

ORDINANCE NO. 279

AN ORDINANCE APPROVING THE ADOPTION OF
THE TOWN OF DEER TRAIL ZONING ORDINANCE

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF DEER TRAIL, COLORADO, THAT:

Section 1. Following a duly noticed public hearing on July 13, 2021 as required by law, the Town of Deer Trail Zoning Ordinance, attached hereto as **Exhibit A**, and incorporated herein by this reference, is hereby adopted as the zoning ordinance of the Town of Deer Trail.

Section 2. Repealer. All acts, orders, resolutions, ordinances, or parts thereof, of the Town that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency or conflict, including without limitation, any maximum specific penalty contained in any acts, orders, resolutions, or ordinances for any violation thereof.

Section 3. Recording and Authentication. Immediately upon its passage, this Ordinance shall be recorded in the Town of Deer Trail Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Clerk and shall be published as required by law.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

ADOPTED AND APPROVED this 13 day of July, 2021.

TOWN OF DEER TRAIL, COLORADO

James Johnson
James Johnson, Mayor

(SEAL)

ATTEST:

Candice Reed
Candice Reed, Town Clerk

TOWN OF DEER TRAIL ZONING ORDINANCE 279

Article 1 General Provisions

- Sec. 1-10 Purpose
- Sec. 1-20 Relationship to Comprehensive Plan
- Sec. 1-30 Jurisdiction
- Sec. 1-40 Application of Zoning Ordinance
- Sec. 1-50 Overlapping regulations
- Sec. 1-60 Violations
- Sec. 1-70 Enforcement
- Sec. 1-80 Penalties
- Sec. 1-90 Severability
- Sec. 1-100 Correction of obvious errors
- Sec. 1-110 Vested property rights
- Sec. 1-120 Expiration of land use approvals
- Sec. 1-130 Permit revocation

Article 2 Zoning Districts

- Sec. 2-10 Districts established
- Sec. 2-20 Zoning map
- Sec. 2-30 Listing of permitted uses
- Sec. 2-40 Medical marijuana and marijuana establishments – prohibited
- Sec. 2-50 Residential District (R)
- Sec. 2-60 Agricultural District (A)
- Sec. 2-70 Commercial District (C)
- Sec. 2-80 Warehouse/Industrial District (WI)
- Sec. 2-90 Institutional/Infrastructure District (II)
- Sec. 2-100 Parks District (P)
- Sec. 2-110 Planned Development District (PD)
- Sec. 2-120 Submittal and processing requirements for official development plan
- Sec. 2-130 Amendments to official development plan
- Sec. 2-140 Obsolete official development plan
- Sec. 2-150 Submittal and processing requirements for final development plan

Article 3 General Regulations and Development Standards

- Sec. 3-10 Application of general regulations and development standards
- Sec. 3-20 Visibility at intersections; application of sight triangle
- Sec. 3-30 Landscape standards for nonresidential uses and planned developments
- Sec. 3-40 Temporary and seasonal uses
- Sec. 3-50 Site development standards for nonresidential uses and planned developments

Article 4 Special Requirements

- Sec. 4-10 Home occupations
- Sec. 4-20 Commercial mobile radio service facilities
- Sec. 4-30 Grading, erosion and sediment control requirements

- Sec. 4-40 Growing of medical marijuana in residential structures
- Sec. 4-50 Growing of marijuana in residential structures for personal use

Article 5 Administration and Procedures

- Sec. 5-10 Administration
- Sec. 5-20 Certificates of occupancy
- Sec. 5-30 Site development plans
- Sec. 5-40 Special review use
- Sec. 5-50 Changes and amendments
- Sec. 5-60 Variances
- Sec. 5-70 Nonconforming uses, structures and lots
- Sec. 5-80 Public notice requirements
- Sec. 5-90 Fees

Article 6 Interpretation and Definitions

- Sec. 6-10 Interpretation and definitions

Appendix

- Appx. A Development Stipulations Chart
- Appx. B Certifications and Signature Blocks

ARTICLE 1

General Provisions

Sec. 1-10. Purpose.

This Zoning Ordinance shall be for the purpose of promoting the health, safety, convenience order, prosperity and welfare of the present and future residents of the Town by lessening of congestion on the streets and roads or reducing the waste of excessive amounts of roads, securing safety from fire and other dangers, providing adequate light and air, classifying land uses and the distribution of land development and utilization, protecting and enhancing the tax base, securing economy in governmental expenditures, protecting urban and non-urban development and providing for the implementation of the goals and policies of the Comprehensive Plan or other policies approved by the Board of Trustees.

Sec. 1-20. Relationship to Comprehensive Plan.

It is the intent of the Board of Trustees that this Zoning Ordinance implements the planning policies adopted by the Board of Trustees as reflected in the Comprehensive Plan and other related plans and planning documents. The Board of Trustees reaffirm their commitment that this Zoning Ordinance and any amendment to it be in conformity with the adopted planning policies. The Town hereby expresses its intent that neither this Zoning Ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document. The Comprehensive Plan shall be used as guide in decision-making and may be reasonable grounds for denial or reconsideration of the application.

Sec. 1-30. Jurisdiction.

This Zoning Ordinance shall apply to all properties within the incorporated area of the Town of Deer Trail, Colorado.

Sec. 1-40. Application of Zoning Ordinance.

