15-340. Registration of occupants.

(a) It shall be the duty of each licensee to keep a register containing a record of all manufactured home single-wide owners and occupants located within the park. The register shall contain the following information:

(1) The name and address of the owner of each manufactured home single-wide.

(2) The name and address of the occupant of each manufactured home single-wide, if different from the owner.

(3) The make, model, year and current license number of each manufactured home single-wide.

(4) The state, territory or country issuing such license.

(5) The date of arrival and of departure of each manufactured home single-wide.

(b) The manufactured home single-wide park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of one (1) year following the departure of the registrant from the manufactured home single-wide park. (Ord. 789 §18-362, 2006)

Sec. 12-15-350. Approval requirements and procedures.

(a) Procedures for approval for a new manufactured home single-wide park.

(1) Application for approval for a new manufactured home single-wide park shall be made to the City Manager prior to the parking, storage or commencement of any construction of a new manufactured home single-wide park, and shall be accompanied by the following:

a. A site plan at a scale of one (1) inch equals one hundred (100) feet.

b. Typical plot plans for individual manufactured home single-wide spaces or camping unit spaces at a scale of one (1) inch equals ten (10) feet.

c. Typical street and walk cross-sections.

d. Grading and drainage plans.

e. The number, location and size of all manufactured home single-wide spaces; and the maximum manufactured home single-wide size for each space.

f. The location and width of roadways, sidewalks and pedestrian ways.

g. The location and size of vehicle parking lots and recreation areas.

h. Source of water supply and methods to be used for sewage and refuse disposal.

i. Plans and specifications of all utilities and other improvements constructed or to be constructed.

j. Landscaping features.

k. The type and size of all screening and fencing.

l. Such further information as may be requested by the City in order to determine that the proposed manufactured home single-wide park will comply with legal requirements.

An original application fee for site approval shall accompany the above. See Land Use Fee Schedule for the application fee.

(2) The developer must file a plat of the manufactured home single-wide park covering the location of all existing proposed utilities and public lands prior to or at the time of final approval of the manufactured home single-wide park.

(3) A manufactured home single-wide park applicant shall be responsible for complying with the requirements of this Division and shall present evidence prior to final approval of any plan that necessary arrangements have been made with each of the serving utilities for the installation of facilities in compliance herewith.

(b) Planning and Zoning Commission review.

(1) Written notice than an application for a manufactured home single-wide park has been filed (and that it may be reviewed at City Hall during the regular office hours) will be sent to owners of property within three hundred (300) feet of the property in question.

(2) Within thirty (30) days after the Planning and Zoning Commission receives a completed application (unless a longer time is necessary for consideration of the application for reasons specifically stated by the Planning and Zoning Commission), the Planning and Zoning Commission shall hold a public hearing on the application.

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

b. A written notice of said hearing will be sent by first-class mail, postage prepaid, with a certificate of mailing, at least twenty (20) days prior to the hearing date to property owners within three hundred (300) feet of the subject property as such ownership is available in the City Clerk's office.

c. The Planning and Zoning Commission shall either approve the application in whole or in part, with or without modification and conditions, or disapprove the application. The decision of the Planning and Zoning Commission shall be transmitted in writing to the City Council and to the applicant.

(c) City Council review.

(1) The City Council shall hold a public meeting on the application after receiving the written report of recommendations from the Planning and Zoning Commission. The City Council shall either approve the application, in whole or in part, with or without modification and conditions, or disapprove the application. The decision of the City Council shall be transmitted in writing to the Planning and Zoning Commission and to the applicant.

(2) All approved site plans for the manufactured home single-wide park, including modifications and conditions, shall be certified by the City Council and maintained on file.

(3) Any person applying to the courts for a review of any decision made under the terms of this Article shall apply for review within thirty (30) days after the date the decision is transmitted to applicant. The applicant shall be required to pay the cost of preparing a transcript of proceedings, and the application for review shall be in the nature of certiorari under Rule 106(a)(4) of the Colorado Rules Of Civil Procedure. The City Council shall be entitled to appeal any decision of the district court under said Rule 106 proceedings. (Ord. 789 §18-363, 2006; Ord. 811 §1, 2009)

Sec. 12-15-360. Building permits.

All buildings and utilities to be constructed, altered or repaired in a manufactured home single-wide park shall comply with all applicable regulations of the City. Building permits shall be obtained for the construction of any structures under jurisdiction of the City Building Code. (Ord. 789 §18-363, 2006)

Sec. 12-15-370. Annual license required.

Any person making application for a manufactured home single-wide park shall obtain the approval of the City Council, and the City Manager shall issue an annual license upon compliance by the person making application with this Article with any regulations adopted pursuant thereto and with any other information as may be requested by the City Council to enable it to determine that the manufactured home single-wide park will comply with all applicable legal requirements. An annual license fee in an amount which is on file in the office of the City Clerk is required. (Ord. 789 §18-363, 2006)

Sec. 12-15-380. Operations license.

(a) License required. In order to operate a manufactured home single-wide park within the incorporated municipal boundary, a manufactured home single-wide park operations license must be secured by the park owner. Any person desiring to operate a manufactured home single-wide park must provide proof that the park complies with the provisions of this Article and any regulations adopted pursuant thereto. The person to whom a license for a manufactured home single-wide park is issued shall at all times operate the park in compliance with this Article and shall provide adequate supervision to maintain the park and its facilities and equipment in good repair and in clean and sanitary condition at all times.

(b) Application procedures. Any person desiring a manufactured home single-wide park operations license shall submit to the City Clerk an application for such license on a form to be provided by the City. The fee for the annual license is on file in the City Clerk's office.

(c) Expiration date. All licenses issued shall expire on December 31 of the year of issue. All inspections will be made at the time of application by the City Manager.

(d) Revocation. The City Council may revoke any license to maintain and operate a manufactured home single-wide park when the licensee has been found violating any provision of this Article. The license may be reissued if the circumstances leading to the violations have been remedied and the park is being maintained and operated in full compliance with the law. (Ord. 789 §18-364, 2006; Ord. 811 §1, 2009)

Sec. 12-15-390. Penalty.

A violation of any of the provisions of this Article shall be punishable in accordance with the provisions of Section 1-4-20 of this Code. In addition, after a citation has been issued, each day shall constitute a separate violation for the above-described fine. Further, the Municipal Court may enjoin the removal of signs which do not conform to the provisions of this Code. (Ord. 789 §18-364, 2006; Ord. 811 §1, 2009)

Sec. 12-15-400. Nonconforming park.

A nonconforming manufactured home single-wide park in existence prior to the adoption date of the ordinance codified herein shall be allowed to continue as a nonconforming manufactured home single-wide park despite transfer of ownership by sale, foreclosure or other means, unless abandoned for one (1) year or more or destroyed by more than fifty percent (50%). Any additions or expansions of nonconforming manufactured home single-wide parks shall conform to the provisions of this Code. (Ord. 789 §18-365, 2006; Ord. 811 §1, 2009)

ARTICLE 16

Overlay Districts

Division 1
Historic Protection Overlay District

Sec. 12-16-10. Purpose.

The Historic Protection Overlay District is designed to protect the historic character and assets of the City of Monte Vista National Historic District, which consists of the area bounded by the railroad tracks on the northeast, Third Avenue on the south and Broadway Avenue on the west. Any or all of the uses enumerated in the CB District are available for inclusion in the Historic Protection Overlay District. (Ord. 789 §18-366, 2006)

Sec. 12-16-20. Applicability.

These standards shall apply only within the City of Monte Vista National Historic District. This Division establishes standards and criteria to be used in the review of development applications proposed within the Historic Protection Overlay District. In no instance shall this Code require renovation or changes to existing properties or structures when no development applications are required to be

submitted. These regulations shall only be applicable when development is proposed by an applicant. (Ord. 789 §18-367, 2006)

Sec. 12-16-30. General standards.

(a) All development within the Historic Protection Overlay District shall be consistent with the intent of the master plan and the policies therein.

(b) All development within the Historic Protection Overlay District shall be designed in a manner such that, wherever possible, it protects the historic assets of the City, including considerations of architectural elements such as building scale, texture and continuity. (Ord. 789 §18-368, 2006)

Sec. 12-16-40. Architectural standards.

(a) The following materials are prohibited for use as exterior materials: prefabricated concrete panels; metal.

(b) Long, blank walls shall be avoided. The principal materials used on building facades should be indigenous to the City of Monte Vista National Historic District, including stucco, stone, brick or wood. The facades of buildings should be articulated by the use of architectural treatments.

(c) The design of the building shall be compatible with other buildings in the District. (Ord. 789 §18-369, 2006)

Sec. 12-16-50. Review procedure.

Whenever modifications to the exterior of the structure are proposed in the Historic Protection Overlay District, then a site plan addressing the criteria in the above Sections shall be submitted to the City. The City Council, at a public meeting and upon review of the recommendation of the Planning and Zoning Commission, shall approve, approve with conditions or deny the site plan. (Ord. 789 §18-370, 2006)

Division 2
1st Avenue Overlay District

Sec. 12-16-110. Purpose.

The 1st Avenue Overlay District is designed to protect the City's western gateway and residential neighborhood character of 1st Avenue between Batterson Street and the alley west of Morris Street. Any or all of the uses enumerated in the RL District are available for inclusion in the 1st Avenue Overlay District. (Ord. 789 §18-372, 2006; Ord. 811 §1, 2009)

Sec. 12-16-120. Applicability.

These standards shall apply only within the 1st Avenue Overlay District. This Division establishes standards and criteria to be used in the review of the development applications proposed within 1st Avenue Overlay District. In no instance shall this Code require renovation or changes to existing properties or structures when no development applications are required to be submitted. These

regulations shall only be applicable when development is proposed by an applicant. (Ord. 789 §18-373, 2006)

Sec. 12-16-130. Standards.

(a) All development within the 1st Avenue Overlay District shall be consistent with the intent of the master plan and the policies therein.

(b) All development within the 1st Avenue Overlay District shall be designed in a manner such that, wherever possible, it protects the residential character of the neighborhood, including considerations of architecture, landscaping and property maintenance.

(c) Development of single vacant sites or redevelopment of existing structures within the 1st Avenue Overlay District shall be compatible with adjacent properties.

(d) The design and placement of buildings and structures shall be consistent and compatible with other buildings and structures in the 1st Avenue Overlay District.

(e) Architectural compatibility with adjacent development in the 1st Avenue Overlay District shall be provided through the use of similar colors, building materials, design details, massing, scale or architectural style, including such structural features as porches, alcoves, bay windows, broken-roof pitch lines, wood trim, shutters and other exterior decorative features.

(f) All lots in the 1st Avenue Overlay District shall be landscaped and all landscaping shall be maintained in a healthy, mature condition.

(g) Landscaping compatibility with adjacent development in the 1st Avenue Overlay District shall be provided. The use of deciduous trees, such as Linden and Cottonwood, along with a traditional sod or lawn seed mixture, is preferred for parcels along First Avenue. Crabapple and Chinese elm trees are prohibited. (Ord. 789 §18-374, 2006)

Sec. 12-16-140. Review procedure.

Whenever development is proposed (including change in use of an existing structure) in the 1st Avenue Overlay District, a site plan addressing the criteria in this Division shall be submitted to the City. The City Council, at a public meeting and upon review of the recommendation of the Planning and Zoning Commission, shall approve, approve with conditions or deny the site plan. (Ord. 789 §18-375, 2006)

Division 3
Central Business Overlay District

Sec. 12-16-210. Purpose.

The Central Business Overlay District is designed to establish standards for the Central Business District bordered by the railroad tracks on the northeast, Third Avenue on the south and Broadway on the west. (Ord. 789 §18-376)

Sec. 12-16-220. Applicability and standards.

(a) These standards shall apply only within the Central Business District. This Division establishes standards and criteria to be used in the review of development applications proposed within the Central Business District. In no instance shall this Code require renovation or changes to existing properties or structures when no development applications are required to be submitted. These regulations shall only be applicable when development is proposed by an applicant. Standards include:

(1) All development within the Central Business District shall be consistent with the intent of the master plan and the policies therein.

(2) All development within the Central Business District shall be designed in a manner such that, wherever possible, it protects the residential character of the neighborhood, including considerations of architecture, landscaping and property maintenance.

(3) Development of single vacant sites or redevelopment of existing structures within the Central Business District shall be compatible with adjacent properties.

(4) The design and placement of buildings and structures shall be consistent and compatible with other buildings and structures in the Central Business District.

(5) Architectural compatibility with adjacent development in the Central Business District shall be provided through the use of similar colors, building materials, design details, massing, scale or architectural style, including such structural features as porches, alcoves, bay windows, broken-roof pitch lines, wood trim, shutters and other exterior decorative features.

(6) All lots in the Central Business District shall be landscaped unless structures occupy the full lot. All landscaping shall be maintained in a healthy, mature condition. Landscaping compatibility with adjacent development in the Central Business District shall be provided.

(7) If rental dwelling units are present in a multi-story building also containing a business, the dwelling unit must be on the upper floor and the business on the bottom floor. If a rental dwelling unit is present in a single-story building also containing a business, the dwelling unit must be in the back and the business in the front facing the street.

(8) Lot setback and building height standards are set forth in Table 12-15 below.

(b) Review procedure. Whenever development is proposed (including change in use of an existing structure) in the Central Business District, a site plan addressing the criteria in this Section shall be submitted to the City. The City Council, at a public meeting and upon review of the recommendation of the Planning and Zoning Commission, shall approve, approve with conditions or deny the site plan.

Table 12-15
Central Business District Standards

Minimum lot area	3,750 square feet
Minimum lot width	25 feet
Minimum front setback	0 feet

Minimum side setback from a street right-of-way	10 feet
Minimum side setback from an interior lot line	5 feet
Minimum rear setback	20 feet
Maximum lot coverage	100%
Maximum building height	50 feet

(Ord. 789 §18-377, 2006; Ord. 811 §1, 2009)

ARTICLE 17

Supplementary Regulations

Sec. 12-17-10. Accessory uses and structures.

(a) 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 limitations:

(1) A greenhouse or hothouse may be an accessory to a dwelling only if there are no sales from the premises.

(2) A guesthouse may be maintained in a residential district accessory to a dwelling, provided that the guesthouse is used for the occasional housing of guests of the occupants of the principal dwelling, so long as the guesthouse is not used for commercial purposes and no charge is made for the use of the premises.

(3) The renting of rooms to one (1) person, not a member of the family residing in the same one-unit dwelling may be permitted as an accessory use, provided that the total number of unrelated persons, including roomers in any one (1) dwelling unit, shall not exceed three (3) persons.

(4) A swimming pool may be permitted in any district as an accessory use subject to the following additional requirements:

a. No public or private swimming pool may be located in any required front or side setback abutting a street.

b. Every swimming pool must be completely surrounded by a fence or wall not less than six (6) feet in height, with no openings large enough to permit children to pass through other than gates or doors that can be fastened to protect against entry. A building may be used as part of the required enclosure.

c. All gates or doors opening through such enclosures must be equipped with self-closing and self-latching devices for keeping the gate or door securely closed at all times when not in actual use.

d. All swimming pools shall comply with the State Building Code and the National Electrical Safety Code.

(b) Accessory structures shall comply with all requirements for the principal structure except where specifically modified by this Chapter, and shall also comply with the following limitations:

(1) No part of any accessory structure shall be located closer than ten (10) feet to any principal structure unless it is attached to, or forms a part of, the principal structure.

(2) Accessory structures shall not be located in the front setback of a principal structure.

(3) Accessory structures on corner lots in RL, RM, RH, Mfg-H and MSW Districts may be set back from the side street a distance of fifteen (15) feet if built behind the principal structure.

(c) Accessory structures and uses shall otherwise comply with the regulations applicable in the district in which they are located. (Ord. 789 §18-378, 2006)

Sec. 12-17-20. Temporary uses.

(a) The temporary uses of land shown on Table 12-16 are permitted in particular zoning districts, subject to specific regulations and time limits and to the other applicable regulations of the district in which the use is permitted. In addition, temporary uses may be subject to the provisions of Chapter 4, Article 7 of this Code.

(b) No temporary use permit shall be required for outside displays for sale of items from vending machines, newspaper sales racks and other machines.

(c) Temporary structures shall be removed not more than seven (7) calendar days after occupancy of the permanent building is permitted. Temporary stands, motor vehicles and trailers shall be removed on the date of termination of the permit unless a specific date is stated.

