# CHAPTER 16   Zoning

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## ARTICLE I   General Provisions

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Sec. 16-1-10.   Scope.

In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.

(Ord. 1-96, 1996, §1)

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

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

(1) No buildings, structure or land shall be used or occupied, and no building, structure or part thereof shall be erected, changed, constructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the zone in which it is located.

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

a. To exceed the height limitations;

b. To accommodate or house a greater number of families;

c. To occupy a greater percentage of the area; or to have narrower or smaller rear yards, front yards, side yards or other open spaces;

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

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

(5) Any use not permitted in a zone is hereby specifically prohibited from that zone.

(Ord. 1-96, 1996, §1; Ord. 2012-04, 2012, §1)

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

Where this Chapter is in any way more restrictive than other provisions of law or ordinance, the provisions of this Chapter shall control.

(Ord. 1-96, 1996, §1)

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

In case of a conflict between this Chapter and any private restrictions imposed by covenant or deed, the responsibility of the Administrator shall be limited to the enforcement of this Chapter.

(Ord. 1-96, 1996, §1)

Sec. 16-1-50.   One principal building to a lot.

Only one (1) principal building and its customary accessory buildings may hereafter be erected on a lot. No building shall be erected on any lot which does not have at least twenty-five (25) feet of frontage on a publicly dedicated street. The principal building on a lot shall be required to front on a publicly dedicated street.

(Ord. 1-96, 1996, §1; Ord. 1-98, 1998, §1)

Sec. 16-1-60.   Permitted height exceptions.

Except as specifically stated in other parts of this Chapter, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights and chimneys may be erected above the height limits herein. No such excepted structures may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such excepted structures have a total area greater than twenty-five percent (25%) of the roof area of the building; nor shall such excepted structures be used for any residential purpose other than a use incidental to the main use of the building.

(Ord. 1-96, 1996, §1)

Sec. 16-1-70.   Basic definitions and interpretations.

The words and phrases used in this Chapter and Chapter 17 shall have the meanings defined below unless otherwise specifically provided or unless clearly required by the context. Questions of definition or working usage shall be interpreted by the Administrator based on the context of their usage and the intention of the section of this Chapter in which they occur.

(1) *Abutting land* means a parcel of land which has a common property line with another parcel of land.

(2) *Accessory building* means a detached subordinate building, the use of which is incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use.

(3) *Accessory use* means a use or structure incidental to or subordinate to the principal use of a lot or contiguous lots in the same ownership, or commonly associated with the principal use and integrally related to it.

(4) *Administrator* means the Town Manager or other duly authorized staff personnel of the Town empowered to enforce the requirements of this Chapter.

(5) *Adult amusement, entertainment* or *business establishment* means an establishment from which minors are absolutely excluded. Such establishments shall include adult bookstores, adult X-rated motion picture theaters, adult cabarets, topless bars or restaurants, massage parlors and any other uses of the same general character from which minors are absolutely excluded as a prevailing practice or legal requirement.

(6) *Alley* means the public right-of-way within a block upon which the rear of building lots generally abuts. Its use is for secondary access to the lot and/or service purposes. An alley shall not be considered to be a street.

(7) *Apartment house* means a building containing dwelling units used and/or arranged for rental occupancy, or cooperatively owned by its occupants, with a yard and compound, and which has one (1) or more utilities in common.

(8) *Appeal* means a request for review by the Board of Adjustment for a variance to this Chapter.

(9) *Applicant* means any individual, partnership, corporation, association, company or public body, including the federal government, or any political subdivision, agency, corporation or instrumentality of the State applying for a development permit pursuant to this Chapter.

(10) *Architectural projection* means any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building including, within limitation, cornices, eave belt courses, sills, box or bay windows, fireplaces, roof overhangs, mansards, unenclosed exterior balconies, marquees, canopies, pilasters and fascias, but not including signs.

(11) *Arterial* means those roads defined as arterials by the Planning Commission, including:

a. Interstate 76;

b. Highway 6 (CR 398); and

c. Any other roadways designated as arterials in the Comprehensive Plan.

(12) *Awning* means a fixed or movable shelter supported entirely from the exterior wall of a building that can be retracted, folded or collapsed against the face of the supporting building.

(13) *Basement* means any level of a building where more than one-half (½) of the vertical distance between the floor and the ceiling is below the grade of the site.

(14) *Basement house* means a dwelling or structure constructed partly or wholly below the grade level of any property.

(15) *Bed and breakfast* means a residential building in which rooms are rented on a daily basis to short-term guests. The building typically is similar in character to the surrounding neighborhood and meets all the requirements of the zoning district in which the facility is to be located.

(16) *Block* means a group of lots existing within well-defined and fixed boundaries within a subdivision and usually being an area surrounded by street or other features such as parks, rights-of-way or municipal boundary lines.

(17) *Board of Adjustment* means a special review board operating under the authority of this Chapter for purposes of hearing and deciding appeals or variances to this Chapter.

(18) *Boarding and rooming house* means a building or portion thereof which is used to provide lodging and may include meals for five (5) or more boarders for compensation, not including members of the occupant's immediate family who might be occupying such building. The word *compensation* can mean money, services or other things of value.

(19) *Buffer zone* means a strip of land established to separate and protect one (1) type of land use from another, to screen from objectionable noise, odor, smoke or visual impact, or to provide for future public improvements or additional open space.

(20) *Building* means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, and where separated by a fire wall, each such separated portion of such structure shall be deemed a separate building.

(21) *Building height* means the vertical distance from the average building grade to the uppermost point of the roof structure.

(22) *Child care center.* A *child care center* provides less than twenty-four-hour care, including a large child care center, small child care center, school-age child care center, infant nursery and toddler nursery as defined by the State Department of Social Services. A *child care center* may operate for twenty-four (24) hours in a day.

(23) *Child care home.* A *child care home* is a type of family care home in which children are received for less than twenty-four-hour care. This is a facility receiving two (2) or more children not related to each other or children from more than one (1) family. Children received for care are not related to the caretaker and the care provided by the caretaker is for more than two (2) full consecutive days on a regular weekly basis. A full day is seven (7) or more hours. The number of children in a child care home shall not exceed program requirements established by the State Department of Social Services.

(24) *Communication facility.* A communication facility consists primarily of communication towers and/or antennas (including antennas mounted on existing structures) and appurtenant facilities housing electrical equipment for cellular telephone, television, radio and other broadcasting facilities. It does not include places of business where people work on a regular basis (e.g., radio or TV studios).

(25) *Corner lot* means a lot situated at the junction of a front street and a side street.

(26) *Court* means an unoccupied space on a lot other than a yard designated to be partially surrounded by group dwellings.

(27) *Curb cut* means a cut in the curb line for passage of vehicles, not to exceed twelve (12) feet in width for single drive and twenty (20) feet for double drive.

(28) *Domestic livestock* is limited to cattle, horses and mules.

(29) *Driveway* means private access for a vehicle to a single building site or lot not to exceed twelve (12) feet in width for a single drive and twenty (20) feet in width for a double drive.

(30) *Dwelling, multifamily* means a building, or portion thereof, designed for or occupied by three (3) or more families living independently of each other, which may include condominiums or townhouse units.

(31) *Dwelling, single-family* means a dwelling designed for the occupancy of one (1) family, including attached residences.

(32) *Dwelling, two-family,* also called *duplex,* means a detached building designed exclusively for the occupancy of two (2) families living independently of each other.

(33) *Dwelling unit* means one (1) room or a combination of two (2) or more rooms designed for living and sleeping purposes for one (1) person or family, and having a kitchen or kitchenette and a bathroom with a toilet, lavatory and bathtub or shower, all connected to potable water and a sanitary sewer system. This term does not include motel, trailer (mobile home) or hotel lodging.

(34) *Family* means one (1) or more persons occupying a dwelling unit and related by marriage, blood or adoption, or one (1) or more persons occupying a dwelling unit and living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel.

(35) *Front yard* means that portion of a lot which abuts a street and extends across the width of the lot between the street and the setback line.

(36) *Frontage street* means a street on which the lots of a block, or subdivision thereof, generally front.

(37) *Gable* means that portion of roof which forms a triangle at the building end and extends from the ridge to the eaves.

(38) *Home occupation* means any use conducted entirely within a dwelling unit and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part, which creates no additional traffic, requires no additional parking space, where no persons are employed other than residents in connection with the home occupation. Provided further that no mechanical equipment is installed or used except such that is used for domestic purposes; and that there is no outdoor storage of materials, equipment and/or supplies other than that necessary for domestic purposes. For the purposes of this Chapter, the following occupations are not considered home occupations:

a. Child care homes and child care centers;

b. Veterinary office or clinic, animal hospital or kennel;

c. Funeral chapel, mortuary or funeral home;

d. Wedding chapel;

e. Repair or painting of motor vehicles or motor vehicle parts, including but not limited to automobiles, trucks, motorcycles and trailers or any part thereof, or of boats or any part thereof;

f. Repair of large appliances, including but not limited to stoves, refrigerators, washers and dryers;

g. Repair of power equipment, including lawn mowers, snow blowers, chain saws and string trimmers;

h. Restaurants;

i. Welding or metal fabrication;

j. Dispatching of vehicles to and from the premises, including but not limited to towing services and taxi services;

k. The sale of firearms;

l. Any operation requiring any liquor or fermented malt beverage license other than a bed and breakfast permit issued pursuant to the state liquor code; or

m. Any hotel or motel operation; and

n. Adult amusement, entertainment or business establishment.

(39) *Hotel* means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals for compensation, in which there are more than ten (10) sleeping rooms, usually occupied singly, and in which no provision is made for cooking in any individual apartment or room.

(40) *Livestock* means all domestic livestock, including horses, cattle, mules, poultry, sheep, rabbits, llamas, bees or any other member of the animal kingdom. This definition shall not include animals customarily kept for pets or which weigh less than five (5) pounds and are kept in cages.

(41) *Local streets* means those roads not identified as arterial or major collector streets.

(42) *Lot* means land occupied or to be occupied by a building and its accessory building, together with such open spaces as are required under this Chapter and having its principal frontage on a street or officially approved place.

(43) *Lot area* means the total square footage or acreage contained within lot lines.

(44) *Lot depth* means the mean distance from the street right-of-way line at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot. Where a right-of-way is not established, it shall be assumed to be sixty (60) feet. Where a major thoroughfare or collector street is designated on the major thoroughfare plan, then the lot depth shall be measured from the proposed right-of-way line.

(45) *Lot line* means a property line bounding a lot, excluding any dedicated street or alley.

(46) *Lot of record* means a lot which is part of a subdivision, a plat of which has been legally recorded or a lot described by metes and bounds, the description of which has been so recorded.

(47) *Lot width* is the width measured along the minimum building setback line.

(48) *Major collector streets* are those roads identified as major collector streets by the Planning Commission, including:

a. Market Street;

b. Weld County Road 59; and

c. Any other roadways designated as major collector streets in the Comprehensive Plan.

(49) *Manufactured housing* means housing which meets criteria established in Section 31-23-301(5), C.R.S.

(50) *Mobile home* means a dwelling unit which is capable of being moved on wheels which are an inherent part of the structure's design. This is opposed to manufactured housing which is designed to be firmly affixed to a foundation.

(51) *Mobile home park* means any parcel of ground upon which one (1) or more mobile homes are located and occupied as dwelling units on spaces for rent.

(52) *Motel* means a group of dwellings of not less than two hundred (200) square feet floor space per unit, facing a common court, place or street, and designed for or used temporarily for automobile tourists or transients with adequate off-street parking space for each unit.

(53) *Nonconforming lot* means a "lot" which was lawfully created but which does not conform to the minimum lot size specifications of the zone in which it is located.

(54) *Nonconforming structure* means a building, structure or portion thereof which lawfully existed at the time of the adoption of the ordinance codified herein but which does not conform to the height, yard or area regulations of the zone in which it is located, or which is so designed, erected or altered that it could not reasonably be occupied by a use permitted in the zone in which it is located.

(55) *Nonconforming use* means a use which lawfully occupied a building or lot at the time of the adoption of the ordinance codified herein, and which does not conform with the use regulations of the zone in which the building and/or lot is located.

(56) *Open space* means any usable parcel of land or water unimproved and set aside, dedicated, designated or reserved for public or private use or for the use and enjoyment of owners or occupants of land adjoining or neighboring such area. *Common open space* includes landscape areas that are not occupied by buildings or uses such as storage or service areas, private courtyards and parking lots and islands. In all PUDs, except those containing residential uses, *common open space* may include landscape setbacks adjacent to roadways where the setbacks are not utilized as parking or storage areas.

(57) *Planning Commission,* for purposes of this Chapter, means the Planning and Zoning Commission of the Town.

(58) *Porch* means a roofed or unroofed open structure projecting from the front, side or rear wall of a building. For purposes of this Chapter, a *porch* is considered a part of the principal building and is not permitted to extend into any yard requirements.

(59) *Rear yard* means that portion of a lot between two (2) side lot lines that does not abut a street and that extends across the width of the lot between the rear setback line and the rear lot line.

(60) *Setback* means the minimum horizontal distance between the property line and the front line of the building or any projection thereof, excluding steps.

(61) *Setback line* means a line in the back of and parallel to the street right-of-way line and at such horizontal distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is to be located.

(62) *Side yard* means that portion of a lot that extends from the front setback line to the rear setback line between the side setback line and the side lot line, or that portion of a lot that is between a lot line and a setback line, but is not a front or rear yard.

(63) *Sign* means any form of publicity directing attention to an individual activity, business, service, commodity or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks or trade names, or other pictorial matter, designed to convey such information and displayed by means of panels, posters, paints or other devices erected on an open framework or attached or otherwise applied to posts, stakes, poles, trees, buildings or other structures or supports.

a. *Advertising sign* means a sign which directs attention to a business commodity, activity, service or product not necessarily conducted, sold or offered upon the premises where each is located.

b. *Business sign* means a sign which directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such a sign is located or to which it is attached.

c. *Identification sign* means a sign identifying the name of a structure or use of land such as a subdivision, housing development, school, college, park, church or other public or quasi-public facility. Such signs shall bear information pertaining only to the premises on which such a sign is located.

(64) *Story* means that portion of a building included between the surface of a floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

(65) *Street* means a public thoroughfare forty (40) feet or more in width and not less than twenty-four (24) feet between curbs.

(66) *Structure* means anything constructed or made, the use of which requires permanent location on the ground, or attached to something having more or less permanent location on the ground. The word *structure* shall include the word *building*.

(67) *Trailer court* means any plot of ground upon which one (1) or more occupied trailer homes are located, also known as a *mobile home park*.

(68) *Trailer home* means a mobile home as defined by this Chapter.

(69) *Variance* is a relaxation of the terms of this Chapter where such relaxation will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Chapter would result in unnecessary and undue hardship. As used in this Chapter, a *variance* is authorized only for height, area and size of structure, or size of yards, open spaces and setbacks. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

(70) *Yard* means an open space unoccupied and unobstructed from the ground upward, which is on the same lot with a building except as otherwise provided herein.

(Ord. 1-96, 1996, §1; Ord. 3-97, 1997, §1; Ord. 1-98, 1998, §1; Ord. 1-02, 2002, Ord. 2008-06, §2; Ord. 2012-4, 2012, §§2—5)

Sec. 16-1-80.   Public notice requirement; hearing procedure.

Public hearings for applications filed under this Chapter shall be conducted in accordance with procedures designed to ensure all interested parties due process of law and shall, in all cases, meet the requirements of this Section.

(1) The Planning Commission shall provide to the Board of Trustees a recommendation on the application. A public hearing before the Planning Commission shall be held prior to submitting its recommendation or report. The Board of Trustees shall then hold a public hearing on the application.

(2) Notice of public hearings regarding site-specific applications shall be provided as follows:

a. Sent by first-class mail to all real property owners owning property located within three hundred (300) feet of the property in question at least fifteen (15) days prior to the public hearing; however, the failure to send or receive this notice shall not be deemed to deprive the decision-making body of jurisdiction.

b. Published in a newspaper of general circulation within the Town at least fifteen (15) days prior to the public hearing.

c. Posted on the subject property at least ten (10) days prior to the public hearing.

(3) Notice of general amendments to the provisions of this Chapter shall be provided by publication in a newspaper of general circulation within the Town at least fifteen (15) days prior to the public hearing.

(4) All notices shall include:

a. A statement of the nature of the matter to be considered;

b. The time, date and place of the public hearing;

c. The legal description and approximate location of the property that is the subject of the request, if applicable; and

d. The agency or office and address where further information may be obtained.

(5) The Town shall be responsible for meeting the published notice requirement, and the applicant shall be responsible for meeting the mailing and posting requirements. Prior to the public hearings, the applicant shall provide evidence that it has provided notice as required in this Section. Such evidence may be in the form of a mailing list and posting log.

