



TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Honorable Mayor and Board of Trustees

FROM: Zach Higgins, AICP Community Development Director
Alexandra Cramer, Planner/Project Manager

DATE: April 9th, 2024

SUBJECT: Ordinance 24-02

SUMMARY

Approval of Ordinance 24-02 would amend various provisions in Chapter 16 of the Town of Elizabeth Municipal Code. Section I of Ordinance 24-02 pertains to Chapter 16 Article II, the site plan submittal requirements. Section II of Ordinance 24-02 pertains to Chapter 16 Article II, the site plan review procedures and requirements for approval. Section III of Ordinance 24-02 contains revisions to Chapter 16 Article I regarding definitions pertaining to Beverage Processing and Short Term Rentals. Section IV of Ordinance 24-02 amends Tables 16-1, 16-3, and 16-5 to include STRS and Beverage Processing. Section V of Ordinance 24-02 pertains to Chapter 16 Article III of the EMC amending the plat process to include administrative approvals of specific requests. Section VI of Ordinance 24-02 pertains to Chapter 16 Article IX amending language regarding accessory dwelling units (ADU).

Site Plan Requirements and Review Procedures

Approval of Ordinance 24-02 would amend Article II of the Elizabeth Municipal Code regarding the submittal requirements and review procedures for site plans. The proposed amendment seeks to update Section 16-2-30 to require applicants to submit all application materials in digital format rather than physical copies. This change aims to streamline processes, reduce paper waste, and enhance accessibility to planning documents for staff and the public. The proposed amendment also includes revisions to Section 16-2-30 and 16-2-40 regarding civil engineering requirements for site plan submittals. These revisions aim to clarify and update the standards for engineering submissions, ensuring consistency and compliance with current industry practices.

Beverage Processing

Ordinance 24-02 also seeks to amend Article I of the Elizabeth Municipal Code regarding Beverage Processing land use. The proposed amendment would include an addition of Beverage Processing land

use to be included in Table 16-5 and include a definition for the land use in Section 16-1-20 as summarized below.

Beverage Processing means any commercial or industrial use that includes the manufacturing, brewing, or distilling of alcoholic or non-alcoholic beverages.

Beverage Processing would be a *use by special review* in the following districts:

- CMU, Commercial Mixed-Use District
- DT, Downtown District
- RC, Regional Commercial District

The proposed amendment is driven by the need to align the zoning code with current land use practices observed in the Town. Currently, there are two planned unit developments (PUD) that allow for beverage processing, including the Elizabeth Brewing Company and a vacant lot in the Crossroads Business Park. By revising the zoning code to explicitly include beverage processing as a regulated land use in the Town's commercial districts, generally the need for PUD zoning for this specific activity will be eliminated, providing more clarity and consistency in land use regulations.

Short Term Rentals (STRs)

Another component to Ordinance 24-02 is an amendment to Chapter 16 Article I of the Elizabeth Municipal Code pertaining to Short Term Rentals (STRs). The proposed amendment would include an addition of Short Term Rentals (STRs) land use to be included in Tables 16-1, 16-3, and 16-5 and include a definition for the land use in Section 16-1-20 as summarized below.

Short Term Rentals (STRs) are dwelling units, or a portion thereof, which are rented to guests nightly, weekly, or for a duration of less than 30 consecutive days.

Over the past few years, it has become a popular practice nationwide for individuals to rent out rooms, condos, or entire houses for short durations to visitors and vacationers. STRs are common in areas where hotels are expensive or other quality lodging options do not exist. In response to this increasing popularity of home-sharing, many municipalities throughout the Front Range have created STR ordinances as a way to better regulate the time, place, and manner of such uses. The availability and popularity of STRs in the Town of Elizabeth have been on the rise in recent years, especially with the creation and use of home-sharing websites such as AirBnB, VRBO, HomeAway, and several others. Due to the increasing popularity of STRs, the use and operation of residential dwelling units as lodging for temporary stays (especially within neighborhoods zoned for low-intensity residential uses) can potentially create impacts not anticipated by the City's current zoning regulations. While the current municipal code regulates visitor accommodation uses such as bed and breakfast establishments, hotels and motels, and boarding and rooming houses, there are no regulations which apply to STRs. Short term rentals are not currently allowed in the Town, however, at any given time of year there are a number of Elizabeth properties listed on short term rental websites.

If this Ordinance is adopted, staff recommends current STR operators be given a grace period in which to become compliant with the new Ordinance. No existing STR operation would be exempted from complying with these regulations. All STRs lawfully established within the Town of Elizabeth would be required to become compliant with these regulations through the established process. The Ordinance would also grant the Town authority to revoke STR permits when properties are not in compliance with the approved and adopted regulations.

STRs would be *permitted by right* in the following districts:

- R-1, Single-Family Residence District
- RE, Residential Estate District
- R-2, Single-Family and Duplex Residence District
- R-TH, Townhouse District
- R-3, Multi-Family Residence District
- MH-1, Mobile Home Subdivision
- CMU, Commercial Mixed Use District
- DT, Downtown District

STR Permit Requirements:

- Application and License Fee
- Life/Safety Inspection
- Proof of Ownership (or signed affidavit from owner)

If an STR permit is approved, it would be valid for three (3) years and subject to renewal on a tri-annual basis.

Financial Implications:

If approved the STR process would establish a permitting/registration system which Town staff recommends being set at \$30 per registration every three (3) years. Additionally, the operation of an STR would require the applicant to obtain a Life/Safety Inspection that will be paid for at their own expense.

Platting Procedures

Ordinance 24-02 Section V amends EMC Section 16-3-80, subsections (a) and (c) to define the adjustment of lot lines that does not create additional lots or change orientation and subsequently allows for administrative approval for that specific adjustment.

would require the applicant to obtain a Life/Safety Inspection that will be paid for at their own expense.

Accessory Dwelling Units (ADU)

Ordinance 24-02 Section VI amends EMC Section 16-9-20, subsection (b) with the deletion of subsection (b)(18). This would REMOVE the subsection that reads: *ADUs may be approved for a period not to exceed two (2) years. The applicant or owner must reapply biennially for review no later than thirty (30) days past the original approval date.*

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 24-02, an Ordinance amending Chapter 16 Article I, Article II, Article III, Article IX, Table 16-1, Table 16-3, and Table 16-5 of the Elizabeth Municipal Code.

PLANNING COMMISSION RECOMMENDATION

At the March 19th, 2024 Planning Commission meeting, the Commission provided a recommendation of approval for Ordinance 24-02, for consideration by the Board of Trustees. The Commission did not recommend any conditions of approval.

ATTACHMENT(S)

Ordinance 24-02

Section 16-2-30 (Current Code Language)

Section 16-2-40 (Current Code Language)

Section 16-1-20 (Current Code Language)

Table 16-1 (Current Code Language)

Table 16-3 (Current Code Language)

Table 16-5 (Current Code Language)

Section 16-3-80 (Current Code Language)

Section 16-9-20 (Current Code Language)

ORDINANCE 24-02

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 16 OF THE TOWN OF ELIZABETH MUNICIPAL CODE, UPDATING THE TOWN'S LAND USE AND DEVELOPMENT CODE

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

Section 1. Section 16-2-30 of the Elizabeth Municipal Code is amended to read as follows:

Sec. 16-2-30. Application submittal requirements.

(a) Each request for a site plan approval shall be accompanied by an executed land use application, a written narrative, ~~twelve (12) copies of the proposed site plan~~ DIGITAL COPY OF THE PROPOSED SITE PLAN with all related information and the appropriate application fee. This submittal information shall be accompanied by a signed transmittal letter from the applicant describing the contents of the submittal. Applicants who submit revisions or amendments to an approved site plan shall be required to submit properly prepared site plan drawings, color and materials boards, elevations and/or landscape and grading plans that clearly depict the proposed modifications.

(b) Submittal requirements. The applicant shall submit the information listed below to the authorized Town official:

(1) Completed land use application form and appropriate fees.

(2) ~~Twelve (12) full-sized copies of the site plan (folded to 9" x 12") prepared in accordance with the site plan exhibit standards listed below.~~ DIGITAL COPY OF THE SITE PLAN PREPARED IN ACCORDANCE WITH THE SITE PLAN EXHIBIT STANDARDS BELOW.

(3) A written narrative outlining the proposal.

(4) A copy of the warranty deed and title commitment current within thirty (30) days of submittal.

(5) A disclosure letter and/or letter of consent from the property owner.

(6) ~~Three (3) DIGITAL copies of the FOLLOWING: drainage plan with GESC/DESC BMPs, as applicable (folded to 9" x 12"), if not already approved as part of a subdivision.~~

a. GRADING AND DRAINAGE PLAN;

b. FINAL DRAINAGE REPORT;

- c. GESC/DESC PLAN (MAY BE COMBINED WITH GRADING AND DRAINAGE PLAN ABOVE); AND
- d. UTILITY PLAN WHICH INCLUDES WATER MAINS AND SERVICE LINES AND METER LOCATIONS, SANITARY SEWER MAINS AND SERVICE LINE, AND STORM DRAINAGE LINES AND RELATED INLET, AND DETENTION FACILITIES.

THE ABOVE ITEMS TYPICALLY REQUIRE SUBSTANTIAL ENGINEERING DETAIL AND MAY REQUIRE NUMEROUS PLANS SHEETS TO PROVIDE THAT LEVEL OF DETAIL. FOR THE PURPOSE OF THE SITE PLAN SUBMITTAL, THIS LEVEL OF DETAIL MAY BE MINIMIZED, AS LONG AS A SEPARATE SET OF ENGINEERING CONSTRUCTION DOCUMENTS ARE SIMULTANEOUSLY PROVIDED WITH THE REQUIRED LEVEL OF DETAIL, WHICH WILL BE PROCESSED CONCURRENTLY WITH THE SITE PLAN.