Table 12-16
Temporary Use Chart

Temporary Use	***Zones***	***Period***
Temporary office incidental and necessary for the sale of new construction	RU, RE, RL, RM, RH, Mfg-H, MSW	Permit valid for not more than 6 calendar months. May be renewed for 3 successive six-month periods at the same location.
Manufactured home single-wide used as temporary living quarters incidental and necessary for the construction and/or rehabilitation of a residence	RU, RE, RL, RM, RH, Mfg-H, MSW	Permit valid for not more than 6 calendar months and may be renewed for an additional 6 months, provided that the exterior walls and roof of the residence are completed.
Real estate office incidental to a new housing development	RU, RE, RL, RM, RH, Mfg-H, MSW	Not to exceed 1 year and subject to renewal under the discretion of the City Council.
Recreational vehicles or camping units	RU, RE, RL, RM, RH, Mfg-H, MSW, CH, CB, I	Shall not be occupied for more than 30 days in any 1 calendar year. Permit shall be located inside the vehicle and visible from the street.
Temporary tents for service of food or liquor, as extension of an existing licensed food service establishment	CH, CB, I	Permit valid for a period of not more than 6 months in any 1 calendar year. All temporary tents must conform to the setback requirements for the zoning district in which they are located.

Temporary sales lot and temporary office for the sale of Christmas trees at wholesale or retail	CH, CB, I	Not to exceed 60 days. Display of Christmas trees need not comply with the setback requirements of these regulations; provided that no tree shall be displayed within 30 feet of the intersection of the right-of-way line of any 2 streets.
Temporary sale of trees, shrubs, plants and garden supplies, which may be displayed outdoors	CH, CB, I	Not to exceed 6 months.
Sidewalk sale, carnival and/or bazaar	CH, CB, I	Permit valid for a period of not more than 3 days, as determined by the City Manager, and shall not be renewed more than 3 successive periods.
Animals for exhibition or public celebration	ALL	Not to exceed 5 days.
Mobile office structure	I	Not to exceed 6 months.
Auction	I	Not to exceed 6 months.
Temporary construction yard or building for construction materials and equipment	ALL	Permit valid for not more than 6 calendar months. May be renewed for 3 successive six-month periods at the same location.
Manufactured home single-wide for office use	I	Permit valid for not more than 6 calendar months. May be renewed for 3 successive six-month periods at the same location.
Concrete and asphalt batch plant	I	Permit valid for not more than 6 calendar months. May be renewed for 3 successive six-month periods at the same location.

(Ord. 789 §18-379, 2006; Ord. 805 §4, 2008)

Sec. 12-17-30. Landscaping.

All new permitted and special review uses in all Districts are required to submit a landscaping plan as part of the application for a site permit and building permit. (Ord. 789 §18-380, 2006; Ord. 811 §1, 2009)

Sec. 12-17-40. Architectural and placement standards.

(a) The purpose of these standards is to require that homes be placed within neighborhoods in a manner that assures that the homes are compatible with adjacent properties and reflect the character of the neighborhoods in the City.

(1) Any person wishing to place a one-unit dwelling, two-unit dwelling or manufactured home Class A on a lot of record within the City shall provide to the City Manager the following on a form provided by the City or copies of original documents:

a. Scaled building site plan for the lot showing proposed location of the single-family home on the lot, including all setbacks required in the zone district, all adjacent rights-of-ways, lot lines and lot dimensions.

b. Location of required off-street parking spaces.

c. All existing and proposed sidewalks, curb cuts, driveway, access and handicapped ramps.

(2) Regulations: All one-unit dwellings, two-unit dwellings and manufactured homes Class A shall:

a. Be placed on a subdivided lot of record.

b. Use at least eight (8) of the following design features:

1. The front of the dwelling shall be parallel (within thirty [30] degrees) to the front lot line (see Figure 12-1).

2. A roof with a pitch that is 4:12 or greater.

3. A hip roof.

4. Have masonry or other contrasting material that project from the wall plane on the building facade that is parallel (within thirty [30] degrees) to the front lot line.

5. An architecturally similar garage or carport.

6. One (1) or more dormers that are parallel (within thirty [30] degrees) to the front lot line (see Figure 12-2).

7. Three (3) or more gables (see Figure 12-3).

8. Building face or roof offsets (minimum twelve-inch offset) that are parallel (within thirty [30] degrees) to the front lot line (see Figure 12-4);

9. Two (2) or more windows, with a combined minimum of twenty (20) square feet of glazed area, that are parallel (within thirty [30] degrees) to the front lot line, at least one (1) of which has a minimum operable opening of twenty (20) inches wide and twenty-four (24) inches high.

10. Bay or bowed windows that are parallel (within [30] degrees) to the front lot line.

11. Window shutter on the front, side and rear windows.

12. Minimum ten-inch eaves (all house eaves).

13. One (1) or more of the following types of exterior siding:

a) Horizontal lap siding, including simulated horizontal lap siding;

b) Vertical siding, with a pattern repeat of less than twelve (12) inches;

c) Beveled siding;

d) Stucco; or

e) Brick.

14. A recessed front entry (minimum eighteen [18] inches) which is parallel (within [30] degrees) to the front lot line.

15. A covered porch entry (minimum five-foot depth) for the front entrance. When the front entrance is not parallel to the front lot line, the porch shall be visible from the street (see Figure 12-5).

16. Wood or composition trim, nominal four (4) inches for exterior siding.

17. More than one (1) exterior material or contrasting color (not including trim material).

Figure 12-1

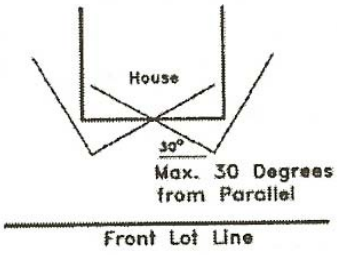


Figure 12-2

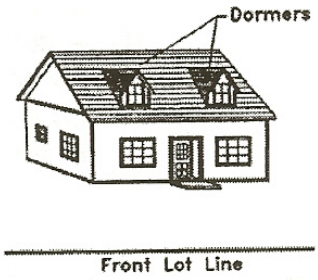


Figure 12-3

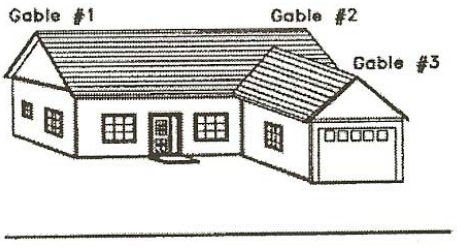
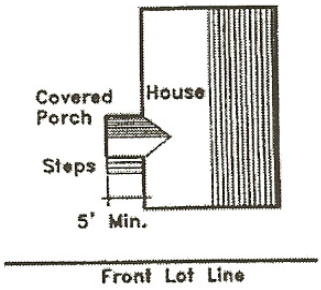


Figure 12-4

Figure 12-5



(3) Restrictions: All one-unit dwellings, two-unit dwelling and manufactured homes Class A shall:

a. Obtain site permits required and issued by the City.

b. Obtain building permits required by the City.

c. Have a paved (asphalt, gravel or concrete) driveway, off-street parking spaces, as required, and sidewalk from either the public sidewalk or driveway to the front entry.

d. Be placed on a permanent poured-in-place concrete perimeter foundation with no more than twelve (12) inches of concrete exposed above the grade on the street face, which meets all applicable codes as determined from plans and specifications submitted to obtain a building and site siting permit;

(b) A certificate of occupancy shall not be issued by the City Manager if it is found that less than eight (8) of the design features are used in the construction of a new one-unit dwelling, two-unit dwelling or manufactured home. (Ord. 789 §18-381, 2006)

Sec. 12-17-50. Building height exceptions.

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. 789 §18-384, 2006)

Sec. 12-17-60. Projections from buildings.

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may not be constructed within three (3) feet of the property line or project more than three (3) feet into required open space as established by coverage standards. (Ord. 789 §18-385, 2006)

Sec. 12-17-70. Vision clearance.

(a) The vision clearance area shall contain no plantings, walls, fences, structures or temporary or permanent obstructions between two and one-half (2½) feet and eight (8) feet in height, except for trees or signs. The height shall be measured from the top of the curb or existing grade.

(b) Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance area:

(1) At street intersections in the RU, RE, RL, RM, RH, Mfg-H and MSW Districts, the minimum distance shall be thirty (30) feet. At alley intersections in a residential district, the minimum distance shall be ten (10) feet.

(2) At street intersections in the CH and I Districts, the minimum distance shall be fifteen (15) feet. When the angle of intersection between streets is less than thirty (30) degrees, the distance shall be twenty-five (25) feet. At alley intersections, the minimum distance shall be ten (10) feet. (Ord. 789 §18-386, 2006)

Sec. 12-17-80. Screening.

(a) All exterior business and industrial activity areas, including but not limited to parking areas, service areas and outdoor storage areas, shall be screened by means of plant materials, earth mounding, architectural screens or siting so as to provide visual and aural separation between these elements and adjacent residential property, whether existing or proposed.

(b) Salvage junkyards shall be screened with no less than an eight-foot-high opaque solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas.

(c) All extractive industries shall be screened by means of plant materials, earth mounding or solid fencing no less than eight (8) feet in height to provide visual and aural separation between such use and adjacent areas.

(d) The boundary of the manufactured home single-wide park shall be landscaped including hedges, evergreens, shrubbery or a six-foot screening wall which will serve as a buffer. Such landscaping, fences or walls, and the setback areas adjacent thereto, shall be properly maintained by the park owner. (Ord. 789 §18-387, 2006)

Sec. 12-17-90. Animals.

(a) The following Table 12-17 identifies limitations on the number and type of animals permitted in each zoning district. The animal inventory of pet shops is exempt from these limitations. Said inventory

numbers shall be governed by regulations pertaining to retail and wholesale pet animal dealerships (pet shops) set by the Colorado Pet Animal Care Facilities Program.

Table 12-17
Animal Regulations

DISTRICT	ANIMALS					
	Cats, dogs, potbellied (miniature) pigs	***Horses, cows, llamas, mules, buffalo, ostrich, emus, goats, sheep, pigs, miniature horses***	***Chickens, ducks, turkeys, racing or domestic pigeons, quail, pheasant and other typically domesticated fowl***	***Rabbits and chinchillas***	***Nondomestic exotic or native animals, birds, reptiles (except any venomous reptiles or constricting snakes greater than 6 feet in length)***	***Beekeeping***
RU	4: No limit on kittens and puppies up to 12 months old	No limit except on parcels of land less than 10 acres; then limit is 1 per acre	No limit	No limit	4: Must be kept indoors	No limit
RE	4: No limit on kittens and puppies up to 12 months old	Special Review permit required	Special Review permit required	4	4: Must be kept indoors	Special Review permit required
RL, RM, RH, MSW, Mfg-H	4: No limit on kittens and puppies up to 12 months old	Not allowed	Not allowed	4	4: Must be kept indoors	Not allowed
CH, CB	4: No limit on kittens and puppies up to 12 months old	Not allowed	Not allowed	Not allowed	4: Must be kept indoors	Not allowed
I	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed

(b) Animal-based businesses.

1. It is unlawful for any person to maintain or operate any pet shop, animal day care center or kennel within the City without first having obtained a license. The annual license fee for such businesses shall be set by resolution of the City Council. License applications must be accompanied by a copy of the applicant's current state license issued by the Colorado Department of Agriculture Animal Industry Division. Applications must also be accompanied by a plan for animal waste management. The City may revoke or suspend any animal-based business license issued under this Article when the facility for which such license has been issued is found to be in violation of this

Chapter or of any other applicable law. This Article shall not apply to and shall not be construed to require an animal-based business license for a veterinarian to board animals receiving veterinary medical care or to board animals which are under observation.

2. Pet shops, animal day care centers and kennels shall be confined in a building that is totally enclosed, and all animals shall be confined exclusively to that building. Such businesses may not have outside runs or pens, and none of the animals owned by such businesses shall be harbored or housed outside of the building at any time for any reason.

3. The sale or offering for sale of sick, injured, weak or unweaned animals is prohibited.

4. All pet shops, animal day care centers and kennels shall be maintained according to the regulations enacted for such businesses by the Colorado Pet Animal Care Facilities Program. Copies of such regulations are available for review at the Community Development Department or from the state Program, 700 Kipling Street, Suite 4000, Lakewood, CO 80215. Regulations include standards for physical facilities, sanitation, ventilation, lighting, heating, cooling, humidity, spatial and enclosure requirements, nutrition, humane care, medical treatment, methods of operation and recordkeeping.

(c) Additional regulations pertaining to control of animals in the City are specified in Chapter 6 of this Code. (Ord. 789 §18-388, 2006; Ord. 805 §3, 2008)

Sec. 12-17-100. Manufactured homes.

Manufactured homes may be locatable in the RU, Mfg-H and MSW Districts as a permitted use. See Table 12-3 Use Chart at Section 12-5-120 of this Chapter for requirements. In addition, manufactured homes Class A may be approved as a special review use in the RL and RM Districts provided that the City Manager certifies, prior to the location of a manufactured home, that the applicant has complied with "acceptable similarity standards" and that the housing is internally compatible and consistent with the surrounding housing development as follows:

(1) Each housing unit shall be situated on a lot so that the placement is consistent and compatible with the placement of other residential units in the surrounding neighborhood and in accordance with the requirements and provisions of this Chapter.

(2) In development of single vacant sites within a developed area, the unit shall be compatible with structures on adjacent properties. Development of manufactured housing shall comply with the site plan, development standards or other design criteria as required for the underlying zone required by City subdivision regulations and zoning regulations.

(3) Units shall not be less than twenty-four (24) feet in width or thirty-six (36) feet in length.

(4) The main roof shall be pitched rather than flat.

(5) Each unit shall be faced in wood siding, brick, a combination thereof or other cosmetically equivalent exterior siding.

(6) The engineered permanent foundation shall be the same as required for "site built"/ "stick built" housing within the City, as required by the Building Code.

(7) Landscaping of the lots shall be consistent with the provisions of this Chapter.

(8) All units shall include a garage unless such a requirement is inconsistent with the surrounding neighborhood.

(9) Architectural compatibility with adjacent development shall be provided through the use of similar colors, building materials, design details, massing, scale or architectural style, including such structural features as porches, alcoves, bay windows, broken-roof pitch lines, wood trim, shutters and other exterior decorative features. (Ord. 789 §18-389, 2006)

Sec. 12-17-110. Storage and parking of commercial vehicles, railcars, camping units, manufactured homes single-wide, recreational equipment, buses, trailers and similar units.

Commercial vehicles, railcars, camping units, manufactured homes single-wide, recreational equipment, boats, buses, trailers and other similar units shall not be parked or stored on any lot or upon any public right-of-way in any zoning district contrary to this Section, except in accordance with the following provisions:

(1) Not more than one (1) commercial vehicle (not to exceed one and one-half [1½] tons rated capacity) on a residential lot, or combination of lots under single ownership, shall be permitted, and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.

(2) Buses, trailers and commercial vehicles not to exceed one and one-half (1½) tons rated capacity, camping units, recreational equipment (which includes, but is not limited to, ATVs and snowmobiles), boats and similar units may be parked or stored on a residential lot, or combination of lots under single ownership, subject to the following conditions:

a. If such units or vehicles are parked in any required front setback, they shall be parked on a constructed driveway. A *constructed driveway* is an off-street parking area built of asphalt, concrete, rock or gravel that occupies no more than forty percent (40%) of the front setback area. Driveways built of rock or gravel shall be not less than three (3) inches deep and have an outer border to contain the material.