(Ord. 2007-06, 2007, §1; Ord. 2012-04, 2012, §6)

## ARTICLE II   Zone Districts

[Sec. 16-2-10. General.](#BK_F78BA83D5AE9D33CCFF3DFBE8ADDE113)

[Sec. 16-2-20. Use categories.](#BK_0DC5FBE1D272A04387D3CFC145D97001)

[Sec. 16-2-30. Use by right.](#BK_D4EA30768C50D5B7E4BA5577BFEA8DEA)

[Sec. 16-2-40. Accessory uses and structures.](#BK_A3D07EFAFC56C12AD84E51FF916CD87F)

[Sec. 16-2-50. Use by special review.](#BK_14A342EEB90B6F5C2C3AFCA1E0E07B91)

[Sec. 16-2-60. Temporary uses.](#BK_947F46D28F2E58755CD4225A8F2ED43A)

[Sec. 16-2-70. Uses not itemized.](#BK_9C024F10220382DD6AB204230AAEF037)

[Sec. 16-2-75. Uses prohibited in all zone districts.](#BK_0A47E6E71800130DF24C48F9D0AA261E)

[Sec. 16-2-78. Storage and burial of dead human bodies.](#BK_85061BD8C9C6921C4A028F0E025999C9)

[Sec. 16-2-80. Single-Family Residential District (R-1).](#BK_8759D414807C3C76C0A74F50429F5DDF)

[Sec. 16-2-90. Two-Family Residential District (R-2).](#BK_6D2C288A4532CD848F96E3D29422E3DB)

[Sec. 16-2-100. Multifamily Residential District (R-3).](#BK_6853C0EB0AAC7639447C8FD8ABA6FB30)

[Sec. 16-2-110. Mobile Home District (MH).](#BK_D516D0074F07F15B929B811761B2B204)

[Sec. 16-2-120. Commercial Business District (CBD).](#BK_13B3D0438A8CF4FE4751A2837BDD521F)

[Sec. 16-2-130. Highway commercial district (ch).](#BK_0EC2DCAD645C626151198A7C418FDE67)

[Sec. 16-2-140. Light Industrial District (LI).](#BK_61747F1D9C04E8B2E5117821123EB751)

[Sec. 16-2-150. Heavy Industrial District (HI).](#BK_2D2BBCA788F52D8BEB938F392CA5D885)

[Sec. 16-2-160. Agricultural District (AG).](#BK_FCFD23CAD039981FA23238AAFD0165C7)

[Sec. 16-2-165. Public Zone District (PZ).](#BK_A61A944629980CECBA1D4717B041FB43)

[Sec. 16-2-167. Fairgrounds Zone District (FZ).](#BK_FD99C7CCBE1DF764E5839CB6ACD9995F)

[Sec. 16-2-170. Zone district schedule of requirements.](#BK_07077AA6ACB345EE58723AC8817451F0)

[Sec. 16-2-180. Criteria and procedure for granting use by special review permits.](#BK_EE5586D6F856460D2BC79CEB8F6EA098)

[Sec. 16-2-190. Site plan review process.](#BK_0DFFD73A450806475760661C00AA34F1)

Sec. 16-2-10.   General.

In order to implement the provisions of this Chapter, the Town is hereby, and in the future may be, divided into the following zoning districts:

R-1 Single-Family Residential District

R-2 Two-Family Residential District

R-3 Multifamily Residential District

R-MH Mobile Home Residential District

CBD Commercial Business District

CH Highway Commercial District

LI Light Industrial District

HI Heavy Industrial District

AG Agricultural

PZ Public Zone District

FZ Fairgrounds Zone District

(Ord. 1-96, 1996, §1, Ord. 2009-05, §1; Ord. 2011-01, 2011, §1)

Sec. 16-2-20.   Use categories.

Uses of property are categorized and allowed in each of the zoning districts in the following sections.

(Ord. 1-96, 1996, §1)

Sec. 16-2-30.   Use by right.

(a) Uses by right include the use of land, structures or both which are authorized by the district zoning classification. These uses may not require prior review and approval by the Planning Commission or the Board of Trustees unless otherwise contained herein.

(b) A use by right is the principal use permitted in any given zone district. The design standards of any given zone district comprise the essential site plan requirements for the placement of a use on a parcel or in a structure. Site plan approval pursuant to Section 16-2-190 of this Article is required in the multi-family, commercial, industrial and public zone districts. To construct a use by right on a parcel, a building permit is required. The building permit will require that the use is properly served by access and utilities and that a plot plan be submitted which is used to check the setbacks and other design standards of the district.

(Ord. 1-96, 1996, §1; Ord. 2012-04, 2012, §7)

Sec. 16-2-40.   Accessory uses and structures.

(a) Accessory uses are naturally and normally incidental to a use by right and comply with all the following conditions:

(1) Is clearly subordinate, incidental and customary to and commonly associated with the operation of the use by right.

(2) Is operated and maintained under the same ownership as the use by right on the same zone lot.

(3) Includes only those structures or structural features consistent with the use by right.

(4) The gross floor area of any accessory use structure, except in the Agricultural Zone District and except for private garages, shall not exceed twenty percent (20%) of the total area of the use by right structure on the same property or parcel. Detached garages shall not exceed one thousand three hundred (1,300) square feet. The height of any detached garage shall not exceed twenty-five (25) feet.

(5) May include home occupations, as defined in this Chapter and/or by zone district.

(6) In all residential zones, an accessory structure shall be constructed of materials that are compatible with the use by right structure and shall not be constructed from corrugated sheet metal, canvas or similar nondurable materials. Accessory buildings shall use exterior colors that are used on the primary structure.

(b) Accessory uses must meet setback and other design standard requirements in each zone district. Construction of accessory uses may or may not require a building permit. If a permit is required, a plot plan showing the location of the accessory use on the zone lot will be required.

(Ord. 1-96, 1996, §1; Ord 2-96, 1996, §1; Ord. 1-97, 1997, §1; Ord. 2-97, 1997, §1; Ord. 1-98, 1998, §1; Ord. 3-99, 1999, §1, Ord. 2009-04, §1, Ord. 2010-05, §1)

Sec. 16-2-50.   Use by special review.

A use by special review is a specific use of land or building or both described and permitted within a zone district subject to special provisions and which, because of its unique characteristics, cannot be properly classified as a use by right. Special uses require public hearings before the Planning Commission and Board of Trustees. These uses are usually extraordinary in nature, and a complete site plan and impact mitigation plan must be reviewed and approved pursuant to Section 16-2-180 of this Article.

(Ord. 1-96, 1996, §1; Ord. 2012-04, 2012, §8)

Sec. 16-2-60.   Temporary uses.

(a) The intent of this Section is to provide for the regulation of temporary structures and uses. This Section shall apply to temporary residences, temporary construction offices and temporary signs. For the purposes of this Section, the term *temporary* shall mean a period of up to six (6) months.

(b) General requirements and procedures. Prior to the establishment and use of a temporary structure, the applicant shall be required to provide the following:

(1) Submit a plot plan showing location of the use, setbacks and any other pertinent information to the Administrator for review. The plan must conform with all applicable zoning requirements of the district in which the use is to be located.

(2) Upon favorable review by the Administrator, the applicant may obtain a building permit for the requested use.

(3) The permit granted by the Administrator shall expire six (6) months from the date of issuance. A maximum of three (3) permits may be granted per use. All temporary uses shall be removed at the expiration of the third permit.

(4) All written requests for renewal shall be submitted to the Administrator a minimum of ten (10) working days prior to expiration date.

(5) The applicant must meet any additional requirements necessary for the health, safety and welfare of the residents of the surrounding area as determined by the Administrator.

(c) Permitted temporary structures.

(1) Temporary construction office. A temporary structure for the storage of construction materials and a construction office to be used for managing a construction job may be utilized in all districts with the following restrictions:

a. The unit is to be used only during normal construction hours by the construction superintendent, construction workers, contractors, etc.

b. While construction is occurring, a temporary construction office may be utilized provided that it is located within the area of a recorded final plat or an approved site plan.

c. The temporary construction office shall not be utilized as living quarters for a caretaker, property owner, contractor or others except in approved cases where security necessitates such occupancy.

(2) Temporary offices.

a. Residential sales. Temporary residential sales offices for the sale of units in an area shall be permitted in the residential (R) districts with the following restrictions:

1. Sales shall be limited only to those units within the platted subdivision in which the office is located.

2. The temporary structure shall be located within the area of a recorded final plat.

3. The use of a temporary residential sales office shall require obtaining a temporary permit with the Administrator.

b. Commercial, business and industrial offices. Temporary nonresidential offices used for sales or business operation purposes shall be permitted in the CBD, CH, LI and HI zone districts with the following restrictions:

1. Upon obtaining a building permit for a permanent nonresidential structure, a permit for utilizing a temporary structure on the premises by the property owner or representative may be obtained.

2. The temporary office shall be located within the area of a recorded final plat and an approved site plan.

(3) Temporary residence. A permit for a temporary residence may be granted for the purpose of providing temporary housing while constructing a principal residence on a lot for a period of six (6) months, with up to two (2) six-month extensions. Each such extension shall be at the discretion of Town staff and shall be based on substantial progress of the work on the principal residence having been made in the prior six-month period. A temporary residence requires a building permit, and a condition of the permit shall be that the temporary residence shall be removed no later than thirty (30) days following issuance of the certificate of occupancy for the principal residence.

(4) Other temporary structures. Tents or other temporary structures used for bazaars, religious functions, festivals or other group activities are allowed in all zone districts except the residential zone districts. All permits are to be obtained from the Administrator and must expire in a maximum of three (3) months within any calendar year.

(Ord. 1-96, 1996, §1; Ord. 2012-04, 2012, §§9, 10)

Sec. 16-2-70.   Uses not itemized.

(a) On its own initiative, the Planning Commission may, by resolution, recommend to the Board of Trustees additions to the uses permitted and/or uses permitted by special review section of any zoning district any other similar use which conforms to the conditions set forth in this Section. The recommendation of the Planning Commission is then forwarded to the Board of Trustees for its action pursuant to Article III of this Chapter. The criteria to be considered when adding to the zone district use list are:

(1) Such use is more appropriate in the use group to which it is added;

(2) Such use conforms to the basic characteristics of the use group to which it is added; and

(3) Such use does not create any more offensive noise, vibrations, dust, heat, smoke, odor, glare or other objectionable influences or more traffic hazards than the minimum amount normally resulting from the other uses listed in the use group to which it is added.

(b) Any use not specifically listed or under consideration by the Planning Commission for addition at the time of application must be approved as an addition and/or reviewed as a special use permit within an appropriate zone district.

(c) When any use has been added to any use group in accordance with this Section, such use shall be deemed to be listed in the appropriate section of that use group and shall be added thereto in the published text of this Chapter at the first convenient opportunity, with a notation indicating that the addition was made in accordance with this Section.

(Ord. 1-96, 1996, §1)

Sec. 16-2-75.   Uses prohibited in all zone districts.

The following uses are prohibited in all zone districts within the Town:

(1) The use of property as a medical marijuana center, optional premises cultivation operation, or a facility for which a medical marijuana-infused products manufacturers' license could otherwise be obtained within the Town are all uses prohibited in any zoning district. For purposes of this subsection, "medical marijuana center," "optional premises cultivation operation," and "medical marijuana-infused products manufacturers' license" shall have the meanings set forth in Section 6-3-10 of this Code.

(2) The use of property as a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store are all uses prohibited in any zoning district. For purposes of this subsection, "marijuana cultivation facility," "marijuana product manufacturing facility," "marijuana testing facility," and "retail marijuana store" shall have the meanings set forth in Section 6-3-10 of this Code.

(Ord. 2010-04, §3; Ord. 2013-02, 2013, §3)

Sec. 16-2-78.   Storage and burial of dead human bodies.

(a) The storage or burial of dead human bodies, or any part or parts thereof, is prohibited in all residential zone districts and in all buildings, accessory buildings and other structures that are used for or are associated with residential purposes.

(b) The burial of dead human bodies, or any part or parts thereof, is permitted in districts not zoned residential, and buildings, accessory buildings and other structures not used for residential purposes, only to the extent such use is listed as a permitted use by right or use by special review in such zone district.

(c) The storage of dead human bodies, or any part or parts thereof, is permitted in districts not zoned residential, and buildings, accessory buildings and other structures not used for residential purposes, only to the extent such storage is clearly incidental to and commonly associated with, and is subordinate in area, extent and purpose to, a lawful principal use. By way of example and not limitation, such a lawful principal use includes a funeral home, funeral chapel or mortuary.

(d) The following shall not be construed as storage within the meaning of this Section:

(1) The lawful interment of a dead human body in a lawful cemetery;

(2) The retention of the lawfully cremated remains of a dead human body;

(3) The temporary retention of a dead human body following a report made pursuant to Section 30-10-606(1.2), C.R.S., and prior to the taking of legal custody and removal of the body by the County Coroner; and

(4) The retention of a human body part that has been lawfully obtained and that is preserved or is otherwise in such a condition as not to pose a health hazard.

(Ord. 2012-02, 2012, §1)

Sec. 16-2-80.   Single-Family Residential District (R-1).

(a) Purpose. The R-1 Single-Family Residential District is designed to accommodate single-family residential development at low density in areas within the Town that are served by public sewer and water facilities.

(b) Uses by right.

(1) Single-family dwellings.

(2) Public parks, playgrounds and other public recreation areas.

(3) Public utility distribution mains and lines which are underground facilities.

(4) Open space.

(5) Gardens.

(6) Satellite dish antennas without towers; ham radio towers.

(7) Accessory buildings.

(8) Home occupations.

(9) Public and private schools.

(c) Special review uses.

(1) Golf courses.

(2) Churches and church schools.

(3) Fire stations.

(4) Communication facilities up to height limit.

(5) Utility service facilities.

(6) Major facilities of a public utility.

(7) Child care homes.

(Ord. 1-96, 1996, §1, Ord. 2008-06, §3; Ord. 2012-04, 2012, §§10, 11)

Sec. 16-2-90.   Two-Family Residential District (R-2).

(a) Purpose. This zone district provides areas for low- to moderate-density residential development and allows for two-family housing units.

(b) Uses by right.

(1) Two-family houses (including manufactured housing).

(2) Public parks, playgrounds and other public recreation areas.

(3) Public utility distribution mains and lines which are underground facilities.

(4) Single-family houses (including manufactured housing).

(5) Accessory buildings and uses such as garages.

(6) Home occupations.

(7) Open space.

(8) Public and private schools.

(c) Special review uses.

(1) Golf courses.

(2) Churches and church schools.

(3) Fire stations.

(4) Communication facilities up to height limit.

(5) Utility service facilities.

(6) Child care homes.

(7) Major facilities of a public utility.

(8) Child care centers.

(9) Condominiums.

(Ord. 1-96, 1996, §1; Ord. 5-00, 2000, §2, Ord. 2008-06, §4; Ord. 2012-04, 2012, §§12, 13)

Sec. 16-2-100.   Multifamily Residential District (R-3).

(a) Purpose. This zone district provides areas for moderate- to high-density multifamily residential development. No land, building or structure shall be changed in use or type of occupancy, developed, erected, constructed, reconstructed, moved or structurally altered or operated in the R-3 zone district until a site plan has been approved pursuant to Section 16-2-190 of this Article.

(b) Uses by right.

(1) Single-family and two-family homes (including manufactured housing).

(2) Multifamily dwellings.

(3) Multiple family subdivisions (lots or condominiums).

(4) Public parks, playgrounds and other public recreation areas.

(5) Public utility distribution mains, lines and underground facilities.

(6) Accessory buildings and uses.

(7) Home occupations.

(8) Open space.

(9) Public and private schools.

(c) Special review uses.

(1) Apartment buildings.

(2) Golf courses.

(3) Churches and church schools.

(4) Group homes, foster family care homes, nursing homes.

(5) Preschools, nursery schools, child care homes, child care centers.

(6) Fire stations.

(7) Hospitals.

(8) Communication facilities not exceeding height limits.

(9) Utility service facilities.

(10) Central collection sewage treatment facilities.

(11) Water tanks, water treatment facilities, utility substations and regulator stations.

(12) Major facilities of a public utility.

(d) Additional requirements.

(1) All multifamily developments must be landscaped according to an approved landscape plan.

(2) All trash receptacles must be properly screened from adjacent public rights-of-way and adjacent properties. These areas shall be designed and used in a manner that will prevent wind and animal scattering of trash.

(3) All roof-mounted equipment shall be properly screened; solar collectors and heaters and television antennas are exempted.

(Ord. 1-96, 1996, §1, Ord. 2008-06, §5; Ord. 2012-04, 2012, §§14—16)

Sec. 16-2-110.   Mobile Home District (MH).

(a) Purpose. The Mobile Home (MH) District provides a residential zone for mobile home parks, and mobile home subdivisions within the Town. This district allows the development of the types of mobile homes that may not qualify for location in other residential zone districts. Mobile homes are only permitted in Mobile Home Districts.

(b) Uses permitted by right.

(1) Mobile homes.

(2) Accessory uses, buildings and structures.

(3) Mobile home subdivisions.

(4) Open space.

(5) Public parks and playgrounds and other public recreation areas.

(6) Public utility mains, lines and underground facilities.

(7) Satellite dish antennas without towers.

(8) Home occupations.

(9) Public and private schools.

(c) Special review uses.

(1) Mobile home parks.

(2) Churches and church schools.

(3) Fire or police stations.

(4) Golf courses.

(5) Group homes, foster family care homes.

(6) Hospitals, nursing homes and extended care facilities.

(7) Child care home and child care center.

(8) Central collection sewage treatment facilities.

(9) Major facilities of a public utility.

(10) Water tanks, water treatment facilities, utility substations and regulator stations.

(11) Water reservoirs.

(12) Manufactured housing.

(Ord. 1-96, 1996, §1; Ord. 1-02, 2002, Ord. 2008-06, §6; Ord. 2012-04, 2012, §§17—19)

Sec. 16-2-120.   Commercial Business District (CBD).

(a) Purpose. This zone district is designed to accommodate a wide variety of commercial activities in addition to mixed-use residential, office businesses and municipal operations. The CBD zone will serve as the primary commercial core of the Town, have overall design integration and be pedestrian-oriented, resulting in the intensive and attractive use of the Town's downtown area. No land, building or structure shall be changed in use or type of occupancy, developed, erected, constructed, reconstructed, moved or structurally altered or operated in the CBD zone district until a site plan has been approved pursuant to Section 16-2-190 of this Article.

(b) Uses by right.

(1) Retail and business uses such as:

a. Attorney at law/legal services.

b. Antique shops.

c. Artist supply stores.

d. Auto and truck parts store.

e. Bakery.

f. Banks (drive-in facilities are allowed).

g. Barber and beauty shops.

h. Bed and breakfast homes.

i. Book and stationery stores.

j. Carwashes. (does not include commercial truck washes)

k. Child care centers and nursery schools.

l. Churches and church schools.

m. Clothing stores.

n. Communication facilities up to the height limit.

o. Copy centers.

p. CPA/bookkeeping services.

q. Craft stores.

r. Drug stores.

s. Dry cleaning and dyeing establishments.

t. Dry goods and variety stores.

u. Electrical and household appliance stores.

v. Florists.

w. Furniture stores.

x. Gift shops.

y. Grocery stores.

z. Hardware stores.

aa. Hospitals, nursing and convalescent homes and other extended care facilities.

ab. Hotels and motels, including other incidental business uses located inside the principal building, such as restaurants.

ac. Insurance agencies.

ad. Jewelry stores.

ae. Laundromats.

af. Libraries.

ag. Medical and dental clinics.

ah. Membership clubs, public or private.

ai. Mortuaries and funeral homes.

aj. Municipal facilities.

ak. Music, radio, television and video stores.

al. Newspaper publications.

am. Newsstands.

an. Office supply stores.

ao. Offices for business and governmental activities.

ap. Optometrist shops.

aq. Parking lots for customers and employee parking (off-premise lots).

ar. Package liquor stores.

as. Paint stores.

at. Pet shops.

au. Photographic studios, equipment and supply stores.

av. Post offices.

aw. Printeries.

ax. Public utility collection offices.

ay. Radio and TV stations and other communication businesses.

az. Realty/land offices.

ba. Restaurants and other eating and drinking establishments without drive-in facilities.

bb. Senior centers.

bc. Shoe stores.

bd. Sporting goods and athletic equipment stores.

be. Theaters (indoors).

bf. Toy stores.

bg. Travel agencies.

bh. Video rentals.

bi. Bowling alleys.