- (7) ~~Twelve~~(12) DIGITAL copies of the landscape plan (folded to 9" x 12").
- (8) ~~Twelve~~(12) DIGITAL copies of the building elevations (folded to 9" x 12"), to include rooftop mechanical structures.
- (9) Colored building elevations of all sides.
- (10) Two (2) color and materials boards (one [1] of 9" x 12" maximum size and one [1] of suitable size for presentation to the Planning Commission) containing materials, colors, specifications, manufacturers' names and product numbers.
- (11) A diagram or schematic showing screening of rooftop mechanical structures.
- (12) A PHOTOMETRIC PLAN WHICH IDENTIFIES PROPOSED LIGHTING INTENSITIES ACROSS THE SUBJECT PROPERTY IN THE FORM OF FT-CANDLES, AND INCLUDES DETAILED "CUT SHEETS" OR SIMILAR OF PROPOSED EXTERIOR LIGHTING FACILITIES INCLUDING PARKING LOT FACILITIES, ATTACHED BUILDING FACILITIES, WALKWAYS AND SIMILAR FACILITIES.
- (13) AN ENGINEER'S ESTIMATE OF COSTS IDENTIFIED AS "PUBLIC IMPROVEMENTS" OF CIVIL RELATED ITEMS AND A SEPARATE ESTIMATE OF "PUBLIC IMPROVEMENT" LANDSCAPE RELATED ITEMS, BASED ON CURRENT ITEMIZED COSTS AND EACH ESTIMATE TO INCLUDE A 15% CONTINGENCY. THE ITEMS THAT CONSTITUTE "PUBLIC IMPROVEMENTS" ARE, AT MINIMUM, THOSE ITEMS LOCATED WITHIN ANY ADJACENT PUBLIC RIGHT OF WAY.

(14) THE PREFERRED METHOD OF PLAN SUBMITTAL IS BY USE OF ELECTRONIC FILE TRANSFERS SUCH AS PDF'S, WHICH NEGATES THE NEED FOR MULTIPLE PLAN COPIES DESCRIBED ABOVE, WITH THE EXCEPTION OF ITEM (10) ABOVE.

Failure to submit all required documentation shall result in a delayed application. Additional information may be requested after the formal application is received.

(c) Submittal standards.

(1) Site plan exhibit. The proposed site plan shall be prepared by a qualified professional (architect, landscape architect, land planner or engineer) and drawn on one (1) or more sheets of paper measuring 24" x 36" with a minimum scale of 1" = 50'. Scales drawn at 1" = 40', 1" = 30', 1" = 20' and 1" = 10' may be acceptable. Each site plan shall be signed by the applicant and shall contain the following information:

- a. Date of preparation.
- b. North arrow with written and graphic scale.
- c. Vicinity map showing the relationship of the site to the surrounding area within a one-half-mile radius with zoning districts designed thereon.
- d. Listings of the site zoning, gross lot and net acreage of each proposed use, as well as the number of dwelling units and/or the number of buildings and gross floor area.
- e. The existing grading and drainage information on the site drawn at five-foot intervals and related to United States Geological Survey (USGS) datum, as well as finished grades and contours proposed by the applicant.
- f. The size and location of all existing and proposed public and private utility and emergency easements or other rights-of-way.
- g. The building envelope, size, setback dimensions and height of all proposed structures and all existing structures which are to be retained on site.
- h. Location, dimensions and names of adjacent streets, and proposed internal streets showing center line radii and curb return radii.
- i. The location and dimensions of bike/pedestrian paths and walkways.
- j. The location, dimensions and number of bicycle storage spaces or facilities.

k. Listings of the number of all parking stalls, as well as indications of the number of compact cars and accessible spaces.

l. The proposed layout of the parking lot, including locations and dimensions of parking spaces, curb islands, internal planter strips, maneuvering aisles and access driveways with indications of direction of travel.

m. Location of all exterior lighting, signage and fencing used to divide properties and to screen mechanical equipment and trash receptacles. All trash receptacles shall be screened by a solid opaque fence surrounding at least three (3) sides of the container.

n. Existing specific physical features on the site, including drainage ways, lakes, buildings and structures, with indications as to which are to be retained.

o. Adjacent properties and their physical features within fifty (50) feet of the property line with zoning and land uses, including setback dimensions of adjacent structures.

p. The location and dimensions of landscaped areas, locations and names of all plant material and ground cover and the locations of other pertinent landscape features.

q. Location of all existing and proposed recreational amenities, such as open play areas, swimming pools, tennis courts, tot lots and similar facilities.

r. THE MAXIMUM HEIGHT AND TYPE OF MATERIAL AND COLOR OF ANY PROPOSED RETAINING WALLS

s. THE FOLLOWING CERTIFICATIONS ON A SINGLE SHEET: SURVEYOR, BOARD OF TRUSTEES, COUNTY CLERK AND RECORDER, TITLE VERIFICATION, DEDICATION STATEMENT AND PLANNING COMMISSION.

(2) Other information which shall be required, but need not be designated on the site plan, includes:

a. A plat or metes-and-bounds description of the property verified and signed by a registered land surveyor in the State. If the site is on a portion of land that has an existing recorded plat, a legal description referencing lot, block and subdivision name will be sufficient.

b. A copy of the executed covenants (when applicable).

c. A copy of the approved development guide and plan required by the Planned Development PD District (when applicable).

d. Additionally, the applicant shall provide any reasonable information not covered above to aid in the review of the request by the authorized Town official, including but not limited to plat notes, easements and design guidelines. Such items may include traffic studies, soil and geo-tech surveys and other engineering information that may be required, depending on the circumstances of the particular application.

(3) Site plan narrative. The applicant shall submit a narrative which includes the following information:

a. Applicant's name.

b. Detailed description of the general proposal.

c. Present zoning.

d. General development schedule and phasing plan if the project is not to be constructed at one (1) time.

(4) Deed. The applicant shall submit a copy of the most recent deed recorded with the County Clerk and Recorder.

(5) GRADING AND Drainage plan, FINAL DRAINAGE REPORT, GESC/DESC plan, AND UTILITY PLAN. Each request for site plan approval shall be accompanied BY THESE FOUR (4) ITEMS. ~~plan if a final drainage plan as part of a subdivision was not approved. Three (3)~~ DIGITAL copies of the proposed GRADING AND drainage plan, FINAL DRAINAGE REPORT, GESC/DESC PLAN AND UTILITY PLAN ~~indicated on the plans~~, prepared by a professional engineer or architect shall be submitted to the authorized Town official with the site plan submittal and then forwarded to the office of the Civil Engineer. ~~Review of the drainage plan will be simultaneous with that of the site plan.~~ THE PLANS DESCRIBED IN THIS ITEM (5) SHALL BE SUBMITTED IN ACCORDANCE WITH SECTION 16-2-30(B)(6). ANY SEPARATE DETAILED ENGINEERING CONSTRUCTION PLANS, WHICH MAY BE SUBMITTED, WILL PROCESS CONCURRENTLY WITH THE SITE PLAN.

(6) Each request for a site plan approval shall be accompanied by a landscape plan prepared by a qualified professional and drawn on one (1) sheet of paper measuring 24" x 36" with a minimum scale of 1" = 50'. Larger scales are encouraged to effectively portray the landscape plan. The landscape plan shall contain the following information:

- a. Date of preparation.
- b. Scale and north arrow.
- c. Building footprint.
- d. Parking lots.
- e. Location, quantity and size of landscape materials. The location of all landscape materials shall be shown on the plan, accompanied by a chart or legend showing the quantity planted, mature size and years to maturity, common names of the plant materials and planting notes.
- f. A calculation of the percentage of the site that is to be landscaped in accordance with Town regulations.

(7) Building elevations. Each request for site plan approval shall be accompanied by a set of elevations of the proposed buildings or structures. ~~Five (5)~~ DIGITAL 24" x 36" ~~paper~~ copies of the illustration or rendering will be submitted to the authorized Town official. These drawings shall include front, rear and side elevations accurately depicting the finished building or structure on the site. Perspective renderings showing the building in one (1) or more oblique angles, color chips, material boards, scale models, photographs, on-site mockups or other similar techniques may also be submitted. In addition to this submittal, the following information shall be supplied:

- a. All exterior surfacing materials and colors shall be specified on the plans.
- b. Outdoor lighting, furnishings and architectural accents shall be specified on the plans.
- c. Any proposed signage for the site and its placement in relationship to the building or structure shall be indicated on the plans.

Section 2. Section 16-2-40 of the Elizabeth Municipal Code is amended to read as follows:

Sec. 16-2-40. Review procedures and requirements for approval.

(a) The site plan submittal, narrative, application form and fee and accompanying information shall be submitted to the authorized Town official. The applicant will be issued a receipt acknowledging the date of the submittal package. THIS SUBMITTAL SHOULD INCLUDE ANY SEPARATE DETAILED ENGINEERING PLANS RELATED TO GRADING AND DRAINAGE, GESC/DESC, AND UTILITIES, WHICH WILL PROCESS CONCURRENTLY WITH THE SITE PLAN.

(b) The authorized Town official will review the submittal package and indicate

any deficiency found in the application. Once the application is found to be complete, the review procedure shall begin.

~~(e) Drainage and GESC/DESC plans will be forwarded by the authorized Town official to the Civil Engineer. The Civil Engineer shall be in receipt of these plans within the first twenty (20) working days of the review procedure.~~

(c) Revisions or amendments to an approved site plan shall be processed administratively by the authorized Town official. In the event the proposed modifications exceed the scope or intent of the revision or amendment administrative procedures, the authorized Town official may determine that additional review processes are required to ensure compliance with Town standards and codes. The application shall then be processed as a new site plan application subject to the full Planning Commission and Board of Trustees review and approval processes.

(d) The authorized Town official shall schedule a meeting before the Planning Commission to consider a new site plan application during a regularly scheduled meeting. The public meeting shall be the next available date on the Planning Commission's agenda. The applicant must post the land on which the site plan is proposed. Posting shall be in accordance with Subsections 16-4-30(b) through (d) of this Chapter.

(e) The Planning Commission shall, at the public meeting, carefully consider the attributes of the proposal as presented by the applicant, input by the members of the Planning Commission and any public opinion expressed during the meeting.

(f) The Planning Commission shall then consider the application and make a recommendation to the Board of Trustees to approve, approve with conditions, continue to obtain additional information or deny the site plan. The Planning Commission's recommendation shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.

(g) Following the recommendation from the Planning Commission, the authorized Town official will schedule the site plan with the Board of Trustees and notify the applicant of the hearing date and time. The applicant shall be responsible for providing public notice prior to the Board of Trustees' hearing in compliance with the public notice requirements contained in Subsections 16-4-30(b) through (d) of this Chapter. At the public hearing, the Board of Trustees shall evaluate the site plan, referral agency comments, the Planning Commission recommendation and public testimony, and shall either approve, conditionally approve, continue to obtain additional information or deny the site plan. The Board of Trustees' decision shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines, and its decision shall be final.

(h) If and when the application is approved or conditions for approval have been met, a building permit may be issued upon the request of the applicant.

(i) The certificate of occupancy will be issued, provided that:

(1) Landscaping requirements have been met by the applicant.

- (2) A final drainage plan with GESC/DESC BMPs has been approved by the Civil Engineer.
- (3) Parking lots and drainage facilities are in and are useable.
- (4) Sufficient fire flows or protection is present and accepted by the Fire Protection District.
- (5) Any other requirements made by the Building Official, utilities or other agencies are satisfied.

(j) Additional referrals. In the event the Board of Trustees or the Planning Commission determines that any land use application submitted under this Article has been materially changed following its initial referral to referral agencies and prior to the Planning Commission making a final advisory recommendation or the Board of Trustees making a final decision on the application, the Planning Commission or the Board of Trustees may require that said land use application as materially amended, be re-sent to referral agencies for additional referral comments prior to any final advisory decision by the Planning Commission or any final decision being made by the Board of Trustees.

Section 3. Section 16-1-20 of the Elizabeth Municipal Code is amended by the addition thereto of the following definitions of “Beverage Processing” and “Short Term Rentals” to read as follows:

BEVERAGE PROCESSING MEANS ANY COMMERCIAL OR INDUSTRIAL USE THAT INCLUDES THE MANUFACTURING, BREWING, OR DISTILLING OF ALCOHOLIC OR NON-ALCOHOLIC BEVERAGES

SHORT TERM RENTALS (STRS) ARE DWELLING UNITS, OR A PORTION THEREOF, WHICH ARE RENTED TO GUESTS NIGHTLY, WEEKLY, OR FOR A DURATION OF LESS THAN 30 CONSECUTIVE DAYS, AND EXCLUDING (1) A PERMITTED COMMERCIAL ACCOMMODATION, (2) ONGOING MONTH-TO-MONTH TENANCY GRANTED TO THE SAME RENTER FOR THE SAME DWELLING, OR (3) A HOUSE EXCHANGE FOR WHICH THERE IS NO PAYMENT.

Section 4. Tables 16-1, 16-3, and 16-5 of the Elizabeth Municipal Code are amended to read as follows:

Land Use/Activity <i>(1)(8)(9)(13)(15)</i>	Residential Zoning District									
	R-1	R-1-12	R-1-20	RE-1	RE-2	R-2	R-TH	R-3	A-1	LR-1
Single-family detached dwellings ⁽¹¹⁾⁽¹⁴⁾	A	A	A	A	A	A		A	A	A
Single-family attached dwellings ⁽¹¹⁾⁽¹⁴⁾						A	A	A		
Duplex structures ⁽¹¹⁾⁽¹⁴⁾						A	A	A		
Accessory dwelling units (ADUs)	S	S	S	S	S	S		S	S	S
Townhouses ⁽¹²⁾⁽¹⁴⁾							A			
Multi-family dwellings ⁽¹²⁾⁽¹⁴⁾								A		
Accessory buildings ⁽²⁾	A	A	A	A	A	A		A	A	A
Accessory uses: home occupations ⁽³⁾	A	A	A	A	A	A	A	A	A	
Assisted living services	S	S	S	S	S	S		S	S ⁽¹⁰⁾	S ⁽¹⁰⁾
Bed and breakfast inns					S	S		A	S	S
Boarding and rooming houses								A		
Cemeteries or mausoleums	A	A	A	A	A	A			A	A
Commercial animal establishments				S	S				S	S
Dormitories								A		
Fences, hedges, walls and trees ⁽⁴⁾	A	A	A	A	A	A	A	A	A	A
Forestry farming, including raising of trees for any purpose					A				A	A

Land Use/Activity <i>(1)(8)(9)(13)(15)</i>	Residential Zoning District									
	<i>R-1</i>	<i>R-1-12</i>	<i>R-1-20</i>	<i>RE-1</i>	<i>RE-2</i>	<i>R-2</i>	<i>R-TH</i>	<i>R-3</i>	<i>A-1</i>	<i>LR-1</i>
Fraternity and sorority houses								A		
General farming, including grains, fruit, vegetables, grasses, hay, livestock raising and the keeping and boarding of horses ⁽⁵⁾				S	A				A	A
Golf courses	A	A	A	A	A	A		A		
Greenhouses and nurseries, including both wholesale and retail, provided that products sold are raised on the premises				A	A				A	A
Group homes or group quarters	S	S	S	S	S	S		S	S	
Horses/livestock ⁽⁵⁾			A	A	A				A	A
Hospitals and emergency facilities	A	A	A	A	A	A		A		
Kennels and other canine-related facilities - commercial ⁽⁶⁾	S	S	S	S	S	S			S	S
Kennels and other canine-related facilities - private ⁽⁶⁾	A	A	A	A	A	A			A	A
Nursery schools and day care centers	S	S	S	S	S	S	S	S	S ⁽¹⁰⁾	S ⁽¹⁰⁾
Parks	A	A	A	A	A	A	A	A	A	A
Playgrounds	A	A	A	A	A	A	A	A	A	A
Public schools	A	A	A	A	A	A		A		
Public utilities	A	A	A	A	A	A	A	A	A	A

Land Use/Activity <i>(1)(8)(9)(13)(15)</i>	Residential Zoning District									
	<i>R-1</i>	<i>R-1-12</i>	<i>R-1-20</i>	<i>RE-1</i>	<i>RE-2</i>	<i>R-2</i>	<i>R-TH</i>	<i>R-3</i>	<i>A-1</i>	<i>LR-1</i>
Recreation centers - nonprofit neighborhood	S	S	S	S	S	S	S	S		
Religious assembly, place of	A	A	A	A	A	A		A		
Retirement/group housing services	S	S	S	S	S	S		S	S ⁽¹⁰⁾	S ⁽¹⁰⁾
Riding stables/academies - commercial					S				S	S
Short Term Rentals (STRs)	A			A	A	A	A	A		
Signs ⁽⁷⁾	A	A	A	A	A	A	A	A	A	A
Stables and other equine-related facilities - private				A	A				A	A
Structures for general farming					A				A	A
Universities	A	A	A	A	A	A		A		

<i>Land Use/Activity</i> <i>(1)(2)(3)(4)(5)(6)(7)(14)</i>	<i>Mobile Home Zoning District</i>	
	<i>MH-1⁽⁸⁾⁽⁹⁾</i>	<i>MH-2⁽¹⁰⁾</i>
Single-family detached dwellings	A	
Accessory buildings	A	A
Home occupations	A	A
Accessory uses	A	A
Athletic fields	A	
Cemeteries or mausoleums	A	
Fences, hedges, walls and trees ⁽⁴⁾	A	A
Golf courses	A	
Hospitals and emergency facilities	S	
Kennels and other canine-related facilities - commercial ⁽¹¹⁾		
Kennels and other canine-related facilities - private ⁽¹¹⁾	A	
Mobile home parks		A
Mobile home subdivisions	A	
Nursery schools and day care centers	S	S
Parking lots and parking garages		
Parks	A	A
Playgrounds	A	A

Land Use/Activity <i>(1)(2)(3)(4)(5)(6)(7)(14)</i>	Mobile Home Zoning District	
	<i>MH-1⁽⁸⁾⁽⁹⁾</i>	<i>MH-2⁽¹⁰⁾</i>
Private campgrounds		S
Public buildings and lands	A	
Public safety-related facilities	A	A
Public transportation terminals other than truck terminals		
Public utilities	A	A
Recreation centers - nonprofit neighborhood	S	S
Recreation facilities - private	S	S
Recreation facilities - public	A	A
Religious assembly, places of	A	
Schools - private	A	A
Schools - public	A	A
Short Term Rentals (STRs)	A	
Signs	A	A
Universities	A	

Land Use/Activity (1)(2)(3)(4)(5)(9)(10)(11)	Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts				
	P-I	RC	CMU	L-I⁽⁶⁾	DT
Single-family detached dwellings		S	S		
Single-family attached dwellings			S		A
Duplex structures			S		
Accessory dwelling units (ADUs)		S	S		S
Townhouses					S
Multi-family dwellings			S		S
Accessory buildings	A	A	A	A	A
Home occupations			A		A
Accessory uses			A		A
Amphitheater			A		A
Amusement and recreation establishments and areas		A	A	S	S
Assisted living services			S		
Athletic fields	A				
Auto repair garages		A		A	
Automotive wrecking and graveyards, salvage yards and junkyards				S	
Bakeries		A	A		A
Bed and breakfast inns		A	A		A
Beer, wine and liquor stores (off-		A	S		S

Land Use/Activity (1)(2)(3)(4)(5)(9)(10)(11)	Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts				
	P-I	RC	CMU	L-I⁽⁶⁾	DT
premises of alcohol consumption)					
Beverage Processing		S	S		S
Boarding and rooming houses			A		A
Business schools, studios and vocational schools, not involving processes of a heavy industrial nature		A		A	
Business service establishments		A	A	A	A
Car lots - new and used		A			
Car service and sales establishments		A		A	
Car washes		A			
Car/vehicle rental or leasing		A		A	
Cemeteries or mausoleums	A			A	
Clubs and lodges		A	A		A
Commercial animal establishments		A	S		
Commercial food preparation kitchens		A	A		A
Computer design-generated CAD-CAM operations not involving		A	A	A	A

Land Use/Activity (1)(2)(3)(4)(5)(9)(10)(11)	Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts				
	P-I	RC	CMU	L-I⁽⁶⁾	DT
heavy industry					
Computer-generated CAD and similar nonoffensive "light" industrial uses				A	
Construction-related businesses		S		A	
Convenience stores or centers		A	A		A
Distribution centers				A	
Dormitories			S		
Drive-in restaurants		A			
Eating and drinking establishments		A	A		A
Exhibition and art galleries		A	A		A
Facilities for assembly, manufacturing, compounding, processing or treatment of products				A	
Farmers markets or other open markets		A	A		A
Fences, hedges, walls and trees ⁽⁴⁾	A	A	A	A	A
Financial institutions		A	A		A
Fitness, recreational sports, gym or athletic club		A	S	A	S