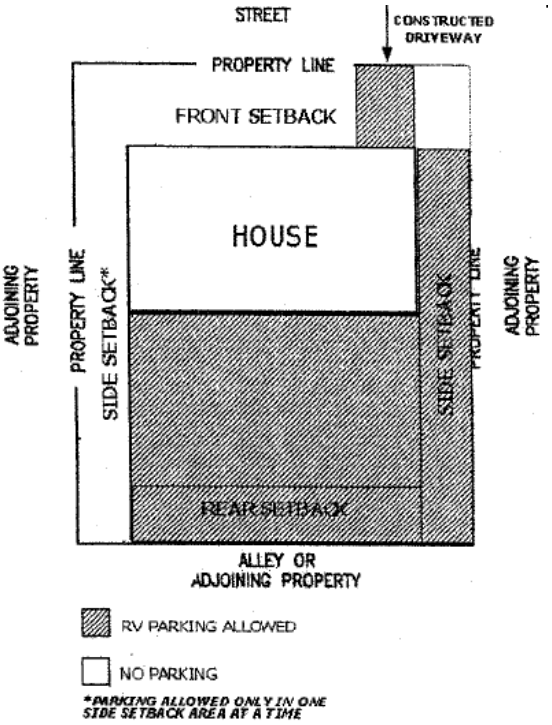
b. If such units or vehicles are parked in any required side setback, they shall be confined to one (1) side setback only.

c. No such units and vehicles shall be parked or stored upon any public right-of-way.

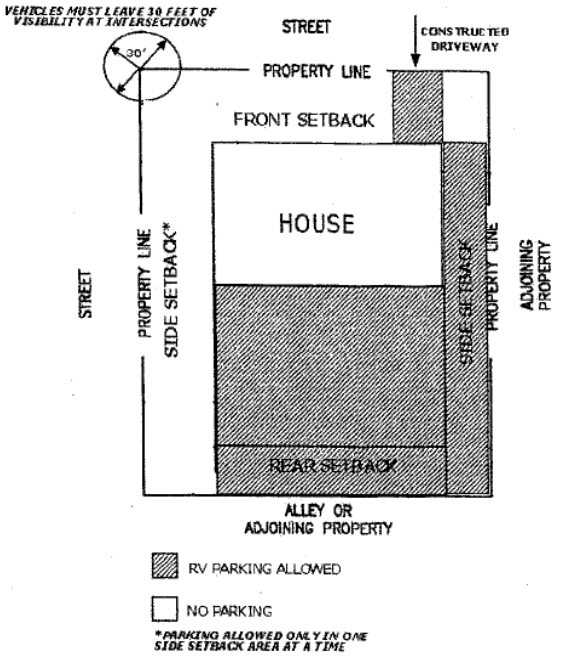
d. No such units and vehicles shall be parked in a manner as to obstruct motorists' view of street intersections or pose any other driver safety hazards, in accordance with the provisions of Section 12-17-70 and the definition of vision clearance area in Section 12-1-10 of this Chapter.

e. A camping unit or recreational vehicle shall not be occupied for more than thirty (30) days in any one (1) year while it is parked or stored in any area within the City, except in a mobile home park or campground authorized under Article 5 of this Chapter.

RV PARKING AREAS
TYPICAL LOT DIAGRAM



RV PARKING AREAS
CORNER LOT DIAGRAM



(3) Railcars may not be stored in any residential, industrial or commercial zone of the City when not connected to a rail line.

(4) A manufactured home single-wide shall not be stored within the City limits except in a licensed mobile home park.

(5) Commercial vehicles, railcars, camping units, manufactured homes single-wide, recreational equipment, boats, buses, trailers and similar units shall be considered stored if not moved for seven (7) consecutive days.

(6) Parking and operation restrictions of commercial and other specified vehicles upon public rights-of-way:

a. *Commercial vehicle,* for the purpose of this Paragraph, is defined as any tandem or single-axle vehicle having a gross vehicle weight rating (GVWR) of thirty-six thousand (36,000) pounds or more;

b. Commercial vehicles, railcars and similar units, designed primarily for conveying products and services, shall only be allowed in commercial and industrial zone districts of the City, upon public rights-of-way. However commercial vehicles and similar units shall be allowed to enter residential areas for the purpose of delivery or retrieval of products and services to specific residences in said areas, as well as commercial vehicles necessarily utilizing the City streets for the purpose of construction or contracting in residentially zoned districts.

c. Parking restrictions in residential, commercial and industrial zone districts: No person shall park any commercial vehicle or similar unit, designed primarily for conveying products and

services, for more than one (1) hour upon any public right-of-way or place ordinarily used for vehicular parking which is zoned residential. No person shall park any such commercial vehicle or railcar for more than forty-eight (48) hours in any area which is zoned commercial or industrial. Movement of said vehicle from one (1) location to another within the City shall be no defense to this Section.

This provision shall not apply to any commercial vehicle, railcar or similar unit 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 commercial vehicle or similar unit is used in such construction or repair site or within one hundred fifty (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 or railcar which is leased or owned by a City department or contractor or vendor hired by such City department for construction or repair work or by a subcontractor thereof.

(7) Commercial vehicles carrying flammable gases or liquids. No commercial vehicle used for transportation of flammable gases or liquids shall be parked in the City in excess of one (1) hour. No driver, operator or attendant shall leave a commercial vehicle unattended during the loading or unloading of flammable gases or liquids. No commercial vehicle used for transportation of flammable gases or liquids shall be parked nearer than twenty-five (25) feet to any building except when loading or unloading such flammable gases or liquids.

(8) Towing authorized. The Police Department is authorized to remove and tow away by a commercial towing service any commercial vehicles, camping units, recreational equipment, buses, trailers and similar units parked in violation of this Section. Such items so towed for illegal parking shall be stored in a safe place and shall be returned to the owner or operator of such vehicle upon payment of the towing and storage fees.

(9) Every person convicted of a violation of this Section may be punished in accordance with the provisions of Section 1-4-20 of this Code. (Ord. 796 §B, 2008; Ord. 811 §1, 2009)

Sec. 12-17-120. Home occupations.

The purposes of this Section are to encourage major business activities to be conducted in appropriate commercial zones, to allow for home occupations that are compatible with the neighborhoods in which they are located as an accessory use, to safeguard peace, quiet and domestic tranquility within certain residential neighborhoods within the City, to protect residents from excessive noise, excessive traffic, nuisance, fire hazard and other possible adverse effects of commercial uses being conducted in residential areas, to provide a means to terminate home occupations if disruption of a residential neighborhood occurs and to preserve the residential character of residentially zoned areas of the City while allowing limited home occupations.

(1) Home occupation license. A home occupation shall be conducted within the City only in residentially zoned areas, and in compliance with the following provisions:

a. No home occupation may be conducted by any person in the City without having first procured a valid and current license to conduct the same.

b. A license to conduct a home occupation shall be issued by the City Clerk upon recommendation for approval from the City Manager and based upon the following criteria, and the holder of any license shall be bound by said criteria:

1. The home occupation shall be an accessory use by a bona fide resident of the dwelling that is clearly secondary and incidental to the family use of the dwelling unit. There shall be no physical evidence of the home occupation other than allowed signage.

2. The home occupation shall not physically change or alter the external appearance of the principal or accessory structures. Interior alterations for the purpose of accommodating the home occupation are prohibited if such alteration eliminates either the kitchen, dining area, bathrooms, living room and/or all of the bedrooms.

3. The home occupation shall not involve the use of any yard space for storage or display of supplies, inventory or equipment when such use is in conjunction with the sale or production of goods or services.

4. There shall be complete conformity with fire, building, plumbing, electrical and all other municipal, county, state and federal codes.

5. The home occupation shall not necessitate a demand for municipal, community or utility services that are substantially in excess of those usually and customarily provided for residential uses.

6. The home occupation shall not directly or indirectly interfere with or disrupt the peace, quiet and domestic tranquility of the neighborhood by producing or creating odor, smoke, dust, heat, fumes, light, glare, construction, sounds, noises, vibrations or other nuisances, including interferences with radio and television reception or other adverse effects associated with its use as a business that may be discernable beyond the premises.

7. No process may be used in home occupations which is hazardous to the public, health, safety, morals or welfare.

8. Visitors, customers and vehicular traffic shall not exceed that normally and reasonably occurring in the neighborhood where the home occupation is conducted so that neighbors will not be significantly impacted by its existence.

9. The home occupation may include the sale of commodities; however, direct sale from display shelves is not permitted at the premises.

10. Vehicles or equipment may not be used primarily for the purpose of advertising the home occupation at the site of the home occupation. Any vehicles or equipment displaying such advertising shall not be visible from the public right-of-way.

11. The receipt or delivery of merchandise, goods or supplies for use in the home occupation shall be limited to vehicles with a gross vehicle weight rating of thirty-six thousand (36,000) pounds or less.

12. No visitors in conjunction with the home occupation (clients, patrons, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.

13. The home occupation shall be carried on wholly within the principal and/or accessory building.

14. The home occupation shall not occupy more than twenty-five percent (25%) of the gross floor area of the home and, if located in an accessory building, not more than five percent (5%) of the total lot area.

15. Home occupation signs shall be decorative, the design of which shall be approved in advance of placement by the City Manager, shall not exceed six (6) square feet per face, and may be placed anywhere on the premises below the roof line of the residence or building to which it is attached. The design may not project onto a public right-of-way and may not be illuminated, except for indirect lighting, from between dusk until 10:00 p.m.

16. Home occupation licenses are not transferable to any person other than the original applicant, or to locations other than that indicated in the original application.

17. Although more than one (1) home occupation may be allowed at any residential dwelling, the provisions of this Section shall apply to the total area allowed for all such home occupations.

18. Each home occupation shall require a current City sales tax license and state sales tax license.

(2) It shall be unlawful for any person to engage in or conduct a home occupation within the City without first having procured a home occupation license, a City sales tax license and a state sales tax license. Such licenses shall be renewed yearly and shall be maintained in good standing in compliance with the provisions of this Section, as well as all other provisions of this Code and the State statutes.

(3) The City Council may, by resolution, from time to time adopt application and licensing fees for home occupations, and such fee schedules are incorporated by reference into the provisions of this Section.

(4) Any violations of this Section shall be punishable in accordance with the provisions of Section 1-4-20 of this Code. (Ord. 789 §18-391, 2006; Ord. 811 §1, 2009)

Sec. 12-17-130. Drive-in facilities.

(a) Any use permitted in a zoning district which intends to conduct a portion or all of its business with persons desiring to remain in their automobiles or which allows products to be consumed on the premises outside the principal building, and which is not subject to special review use provisions of Sections 12-5-40 through 12-5-120 of this Chapter or is not part of a planned unit development under Article 18 of this Chapter, must submit a site plan to be reviewed and approved by the Planning and Zoning Commission.

(b) In reviewing and approving the site plan for such a use, the Planning and Zoning Commission must be satisfied that the traffic circulation on and adjacent to the site conforms to the following criteria:

(1) Traffic circulation shall be arranged so that internal pedestrian and vehicular movements are compatible and traffic hazards are minimized.

(2) Traffic circulation, ingress and egress shall be arranged so as to minimize hazardous or adverse effects on adjacent sites and streets. (Ord. 789 §18-392, 2006)

Sec. 12-17-140. Extractive industries and salvage yards.

Extractive industries and salvage yards shall be located a minimum of six hundred sixty (660) feet from any residential district or school. (Ord. 789 §18-393, 2006; Ord. 805 §3, 2008)

Sec. 12-17-150. Commercial Mobile Radio Systems (CMRS).

(a) All proposed CMRS facilities shall be reviewed pursuant to the following procedures:

(1) Building- or structure-mounted CMRS facilities shall be reviewed by the City Manager for compliance with the requirements of this Chapter.

(2) Roof-mounted and freestanding CMRS facilities must receive a special review use permit.

(b) Multiple providers. No more than one (1) roof-mounted or freestanding CMRS facility may be constructed or maintained upon a property in single ownership; provided, however, that additional CMRS facilities may be approved at the same location by special review use, provided that all other requirements of this Chapter are met.

(c) Building- or structure-mounted CMRS facilities shall be subject to the following requirements:

(1) Such facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached.

(2) The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet.

(3) Building- or structure-mounted whip antennas shall extend no more than ten (10) feet above the highest point of the building or structure to which they are attached.

(d) Roof-mounted CMRS facilities shall be screened or camouflaged as appropriate from view from adjacent property lines. Such facilities are additionally subject to the following requirements:

(1) Such facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached.

(2) Roof-mounted CMRS whip antennas shall extend no more than ten (10) feet above the parapet of any flat root or ridge of a sloped roof to which they are attached.

(3) Roof-mounted CMRS panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted.

(4) Roof-mounted CMRS accessory structures shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.

(e) Freestanding CMRS facilities shall be visually screened from adjacent residential development and public rights-of-way as follows:

(1) All accessory buildings and equipment cabinets shall be totally screened from view from adjacent property lines.

(2) Screening, landscaping and/or exterior building finishes and colors shall be compatible with the existing character of the site and adjacent properties and shall be determined as part of the special review use permit review process.

(f) No CMRS facility shall exceed the height limit applicable to the underlying zone district in which such facility is located.

(g) The construction and use of a CMRS facility shall not cause interference to other adjacent CMRS facilities. The City shall be held harmless if interference occurs.

(h) CMRS facilities which are abandoned by disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the CMRS facility owner. Should the owner fail to remove the facilities, the City may do so at its option and the costs thereof shall be a charge against the owner.

(i) Standards for approval:

(1) Existing or approved towers cannot accommodate the telecommunications equipment planned for the proposed tower.

(2) The tower shall not constitute a hazard to aircraft.

(3) The tower shall be placed on the property to contain on site all ice-fall or debris from tower failure.

(4) The tower shall provide for shared capacity if technically practicable.

(5) The tower shall have the least practicable adverse visual impact on the environment.

(6) The tower shall not emit radiation that will adversely affect human health.

(7) The tower shall be the minimum height needed to accommodate the antenna.

(8) The tower shall comply with all applicable federal and state regulations.

(9) The design of the tower shall ensure structural integrity. The proposed tower shall have adequate measures to discourage unauthorized climbing and to ensure the security thereof.

(10) All reasonably possible sites for the tower have been considered, and the proposed site is the most appropriate, available site from a land use perspective. (Ord. 789 §18-395, 2006)

ARTICLE 18

Planned Unit Development

Sec. 12-18-10. Purpose.

In accordance with Section 31-23-101, et seq., C.R.S., and Section 24-67-101, et seq., C.R.S., 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 site development 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 housing of varying type and density.

(2) Provide for well-located, clean and safe commercial and industrial sites that integrate well-planned parking and access, pedestrian walkways, landscaped open areas and harmonious relationships between structures.

(3) Provide an alternative to the application of traditional zoning standards as a means of encouraging innovative or alternative forms of site development.

(4) Encourage innovations in residential, commercial and industrial 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.

(5) Encourage a more efficient use of land and of public services, and reflect changes in the technology of land development so that resulting economies may endure to the benefit of those who need homes.

(6) Lessen the burden of traffic on streets and highways through encouraging alternative forms of transportation and transit.

(7) Encourage the building of new neighborhoods incorporating the best features of modern design as well as traditional neighborhood design (TND) and transit-oriented development (TOO) principles.

(8) Conserve the economic and environmental value of the land.

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

(10) Encourage integrated planning in order to achieve the purposes designated in this Section. (Ord. 789 §18-396, 2006)

Sec. 12-18-20. Scope.

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

(b) The district standards as stated in Article 5 of this Chapter shall not apply to planned unit developments. In specific cases, the off-street parking requirements stated in Article 19 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.

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

(d) It is the intent of this Article that any property may be developed as a planned unit development (PUD). Within a PUD, any use or combination of uses and densities will be permitted subject to: 1) the standards described in Chapter 13, Article 4, Division 3 of this Code; and 2) the approval of the City Council. (Ord. 789 §18-397, 2006)

Sec. 12-18-30. Standards.

The following provisions apply to all planned unit developments:

(1) The number of off-street parking spaces in each PUD must not be less than the requirements as stated in Article 19 of this Chapter, except that the City Council 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 PUD.

b. Parking needs of any commercial or industrial uses.

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

Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the City Council shall attain assurance that the nature of the occupancy will not change.

(2) The minimum lot area size, setback and lot coverage requirements, as stated in Article 5 of this Chapter, applies to the PUD, except that the City Council may reduce the requirements up to twenty-five percent (25%) if common and/or dedicated open space exceeds the public sites and dedication requirements of Chapter 13 of this Code 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 PUD or surrounding area.

(3) The maximum requirement for building height applies to the PUD, except that the City Council may allow an increase in building height if common and/or dedicated open space exceeds the public sites and dedication requirements of Chapter 13 of this Code or if exceptional amenities and/or other improvements warrant an increase in building height and the increase would not be detrimental to the character of the PUD or surrounding area.