(2) Utility service facilities.

(3) Accessory buildings and uses.

(4) School facilities.

(c) Special review uses.

(1) Gasoline stations.

(2) Auto and truck repair shops.

(3) Car dealerships.

(4) Health club/gym.

(5) Restaurants with drive-in facilities.

(6) Veterinary clinics and hospitals.

(7) Utility service facilities where height limits are exceeded.

(8) Water tanks, water and sewer treatment facilities, utility substations and regulator stations.

(9) Major facilities of a public utility.

(10) Communication facilities where height limits are exceeded.

(Ord. 1-96, 1996, §1; Ord. 6-97, 1997, §1; Ord. 2006-11, 2006, §1; Ord. 2012-04, 2012, §20—23)

Sec. 16-2-130.   Highway commercial district (ch).

(a) Purpose. This zone district provides areas for commercial retail and service-related commercial uses which generally market to a regional area and require intensive vehicle access and parking located at highway intersections and on the edges of the CBD. No land, building or structure shall be changed in use or type of occupancy, developed, erected, constructed, reconstructed, moved or structurally altered or operated in the CH zone district until a site plan has been approved pursuant to Section 16-2-190 of this Article.

(b) Uses by right.

(1) Places for the conduct of commercial and service activities, not of an industrial nature, including, but not limited to, the following:

a. Uses by right allowed in the Commercial Business District (CBD).

b. Amusement and general recreational facilities.

c. Auto and truck repairs.

d. Auto and truck sales, new and used.

e. Bowling alleys.

f. Building materials, farm and ranch materials center.

g. Car washes.

h. Department stores.

i. Electrical, heating, painting, plumbing, roofing or ventilating shops.

j. Fresh or frozen food lockers.

k. Gas stations/food stores.

l. Grocery and liquor stores.

m. Laundries.

n. Miniature golf courses, golf driving ranges.

o. Motels.

p. Printing or publishing establishments.

q. Storage facilities for household goods.

r. Sign painting.

s. Radio and TV stations, telephone exchanges and other communications facilities such as towers, antennas and buildings where people work.

t. Rental equipment stores.

u. Restaurants and other eating and drinking establishments with drive-up facilities.

v. Tack, feed and grain stores.

w. Theaters (outdoor).

x. Tire supply and repair stores.

y. Full service truck stores.

z. Upholstery supply and repair stores.

aa. Utility service facilities.

ab. Veterinary clinics and hospital.

(2) Utility service facilities.

(3) Accessory buildings and uses.

(c) Special review uses.

(1) Greenhouses and wholesale plant nurseries.

(2) Contractor's office with outside storage of construction materials or equipment.

(3) Firewood sales and storage.

(4) Farm equipment and heavy equipment sales, new and used.

(5) Feed mills.

(6) Flea markets; farmers markets.

(7) Water tanks, water and sewer treatment facilities, utility substations and regulator stations.

(8) Communication facilities exceeding the height limit.

(9) Campgrounds and recreational vehicle (RV) parks.

(10) Commercial storage areas.

(11) Major facility of a public utility.

(12) Storage and sale of commercial fertilizer and farm chemicals.

(Ord. 1-96, 1996, §1; Ord. 2012-04, 2012, §24)

Sec. 16-2-140.   Light Industrial District (LI).

(a) Purpose. This zone district provides land areas to be used primarily for research and development, mini warehousing, small product assembly and manufacturing and other service, distribution and industrial uses that are relatively nonpolluting and have few off-site impacts as a result of the operations on-site. No land, building or structure shall be changed in use or type of occupancy, developed, erected, constructed, reconstructed, moved or structurally altered or operated in the LI zone district until a site plan has been approved pursuant to Section 16-2-190 of this Article.

(b) Uses by right.

(1) Assembling and light manufacturing plants.

(2) Automobile service stations with gasoline pumps and retail gift and sundry sales.

(3) Bakeries, wholesale and retail.

(4) Banks, financial institutions and services, including drive-in facilities.

(5) Bars and lounges.

(6) Boats, sales and storage

(7) Bottling plants.

(8) Bowling alleys.

(9) Building materials, wholesale and retail.

(10) Carpentry and woodworking shops.

(11) Contractor's offices and storage.

(12) Dairy products processing plants.

(13) Equipment rental.

(14) Emergency response facilities.

(15) Food and beverage processing plants.

(16) Food lockers.

(17) Garden shops, greenhouses and wholesale plant nurseries.

(18) General merchandise wholesale business; retail sales allowed.

(19) Heavy equipment, truck and farm implement sales and repair.

(20) Home repair centers, wholesale and retail.

(21) Machine shops.

(22) Mini warehouses, with no storage of dangerous or flammable material and no selling of merchandise and other tangible goods or services from any unit.

(23) Motor vehicle and motorized equipment sales, service and repair.

(24) General offices, including medical, dental and all professional and governmental activities.

(25) Product distribution and storage facilities (warehouse).

(26) Public and private parking lots.

(27) Public and private recreation areas.

(28) Recreational vehicle storage yards.

(29) Restaurants and other eating and drinking establishments.

(30) Scientific research facilities.

(31) Storage and warehousing facilities.

(32) Temporary construction office.

(33) Temporary office.

(34) Upholstery supply and repair shops.

(35) Utility service facilities and storage operations.

(36) Oil and gas well drilling service operations, storage yards and offices.

(37) Communication facilities and businesses (TV, radio and telephone, etc.).

(c) Accessory uses.

(1) Storage buildings for equipment.

(2) Below-ground utility mains.

(3) Parking areas to service the industrial operation.

(d) Special review uses.

(1) Utility generation facility having fifty (50) megawatts or less of power production.

(2) Aboveground utility transmission lines.

(3) Water storage reservoirs less than or equal to sixty-five (65) acre-feet in size.

(4) Water tanks, water and sewage treatment facilities.

(5) Communication facilities where height limits are exceeded.

(6) Utility service facilities where height limits are exceeded.

(7) Adult amusement, entertainment or business establishment.

(8) Commercial airports and heliports.

(9) Crop-dusting operations and associated chemical storage and airstrips.

(10) Animal sales yard.

(11) Storage or warehousing of any dangerous or toxic chemicals or products, fertilizers, farm chemicals, etc.

(12) Aboveground utility transmission lines for off-site use.

(13) Concrete, asphalt and mortar batching plants.

(14) Aircraft-related recreational facilities.

(15) Rendering plants, slaughter houses and meat packing facilities.

(16) Major facilities of a public utility.

(17) Single-family residence for an owner, manager or caretaker. Use by special review for a residence in the "LI" zone shall only be granted when the Board of Trustees finds that the use (a) will not conflict with any other provision of the zoning code; (b) will not endanger the health, safety or welfare of the resident of the industrial premises; (c) will not change the use of the industrial premises to become primarily residential; (d) the residential use should occupy no more than twenty percent (20%) of the industrial structure.

(18) Truck wash facilities.

(Ord. 1-96, 1996, §1; Ord. 3-99, 1999, §2; Ord. 2012-04, 2012, §§25, 26)

Sec. 16-2-150.   Heavy Industrial District (HI).

(a) Purpose. This zone district is reserved for land areas to be used primarily for manufacturing, assembly and distribution of basic goods. In addition, uses that involve resource extraction operations and recycling, storage and disassembly of all types of used products and related support uses are included within this category. Other uses that pose significant off-site impacts may be located in this district under special conditions which mitigate those impacts. No land, building or structure shall be changed in use or type of occupancy, developed, erected, constructed, reconstructed, moved or structurally altered or operated in the HI zone district until a site plan has been approved pursuant to Section 16-2-190 of this Article.

(b) Uses by right.

(1) Manufacturing, assembly and distribution of secondary and basic goods.

(2) Rendering plants, slaughter houses and meat packing plants.

(3) Commercial storage areas and warehouses used to store or distribute goods and commodities (food stuffs, grains, etc.).

(4) Concrete, asphalt or mortar batching plants.

(5) Private and public storage areas.

(6) Public safety facilities.

(7) Truck terminals and loading areas.

(8) Utility service facility.

(9) Oil and gas drilling service operation and storage areas.

(c) Accessory uses.

(1) Below-ground utility mains.

(2) Parking and loading areas to service the industrial operations.

(3) Water storage reservoirs less than or equal to sixty-five (65) acre-feet in size.

(d) Uses by special review.

(1) Those uses by right and conditional uses in the LI District that are not listed as uses by right or conditional uses in this district.

(2) Storage and sale of commercial fertilizer and farm chemicals.

(3) Utility generation facilities greater than or equal to fifty (50) megawatts of power.

(4) Aboveground utility transmission lines on-site.

(5) Junk, scrap metal, auto wrecking and equipment storage and salvage yards.

(6) Water tanks, water and sewer treatment facilities.

(7) Airports, heliports.

(8) Crop-dusting operations and airstrips.

(9) Sand and gravel mining and other mineral extraction operations.

(10) Commercial synthetic fuel plants.

(11) Storage of toxic chemicals and fuels.

(12) Aboveground utility lines off-site.

(13) Sanitary landfills.

(14) Single-family residence for an owner, manager or caretaker. Use by special review for a residence in the "HI" zone shall only be granted when the Board of Trustees finds that the use (a) will not conflict with any other provision of the zoning code; (b) will not endanger the health, safety or welfare of the resident of the industrial premises; (c) will not change the use of the industrial premises to become primarily residential; (d) the residential use should occupy no more than twenty percent (20%) of the industrial structure.

(Ord. 1-96, 1996, §1; Ord. 3-99, 1999, §3; Ord. 2012-04, 2012, §27)

Sec. 16-2-160.   Agricultural District (AG).

(a) Purpose. This zone recognizes the nonurban use of land primarily being utilized for agricultural purposes. The minimum lot size in the agricultural zone is five (5) acres.

(b) Uses by right.

(1) Raising of agricultural crops.

(2) Keeping of livestock for farm use only.

(3) One (1) single-family residence to be used by one (1) nuclear family as part of the agricultural operation.

(4) Public utility distribution mains and lines which are underground facilities.

(5) Accessory buildings directly related to the agricultural use.

(6) Public and private schools.

(c) Special review uses.

(1) Fire stations.

(2) Home occupations.

(3) Livestock and crop sales or storage facilities.

(4) Equestrian activities centers.

(5) Facilities for the exhibition of livestock and crops, including fairgrounds and rodeo arenas.

(Ord. 1-96, 1996, §1; Ord. 2005-05, 2005, §1; Ord. 2012-04, 2012, §§28, 29)

Sec. 16-2-165.   Public Zone District (PZ).

(a) Purpose.

(1) The public zone district is designed to accommodate uses that provide a full range of services, recreation and entertainment to the public. No land, building or structure shall be changed in use or type of occupancy, developed, erected, constructed, reconstructed, moved or structurally altered or operated in the PZ zone district until a site plan has been approved pursuant to Section 16-2-190 of this Article.

(2) For purposes of this Article, the word *public* as it relates to a use, a structure or a facility, means a use, a structure or a facility, whether owned privately or by a governmental entity, that is for the benefit of, or devoted to, the people as a whole or the community at large.

(3) The regulations set forth herein shall not apply to property, buildings or other facilities owned or occupied by the Town.

(b) Performance standards.

(1) No junk, junked or inoperable motor vehicles or junk, litter, refuse or rubbish shall be stored outdoors except as in compliance with Chapter 7, Article 1 of this Code.

(2) No junk materials, waste or trash shall be removed from one (1) parcel of property and disposed of by disposition upon another parcel of property, or on the streets or public right-of-way except by being delivered to an authorized dump site.

(3) Trash containers shall be stored behind the front line (or side lines where adjacent to streets) of the primary structure and shall be concealed from view by a solid fence; other locations may be approved by the Administrator where adherence to these standards is not practical.

(4) Buffering shall be required when abutting residentially zoned property. Buffering shall be provided so as to sufficiently separate the use and activities to be conducted on the PZ zoned lot and protect the residential character of the adjoining property. Such required buffering may include, by way of example and not limitation, six-foot-high wooden fencing; landscaping, including trees, shrubs, and groundcover; and berms. Location, size and type of buffering shall be approved by the Board of Trustees. Buffering shall be in addition to minimum landscaped open space requirements.

(5) All materials or wastes which might cause fumes or dust, which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects, shall be stored outdoors only in closed containers.

(c) Uses by right.

(1) Public administrative offices and service buildings.

(2) Public parks and public recreation centers.

(3) Private parks.

(4) Public utility offices.

(5) Public outdoor athletic facilities, such as sports fields.

(6) Public gardening and similar cultivation of land, nursery and supplementary to the primary public use.

(7) Public parking lots.

(8) Cemeteries and crematories or mausoleums when incidental or supplemental to primary cemetery use.

(9) Libraries.

(10) Post offices.

(11) Short-term events sponsored by public welfare institutions and social service organizations, including but not limited to 4-H, FFA or similar organizations.

(12) Public and private schools, colleges, universities, vocational and trade schools.

(13) Public and private golf courses.

(14) Off-street parking, including for off-site events.

(15) Churches, synagogues and other religious institutions.

(c) Prohibited uses.

(1) Enterprises of general commercial nature.

(2) Private lodges and clubs.

(3) Private gardening and cultivation of land.

(4) Residential uses.

(5) Private industrial uses unless otherwise provided for as a use by permit in this zone district.

(6) Aboveground storage of flammable and combustible liquids.

(7) Commercial or private radio and television broadcasting stations.

(8) Race tracks.

(9) Adult entertainment uses.

(d) Uses by special review.

(1) Public transportation terminals.

(2) Fire stations and ambulance services.

(3) Sanitation and wastewater treatment facilities.

(4) Water treatment facility.

(5) Public confinement facilities, reformatories, correctional institutions and facilities, halfway houses and treatment facilities.

(6) Public utilities and garages and shop facilities, including substations.

(7) Public stadiums, arenas, auditoriums and rodeos, including animal shows and competitions, including concerts, dances, tournaments, exhibitions, plays, theatre, conventions and religious crusades.

(8) Hospitals, nursing homes and assisted living facilities.

(9) Public airports and heliports.

(10) Public or governmental communication centers, radio or television broadcasting stations, and private land mobile radio services (i.e., public radio services, special emergency radio services, etc.).

(11) Circuses, carnivals, bazaars, flea markets and fairs.

(12) Sites for recreational vehicles.

(13) Caretaker facilities, but only as an accessory to another permitted use.

(14) Any other similar use determined to be appropriate by the Board of Trustees pursuant to Section 16-2-180.

(e) Accessory uses.

(1) Public restrooms.

(2) Picnic shelters.

(3) Band shells.

(4) Service storage buildings where ancillary to the primary public use.

(5) Garages for storage of vehicles in conjunction with the principal public use.

(f) Parking. Required minimum parking shall be as follows:

(1) Offices and administration buildings - One (1) space per three hundred (300) square feet of gross floor area.

(2) Utility, service and storage buildings - One (1) space per six hundred (600) square feet of gross floor area.

(3) Auditoriums and meeting rooms -One (1) space per four (4) seats or eight (8) feet of bench length, or three (3) spaces per one hundred (100) square feet of gross floor.

(4) Stadium and arena - One (1) space per four (4) seats or eight (8) feet of bench length.

(5) Welfare or correctional institution -One (1) space per five (5) beds for patients.

(6) Nursing home, sanitarium, rest home, home for the aged - One (1) space per five (5) beds for patients or inmates.

(7) Hospital - One (1) space per one and one-half (1½) beds.

(8) Library - One (1) space per four hundred (400) square feet of floor area.

(9) Preschool, nursery, kindergarten - Two (2) spaces per teacher.

(10) Elementary, junior high or high school - One (1) space per classroom, plus one (1) space per administrative employee, plus one (1) space per four (4) seats or eight (8) feet of bench length in the auditorium, assembly room or stadium, whichever is greater.

(11) College, school for adults - One (1) space per five (5) seats in classroom.

(12) In the case of mixed uses, the total requirements shall be the sum of the requirements of the various uses (cumulative).

(Ord. 2009-05, §2; Ord. 2012-04, 2012, §30)

Sec. 16-2-167.   Fairgrounds Zone District (FZ).

(a) Purpose.

(1) Purpose. The fairgrounds zone district is designed to accommodate uses associated with fairs, shows, auctions, and other public and private events that are generally recognized as fairgrounds uses that are not otherwise permitted within any other zoning district. No land, building or structure shall be changed in use or type of occupancy, developed, erected, constructed, reconstructed, moved or structurally altered or operated in the FZ zone district until a site plan has been approved pursuant to Section 16-2-190 of this Article.

(2) For the purposes of this Article, the word *fairgrounds* as it relates to a use, structure or facility means a use, structure or facility where a County, City or State Fair is held, as well as used as a meeting hall for social, fraternal, civic, public and similar organizations or as an event venue for spectator and nonspectator field events and activities.

(b) Performance standards.

(1) No junk, junked or inoperable motor vehicles, litter, refuse or rubbish shall be stored outdoors except as in compliance with Chapter 7, Article 1 of this Code.

(2) No junk materials, waste, or trash shall be removed from one (1) parcel of property and disposed of by disposition upon another parcel of property, or on the streets or public right-of-way except by being delivered to an authorized dump site.

(3) Trash containers shall be stored behind the front line (or sidelines where adjacent to streets) of the primary structure, other locations may be approved by the Administrator where adherence to these standards is not practical.