(a) Application of Developments in Process. Any application for development initiated on and after August 1, 2021, shall be reviewed pursuant to the review process and standards set forth in this Zoning Ordinance.

(b) New applications initiated after August 1, 2021

(1) No building or structure shall be erected and no existing building or structure shall be moved, altered or extended, nor shall any land, building or structure be used for any purpose other than as provided for among the uses hereinafter listed in the district regulations for the zone district in which such land, building or structure is located.

(2) No building or structure shall be erected, nor shall any existing building or structure be moved, altered or extended, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the

dimensional regulations, district development standards and supplementary regulations or other provisions hereinafter provided in the district regulations for the zone district in which such building, structure or open space is located.

(3) The provisions of this Zoning Ordinance shall apply to all uses as follows:

- a. New buildings and uses of land.
- b. Additions involving expansion of the gross floor area of any structure by twenty percent (20%) or more above that in existence prior to the effective date of the ordinance codified herein.
- c. A change of use. Prior to issuance of a building permit or granting of a change in use, the applicant shall demonstrate that the property will comply with all applicable regulations in this Zoning Ordinance .

(4) All buildings, parking areas, landscaping, signs and other improvements addressed by the development standards in this Zoning Ordinance shall be constructed and installed in accordance with the approved plans filed with the Town prior to issuance of a certificate of occupancy for the building or use.

(5) Every building shall be located and maintained on a lot as defined in this Zoning Ordinance.

(7) No parcel of land which has less than the minimum width, depth and area requirements for the zone in which it is located may be divided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

Sec. 1-50. Overlapping regulations.

Except with respect to approved official development plans and final development plans for land zoned Planned Development (PD), whenever a provision of this Zoning Ordinance, other law ordinance, resolution, rule or regulation of any kind contains any restrictions which cover the same subject matter, the more restrictive requirements shall govern.

Sec. 1-60. Violations.

Land in the Town shall not be used, nor any building or structure erected, constructed, enlarged, altered, maintained, moved or used, in violation of this Zoning Ordinance or amendments thereto. The Board of Trustees, through the Town Attorney and courts of appropriate jurisdiction which includes without limitation the Municipal Court, may initiate legal or other appropriate action to prevent, abate or remove such unlawful use, maintenance, erection, construction, reconstruction or alteration, in addition to any other remedies provided by law. Any such violation of this Zoning Ordinance shall be considered unlawful.

Sec. 1-70. Enforcement.

(a) Issuance of Permits. All officials, employees and consultants of the Town vested with the duty or authority to issue permits shall not issue any permit, certificate or license in conflict with the provisions of this Zoning Ordinance. Any such permit, certificate or license issued in conflict with the provisions of this Zoning Ordinance shall be null and void.

(b) Enforcement Responsibilities.

(1) It shall be the duty of the Board of Trustees to enforce the provisions of this Zoning Ordinance pertaining to the use, maintenance, erection, construction, reconstruction, alteration, moving, conversion or addition to any building or structure.

(2) No permits shall be issued by any officer of the Town for the construction of any building or other improvements requiring a permit, upon any unplatted land, unless and until the requirements hereof have been complied with.

(3) No building or construction permit shall be issued prior to approval of the site development plan unless the property has been specifically exempted from the development process by definition or by official action of the Board of Trustees.

(4) No site development plan shall be approved by the Board of Trustees unless such property is classified in the appropriate zoning district as defined in this Zoning Ordinance.

(5) Any person engaging in development, change of use, modification or enlargement of use of any land, building or structure that is subject to this Zoning Ordinance who does not obtain any necessary permits, approvals or variances as prescribed by this Zoning Ordinance, who does not comply with permit, approval or variance requirements, who acts outside the authority of the permit, approval or variance or who otherwise violates any of the provisions of this Zoning Ordinance, may be enjoined by the Town from engaging in such activity and may be subject to the procedures and penalties described below.

- a. No building or structure shall be erected, moved or structurally altered unless a building permit has been issued by the Building Official or his authorized representative. All building permits shall be issued in conformance with the provisions of this Zoning Ordinance, and all other applicable regulations and shall be valid for a period of time not exceeding one (1) year from the date of issue.
- b. No land or building shall hereafter be changed in use, nor shall any new structure, building or land be occupied or used, unless the owner shall have obtained a certificate of occupancy from the Building Official. After inspection by the Building Official and provided that the use shall be in conformance with the provisions of this Zoning Ordinance and all other applicable regulations, a certificate of occupancy shall be issued. A copy of all certificates of occupancy shall be filed by the Building Official and shall be available for examination by any person with either proprietary or tenancy interest in the property or building.

- c. The Town is empowered, pursuant to Article 5 of this Zoning Ordinance, to order in writing the remedy of any violation of any provision of this Zoning Ordinance. After any such order has been served, no work on or use of any building, other structure or tract of land covered by such order shall proceed, except to correct such violation or comply with said order.
- d. Building permits for new nonresidential construction may be referred to the Town Administrator and Town Engineer for review of necessary public improvements.

Sec. 1-80. Penalties.

Any person, firm or corporation, whether as principal agent, employee or otherwise, who violates any of the provisions of this Zoning Ordinance shall be fined an amount not to exceed four hundred ninety-nine dollars (\$499.00) for each such violation, such fine to inure to the Town. Each day of the documented existence of any situation held to be a violation shall be deemed an equal and separate offense.