(4) The City Council must be satisfied that the final development plan has met with each of the following criteria or can demonstrate that one (1) or more of them is not applicable and that a practicable solution consistent with public interest has been achieved for each of these elements:

a. An appropriate relationship to the surrounding area.

b. Circulation in terms of the internal street circulation system 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 Chapter that subdivision review under Chapter 13 of this Code is carried out simultaneously with the review of a PUD under this Article.

(6) The requirements of both this Article and those of Chapter 13 of this Code apply to all PUDs. All actions of the City Council pertaining to PUDs shall be based upon a recommendation by the Planning and Zoning Commission. (Ord. 789 §18-398, 2006)

Sec. 12-18-40. Preapplication conference.

A preapplication conference shall be held with the City Manager in order for the applicant to become acquainted with the PUD procedures and related City requirements and to obtain copies of any guidelines or ordinance interpretations. (Ord. 789 §18-399, 2006)

Sec. 12-18-50. Preliminary development plan; application.

(a) An applicant shall make application for the approval of the PUD to the Planning and Zoning Commission. The applicant shall accompany his or her application with a preliminary development plan as specified in this Article.

(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 (2) 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 one hundred-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 PUD and the manner in which it has been planned to take advantage of the PUD regulations.

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

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

(e) The applicant may submit any other information or exhibits he or she deems pertinent in evaluation of the proposed PUD. The Planning and Zoning 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 designated by the fee schedule. The fee satisfies the requirements of Chapter 13 of this Code. (Ord. 789 §18-400, 2006)

Sec. 12-18-60. Preliminary development plan; review and approval procedure.

(a) The Planning and Zoning Commission shall recommend either approval, approval with modifications and conditions or disapproval of the application to the City Council within sixty (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 and Zoning Commission.

(b) The recommendation of the Planning and Zoning Commission shall be transmitted to the City Council and to the applicant.

(c) The City Council shall hold a public hearing on all PUD applications after receiving the written report of recommendations from the Planning and Zoning Commission.

(d) Public notice shall be given in accordance with Section 12-3-320 of this Chapter.

(e) The City Council shall approve, approve with modifications or disapprove the application within thirty (30) days of the public hearing. The decision of the City Council shall be transmitted to the Planning and Zoning Commission and to the applicant.

(f) Approval of the preliminary development plan shall be valid for one (1) year.

(g) A one-year extension of approval time may be applied for in writing to the Planning and Zoning Commission.

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

(i) In the case of partial submission, the approval of the remaining portion of the preliminary development plan shall automatically gain an extension of one (1) year before another phase of the plan must be submitted in final form. (Ord. 789 §18-401, 2006; Ord. 811 §1, 2009)

Sec. 12-18-70. Submission of final development plan.

(a) The final development plan, which may reflect the entire preliminary development plan or any logical part thereof, must be submitted within one (1) year following approval of the preliminary development plan unless written request is made for an extension of one (1) year and approved by the Planning and Zoning Commission.

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

(c) The applicant may submit any other information or exhibits he or she deems pertinent in evaluating his or her proposed PUD. The Planning and Zoning Commission may request additional information it deems necessary for adequate review and evaluation. (Ord. 789 §18-402, 2006)

Sec. 12-18-80. Specifications.

(a) The final development plan shall be prepared at a scale of not less than one (1) inch equals one hundred (100) feet, and shall be submitted with sufficient detail to evaluate the building design and other features of the PUD.

(b) In addition, the final development plan will conform in all respects to the contents, supplementary information and procedure requirements of Chapter 13, Article 4, Division 3 and Chapter 13, Article 5 of this Code. In such cases where this Chapter conflicts with Chapter 13 of this Code, the provisions of this Chapter shall apply.

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

(1) The existing topographic character of the land at a contour interval of two (2) 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 City or reserved as common park areas.

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

(12) A general landscape 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. 789 §18-403, 2006)

Sec. 12-18-90. Review and recording.

(a) The Planning and Zoning Commission shall review the final development plan to determine conformity with the preliminary development plan as approved by the City Council. If the final plan is in conformity, it shall be certified by the Planning and Zoning Commission and forwarded on to the City Council 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. 789 §18-404, 2006)

Sec. 12-18-100. Building permit and certificate of occupancy issuance.

(a) The appropriate official shall issue site permits and building permits 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 appropriate official 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 and Zoning Commission has reviewed the development plan and a new development schedule has been established. (Ord. 789 §18-405, 2006)

Sec. 12-18-110. Final development plan; development schedule, compliance required, extension.

(a) From time to time, the Planning and Zoning Commission shall compare the actual development accomplished in the various PUDs with the approved development schedules.

(b) If the owner of property in the PUDs has failed to meet the approved development schedule, the City may revoke the final development plan.

(c) For good cause shown by the property owner, the Planning and Zoning Commission may extend the limits of the development schedule. (Ord. 789 §18-406, 2006)

Sec. 12-18-120. Amendment procedure.

No changes may be made to the approved final development plan during the construction of the PUD, except upon application to the appropriate agency under the 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 and Zoning 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 (10%).

(3) All changes in use, density or in the outline development plan must be approved by the City Council under the procedures authorized by this Chapter 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 City Council 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. 789 §18-407, 2006)

Sec. 12-18-130. Completion of PUD.

After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the PUD will be governed by the approved final development plan rather than by any other provisions of this Chapter. (Ord. 789 §18-408, 2006)

Sec. 12-18-140. Changes restricted.

After completion of the PUD, no changes may be made to the approved final development plan, except upon application to the appropriate agency under the procedures provided below:

(1) Any extension, alteration or modification of existing buildings or structures may be authorized by the Planning and Zoning 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 (10%).

(3) Any uses not authorized by the approved final development plan, but permitted in the PUD as a use by right under the provisions of this Chapter or as a use permitted by a special review in the zone in which the PUD is located, may be added to the final development plan under the special review use procedures.

(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 the 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 City Council under the procedures authorized by this Chapter 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 PUD 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 City.

(8) 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 PUD, and all rights to enforce these covenants against any changes permitted in this Section are expressly reserved. (Ord. 789 §18-409, 2006)

ARTICLE 19

Off-Street Parking and Loading

Sec. 12-19-10. Generally.

(a) The provision and maintenance of off-street parking and loading 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 and loading space. The subsequent use of

property for which the site permit and building permit are issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Chapter.

(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 or loading requirements, it shall be unlawful and a violation of this Chapter to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.

(d) Uses in the area designated as the CB District shall be exempt from the requirements of Sections 12-19-100 and 12-19-110 of this Chapter. (Ord. 789 §18-526, 2006; Ord. 811 §1, 2009)

Sec. 12-19-20. Buildings and uses not designated.

Parking requirements for existing buildings and uses not specifically listed in this Article shall be determined by the Board of Adjustment after a report and recommendation from the Planning and Zoning Commission based upon the requirements of comparable uses listed. Parking requirements for new buildings and uses not specifically listed in this Article shall be determined by the City Council after a report and recommendation from the Planning and Zoning Commission. (Ord. 789 §18-527, 2006)

Sec. 12-19-30. 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, unless evidence presented by the applicant indicates that staggered hours of operation, shared trips and other factors support a reduction in parking requirements. Any reduction in parking requirements shall be approved by the City Council upon a recommendation from the Planning and Zoning Commission. (Ord. 789 §18-528, 2006)

Sec. 12-19-40. Joint use.

If approved by the City Council, owners of two (2) 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 or shared trips can be factored; provided that satisfactory legal evidence is presented to the City Manager in the form of deeds, leases or contracts to establish the joint use. (Ord. 789 §18-529, 2006)

Sec. 12-19-50. Location restriction.

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

(b) Other required parking spaces shall be located not farther than three hundred (300) feet from the building or use they are required to serve, measured in a straight line from the building. (Ord. 789 §18-530, 2006)

Sec. 12-19-60. 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. 789 §18-531, 2006)

Sec. 12-19-70. Plan required; contents.

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

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

(8) Specifications as to signs and bumper guards.

(9) Other pertinent details. (Ord. 789 §18-532, 2006)

Sec. 12-19-80. Design requirements for parking lots.

Design requirements for parking lots shall be as follows:

(1) Parking lot surfaces. All off-street parking lots shall have a hard surface such as hot-mix asphalt, poured-in-place concrete, brick or other similar material.

(2) Screening. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential districts or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection of screening between the uses except where vision clearance is required.

(3) 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 (4) inches high and set back a minimum of four (4) feet from the sidewalk or property line or shall be contained by a bumper rail set back a minimum of one (1) foot from the sidewalk or property line.

(4) Artificial lighting. Artificial lighting used to illuminate required off-road parking areas shall be arranged in conformance with the following:

a. Lights shall be shielded so that directly emitted light shall not shine directly onto surrounding properties.

b. Light shall be arranged so that neither direct nor reflected light may create a traffic hazard, and no color lights may be used in a manner which would be confused with traffic control devices.

c. No blinking, flashing, rotating or otherwise animated lights shall be permitted except temporary holiday lighting displays or safety devices required by federal, state, county or local regulations.

d. Light fixtures shall be either low-pressure sodium or metal halide. Mercury vapor lighting fixtures are prohibited.

(5) Parking lot size. Large-scale parking lots are discouraged. When one hundred twenty (120) or more parking spaces are needed, parking lots should be separated, dispersed on the site, well-screened from roads and attractively landscaped to reduce heat buildup and provide an attractive environment. Landscape requirements are required within and along the edge of parking lots to ensure they do not dominate the environment in an unattractive manner.

(6) Parking lot setback. Parking lots shall be set back from the sidewalk and the side and rear-yard lot lines to allow room for screening, street trees, separated walks and bicycle ways, signs and other amenities. Parking lot setbacks shall be measured from the back of the required sidewalk of the roadway as shown on Table 12-18 below.

Table 12-18
Parking Lot Location

Location of Parking Lot (From back of required sidewalk or bike path)	***Minimum Depth (feet)***
Along arterials	20
Along collectors and locals	15
Along an interior lot line	10

(7) Service drives.

a. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and 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 not closer than thirty (30) feet to the intersecting street line. The access to service drives from a street shall be located not closer than fifteen (15) feet to a side lot line, except that a common service drive to two (2) 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 thirty (30) feet from their intersection.

(8) Parking lot layout.

a. Circulation. Parking lots shall have clearly defined circulation routes.

b. Landscaped islands. Landscaped islands shall be used to define the primary internal access drives, pedestrian refuge areas and the beginning and ends of parking aisles.

c. Walkways. Walkways within parking lots shall be a minimum width of five (5) feet.

d. Interrelationship of uses. The lot layout shall specifically address the interrelationship of pedestrian, vehicular and bicycle circulation to ensure safety and efficiency for all uses. Remedial design measures such as raised pedestrian crossings, special paving, painted surfaces, clearly identified crossings, lighting or other means may be needed to reduce conflict.

e. Parking stall dimensions. Parking dimensions for automobiles shall meet the following minimum standards for long and short-term parking as shown on Table 12-19 below.

Table 12-19
Parking Stall Dimensions

Parking Angle (degrees)	*Stall Width (feet)*	*Stall Length (feet)*	*Aisles (feet)*
0	9	19	NA
30	9	19	11
45	9	19	12
60	9	19	18
90	9	19	24

f. Parking rows and aisles. Parking rows and aisle widths shall not encroach on public rights-of-way and shall be made with the minimum aisle widths for turning movements as shown on Table 12-20 below.

Table 12-20
Parking Rows and Aisles

Parking Angle (Degrees)	*Aisle Width (Feet)*
0	12
20	11
30	11
40	12
45	12
50	12
60	18
70	19
80	24
90	24

g. Handicapped size and marking. Parking spaces for the physically handicapped shall be thirteen (13) feet wide, unless the space is parallel to a pedestrian walk. The parallel-handicapped parking space shall be adjacent or close to an ADA-approved ramp. Other dimensions shall be the same as those for standard vehicles. Handicapped spaces shall have unimpeded ramp access to a walk. Every handicapped parking stall shall be identified at the head of the parking space with a raised, standard identification sign, centered between three (3) feet and five (5) feet above the parking surface. The sign shall include the international symbol for accessibility and state "reserved," or contain similar wording. (Ord. 789 §18-533, 2006; Ord. 811 §1, 2009)

Sec. 12-19-90. Parking lots; completion time.

(a) Required parking spaces shall be improved as required and made available for use prior to the issuance of the certificate of occupancy.

(b) An extension of time may be granted by the City provided that a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the City, provided that the parking space is not required for immediate use.

(c) If the improvements are not completed within one (1) year's time, the bond, or its equivalent, shall be forfeited and the improvements thenceforth constructed under the direction of the City. (Ord. 789 §18-534, 2006)

Sec. 12-19-100. 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 City, 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) Notwithstanding Subsection (a) above, if the applicant can show that strict adherence to the provision of the number of parking spaces required herein is excessive, a variance per Article 2 of this Chapter may be considered where a tradeoff for additional landscaping is proposed.

(c) The number of employees of a new or expanding business shall be estimated in a manner approved by the Planning and Zoning Commission. The number of employees of an established business shall be determined from an examination of employment information presented by the applicant.

(d) Uses in the area designated as the CB District shall be exempt from the requirements of this Section and Section 12-19-110 below. (Ord. 789 §18-535, 2006; Ord. 811 §1, 2009)

Sec. 12-19-110. Parking requirements for specific uses.

Required off-street parking spaces for the following uses shall be as set forth in Table 12-21 below.

Table 12-21
Parking Space Chart

Use	*Spaces Required*

Amusement establishments	1 space per 300 square feet of gross floor area.
Auditoriums and meeting rooms	1 space per 4 seats or 8 feet of bench length or 3 spaces per 100 square feet of gross floor area.
Banks, business and professional offices, public administration buildings	1 space per 300 square feet of gross floor area.
Boardinghouses, fraternity and sorority houses	1 space per 200 square feet of gross floor area.
Church auditoriums	1 space per 3 seats.
Churches	1 space per 3 seats.
Colleges, schools for adults	1 space per 5 seats in classroom.
Department stores	1 space per 200 square feet of gross floor area.
One-unit dwellings	2 unencumbered spaces per one-unit dwelling.
Dwelling units, multi-family	1.5 spaces per dwelling unit plus 1 parking space for visitors for every 5 dwelling units.
Elementary, junior high or high schools	1 space per classroom plus 1 space per administrative employee plus 1 space per 4 seats or 8 feet of bench length in the auditorium, assembly room or stadium, whichever is greater.
Hospitals	1 space per 1.5 beds or 1 space per 300 square feet of gross floor area, whichever is greater.
Hotels and motels	1 space for each lodging unit plus additional spaces as required for supplementary uses (i.e., bars, dining rooms).
Libraries	1 space per 400 square feet of floor area.
Liquor stores	1 space per 100 square feet of gross floor area.
Lodges and clubs	1 space per 300 square feet of gross floor area.
Manufacturing and industrial uses	2.4 spaces per 1,000 square feet of gross floor area
Medical and dental offices and general offices	1 space per 300 square feet of gross floor area.
Mixed uses	Requirements shall be the sum of the requirements of the various uses (cumulative).
Manufactured home single-wide	2 car spaces for each manufactured home single-wide space. Minimum size shall be 8 feet by 20 feet.
Sanitariums, rest homes and homes for the aged	1 space per 5 beds for patients or inmates.
Nursing homes and convalescent homes	1 space per 500 square feet of gross floor area.
Offices and administration buildings	1 space per 300 square feet of gross floor area.
Preschools, nurseries and kindergartens	2 spaces per teacher.
Public offices	1 space per 300 square feet of gross floor area.
Racetracks	1 space per 2 seats.
Restaurants	1 space per 200 square feet of gross floor area.
Retail sales and services	1 space per 200 square feet of gross floor area.
School auditoriums	1 space per 3 seats.
Stadiums and arenas	1 space per 4 seats or 8 feet of bench length.

Use not specifically mentioned	Parking requirement for use generally similar to subject use.
Utility, service and storage buildings	1 space per 600 square feet of gross floor area.
Welfare or correctional institutions	1 space per 5 beds for patients or inmates.
Wholesale businesses	1 space per 300 square feet of gross floor area.

(Ord. 789 §18-536, 2006; Ord. 811 §1, 2009)

Sec. 12-19-120. Loading.

(a) Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school or day care facility having a capacity greater than twenty-five (25) students.