(4) Buffering shall be required when abutting residentially zoned property. Buffering shall be provided so as to sufficiently separate the use and activities to be conducted on the FZ zoned lot and protect the residential character of the adjoining property. Such required buffering may include, by way of example and not limitation, 6-foot high wooden fencing, landscaping, including berms, trees, shrubs and groundcover. Location, size and type of buffering shall be approved by the Board of Trustees. Buffering shall be in addition to minimal landscaped open space requirements.

(5) When not in use during events, all materials or wastes which might cause fumes or dust, or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors in closed containers. During events, animal waste shall be addressed as soon as reasonably possible.

(6) All events will be required to be completed, all music must cease at 12:00 a.m. and the lights must be off by 1:00 a.m. Provisions to extend these requirements are available through the use by special review process in Section 16-2-50 of this Article.

(c) Uses by right.

(1) Rodeo events, animal shows and competitions and horse racing.

(2) Entertainment venues, expositions, trade show operations held on fairgrounds premises.

(3) Banquet and meeting facilities and operations.

(4) Agricultural, horticultural and equine education facilities and shows.

(5) Holiday light shows and events.

(6) Offices for related permitted uses or emergency personnel.

(7) Accommodation of temporary overnight stays by participants and staff in permitted events.

(8) Farmers markets, flea markets and auctions.

(9) Special event sales such as, but not limited to, merchandise fairs, retail sales and warehouse sales, Rotary and other clubs and organization fundraiser sales.

(10) Automotive related events such as car shows and rallies.

(11) Equestrian events.

(12) Animal/stock shows and events, including but not limited to roping.

(13) Special service events such as, but not limited to, veterinary clinics.

(14) Private parties, receptions, weddings and other related events.

(15) Concerts, dances, tournaments, athletic and recreational events, exhibitions, plays, theatre, conventions and religious events.

(16) Community meetings, seminars and banquets.

(17) 4-H, FFA or similar organizational events, including but not limited to meetings, shows and training clinics.

(18) Caretakers' facilities.

(19) For temporary relocation of persons and property in case of any emergency or disaster.

(20) Circus and carnival events that have obtained a no-fee permit from the Town, limited to four (4) annually.

(21) Motor sports such as, but not limited to truck pulls, demolition derbies and tractor pulls that have obtained a no-fee permit from the Town, limited to six (6) annually.

(d) Uses by special review.

(1) Circus and carnival events that exceed the limit of four (4) annually permitted as a use by right.

(2) Motor sports such as, but not limited to, truck pulls, demolition derbies and tractor pulls that exceed the limit of six (6) annually permitted as a use by right.

(e) Accessory uses.

(1) Public restrooms.

(2) Picnic shelters.

(3) Band shells.

(4) Service storage buildings.

(5) Garages for storage of vehicles.

(f) Parking. Parking shall be made available at a minimum of one (1) space per four (4) seats, or eight (8) feet of bench length provided in the principal structure.

(Ord. 2011-01, 2011, §2; Ord. 2012-04, 2012, §31)

Sec. 16-2-170.   Zone district schedule of requirements.

The schedule of requirements includes basic bulk, setback, density, intensity and open space requirements for each zone district. Additional requirements are listed for uses permitted by special review.

**SCHEDULE OF REQUIREMENTS**
**Residential Districts 1**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Standard***  | ***AG***  | ***R-1***  | ***R-2***  | ***R-3***  | ***R-MH***  |
| Minimum lot area (square feet) | 9,000 | 9,000 | 6,000 | 6,000 | 3,750 |
| Minimum dwelling space (square feet) 2, 3  | 1,500 | 1,200 | 700 | 600 | 600 |
| Maximum building or structure height (feet) 4  | 35 | 35 | 35 | 35 | 30 |
| Maximum height of accessory uses | 50 | 15  | 15  | 15  | 15  |
| Maximum number of stories 4  | 3 | 3 | 3 | 4  | 1 |
| Minimum lot width (feet) | 65 | 65 | 50 | 50 | 37.5 |
| Off-street parking 8, 9  | 9 | 2  | 3 |  |  |
| Yard requirements (feet): |  |  |  |  |  |
| Front yard setback (principal and accessory uses) 5, 6  |  |  |  |  |  |
| Arterial | 20 | 20 | 20 | 20 | 20 |
| Major collector | 20 | 20 | 20 | 20 | 20 |
| Local | 20 | 20 | 20 | 20 | 20 |
| Side yard (principal uses) 7, 10  | 5  | 5  | 5  | 5  | 5  |
| Side yard (accessory uses) 7, 10  | 5  | 5  | 5  | 5  | 5  |
| Rear yard (principal uses) | 20 | 20 | 20 | 20 | 20 |
| Rear yard (accessory uses) | 5  | 5  | 10  | 20 | 5  |
| Maximum lot coverage |  |  |  |  |  |
| Minimum landscaped open space |  | 20% | 30% | 45% | 30% |

Note:

1 All requirements subject to Uniform Building Code standards for specific type of construction.

2 Dwelling space as measured by interior walls. Computation of dwelling space does not include basements or garages.

3 For the R-3 district, minimum dwelling space for an efficiency apartment, as defined in the Uniform Building Code, is 320 square feet.

4 Subject to Uniform Building Code restrictions regarding type of construction.

5 Where lots comprising 25% or more of the frontage of any block are developed with buildings having a predominate setback, no building hereafter erected shall project beyond the predominate setback so established; provided that no setback shall be greater than 50 feet.

6 On corner lots the front of the building shall comply with the setback requirement of the street upon which the front of the building faces.

7 For corner lots in residential districts, the side of the building shall be set back as per the requirements for the setback for the front of the building.

8 As may be required for multi-family unit and at least 1.5 per unit.

9 Garage shall not be considered off street parking.

10 Side yard requirements shall be modified so as to allow the construction of homes with a zero lot line (party wall or common wall) in the R-1 and the R-2 districts for patio homes and townhomes.

**SCHEDULE OF REQUIREMENTS
Commercial Districts1**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***Standard***  | ***CBD***  | ***CH***  | ***PZ***  | ***FZ***  |
| Minimum lot area (square feet): |  |  |  |  |
| Nonresidential | 3,125 | 10,000 | 10,000 | 10,000 |
| Residential | 6,000 2  | 6,000 | N/A | N/A |
| Combined residential/commercial | 3,125 | 10,000 | N/A | N/A |
| Maximum building or structure height (feet) | 35 | 35 | 35 | 35 |
| Minimum lot width (feet) | 25 | 50 | 30 | 30 |
| Maximum number of stories | 3 | 3 | 3 | 3 |
| Maximum floor area ratio: |  |  |  |  |
| Nonresidential | 1.5 | 0.75 | 0.75 | 0.75 |
| Residential | 0.5 | 0.5 | N/A | N/A |
| Combined residential/commercial | 2.0 | 1.25 | N/A | N/A |
| Yard requirements (feet): |  |  |  |  |
| Front yard setback |  |  |  |  |
| Arterial | 20 | 20 | 20 | 50 |
| Major collector | 10 | 10 | 10 | 40 |
| Local | 103  | 10 | 10 | 25 |
| Side yard (principal uses) | 103  | 10 4  | 104  | 103  |
| Side yard (accessory uses) | 5  | 5  |  |  |
| Rear yard | 10 | 10 | 10 | 25 |
| Creek setback (minimum) | 30 | 20 | 20 | 20 |
| Minimum landscaped open space | 15%5  | 20% | 20% | 20% |

Note:

1 All requirements subject to Uniform Building Code standards for specific type of construction.

2 Residential minimum lot sizes in the CBD District shall conform to the requirements of the R-2 District.

3 On Main Street, between Woodward and Crawford Avenue, principal buildings may be constructed with zero lot line on front and sides.

4 In the CH District, the minimum side yard shall be 10 feet for the first 25 feet of building height. Buildings in excess of 25 feet shall increase the side yard setback 1 foot for each 2 feet of building height over 25 feet to a maximum of 25 feet.

5 The required 15% open space may be provided in the public right-of-way with credits given for pedestrian improvements, street furniture, etc., subject to the approval of the Planning Commission.

**SCHEDULE OF REQUIREMENTS**
**Industrial Zone Districts**

|  |  |  |
| --- | --- | --- |
| ***Standard***  | ***LI***  | ***HI***  |
| Minimum lot area (square feet) | 6,000 | 14,000 |
| Maximum building or structure height (feet) | 60 | 65 |
| Maximum number of stories | 3 | 4  |
| Maximum floor area ratio | 2:1 | 2.5:1 |
| Minimum lot width | 50 | 100 |
| Yard requirements (feet): |  |  |
| Front yard setback: |  |  |
| Arterial | 20 | 20 |
| Major collector | 20 | 20 |
| Local street | 20 | 20 |
| Setback from zone district boundaries (landscaped) | 20 | 30 |
| Side yard setback (principal uses) (other than from LI or HI District boundaries) | 10 1  | 10 1  |
| Side yard setback (accessory uses) (other than from LI or HI District boundaries) | 5 1  | 5 1  |
| Rear yard setback (other than from LI or HI District boundaries) (feet) | 10 1  | 10 1  |
| Minimum landscaped open space | 10% | 10% |

Note:

1  Variable side and rear yard setbacks may be permitted, that would allow a zero lot line development, provided that the following conditions are met: that a minimum of 20 feet be maintained between buildings unless common wall construction is proposed, that the lot line shall not abut a public right-of-way or private access easement, that all zero lot line developments shall provide a maintenance easement of 3 feet adjacent to the lot line with a zero setback, and that the variable setback shall be allowed only where all the lots involved are part of a platted subdivision with unified ownership of the lots adjacent to the property line with the reduced setback.

\_\_\_\_\_\_\_\_\_\_\_\_

Any person who violates this Section or fails to comply with any of its requirements shall, upon conviction of a violation of this Section, be fined not more than three hundred dollars ($300.00), and shall be imprisoned for not more than ninety (90) days, or both such fine and imprisonment for each violation, and, in addition, shall pay all costs and expenses involved in correcting any violation of this Section. Each day during which a condition in violation of this Section exists or is allowed to continue to exist shall constitute a separate offense. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 1-96, 1996, §1; Ord. 4-98, 1998, §1; Ord. 1-02, 2002; Ord. 4-02, 2002, §1; Ord. 2009-05, §3; Ord. 2009-11, §1; Ord. 2011-01, 2011, §§3, 4; Ord. 2012-04, 2012, §32; Ord. 2015-05, 2015, §1)

Sec. 16-2-180.   Criteria and procedure for granting use by special review permits.

(a) Purpose. The purpose of this Section is to establish the standards and criteria to be used by Town staff, the Planning Commission and the Board of Trustees to determine whether a use by special review is appropriate for a particular zoning district and whether such special review uses should be granted. Because of their unusual or special characteristics, special review uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Section is intended to ensure that special review uses are established and operated in a manner that is compatible with existing and planned land uses in the neighborhood.

(b) Standards and criteria. A special review use shall not be granted unless a proposed use meets the following criteria:

(1) The requested special use conforms to the basic characteristics of the uses by right.

(2) The special review use will be compatible with the existing uses to which surrounding lands are being put or could be put under the applicable zoning classification.

(3) The special review use shall not be substantially dissimilar from the existing land uses.

(4) The special review use will not cause an unreasonably severe demand on Town services such as police and fire protection, drainage control, water supply, sanitary sewer service or other utility or Town service.

(5) The special review use will not adversely affect traffic flow and parking in the neighborhood.

(6) The special review use does not create any form of offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences than the uses by right allowed in the existing zone or existing in the neighborhood.

(7) The special review use shall not disturb the peace and quiet of the neighborhood.

(c) Special conditions. The Board of Trustees may approve a special review use and as part of such approval, may impose special conditions, if such conditions are necessary to satisfy the criteria set forth in this Section. A special review use may be granted for a limited period of time. The rights and privileges granted to any person or entity pursuant to this Section may not be transferred without the consent of the Board of Trustees. If any transfer is granted, the Board of Trustees may impose such additional terms and conditions as may be required to meet the criteria of this Section.

(d) Use by special review process.

(1) A preapplication meeting with Town staff is required prior to submittal of an application for a use by special review. The applicant shall submit a brief description and location of the proposed use to the Town Clerk prior to establishing the preapplication meeting. The purpose of the meeting will be to discuss the Town's application requirements and process and other information relevant to the proposed application. A site visit may be scheduled if deemed necessary by Town staff.

(2) Neighborhood meeting. The applicant is encouraged to meet with adjacent landowners and homeowners' associations, when applicable, concerning the application. If a neighborhood meeting is held, it shall be done after the preapplication meeting with Town staff.

(3) Application. The applicant shall submit an original and sufficient number of copies of the application materials, as determined by Town staff, for distribution and review by the Town and referral agencies.

(4) Referrals. When determined complete, the application will be sent to appropriate referral agencies, as determined by Town staff, and the referral agencies will be given twenty-one (21) days to respond to the application unless otherwise noted. Comments submitted by referral agencies are recommendations to the Board of Trustees. The authority for making the decision to approve or deny the request for a use by special review rests with the Board of Trustees.

(5) Set a Planning Commission hearing date. At the Town staff's discretion, the Board of Trustees public hearing may also be set and be given legal notice and posting, concurrent with setting the Planning Commission hearing date.

(6) Publication. The Town will publish notice of the public hearing dates, time and location at least fifteen (15) days prior to the hearing in the newspaper designated by the Board of Trustees.

(7) Posting. At least fifteen (15) days prior to the public hearing, the applicant shall post the property with a notice of the hearing, as required by the Town Clerk. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a public right-of-way, one (1) sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way.

(8) Notice to surrounding property owners. At least fifteen (15) days prior to the public hearing, the applicant shall provide written notice of the public hearing to those persons owning property located within three hundred (300) feet of the parcel under consideration. Such notification shall be mailed first-class, postage prepaid by the applicant. Inadvertent errors by the applicant in sending such notice shall not create a jurisdictional defect in the hearing process, even if such an error results in the failure of a surrounding property owner to receive such notification.

(e) Submittal requirements. The following shall be submitted as part of the application, except for those items specifically waived by Town staff, in writing, as being unnecessary to a decision on the application.

(1) Completed land use application.

(2) Application fees and fee deposits with signed fee agreement.

(3) A detailed written description of the proposal, including acreage or square footage of the property, hours of operation, number of employees, number of patrons or customers, members, buyers or visitors, existing zone district and existing land uses adjacent to the property.

(4) Proof of ownership acceptable to the Town Clerk or Town Attorney.

(5) A list of property owners within three hundred (300) feet of the property.

(6) Copies of any applicable state or federal permits for the proposed use.

(7) Written certification that notice as required by Section 24-65.5-103.3, C.R.S., has been provided. Such certification may be submitted on the date of the initial public hearing referred to in Section 24-65.5-103(1), C.R.S.

(8) Copy of any surface use agreement with mineral interest owners of the property.

(9) Traffic study. Requirements to be determined in the preapplication meeting or at request of CDOT.

(10) Drainage study. Requirements to be determined in the preapplication meeting.

(11) Soils report. Requirements to be determined at the preapplication meeting.

(12) Noise report. Requirements to be determined at the preapplication meeting.

(13) Use by special review and landscape plan maps. Plans shall show existing and proposed buildings, parking, landscape elements, lighting, drainage elements, utilities, public rights-of-way and any other information deemed necessary by Town staff. Plans shall include a vicinity map at an appropriate scale to show surrounding area.

(14) Such additional information that may be reasonably required by Town staff.

(f) Recording. After conditions are met, the Town Clerk shall have the approved use by special review map recorded with the County Clerk and Recorder's office.

(g) Changes to use by special review. No changes may be made in an approved use by special review unless an amendment is approved by the Town. An amendment shall follow the same procedures as set forth herein for approval, except that the Town Planner may authorize minor changes that are generally consistent with the purpose and content of the use by special review application as heard by the Planning Commission and Board of Trustees. The Town Planner shall advise the Planning Commission and Board of Trustees by written memorandum of any administratively approved amendment or modification to a use by special review.

(h) Operation and monitoring. The Town may establish and carry out procedures as are reasonably necessary to ensure compliance with the conditions of approval of use by special review permits.

(i) Revocation. Upon receipt of evidence that conditions of a use by special review have not been met or operation of the property is not consistent with the approved uses, after providing the property owner with notice and following public hearings held before the Planning Commission and Board of Trustees, the use by special review may revoked, suspended or modified.

(Ord. 5-00, 2000, §3; Ord. 2007-06, 2007, §2; Ord. 2012-04, 2012, §§33, 34)

Sec. 16-2-190.   Site plan review process.

(a) Purpose. The intent of the site plan review procedure is to promote efficient and orderly development of property in the Town. Site plan reviews require additional consideration to ensure that the permitted uses are compatible with existing and planned uses of the neighborhood.

(b) A site plan is required for uses in the following zone districts: Multifamily Residential District (R-3), Mobile Home Residential District (R-MH), Commercial Business District (CBD), Highway Commercial District (CH), Light Industrial District (LI), Heavy Industrial District (HI) and Public Zone District (PZ).

(c) No land, building or structure shall be changed in use or type of occupancy, developed, erected, constructed, reconstructed, moved or structurally altered or operated in any zone district that requires a site plan until a site plan has been approved.

(d) Building permits shall not be issued in a zone district that requires a site plan until the required site plan has been approved, any conditions of approval met and the site plan recorded by the Town Clerk.

(e) No site plan shall be required for:

(1) Normal repairs and maintenance of an existing building.

(2) Similar occupancy, unless it is determined that additional review is required by Town staff.

(3) Alterations which do not affect more than twenty-five percent (25%) of the square footage of an existing building or structure.

(4) Interior remodeling.

(f) Site plan review process.

(1) A preapplication meeting with Town staff is required prior to submittal of an application for site plan review. The applicant shall submit a brief description and location of the proposed use to the Town Clerk prior to establishing the preapplication meeting. The purpose of the meeting will be to discuss the Town's application requirements and process and other information relevant to the proposed application. A site visit may be scheduled if deemed necessary by Town staff.

(2) Neighborhood meeting. The applicant is encouraged to meet with adjacent landowners and homeowners' associations, when applicable, concerning the application. If a neighborhood meeting is held, it shall be after the preapplication meeting with Town staff.

(3) Application. The applicant shall submit an original and sufficient number of copies of the application materials, as determined by Town staff, for distribution and review by the Town and referral agencies.