Sec. 1-90. Severability.

If any part, subpart, section, paragraph, sentence, clause or phrase of this Zoning Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Zoning Ordinance.

Sec. 1-100. Correction of obvious errors.

Nothing in this Zoning Ordinance shall be construed as a limitation upon the power of the Board of Trustees, Town Attorney or the Town to correct obvious typographical or compositional errors, provided that:

- (1) Such corrections shall not change the legal effect of this Zoning Ordinance or any part thereof.
- (2) Such corrections will be reported to the Board of Trustees.
- (3) An errata supplement shall be attached to all copies of this Zoning Ordinance distributed subsequent to the making of such corrections.

Sec. 1-110. Vested property rights.

(a) **Intent.** This Article is intended to define a site specific development plan for the Town pursuant to C.R.S. § 24-68-103, and to establish a procedure to govern the creation of vested rights in accordance with C.R.S. § 24-68-101, *et seq.* Nothing in this Article is intended to create a vested property right, but only to implement the provisions of C.R.S. § 24-68-101, *et seq.*

(b) **Definition of Site Specific Development Plan.** For purposes of this Article, *site specific development plan* means:

- (1) For multi-family residential units, apartments and condominiums, the final plat.
- (2) For commercial and single-family residential construction, the site development plan.

(c) Creation of Vested Rights.

(1) No vested rights shall be created except by the approval of a site specific development plan by the Board of Trustees or by a development agreement between the Town and the applicant or landowner. Such agreement shall be construed in accordance with the terms and conditions of said agreement and not limited nor expanded by the provisions of this Article.

(2) If the applicant seeks approval of a site specific development plan to create vested property rights, the plan shall include a statement that it is being submitted for designation as a site specific development plan. Failure to include such statement shall result in no vested property rights being created by the approval of the site specific development plan.

(d) Other Regulations. Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions or requirements of the Town pertaining to the development and use of the property adopted before the approval of a site specific development plan.

(e) Waiver or Forfeiture.

(1) Failure to abide by any terms or conditions imposed by the Town on the approval of any site specific development plan shall constitute a forfeiture of any vested right created by the plan unless otherwise expressly agreed to by the Town in writing.

(2) A petition for annexation to the Town shall describe all vested property rights approved by any local government in effect at the time of the petition, if any, and be accompanied by all site specific development plans approved by any local government. Failure to so identify any previously approved vested property right and provide all approved site specific development plans shall constitute a waiver of the vested property right created by any other local government upon annexation to the Town, unless expressly provided otherwise in the annexation ordinance adopted by the Town.

(3) A site specific development plan submitted by a landowner and approved by the Town as provided in this Article shall supersede any prior vested property rights for that property, and the landowner waives any right to claim a vested property right by a site specific development plan previously approved by the Town or any other local government for the property.

(f) Notice. It shall be the applicant's responsibility to comply with the publication requirements of C.R.S. § 24-68-103(1)(c), following approval of a site specific development plan by the Town.

Sec. 1-120. Expiration of land use approvals.

(a) Approval by the Board of Trustees of any final development plan, subdivision plat, special review use, grading permit or any other land use approval that does not constitute an amendment to the Zoning Map shall remain in effect for one (1) year. Any approval of such an application for which a grading permit or building permit has not been applied for or for which the use has not been otherwise commenced within one (1) year after approval has been obtained shall be null and void. An extension of time of up to six (6) months may be granted by the Board of Trustees upon a finding of good cause. If such an approval expires, the applicant shall be required to resubmit a new application and fee for the same project.

(b) Nothing in this Article shall be construed to prevent an applicant from obtaining vested rights pursuant to Section 1-110 for a site specific development plan within the meaning of C.R.S. § 24-68-102(4).

Sec. 1-130. Permit revocation.

A zoning, sign, building, special review use, other permit or any certificate of occupancy issued under the provisions and procedures of this Zoning Ordinance may be revoked by an authorized representative of the Town if the permit recipient fails to develop, improve or maintain the property in accordance with the approved plans, the requirements of this Zoning Ordinance or any additional requirements lawfully imposed by the Town.

ARTICLE 2

Zoning Districts

Sec. 2-10. Districts established.

- (a) Districts Established. The Town is hereby divided into the following zoning districts:
- (1) Residential (R)
 - (2) Agricultural (A)
 - (3) Commercial (C)
 - (4) Warehouse/Industrial (WI)
 - (5) Institutional/Infrastructure (II)
 - (6) Parks (P)
 - (7) Planned Development (PD)

(b) Characteristics and Objectives. This Article describes the locational, natural and built characteristics and attributes which shall be applied to each zoning district classification for particular land parcels. In addition, this Article describes the desired characteristics, functions and attributes of appropriate uses for the zone district, carrying out the intent of the Town's Comprehensive Plan. Appropriate uses shall be located and designed to fulfill the desired characteristics and objectives of the zone district in which they fall.

(c) Use Regulations. Each zone district includes the following categories.

(1) Permitted principal uses are uses by right, which are permitted anywhere within the particular zone district in which they are identified. Permitted principal uses, other than a single-family dwelling unit, require site development plan approval. All structures require building permit approval.