(b) Merchandise, materials or supplies. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs. (Ord. 789 §18-537, 2006)

Sec. 12-19-130. Off-street stacking.

A stacking space is an area for motor vehicles to line up in while waiting to go through a drive-through facility, or within a designated drop-off or pick-up zone. The purpose of stacking space requirements is to promote public safety by alleviating on-site and off-site traffic congestion that might otherwise result from the operation of such a facility. In all applicable districts, the following off-street stacking requirements shall apply:

(1) At a minimum a stacking space shall be eight and one-half (8.5) feet wide and eighteen (18) feet long.

(2) A stacking space at a drive-in or drive-through window, menu board, order station, designated drop-off zone or service bay is considered to be a stacking space.

(3) An area reserved for stacking spaces may not double as a circulation driveway, maneuvering area or off-street parking space.

(4) Stacking spaces may be located anywhere on the building site, provided that traffic impacts on- and off-site are minimized and the location does not create negative impacts on adjacent properties due to noise, light or other factors. (Ord. 789 §18-538, 2006)

ARTICLE 20

Signs

Sec. 12-20-10. Purpose and intent.

(a) General purposes.

(1) Signing is an important aspect of any community. When abused, signing creates a visual blight which detracts from the quality of the environment. When unduly restricted, the act of signing creates a hardship for merchants who rely on effective signing to identify their establishments. Further, in the City, exterior signs affect the economic and aesthetic values and character of the community in that the City is partially dependent upon traveling tourists who seek the City for its character, style and quality of merchandise and who spend money with local merchants. Orderly signing also contributes to the protection and promotion of the health, safety and welfare of the traveling public and the citizens of the City.

(2) The intent of this Article is to provide a legal framework for an orderly but balanced system of signing in the City. Regulations of such factors as size, location, illumination, etc., will encourage the communication of information and orientation for both visitors and citizens, provide for the effective identification of business establishments and minimize distractions to motorists and pedestrians while promoting visual harmony, safety and a respect for the environmental character of the community. Signs in the downtown business area are intended to complement, enhance and promote the revised City of Monte Vista Urban Renewal Plan, adopted in 2005, by the Monte Vista Urban Renewal Authority.

(3) With these goals and purposes in mind, the City Council hereby declares that the enactment of this comprehensive Sign Code is necessary to achieve the above-stated purposes and to accomplish the following objectives.

(b) Objectives.

(1) To enhance the economy and the business and industry of the City by promoting the reasonable, orderly and effective display of signs and esthetic values and encouraging better communication with the public.

(2) To protect and encourage local tourist-related businesses for the general economic well-being of this area and the State.

(3) To encourage sound signing practices and lessen the objectionable effects of competitive signing.

(4) To preserve the value of private property by assuring the compatibility of signing with surrounding land uses.

(5) To promote public pride and spirit both on a statewide and local level.

(6) To ensure that signs erected within the City are compatible with their surroundings.

(7) To establish procedures and regulations which control the location, size, type and number of signs permitted and which regulate and control all other matters pertaining to signs.

(8) To provide for special regulations in areas which, by nature or location, are unique to certain areas of the City.

(9) To provide for an equitable mechanism whereby those signs, which are nonconforming to these regulations, can be removed. (Ord. 789 §18-561, 2006)

Sec. 12-20-20. Definitions.

This Article shall be known as the "Sign Code." All words used in this Article, except where specifically defined herein, shall carry their customary meaning when not inconsistent with the context in which they are used. Definitions contained in this Chapter shall apply to this Article. The following words as hereinafter set forth shall have the meanings as hereinafter defined:

Abandoned sign means a sign no longer in use or a sign providing obsolete or outdated copy information.

Advertising sign means a sign which directs attention to a business commodity, service or entertainment which is conducted, sold or offered.

Animated sign means any sign or part of a sign which changes physical position by any movement or rotation or signs that simulate movement by means of lighting.

Area means the total exposed surface devoted to a sign message, including ornamentation, embellishment and symbols, but excluding supporting structures.

Awning sign means a wall sign which is painted, stitched, sewn or stained onto the exterior of an awning. An *awning* is a movable shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

Billboard sign means a sign supported by multiple poles or posts and at least eight (8) feet in width and four (4) feet in height.

Building facade means the frontage of a building which faces and is most nearly parallel to a public or private street. There can be only one (1) building facade for each street upon which a building faces.

Bulletin board sign means a sign that is accessory to a church, school or public or nonprofit institution announcing the name of the institution or organization and announcements of persons, events or activities occurring at the institution. The sign may also present a greeting or similar message.

Canopy sign means a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building by columns extending from the ground or by a combination of a building and columns.

Changeable-letter sign means a sign whereon provisions are made for letters or characters to be placed in or upon the surface area, either manually or electronically, to provide a message or picture.

Decorative projecting sign means a sign composed of wood, fiberglass, plastic, metal and/or similar materials compatible with and complementing the theme of downtown development and historic restoration and subject to approval by the City Manager.

Direct illumination means a sign characterized by lighted lettering.

Directional sign means any sign that directs the movement or placement of pedestrian or vehicular traffic.

Electrical sign means any sign containing electrical wiring. This does not include signs illuminated by an exterior light source.

Erect means to construct or allow to be constructed.

Face means the surface of a sign directed to the viewer (which may be single-face, double-face or multi-face) upon, against or through which the message is displayed or illuminated.

Freestanding sign means a detached sign which is supported by one (1) or more columns, uprights or braces extended from the ground or from an object on the ground, or a detached sign which is erected on the ground; provided that no part of the sign is attached to any part of any building structure or other sign. A *freestanding sign* shall include billboard signs, pole signs and similar detached signs allowed by this Code.

Ground/monument sign means a type of freestanding sign utilizing no pole or similar supports and constructed from ground level utilizing rock, stone, brick, masonry, stucco and similar building materials. Ground signs may have changeable, affixed or inlaid lettering and may or may not be illuminated. Ground signs shall not exceed six (6) feet in height and twelve (12) feet in length, and may be double- or multi-faced.

Home occupation sign means a decorative sign placed on the premises of a residence in a residential area designed to identify a home occupation but clearly secondary to the character of the residence.

Identification sign means a sign identifying the name of a business or residential neighborhood.

Illegal sign means a sign failing to conform to the provisions and requirements of this Article as further specified in Section 12-20-50 of this Article.

Illuminated sign means a sign lighted by or exposed to artificial lighting either by lights directed towards the sign or by internal illumination.

Indirect lighting means a light from a source projected into the face of the sign.

Internal illumination means a light from a source concealed or contained within the sign, and which becomes visible through a translucent surface.

Maintain means to preserve or keep in repair such sign, including any illumination source, in a neat and orderly condition and in good working order at all times to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.

Nameplate sign means a sign giving the name and/or address of the occupant of a building or premises on which it is located and, where applicable, a professional status.

Nonconforming sign means a sign which fails to conform to the requirements and provisions of this Article and which was lawfully erected, altered, moved or maintained under previous ordinances of the City, but does not conform to the provisions of this Article or has been subsequently granted a variance from this Article.

Off-premises advertising sign means a sign relating to a business or its products or services, which is not located on the same premises as the business.

Owner means the owner of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the lease holder of such property or the individual, person or business who has purchased the sign.

Pedestrian-oriented sign means a sign located in such a manner as to be generally viewed or read by a person who is walking.

Permanent sign means a sign which is permanently affixed or attached to the ground or to a structure.

Pole sign means a sign supported by a single pole, and which sign may be metal, plastic or similar material and may be illuminated.

Portable sign means a sign which is not permanently affixed or attached to the ground or to a structure or which is mounted upon, painted or otherwise erected upon a vehicle, van, truck, automobile, bus, railroad car or other vehicle in operating condition.

Premises means the central, actual, physical location where an activity is routinely conducted. The *premises* include the primary structure, parking facilities and private roadway if they are necessary to the principal activity.

Prohibited sign means a sign failing to conform to the provisions and requirements of this Article and as further specified in Section 12-20-50 of this Article.

Projecting sign means any sign supported by a building wall and projecting therefrom at least twelve (12) inches or more horizontally beyond the surface of the building to which the sign is attached.

Property/parcel means a contiguous area of land under one (1) ownership.

Public use means a use which is owned and operated for the public by school districts or special districts, or by City, county, state or federal government.

Roof line means the low edge of the roof or parapet.

Roof sign means a sign, any part of which is located on or attached to a roof and projecting above the roof line of the building or structure.

Sign means any object, device, display or structure or part thereof 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.

Temporary sign means a banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials, or a sign mounted on a trailer or other moveable device which is intended to be displayed for a limited period of time.

Theater marquee sign means a changeable letter sign which may protrude from the building structure which it advertises.

Variance means a special ruling or allowance by the Board of Adjustment which does not require compliance with a specific portion of this Article.

Wall sign means a sign attached to, painted on or erected against a wall of a building or structure which extends no more than twelve (12) inches from the wall surface upon which it is attached and whose display surface is parallel to the face of the building to which the sign is attached.

Wind sign means any sign in the nature of banners, flags, pennants or other objects of material, fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

Window sign means:

a. *Permanent.* Any sign visible from the exterior of a building or structure which is painted, attached, glued or otherwise affixed to a window or depicted upon a card, paper or other material and placed, taped or displayed from a window for the specific purpose of identifying the proprietor or name of the business to the passerby.

b. *Temporary.* A sign visible from the exterior of a building or structure which is painted, attached, glued or otherwise affixed to a window or depicted upon a card, paper or other material and placed, taped or displayed on a window for the specific purpose of attracting attention of the passerby to a sale or to promotional items or other products or services, other than the identity of the proprietor or the name of the business. (Ord. 789 §18-562, 2006; Ord. 811 §1, 2009)

Sec. 12-20-30. Sign permits.

(a) Sign permit required. To ensure compliance with the regulations of this Article, a sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with Section 12-20-40 below. In multiple tenant buildings, a separate permit shall be required for each business entity's signs. All electrical signs must receive an electrical permit prior to receiving a sign permit.

(b) Application for a sign permit.

(1) Sign permit application requirements. Applications for sign permits shall be made in writing on forms furnished by the City. The application shall contain:

a. The location by street number and the legal description of the property upon which the sign is proposed;

b. Names and addresses of the owner, sign contractor and erectors;

c. Legible site plans which include the specific location of the sign and setbacks to adjacent property lines and buildings. The site plan shall also include the outline of building elevations showing all existing and proposed signs. Site plans for off-site signs shall show the location of any other existing off-site signs within one hundred (100) feet;

d. A detailed drawing indicating the sign elevation, dimensions, materials and colors of the proposed sign structure. A certification by a structural engineer may be required for freestanding or projecting signs;

e. A graphic drawing or photograph of the sign copy;

f. A description of the lighting to be used, if applicable;

g. Electrical permit for all illuminated signs;

h. Proof of public liability insurance covering freestanding signs and projecting wall signs;

i. If the sign is to be located off the premises advertised, a written lease or permission from the property owner of the site on which the sign will be located; and

j. Payment of appropriate sign permit fees as established by the current fee schedule.

(2) Sign permit application review: Review of the application shall be by City staff. Review of the sign permit application shall be completed within ten (10) working days following receipt of the completed application. Staff shall either certify the application is complete and in compliance of all submittal requirements or reject it as incomplete and notify the applicant in writing of any deficiencies.

(3) Staff review and approval. When staff has determined the application to be complete, staff shall review the sign permit in accordance with the established review criteria and has the authority to approve, approve with conditions or deny the sign permit. Upon staff's approval of the sign permit, the sign permit and any building or electrical permits required for the sign shall be issued to the applicant.

(4) Sign permit review criteria. The following review criteria will be used by the staff to evaluate all sign permit applications:

a. The sign meets the requirements of this Article.

b. The sign conforms to the requirements of the Building and Electrical Codes.

c. The sign conforms to the size, height, material and location requirements of this Chapter for the zoning district in which it is located.

d. The sign would not interfere with pedestrian or vehicular safety.

e. The sign would not detract from the character of an architecturally significant or historic structure;

f. The sign would not be located so as to have a negative impact on adjacent property.

g. The sign would not detract from the pedestrian quality of street or area;

h. The sign would not add to an over-proliferation of signs on a particular property or area.

(5) Appeal of sign permit denial or approval with conditions. When a variance is requested for a sign, said request for variance shall be heard and acted upon by the Board of Adjustment after action by the staff. Such request for variance shall not be heard until all other administrative procedures required for issuance of a sign permit have been completed. The Board of Adjustment is authorized to grant a variance from the provisions of this Article when it finds that unique situations require a deviation from such provisions and that the purpose and intent of this Article are not violated, and shall be further governed by the provisions applicable to the Board of Adjustment contained in this Chapter. (Ord. 789 §18-563, 2006)

Sec. 12-20-40. Sign exemptions.

The following types of signs are exempt from the permit requirements of this Article and may be placed in any zoning district subject to the provisions of this Article. Such signs shall otherwise be in conformance with all applicable requirements contained in this Article. All such signs (except government signs) shall be located outside a street right-of-way. Signs shall not interfere with traffic signs or the sight distance triangle at intersections. Evidence of the owner's permission to install a sign may be required. All other signs shall be allowed only with permits and upon proof of compliance with this Article.

(1) Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way, except that such signs shall be subject to the safety regulations of the International Building Code and the National Electrical Code.

(2) A-frame sidewalk signs are not to exceed four (4) feet by three (3) feet in total area. A-frame sidewalk signs may not be placed so as to create a safety hazard or impede the flow of pedestrian traffic.

(3) Address. Nonilluminated signs not to exceed two (2) square feet in area which identify the address and/or occupants of a dwelling unit or of an establishment.

(4) Architectural features. Integral decorative or architectural features of buildings, so long as such features do not contain letters, numerals, trademarks, moving parts or lights.

(5) Art. Integral decorative or architectural features of buildings, works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights.

(6) Banners, seasonal flags, pennants, wind socks and other decorative wind signs. Such items may be flown or hung in any residential, commercial or industrial zone district of the City, provided that they do not obstruct pedestrian traffic, do not present additional advertising material in addition to a business' wall or hanging signs, do not obstruct neighboring signs and do not present visual clutter in the commercially zoned areas of the City. Such items should be no larger than fifteen (15) square feet in residential areas and forty (40) square feet in commercial areas.

(7) Banners, commercial. Banners applied to paper, plastic or fabric used to attract attention to a business establishment, provided that:

a. The signs are displayed in conjunction with a grand opening celebration for a period not to exceed thirty (30) days.

b. The signs are displayed in conjunction with a special sale for a period not to exceed thirty (30) days.

c. The signs are displayed no more than two (2) times per calendar year per establishment.

d. The banner shall be securely attached to the wall of the establishment, freestanding signs or light poles on private property.

e. One (1) banner per street frontage per establishment shall be permitted.

(8) Building identification, historical markers. Nonilluminated signs constructed of metal or masonry which are permanently affixed to buildings or structures for the purpose of identifying the name of a building, date of erection or other historical information as approved by City staff.

(9) Bulletin board. Bulletin board signs not exceeding fifteen (15) square feet in gross surface area accessory to a church, school or public or nonprofit institution.

(10) Construction. Temporary construction signs, provided that:

a. Signs in conjunction with any residential use shall not exceed eight (8) square feet each.

b. Signs in conjunction with all other uses shall have a maximum area of thirty-two (32) square feet each.

c. Only one (1) such sign oriented per street front per premises shall be erected. Any two such signs located on the same premises shall be located at least one hundred (100) feet apart as measured by using a straight line.

d. Such signs shall not be illuminated.

e. Such signs shall only appear at the construction site.

f. Such signs shall be removed within seven (7) days after completion of the project.

(11) Courtesy. Nonilluminated or indirectly illuminated signs which identify, as a courtesy to customers, items such as credit cards accepted, redemption stamps offered, menus or prices; limited to

one (1) such sign for each use, not to exceed four (4) square feet per face or eight (8) square feet in total area. Such signs may be attached to the building, as projecting or wall signs, suspended from a canopy or included as an integral part of a freestanding sign.

(12) Decorations (holiday). Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, state, local or religious holiday or celebration; provided that such signs shall be displayed for not more than sixty (60) days in any one (1) year, and may be of any type, number, area, height, location, illumination or animation.

(13) Directional. On-premises directional and instructional signs not exceeding six (6) square feet in area apiece.