Land Use/Activity (1)(2)(3)(4)(5)(9)(10)(11)	Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts				
	P-I	RC	CMU	L-I⁽⁶⁾	DT
Food and beverage processing				A	
Fraternity and sorority houses			S		
Garden/flower shops		A	A		A
Golf courses					
Hospitals and emergency facilities	A	A			
Hospitals for animals		A	A		
Hotels and motels		A			
Kennels and other canine-related facilities - commercial ⁽⁷⁾		S	S	S	
Kennels and other canine-related facilities - private ⁽⁷⁾			S		
Laboratories or specialized industrial facilities				A	
Mill-type factories				A	
Miniature golf establishments			A	A	S
Mobile home parks					
Mobile home subdivisions					
Mortuaries/funeral homes		A	S	A	

Land Use/Activity (1)(2)(3)(4)(5)(9)(10)(11)	Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts				
	P-I	RC	CMU	L-I⁽⁶⁾	DT
Movie theaters		A	A		S
Museums, exhibitions or similar facilities	S	A	A		A
Nursery schools and day care centers		S	S		
Parking lots and parking garages	A	A	A	A	A
Parks	A	A	A	A	A
Pawn shops ⁽⁸⁾		A		A	
Performance theaters			A		A
Personal service establishments		A	A		A
Plant or tree nurseries		A		A	
Playgrounds	A				
Private campgrounds					
Professional, commercial or business offices		A	A	A	A
Public buildings and lands	A	A	A	A	A
Public safety-related facilities	A	A	A	A	A
Public transportation terminals other than truck terminals	A	A	A	A	A

Land Use/Activity (1)(2)(3)(4)(5)(9)(10)(11)	Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts				
	P-I	RC	CMU	L-I⁽⁶⁾	DT
Public utilities	A	A	A	A	A
Recreation centers - nonprofit neighborhood	S		S		
Recreation facilities - private		A	A	A	
Recreational facilities - public	A	A	A	A	A
Religious assembly, place of	A	A	A	A	A
Research and development services				A	
Restaurants and lounges		A	A		A
Retail stores, sales and display rooms and shops		A	A		A
Retirement/group housing services			S		
Schools - private		A	A	A	
Schools - public	A	A	A	A	
Service stations		A		A	
Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning)				A	
Sexually oriented businesses ⁽⁹⁾		A			

Land Use/Activity (1)(2)(3)(4)(5)(9)(10)(11)	Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts				
	P-I	RC	CMU	L-I⁽⁶⁾	DT
Short Term Rentals (STRs)			A		A
Signs	A	A	A	A	A
Storage facilities, RVs, campers, trailers, large vehicles				S	
Tattoo parlors		A			
Trailer sales and service		A			
Universities, colleges, technical institutions - satellite locations			A		S
Warehouse and storage facilities				A	
Warehouse discount stores/superstores		A			
Wholesaling, exclusive of manufacturing		A			

Section 5. Section 16-3-80, subsections (a) and (c) of the Elizabeth Municipal Code is amended to read as follows:

Sec. 16-3-80. - Replat, vacation, or plat amendment.

(a) Intent. The intent of this Section is to provide a process of review for a change to a recorded plat or a replat of a superblock that ensures that the change is consistent with the zoning district requirements, including, but not limited to, the following:

(1) Replat of a lot or tract, adjustment or vacation of a lot line, vacation of a plat without rights-of-way or easements;

(2) Vacation of right-of-way, easement or portion thereof; OR.

(3) ADJUSTMENT OF LOT LINES THAT DOES NOT CREATE ADDITIONAL LOTS AND DOES NOT CHANGE THE ORIENTATION OF THE LOTS RELATIVE TO ACCESS TO PUBLIC INFRASTRUCTURE.

* * *

(c) Submittal process and requirements.

(1) A change to a recorded plat due to an error or omission shall be processed in accordance with this Chapter.

(2) A replat of a lot or tract, an adjustment or vacation of a lot line, a vacation of a plat (without rights-of-way or easements) or a minor reconfiguration of an easement shall be processed in accordance with the final plat process, EXCEPT THAT ADJUSTMENT OF LOT LINES THAT DOES NOT CREATE ADDITIONAL LOTS AND DOES NOT CHANGE THE ORIENTATION OF THE LOTS RELATIVE TO ACCESS TO PUBLIC INFRASTRUCTURE MAY BE APPROED ADMINISTRATIVELY

(3) A vacation of a platted easement or right-of-way shall be processed in accordance with the final plat process. In addition:

a. For a vacation of a public right-of-way, a public hearing is required by the Planning Commission and Board of Trustees. Public notice shall be required for both the Planning Commission and the Board of Trustees hearing in accordance with Subsections 16-4-30 (b) through (d) of this Chapter. (NOTE: An access easement, i.e., trail, shall be considered a right-of-way.)

b. For a vacation of an easement, public notice shall be required for the Board of Trustees hearing in accordance with Subsections 16-4-30(b) through (d) of this Chapter. In addition, the applicant shall send a notice of hearing to known easement holders notifying them of the proposed vacation by certified mail, return receipt requested.

(4) A vacation of an unplatted easement or right-of-way shall be processed as follows:

a. An ordinance shall be prepared that includes the legal description of the right-of-way or easement to be vacated and the book and page numbers as recorded by the County Clerk and Recorder.

b. The vacation request shall be heard by the Planning Commission and Board of Trustees at a public hearing. Public notice shall be required only for the Board of Trustees hearing in accordance with Subsections 16-4-30 (b) through (d) of this Chapter. The ordinance shall be recorded in the office of the County Clerk and Recorder upon obtaining the signature of the Mayor.

(5) An amendment to a plat which includes a redesign of streets, blocks, lots and easements shall be processed according to the sketch, preliminary plan and final plat process of this Chapter.

* * *

Section 6. Section 16-9-20, subsection (b) is amended by the deletion of subsection (b)(18).

Section 7. Severability. If any section, paragraph clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 8. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 9. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2024.

Passed by a vote of _____ for and _____ against and ordered published.

Tammy Payne, Mayor

ATTEST

Michelle M. Oeser, Town Clerk

Sec. 16-2-30. - Application submittal requirements.

(a) Each request for a site plan approval shall be accompanied by an executed land use application, a written narrative, twelve (12) copies of the proposed site plan with all related information and the appropriate application fee. This submittal information shall be accompanied by a signed transmittal letter from the applicant describing the contents of the submittal. Applicants who submit revisions or amendments to an approved site plan shall be required to submit properly prepared site plan drawings, color and materials boards, elevations and/or landscape and grading plans that clearly depict the proposed modifications.

(b) Submittal requirements. The applicant shall submit the information listed below to the authorized Town official:

- (1) Completed land use application form and appropriate fees.
- (2) Twelve (12) full-sized copies of the site plan (folded to 9" x 12") prepared in accordance with the site plan exhibit standards listed below.
- (3) A written narrative outlining the proposal.
- (4) A copy of the warranty deed and title commitment current within thirty (30) days of submittal.
- (5) A disclosure letter and/or letter of consent from the property owner.
- (6) Three (3) copies of the drainage plan with GESC/DESC BMPs, as applicable (folded to 9" x 12"), if not already approved as part of a subdivision.
- (7) Twelve (12) copies of the landscape plan (folded to 9" x 12").
- (8) Twelve (12) copies of the building elevations (folded to 9" x 12"), to include rooftop mechanical structures.
- (9) Colored building elevations of all sides.
- (10) Two (2) color and materials boards (one [1] of 9" x 12" maximum size and one [1] of suitable size for presentation to the Planning Commission) containing materials, colors, specifications, manufacturers' names and product numbers.
- (11) A diagram or schematic showing screening of rooftop mechanical structures.

Failure to submit all required documentation shall result in a delayed application. Additional information may be requested after the formal application is received.

(c) Submittal standards.

- (1) Site plan exhibit. The proposed site plan shall be prepared by a qualified professional (architect, landscape architect, land planner or engineer) and drawn on one (1) or more sheets of paper measuring 24" x 36" with a minimum scale of 1" = 50'. Scales drawn at 1" = 40', 1" = 30', 1" = 20' and 1" = 10' may be acceptable. Each site plan shall be signed by the applicant and shall contain the following information:

- a. Date of preparation.
 - b. North arrow with written and graphic scale.
 - c. Vicinity map showing the relationship of the site to the surrounding area within a one-half-mile radius with zoning districts designed thereon.
 - d. Listings of the site zoning, gross lot and net acreage of each proposed use, as well as the number of dwelling units and/or the number of buildings and gross floor area.
 - e. The existing grading and drainage information on the site drawn at five-foot intervals and related to United States Geological Survey (USGS) datum, as well as finished grades and contours proposed by the applicant.
 - f. The size and location of all existing and proposed public and private utility and emergency easements or other rights-of-way.
 - g. The building envelope, size, setback dimensions and height of all proposed structures and all existing structures which are to be retained on site.
 - h. Location, dimensions and names of adjacent streets, and proposed internal streets showing center line radii and curb return radii.
 - i. The location and dimensions of bike/pedestrian paths and walkways.
 - j. The location, dimensions and number of bicycle storage spaces or facilities.
 - k. Listings of the number of all parking stalls, as well as indications of the number of compact cars and accessible spaces.
 - l. The proposed layout of the parking lot, including locations and dimensions of parking spaces, curb islands, internal planter strips, maneuvering aisles and access driveways with indications of direction of travel.
 - m. Location of all exterior lighting, signage and fencing used to divide properties and to screen mechanical equipment and trash receptacles. All trash receptacles shall be screened by a solid opaque fence surrounding at least three (3) sides of the container.
 - n. Existing specific physical features on the site, including drainage ways, lakes, buildings and structures, with indications as to which are to be retained.
 - o. Adjacent properties and their physical features within fifty (50) feet of the property line with zoning and land uses, including setback dimensions of adjacent structures.
 - p. The location and dimensions of landscaped areas, locations and names of all plant material and ground cover and the locations of other pertinent landscape features.
 - q. Location of all existing and proposed recreational amenities, such as open play areas, swimming pools, tennis courts, tot lots and similar facilities.
- (2) Other information which shall be required, but need not be designated on the site plan, includes:

- a. A plat or metes-and-bounds description of the property verified and signed by a registered land surveyor in the State. If the site is on a portion of land that has an existing recorded plat, a legal description referencing lot, block and subdivision name will be sufficient.
 - b. A copy of the executed covenants (when applicable).
 - c. A copy of the approved development guide and plan required by the Planned Development PD District (when applicable).
 - d. Additionally, the applicant shall provide any reasonable information not covered above to aid in the review of the request by the authorized Town official, including but not limited to plat notes, easements and design guidelines. Such items may include traffic studies, soil and geo-tech surveys and other engineering information that may be required, depending on the circumstances of the particular application.
- (3) Site plan narrative. The applicant shall submit a narrative which includes the following information:
- a. Applicant's name.
 - b. Detailed description of the general proposal.
 - c. Present zoning.
 - d. General development schedule and phasing plan if the project is not to be constructed at one (1) time.
- (4) Deed. The applicant shall submit a copy of the most recent deed recorded with the County Clerk and Recorder.
- (5) Drainage plan and GESC/DESC plan. Each request for site plan approval shall be accompanied by a drainage plan if a final drainage plan as part of a subdivision was not approved. Three (3) copies of the proposed drainage plan, with GESC/DESC BMPs indicated on the plans, prepared by a professional engineer or architect shall be submitted to the authorized Town official with the site plan submittal and then forwarded to the office of the Civil Engineer. Review of the drainage plan will be simultaneous with that of the site plan.
- (6) Each request for a site plan approval shall be accompanied by a landscape plan prepared by a qualified professional and drawn on one (1) sheet of paper measuring 24" x 36" with a minimum scale of 1" = 50'. Larger scales are encouraged to effectively portray the landscape plan. The landscape plan shall contain the following information:
- a. Date of preparation.
 - b. Scale and north arrow.
 - c. Building footprint.
 - d. Parking lots.

- e. Location, quantity and size of landscape materials. The location of all landscape materials shall be shown on the plan, accompanied by a chart or legend showing the quantity planted, mature size and years to maturity, common names of the plant materials and planting notes.
 - f. A calculation of the percentage of the site that is to be landscaped in accordance with Town regulations.
- (7) Building elevations. Each request for site plan approval shall be accompanied by a set of elevations of the proposed buildings or structures. Five (5) 24" x 36" paper copies of the illustration or rendering will be submitted to the authorized Town official. These drawings shall include front, rear and side elevations accurately depicting the finished building or structure on the site. Perspective renderings showing the building in one (1) or more oblique angles, color chips, material boards, scale models, photographs, on-site mockups or other similar techniques may also be submitted. In addition to this submittal, the following information shall be supplied:
- a. All exterior surfacing materials and colors shall be specified on the plans.
 - b. Outdoor lighting, furnishings and architectural accents shall be specified on the plans.
 - c. Any proposed signage for the site and its placement in relationship to the building or structure shall be indicated on the plans.

(Ord. 13-09 §1)

Sec. 16-2-40. - Review procedures and requirements for approval.

- (a) The site plan submittal, narrative, application form and fee and accompanying information shall be submitted to the authorized Town official. The applicant will be issued a receipt acknowledging the date of the submittal package.
- (b) The authorized Town official will review the submittal package and indicate any deficiency found in the application. Once the application is found to be complete, the review procedure shall begin.
- (c) Drainage and GESC/DESC plans will be forwarded by the authorized Town official to the Civil Engineer. The Civil Engineer shall be in receipt of these plans within the first twenty (20) working days of the review procedure.
- (d) Revisions or amendments to an approved site plan shall be processed administratively by the authorized Town official. In the event the proposed modifications exceed the scope or intent of the revision or amendment administrative procedures, the authorized Town official may determine that additional review processes are required to ensure compliance with Town standards and codes. The application shall then be processed as a new site plan application subject to the full Planning Commission and Board of Trustees review and approval processes.
- (e)

The authorized Town official shall schedule a meeting before the Planning Commission to consider a new site plan application during a regularly scheduled meeting. The public meeting shall be the next available date on the Planning Commission's agenda. The applicant must post the land on which the site plan is proposed. Posting shall be in accordance with Subsections 16-4-30(b) through (d) of this Chapter.

- (f) The Planning Commission shall, at the public meeting, carefully consider the attributes of the proposal as presented by the applicant, input by the members of the Planning Commission and any public opinion expressed during the meeting.
- (g) The Planning Commission shall then consider the application and make a recommendation to the Board of Trustees to approve, approve with conditions, continue to obtain additional information or deny the site plan. The Planning Commission's recommendation shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.
- (h) Following the recommendation from the Planning Commission, the authorized Town official will schedule the site plan with the Board of Trustees and notify the applicant of the hearing date and time. The applicant shall be responsible for providing public notice prior to the Board of Trustees' hearing in compliance with the public notice requirements contained in Subsections 16-4-30(b) through (d) of this Chapter. At the public hearing, the Board of Trustees shall evaluate the site plan, referral agency comments, the Planning Commission recommendation and public testimony, and shall either approve, conditionally approve, continue to obtain additional information or deny the site plan. The Board of Trustees' decision shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines, and its decision shall be final.
- (i) If and when the application is approved or conditions for approval have been met, a building permit may be issued upon the request of the applicant.
- (j) The certificate of occupancy will be issued, provided that:
 - (1) Landscaping requirements have been met by the applicant.
 - (2) A final drainage plan with GESC/DESC BMPs has been approved by the Civil Engineer.
 - (3) Parking lots and drainage facilities are in and are useable.
 - (4) Sufficient fire flows or protection is present and accepted by the Fire Protection District.
 - (5) Any other requirements made by the Building Official, utilities or other agencies are satisfied.
- (k) Additional referrals. In the event the Board of Trustees or the Planning Commission determines that any land use application submitted under this Article has been materially changed following its initial referral to referral agencies and prior to the Planning Commission making a final advisory recommendation or the Board of Trustees making a final decision on the application, the Planning Commission or the Board of Trustees may require that said land use application as

materially amended, be re-sent to referral agencies for additional referral comments prior to any final advisory decision by the Planning Commission or any final decision being made by the Board of Trustees.
(Ord. 13-09 §1)

Sec. 16-1-20. - Definitions.

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this Chapter shall have the meaning indicated when used in this Chapter. Words, phrases and terms not defined in this Chapter but defined elsewhere in this Code shall be construed as defined elsewhere in this Code. Words, phrases and terms neither defined herein nor elsewhere in this Chapter shall be given usual and customary meanings, except where the context clearly indicates a different meaning. The words *shall* and *will* are mandatory and not permissive; the words *may* and *should* are permissive and not mandatory.

Accepted, open space. Accepted, when used in regard to open space, shall mean written acceptance upon a recorded plat or other recorded document giving an indication of conveyance of land to be used by the public, or for some other use deemed appropriate by the Board of Trustees.

Accepted, roads and streets. Accepted, when used in regard to roads and streets, shall mean written acceptance of the road or street for public use by the Board of Trustees and shall construe the responsibility for maintenance.

Accessory building means a detached subordinate building, the use of which is customarily 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.

Accessory dwelling unit (ADU) means a dwelling unit used as living quarters that may include a sleeping place, kitchen and bathroom, or any combination thereof, for one (1) or more individuals, associated with the principal dwelling that can be integrated in the overall design of the principal structure, and it may be a separate structure located on the same lot, secondary to the principal structure.

Accessory use means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

Adjacent means all properties with a common point or line to the subject property and the property which would have a common point or line with the subject property if a public right-of-way separating the properties were not there.

Adult arcade means an establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors or similar machines, or other image-producing machines, for viewing by five (5) or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store or adult video store means:

- a. A commercial establishment which: (1) devotes a significant or substantial portion of its stock-in-trade or interior floor space to; (2) receives a significant or substantial portion of its revenues from; or (3) devotes a significant or substantial portion of its advertising expenditures to the promotion of: the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- b. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of Subparagraph a. above are otherwise met.

Adult cabaret means a nightclub, bar, restaurant or other commercial establishment which regularly features: (a) persons who appear nude or in a state of nudity; or (b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

Adult motel means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten (10) hours.

Adult motion picture theater means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions depicting or describing specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

Adult theater means a theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

Alley means a public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designed as an alley on a final plat.

Animal means any mammal, bird, fish, reptile, amphibian or insect.

Applicant means any owner of a right or title in real property in Town or an authorized representative of such owner who formally requests action on a land use proposal submitted in accordance with this Chapter.

Assistance animal means an animal, having received certification through an accredited program with specific characteristics, becoming a fundamental part of a person's treatment designed to improve the physical, social, emotional and/or cognitive function of the patient/owner, and may include a service animal. An assistance animal that is not otherwise defined as a horse or livestock shall be exempt from any numerical limitations on animals set forth herein.

Authorized representative means any individual, partnership or corporation given written authorization by an applicant to process a proposal through the Town.

Block means an area of land within a subdivision which is entirely bounded by streets, highways, natural boundaries or the exterior boundary or boundaries of the subdivision.

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

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

Building means any structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, and not including advertising sign boards or fences.

Building height means the vertical distance from the average finished grade to the highest point of the roof surface. A weighted average on the perimeter of the building may be utilized.

Building line means imaginary lines on a lot delineating the closest points from lot lines, public streets, planning areas or project area boundaries or other applicable perimeter lines, where any main building may be constructed.

Club means an association of persons, whether incorporated or unincorporated, for some common purpose, but not including groups organized primarily to render a service carried on as a business.

Commercial animal establishment means any pet shop, grooming shop, dog training facility, boarding or breeding kennel, or other establishment which handles live animals, excluding veterinary facilities and hospital for animals.

Dedicated land means land area transferred to the Town by deed or other legal method approved by the Town Attorney. Land so transferred and accepted by the Town shall be utilized for public or community purposes, as approved by the Board of Trustees.

Dependent mobile home means a mobile home not containing complete bathroom facilities.