(2) Permitted accessory uses are a use by right that are customarily incidental to the identified permitted principal uses, provided that they meet any applicable regulations. Permitted accessory uses require building permit approval.

(3) Special review uses are uses that may be allowed in the zoning district indicated subject to any applicable regulations. Special review uses may be permitted if it can be demonstrated that the location and the site proposed for the use are appropriate, facilitating the use in a manner which supports the purposes of the zone district and which is compatible with the surrounding area. Additional uses which are not listed, but which are consistent with the purpose and objectives of the zone district and are similar in character and level of impacts as identified in the permitted principal and accessory uses for the zone district, may also be permitted subject to review. Special review uses require the issuance of a permit approved by resolution of the Board of Trustees, after a public hearings before the Board of Trustees.

(d) Dimensional Requirements. Dimensional requirements are minimum restrictions which apply to the siting and massing of buildings and structures on the lot, from which no variance will be permitted, except as provided under variances and appeals, planned developments and nonconforming uses, structures, lots and parking. Dimensional requirements include:

- (1) Minimum lot area and or maximum gross density.
- (2) Minimum lot width.
- (3) Front yard setbacks.
- (4) Side yard setbacks.
- (5) Rear yard setbacks.
- (6) Minimum open space.
- (7) Maximum impervious coverage.

(8) Maximum building height.

(9) Minimum separation between structures.

(e) **Development Standards.** Development standards are minimum standards that development and uses within the zone district must meet to obtain site development plan approval. Development standards specific to each zone district are listed within each zone district. General regulations and standards pertaining to all zone districts are found in Article 3 and apply to both residential and nonresidential development.

Sec. 2-20. Zoning map.

(a) **Zoning Map Adopted.** The location and boundaries of the zone districts established by this Zoning Ordinance are shown on the Zoning District Map of the Town. The Zoning District Map, together with all data shown thereon and all amendments thereto, is by reference made part of this Zoning Ordinance. The Zoning District Map shall be identified by the signature of the Mayor and attested by the Town Clerk and shall bear the seal of the Town and the date of adoption. The Zoning District Map shall be located in the office of the Town Clerk and shall be available for inspection upon reasonable notice.

(b) **District Boundaries.** Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, lot lines, right-of-way lines or extensions thereof. In property where a zone district boundary divides a lot or parcel, the location of such boundary, unless indicated by legal description with distance and bearing or other dimensions, shall be determined by using the graphic scale of the Zoning District Map. In interpreting the Official Zoning Map, unless otherwise specified on the Official Zoning Map, zone district boundary lines are intended to be property ownership lines or lot lines; centerline of streets, alleys, channelized waterways or similar rights-of-way; the centerline of blocks; section or township lines; municipal corporate boundaries; the centerline of stream beds; or other lines drawn approximately to scale on the Official Zoning Map.

(c) **Boundary Clarification.**

(1) In the event that a zone district boundary is unclear or is disputed, it shall be the responsibility of the Town Administrator to determine the intent and actual location of the zone district boundary.

(2) Any appeal of the determination of the zone district boundary shall be heard by the Board of Adjustment in accordance with the procedures outlined in Article 5. The Town Administrator shall have the final determination.

(d) **Amendments to Map.** Changes in the boundaries of any zone district shall be made only upon amendment to this Zoning Ordinance and shall promptly be entered on the Zoning District Map with an entry on the map giving the number of the amending ordinance and the date with the signature of the Mayor, attested by the signature of the Town Clerk.

Sec. 2-30. Listing of permitted uses.

No use shall be allowed in any zone district unless it is specifically enumerated as an allowed principal use or accessory use in the particular zone district or a special review use has been approved. Designations in lists of uses shall be determined as follows:

(1) Permitted principal uses are uses by right and are permitted anywhere within the zone districts indicated. All principal and accessory uses require a building permit approval.

(2) Permitted principal uses, other than a single-family dwelling unit require a site development plan.

(3) Uses indicated as accessory uses are permitted only if they meet specific criteria contained in this Zoning Ordinance and can demonstrate that they are clearly accessory to the principal use. No accessory uses are allowed if not associated with a principal use and are not allowed if the principal use has not been established.

(4) A special review use may be allowed in the district indicated if it can be demonstrated that the location and the site proposed for the use is appropriate, facilitates the use in a manner which support the purposes of the zone district and is compatible with adjacent properties and uses. Special review uses require the issuance of a permit after a public hearing has been held before the Board of Trustees.

Sec. 2-40. Medical marijuana and marijuana establishments – prohibited.

(a) The use of property as a medical marijuana center, an 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 zone district.

(b) 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 in the Town.

(c) The use of property as a marijuana club is a use prohibited in any zoning district in the Town. For purposes of this Section, the term *marijuana club* means an organization that allows members and their guests to consume marijuana or marijuana products on the premises in a non-residentially zoned area.

Sec. 2-50. Residential District (R).

(a) Characteristics and Objectives. The Residential District is designed to accommodate single-family residential uses. The purpose of the R Zone District is to promote the continuance of single-family neighborhoods by allowing for lot development that assists in retaining the residential character of the Town.

(b) Use Regulations.