(14) Doors. Signs affixed to door glass which identify the name and/or address of an establishment.

(15) Farm products. Temporary farm product signs provided that:

a. One (1) on-premises sign may be used. Said sign shall be located off the street right-of-way and at least ten (10) feet away from any side lot line. Such sign shall have a maximum area of nine (9) square feet and may not be illuminated.

b. A maximum of two (2) off-premises signs shall be permitted. Said off-premises signs may be no greater than four (4) square feet apiece and shall not be illuminated. No such sign shall be allowed in the street right-of-way or within ten (10) feet of a side lot line, and only within the CH and I Districts which permit off-site advertising. See Section 12-20-110 of this Article for height requirements.

(16) Flags. Flags or crests of nations, organizations of nations, states and cities or professional, fraternal, religious or civic organizations, except when displayed in connection with commercial promotion. Flags shall be no larger than fifteen (15) square feet in residential areas and forty (40) square feet in commercial areas.

(17) Garage, estate, yard sale or farm auction. Signs which advertise a private garage or yard sale on the lot on which the sign is located; provided that such signs are displayed no more than twice per year per dwelling unit for a period not to exceed three (3) days.

(18) Hazards. Temporary or permanent signs erected by the City, public utility companies, oil and gas companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

(19) Memorial. Memorial signs, plaques or grave markers which are noncommercial in nature.

(20) Merchandise. Merchandise, pictures or models of products or services which are incorporated as an integral part of a window display.

(21) Oil and gas operation. Identification signs for any oil and gas operation, excluding gas and oil retail enterprises.

(22) Political. Political signs displayed on private property in accordance with an official election or signs erected on behalf of candidates for public office, provided that:

a. The total area of all such signs on a lot does not exceed sixteen (16) square feet.

b. All such signs may be erected no sooner than sixty (60) days in advance of the election for which they were made.

c. The signs are removed within seven (7) days after the election for which they were made.

The property owner upon whose land the sign is placed shall give written permission for the placement of said signs and will be responsible for violations. Signs shall not be placed in the public right-of-way.

(23) Public information. Signs which identify restrooms or public telephones or provide instructions as required by law or necessity, provided that the sign does not exceed two (2) square feet in area or as approved by staff and is nonilluminated, internally illuminated or indirectly illuminated. This category shall be interpreted to include such signs as "no smoking," "rest rooms," "no solicitors," "self-service" and similar informational signs.

(24) Religious symbols. Religious symbols located on a building or lot used for organized religious services.

(25) Regulatory signs. Regulatory signs erected on private property, such as "no trespassing" signs, which do not exceed two (2) square feet per face or four (4) square feet in total surface area, limited to four (4) such signs per use or per building, whichever is the greater number.

(26) Sale, lease, rent. Temporary signs used to offer for sale, lease or rent the land or buildings upon which the sign is located, provided that:

a. One (1) sign per street frontage advertising real estate ("For Sale," "For Rent," "For Lease" or "For Development") not greater than eight (8) square feet in area and five (5) feet in overall height in a residential district.

b. In nonresidential zone districts, the sign area shall not exceed thirty-two (32) square feet and shall not exceed five (5) feet in overall height.

c. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two (2) signs are at least one hundred (100) feet apart as measured by the shortest straight line.

d. All such temporary signs shall be removed within seven (7) days after the real estate closing or lease transaction.

e. No sign allowed under this Subparagraph shall be lighted.

(27) Scoreboards. Scoreboards for athletic fields.

(28) Special events. Temporary special event signs and banners for religious, charitable, civic, fraternal or similar nonprofit or not-for-profit organizations, provided that:

a. Signs shall be erected no sooner than thirty (30) days prior to and removed no later than seven (7) days after the event.

b. No such sign shall exceed thirty-two (32) square feet.

c. No such sign shall be illuminated.

d. All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the City or the Colorado Department of Transportation (CDOT). In no case may any such sign impede the view or travel of any motorists or pedestrians or be attached to any structure within the right-of-way (government signs, telephone poles, etc.)

(29) Strings of light bulbs. Displays of string lights, provided that:

a. They are decorative displays which only outline or highlight landscaping or architectural features of a building.

b. They shall not be assembled or arranged to convey messages, words, commercial advertisements, slogans and/or logos.

c. They shall not create a safety hazard with respect to placement, location of electrical cords or connection to power supply.

d. They shall be maintained and repaired so that no individual light bulb is inoperative. In the event the bulbs are not maintained or repaired, the string lights may be removed at the expense of the owner after giving notice to the owner pursuant to this Article.

(30) Temporary barrier.

(31) Text. No permit shall be required for text or copy changes on conforming or legal nonconforming signs specifically designed to permit changes of the text or copy; provided that no structural changes are made to the sign, and provided that the name of the business to which the sign belongs is not changed.

(32) Time and temperature. Signs displaying time and temperature devices, provided that they are not related to a product.

(33) Traffic control. Signs for the control of traffic or other regulatory purposes, including signs for the control of parking on private property, and official messages erected by, or on the authority of, a public officer in the performance of his or her duty.

(34) Vacancy and no vacancy. All "vacancy" and "no vacancy" signs, where they are nonilluminated, internally illuminated, indirectly illuminated or directly illuminated; provided that the area of the sign does not exceed two and one-half (2½) square feet per face. Also, signs designed to indicate vacancy such as "yes," "no" or "sorry" shall also be exempt under the provisions of this Subparagraph if they meet the area requirement.

(35) Vehicular for sale signs. Motor vehicle for sale signs provided there is only one (1) sign per vehicle and the sign does not exceed two (2) square feet.

(36) Vehicular signs. Signs displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, rental trucks and trailers and the like, shall be exempt from the provisions of this Article, provided that the primary purpose of such vehicles is not for the display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles.

(37) Vending machine signs. A sign permit shall not be required for vending machine signs, provided that the advertisement upon the vending machine sign is limited to the product vended.

(38) Window signs. (Ord. 789 §18-564, 2006; Ord. 811 §1, 2009)

Sec. 12-20-50. Prohibited signs.

The following signs are inconsistent with the purposes and standards in this Article and are prohibited in all zoning districts.

(1) Revolving beacon, flashing, blinking, rotating, moving and animated signs or any other sign that creates the illusion of movement and is designed to compel attention, except for time and temperature devices.

(2) Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic or traffic-control devices, including any sign that obstructs clear vision in any direction from any street intersection or driveway.

(3) Any sign, other than traffic-control signs, erected, constructed or maintained within, over or upon the right-of-way of any road or highway, except in the case of a sign for which a permit has been issued within the requirements of this Article.

(4) Off-premises advertising signs or any other sign not pertinent and clearly incidental to the permitted use on the property where located, except for temporary subdivision directional signs and political signs and signs permitted in the CH and I Districts in accordance with Section 12-20-110 of this Article.

(5) Any sign which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air.

(6) Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.

(7) Vehicle-mounted signs, including but not limited to signs painted on or attached to semi-trailers or cargo containers when exhibited on private property adjacent to public right-of-way for the purpose of advertising a business or service. Vehicle-mounted signs used in connection with a special event are exempted from the requirements of this Section during the duration of the special event only.

Upon the conclusion of the special event, such signs must be dismantled. For the purposes of this Paragraph, the term *special event* shall mean a parade, circus, fair, carnival, festival, farmers' market or other similar event that is different in character from the customary or usual activities generally associated with the property upon which the special event is to occur.

(8) Portable signs or signs not permanently affixed or attached to the ground or to any structure.

(9) Patterned signs that give the illusion of motion or changing of copy.

(10) Inflatable freestanding signs or tethered balloons.

(11) Fabric signs, flags, pennants or banners when used for commercial advertising purposes except as permitted in Section 12-20-40 above.

(12) Electronic message boards except for governmental signs and those within the CH and I Districts.

(13) Abandoned or unused sign, including a sign located off-premises, which is a sign that advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located.

(14) Any sign or sign structure which:

a. Is structurally unsafe;

b. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;

c. Is not kept in good repair; or

d. Is capable of causing electrical shocks to persons likely to come in contact with the sign.

(15) Any sign or sign structure which:

a. In any other way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign;

b. Creates in any other way an unsafe distraction for motor vehicle operators; or

c. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare. (Ord. 789 §18-565, 2006)

Sec. 12-20-60. Administration and enforcement.

The following regulations apply to all signing and/or to the specific type of sign hereinafter indicated:

(1) Regulation and standards:

a. Sign permits shall not be issued for new signing at business locations where nonconforming signing exists.

b. Only signs specifically identified in this Article shall be eligible to receive a sign permit.

c. In all instances, any sign erected within the City must comply with the provisions of the International Building Code.

d. When a mural includes identification of an establishment or specifies such information, it shall have its area included in calculations pursuant to Section 12-20-70 below.

(2) Enforcement:

a. Unused or abandoned signs. An unused or abandoned sign is a sign which meets any of the following criteria:

1. A sign which identifies an establishment, goods or services which are no longer provided on the premises where the sign is located, except for historical signage as determined by City staff.

2. A sign which identifies a time, event or purpose which has passed or no longer applies.

3. An off-premises advertising sign which advertises an establishment, goods or services which no longer exist.

b. Penalties: A violation of any of the provisions of this Article shall be punishable in accordance with the provisions of Section 1-4-20 of this Code. In addition, after a citation has been issued, each day a violation continues to occur shall constitute a separate violation for the above-described fine. Further, the Municipal Court may enjoin the removal of signs which do not conform to the provisions of this Article.

c. Removal of illegal signs:

1. Removal. Any illegal, nonconforming or unused sign which is not removed from the premises by the owner, user or property owner within the time frames prescribed in this Article shall be subject to removal by order of the City Manager in accordance with the provisions and procedures detailed in this Subparagraph c. Any prohibited sign (unused sign) which is not removed from the premises by the owner, user or property owner within the time frames prescribed herein shall also be considered a violation of the provisions of this Article, and shall be subject to the penalty as set forth in Subparagraph b. above.

2. Removal by City. Upon failure of the owner, user or property owner to comply within the specified time requirements as set forth in this Article, the City Manager is hereby authorized to cause such illegal, nonconforming or unused sign to be removed, and any expense attendant thereto shall be paid by the owner, agent or person having the beneficial use of the building, structure or premises upon which the sign is located. If said removal or alteration expense remains unpaid for more than thirty (30) days after said removal or alteration is performed and a bill for the same was mailed to the owner, agent or person having beneficial use of the building, structure or premises, by first-class mail, postage prepaid, with a certificate of mailing, said unpaid charge shall constitute a lien upon the real estate and may be certified by

the City Clerk to the County Treasurer as a lien assessment, to be applied and collected by the County Treasurer as an addition to the ad valorem taxes upon said property.

3. Storage of removed signs. Signs removed in compliance with this Subparagraph shall be stored by the City for thirty (30) days, during which they may be recovered by the owner only upon payment to the City for costs of removal and storage. If not recovered within the thirty-day period, the sign and supporting structure shall be declared abandoned and the title shall vest with the City. The costs of removal and storage (up to thirty [30] days) may be billed to the owner. If not paid, the applicable costs may be imposed as a tax lien against the property. (Ord. 789 §18-566, 2006; Ord. 811 §1, 2009)

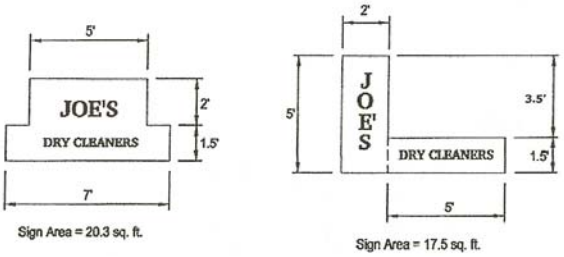
Sec. 12-20-70. Measurement of sign area and height.

(a) Sign surface area. The area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face shall be measured using standard mathematical formulas. Time and temperature devices shall not be included within the measurement of maximum sign area.

(1) Please reference Section 12-20-100 below for sign height regulations.

(2) Please reference Section 12-20-110 below for sign area regulations.

SIGN AREA MEASUREMENT



(b) Sign support. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

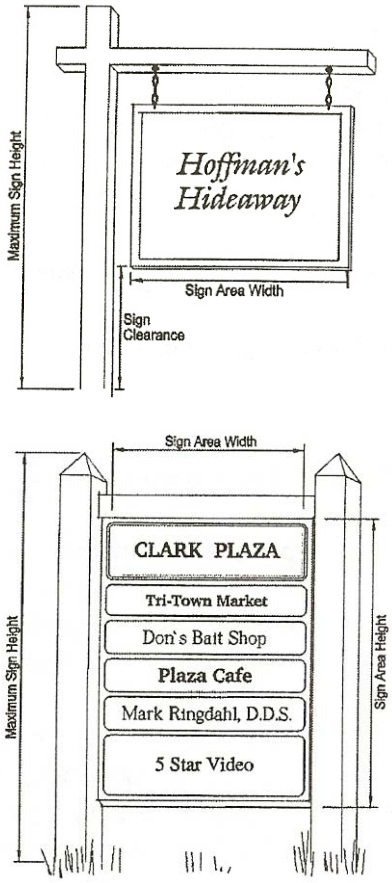
(c) Back-to-back (double-faced) signs. Back-to-back signs shall be regarded as a single sign only if mounted on a single structure and the distance between each sign face does not exceed two (2) feet at any point.

(d) Three-dimensional signs. Where a sign consists of one (1) or more three-dimensional objects (i.e.; balls, cubes, clusters of objects, sculpture), the sign area shall be measured as their maximum projection upon a vertical plane.

(e) Wall signs. If a sign is attached to a wall, only that portion of the wall onto which the sign face or letters are placed shall be calculated in the sign area.

(f) Sign height. The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street.

Sign Surface Area
SIGN MEASUREMENT DETAILS



(Ord. 789 §18-567, 2006)

Sec. 12-20-80. Sign design.

(a) Design compatibility.

(1) Creative design encouraged. Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The City encourages imaginative and innovative sign design.

(2) Professional. Signs shall be made by a professional sign company or other qualified entity.

(3) Proportionate size and scale. The scale of signs shall be appropriate for the building on which they are placed and the area in which they are located. Building signs shall be harmonious in scale and proportion with the building facade and conform to Section 12-20-100 below.

(4) Sign location and placement.

(5) Visibility. Signs shall not visually overpower nor obscure architectural features.

(6) Integrate signs with the building and landscaping. Carefully coordinate the sign with the architectural design, overall color scheme and landscaping. Signs shall be designed to complement or enhance the other signs for a building.

(7) Unified sign band. Whenever possible, signs located on buildings with the same block face shall be placed at the same height in order to create a unified sign band. Locate wall signs at the first floor level only for retail uses.

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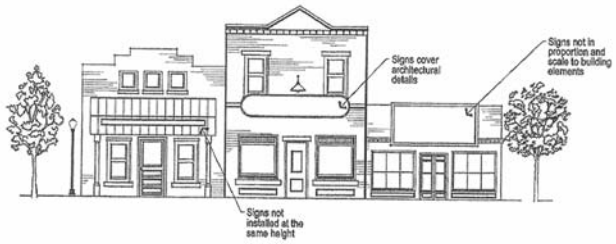

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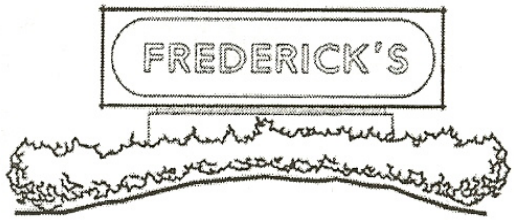
(8) Monument signs. Locate monument signs in a planter setting within a landscaped area at the primary entries to residential, commercial and industrial subdivisions to provide an overall project identity. A maximum of one (1) monument sign per entry is permitted.

(9) Pedestrian-oriented signs. Pedestrian- oriented signs are encouraged. It is desirable to include a pedestrian-oriented sign as one (1) of the permitted signs for a business. These signs are designed for and directed toward pedestrians so they can easily and comfortably read the sign as they stand adjacent to the business.

(10) Road right-of-way. No sign shall be erected within the road right-of-way or near the intersection of any road or driveway in such a manner as to obstruct free and clear vision of motorists or pedestrians or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device. Signs located at an intersection must be outside of the sight distance triangle.