Developer means any person, corporation, joint venture, partnership or other entity which applies to the Town for any of the following services: annexation, zoning, subdivision, site plan, variance or other administrative, quasi-judicial or legislative function of the Town.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

Disposition means a contract of sale resulting in the transfer of legal and equitable title to an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land.

Dog breeder means any person who is engaged in the operation of breeding and raising dogs for the purpose of selling, trading, bartering, giving away or otherwise transferring the same.

Domesticated animals means animals accustomed to living in or about the habitation of persons, but of a nature more suited to be outdoors, including but not limited to cats, dogs, birds, such as parrots, cockatiels, parakeets and the like; excluding: swine or pigs of any species, fowl, including but not limited to peacocks, ducks, turkeys, and chickens unless subject to Section 16-1-215 of this Code.

Dwelling means any building or portion thereof which is used as the private residence or sleeping place of one (1) or more human beings, but not including hotels, motels, tourist courts, clubs, hospitals, mobile homes or similar uses.

Dwelling, multiple-family means a building, or portion thereof, designed for or occupied by three (3) or more families living independently of each other.

Dwelling, one-family means a detached building designed exclusively for occupancy by one (1) family.

Dwelling, two-family means a detached building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling unit means one (1) or more rooms in a dwelling, apartment house or apartment hotel designed for occupancy by one (1) family for living or sleeping purposes and having not more than one (1) kitchen.

Easement means an acquired right of use, interest or privilege in land owned by another, which interest is recorded in the real estate records of the County.

Evidence means any map, table, chart, contract or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition.

Excavating means the mechanical removal of earth material.

Family means a group of persons related by blood, marriage or adoption, living together normally, but not always consisting of one (1) or two (2) parents and their children, or persons living together in the relationship and for the purpose of guardian, ward or foster family who may not necessarily be related by blood or marriage to the head of the household, or a group of not more than four (4) unrelated persons living together in a dwelling unit.

Final plat means the map or plan of record of a subdivision and any accompanying material, as described in Article III of this Chapter.

Grade (ground level) is the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, said ground level shall be measured at the sidewalk.

Grading means the vertical location of the ground surface.

Home occupation means any use conducted principally within a dwelling and carried on by the inhabitants therein, without paid assistants, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The individual office of a professional man or woman or artist without assistants shall be considered a *home occupation*, but the conducting of a clinic, hospital, barber shop, beauty parlor, tea room, tourist home, animal hospital or any similar use shall not be deemed to be a *home occupation*.

Horse means a large solid-hoofed herbivorous ungulate mammal domesticated since prehistoric times and used as a beast of burden, a draft animal or for riding. *Horse* includes pony, mule, burro, and miniature horse as defined below.

Hospital means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons and including sanitariums, but not including clinics, rest homes and convalescent homes.

Hotel means any building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six (6) or more guest rooms, and in which no provision is made for cooking in any individual room or suite.

Kennel means any premises, building or structure in or on which four (4) or more animals of more than four (4) months of age are harbored.

Kennel, commercial means any place where more than three (3) dogs over four (4) months of age are owned, kept, boarded, bred and/or offered for sale; or eight (8) or more dogs, breeding or nonbreeding, are harbored, and upon which a person breeds more than two (2) litters in a calendar year.

Kennel, private means any premises, building or structure in or on which more than three (3) and less than eight (8) nonbreeding dogs of more than four (4) months of age are harbored.

Livestock means cattle, sheep, goats, llamas, alpacas and emus of all sizes.

Lot means a parcel of real property as shown with a separate and distinct number or letter on a plat recorded in the records of the County or, when not so platted, in a recorded subdivision a parcel of real property abutting upon at least one (1) public street and held under separate ownership.

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

Lot line, front means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, or the house will be addressed to ensure that setbacks may be met.

Lot line, rear means the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

Lot line, side means any boundary of a lot that is not a front or rear lot line. On a corner lot, a side lot line may be a street lot line.

Lot, reversed corner means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

Maintenance means the replacing, repairing or repainting of a portion of a sign structure, periodic changing of bulletin board panels or renewing of copy that has been made unusable by ordinary wear and tear, weather or accident.

Miniature horse means a smaller version of the horse, determined by the height of the animal, which is usually less than thirty-four (34) to thirty-eight (38) inches, as measured at the wither, and retaining horse characteristics. In accordance with the Americans with Disabilities, miniature horses that have been individually trained to do work or perform tasks for people with disabilities shall be permitted where reasonable. Factors to consider for accommodation are whether: the animal is housebroken; under the owner's control; the facility can accommodate the animal's type, size, and weight; and the animal's presence will not compromise the legitimate safety requirements necessary for safe operation of the facility.

Mobile or manufactured home means a prefabricated home built all or mostly in factories, rather than on site; and can be assembled in modular sections. They are designed for year-round living in one (1) place. They must be manufactured after 1976 and certified pursuant to the National Manufactured

Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq., as amended (commonly referred to as the "HUD" Code; effective in 1976) and all regulations enacted pursuant thereto, including any local modifications that are expressly allowed by federal law, or which have been certified by the State as being in compliance with the requirements of the Uniform Building Code as adopted by the State and enforced and administered by the Colorado Division of Housing.

Nonconforming building means a building, structure or portion thereof conflicting with the provisions of this Chapter applicable to the zone in which it is situated.

Nonconforming use means the use of a structure or premises conflicting with the provisions of this Chapter.

Occupied includes arranged, designed, built, altered, converted, rented or leased or intended to be occupied.

Open space means land areas within a subdivision, generally smaller in scale than open lands, which have been left free from structures, parking lots and roads. These types of areas generally benefit the residents or employees of the particular subdivision and usually remain in private ownership. For example, common areas within a condominium project are highly valued by the residents but have little value to the remainder of the Town.

Owner means a person as defined by this Chapter who, alone, jointly or severally with others or in a representative capacity (including, without limitation, an authorized agent, executor or trustee), has legal or equitable title to any property in question.

Person shall also include association, firm, co-partnership or corporation.

Plat means the maps and supporting materials of a proposed subdivision, prepared in accordance with the requirements of this Chapter and utilized as an instrument for recording real estate interests with the County Clerk and Recorder.

Preliminary plan means the map of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with Article III of this Chapter to permit the evaluation of the proposal prior to final engineering and design.

Professional breeder means any person who breeds animals of any species for profit or who produces more than two (2) litters or such of a similar nature, in any one (1) calendar year.

Professional office means an office for professions such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, realtors, teachers, accountants and others who, through training, are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

Public facility means a building or structure owned and operated by a governmental agency to provide a governmental service to the public.

Public water and public sewer facilities means those facilities of a municipality, public utility, nonprofit corporation, sanitation or water or other special district, which are constructed, operated and maintained to provide water or sewerage service and approved by the County Health Officer.

Quasi-public facility means a use or facility owned or operated by a nonprofit, religious or eleemosynary institution and providing educational, cultural, recreational, religious or similar types of programs.

Recreational vehicle means a structure designed for use as a temporary dwelling or sleeping accommodation for travel, recreation and vacation uses, including, but not by way of limitation, travel trailers, self-contained travel trailers, pickup campers, tent trailers and motorized homes.

Religious assembly, place of means a use category comprised of structures or places in which regular worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained and controlled under the direction of a religious group. Accessory uses include, but are not limited to, school facilities, parking, caretakers' housing, pastors' housing, day care and group living facilities, such as convents. Examples include churches, temples, synagogues and mosques.

Room means an unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches.

Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition. A service animal that is not otherwise defined as a horse or livestock shall be exempt from any numerical limitations on animals set forth herein.

Sexual encounter establishment means a business or commercial establishment that, as one (1) of its primary business purposes, offers, for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one (1) or more of the persons is in a state of nudity. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms for rent.

Sexually oriented business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or nude model studio. The definition of *sexually oriented businesses* shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

Site area, gross means total ground area purchased by the present owner, including any proposed portions to be dedicated or improved for public use.

Site area, net means the remaining ground area of the gross site after deleting all portions for public use or public improvement.

Site plan means the plans and supplemental materials, including a grading and drainage plan, a landscape plan and other detailed information, drawn and submitted in accordance with Article II of this Chapter, to evaluate a project prior to issuance of a building permit for multi-family, business, commercial, industrial and planned development projects.

Sketch plan means a map of a proposed subdivision and specified supporting materials drawn and submitted in accordance with Article III of this Chapter to evaluate feasibility and design characteristics at a conceptual state in the planning.

Specified sexual activities includes any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts.
- b. Sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, sodomy, sadomasochism or bestiality.
- c. Masturbation, actual or simulated.
- d. Human genitals in a state of sexual stimulation, arousal or tumescence.
- e. Excretory functions as part of or in connection with any of the activities set forth in Subparagraphs a. through d. above.

Street means a public thoroughfare which affords the principal means of access to abutting property.

Structure means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six (6) feet in height, poles, lines, cables or other transmission or distribution facilities of public utilities.

Subdivision or subdivided land means any parcel of land which is to be used for condominiums, apartments or any other multiple-dwelling units, unless such land was previously subdivided and the filing accompanying such subdivision complied with municipal regulations applicable to subdivisions of substantially the same density, or the division of any tract of land, lot or parcel into two (2) or more lots, parcels, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or transfer of ownership, or to offer for sale or development. Lots, tracts, blocks and other subdivisions shall be designated in accordance with this Chapter.

Subdivision improvements agreement means one (1) or more security arrangements which the Town shall accept to secure the actual cost of construction of such public improvements as are required by this Chapter.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either: (a) before the improvement or repair is started; or (b) before damages occurred if the structure is damaged.

Therapy animal means an animal provided by prescription or otherwise, that is used to provide comfort and affection to a person other than its handler and is not specifically trained to address a specific need of a disabled person. A therapy animal that is not otherwise defined as a horse or livestock shall be exempt from any numerical limitations on animals set forth herein.

Townhouse means one (1) of a row of houses joined by common sidewalls (party walls), but shall not include separate units stacked one (1) above the other. This includes duplexes.

Use means the purpose for which land or a building is designed, arranged or intended, or for which either is or may be occupied or maintained.

Width of lot means measured at feet twenty-five (25) feet back from the front property line.

Yard means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Chapter.

Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building or accessory building attached thereto.