- (1) Permitted principal uses:
 - a. Single-family detached dwelling units.
 - b. Public parks, playgrounds and playfields for daytime use.
- (2) Permitted accessory uses:
 - a. Structures and uses, subordinate and incidental to the permitted principal structure or use, located on the same lot. Any structure less than one hundred twenty (120) gross square feet shall not be deemed an accessory structure within the meaning of this Article; however, all structures, regardless of size, must meet established setbacks, separation between structures and all other dimensional requirements specified in Subsection (c) below.
 - b. Parking for the principal use.
 - c. Home occupations, as specified in Section 4-10 of this Zoning Ordinance.
 - d. Keeping of animals as specified in Section 4-20 of this Zoning Ordinance. Kennels are prohibited in the R Zone District.
 - e. Private garages.
 - f. Shelter for agricultural implements and tools used to maintain premises.
 - g. Stables and barns.
 - h. Sporting courts, tennis courts, swimming pools and other similar structures, provided that they are located in the side or rear yard of the zoning lot.
 - i. Alternative energy technologies, including without limitation roof or ground-mounted solar arrays and solar voltaic systems, that serve a single residence or structure are permitted by right and may be constructed as an accessory use on any lot so long as such a use does not create an unreasonable visual impact to any adjacent property.
 - j. Small wind energy conversion systems that are noncommercial and do not exceed fifteen (15) feet in height.
 - k. Other uses which are clearly accessory or incidental to the primary permitted uses.
- (3) Special review uses:
 - a. Public buildings, civic facilities, schools (except public schools exempt from municipal land use control pursuant to state law) and places of worship.

- b. An owner-occupied or nonprofit group home for the aged and homes for the developmentally disabled, handicapped and mentally ill, as these terms are defined by C.R.S. § 31-23-303, may be permitted if it serves as a permitted principal use and is for no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another such group home and the owner or operator resides and maintains primary residency within the group home. Where nine (9) or more persons are to occupy a group home or if the group home is not defined in C.R.S. § 31-23-303, such group home shall be permitted only upon approval of a special review use.
 - c. Microwave, radio, television or other CMRS facility, reviewed pursuant to Section 4-30 of this Zoning Ordinance..
 - d. Public utilities.
 - e. Temporary structures over one hundred twenty (120) gross square feet.
- (c) Dimensional Requirements.
- (1) Minimum lot area: One (1) dwelling unit per seven thousand five hundred (7,500) square feet.
 - (2) Minimum lot width: fifty (50) feet.
 - (3) Front yard setback: twenty (20) feet for principal and accessory structures.
 - (4) Side yard setback: ten (10) feet for principal and accessory structures.
 - (5) Rear yard setback: ten (10) feet for principal and accessory structures.
 - (6) Maximum building height: thirty (30) feet, except that small, ornamental rooftop appurtenances such as weathervanes may project five (5) feet above the roofline.
 - (7) Minimum separation between structures: twenty-five (25) feet.
- (d) Development Standards Specific to the R Zone District.
- (1) Any development in the R Zoning District must be served by approved public water and sanitary sewer. Any development that is required to be served by the Town's public water system or any property or development that chooses to be served by the Town's public water system may still use any properly permitted wells for exterior irrigation use only.
 - (2) No accessory structure shall contain residential living quarters.
 - (3) Accessory structures and uses are not permitted unless and until the principal permitted use has been established on the property.

(4) The total building coverage (footprint) of all accessory structures may not exceed one thousand (1,000) square feet, and there shall be a maximum of two (2) accessory structures.

(5) Any roof overhang constructed on an accessory structure may not encroach into a required front, rear or side yard setback or into the required separation distance between structures.

(6) Structures that house animals, including stables and barns, shall be located on the rear or side yard of the parcel, not closer than twenty-five (25) feet to property lines and not closer than fifty (50) feet to any dwelling unit.

(7) Architectural renderings, elevation drawings, materials and site plans for all proposed structures must be submitted to the Town Administrator.

Sec. 2-60 Agricultural District (A).

(a) **Characteristics and Objectives.** The Agricultural District is designed to accommodate agricultural and single-family residential uses. The purpose of the A Zone District is to provide areas in the Town for large-lot, single-family detached dwelling uses; provide areas for limited production of agricultural crops and livestock; and to allow for land that has no future land use proposed at the time of annexation or that is in a transitional stage with regard to its ultimate development.

(b) **Use Regulations.**

(1) **Permitted principal uses:**

- a. Single-family detached dwelling units.
- b. General farming, including grains, fruit, vegetables, grasses, and hay.
- c. Stock raising and the keeping of animals as specified in Section 4-20 of this Zoning Ordinance.
- d. Poultry hatcheries and farms, fish hatcheries, beekeeping operations and dairy farms.
- e. Greenhouses and nurseries, including both wholesale and retail, provided that products sold are raised on the premises.
- f. Forestry farming, including raising of trees for any purpose.
- g. Public and private golf courses and associated clubhouse facilities located on the golf course property.
- h. Public parks, playgrounds and playfields for daytime use.