(11) Landscaping. Freestanding signs shall be landscaped at their base in a way harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer.



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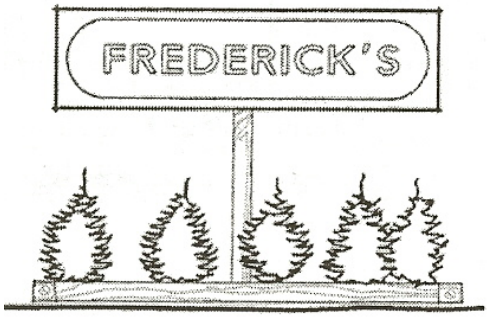
Berm and foundations plantings to relate to building treatment



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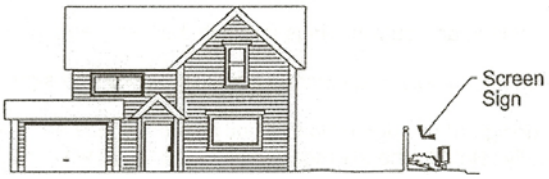
Landscaping too sparse and poor visual base for sign

(12) Reduce sign impact. Because residential and commercial uses generally exist in close proximity, signs shall be designed and located so that they have little or no impact on adjacent residential neighborhoods. Small-scale signs are encouraged.

REDUCE SIGN IMPACT



(b) Color.

(1) Select colors carefully. Colors shall be selected to contribute to legibility and design integrity. Sign colors shall complement the colors used on the structures and the project as a whole. Colors or combinations of colors that are harsh and disrupt the visual harmony and order of the street are unacceptable.

(2) Use contrasting colors. Provide a substantial contrast between the color and material of the background and the letters or symbols to make the sign easier to read during both the day and night. Light letters on a dark background or dark letters on a light background are most legible.

(3) Avoid using too many colors. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs shall be avoided.

(c) Materials. Signs shall be constructed of durable, high-quality architectural materials. The sign package must use materials, colors and designs that are compatible with the building facade. Sign materials must be of proven durability. Treated wood, painted metal, stone, brick and stucco are the preferred materials for signs.

(d) Legibility. Signs shall be adequately legible under the circumstances in which they are primarily seen. The legibility of signs is related to:

(1) The speed at which they are viewed;

(2) The context and surroundings in which they are seen; and

(3) The design, colors and contrast of the sign copy and sign face.

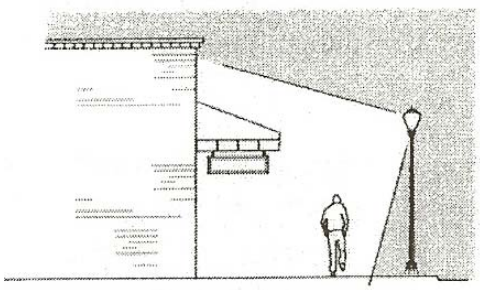
The design of the sign, including copy, lettering size and style and colors, shall logically relate to the average speed of the traffic which will see it. Signs shall legibly convey their messages without being distracting or unsafe to motorists reading them. Symbols and logos can be used in place of words whenever appropriate.

(e) Sign illumination.

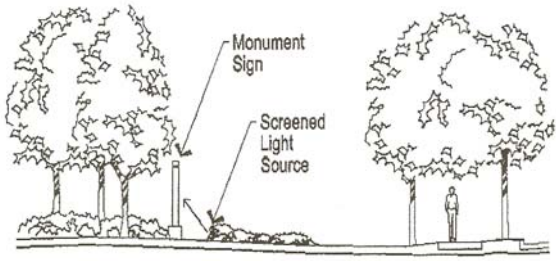
(1) Use illumination only if necessary.

(2) Sign illumination shall complement, not overpower, the overall composition of the site.

USE OF EXISTING ILLUMINATION



(3) Use a direct light source. All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign. When external light sources are directed at the sign surface, the light source must be concealed from pedestrians' and motorists' "lines of sight."



External light sources directed at signs should be concealed from pedestrians' and motorists' "lines of sight"

(4) Signs must be illuminated in a way that does not cause glare onto the street and adjacent properties. Signs shall be lit only to the minimum level for nighttime readability.

(5) All lighted signs shall meet all applicable electrical codes, and the electrical components used shall bear the label of an approval agency. Additionally, electrical permits shall be obtained for electric signs.

(6) Flashing, moving, blinking, chasing or other animation effects shall be prohibited on all signs except time and temperature signs.

(7) Neon tubing is an acceptable method of sign illumination for window signs in commercial districts.

(8) The use of individually cut, back-lit letter signs is encouraged.

(9) No commercial sign within five hundred (500) linear feet of a pre-existing residential structure may be illuminated between the hours of 11:00 p.m. and 6:00 a.m. A residence shall be deemed *pre-existing* for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of the ordinance codified herein. (Ord. 789 §18-568, 2006)

Sec. 12-20-90. Sign installation and maintenance.

(a) Installation.

(1) All signs shall be mounted so that the method of installation is concealed.

(2) Projecting signs shall be mounted so they generally align with others in the block.

(3) All signs and all components thereof, including sign structures and sign faces, shall be kept neatly painted, in a good state of repair and in compliance with all building and electrical codes. The City Manager may inspect any sign governed by this Article and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

(b) Maintenance.

(1) The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including any illumination sources in a neat and orderly condition and in good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. The sign must also be in compliance with all building and electrical codes.

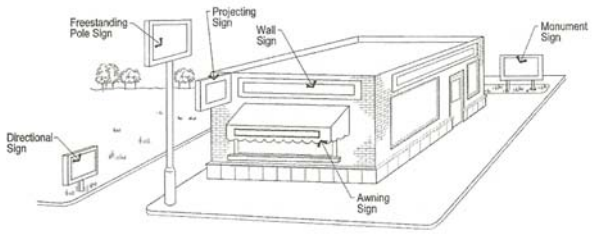
(2) The owner of any sign regulated by this Article shall be required to keep signs and supporting hardware, including temporary signs and time and temperature signs, structurally safe, clean, free of visible defects and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

(3) The City Manager may inspect any sign governed by this Article and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence. (Ord. 789 §18-569, 2006)

Sec. 12-20-100. Standards for specific types of signs.

(a) Awning signs. An awning sign is a wall sign which is painted, stitched, sewn or stained onto the exterior of an awning. An awning is a movable shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

SIGNS



(1) Location. Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way. No awning sign shall project beyond, above or below the face of an awning.

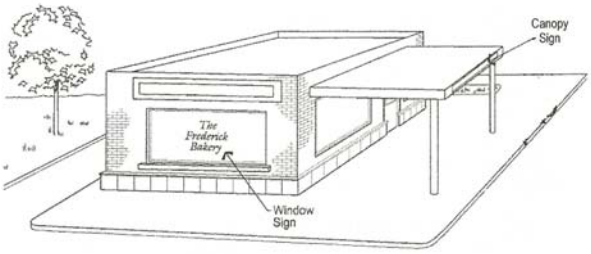
(2) Maximum area and height. Sign area shall comply with the requirements established by Section 12-20-110 below. No structural element of an awning shall be located less than eight (8) feet above finished grade. Awnings on which awning signs are mounted may extend over a public right-of-way no more than seven (7) feet from the face of a supporting building. No awning, with or without signage, shall extend above the roof line of any building.

(3) Lighting. Awnings shall not be internally illuminated except as part of a creative sign. Lighting directed downwards that does not illuminate the awning is allowed.

(4) Required maintenance. Awnings shall be regularly cleaned and kept free of dust and visible defects.

(b) Canopy signs. A canopy sign is a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

WINDOW AND CANOPY SIGNS



(1) Maximum area and height. Sign area shall comply with the requirements established by Section 12-20-110 below. No canopy, with or without signage, shall extend above the roof line of any building. No canopy sign shall project above the top of the canopy upon which it is mounted. However, such sign may project horizontally from the face of a canopy the distance necessary to accommodate the letter thickness and required electrical equipment, but not more than twelve (12) inches (measured from the bottom of the sign). Under-canopy signs which are perpendicular to the face of the building shall be deemed to be projecting wall signs. Under-canopy signs which are parallel to the face of the building shall be a minimum of eight (8) feet above grade and shall be deemed to be flush wall signs.

(2) Required maintenance. Canopies shall be regularly cleaned and kept free of dust and visible defects.

(c) Freestanding signs. A freestanding sign is a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground, and shall also include a monument sign and pole signs but does not include a sign attached to a structure.

(1) Location. The sign may be located only on a site frontage adjoining a public street. No freestanding sign in any zoning district can be erected closer than eight (8) feet from any curbline, nor closer than four (4) feet to any building. No freestanding signs in business and industrial districts may be located less than twenty-five (25) feet from any property line adjacent to a residential zoning district line.

(2) Maximum area and height. The sign shall comply with the height and area requirements established in Section 12-20-110 below.

(3) Sign mounting. The sign shall be mounted on one (1) or more posts or have a solid monument-type base. Posts shall not have a diameter greater than twelve (12) inches.

(4) Pole signs. Pole signs should not be so large as to obscure the patterns of front facades and yards. Pole signs shall be no higher than a structure's roofline or the first-floor roofline of a multi-story building.

(d) Monument signs. A monument sign is a permanent sign where the entire bottom of the sign is affixed to the ground, not to a building.

(1) Location. The sign may be located only along a site frontage adjoining a public street.

(2) Maximum area and height. The sign shall comply with the height and area requirements established in Section 12-20-110 below.

(3) Design. The design of a monument sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight distance areas. Project monument signs shall contain only the name and address of the project which it identifies.

(4) Landscaping requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one (1) face of the sign. For example, twenty (20) square feet of sign area equals forty (40) square feet of landscaped area. The Planning and Zoning Commission may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

(e) Off-premises advertising signs. Off-premises advertising signs, also known as off-site signs, are generally prohibited, except for those placed within the CH and I Districts. Off-premises signs shall not:

(1) Interfere with pedestrian or vehicular safety.

(2) Detract from the pedestrian quality of the surrounding area.

(3) Add to an over-proliferation of signs on one (1) property or in an area.

(4) Measure more than four (4) square feet.

(5) Measure more than twelve (12) feet in height.

(6) Number more than three (3) for any organization.

The owner of the sign shall be responsible for repair and maintenance of the sign.

(f) Projecting signs. A projecting sign is any sign supported by a building wall and projects at least twelve (12) inches or more horizontally beyond the surface of the building to which the sign is attached.

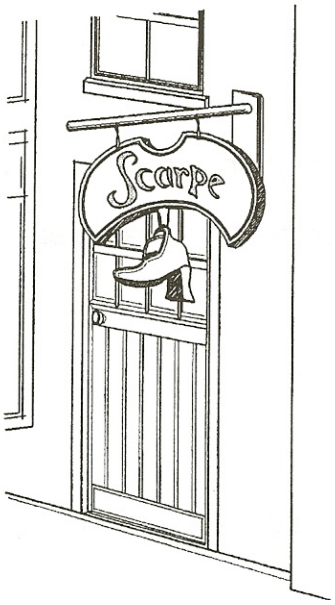
(1) Location. Projecting signs shall be placed only on a ground-floor facade except for businesses located above the ground level with direct exterior pedestrian access. Projecting signs should be mounted so that they generally align with others in the block. This helps to create a "canopy line" that gives scale to the sidewalk.

(2) Maximum area and height. Projecting signs shall not be higher than the wall from which the sign projects if attached to a single-story building or the height of the bottom of any second-story window if attached to a multi-story building. Projecting signs must have eight (8) feet of clearance, and may not extend more than four (4) feet from the building wall except where the sign is an integral part of an approved canopy or awning. The size of projecting signs is limited to three (3) feet wide and six (6) square feet.

(3) Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.

(4) Quantity. The number of projecting signs is limited to one (1) per business.

PROJECTING SIGN



(g) Standard brand-name signs. A standard brand-name sign is any sign devoted to the advertising of any standard brand-name commodity or service which is not the principal commodity or service being sold or rendered on the premises, or are not a part of the name or business concern involved. Not more than twenty percent (20%) of the total allowable sign area for any permitted use shall be devoted to the advertising of any standard brand-name commodity or service.

(h) Time and/or temperature signs. A time and/or temperature sign is any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property.

(1) Maximum area. Time and/or temperature signs which do not exceed ten (10) square feet shall not be required to be included in the allowable sign area permitted in Section 12-20-70 above provided that any identification or advertising which is attached to or made part of the same sign structure shall be included in the allowable sign area for the premises.

(2) Design. The sign shall be designed in a manner that is compatible with other signs on the site and with the structure on which it is placed.

(3) Maintenance. It shall be the responsibility of the owner of such signs to maintain such signs and ensure that they are kept accurate. If these conditions are not met, the sign shall be repaired or removed.

(i) 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.

(1) Location. The sign shall not be placed to obstruct any portion of a window, doorway or other architectural detail. Locate wall signs on buildings at the first-floor level only for retail uses. No part of a wall sign shall be located more than twenty-five (25) feet above grade level.

(2) Maximum area and height. Wall signs shall not be higher than the eave line of the principal building. The sign shall comply with the height and area requirements established in Section 12-20-110 below.

(3) Projection from wall. No sign part, including cut-out letters, may project from the surface upon which it is attached more than required for construction purposes, and in no case more than twelve (12) inches.

(4) Design. Wall signs shall identify the individual business, building or building complex by name or trademark only.

(j) Window signs. A window sign is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way, placed at or below the second-floor level.

(1) Maximum area. When a sign is displayed in a window and is visible beyond the boundaries of the lot upon which the sign is displayed, the total area of such sign shall not exceed:

a. Twenty-five percent (25%) of the window or door area at the ground-floor level; and

b. Twenty-five percent (25%) of the total allowable sign area for the premises.

(2) Lighting. All illuminated window signs shall be included in the total allowable sign area for the premises. Temporary posters announcing or advertising events sponsored by noncommercial organizations shall be exempt from limitations for window signs. (Ord. 789 §18-570, 2006)

Sec. 12-20-110. Sign standards by zone district.

(a) Residential signs. Signs in the RU, RE, RL, RM, RH, Mfg-H and MSW Districts, listed in Table 12-22 below, may include and shall be limited to:

Table 12-22
Residential Sign Standards

Type of Sign	*Number of Signs*	*Maximum Area (sq. ft.)*	*Maximum Height of Freestanding Signs*	*Comments*
Identification Signs (Freestanding, Monument or Wall Sign)	1 per one-unit dwelling or manufactured home single-wide	2	4 ft.	Wall signs may be no higher than the eave line of the principal building or the first-floor eave line of a multi-story building.