(Ord. 09-09 §1; Ord. 10-07 §1; Ord. 12-02 §1)

(Ord. No. 19-15, § 1, 6-25-2019)

Land Use/Activity (1)(8)(9)(13)(15)	Residential Zoning District									
	R-1	R-1-12	R-1-20	RE-1	RE-2	R-2	R-TH	R-3	A-1	LR-1
Single-family detached dwellings ⁽¹¹⁾⁽¹⁴⁾	A	A	A	A	A	A		A	A	A
Single-family attached dwellings ⁽¹¹⁾⁽¹⁴⁾						A	A	A		
Duplex structures ⁽¹¹⁾⁽¹⁴⁾						A	A	A		
Accessory dwelling units (ADUs)	S	S	S	S	S	S		S	S	S
Townhouses ⁽¹²⁾⁽¹⁴⁾							A			
Multi-family dwellings ⁽¹²⁾ (14)								A		
Accessory buildings ⁽²⁾	A	A	A	A	A	A		A	A	A
Accessory uses: home occupations ⁽³⁾	A	A	A	A	A	A	A	A	A	
Assisted living services	S	S	S	S	S	S		S	S ₍₁₀₎	S ₍₁₀₎
Bed and breakfast inns					S	S		A	S	S
Boarding and rooming houses								A		
Cemeteries or mausoleums	A	A	A	A	A	A			A	A

Land Use/Activity (7)(8)(9)(13)(15)	Residential Zoning District									
	<i>R-1</i>	<i>R-1-12</i>	<i>R-1-20</i>	<i>RE-1</i>	<i>RE-2</i>	<i>R-2</i>	<i>R-TH</i>	<i>R-3</i>	<i>A-1</i>	<i>LR-1</i>
Commercial animal establishments				S	S				S	S
Dormitories								A		
Fences, hedges, walls and trees ⁽⁴⁾	A	A	A	A	A	A	A	A	A	A
Forestry farming, including raising of trees for any purpose					A				A	A
Fraternity and sorority houses								A		
General farming, including grains, fruit, vegetables, grasses, hay, livestock raising and the keeping and boarding of horses ⁽⁵⁾				S	A				A	A
Golf courses	A	A	A	A	A	A		A		
Greenhouses and nurseries, including both wholesale and retail, provided that products sold are raised on the premises				A	A				A	A

Land Use/Activity (7)(8)(9)(13)(15)	Residential Zoning District									
	<i>R-1</i>	<i>R-1-12</i>	<i>R-1-20</i>	<i>RE-1</i>	<i>RE-2</i>	<i>R-2</i>	<i>R-TH</i>	<i>R-3</i>	<i>A-1</i>	<i>LR-1</i>
Group homes or group quarters	S	S	S	S	S	S		S	S	
Horses/livestock ⁽⁵⁾			A	A	A				A	A
Hospitals and emergency facilities	A	A	A	A	A	A		A		
Kennels and other canine-related facilities - commercial ⁽⁶⁾	S	S	S	S	S	S			S	S
Kennels and other canine-related facilities - private ⁽⁶⁾	A	A	A	A	A	A			A	A
Nursery schools and day care centers	S	S	S	S	S	S	S	S	S ₍₁₀₎	S ₍₁₀₎
Parks	A	A	A	A	A	A	A	A	A	A
Playgrounds	A	A	A	A	A	A	A	A	A	A
Public schools	A	A	A	A	A	A		A		
Public utilities	A	A	A	A	A	A	A	A	A	A
Recreation centers - nonprofit neighborhood	S	S	S	S	S	S	S	S		
Religious assembly, place of	A	A	A	A	A	A		A		

Land Use/Activity (7)(8)(9)(13)(15)	Residential Zoning District									
	<i>R-1</i>	<i>R-1-12</i>	<i>R-1-20</i>	<i>RE-1</i>	<i>RE-2</i>	<i>R-2</i>	<i>R-TH</i>	<i>R-3</i>	<i>A-1</i>	<i>LR-1</i>
Retirement/group housing services	S	S	S	S	S	S		S	S ₍₁₀₎	S ₍₁₀₎
Riding stables/academies - commercial					S				S	S
Signs ⁽⁷⁾	A	A	A	A	A	A	A	A	A	A
Stables and other equine-related facilities - private				A	A				A	A
Structures for general farming					A				A	A
Universities	A	A	A	A	A	A		A		

<i>Land Use/Activity</i> <i>(1)(2)(3)(4)(5)(6)(7)(14)</i>	<i>Mobile Home</i> <i>Zoning District</i>	
	<i>MH-1⁽⁸⁾⁽⁹⁾</i>	<i>MH-2⁽¹⁰⁾</i>
Single-family detached dwellings	A	
Accessory buildings	A	A
Home occupations	A	A
Accessory uses	A	A
Athletic fields	A	
Cemeteries or mausoleums	A	
Fences, hedges, walls and trees ⁽⁴⁾	A	A
Golf courses	A	
Hospitals and emergency facilities	S	
Kennels and other canine-related facilities - commercial ⁽¹¹⁾		
Kennels and other canine-related facilities - private ⁽¹¹⁾	A	
Mobile home parks		A
Mobile home subdivisions	A	
Nursery schools and day care centers	S	S
Parking lots and parking garages		

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(6)(7)(14)	<i>Mobile Home Zoning District</i>	
	<i>MH-1⁽⁸⁾⁽⁹⁾</i>	<i>MH-2⁽¹⁰⁾</i>
Parks	A	A
Playgrounds	A	A
Private campgrounds		S
Public buildings and lands	A	
Public safety-related facilities	A	A
Public transportation terminals other than truck terminals		
Public utilities	A	A
Recreation centers - nonprofit neighborhood	S	S
Recreation facilities - private	S	S
Recreation facilities - public	A	A
Religious assembly, places of	A	
Schools - private	A	A
Schools - public	A	A

<i>Land Use/Activity</i> <i>(1)(2)(3)(4)(5)(6)(7)(14)</i>	<i>Mobile Home</i> <i>Zoning District</i>	
	<i>MH-1</i> ⁽⁸⁾⁽⁹⁾	<i>MH-2</i> ⁽¹⁰⁾
Signs	A	A
Universities	A	

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I⁽⁶⁾</i>	<i>DT</i>
Single-family detached dwellings		S	S		
Single-family attached dwellings			S		A
Duplex structures			S		
Accessory dwelling units (ADUs)		S	S		S
Townhouses					S
Multi-family dwellings			S		S
Accessory buildings	A	A	A	A	A
Home occupations			A		A
Accessory uses			A		A
Amphitheater			A		A
Amusement and recreation establishments and areas		A	A	S	S
Assisted living services			S		
Athletic fields	A				
Auto repair garages		A		A	

Land Use/Activity (1)(2)(3)(4)(5)(9)(10)(11)	Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I⁽⁶⁾</i>	<i>DT</i>
Automotive wrecking and graveyards, salvage yards and junkyards				S	
Bakeries		A	A		A
Bed and breakfast inns		A	A		A
Beer, wine and liquor stores (off-premises of alcohol consumption)		A	S		S
Boarding and rooming houses			A		A
Business schools, studios and vocational schools, not involving processes of a heavy industrial nature		A		A	
Business service establishments		A	A	A	A
Car lots - new and used		A			
Car service and sales establishments		A		A	
Car washes		A			
Car/vehicle rental or leasing		A		A	
Cemeteries or mausoleums	A			A	
Clubs and lodges		A	A		A

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I⁽⁶⁾</i>	<i>DT</i>
Commercial animal establishments		A	S		
Commercial food preparation kitchens		A	A		A
Computer design-generated CAD-CAM operations not involving heavy industry		A	A	A	A
Computer-generated CAD and similar nonoffensive "light" industrial uses				A	
Construction-related businesses		S		A	
Convenience stores or centers		A	A		A
Distribution centers				A	
Dormitories			S		
Drive-in restaurants		A			
Eating and drinking establishments		A	A		A
Exhibition and art galleries		A	A		A
Facilities for assembly, manufacturing, compounding, processing or treatment of products				A	
Farmers markets or other open markets		A	A		A

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I⁽⁶⁾</i>	<i>DT</i>
Fences, hedges, walls and trees ⁽⁴⁾	A	A	A	A	A
Financial institutions		A	A		A
Fitness, recreational sports, gym or athletic club		A	S	A	S
Food and beverage processing				A	
Fraternity and sorority houses			S		
Garden/flower shops		A	A		A
Golf courses					
Hospitals and emergency facilities	A	A			
Hospitals for animals		A	A		
Hotels and motels		A			
Kennels and other canine-related facilities - commercial ⁽⁷⁾		S	S	S	
Kennels and other canine-related facilities - private ⁽⁷⁾			S		
Laboratories or specialized industrial facilities				A	
Mill-type factories				A	

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I⁽⁶⁾</i>	<i>DT</i>
Miniature golf establishments			A	A	S
Mobile home parks					
Mobile home subdivisions					
Mortuaries/funeral homes		A	S	A	
Movie theaters		A	A		S
Museums, exhibitions or similar facilities	S	A	A		A
Nursery schools and day care centers		S	S		
Parking lots and parking garages	A	A	A	A	A
Parks	A	A	A	A	A
Pawn shops ⁽⁸⁾		A		A	
Performance theaters			A		A
Personal service establishments		A	A		A
Plant or tree nurseries		A		A	
Playgrounds	A				
Private campgrounds					

Land Use/Activity (1)(2)(3)(4)(5)(9)(10)(11)	Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I⁽⁶⁾</i>	<i>DT</i>
Professional, commercial or business offices		A	A	A	A
Public buildings and lands	A	A	A	A	A
Public safety-related facilities	A	A	A	A	A
Public transportation terminals other than truck terminals	A	A	A	A	A
Public utilities	A	A	A	A	A
Recreation centers - nonprofit neighborhood	S		S		
Recreation facilities - private		A	A	A	
Recreational facilities - public	A	A	A	A	A
Religious assembly, place of	A	A	A	A	A
Research and development services				A	
Restaurants and lounges		A	A		A
Retail stores, sales and display rooms and shops		A	A		A
Retirement/group housing services			S		
Schools - private		A	A	A	
Schools - public	A	A	A	A	

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I⁽⁶⁾</i>	<i>DT</i>
Service stations		A		A	
Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning)				A	
Sexually oriented businesses ⁽⁹⁾		A			
Signs	A	A	A	A	A
Storage facilities, RVs, campers, trailers, large vehicles				S	
Tattoo parlors		A			
Trailer sales and service		A			
Universities, colleges, technical institutions - satellite locations			A		S
Warehouse and storage facilities				A	
Warehouse discount stores/superstores		A			
Wholesaling, exclusive of manufacturing		A			

Sec. 16-3-80. - Replat, vacation, or plat amendment.

- (a) Intent. The intent of this Section is to provide a process of review for a change to a recorded plat or a replat of a superblock that ensures that the change is consistent with the zoning district requirements, including, but not limited to, the following:
 - (1) Replat of a lot or tract, adjustment or vacation of a lot line, vacation of a plat without rights-of-way or easements; or
 - (2) Vacation of right-of-way, easement or portion thereof.
- (b) Prerequisite. The submittal process shall vary according to the nature of the proposed amendment based on, but not limited to, the following: degree of change, design, size, impact to public facilities, services, roads and overall impacts.
- (c) Submittal process and requirements.
 - (1) A change to a recorded plat due to an error or omission shall be processed in accordance with this Chapter.
 - (2) A replat of a lot or tract, an adjustment or vacation of a lot line, a vacation of a plat (without rights-of-way or easements) or a minor reconfiguration of an easement shall be processed in accordance with the final plat process.
 - (3) A vacation of a platted easement or right-of-way shall be processed in accordance with the final plat process. In addition:
 - a. For a vacation of a public right-of-way, a public hearing is required by the Planning Commission and Board of Trustees. Public notice shall be required for both the Planning Commission and the Board of Trustees hearing in accordance with Subsections 16-4-30(b) through (d) of this Chapter. (NOTE: An access easement, i.e., trail, shall be considered a right-of-way.)

b.

For a vacation of an easement, public notice shall be required for the Board of Trustees hearing in accordance with Subsections 16-4-30(b) through (d) of this Chapter. In addition, the applicant shall send a notice of hearing to known easement holders notifying them of the proposed vacation by certified mail, return receipt requested.

- (4) A vacation of an unplatted easement or right-of-way shall be processed as follows:
 - a. An ordinance shall be prepared that includes the legal description of the right-of-way or easement to be vacated and the book and page numbers as recorded by the County Clerk and Recorder.
 - b. The vacation request shall be heard by the Planning Commission and Board of Trustees at a public hearing. Public notice shall be required only for the Board of Trustees hearing in accordance with Subsections 16-4-30(b) through (d) of this Chapter. The ordinance shall be recorded in the office of the County Clerk and Recorder upon obtaining the signature of the Mayor.
- (5) An amendment to a plat which includes a redesign of streets, blocks, lots and easements shall be processed according to the sketch, preliminary plan and final plat process of this Chapter.
- (d) Public notice requirements. All public notice requirements shall be done in accordance with Subsections 16-4-30(b) through (d) of this Chapter.
- (e) Plat title. The title shall be the same as the previously recorded plat followed by the amendment number along the first line at the top of the sheet (along the long dimension). The planning area, if applicable, and a brief description of all the changes shall be placed under the title.
- (f) Lot numbers. The lots shall be numbered consecutively starting with the number 1. Tracts shall be lettered alphabetically in consecutive order. Include the square footage within each lot.

(Ord. No. 20-08, § 1, 7-28-2020)

Sec. 16-9-20. - Criteria for approval.

- (a) The Board of Trustees may approve a use by special review subject to reasonable conditions which include, but are not limited to, the requirements that the proposed use:
 - (1) Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
 - (2) Will not result in an over-intensive use of land;
 - (3) Will not have a material adverse effect on community capital improvement programs;
 - (4) Will not require a level of community facilities and services greater than is available;
 - (5) Will not result in undue traffic congestion or traffic hazards;
 - (6) Will not cause significant air, water or noise pollution;
 - (7) Will be adequately landscaped, buffered and screened;
 - (8) Will not otherwise be detrimental to the health, safety or welfare of present or future inhabitants of the Town.
- (b) In addition to the above requirements, an Accessory Dwelling Unit (ADU) that is subject to the use by special review requirements shall comply with the following standards:
 - (1) An ADU shall be limited to one (1) accessory dwelling unit (unit) per lot.
 - (2) The design and location of the unit shall be clearly subordinate to the principal structure.
 - (3) The unit can only be located on a lot or parcel of five thousand (5,000) square feet or more.
 - (4) The unit shall not be included in the zoning or land use density calculation.
 - (5)

The detached unit must meet all requirements of Chapter 18 of this Code.

- (6) One (1) off-street parking space per unit is recommended in addition to the spaces otherwise required; however, parking shall be addressed on a case-by-case basis.
- (7) The accessory dwelling unit shall be served by the same water tap and sewer tap as the main structure, and the taps shall be sized according to the total demand for both structures.
- (8) In a residential zoning district, the detached unit shall not be less than three hundred (300) square feet and not more than the lesser of seven hundred (700) square feet or fifty percent (50%) of the floor area of the primary residence.
- (9) In a business zoning district, the accessory dwelling shall not be more than fifty percent (50%) of the total square footage of the building.
- (10) The unit shall be integrated into the site by appropriate site grading, earthwork and landscaping and be harmonious with the character of the building.
- (11) The outside appearance of the principal structure shall not be changed from that of its primary use.
- (12) Private entrances to attached accessory dwellings shall be located on the side or rear of the residence.
- (13) Accessory dwelling units that are freestanding shall in no case be located in front of the principal structure. The accessory unit shall be located on the rear half of the parcel or in or above the garage.
- (14) Accessory structure setbacks can be used for detached accessory dwelling units if single story. Multiple story structures used as accessory dwelling units must meet principal structure setbacks.
- (15) The design and construction material used in an accessory dwelling unit shall be architecturally compatible to the principal structure.

- (16) If attached to the main dwelling, it may have a separate entry and kitchen facility. If a separate entry is proposed, the design of the structure shall accommodate a fire wall between the main home and accessory dwelling unit.
 - (17) Separate addressing of the accessory structure and any related utility taps is not permitted.
 - (18) ADUs may be approved for a period not to exceed two (2) years. The applicant or owner must reapply biennially for review no later than thirty (30) days past the original approval date.
- (c) In addition to the requirements in Subsection (a) above, generally, all commercial animal establishments shall meet the following conditions:
- (1) Animal housing facilities shall be provided for the animals and shall be structurally sound, constructed of nontoxic materials, maintained in good repair and designed so as to protect the animals from injury. Each animal shall be provided with adequate floor space to allow it, according to species and breed, to breathe and turn about freely and to easily eat, eliminate wastes, stand, sit and lie in a comfortable normal position and sanitary environment.
 - (2) Electrical power shall be supplied in conformance with applicable electrical codes adequate to supply heating, ventilation and lighting.
 - (3) Water shall be supplied at sufficient pressure and quantity to clean housing facilities and enclosures of debris and excreta.
 - (4) Adequate food and bedding shall be provided and stored in facilities which provide protection against rot, mildew and infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.
 - (5) Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors

and disease.

- (6) Washroom facilities, including sinks with hot and cold water and toilets, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.
- (7) Each animal shall be observed daily. Reasonable efforts shall be made to separate sick, diseased or injured animals from those appearing healthy and normal. Sick, diseased or injured animals shall be removed from display and sale and kept in isolation quarters. Ventilation of quarters for sick or diseased animals shall be arranged to avoid contamination of healthy animals.
- (8) During the hours any facility is open, there shall be an employee or keeper on duty at all times, whose responsibility shall be the care and supervision of the animals in that facility, whether held for sale or display.
- (9) An employee, keeper or owner shall make provision to feed, water and provide other necessary care for animals on days the store or establishment is closed.
- (10) No person shall knowingly misrepresent an animal to a consumer in any way. No person shall knowingly sell a sick or injured animal. Adequate care and feeding instructions shall be given, in writing, to each animal purchaser.
- (11) Animals which are caged, closely confined or restrained shall be permitted to exercise daily for an appropriate length of time as determined by their size, age and species, in an area suitable for that purpose.
- (12) Facilities shall be clean and sanitary at all times.
- (13) A commercial kennel shall also comply with the following standards:
 - a.

Purpose statement. A statement regarding the specific purpose or purposes of the proposed kennel facility, including the specific category or categories of animal facility designated by the rules and regulations of the Colorado Pet Animal Care Facilities Act (Section 35-80-101—35-80-117, et seq., C.R.S.), the Colorado Division of Wildlife and/or the U.S. Department of Agriculture.

- b. Type and number of animals. A statement regarding the type and number of animals for which the kennel permit is requested. The number of dogs allowed in a kennel will be determined on a case-by-case basis, based on location, size of property and number of dogs.
- c. Animal management plan. Kennels will not be allowed to become unsightly or a public nuisance or create health or environmental hazards for surrounding properties. The animal management plan shall clearly state how the applicant will address the following:
 - 1. Animal waste and wastewater disposal.
 - 2. Potential for groundwater contamination.
 - 3. Flies and insects.
 - 4. Emergency evacuation of animals.
 - 5. Isolation of sick, injured or aggressive animals or females in season (estrus).
 - 6. Noise mitigation.
 - 7. Odor mitigation.
 - 8. Escape prevention.
 - 9. On-site supervision.
 - 10. Veterinary services.
 - 11. Record-keeping, including but not limited to immunizations, births, sterilizations, etc.

(d)

In addition to the requirements in Subsection (a) above, to allow livestock on less than two (2) acres; or more than one (1) horse or two (2) miniature horses on less than two (2) acres but more than twenty thousand (20,000) square feet; or one (1) horse or two (2) miniature horses on less than twenty thousand (20,000) square feet, the following standards shall apply:

- (1) One-half ($\frac{1}{2}$) acre is required per each additional animal on properties more than twenty thousand (20,000) square feet.
- (2) Plot plan of the property showing location of corral and shelter with appropriate setbacks.
- (3) Feeding of the animals is required with only limited periodic grazing, vegetation permitting; overgrazing is prohibited.
- (4) Regular removal or spreading of manure is required to prevent the property from becoming a nuisance.

(Ord. 09-09 §8; Ord. 10-07 §14)