(2) Permitted accessory uses:

- a. Structures and uses, subordinate and incidental to the permitted principal structure or use, located on the same lot. Any structure less than one hundred twenty (120) gross square feet shall not be deemed an accessory structure within the meaning of this Article; however, all structures, regardless of size, must meet established setbacks, separation between structures and all other dimensional requirements specified in Subsection (c) below.
- b. Parking for the principal use.
- c. Home occupations, as specified in Section 4-10 of this Zoning Ordinance.
- d. Private garages.
- e. Shelter for agricultural implements and tools used to maintain premises.
- f. Stables and barns.
- g. Sporting courts, tennis courts, swimming pools and other similar structures, provided that they are located in the side or rear yard of the zoning lot.
- h. Alternative energy technologies, including without limitation roof or ground-mounted solar arrays and solar voltaic systems, that serve a single residence or structure are permitted by right and may be constructed as an accessory use on any lot so long as such a use does not create an unreasonable visual impact to any adjacent property.
- i. Small wind energy conversion systems that are noncommercial and do not exceed fifteen (15) feet in height.
- j. Other uses which are clearly accessory or incidental to the primary permitted uses.

(3) Special review uses:

- a. Public buildings, civic facilities, schools (except public schools exempt from municipal land use control pursuant to state law) and places of worship.
- b. An owner-occupied or nonprofit group home for the aged and homes for the developmentally disabled, handicapped and mentally ill, as these terms are defined by C.R.S. § 31-23-303, may be permitted if it serves as a permitted principal use and is for no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another such group home and the owner or operator resides and maintains primary residency within the group home. Where nine (9) or more persons are to occupy a group home or if the group home is not defined

in C.R.S. § 31-23-303, such group home shall be permitted only upon approval of a special review use.

- c. Public utilities.
- d. Microwave, radio, television or other CMRS facility, reviewed pursuant to Section 4-30 of this Zoning Ordinance.

(c) Dimensional Requirements.

- (1) Minimum lot area: fifty thousand (50,000) square feet.
- (2) Setbacks: all structures, buildings, and corrals shall be set back at least fifty (50) feet from all property lines.
- (3) Maximum building height: thirty (30) feet, except that small, ornamental rooftop appurtenances such as weathervanes may project five (5) feet above the roofline.
- (4) Minimum separation between structures: twenty-five (25) feet.

(d) Development Standards Specific to the A Zone District.

(1) Any residential development in the A Zoning District must be served by approved public water and sanitary sewer. Any development that is required to be served by the Town's public water system or any property or development that chooses to be served by the Town's public water system may still use any properly permitted wells for exterior irrigation or agricultural use only.

(2) No accessory structure shall contain residential living quarters.

(3) Accessory structures and uses are not permitted unless and until the principal permitted use has been established on the property.

(4) Any roof overhang constructed on an accessory structure may not encroach into a required front, rear or side yard setback or into the required separation distance between structures.

(5) Structures that house animals, including stables and barns shall be no closer than fifty (50) feet to any dwelling unit.

(6) Architectural renderings, elevation drawings, materials and site plans for all proposed accessory structures must be submitted to the Town Administrator.

Sec. 2-70. Commercial District (C).

(a) Characteristics and Objectives. The C Zone District is intended to provide shopping goods and services, professional services, and offices. The intent of this zone district is to

encourage a mix of complementary sales tax-generating commercial uses while also permitting social, cultural, and religious facilities similar in impact.

(b) Use Regulations. Any of the following uses are permitted.

(1) Permitted principal uses:

- a. Retail establishments provided that all merchandise is enclosed within a permitted structure, including without limitation clothing, hardware and building stores, furniture/home decor and equipment stores, liquor stores, grocery and convenience stores and plant and garden centers.
- b. Commercial establishments engaged in providing personal services, including without limitation pharmacies, banks, dry cleaning, laundromats, print shops, tailoring, customer-based shipping and receiving services, barber and beauty shops and other businesses that offer services for sale.
- c. Offices including professional, financial, legal, insurance, personal services, medical and studios for professional work or services and other office uses.
- d. Eating and drinking establishments, including without limitation restaurants with or without alcohol service, bars, entertainment establishments, delicatessens, bakeries and confectioners with or without seating, all of which may provide off-site catering services.
- e. Entertainment and cultural complexes, including bowling, movie theatres, indoor amusements, public or private studios, arts and related cultural facilities.
- f. Recreational clubs and spas or wellness facilities.
- g. Car washes, gas stations, and commercial establishments offering auto repair.
- h. Motels and hotels.

(2) Permitted accessory uses:

- a. Storage of materials accessory to any of the uses listed as permitted uses for this district, provided that all such storage is located within a permitted structure.
- b. Any accessory buildings, structures or uses required in addition to and in conjunction with any permitted use in the district.

(3) Special review uses:

- a. Commercial uses and professional services deemed to be of similar impact as those that are permitted principal uses.

- b. Outdoor dining areas operated in conjunction with permitted eating and drinking establishments.
 - c. Museums, meeting rooms and convention centers.
 - d. Hospitals and clinic facilities.
 - e. Child care facilities.
 - f. Public buildings, civic facilities, schools (except public schools exempt from municipal land use control pursuant to state law) and places of worship.
 - g. Public utilities.
 - h. Microwave, radio, television or other CMRS facility, reviewed pursuant to Section 4-30 of this Zoning Ordinance.
- (c) Dimensional Requirements.
- (1) Minimum lot area: None.
 - (2) Minimum lot width: None
 - (3) Minimum lot frontage: thirty (30) feet of frontage on a public street or easement.
 - (4) Maximum building height: forty (40) feet.
 - (5) Setbacks:
 - a. Twenty-five-foot setback, regardless of whether its front, rear or side, for lots adjacent to the R Zone District or abutting a public street next to the R Zone District. If the structure is not on a lot adjacent to the R Zone District or abutting a public street next to the R Zone District, then the following setbacks apply.
 - b. Front lot setback: None.
 - c. Side lot setback: per building code unless the structure is on a corner lot; then the building must meet the site visibility requirements found in Article 3 of this Zoning Ordinance.
 - d. Rear lot setback: twenty (20) feet. Loading spaces and loading bays are allowed in the rear lot setback.
 - e. Minimum distance between structures: per building code.
- (d) Development Standards for the C Zone District.