	1 per multi-unit dwelling	16	6 ft.	Wall signs may be no higher than the eave line of the principal building or the first-floor eave line of a multi-story building.
	1 per public or quasi-public use	20	8 ft.	Wall signs may be no higher than the eave line of the principal building or the first-floor eave line of a multi-story building.
	1 per subdivision entrance (monument sign)	32 per face	6 ft.	Direct illumination only; when placed on subdivision entry features, only the sign face shall be used to calculate the area.
Bed and Breakfast	1 per street frontage	16	Below edge of roof, 4 ft. freestanding	May be lighted; name and address of facility only.
Child Care Center	1	6	5 ft.	Unlighted.
Home Occupation	1	6 per face	5 ft.	Indirect illumination dusk to 10:00 p.m.
Temporary Sign	See Section 12-20-40 Sign Exemptions			

(b) Commercial Business signs. Signs in the CB District, listed in Table 12-23 below, may include and shall be limited to:

Table 12-23
CB District Sign Standards

Type of Sign	*Number of Signs*	*Maximum Area (sq. ft.)*	*Maximum Height of Freestanding Signs*	*Comments*
Identification Signs (Freestanding, Monument, Wall, Window, Awning, Canopy, Projecting or Standard Brand-Name Signs)	Freestanding	24 per face	Maximum of eave line height or first-story eave line height of a multi-story building	No freestanding sign shall be built or placed on the sidewalk, curb or area between the sidewalk and curb except for exempt signs.
	Arterial street pole sign: 1 for every 1,500 ft. of street frontage	24 per face	Maximum of eave line height or first-story eave line height of a multi-story building	In place of project monument sign; not allowed on local or collector streets.
	Wall sign or Projecting sign: 1 per individual building tenant	3 sq. ft. per linear foot of building façade not to exceed 150 sq. ft.	N/A	The sum of all wall signs on a given wall shall not exceed 5% of the wall area. Projecting signs shall be mounted so that they generally align with others on the block and have a minimum clearance of 8'.
	Canopy or awning sign: 1 per individual building tenant	10 if main business sign; 4 if an auxiliary business sign	Minimum 8 ft. above finished grade	May not be in addition to a wall sign; auxiliary on valance only.
	Information signs	5	6 ft.	Permitted at rear and loading door entrances.
Time and/or Temperature signs	See Section 12-20-40 Sign Exemptions			
Temporary Signs	See Section 12-20-40 Sign Exemptions			

(c) Commercial Highway and Industrial District signs. Signs in the CH and I Districts, listed in Table 12-23 below, may include and shall be limited to:

Table 12-24
CH and I District Sign Standards

Type of Sign	*Number of Signs*	*Maximum Area (sq. ft.)*	*Maximum Height of Freestanding Signs*	*Comments*
Identification Signs (Freestanding, Monument, Wall, Window, Awning,	Wall sign or projecting sign: 1 per individual tenant building	1 square foot for the first 100 lineal feet of building frontage plus 1 square foot	Maximum of eave line height or first-story eave line height of a multi-story	The sum of all wall signs on a given wall shall not exceed 5% of the wall area; cannot be 25 ft. above grade level or

Canopy, Projecting, Off-Premises or Standard Brand-Name Signs)	frontage	for each 2 lineal feet of building frontage up to 200 square feet maximum	building	higher than the eave line of the principal building
	Canopy or awning sign: 1 per individual building tenant	10 if main business sign; 4 if an auxiliary business sign	Minimum 8 ft. above finished grade	May not be in addition to a wall sign; auxiliary on valance only
	Information signs	5	6 ft.	Permitted at rear and loading door entrances
	Pole signs adjacent to Interstate or State Highway: Off-premises signs limited to 2	1 every 1,500 ft. of frontage up to 200 square feet; 4 if off-premises sign	Maximum of eave line height or first-story eave line of multi-story building; off-premises sign maximum of 12 ft.	Permitted along with entry monument sign; can be no closer than 150 ft. from each other
Time and/or Temperature signs	See Section 12-20-40 Sign Exemptions			
Temporary Signs	See Section 12-20-40 Sign Exemptions			

(Ord. 789 §18-571, 2006)

ARTICLE 21

Adult-Oriented Businesses

Sec. 12-21-10. Restricted locations.

(a) It shall be unlawful to operate or cause to be operated an adult-oriented business in any location other than a District, as defined in Article 5 of this Chapter. An adult-oriented business shall be deemed to be a special review use and shall require approval under Article 5 of this Chapter.

(b) It shall be unlawful to operate or cause to be operated an adult-oriented business within seven hundred fifty (750) feet of a church, school, childcare or day care home or facility, dormitory, health services center or hospital, public park or residential property. For the purposes of this Section, the distance between an adult-oriented business and church, school, day care 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, day care facility, dormitory, health services center or hospital, public park or residentially zoned property is located.

(c) It shall be unlawful to operate or cause to be operated an adult-oriented business within seven hundred fifty (750) feet of another adult-oriented business. The distance between any two (2) such

businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior walls of the structures in which the adult-oriented businesses are located.

(d) It shall be unlawful to operate or cause to be operated more than one (1) adult-oriented business in the same facility or portion thereof.

(e) This Section shall not apply to private rooms within an adult-oriented motel or hotel. (Ord. 789 §18-394, 2006; Ord. 811 §1, 2009)

Sec. 12-21-20. Restricted hours of operation.

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 p.m. of any day. (Ord. 789 §18-394, 2006)

Sec. 12-21-30. Minimum age limitations.

All minors, being persons under eighteen (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 business portion of a business' premises if the interior of the adult-business portion of the premises is not visible from the non-adult-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. 789 §18-394, 2006)

Sec. 12-21-40. Signs.

(a) Notwithstanding any other ordinance, code or regulation to the contrary, it shall be unlawful for the operator of any adult-oriented business or any other person to erect, construct or maintain any sign for the adult-oriented business, except as in conformity with Article 20 of this Chapter, as well as the provisions of this Article.

(b) Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may only contain on the sign the name of the establishment.

(c) Each letter forming a word on a sign shall be of solid color, and each such letter shall be the same print type, size and color. The display surface of a primary sign shall be of a uniform and solid color. (Ord. 789 §18-394, 2006)

Sec. 12-21-50. License; applications.

(a) It shall be unlawful and a violation of this Section to operate an adult-oriented business without having been first granted an adult-oriented business license by the City.

(b) Any person desiring to operate an adult-oriented business shall file with the City Manager a sworn license application on standard application forms supplied by the City Manager.

(c) The completed application shall contain the following information and shall be accompanied by the following documents:

(1) If the applicant is:

a. An individual, the individual shall state his or her legal name and any aliases and submit satisfactory proof that he or she is at least twenty-one (21) years of age;

b. A partnership, the partnership shall state its complete name and the name of all partners, whether the partnership is general or limited, the name and address of at least one (1) person in the State who is authorized to accept service of process, and a copy of the partnership agreement; or

c. A corporation, the corporation shall state its complete name, state the date of its incorporation and evidence that the corporation is in good standing, provide a copy of the articles of incorporation and by-laws, and state the name and capacity of all officers and directors, the name of the registered corporate agent, the address of the registered office for service of process and the name and title or capacity of the person who makes the application on behalf of the corporation.

(2) Whether the applicant or any of the other individuals listed, pursuant to Subsection (a) above, has, within the five-year period immediately preceding the date of the application, been convicted of a criminal act and, if so, the criminal act involved, the date of conviction and the place of conviction.

(3) Whether the applicant or any of the other individuals listed, pursuant to Subsection (a) above, has had a previous license under this Code suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation, and whether the applicant or any other individuals listed, pursuant to Subsection (a) has been a partner in a partnership or an officer or director of a corporation whose license under this Section has previously been suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation.

(4) Whether the applicant or any other individuals listed, pursuant to Subsection (a) above, holds any other licenses under this Article and, if so, the names and locations of such other licensed establishments.

(5) The location of the proposed establishment including a legal description and the legal street address of the property site.

(6) The name of each person who has the right or authority to manage or control the day-to-day operation of the proposed establishment and such person's business address and business telephone number; or, if the person is a corporation, the same information shall be provided for its officers and directors.

(7) The applicant's mailing address and business telephone number.

(d) Each application shall be accompanied by a nonrefundable filing fee, subject to adjustment from time to time by resolution of the City Council. A copy of the fee schedule is available in the City Clerk's office. Such application fee shall be used to defray the costs and expenses incurred by the various departments in reviewing the application.

(e) By applying for a license under this Article, the applicant shall be deemed to have consented to the provisions of this Article and to the exercise by the City Manager and the departments of their respective responsibilities under this Section.

(f) Upon receipt of an application properly filed with the City Manager under this Article and upon payment of the nonrefundable application fee, the City Manager shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to the Chief of Police.

(g) The Chief of Police shall promptly conduct an investigation of the application in accordance with this Article.

(h) At the conclusion of his or her investigation, the Chief of Police shall prepare a report or memorandum and forward such report or memorandum to the City Manager no later than thirty (30) days from the date of the proper filing of the application with the City Manager, and shall state therein whether the department finds that false, incorrect or incomplete information was provided on the application.

(i) The Planning and Zoning Commission shall recommend granting or denying an application for a license under this Article within forty (40) days from the date of its proper filing, and shall notify the applicant within seven (7) days of the recommendation granting or denying of the application. The application will be processed pursuant to procedures for special review uses in Article 5 of this Chapter, and the Planning and Zoning Commission will transmit its recommendation within ten (10) days of its decision to the City Council for action in granting or denying the application. The City Council will grant or deny the application within thirty (30) days of receipt of the Planning and Zoning Commission's recommendation unless a longer time is mutually agreed for amendments to the application.

(j) Notwithstanding the granting of an adult-oriented business license, nothing in this Article exempts or excuses the licensee or applicant from having to obtain any other required permits, licenses or certificates needed to lawfully operate a business including a land use permit, site permit, building permit, occupational license or certificate of occupancy.

(k) The Planning and Zoning Commission shall review the findings reported by the Chief of Police and recommend denial of the application for any of the following reasons:

(1) The application is incomplete or contains incorrect or false information.

(2) The applicant or any of the other individuals listed has a license under this Article, which is under suspension, or is an officer or director of a corporation, which has a license under suspension.

(3) The applicant or any of the other individuals listed had a license under this Article that was revoked during the previous two (2) years, or was an officer or director of a corporation which had a license under this Article that was revoked during the previous two (2) years.

(4) A license under this Section at the location of the proposed establishment is the subject of a pending suspension proceeding or is under suspension.

(5) A license under this Section at the location of the proposed establishment is the subject of a pending revocation proceeding or has been revoked during the previous two (2) years.

(6) The granting of the application would violate a statute, code or ordinance, or an order from a court of law that effectively prohibits the applicant from obtaining an adult-oriented business license.

(l) An adult-oriented business license shall state the name of the licensee, the name of the owner of the real property, the name of the establishment, the street address of the establishment, the classification of the license, the date of issuance and the date of expiration. (Ord. 789 §18-394, 2006; Ord. 811 §1, 2009)

Sec. 12-21-60. Violations and penalties.

Violation of this Article shall be punishable in accordance with the provisions of Section 1-4-20 of this Code. Each day of continued violation for unlawfully conducting an adult-oriented business shall be considered a separate offense. In the event of prosecution of a violation of this provision as a municipal code violation, conviction of a licensee for a violation under this provision may be grounds for revocation or nonrenewal of a license issued hereunder. Nothing contained in this Section shall be construed as negating or limiting the authority of the City from pursuing injunctive relief, restraining orders or similar or additional civil or criminal remedies in a court of competent jurisdiction. (Ord. 789 §18-394, 2006; Ord. 811 §1, 2009)

ARTICLE 22

Flood Prevention and Protection

Division 1
General Provisions

Sec. 12-22-10. Definitions.

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

Appeal means a request for a review of the City Manager's interpretation of any provision of this Article or a request for a variance.

Area of special flood hazard means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before February 18, 1989.

Expansion to an existing manufactured home park or manufactured home subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters; and/or

b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map and the water surface elevation of the base flood.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Article.

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New construction means structures for which the start of construction commenced on or after February 18, 1989.

Start of construction shall include *substantial improvement* and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The *actual start* means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and tilling, the installation of streets and/or walkways, excavation for a basement, footings, piers or foundations or the erection of temporary forms, or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building or manufactured home that is principally above ground.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

a. Before the improvement or repair is started; or

b. If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, *substantial improvement* is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

b. Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

Variance means a grant of relief from the requirements of this Article which permits construction in a manner that would otherwise be prohibited by this Article. (Prior code 8-1; Ord. 811 §1, 2009)

Sec. 12-22-20. Application of Article.

This Article shall apply to all areas of special flood hazards within the jurisdiction of the City. (Prior code 8-2)

Sec. 12-22-30. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Monte Vista, Colorado," dated March 30, 1982, with an accompanying Flood Insurance Rate Map, dated May 19, 1987, is hereby adopted by reference and declared to be a part of this Article. The flood insurance study is on file at the City Hall. (Prior code 8-3)

Sec. 12-22-40. Compliance.

No structure or land shall be constructed, located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations. (Prior code 8-4)

Sec. 12-22-50. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Prior code 8-5)

Sec. 12-22-60. Interpretation.

In the interpretation and application of this Article, all provisions shall be:

(1) Considered as minimum requirements.

(2) Deemed neither to limit nor repeal any other powers granted under state statutes.

(3) Liberally construed in favor of the City Council. (Prior code 8-6)

Sec. 12-22-70. Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder. (Prior code 8-7)

Division 2
Administration

Sec. 12-22-110. Establishment of permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 12-22-30 of this Article. Application for a development permit shall be made on forms furnished by the City Manager and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

(1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

(2) Elevation in relation to mean sea level to which any structure has been floodproofed.

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 12-22-260 of this Article.

(4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. (Prior code 8-36)

Sec. 12-22-120. Designation of administrator.

The City Manager is hereby appointed to administer and implement this Article by granting or denying building permit applications in accordance with its provisions. (Prior code 8-37)

Sec. 12-22-130. Duties and responsibilities of administrator.

The duties of the City Manager shall include, but not be limited to:

(1) Review all development permits to determine that the permit requirements of this Article have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For purposes of this Article, *adversely affects* means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point.

(4) When base flood elevation data has not been provided in accordance with Section 12-22-30 of this Article, obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring new construction, substantial improvements or other development in Zone A in order to administer the provisions of Section 12-22-260 of this Article.

(5) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(6) For all new or substantially improved floodproofed structures:

a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed; and

b. Maintain the floodproofing certifications required in Section 12-22-260 of this Article.

(7) Maintain for public inspection all records pertaining to the provisions of this Article.

(8) Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(9) Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 12-22-140 below.

(10) Require that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished. (Prior code 8-38; Ord. 811 §1, 2009)

Sec. 12-22-140. Variance; procedure.

(a) The Board of Adjustment, as established by the City, shall hear and decide appeals and requests for variances from the requirements of this Article. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the City Manager in the enforcement or administration of this Article. Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decisions to the District Court of the County, as approved in Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(b) In passing upon such requests, the Board of Adjustment shall consider technical evaluations, standards specified in other sections of this Chapter and:

(1) The danger that materials may be swept onto other lands to the injury of others.

(2) The danger to life and property due to flooding or erosion damage.

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(4) The importance of the services provided by the proposed facility to the community.

(5) The necessity to the facility of a waterfront location, where applicable.

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

(7) The compatibility of the proposed use with existing and anticipated development.

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area.

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

(c) Upon consideration of the above factors, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

(d) The City Manager shall maintain records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Prior code 8-39)

Sec. 12-22-150. Conditions of variances.

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that items in Paragraphs 12-22-140(b)(1) through (11) above have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

(b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.

(c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall only be issued upon:

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Subsection 12-22-140(b) above, or conflict with existing local laws or ordinances.

(f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Prior code 8-40; Ord. 811 §1, 2009)

Division 3
Flood Hazard Reduction

Sec. 12-22-210. Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and to be capable of resisting the hydrostatic and hydrodynamic loads.

(b) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of the over-the-top or frame ties to ground anchors. This requirement

is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

(1) Over-the-top ties to be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring only one (1) additional tie per side.

(2) Frame ties to be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.

(3) All components of the anchoring system to be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(4) Any additions to the manufactured homes to be similarly anchored. (Prior code 8-61)

Sec. 12-22-220. Construction materials and methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Prior code 8-62)

Sec. 12-22-230. Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the system into floodwaters.

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Prior code 8-63)

Sec. 12-22-240. Subdivision proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less. (Prior code 8-64)

Sec. 12-22-250. Encroachments.

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point. (Prior code 8-65)

Sec. 12-22-260. Specific standards for flood hazard reduction.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 12-22-30 or Paragraph 12-22-130(4) of this Article, the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(2) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Paragraph (2). Such certifications shall be provided to the official as set forth in Paragraph 12-22-110(6) of this Article.

(3) Manufactured homes.

a. Manufactured homes shall be anchored in accordance with Section 12-22-210 of this Article.

b. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system. This Paragraph (3) applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This Paragraph (3) does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level.

2. Adequate surface draining and access for a hauler are provided.

3. In the instance of elevation on pilings:

a) Lots are large enough to permit steps,

b) Piling foundations are placed in stable soil no more than ten (10) feet apart; and

c) Reinforcement is provided for pilings more than six (6) feet above the ground level. (Prior code 8-66)

Sec. 12-22-270. Below-grade residential crawlspace construction.

New construction and substantial improvement of any below-grade crawlspace shall:

(1) Have the interior-grade elevation that is below base-flood elevation no lower than two (2) feet below the lowest adjacent grade.

(2) Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four (4) feet at any point.

(3) Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood.

(4) Be anchored to prevent flotation, collapse or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads.

(5) Be constructed with materials and utility equipment resistant to flood damage.

(6) Be constructed using methods and practices that minimize flood damage.

(7) Be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(8) Be designed to automatically equalize hydrostatic fold forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one (1) foot above grade; and

c. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. (Prior code 8-67)