(4) Referrals. When determined complete, the application will be sent to appropriate referral agencies, as determined by Town staff, and the referral agencies will be given a reasonable time to respond to the application. Comments submitted by referral agencies are recommendations to Town staff.

(g) Submittal requirements. The following shall be submitted as part of the application, except for those items specifically waived by Town staff, in writing, as being unnecessary to a decision on the application.

(1) Completed land use application.

(2) Application fees and fee deposits with signed fee agreement.

(3) A detailed written description of the proposal, acreage or square footage of the property, hours of operation, number of employees, number of patrons, members, buyers or visitors, existing zone district and existing land uses adjacent to the property.

(4) Proof of ownership acceptable to the Town Clerk or Town Attorney.

(5) Copies of any applicable state or federal permits for the proposed use.

(6) Written certification that notice as required by Section 24-65.5-103.3, C.R.S., has been provided. Such certification may be submitted on the date of the initial public hearing referred to in Section 24-65.5-103(1), C.R.S.

(7) Copy of any surface use agreement with mineral interest owners of the property.

(8) Traffic Study. Requirements to be determined in the preapplication meeting or at the request of CDOT.

(9) Drainage study. Requirements to be determined in the preapplication meeting.

(10) Soils report. Requirements to be determined at the preapplication meeting.

(11) Noise report. Requirements to be determined at the preapplication meeting.

(12) Site plan and landscape plan maps. Plans shall show existing and proposed, buildings, parking, landscape elements, lighting, drainage elements, utilities, public rights-of-way and any other information deemed necessary by Town staff. The plan shall include a vicinity map at an appropriate scale to show surrounding area.

(13) Such additional information that may be reasonably required by Town staff.

(h) Design requirements. The following design requirements shall be considered in the evaluation of a site plan:

(1) Conformance with all applicable provisions of the underlying zone district.

(2) Conformance with all applicable provisions of all related development plans, such as approved subdivision plats or PUD plans, or both.

(3) Conformance with all applicable parking and open space requirements, and any adopted architectural design standards.

(4) Compliance with utility requirements set forth in Chapter 17, Article VI of this Code.

(5) Compatibility with surrounding existing and proposed land uses.

(6) Conformance with state, federal and local environmental standards, including but not limited to air quality, water quality, glare and heat, noise, vibration, odors, hazardous materials, storage and disposal of waste, electromagnetic interference and radiation.

(7) Adequate facilities will be provided for pedestrians, bicyclists and motorists.

(8) Adequate public improvements, both on- and off-site, will be provided in a timely fashion.

(9) Any common areas serving the site are identified and adequate provisions are made for ownership and maintenance of such areas.

(i) If the Town Planner finds that all applicable design requirements set forth in Subsection (h) above are met by the proposed site plan, the site plan shall be approved. If one (1) or more design requirements are not met, the site plan shall be referred to the Planning Commission and Board of Trustees for public hearing in accordance with Section 16-1-80 of this Chapter.

(j) Recording. After conditions are met, the Town Clerk shall record the site plan with the County Clerk and Recorder.

(k) Changes to a site plan. Any major change to an approved site plan shall require an amendment, which shall be reviewed and considered for approval using the same procedure as a new application. Town staff shall determine whether a major change exists, in accordance with the criteria set forth in Subsection (e) of this Section.

(l) Operation and monitoring. The Town may establish and carry out procedures as are reasonably necessary to ensure compliance with the conditions of approval of a site plan.

(m) Revocation. Upon receipt of evidence that conditions of a site plan have not been met or operation of the property is not consistent with the approved uses, after providing the property owner with notice and following public hearings held before the Planning Commission and Board of Trustees, the site plan approval may be revoked, suspended or modified.

(Ord. 2012-04, 2012, §35)

## ARTICLE III   Zoning Amendments (Rezonings)

[Sec. 16-3-10. Procedure for amendments.](#BK_16C152EBADBAFCB5C496C12057E8B938)

[Sec. 16-3-20. Initiation of amendments.](#BK_7CBCC48F9B8FF83D8D0956677C25613D)

[Sec. 16-3-30. Planning Commission consideration.](#BK_7286913F366A9A5E67D02B6F33DF2291)

[Sec. 16-3-40. Notice of hearing required.](#BK_E1E98D5A4C59FAA3C5458889A6A26CF4)

[Sec. 16-3-50. Board of Trustees action on amendments.](#BK_1473A82800F8C97665F78559FDFFE62F)

[Sec. 16-3-60. Protests to zoning district changes.](#BK_AAFFEBB24FABE109E9409510E80E5DB3)

[Sec. 16-3-70. Submittal requirements.](#BK_AE5EA2DC4D143B3F22F29865526BB4D0)

Sec. 16-3-10.   Procedure for amendments.

Amendments to the text of this Chapter or to the zoning map are made according to the provisions of this Article.

(Ord. 1-96, 1996, §1)

Sec. 16-3-20.   Initiation of amendments.

(a) Amendments to either the text of this Chapter or to the zoning map may be initiated by the Town or by citizen petition to the Board of Trustees.

(b) Requests to amend this Chapter initiated by the Board of Trustees or Planning Commission, or by Town staff, will be prepared as a draft ordinance by the Town Attorney and planning staff, after review and recommendation by the Planning Commission, and presented to the Board of Trustees for the scheduling of a public hearing.

(c) Any citizen of the Town may petition the Board of Trustees to amend this Chapter by filing a petition with the Administrator. If the petition is to amend the text of this Chapter, then one (1) typewritten copy of the text is to be submitted to the Administrator. If the petition is to amend the zoning district classification, the petitioner must be the owner of the affected property, or accompany the amendment request with a petition signed by owners of a majority of the land affected by the amendment request. This petition shall be on a form provided by the Town and shall be accompanied by the appropriate fee as established through resolution adopted by the Board of Trustees.

(d) Upon receiving said application, the Administrator shall schedule a date for Planning Commission review at a public hearing and a date for a public hearing before the Board of Trustees.

(Ord. 1-96, 1996, §1)

Sec. 16-3-30.   Planning Commission consideration.

(a) The Planning Commission will review the proposed amendment ordinance in a timely manner so as to have recommendations to present to the Board of Trustees at the public hearing. However, the Planning Commission can also ask the Board of Trustees to delay its final decision if the Planning Commission is not ready to make recommendations at the public hearing.

(b) The Board of Trustees is required to have the recommendations of the Planning Commission before making a decision, but it is not bound by any recommendation of the Planning Commission.

(c) The Planning Commission shall review the proposed amendment relative to the goals and policies of the Town Comprehensive Plan and any other appropriate approved plans. In particular, the Planning Commission shall advise the Board of Trustees if the adoption of the proposed amendment would necessitate a Comprehensive Plan amendment, and evaluate the amendment according to the criteria and procedure outlined in the Comprehensive Plan.

(Ord. 1-96, 1996, §1)

Sec. 16-3-40.   Notice of hearing required.

No amendment to this Chapter may be adopted until a public hearing has been held on the proposal, with notice provided in accordance with Section 16-1-80 of this Chapter.

(Ord. 1-96, 1996, §1; Ord. 5-00, 2000, §1; Ord. 2007-06, 2007, §3)

Sec. 16-3-50.   Board of Trustees action on amendments.

(a) The Board of Trustees is not required to take final action on a proposed amendment within any specific period of time, but shall proceed as expeditiously as practicable.

(b) In deciding whether to adopt a proposed amendment to this Chapter, the central issue before the Board of Trustees is whether the change advances the public health, safety and welfare. The Board of Trustees must consider all potential uses that may result from a change in zoning and whether these uses are more appropriate than the range of uses allowed in the existing classification.

(Ord. 1-96, 1996, §1)

Sec. 16-3-60.   Protests to zoning district changes.

(a) If a valid petition opposing a change in zoning classification is filed with the Town, the proposed amendment may then only be adopted by a favorable vote of two-thirds (2/3) of all the members of the Board of Trustees.

(b) To be valid, the petition in opposition must:

(1) Be signed by the owners of either twenty percent (20%) or more of the land subject to the proposed change; or by twenty percent (20%) or more of the area of land extending a radius of three hundred (300) feet from the boundaries of the land which is subject to the proposed change, disregarding intervening public streets and alleys;

(2) Be received by the Town at least twenty-four (24) hours prior to the Board of Trustees' vote on the change; and

(3) Be on a form provided by the Town and containing all the information requested on the form.

(Ord. 1-96, 1996, §1)

Sec. 16-3-70.   Submittal requirements.

Submittal requirements for zoning amendments shall be established through resolution adopted by the Board of Trustees.

(Ord. 1-96, 1996, §1)

## ARTICLE IV   Zoning Map

[Sec. 16-4-10. Official zoning map.](#BK_628099C527AA3CA3711F76473E20535F)

[Sec. 16-4-20. Interpretations of the zoning map.](#BK_28AF36F09304FFEA25413030AB44FFD0)

[Sec. 16-4-30. Amendments to official zoning map.](#BK_28D334A7F6F6D25378FDD0812144EE1B)

Sec. 16-4-10.   Official zoning map.

(a) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the Town's planning jurisdiction. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated and shall be kept in the Town Hall.

(b) The Official Zoning Map dated March 18, 1996, is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section 16-4-30 below.

(c) Should the Official Zoning Map be lost, destroyed or damaged, the Administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further authorization or action by the Board of Trustees is required so long as no district boundaries are changed in this process.

(Ord. 1-96, 1996, §1)

Sec. 16-4-20.   Interpretations of the zoning map.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams or railroads shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following lot lines, Town limits or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries;

(3) Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the official zoning map; and

(4) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

(Ord. 1-96, 1996, §1)

Sec. 16-4-30.   Amendments to official zoning map.

(a) Amendments to the Official Zoning Map are accomplished using the procedures that apply to other amendments to this Chapter, as set forth in Article III of this Chapter.

(b) The Administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Town. Upon entering any such amendment on the map, the Administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

(c) No unauthorized person may alter or modify the Official Zoning Map.

(d) The Town shall keep copies of superseded prints of the Official Zoning Map for historical reference.

(Ord. 1-96, 1996, §1)

## ARTICLE V   Board of Adjustment

[Sec. 16-5-10. Appeals.](#BK_56F968CA6A221B74664FBD3954FED3B2)

[Sec. 16-5-20. Variances.](#BK_AE3997E3295E1B2559AC05DF2096288A)

[Sec. 16-5-30. Map interpretations.](#BK_516043B136F06F12339007D7782CCF22)

[Sec. 16-5-40. Requests to be heard expeditiously.](#BK_AD69B1433D2C6CF7CB17BC962714C2DA)

[Sec. 16-5-50. Burden of proof in appeals and variances.](#BK_4E2CC3E41DC6E878C3107C2312C9011D)

[Sec. 16-5-60. Board of Adjustment action on appeals.](#BK_6D632F08923BF2F760B2186A9A54B153)

Sec. 16-5-10.   Appeals.

(a) Any aggrieved person may appeal a final order or decision of the Administrator with the Board of Adjustment where there is an alleged error in the resulting requirement, decision or approval determination appropriate for Board of Adjustment review. An appeal is made by filing with the Town a written notice of appeal specifying the reasons for the appeal. A notice of appeal shall be considered filed with the Administrator and the Board of Adjustment when delivered to the Town offices, and the date and time of filing shall be entered on the notice by the Town staff. Appeals shall be submitted on a form provided by the Town, and shall be accompanied by the appropriate fee as established through resolution adopted by the Board of Trustees.

(b) An appeal must be made within thirty (30) days after the date of the decision or order appealed from.

(c) Whenever an appeal is filed, the Administrator shall forthwith transmit to the Board of Adjustment all records relating to the action appealed from.

(d) An appeal stays all actions by the Administrator seeking enforcement of or compliance with the order or decision appealed from, unless the Administrator certifies to the Board of Adjustment the belief that due to the facts contained in the certification, a stay would cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, and after notice to the Administrator.

(e) The Board of Adjustment may reverse, affirm or modify the order, requirement, decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

(Ord. 1-96, 1996, §1)

Sec. 16-5-20.   Variances.

(a) An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator. Applications shall be complete. A staff report shall accompany the application to the Board of Adjustment.

(b) A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of this Chapter would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of this Chapter will be observed, public safety and welfare secured and substantial justice done. It may reach these conclusions if it finds that:

(1) If the applicant complies strictly with the provisions of this Chapter, he or she can make no reasonable use of his or her property;

(2) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;

(3) The hardship relates to the applicant's land, rather than personal circumstances;

(4) The hardship is unique and unusual, or nearly so, rather than one shared by many surrounding properties;

(5) The hardship is not the result of the applicant's own actions;

(6) The variance requested is the minimum that will afford relief and the least possible modification of the requirements of this Chapter; and

(7) The variance will neither result in the extension of a nonconforming situation in violation of this Article, authorize the initiation of a nonconforming use of land, nor conflict with the goals and policies of the Comprehensive Plan.

(c) In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

(d) A variance may be issued for an indefinite duration or for a specified duration only.

(e) The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Chapter.

(Ord. 1-96, 1996, §1)

Sec. 16-5-30.   Map interpretations.

(a) The Administrator interprets the Official Zoning Map. The Board of Adjustment is authorized to hear appeals on the Official Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions.

(b) An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator. The application shall contain sufficient information to enable the Board of Adjustment to make the necessary interpretation.

(c) Interpretations of the Official Zoning Map shall follow the guidelines of Section 16-4-20.

(Ord. 1-96, 1996, §1)

Sec. 16-5-40.   Requests to be heard expeditiously.

The Board of Adjustment shall hear and decide all appeals, variance requests and requests for interpretations consistent with the need to follow regularly established agenda procedures, provide notice and hold public hearings, and obtain the necessary information to make sound decisions.

(Ord. 1-96, 1996, §1; Ord. 2007-06, 2007, §4)

Sec. 16-5-50.   Burden of proof in appeals and variances.

(a) When an appeal is taken to the Board of Adjustment, the Administrator shall have the initial burden of presenting to the Board of Adjustment sufficient evidence and argument to justify the order or decision under appeal. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

(b) The burden of presenting evidence sufficient to allow the Board of Adjustment to reach any conclusions, as well as the burden of persuasion on relevant issues, remains with the applicant seeking the variance.

(Ord. 1-96, 1996, §1)

Sec. 16-5-60.   Board of Adjustment action on appeals.

(a) The Board of Adjustment, before deciding requests for appeals or variances, shall hold a public hearing following standard hearing procedures.

(b) A motion to reverse or modify any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant upon any matter which it is required to pass under this Code shall require the concurring vote of four (4) members of the Board. All orders to reverse, affirm or modify the order, requirement, decision or determination appealed from shall include, to the extent practicable, a statement of the specific reasons or findings of fact that support the order.

(c) A motion to deny a variance may be made on the basis that more than one (1) of the criteria set forth in Section 16-5-20 are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the Board of Adjustment's decision if supported by a majority of the Board of Adjustment's membership present.

(Ord. 1-96, 1996, §1; Ord. 1-98, 1998, §1; Ord. 1-02, 2002)

## ARTICLE VI   Nonconforming Situations

[Sec. 16-6-10. Definitions.](#BK_038FF9503FCF52648CE621089BE7CC00)

[Sec. 16-6-20. Continuation of nonconforming situations and completion of nonconforming projects.](#BK_6954204DBBD30CB50446BE684D6D79B5)

[Sec. 16-6-30. Undeveloped nonconforming lots.](#BK_7A49946AB52DAC686282709E59FE86A1)

[Sec. 16-6-40. Extension or enlargement of nonconforming situations.](#BK_E141EEB98BEEE110CBDD1AD403EB2ED0)

[Sec. 16-6-50. Repair, maintenance and reconstruction.](#BK_9FC06C91C5CCF7C5846748985DAE308B)

[Sec. 16-6-60. Change in use of property where a nonconforming situation exists.](#BK_E68D3303A3A3D4191B1FD404DA734745)

[Sec. 16-6-70. Discontinuation and termination of nonconforming situation.](#BK_6BF81001A5379EC082DF8884D115D646)

[Sec. 16-6-80. Completion of nonconforming projects.](#BK_7A84993E7876A81EBC48B33C953970E6)

[Sec. 16-6-90. Nonconforming situations regarding livestock.](#BK_CBAFBD1E6ABDBF0193E208A4F1D98AC7)

Sec. 16-6-10.   Definitions.

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this Article shall have the meaning indicated when used in this Article.

(1) *Dimensional nonconformity* means a nonconforming situation that occurs when the height, size or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

(2) *Effective date of the ordinance codified herein*. Whenever this Article refers to the effective date of the ordinance codified herein, the reference shall be deemed to include the effective date of any amendments to this Chapter if the amendment, rather than the ordinance codified herein as originally adopted, creates a nonconforming situation.

(3) *Expenditure* means a sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

(4) *Nonconforming sign* means a sign that, on the effective date of the ordinance codified herein, does not conform to one (1) or more of the regulations set forth in this Chapter.

(5) *Nonconforming situation* means the situation when, on the effective date of the ordinance codified herein, an existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum square footage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Chapter or because land or buildings are used for purposes made unlawful by this Chapter.

(Ord. 1-96, 1996, §1; Ord. 1-98, 1998, §1)

Sec. 16-6-20.   Continuation of nonconforming situations and completion of nonconforming projects.

(a) Unless otherwise specifically provided in this Chapter and subject to the restrictions and qualifications set forth in Sections 16-6-30 and 16-6-80 below, nonconforming situations that were otherwise lawful on the effective date of the ordinance codified herein may be continued.

(b) Nonconforming projects may be completed only in accordance with the provisions of Section 16-6-80 below.

(Ord. 1-96, 1996, §1)

Sec. 16-6-30.   Undeveloped nonconforming lots.

(a) When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except for the required lot minimums, then the lot may be used as proposed. However, no use (e.g., a two-family residence) requiring a lot size greater than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

(b) When the use proposed for a nonconforming lot is one that is conforming in all respects but the applicable setback requirements, then the Town may allow deviations from the applicable setback requirements if it finds that:

(1) The property cannot reasonably be developed for the use proposed without such deviations;

(2) These deviations are necessitated by the size or shape of the nonconforming lot; and

(3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

(c) For purposes of Subsection (b) above, compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

(d) Adjacent nonconforming lots under the same ownership at the date the ordinance codified herein becomes effective may not utilize the provisions of this Subsection, nor may the successors in interest of these lots. The interest of this Section is to require undeveloped nonconforming lots to be combined with adjacent like lots to create conforming lots.

(Ord. 1-96, 1996, §1)

Sec. 16-6-40.   Extension or enlargement of nonconforming situations.

(a) Except as specifically provided in this Section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

(1) An increase in the total amount of space devoted to a nonconforming use; or

(2) Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.

(b) A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Chapter, was manifestly designed or arranged to accommodate such use. However, subject to Section 16-6-80 below (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.

(c) A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use involving the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the limits of its existing permit within the lot.

(Ord. 1-96, 1996, §1)

Sec. 16-6-50.   Repair, maintenance and reconstruction.

(a) Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than fifty percent (50%) of the appraised valuation of the structure to be renovated, may be done only in accordance with a zoning permit issued pursuant to this Chapter.

(b) If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed fifty percent (50%) of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a zoning permit issued pursuant to this Section.

(c) For purposes of Subsections (a) and (b) above:

(1) The *cost of renovation, repair or replacement* means the fair market value of the materials and services necessary to accomplish such renovation, repair or replacement, as reflected in the plans submitted for a building permit, or other materials supplied by the applicant. The *cost of renovation, repair or replacement* shall include the total cost of all such intended work, and no person may seek to avoid the intent of Subsection (a) above by doing such work incrementally.

(2) The *appraised valuation* means the valuation determined by a professionally recognized property appraiser.

(d) The Administrator shall issue the zoning permit authorized by this Section if he or she finds that, in completing the renovation, repair or replacement work:

(1) No violation of Section 16-6-40 above will occur; and

(2) The permittee will comply to the extent reasonably possible with all provisions of this Chapter applicable to the existing use (except that the permittee shall not lose his or her right to continue a nonconforming use).

Reasonably possible compliance does not include increasing the size of a lot or moving a substantial structure sited on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

(Ord. 1-96, 1996, §1)

Sec. 16-6-60.   Change in use of property where a nonconforming situation exists.

A change in use of a nonconforming situation sufficiently substantial to require a new zoning or special use permit may only be made in accordance with Subsections (1) through (3) below:

(1) If the intended change in use is to a principal use permissible in the district where the property is located, and all other requirements of this Chapter can be complied with.

(2) If the intended change in use is to a principal use permissible in the district where the property is located, but not all requirements of this Chapter can reasonably be complied with, provided that the proposed change does not add additional nonconformity's or increase the extent of nonconformity.

(3) If the intended change in use is to another principal use that is also nonconforming, then the permit-issuing board must find that the proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the current use.

(Ord. 1-96, 1996, §1)

Sec. 16-6-70.   Discontinuation and termination of nonconforming situation.

(a) When a nonconforming use is discontinued or abandoned for a consecutive period of one (1) year, future uses may be for conforming purposes only.

(b) The following uses must meet all the requirements of this Chapter except those specific to that particular nonconformity if it cannot be reasonably eliminated. The permit shall specify which nonconformity's need not be corrected.

(c) For the purposes of this Section, all of the buildings, activities and operations maintained on a lot are generally considered as a whole. For example, failing to rent one (1) apartment in a nonconforming apartment building for one (1) year shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. However, discontinuing an accessory nonconforming use for the required period shall terminate the right to maintain it thereafter.

(d) When a structure or operation made nonconforming by this Chapter is vacant or discontinued at the effective date of the ordinance codified herein, the one-year period for purposes of this Section begins to run on the effective date of the ordinance codified herein.

(e) When a formal complaint is filed against a nonconforming use or the Administrator determines that a nonconforming use is having an adverse impact on surrounding properties or the Town, then the Board of Adjustment shall hold a public hearing on these complaints. This hearing shall determine if a demonstrated adverse impact exists to the development, use or enjoyment of the surrounding properties or the Town. If such a finding is made, the Board of Adjustment shall establish a termination date for the nonconforming use, including an amortization schedule if appropriate.

(Ord. 1-96, 1996, §1)

Sec. 16-6-80.   Completion of nonconforming projects.

(a) Only nonconforming projects which have been legally initiated by the effective date of the ordinance codified herein may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this Subsection shall apply only to the particular phase under construction.

(b) Except as provided in Subsection (a) above, all projects may begin or may be continued only pursuant to a variance, zoning, special use, conditional use or sign permit issued in accordance with this Chapter by the Town.

(c) The Administrator shall send copies of this Section to the persons listed as owners for tax purposes (and developers, if different from the owners) of all properties to which permits have been issued for nonconforming projects or in regard to which a nonconforming project is otherwise known to be in some stage of development. This notice shall be sent by mail not less than fifteen (15) days before the effective date of the ordinance codified herein.

(Ord. 1-96, 1996, §1)

Sec. 16-6-90.   Nonconforming situations regarding livestock.

(a) On any lot or parcel of property where livestock was kept prior to July 21, 1997, such livestock may continue to be kept by the owner or occupant of such lot or parcel as a use by special review.

(b) The livestock to be kept on such lot or parcel shall not exceed two (2) large animals (cattle, horses, llamas, mules or other similar sized animals) per acre or four (4) small animals (sheep or goats [hogs shall not be allowed]) per acre.

(c) The use by special review contemplated by this Section shall be available only to persons, occupants or owners of any lot or parcel who maintained livestock on such lot or parcel prior to July 21, 1997 and who have more than one (1) acre of land on which the animals will be maintained. Upon hearing the request for use by special review, the Board of Trustees may impose such conditions upon the granting of the use by special review as may be appropriate, including a more restrictive limitation on animals, limit the use to a number of years, screening, odor control, insect control and such other restrictions as the Board of Trustees may deem appropriate.

(d) Any use granted pursuant to this Section, shall be personal to the owner or occupant of any lot or parcel of property, and shall expire upon the sale or transfer of any such lot or parcel.

(e) When any owner who has maintained livestock or who has allowed livestock to be maintained on any lot or parcel on July 21, 1997, subsequently sells, transfers or conveys, including conveyances by descent or inheritance, then such right to maintain livestock on such lot or parcel shall terminate.

(f) If the keeping of livestock is at any time interrupted or terminated on any lot or parcel for a period of thirty (30) days, then the right to maintain livestock on such lot or parcel shall be considered abandoned and terminated and any permit granted pursuant to this Section shall expire.

(g) The requirements of this Section shall apply to all land use districts, except the Agricultural District.

(h) It is the intent of this Section to reduce the conflict between urban and rural land uses within the Town, and therefore uses described in this Section shall not be expanded to any lot or parcel which was not used for livestock prior to the adoption of the Zoning Code on or about July 21, 1997.

(i) In the event of confusion or conflict in the interpretation of the ordinance codified herein, it shall not be interpreted to have created a vested right in any property owner and shall be interpreted and construed as an intent to gradually phase out the raising of livestock in the Town within a reasonable time after the adoption of the Zoning Code.

(Ord. 3-97, 1997, §2; Ord. 97-7, 1997, §1)

## ARTICLE VII   Signs

[Sec. 16-7-10. Signs permitted.](#BK_7B071FA45D656FCE45C7DA26932DBC6C)

[Sec. 16-7-20. Definitions.](#BK_3D1268BD280A95B9704D4868BC5DB7E0)

[Sec. 16-7-30. Permits and limitations.](#BK_4E6D6D938737BD1A16B620A7D3860604)

[Sec. 16-7-40. Design and construction.](#BK_220F343D8F08A6B23D80FFA5611185B0)

[Sec. 16-7-50. Signs prohibited in all zone districts.](#BK_DF73795E639A2DA091604178F3170AFE)

[Sec. 16-7-60. Certain signs exempt from permit requirements.](#BK_037F409DA66BEE4032890206B776C265)

[Sec. 16-7-70. Nonconforming signs.](#BK_D9EFCA166EAA8CB66842EE4F145C20FA)

[Sec. 16-7-80. Special permits — process.](#BK_E3171D5EB93F3089DBB060F364B747AF)

[Sec. 16-7-90. Maintenance.](#BK_1692577C635B6FB57D2E1DA6323C8C2F)

[Sec. 16-7-100. Existence of dilapidated or hazardous sign prohibited.](#BK_E47C748681391A239A3CEB45631FB868)

[Sec. 16-7-110. Conditions raising presumption that sign is dilapidated or hazardous.](#BK_333355A7C044B2C4C034D84938D9A763)

[Sec. 16-7-120. Notice of violation.](#BK_31C0C39EC3EBD16F15C3392DB0E7C109)

[Sec. 16-7-130. Service of notice and order.](#BK_0849BFEB67EF40870702F0BDBA41542E)

[Sec. 16-7-140. Request for hearing.](#BK_90C7E5429A3216053ED76AF8EA0EAC53)

[Sec. 16-7-150. Procedure for hearing.](#BK_C20A00ED9BD50D754A66E3D8BDCBCF2E)

[Sec. 16-7-160. Removal of sign from property.](#BK_F39E6D25735CB5A870F08D055B8FFE55)

[Sec. 16-7-170. Abatement by Town; collection of costs.](#BK_B4C97C0B165DEB2BC63796B89FB0F8FA)

[Sec. 16-7-180. Enforcement authority.](#BK_C053EBA4880550E4C6FE743EAD57ED0E)

[Sec. 16-7-190. Right of entry on property.](#BK_577BE5C366D54869E3FBBFD1680998AC)

[Sec. 16-7-200. Violation; penalty.](#BK_73DE58E4434B01D74B3089C238204815)

Sec. 16-7-10.   Signs permitted.

Signs may be permitted in the various zoning districts as accessory uses in accordance with the following regulations. Signs may also be subject to additional requirements of the Colorado Department of Transportation. It shall be unlawful to erect a sign without a building permit as provided hereafter.

(Ord. 1-02, 2002)

Sec. 16-7-20.   Definitions.

For the purposes of this Chapter, the words set out in this Section shall have the following meanings:

(1) *Address signs* means signs that give only the address or name of a building or residence, limited to two (2) square feet and without reference to, or inclusion of, the name or logo of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the use. No more than two (2) address signs shall be permitted per dwelling or place of business per street front.

(2) *Area per face* means the total area per face of a sign used for advertising, including any border or trim, but excluding the base, apron, supports and other structural members that do not contain advertising.

(3) *Commemorative sign* means a sign, tablet, cornerstone or plaque less than ten (10) square feet memorializing a person, event, structure or landmark.

(4) *Commercial sign, residential zone* means a sign within a residentially zoned property identifying a permitted use within such zoning district (i.e., mortuaries, privately owned golf course or preschool). *Commercial signs, residential zone* are subject to review as required by special permit process.

(5) *Community event signs* provide information relating to any community event sponsored by a nonprofit group or agency. The maximum size of any single community event sign shall be six (6) square feet. All such community event signs shall be attached to permanent structures. For any building frontage, a total of one (1) square foot of community event signage is permitted for every four (4) lineal feet of building frontage.

(6) *Community facility sign* means a sign within a residentially zoned district identifying a permitted use within such zoning district and which use facilitates a community service (e.g., museum, fire department, public school).

(7) *Contractor signs* means signs not more than thirty-two (32) square feet in size, unless additional signage is required by federal or state law, naming those engaged in the design, financing, marketing and/or construction on the property where the sign is located. *Contractor signs* may be installed no more than twenty-one (21) days before receiving a building permit and must be removed within twenty-one (21) days after the completion of construction.

(8) *Directional on-site signs* means signs that direct the movement or placement of pedestrian or vehicular traffic on a lot. Any individual on-site directional sign shall not exceed six (6) square feet in size. Examples include "entrance" or "exit," "restrooms," "parking" and "loading area."

(9) *Flag, pennant* or *insignia* means any flag, pennant or insignia of any organization of nations, states or cities, or fraternal, religious or civic organizations or any educational institutions. Such flag, pennant or insignia is limited to one hundred (100) square feet in size, excluding the United States flag, which has no size limitation.

(10) *Freestanding* or *ground sign.* A *freestanding sign* is a detached sign which is supported by one (1) or more columns, uprights, poles or braces which extend from the ground or from an object on the ground, provided that no part of the sign is attached to any part of any building, structure or other sign. A *ground sign* is a type of freestanding sign which is erected on the ground and which contains no free air space between the ground and the top of the sign.

(11) *Incidental signs* means signs, emblems or decals attached to a permanent structure informing the public only of those facilities or services available on the premises, such as a credit card sign, a gas price sign, or a sign indicating hours of business. Any single incidental sign shall not exceed one and one-half (1½) square feet. The total amount of incidental signage shall be equal to or less than one (1) square foot of signage for every ten (10) lineal feet of street frontage.

(12) *Lot* means the area of ground the establishment or residence customarily or ordinarily uses for conducting business or residing upon.

(13) *Nonconforming signs* means signs which were lawfully constructed prior to the enactment of this Code, but which do not comply with the provisions of this Code. *Nonconforming signs* must be maintained as required in Section 16-7-90.

(14) *Off-premises* or *off-site sign* means an advertising device which does not meet nor comply with the definitions of an *on-premises* or *on-site sign.*

(15) *On-premises* or *on-site sign* means an advertising device advertising activities conducted on the property on which it is located or advertising the same or lease of the property on which it is located.

(16) *Permanent structure* means buildings, sign structures, utility poles and similar devices which are structurally bound and designed to remain continuously in place. Trees, shrubbery and other natural vegetation shall not be considered as permanent structures. All permanent structures must be located on private property.

(17) *Political sign* means a sign relating to public election that does not exceed thirty-two (32) square feet per face in area, provided that such sign shall not be posted more than forty-five (45) days prior to the election to which the sign relates and shall be removed within fifteen (15) days after the election to which the sign relates.

(18) *Prohibited activities signs* means signs located on a property posting said property for warning or prohibition, such as "No hunting" or "No swimming." Such signs shall be no larger than three (3) square feet and not spaced closer than twenty (20) feet to each other.

(19) *Public phone sign* means a sign less than three (3) square feet per face (maximum of two (2) faces) identifying the phone's location and limitation to the word "phone" and/or an illustration of a phone.

(20) *Public signs* means signs required or specifically authorized for a public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, location, illumination or animation required by the law, statute or ordinance under which the signs are erected.

(21) *Quasi-commercial sign* means a sign within a residentially zoned property which identifies a permitted use within such zoning district and which is not used for the purpose of advertising, identifying or announcing any commercial product, good, establishment, facility or service (e.g., Riverside Church, Boy Scouts of America, Moose Lodge). *Quasi-commercial signs* are subject to review as required in Section 16-7-80.

(22) *Real estate sign* means a sign on the offered property of not more than six (6) square feet per face for residential and thirty-two (32) square feet per face for commercial and industrial property which advertises for sale, rental or lease of the premises or property upon which said sign is located.

(23) *Religious* or *ideological sign* means a sign which conveys one's view on worship, ethics, philosophy of life or similar beliefs. *Religious* or *ideological signs* do not include political signs, which are addressed elsewhere in this Section.

(24) *Residential complex* or *subdivision identification sign* means an on-site sign not exceeding a total of twenty (20) square feet (includes all faces). Only one (1) residential complex identification sign is permitted for each driveway or roadway which provides public access to the residential complex.

(25) *Roof sign* means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the parapet of a building with a flat roof, or above the peak of the roof of that portion of the roof on which the sign is placed.

(26) *Sign* means any outdoor advertising device, display, figure, painting, drawing, message, placard, poster, billboard, structure or any other contrivance designed, intended or used to advertise or to give information in the nature of advertising and having the capacity of being seen from the travel way of any road, street, highway or other public right-of-way.

(27) *Sign area* means the portion of any wall which is covered by one (1) or more signs.

(28) *Sign cabinets* means individual modules or panels containing signage supported by the same structural elements and separated by an air space, excluding necessary supports.

(29) *Special signs* means signs such as counter balance, sandwich boards, A-frames and similar devices. Special signs are allowed in addition to other signage provided that the following criteria are met:

a. No more than one (1) special sign shall be allowed for each street frontage.

b. The total area per face of any one (1) special sign is limited to sixteen (16) square feet.

c. Special signs must be maintained as required in Section 16-7-90.

d. Special signs shall not be allowed to be placed on public rights-of-way.

(30) *Street frontage* means that part of a lot which adjoins any public right-of-way, excluding alleys.

(31) *Temporary signs* means signs such as banners, pennants and balloons which are customarily used to identify grand openings, open houses, special sale events and similar activities. Any such sign shall be allowed for a maximum period of thirty (30) days in any calendar year.

(32) *Wall* means the exterior face of any building, including but not limited to, mansards, parapets, doors and similar architectural features, excluding windows, which have the capability of being seen from the public right-of-way. For the purpose of calculating the maximum allowable sign areas, sections of walls which have varying angles from adjoining sections shall be considered separate walls.

(33) *Window signs* include any type of sign that is painted or attached to or within twelve (12) inches of any exterior window. There are two (2) categories of window signs:

a. *Temporary window signs* are the type of sign placed in a window which customarily advertises special sales or events. *Temporary window signs* are allowed for a maximum period of ten (10) consecutive days.

b. *Permanent window signs* are signs such as neon logos, marquis and similar devices which customarily advertise a brand name and more or less remain displayed year-round.

*Window signs* are allowed in addition to other signage provided that no more than fifty percent (50%) of any window on any building is covered by signage.

(Ord. 1-02, 2002)

Sec. 16-7-30.   Permits and limitations.

(a) Signs in Commercial (C) and Industrial (I) Zoning Districts. One (1) or more signs, fixed to buildings or freestanding, may be located on any lot in all Commercial and Industrial Zoning Districts subject to the following limitations:

(1) Prior to the installation or erection of any sign structure, a building permit must be secured from the Town. Fees shall be charged in accordance with the fees established for commercial building permits.

(2) The maximum total surface area, including border and trim of all signs on any lot, shall not exceed two (2) square feet multiplied times the number of lineal feet of the street frontage of the lot, not to exceed one hundred twenty-five (125) square feet.

(3) The maximum total area per face of any one (1) sign shall not exceed one hundred twenty-five (125) square feet. Additional signs erected on the same support structure shall not exceed thirty-two (32) square feet each per cabinet. No more than four (4) individual cabinets per sign structure shall be permitted.

(4) No on-premises freestanding sign, including border and trim, shall be higher than twenty-five (25) feet above the surrounding ground level.

(5) The maximum sign area permitted for any wall sign shall not exceed twenty-five percent (25%) of the area of such wall or one hundred twenty-five (125) square feet.

(6) No more than one (1) freestanding or ground sign shall be permitted for any lot or parcel consisting of more than one (1) lot if several lots are combined to form a single building site.

(7) Special permits for exceptions to Subsections (2), (3), (4) and (5) above may be granted by the Board of Trustees as permitted by Section 16-7-80.

(b) Signs in Residential Zoning Districts. One (1) or more signs, fixed to buildings or freestanding, may be located on any lot or parcel consisting of more than one (1) lot if several lots are combined to form a single building site and may be located in the Residential Districts subject to the following limitations:

(1) Prior to the installation or erection of any sign structure, a building permit must be secured from the Town. Fees shall be charged in accordance with the fees charged for residential building permits.

(2) Signs which are defined as Commercial Sign-Residential Zone, may be located within residentially zoned property, but shall not exceed sixteen (16) square feet per face.

(3) Signs which are defined as Community Facility Signs may be located within residential zone districts.

(4) Quasi-commercial signs may be located within residentially zoned property, but shall not exceed sixteen (16) square feet per face.

(c) Signs in Planned Unit Development (PUD) Zoning Districts. One (1) or more signs, fixed to buildings or freestanding, may be located on any lot in all PUD zoned districts, subject to the following limitations:

(1) Prior to the installation or erection of any sign or sign structure, a building permit must be secured from the Town. Fees shall be charged in accordance with the fees charged for PUD building permits.

(2) All signs located in PUD zoned districts are subject to review as required in Section 16-7-80. Signs which are reviewed in conjunction with the final plan review process required for PUD approvals shall be considered as complying with the aforementioned review process.

(Ord. 1-02, 2002)

Sec. 16-7-40.   Design and construction.

(a) The design and construction of signs in all zoning districts are subject to the following requirements:

(1) Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this Section. Bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs supported on buildings, the dead and lateral loads shall be transmitted to the ground in a manner so as to avoid overstressing the elements of the structural frame. The overturning moment produced by lateral forces shall not exceed two-thirds (?) of the dead-load resisting moment. Uplift due to overturning shall be resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

(2) Signs and sign structures shall be designed and constructed to resist wind forces as specified in Chapter 23 of the Building Code, as amended.

(3) Signs and sign structures shall be designed and constructed to resist seismic forces as specified in Chapter 23 of the Building Code, as amended.

(4) Wind and seismic loads need not be combined in the design of signs or sign structure; only the loading producing the larger stress need be used. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with wind or seismic loads.

(5) The design of wood, concrete, steel or aluminum members shall conform to the requirements of Chapters 25, 26, 27 and 28 of the Building Code, as amended. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in Chapter 29 of the Building Code, as amended. The working stresses of wire rope and its fastenings shall not exceed twenty-five percent (25%) of the ultimate strength of the rope or fasteners. Working stresses for wind or seismic loads combined with dead loads may be increased as specified in Chapter 23 of the Building Code, as amended.

(b) Construction.

(1) Supports for signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.

(2) The following Uniform Building Code standards are part of this Code. The other standards listed are not adopted as part of this Code and are guideline standards, compliance with which is prima fascia evidence of compliance with the standard of duty to design and construct signs which are reasonably safe for persons and property.

a. Uniform Building Code Standard No. 4-1, Noncombustible Material Test.

b. Uniform Building Code Standard No. 27-1, Material Specification for Structural Steel. Uniform Building Code Standard No. 27-9, Specification for the Design of Cold-Formed Structural Members.

c. Uniform Building Code Standard No. 42-1, Test Method for Surface Burning Characteristics of Building Materials. Uniform Building Code Standard No. 52-2, Chamber Method of Test for measuring the Density of Smoke from Burning or Decomposition of Plastic Materials.

d. ASTM D 1929-68 (1975), Ignition Properties of Plastics. ASTM D 635-74, Method for Determining Classification of Approved Light Transmitting Plastics.

(3) Materials utilized for signs and sign structure shall be of the quality and grade as specified for buildings in the Building Code. In signs and sign structures the materials and details of construction shall, in the absence of specified requirements, conform with the following:

a. Structural steel shall conform with Uniform Building Code Standard No. 27-1. Secondary members in contact with or directly supporting the display surface may be formed of light gauge steel, provided such members are designed in accordance with the specifications of the design of cold formed steel as specified in Uniform Building Code Standard No. 27-9 and in addition shall be galvanized. Secondary members, when formed integrally with the display surface, shall be not less than 0.024 inches thick. When not formed integrally with the display surface, the minimum thickness of hot rolled steel members furnishing structural support for signs shall be one-quarter (¼) inch, except that if galvanized such members shall be not less than one-eighth (1/8) inch thick. Steel pipes shall conform with Uniform Building Code Standard No. 27-1. Steel members may be connected with one (1) galvanized bolt, provided the connection is adequate to transfer the load to supporting members.

b. Anchors and supports of wood embedded in the soil, or within six (6) inches of the soil, shall be all heartwood of a durable species or shall be pressure treated with an approved preservative. Such members shall be marked or branded by an approved agency.

(4) Freestanding or ground signs may be constructed of any material meeting the requirements of this Code. All other signs shall be constructed of noncombustible materials, except that nonelectric wall signs may be constructed of unprotected combustible materials on walls permitted to be of unprotected combustible construction. Combustible materials other than approved plastics shall not be used in the construction of electric signs.

(5) Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics or a combination thereof.

(6) Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either the horizontal or vertical directions shall not exceed the safe values. Braced ground signs shall be anchored to resist specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force twenty-five percent (25%) greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

a. Portable ground signs supported by frames or posts rigidly attached to the base shall be proportioned so that the weight and size of the base will be adequate to resist the wind loads specified in this Chapter.

b. Signs attached to masonry, concrete or steel shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. Wooden blocks or plugs or anchors with wood used in connection with screws or nails shall not be considered to provide anchorage, except for signs attached to wood framing.

c. The anchorage or support of a sign shall not be connected to, or supported by, an unbraced parapet wall, unless the wall is designed in accordance with the requirements for parapet walls specified for seismic zones in the Building Code.

(7) Display surfaces of signs may be made of metal, glass or approved plastics. Glass thickness and area limitations shall be as set forth in the following table:

\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |
| --- | --- | --- |
| Maximum Size of Glass Panel | Minimum Thickness ofGlass (in inches) | Type of Glass |
| Any Dimension(in inches) | Area(in square inches) |
| 30 | 500 | 1/8 | Plain, plate or wired plain |
| 45 | 700 | 3/16 | Plate or wired |
| 144 | 3,600 | ¼ | Plain, plate or wired |
| Over 144 | Over 3,600 | ¼ | Wired glass |

\_\_\_\_\_\_\_\_\_\_\_\_

Sections of approved plastics on wall signs shall not exceed one hundred twenty-five (125) square feet in area. Sections of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by required exterior wall construction.

EXCEPTION: Sections of approved plastics on signs other than wall signs may not be required to be separated if approved by the Building Official.

(8) Substantiating data shall be submitted to the Building Official to justify the proposed use of plastic materials; if it is determined that the evidence submitted is satisfactory for the use intended, the use may be approved.

(c) Projection clearance.

(1) Signs shall conform to the clearance and projection requirements of this Section.

(2) Signs shall be located not less than six (6) feet horizontally or twelve (12) feet vertically from overhead electrical conductors which are energized in excess of seven hundred fifty (750) volts. The term *overhead conductors* as used in this Section means an electrical conductor, either bare or insulated, installed above the ground, except when conductors are enclosed in iron pipe or other approved material covering of equal strength.

(3) Signs or sign structures shall not be erected in such a manner that a portion of their surface or supports will interfere with the free use of any fire escape, exit or standpipe.

(4) Signs shall not obstruct openings to the extent that light or ventilation is reduced to a point below that required by the Uniform Building Code. Signs erected within five (5) feet of an exterior wall in which there are openings within the area of the sign shall be constructed of noncombustible material or approved plastics.

(5) Signs or sign structures shall not project into public rights-of-way or alleys.

(6) Signs shall not project within two (2) feet of the curb line or the right-of-way line.

(7) Clearance above driveways, parking lots and pedestrian ways:

a. Signs shall not project over driveways, parking lots or similar areas of vehicular travel below a height of fourteen (14) feet above grade.

b. Signs shall not project over pedestrian ways below a height of eight (8) feet above grade.

(d) Electrical signs. Electric signs shall be constructed of noncombustible material, except as provided in this Section.

(1) The enclosed shell of electric signs shall be watertight, except that service holes fitted with covers shall provide access into each compartment of the sign.

(2) Electrical signs and equipment used in connection with such signs shall be installed in accordance with local ordinances regulating electrical installations and the electrical components used shall bear the label of an approved agency.

(3) Electric signs shall have the name of the sign erector and date of erection included on the surface of the sign. The name and date shall be of sufficient size and contrast to be readable from a reasonable distance.

(e) Special and temporary signs. Special and temporary signs shall be supported and attached in such a manner to prevent any sign or portion, member or appurtenance thereof from becoming detached or dislodged, or to collapse and thereby injure persons or damage property.

(Ord. 1-02, 2002)

Sec. 16-7-50.   Signs prohibited in all zone districts.

The following signs shall be prohibited in all zoning districts:

(1) Mechanical or electrical appurtenances, such as "revolving beacons" which are obviously designed just to compel attention;

(2) Flashing red, green or amber signs located within one hundred (100) feet of an intersection;

(3) Any sign or portion of a sign that utilizes an exposed incandescent or high intensity lamp, with the exception of Neon, in such a fashion as to project light directly onto adjoining property or right-of-way;

(4) Off-premises advertising device. Any stationary sign or other device which advertises a business establishment, good, facility, service or product which is not sold or conducted on the premises on which the sign or device is located.

(5) Roof sign.

(6) Advertising signs in public right-of-way.

(7) Signs attached to utility poles, traffic sign poles or any other sign causing a traffic hazard.

(Ord. 1-02, 2002)

Sec. 16-7-60.   Certain signs exempt from permit requirements.

The following signs are exempt from permit requirements as established in Sections 16-7-30 and 16-7-40:

(1) Address signs.

(2) Commemorative signs.

(3) Community event signs.

(4) Community Facility Signs.

(5) Contractor signs.

(6) Directional on-site signs.

(7) Flag, pennant or insignia.

(8) Holiday decorations.

(9) Incidental signs.

(10) Political signs.

(11) Prohibited activities signs.

(12) Public phone signs.

(13) Public signs.

(14) Real estate signs.

(15) Religious or ideological signs.

(16) Residential complex or subdivision identification signs not exceeding twenty (20) square feet.

(17) Special signs not exceeding sixteen (16) square feet.

(18) Temporary signs.

(19) Window signs.

(Ord. 1-02, 2002)

Sec. 16-7-70.   Nonconforming signs.

A legal nonconforming sign may continue to exist unless one (1) or more of the following conditions occurs:

(1) The sign is damaged to an extent of more than fifty percent (50%) of its total replacement value.

(2) Copy area on the sign is increased in size. For the purpose of this Section, copy does not include the background panels; however, the total area of the sign which contains advertising, messages, script, logos or similar coverage shall be included in determining the size of the copy area.

(3) The goods or services of a business which are identified by the sign are no longer provided on the premises and have not been provided for one hundred twenty (120) consecutive days or more.

(Ord. 1-02, 2002)

Sec. 16-7-80.   Special permits — process.

Special permits for exceptions to size, height, location and quantity of signs or for special and temporary signs may be granted provided all of the following criteria are met:

(1) A written request for a variance from this Chapter is filed with the Town Clerk. The Board of Trustees shall set a public hearing prior to granting or denying a request for a special permit. No special permit, pursuant to this Section, shall be granted unless the Board of Trustees finds that:

a. Such sign is found to be compatible with the surrounding area;

b. Such sign is found to be harmonious with the character of the area;

c. Such sign shall not adversely affect the immediate area;

d. Such sign shall not adversely affect the future development of the area;

e. Due to the proposed geographical location of such sign or other physical situation of the land or building, practical difficulty or unnecessary hardship which has not been self-imposed would deprive the owner/tenant of the property of the reasonable use of signs as a means of advertising;

f. An undue concentration of signage is not created by the granting of an exception to the limitations established by this Code; and

g. The purpose and intent of this Code is maintained.

(2) If a special permit is granted for a sign, then the work on such sign for which the special permit applies must be commenced within three (3) months of the approval and completed within six (6) months. No extension of time may be granted. Limitations may be placed on the granting of the special permit for the sign, including limitations as to location, size, which varies from the requirements of this Code, the duration for which the sign is allowed, including limiting the sign to a specific number of years or requiring re-application after a period of years.

(Ord. 1-02, 2002; Ord. 2012-04, 2012, §36)

Sec. 16-7-90.   Maintenance.

All signs must be maintained in good structural and visually attractive condition at all times, and kept neatly painted, including all structural supports and metal trim. Components of signs which are made of rust-resistive materials need not be painted; however, such components must be maintained in good condition. For the purpose of Section 16-7-20, the definition of *sign* includes all necessary supports, brackets, framework, structural components and similar equipment whether or not an actual sign is attached or in place.

(Ord. 1-02, 2002)

Sec. 16-7-100.   Existence of dilapidated or hazardous sign prohibited.

It is unlawful for any person, partnership, corporation or their agent, either as owner, lessee, tenant or occupant of any lot or land within the Town, to allow any sign or portion of a sign to exist which is dilapidated or hazardous.

(Ord. 1-02, 2002)

Sec. 16-7-110.   Conditions raising presumption that sign is dilapidated or hazardous.

Any of the following conditions shall raise the presumption that a sign is dilapidated or hazardous:

(1) Whenever any sign or portion, member or appurtenance thereof is likely to fail, to become detached or dislodged or to collapse and thereby injure persons or damage property.

(2) Whenever any sign or portion thereof, because of obsolescence, deterioration, damage, decay, inadequate maintenance or any other reason is in such a condition as to constitute a public nuisance.

(3) When any sign or portion thereof exhibits visually obvious conditions of poor maintenance such as, but not limited to, the lack of paint applied in a neat, workmanlike manner, faded, broken or missing panels or general deterioration.

(4) Whenever any sign or portion thereof has been damaged by fire, earthquake, wind, flood or any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe.

(Ord. 1-02, 2002)

Sec. 16-7-120.   Notice of violation.

Whenever an apparent violation of this Chapter is observed by an enforcement official of the Town, the official must cause a written notice to be served upon the person in possession, control or ownership of the property in question. Such notice must include:

(1) The location of the violation sufficient for identification of the sign involved.

(2) A statement that the official has found the sign to be in violation of this Section and a brief description of the conditions found to render the sign as such.

(3) A statement of the action required to be taken to bring such sign into compliance.

(4) A statement advising that if any required repair or demolition is not completed within the time specified, the enforcement official will order the removal of the sign, with the cost of removal to be levied against the property involved and/or made a personal obligation of the property owner.

(5) A statement advising that any person having legal interest in the sign or property involved may file a written request for a hearing before the Board of Trustees within ten (10) days after receipt of notice.

(Ord. 1-02, 2002)

Sec. 16-7-130.   Service of notice and order.

The notice required by Section 16-7-120 shall be by first class mail, postage prepaid, to the address of the owner of the real estate and/or person in possession, control or ownership of the property in question, or personally served upon such individual by the enforcement official.

(Ord. 1-02, 2002)

Sec. 16-7-140.   Request for hearing.

The persons to whom notices are directed may file a written request for a hearing before the Board of Trustees within ten (10) days after receipt of the notice. Receipt shall be presumed three (3) days after mailing.

(Ord. 1-02, 2002)

Sec. 16-7-150.   Procedure for hearing.

The hearing shall be held as soon as practicable after the filing of the request and no later than forty-five (45) days after filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of such hearings at least five (5) days in advance thereof.

(Ord. 1-02, 2002)

Sec. 16-7-160.   Removal of sign from property.

If the violation described in the notice has not been remedied within the period of compliance or in the event that a notice requesting a hearing is timely filed, a hearing is held, and the existence of the violation is affirmed by the Board of Trustees, the enforcement official shall cause the removal of the sign. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon private property for the purpose of removing a sign under provisions of this Chapter.

(Ord. 1-02, 2002)

Sec. 16-7-170.   Abatement by Town; collection of costs.

(a) In the event any sign found to be in violation of the provisions of this Chapter is removed and disposed of by the order of the administrative authority, the total cost of removing and disposing of such sign shall be paid to the Town Clerk within thirty (30) days after mailing by the Town Clerk to the owner of such property, by first class mail, postage prepaid, notice of assessment of such cost.

(b) Failure to pay such assessment within such period of thirty (30) days shall cause such assessment to become a lien against such property, and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified, at any time after such failure to so pay the same within thirty (30) days, by the Town Clerk to the County Treasurer, to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, and/or such costs may be made a personal obligation of the property owner.

(Ord. 1-02, 2002)

Sec. 16-7-180.   Enforcement authority.

The administrative authority is authorized and directed to administer and enforce all of the provisions of this Chapter.

(Ord. 1-02, 2002)

Sec. 16-7-190.   Right of entry on property.

Upon presentation of proper credentials, the administrative authority or agents of the Town may enter upon any property, vacant lots or premises in the Town to perform any duty imposed by this Chapter.

(Ord. 1-02, 2002)

Sec. 16-7-200.   Violation; penalty.

Every person convicted of a violation of the provisions stated or adopted in this Chapter shall be punished by a fine as set forth in Section 1-4-20 of this Code. In addition, the Court shall order the defendant to remove such sign within thirty (30) days and, if the defendant fails to do so, the Town may remove such sign and charge to the property owner its costs, plus ten percent (10%) for inspection, administration and other incidentals.

(Ord. 1-02, 2002)

## ARTICLE VIII   Oil and Gas Facility Regulations

[Sec. 16-8-10. Purpose.](#BK_04E67BD8C1F3FAF1CAC646EFDE43CEA1)

[Sec. 16-8-20. Definitions.](#BK_2397B4F9620CBD48C3423E678155872A)

[Sec. 16-8-30. Requirements and procedures.](#BK_78DC0EE4AEF1C8AFCEE9A1258A89B16A)

[Sec. 16-8-40. Application elements.](#BK_5CC368E5C89459BA65BF5F5103ECA0C9)

[Sec. 16-8-50. Review criteria.](#BK_3754923C1759F23A42D1DAF99E59808A)

[Sec. 16-8-60. Notice to proceed.](#BK_15DBA727CE61AEBAFEEC86D0DE481A8A)

[Sec. 16-8-70. Building permit.](#BK_2820C0DB651F27E553A34F25130D6C39)

[Sec. 16-8-80. Well location and setbacks.](#BK_3525F769B72F0B1EF2667CAC8CABF136)

[Sec. 16-8-90. Compliance with state environmental requirements.](#BK_978A9B524CCADB0A025DDB5AD341BBB2)

[Sec. 16-8-100. Abandonment and plugging of wells.](#BK_5AD213C6293D40E7B9534CAA179FCC62)

[Sec. 16-8-110. Seismic operations.](#BK_C8B098820B6588F701640FBA3FC1841D)

[Sec. 16-8-120. Signage.](#BK_474ACF0698DB20DD4970B98178383C00)

[Sec. 16-8-130. Reclamation.](#BK_0C36719874F24A4D6FF854DCC9E5DEB3)

[Sec. 16-8-140. Geologic hazard/floodplain/ floodway location restrictions.](#BK_C2D641FB93A0EE26C4BE346DCF52D085)

[Sec. 16-8-150. Access roads.](#BK_E41D682E78EEBE52C84B550C7684941A)

[Sec. 16-8-160. Wildlife impact mitigation.](#BK_B2C5E31CFD70EDB8FAE1BD5164D88416)

[Sec. 16-8-170. Emergency response costs.](#BK_706488C42F22B46990CA912C6FE48BAF)

[Sec. 16-8-180. Violation and enforcement.](#BK_6195897513D597E04B2755CCE0FC9142)

Sec. 16-8-10.   Purpose.

These regulations are enacted to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the present and future residents of the Town. It is the Town's intent by enacting these regulations to facilitate the development of oil and gas resources within the Town while mitigating potential land use conflicts between such development and existing as well as planned land uses. It is recognized that, under state law, the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests, subject to compliance with the provisions of these regulations and any applicable statutory and regulatory requirements. The State has a recognized interest in fostering the efficient development, production and utilization of oil and gas resources, and in the prevention of waste and protection of the correlative rights of common source owners and producers to a fair and equitable share of production profits in a manner that is consistent with the protection of public health, safety and welfare. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner. Municipal governments have a recognized, traditional authority and responsibility to regulate land use within their jurisdiction. These regulations are intended as an exercise of this land use authority.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-20.   Definitions.

All terms used in this Article that are defined in the Act or in Commission regulations, and are not otherwise defined in this Section, are defined as provided in the Act or in such regulations as of June 18, 2012. All other words used in this Article are given their usual customary and accepted meaning, and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry. When not clearly otherwise indicated by the context, the following words and phrases used in this Article have the following meanings:

*Act* means the Oil and Gas Conservation Act of the State.

*Commission* or *OGCC* means the Oil and Gas Conservation Commission of the State.

*Day* means a period of twenty-four (24) consecutive hours.

*Director* means the Director of the Oil and Gas Conservation Commission of the State.

*Injection well* means any hole drilled into the earth into which fluids are injected for the purposes of secondary recovery, storage or disposal, pursuant to authorizations granted by the Commission.

*Inspector* means any person designated by the Town or by the Town's designee who shall have the authority to inspect well sites to determine compliance with this Article and other applicable ordinances of the Town.

*Oil and gas well* means any hole drilled into the earth for the purpose of exploring for or extracting oil, gas or other hydrocarbon substances.

*Operating plan* means a general description of a well site or a production site identifying the purpose, use, typical staffing, seasonal or periodic considerations, routine hours of operating, source of services/infrastructure and any other information related to regular functioning of that facility.

*Operator* means the person designated by the working interest owners as operator and named in Commission Form 2 or a subsequently filed Commission Form 10.

*Owner* means any person with a working interest ownership in oil and gas or a leasehold interest therein.

*Production site* means the area surrounding proposed or existing production pits or other accessory equipment required for oil and gas production, at which may also be located tanks and tank batteries, exclusive of transmission and gathering pipelines.

*Reentering* means accessing an existing well bore for either the original or amended purpose, provided that such well has not been abandoned.

*Sidetracking* means entering the same wellhead from the surface, but not necessarily following the same well bore, throughout its subsurface extent when deviation from such well bore is necessary to reach the objective depth because of an engineering problem.

*Twinning* means the drilling of a well within a radius of fifty (50) feet from an existing well bore when the well cannot be drilled to the objective depth or produced because of an engineering problem, such as a collapsed casing or formation damage.

*Use tax* means the tax paid by a consumer for using, storing, distribution or otherwise consuming tangible personal property or taxable services inside the Town.

*Well* means an oil and gas well or an injection well.

*Well site* means that area surrounding a proposed or existing well, and accessory structures and equipment necessary for drilling, completion, recompletion, workover, development and production activities.

*Wellhead* means the equipment attaching the surface equipment to the well bore equipment at the well.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-30.   Requirements and procedures.

(a) Proposed new wells, redrilling certain wells and other specified enhancement operations.

(1) It shall be unlawful for any person to drill a well that has not been previously permitted under this Article, reactivate a plugged or abandoned well or perform initial installation of accessory equipment or pumping systems (in cases where a well is not being drilled) unless a special use permit has first been granted by the Town in accordance with the procedures in this Article.

(2) The granting of such special use permit shall not relieve the operator from otherwise complying with all applicable regulatory requirements of the Town, the State and the United States.

(3) When a special use permit has been granted for a well, reentry of such well for purposes of sidetracking, twinning, deepening, recompleting or reworking shall not require a separate special use permit.

(4) The special use permit is limited to the current proposed facilities as shown in the approved plan. To the extent the applicant desires, after initial completion of a well, to place additional equipment on a tank battery or wellhead location which was not shown in the approved plan, the applicant must, except in a situation where additional equipment is necessary for a period of fourteen (14) days or less, notify the Town of installation of such additional equipment.

(5) Within thirty (30) days after completion of operations, the applicant shall provide to the Town "as-built" drawings showing all facilities, pipelines, flow lines and gathering lines which the applicant has placed on the land subject to the permit.

(b) Inspections. In recognition of the potential impacts associated with oil and gas drilling and wells operating in an urban setting, all wells and accessory equipment and structures may be inspected by the inspectors of the Town at reasonable times in regard to matters not subject to rule, regulation, order or permit condition administered by the Commission to determine compliance with applicable provisions of this Article, the International Fire Code, the International Building Code and Town land use permit conditions, and to monitor for road damage. For the purpose of implementing and enforcing the provisions of this Article, Town personnel have the right to enter upon private property after reasonable notification to the operator, which provides the operator an opportunity to be present.

(c) Use tax. All operators must conform to applicable provisions of this Code relating to taxation.

(d) Application fee. A nonrefundable fee of one thousand dollars ($1,000.00) shall accompany the application.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-40.   Application elements.

An application for a special use permit pursuant to this Article shall be filed with the Town Clerk and shall include the following information:

(1) Application requirements - site plans. The site plans for a well site submitted with an application for a use by special review shall be submitted on one (1) or more plats or maps, at a scale not less than one (1) inch to fifty (50) feet, showing the following information:

a. The proposed location of production site facilities or well site facilities associated with the well in the event production is established, if applicable. Future development of the resource shall be considered in the location of the tank battery. Existing tank batteries and transmission and gathering lines within six hundred sixty (660) feet of the well site shall be shown.

b. The location of layout, including, without limitation, the position of the drilling equipment and related facilities and structures, if applicable.

c. True north arrow.

d. Existing improvements, if any, within a radius of six hundred sixty (660) feet of the proposed well.

e. Existing utility easements and other rights-of-way of record, if any, within a radius of six hundred sixty (660) feet of the proposed well.

f. Existing irrigation or drainage ditches within four hundred (400) feet of the well site or production site, if any.

g. The applicant's drainage and erosion control plans for the well site or production site and the area immediately adjacent to such site, if applicable.

h. Location of access roads.

i. Well site or production site and existing lease boundaries.

j. The names of abutting subdivisions or the names of owners of abutting, unplatted property within four hundred (400) feet of the well site or production site.

k. The name and address of the operator and the name of the person preparing the site plan or map.

(2) Application requirements - vicinity maps. The vicinity maps for a well site or production site submitted with an application for a use permitted by special review shall be submitted on one (1) or more plats or maps showing the following information:

a. Location of all existing water bodies and watercourses, including direction of water flow. This information shall be submitted on USGS 7.5 minute series or assessor base maps which indicate topographic detail and show all existing waterbodies and watercourses with a physically defined channel within a four-hundred-foot radius of the proposed well.

b. Location of existing oil and gas wells as reflected in OGCC records. This information shall be submitted on a map and shall include any and all wells within a one-thousand-foot radius of the proposed location for the well.

c. Location of drill site. The information to be submitted shall be Commission Form 2 and shall include the parcel tax identification number.

(3) Application requirements - narrative. In addition to the site plans and the vicinity maps required in Paragraphs (1) and (2) above, the application shall include the following:

a. The operator's and surface owner's names and addresses, copies of any required OGCC Form 2 and designation of agent, if applicable.

b. An operating plan.

c. A list of all permits or approvals obtained or yet to be obtained from local, state or federal agencies other than OGCC.

d. An emergency response plan that is mutually acceptable to the operator and the appropriate fire district that includes a list of local telephone numbers of public and private entities and individuals to be notified in the event of an emergency, the location of the well and provisions for access by emergency response entities.

e. A plan for weed control at the well site.

f. A fire protection plan that is mutually acceptable to the operator and the appropriate fire district that includes planned actions for possible emergency events and any other pertinent information. Prior to the application to the Town, a proposed fire protection plan and emergency response plan shall be submitted to and reviewed by the fire district.

g. Sanitary facilities must comply with Section 602(g) of the OGCC regulations.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-50.   Review criteria.

The Board of Trustees shall approve an application for a use permitted by special review for a well site if the application submitted by the applicant conforms to the following requirements:

(1) The site plans for a well site application comply with the requirements of Paragraph 16-8-40(1) above.

(2) The vicinity maps for a well site application comply with the requirements of Paragraph 16-8-40(2) above.

(3) The narrative for a well site application complies with the requirements of Paragraph 16-8-40(3) above.

(4) When applicable, compliance with the provisions for geologic hazards, floodplains or floodway required in Section 16-8-140 of this Article.

(5) When applicable, compliance with the provisions for wildlife mitigation procedures required in Section 16-8-160 of this Article.

(6) The Board of Trustees' decision shall be based upon evidence presented in the application and at the public hearing. Following the conclusion of the public hearing, the Board of Trustees may proceed to render its provisional decision orally on the application, or it may take the matter under advisement until an announced date certain, not to exceed fourteen (14) days, at which time it shall orally render its decision. In the event that an application is granted with conditions, the applicant may, within fourteen (14) days of the Board of Trustees' decision, request a rehearing to demonstrate that removal or modification of one (1) or more of the conditions is necessary to prevent waste or protect owners of correlative rights in a common source to a fair share of production profits or that the decision is otherwise inconsistent with state laws and regulations. Following the Board of Trustees' oral announcement of its decision, and any subsequent rehearing, a written resolution shall be adopted as its final action or decision on the application. This written resolution shall set forth findings of the Board of Trustees. Such written resolution shall be adopted within twenty-one (21) days of the announcement of the Board of Trustees' oral decision, unless the applicant requests rehearing, in which case the written resolution shall be adopted within thirty (30) days of the oral decision. For the purposes of judicial review, the Board of Trustees' final action or decision on an application shall be deemed to have been made as of the date upon which the Board of Trustees' executes the written resolution, which shall constitute the final decision of the Board of Trustees.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-60.   Notice to proceed.

Prior to commencement of operations for which a use permitted by special review has been approved, a Notice to Proceed shall be obtained from the Town Clerk. The Town Clerk shall issue the Notice to Proceed upon receipt of the following:

(1) A copy of the resolution approving a use permitted by special review for a well or wells.

(2) A copy of the approved site plan.

(3) A copy of an approved extra-legal vehicle or load permit issued by the Town Clerk pursuant to this Code, if applicable.

(4) Copies of any necessary state or federal permits issued for the operation, if not previously submitted.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-70.   Building permit.

Building permits must be obtained for all aboveground structures to which the International Building Code applies.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-80.   Well location and setbacks.

All wells shall be set at a distance not less than the minimum setback allowed by COGCC rules and regulations.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-90.   Compliance with state environmental requirements.

The approval of an oil and gas special use permit shall not relieve the operators from complying with all current applicable state and federal regulations and standards concerning air quality, water quality and waste disposal.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-100.   Abandonment and plugging of wells.

The approval of a use permitted by special review shall not relieve the operator from complying with all Commission rules with respect to abandonment and plugging of wells. The operator shall provide the Town with Commission Form 4 at the time that it is filed with the Commission. The applicant shall abandon flowlines in accordance with applicable state rules and regulations.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-110.   Seismic operations.

The approval of a use permitted by special review shall not relieve the operator from complying with all Commission rules and regulations with respect to seismic operations. All notices which an operator is required to file with the Commission with respect to seismic operations shall be filed with the Town on a timely basis. The Town shall comply with the same confidentiality requirements which bind the Commission.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-120.   Signage.

The approval of an oil and gas special use permit shall not relieve the operator from complying with all Commission rules with respect to signs. In addition, the operator shall maintain in good, readable condition all signs required by Commission regulations.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-130.   Reclamation.

The approval of a special use permit shall not relieve the operator from complying with all Commission rules and regulations with respect to site reclamation.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-140.   Geologic hazard/floodplain/ floodway location restrictions.

All equipment at well sites and production sites in geological hazard and floodplain areas shall be anchored to the extent necessary to resist flotation, collapse, lateral movement or subsidence and to the extent necessary to comply with the Federal Emergency Management Act.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-150.   Access roads.

All private roads used to maintain access to the tank batteries or the well site shall be improved and maintained according to the following standards:

(1) Tank battery access roads. Access roads to tank batteries shall be subject to review by the Town Engineer in accordance with the following minimum standards:

a. A graded gravel roadway having a prepared subgrade and an aggregate base course surface a minimum of six (6) inches thick compacted to a minimum density of ninety-five percent (95%) of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures. The aggregate material, at a minimum, shall meet the requirements for Class 3 aggregate base course as specified for aggregate base course materials in the Colorado Department of Transportation's "Standard Specifications for Road and Bridge Construction," latest edition.

b. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways (such as roadside swales, gulches, rivers, creeks and the like) by means of an adequate culvert pipe. Adequacy of the pipe is subject to approval of the Town Engineer.

c. Maintained so as to provide a passable roadway reasonably free of ruts at all times.

(2) Wellhead access roads. Access roads to wellheads shall be subject to review by the Town Engineer in accordance with the following minimum standards:

a. A graded dirt roadway compacted to a minimum density of ninety-five percent (95%) of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures, and approved by the Town Engineer.

b. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval by the Town Engineer.

c. Maintained so as to provide a passable roadway generally free of ruts.

(3) Public access roads. Extra-legal vehicle and load permits shall be required for all extra-legal vehicles or loads as defined in Sections 42-4-501 through 42-4-512, C.R.S., which use Town streets. Said permit, if required, shall be obtained from the Town Clerk prior to such use. The applicant shall comply with all Town and state regulations regarding weight limitations on streets within the Town, and the applicant shall minimize extra-legal truck traffic on streets within the Town.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-160.   Wildlife impact mitigation.

(a) Wildlife. When a well site or production site is located within a designated moderate (blue) or high impact (red) zone on the 1987 Cumulative Impact Maps prepared by the State Division of Wildlife, the applicant shall consult with the State Division of Wildlife to obtain recommendations for appropriate site specific and cumulative impact mitigation procedures. The operator shall implement such mitigation procedures as are recommended by the State Division of Wildlife after consultation with the Town.

(b) Endangered species. The applicant shall not engage in activities which, in the opinion of the State Division of Wildlife, threaten endangered species.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-170.   Emergency response costs.

The operator shall reimburse the Town or the fire district for any emergency response costs incurred by the Town or the fire district in connection with activity at the well site or production site, except that the operator shall not be required to pay for emergency response costs where the response was precipitated by the mistake of the Town.

(Ord. 2012-03, 2012, §1)

Sec. 16-8-180.   Violation and enforcement.

(a) Unlawful to construct or install unapproved oil and gas facilities. Except as otherwise provided in this Article, it is unlawful to construct, install or cause to be constructed or installed any oil and gas facility within the Town unless approval has been granted by the Board of Trustees. The unlawful drilling or redrilling of any well or the production therefrom is a violation of this Article.

(b) Penalty. Any person, firm, corporation or legal entity that constructs, installs or uses, or which causes to be constructed, installed or used, any oil, gas or injection well, well site or production site or commits any act or omission in violation of any provision of this Article or of the conditions and requirements of the oil and gas special use permit may be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each day of such unlawful operation constitutes a separate violation.

(c) Civil action. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used, or any land is or is proposed to be used, in violation of any provision of this Article or the conditions and requirements of the oil and gas special use permit, the Town Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use.

(d) False or inaccurate information. The Board of Trustees may revoke an oil and gas special use permit if it is determined, after an administrative hearing held on at least ten (10) days' notice to the applicant, that the applicant provided information and/or documentation upon which approval was based, which the applicant, its agents, servants or employees knew, or reasonably should have known, was materially false, misleading, deceptive or inaccurate.

(e) Prospective application. Unless specifically provided otherwise, this Article shall apply only to wells which are drilled in the Town on and after the date that this Article is adopted. The reentering of a well in existence prior to the date of adoption of this Article for purposes of deepening, recompleting or reworking shall not require approval of a use permitted by special review.

(f) Recovery of fees. Should the Town prevail in any action for legal or equitable relief for a violation of the provisions of this Article, in addition to any other penalties or remedies which may be available, the Town shall be entitled to recover any damages, costs of action, expert witness fees and reasonable attorney fees incurred.

(Ord. 2012-03, 2012, §1)