(1) All buildings and structures must also adhere to the general regulations and standards in Article 3 of this Zoning Ordinance.

(2) Entrances to buildings shall be designed to ensure smooth and safe pedestrian circulation and ease of snow removal.

(3) Loading and unloading facilities shall be located in the rear of buildings and shall be screened from public view.

(4) Buildings will be designed so as to minimize snow shedding and runoff onto pedestrian areas and public ways.

(5) All activities within the C District shall be wholly contained within buildings except for access, parking, loading and, if screened by sight impervious fencing or plantings, storage and refuse containers.

(6) New development shall minimize unused or unusable public or private areas in the side or rear yards.

(7) All development within the C District shall be designed to:

- a. Reduce the number of access points onto an arterial or collector street.
- b. Minimize adverse impacts on any existing or planned residential uses.
- c. Improve pedestrian or vehicle safety within the site and egressing from it.
- d. Reduce the visual intrusion of parking areas, screened storage areas and similar accessory areas and structures.

(8) Parking and loading areas within the C Zone District that are adjacent to residential properties must be screened from view, by use of a combination of fences, berms and landscaping.

(9) All development including buildings, walls and fences shall be so designed and sited to:

- a. Complement existing development in scale and location;
- b. Provide sidewalks at least five (5) feet in width or an off-road system of pedestrian and bicycle trails of greater than five (5) feet in width; and

(10) All development within the C Zone District must be served by approved public water and sanitary sewer systems.

Sec. 2-80. Warehouse/Industrial District (WI).

(a) **Characteristics and Objectives.** The WI Zone District is intended to provide for a district in which warehouse storage, industrial and similar uses may be operated. The intent of this zone district is to control potential nuisances and hazardous effects both on and off of the premises.

(b) **Use Regulations.** Any of the following uses are permitted.

(1) **Permitted principal uses:**

- a. Warehousing and wholesaling establishments, excluding explosives.
- b. Self-storage.
- c. Schools for industrial or business training.
- d. Automobile sales and service, including car dealerships.
- e. Transportation terminals for freight or passengers.
- f. Machinery sales, including truck trailers and heavy equipment
- g. The manufacture, assembly and/or production of components and parts.

(2) **Permitted accessory uses:**

- a. Storage of materials accessory to any of the uses listed as permitted uses for this district.
- b. Any accessory buildings, structures or uses required in addition to and in conjunction with any permitted use in the district.

(3) **Special review uses:**

- a. Industrial and warehouse uses deemed to be of similar impact to those that are permitted principal uses.
- b. Public utilities.
- c. Microwave, radio, television or other CMRS facility, reviewed pursuant to Section 4-30 of this Zoning Ordinance.

(c) **Uses Specifically Prohibited.** Any of the following uses are specifically prohibited in the WI Zone District and shall not be interpreted to be permitted or accessory uses.

(1) The basic production, manufacturing, processing, shipping, handling or storing of any of the following products or materials:

- a. Animal by-products.

- b. Cement.
- c. Coal and coke.
- d. Explosives.
- e. Fertilizer (chemical or organic).
- f. Milling or smelting of ores.
- g. Paints and like products.
- h. Paper pulp and cellulose.
- i. Petroleum and petroleum products.
- j. Plastics other than extrusion.
- k. Slaughterhouse, packinghouse.
- l. Stockyards and feedlots.
- m. Uses determined to be similar in nature and impact as any of the listed above.

(d) Dimensional Requirements.

- (1) Minimum lot area: one (1) acre.
- (2) Minimum lot width: None
- (3) Maximum impervious coverage: eighty-five percent (85%).
- (4) Maximum building height: forty (40) feet.
- (5) Setbacks:
 - a. Fifty (50) foot setback, regardless of whether its front, rear or side, for lots adjacent to the R Zone District or abutting a public street next to the R Zone District. If the structure is not on a lot adjacent to the R Zone District or abutting a public street next to the R Zone District, then the following setbacks apply.
 - b. Front lot setback: twenty-five (25) feet.
 - c. Side lot setback: per building code unless the structure is on a corner lot; then the building must meet the site visibility requirements found in Article 3 of this Zoning Ordinance.

- d. Rear lot setback: twenty five (25) feet. Loading spaces and loading bays are allowed in the rear lot setback.
 - e. Minimum distance between structures: per building code.
- (e) Development Standards for the WI Zone District.
- (1) All buildings and structures must also adhere to the general regulations and standards in Article 3 of this Zoning Ordinance.
 - (2) Loading and unloading facilities shall be located in the rear of buildings and shall be screened from public view.
 - (3) All outdoor storage and outdoor activities within the WI District shall be screened by sight impervious fencing or plantings, storage and refuse containers.
 - (4) All development within the C District shall be designed to:
 - a. Reduce the number of access points onto an arterial or collector street.
 - b. Minimize adverse impacts on any existing or planned residential uses.
 - c. Improve pedestrian or vehicle safety within the site and egressing from it.
 - d. Reduce the visual intrusion of parking areas, screened storage areas and similar accessory areas and structures.
 - (5) Parking and loading areas within the WI Zone District that are adjacent to residential properties must be screened from view, by use of a combination of fences, berms and landscaping.
 - (6) Any roof overhang constructed on an accessory structure may not encroach into a required front, rear or side yard setback or into the required separation distance between structures.
 - (7) All development within the WI Zone District must be served by approved public water and sanitary sewer systems.

Sec. 2-90. Institutional/Infrastructure District (II).

- (a) Characteristics and Objectives. The II Zone District is intended to provide public, quasi-public, and institutional use of property. The intent of this zone district is to recognize the public, quasi-public, and institutional nature of particular parcels of land and provide standards and guidelines for their continued use and future development.
- (b) Use Regulations. Any of the following uses are permitted.

- (1) Permitted principal uses:
 - a. Local, state, and federal government services.
 - b. Libraries and museums.
 - c. Community centers.
 - d. Law enforcement and public safety facilities.
 - f. Public utilities.
 - g. Schools (except public schools exempt from municipal land use control pursuant to state law).
- (2) Permitted accessory uses:
 - a. Any accessory buildings, structures or uses required in addition to and in conjunction with any permitted use in the district.
- (3) Special review uses:
 - a. Cemeteries.
 - b. Lodges, clubs, meeting halls, and places of worship.
 - c. Microwave, radio, television or other CMRS facility, reviewed pursuant to Section 4-30 of this Zoning Ordinance.
- (c) Dimensional Requirements.
 - (1) Minimum lot area: None.
 - (2) Minimum lot width: None.
 - (3) Maximum impervious coverage: eighty-five percent (85%).
 - (4) Maximum building height: forty (40) feet.
 - (6) Setbacks:
 - a. Twenty-five (25) foot setback, regardless of whether its front, rear or side, for lots adjacent to the R Zone District or abutting a public street next to the R Zone District. If the structure is not on a lot adjacent to the R Zone District or abutting a public street next to the R Zone District, then the following setbacks apply.
 - b. Front lot setback: None.

- c. Side lot setback: per building code unless the structure is on a corner lot; then the building must meet the site visibility requirements found in Article 3 of this Zoning Ordinance.
 - d. Rear lot setback: twenty (20) feet. Loading spaces and loading bays are allowed in the rear lot setback.
 - e. Minimum distance between structures: per building code.
- (d) Development Standards for the II Zone District.
- (1) All buildings and structures must also adhere to the general regulations and standards in Article 3 of this Zoning Ordinance.
 - (2) Entrances to buildings shall be designed to ensure smooth and safe pedestrian circulation and ease of snow removal.
 - (3) Loading and unloading facilities shall be located in the rear of buildings and shall be screened from public view.
 - (4) Buildings will be designed so as to minimize snow shedding and runoff onto pedestrian areas and public ways.
 - (5) All development within the C District shall be designed to:
 - a. Reduce the number of access points onto an arterial or collector street.
 - b. Minimize adverse impacts on any existing or planned residential uses.
 - c. Improve pedestrian or vehicle safety within the site and egressing from it.
 - d. Reduce the visual intrusion of parking areas, screened storage areas and similar accessory areas and structures.
 - (6) Parking and loading areas within the II Zone District that are adjacent to residential properties must be screened from view, by use of a combination of fences, berms and landscaping.
 - (7) All development within the II Zone District must be served by approved public water and sanitary sewer systems.

Sec. 2-100. Parks District (P).

- (a) Characteristics and Objectives. The P Zone District is intended to provide an area in the Town for location of parks and public open space. The intent of this zone district is to protect established public lands.

(b) Use Regulations. Any of the following uses are permitted.

(1) Permitted principal uses:

- a. An open area for public use and benefit, including play and picnic areas, tables, shelters and other incidental park uses.
- b. Public utility mains, underground lines and related facilities.

(2) Special review uses:

- a. Microwave, radio, television or other CMRS facility, reviewed pursuant to Section 4-30 of this Zoning Ordinance.

(c) Dimensional Requirements.

(1) Minimum lot area: None.

(2) Minimum lot width: None

(3) Maximum building height: thirty (30) feet.

(4) Setbacks:

- a. Front lot setback: twenty five (25) feet.
- b. Side lot setback: twenty five (25) feet.
- c. Rear lot setback: twenty five (25) feet.

Sec. 2-110. Planned Development District (PD).

(a) Purpose and Objectives. Planned developments are intended to facilitate the purposes and objectives of this Zoning Ordinance and the Town's Comprehensive Plan and to permit the application of additional site, land planning and design concepts in land development than may be possible under the application of other adopted zone districts. Developments, however, must demonstrate that flexibility from the provisions of the existing zoning will result in higher quality development. An applicant for a PD Zone District designation must demonstrate that one (1) or more of the following purposes can be achieved:

(1) The provision of necessary commercial, recreational and educational facilities conveniently located to housing;

(2) The encouragement of innovations in residential, commercial and limited industrial development and renewal so that the growing demands of the area population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings;