

Title 17

ZONING

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Chapter 17.04

General Provisions

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17.04.010 Authority and purpose.

Pursuant to authority found in the laws of the state of Colorado, the town promulgates the following regulations for the purpose of promoting health, safety, morals and/or the general welfare of the town. (Prior code §10-31)

17.04.020 General applications.

A. Existing Buildings. The regulations contained in this title are not retroactive in their application on existing buildings.

B. General Application. Except as otherwise provided, no buildings, or other structure, or land shall be used, and no building or other structure shall be erected, reconstructed, moved into or within the town limits, or structurally altered except in conformance with the regulations specified in this title for the district in which such building is located.

C. Planned Unit Developments. Each application for zoning or rezoning of property over one acre in size shall be submitted and considered in accordance with Chapter 17.22, Planned Unit Development, of this title.

D. Firestone Development Regulations. The board of trustees shall from time to time adopt development regulations by resolution. Such regulations shall establish standards and procedures, not inconsistent with this title, relating to zoning and development matters within the town and implementing the provisions of this title. Such regulations shall be known as the Firestone Development Regulations. All applicants for zoning, rezoning or development shall be advised as to the existence of such regulations, and a copy thereof shall be made available to such applicants.

E. Any person required to obtain a building permit under Chapter 15.04 for any residential dwelling unit not otherwise exempt under Subsection 16.04.060 B. shall be required to make a fair contribution for public school sites in accordance with the provisions of Section 16.04.060. Prior to the issuance of such building permit, the town shall be provided with proof that, for the lot for which the permit is sought, the required fair contribution for public school sites has been made to the School District. (Ord. 698 §2, 2008; Ord 600 §2, 2006; Ord. 598 §2, 2006; Ord. 568 §17, 2004; Ord. 367 §2, 1997; Ord. 324 §1, 1996; prior code §10-35)

17.04.030 Interpretation.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this title are

at variance with the requirements of any other lawfully adopted rules, regulations, code or ordinances, the more restrictive, or that imposing the higher standard, shall govern. (Prior §10-43)

17.04.040 Violation—Penalty.

A. Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this title shall be fined. Each day of the existence of any violation shall be deemed a separate offense.

B. The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained, contrary to any provisions of this title, is declared to be a violation of this title and unlawful. The town attorney shall immediately, upon any such violation having been called to his attention, institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violations of this title. (Prior code §10-44)

Chapter 17.08

Definitions

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17.08.010 Generally--Construction.

- A. For the purpose of this title, certain words or phrases are defined as set out in this chapter.

B. When not inconsistent with the content, words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number; and the masculine includes the feminine. The word "shall" is mandatory, while the word "may" is permissive. (Prior code §10-32(part))

17.08.020 Accessory building.

"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. (Prior code §10-32(A))

17.08.030 Accessory use.

"Accessory use" means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises. (Prior code §10-32(B))

17.08.031 Adult amusement or entertainment.

"Adult amusement or entertainment" means amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing or relating to specified sexual activities or specified anatomical areas, or which features topless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment. (Ord. 443 §2, 2000)

17.08.033 Adult arcade.

"Adult arcade" means any commercial establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, videocassette players or similar machines, or other image-producing machines, for viewing by five or fewer persons each at any viewing, are used to show films, motion pictures, videocassettes, slides, or other photographic, digital or electronic reproductions which are characterized by the depiction, simulation or description of specified sexual activities or specified anatomical areas. (Ord. 443 §2, 2000)

17.08.035 Adult bookstore, adult novelty store or adult video store.

"Adult bookstore," "adult novelty store" or "adult video store" means a commercial establishment which devotes a significant or substantial portion of its stock-in-trade or interior floor space to, or has as one of its principal business purposes, the sale, rental or viewing, for any form of consideration, of (a) any books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes, slides or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, or (b) any instruments, devices or items which are designed or intended for use with or in specified sexual activities. (Ord. 443 §2, 2000)

17.08.037 Adult cabaret.

"Adult cabaret" means a nightclub, bar, restaurant, concert hall, auditorium or other commercial establishment which features persons who appear nude or in a state of nudity or seminudity; or live performances which are characterized by the exposure of specified anatomical areas or by the exhibition of specified sexual activities. (Ord. 443 §2, 2000)

17.08.039 Adult motion picture theater.

"Adult motion picture theater" means a commercial establishment which is distinguished or characterized by showing of films, motion pictures, videocassettes, slides or similar photographic reproductions with an emphasis on depicting or describing specified sexual activities or specified anatomical areas which are regularly shown for any form of consideration. (Ord. 443 §2, 2000)

17.08.040 Alley.

"Alley" means a public way permanently reserved as a secondary means of access to abutting property. (Prior code §10-32(C))

17.08.050 Boarding and rooming house.

"Boarding and rooming house" means a building or portion thereof which is principally used to accommodate, for compensation, five or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The "compensation" shall include compensation in money, services or other things of value. (Prior code §10-32(D))

17.08.060 Building.

"Building" means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, and not including advertising sign boards or fences. (Prior code §10-32(E))

17.08.070 Building height.

"Building height" means the vertical distance from the grade to the highest point of coping of a flat roof, or the decline of a mansard roof, or to the average height of the highest gable of a pitched, hip or gambrel roof, as diagramed in the Firestone Development Regulations. (Ord. 331 §1, 1996; prior code §10-32(F))

17.08.080 Camper coach.

"Camper coach" means an item of mounted equipment, weighing more than five hundred pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations. (Ord. 191 §2(part), 1983; prior code §10-32(QQ))

17.08.090 Camper trailer.

"Camper trailer" means a wheeled vehicle without motive power which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations and is less than thirty-two feet in length. (Ord. 191 §2(part), 1983; prior code §10-32(RR))

17.08.095 Commercial establishment.

"Commercial establishment," with respect to the regulation of sexually oriented businesses, may have other principal business purposes that do not involve the depicting or describing of specified sexual activities or specified anatomical areas and still be categorized as a sexually oriented business. Such other business purposes will not serve to exempt such commercial establishment from being categorized as a sexually

oriented business so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas. The term "commercial establishment" includes clubs, fraternal organizations, social organizations, civic organizations or other similar organizations with paid memberships. (Ord. 443 §2, 2000)

17.08.100 Dwelling.

"Dwelling" means a building or portion thereof which is used as the private residence or sleeping place of one or more human beings, but not including hotels, motels, tourist courts, resort cabins, clubs or hospitals. In addition, all dwellings shall be constructed as permanent buildings, not temporary structures such as tents, railroad cars, trailers, street cars, metal prefabricated sections or similar units. (Prior code §10-32(G))

17.08.102 Dwelling, apartment.

"Dwelling, apartment" means a building designed to be occupied by multiple families, not each having direct access to the outside or not each having direct street level access to the outside, with the building comprising a single conveyable legal ownership interest and individual units rented by the occupants. (Ord. 568 §18, 2004)

17.08.104 Dwelling, duplex.

"Dwelling, duplex" means a structure comprised of a single conveyable legal ownership interest that contains two dwelling units connected by a common wall shared by the units, each of which has direct access to the outside. (Ord. 568 §19, 2004)

17.08.110 Dwelling, multifamily.

"Dwelling, multifamily" means a building designed to be occupied in whole or in part by three or more families living independently of each other, but not including mobile homes or manufactured homes as defined herein, except as otherwise provided herein. (Ord. 373 §1, 1997; Ord. 191 §1(part), 1983; prior code §10-32(J))

17.08.120 Dwelling, single-family.

"Dwelling, single-family" means a detached building designed exclusively for occupancy by one family, but not including mobile homes, as defined herein. (Ord. 373 §2, 1997; Ord. 191 §1(part), 1983; prior code §10-32(H))

17.08.130 Dwelling, two-family.

"Dwelling, two-family" means a detached building designed exclusively for occupancy by two families living independently of each other, but not including mobile homes or manufactured homes, as defined herein, except as otherwise provided herein. (Ord. 373 §3, 1997; Ord. 191 §1(part), 1983; prior code §10-32(I))

17.08.132 Dwelling, patio home.

"Dwelling, patio home" means a single-family dwelling unit that has a yard common to neighboring units and for which the only outdoor property attached to the dwelling unit is limited to an enclosed patio. (Ord. 568 §20, 2004)

17.08.134 Dwelling, town home.

"Dwelling, town home" means a structure comprised of two or more dwelling units connected by shared walls, each of which has direct access to the outside at street level, and each of which is a separately conveyable legal ownership interest. (Ord. 568 §21, 2004)

17.08.140 Dwelling unit.

"Dwelling unit" means one or more rooms in a dwelling, designed for occupancy by one family for living or sleeping purposes and having not more than one kitchen. (Prior code §10-32(K))

17.08.150 Equivalent performance engineering basis.

The term "equivalent performance engineering basis" is used herein as it is defined in Section 31-23-301, C.R.S., as amended. (Ord. 244 §2, 1988; prior code §10-32(SS))

17.08.155 Establishment of a sexually oriented business.

"Establishment of a sexually oriented business" means and includes any of the following: (a) the opening or commencement of any such business as a new business; (b) the conversion of an existing business into a sexually oriented business; (c) the addition of a different sexually oriented business to any other existing sexually oriented business; or (d) the relocation of a sexually oriented business. (Ord. 443 §2, 2000)

17.08.160 Family.

"Family" means an individual or two or more persons related by blood or marriage; or a group of not to exceed five persons (excluding servants) living together as a single housekeeping unit in a dwelling unit. (Prior code §10-32(L))

17.08.165 Fence height.

"Fence height" means the height measured from the finished grade directly beneath the lowest structural feature of a fence to the top of the highest structure feature of the fence, irrespective of whether vision at the top of the fence is completely or only partially obscured. (Ord. 568 §22, 2004)

17.08.170 Floor area.

"Floor area" means, for the purposes of determining conversions of existing structures and maximum size of business establishments, the sum of the gross horizontal areas of several floors measured in square feet, including the basement floor, but not including the cellar floor of the building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

The floor area of a building shall also include elevator shafts and stairwells at each floor; floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof; penthouse; attic space having head room of seven feet ten inches or more; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory uses, provided that any space devoted to off-street parking or loading shall not be included in floor area. (Prior code §10-32(M))

17.08.171 Floor area ratio.

"Floor area ratio (FAR)" means the total square feet of floor area of all buildings or portions thereof on a lot divided by the total lot area of the lot on which the buildings are situated. (Ord. 568 §23, 2004)

17.08.172 Garage, commercial.

"Garage, commercial" means a building used for storage and/or repair of motor vehicles not necessarily owned or operated by the building owner or their tenants. (Ord. 331 §2, 1996)

17.08.174 Garage, private attached.

"Garage, private attached" means an accessory portion of a main building designed for shelter or storage of motor vehicles which are owned or operated by occupants of the main building only. (Ord. 331 §3, 1996)

17.08.176 Garage, private freestanding.

"Garage, private freestanding" means an accessory building detached from the main building, designed for shelter or storage of motor vehicles which are owned or operated by the occupants of the main building only. (Ord. 331 §4, 1996)

17.08.178 Grade.

"Grade" means the lowest point or elevation of the finished surface of the ground, paving or sidewalk within the area between the building and a line five horizontal feet from the building. (Ord. 331 §5, 1996)

17.08.180 Group homes.

"Group homes" means a single-family owner-occupied or nonprofit group home for the exclusive use of not more than eight persons sixty years of age or older not requiring skilled or intermediate care facilities. (Ord. 210 §2(part), 1985; prior code §10-32 (OO))*

17.08.190 Home occupation.

"Home occupation" means any occupation or profession conducted principally within a dwelling and carried on by the inhabitants, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Sexually oriented businesses, because of their tendency to go beyond the limits permitted for home occupations and thereby impair the use and value of the residential area, shall not be permitted as home occupations; and, irrespective of whether the use may be categorized as a sexually oriented business, no retail or wholesale sales to consumers upon the premises of any types of materials specified in this title which describe or depict specified sexual activities or specified anatomical areas shall be permitted. (Ord. 443 §3A, 2000; prior code §10-32(N))*

17.08.200 Junk.

"Junk" means any manufactured goods, appliances, fixtures, furniture, machinery, motor vehicle or trailer which is abandoned, demolished, dismantled, or that is so worn or deteriorated or in such condition to be

* Editor's Note: Section numbers 10-32(N) and 10-32(OO) were used twice for separate entries in the prior code.

unusable in its existing state, salvage materials, scrap metal, scrap material, waste, bottles, tin cans, paper, boxes, crates, rags, used lumber and building material, motor vehicle and machinery parts, and used tires. (Prior code §10-32(O))

17.08.210 Livestock.

"Livestock" means horses, mules, cattle, burros, swine, sheep, goats, rabbits, llamas, poultry or similar domesticated or farm animals. (Ord. 331 §6, 1996; prior code §10-32(P))

17.08.220 Lot.

"Lot" means a parcel of real property as shown with a separate and distinct number or letter on a plat recorded with the Weld County clerk and recorder, or when not so platted, in a recorded subdivision a parcel of real property abutting upon at least one public street and held under separate ownership. (Prior code §10-32(Q))

17.08.230 Lot area.

"Lot area" means the total horizontal area within the lot lines of a lot. (Prior code §10-32(R))

17.08.240 Lot line, front.

"Front lot line" means the property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line. (Prior code §10-32(S))

17.08.250 Lot line, rear.

"Rear lot line" means the line opposite the front lot line. (Prior code §10-32(T))

17.08.260 Lot line, side.

"Side lot line" means any lot lines other than front lot lines or rear lot lines. (Prior code §10-32(U))

17.08.270 Manufactured home.

"Manufactured home" means a single-family dwelling which:

- A. Is partially or entirely manufactured in a factory;
- B. Is not less than twenty-four feet in width and thirty-six feet in length;
- C. Is installed on an engineered permanent foundation;
- D. Has brick, wood or cosmetically equivalent exterior siding and a pitched roof; and

E. Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401 et seq., as amended, and such certification is confirmed prior to the issuance of a building permit. (Ord. 373 §4, 1997; prior code §10-32(PP))*

17.08.280 Mobile home.

"Mobile home" means a structure, transportable in one section, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein, and bears the insignia of approval of the Division of Housing of Colorado and has not been altered since receiving such approval. (Ord. 191 §1(part), 1983; prior code §10-32(V))

17.08.300 Motel or hotel.

"Hotel or motel" means a building designed for occupancy as the temporary abiding place (thirty days or less) of individuals who are lodged with or without meals and with such building having six or more guest rooms. (Prior code §10-32(N))*

17.08.310 Nonconforming building.

"Nonconforming building" means a building or structure or portion thereof conflicting with the provisions of this title applicable to the zone in which it is situated. (Prior code §10-32(X))

17.08.320 Nonconforming use.

"Nonconforming use" means the use of a structure or premises conflicting with the provisions of this title. (Prior code §10-32(Y))

17.08.323 Nude model studio.

"Nude model studio" means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. (Ord. 443 §2, 2000)

17.08.325 Nudity or state of nudity.

"Nudity" or "state of nudity" means:

A. The appearance of human bare buttocks, anus, male genitals, female genitals, pubic region or the areola or nipple of the female breast; or

B. A state of dress which fails to opaquely and fully cover human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast. (Ord. 443 §2, 2000)

* Editor's Note: Section number 10-32(PP) was used twice for separate entries in the prior code.

* Editor's Note: Section number 10-32(N) was used twice for separate entries in the prior code.

17.08.330 Occupied.

The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied. (Prior code §10-32(Z))

17.08.340 Open space.

"Open space" means open space on a building site, exclusive of space devoted to vehicular streets, drives and parking areas, and including pedestrian ways, space for active and passive recreation and landscaping. (Prior code §10-32(AA))

17.08.345 Park.

"Park" means any public land which has been designated or used for any park, open space or recreational uses or activities, including but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball court, tennis court, bike or pedestrian path, open space, wilderness area or similar land within the town. (Ord. 443 §2, 2000)

17.08.350 Person.

The word "person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, limited liability company, partnership, association or other legal entity. (Ord. 367 §3, 1997; prior code §10-32(BB))

17.08.355 Photo studio, adult.

"Photo studio, adult" means an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas. (Ord. 443 §2, 2000)

17.08.360 Planned unit development.

"Planned unit development" means a unified development in single ownership or control, which is subdivided and developed according to a comprehensive plan and where the specific requirements of a given district may be modified. (Prior code §10-32(CC))

17.08.370 Poultry.

"Poultry" means chickens, ducks, geese and pigeons. (Prior code §10-32(DD))

17.08.375 Religious institution.

"Religious institution" means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities. (Ord. 443 §2, 2000)

17.08.380 Roof line.

"Roof line" means the highest point on any building where an exterior wall encloses usable floor area including floor area provided for housing mechanical equipment. (Prior code §10-32(EE))

17.08.390 Room.

"Room" means an unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways, and service porches. (Prior code §10-32(FF))

17.08.391 School.

"School" means any public or private educational facility, including but not limited to child care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, special education schools, junior colleges and universities. "School" includes school grounds, but does not include any studio for professional work or teaching of any form of fine arts, photography, music, drama or dance. (Ord. 443 §2, 2000)

17.08.393 Seminude or seminudity.

"Seminude" or "seminudity" means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breasts, as well as portions of the body covered by supporting straps or devices. (Ord. 443 §2, 2000)

17.08.395 Sexually oriented business.

"Sexually oriented business" means and includes an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motion picture theater or nude model studio. The term "sexually oriented business" does not mean or include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional licensed by the state engages in medically approved and recognized sexual therapy. (Ord. 443 §2, 2000)

17.08.397 Specified anatomical areas.

"Specified anatomical areas" means and includes any of the following:

A. Less than completely and opaquely covered:

1. Human genitals, pubic region;
2. Buttocks, anus; or
3. Female breasts below a point immediately above the top of the areola; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 443 §2, 2000)

17.08.399 Specified sexual activities.

"Specified sexual activities" means and 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 intercourse, oral copulation or sodomy;

C. Masturbation, actual or simulated;

D. Human genitals in a state of sexual stimulation, arousal, or tumescence; or

E. Excretory functions as part of or in connection with any of the activities set forth in Subsections A through D of this definition. (Ord. 443 §2, 2000)

17.08.400 State licensed group homes for the developmentally disabled.

"State licensed group homes for the developmentally disabled" means a single-family home for the exclusive use of not more than eight developmentally disabled persons. "Developmentally disabled" means those persons having cerebral palsy, multiple sclerosis, mental retardation, autism and epilepsy. (Ord. 246 §121, 1988; Ord. 210 §2(part), 1985; prior code §10-32(PP))*

17.08.410 Street.

"Street" means a public thoroughfare which affords the principal means of access to abutting property. (Prior code §10-32(GG))

17.08.420 Structure.

"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 feet in height, poles, lines, cables or other transmission or distribution facilities of public utilities. (Prior code §10-32(HH))

17.08.425 Theater, adult.

"Theater, adult" 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 specified sexual activities or by an emphasis on exposure of specified anatomical areas. (Ord. 443 §2, 2000)

17.08.430 Use.

"Use" means the purpose for which land or the building is designed, arranged or intended, or for which either is or may be occupied or maintained. (Prior code §10-32(II))

17.08.440 Width of lot.

"Width of lot" means the distance parallel to the front lot line measured between side lot lines through that part of the building or structure where the lot is narrowest. (Prior code §10-32(JJ))

* Editor's Note: Section number 10-32(PP) was used twice for separate entries in the prior code.

17.08.450 Yard.

"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 title. (Prior code §10-32(KK))

17.08.460 Yard, front.

"Front yard" 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. (Ord 331 §7, 1996; Prior code §10-32(LL))

17.08.470 Yard, rear.

"Rear yard" means a yard extending across the full width of the lot between the rear lot line and the nearest point of the building. (Prior code §10-32(MM))

17.08.480 Yard, side.

"Side yard" 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. 331 §8, 1996; prior code §10-32(NN))

Chapter 17.12

Zoning District Establishment

Sections:

17.12.010 Establishment of zoning districts.

17.12.020 Zoning map.

17.12.010 Establishment of zoning districts.

In order to implement the purposes of this title, the town is divided into the following zoning districts:

- A. R-1, Low density residential;
- B. R-2, Medium density residential. This district is for a higher density of dwelling units than in the R-1 district, where more than one unit is desired within a building;
- C. R-3, High density residential. This district is for a high density of dwelling units;
- D. R-5, Mobile home, manufactured and modular housing. This district provides for use in an area by mobile homes in mobile parks and mobile home subdivisions, and for use in an area by manufactured and modular housing;
- E. R-1-UD. This district is for a low density unit development;
- F. R-2-UD. This district is for a medium density unit development;

- G. R-3-UD. This district is for a high density development;
- H. C-1, Limited commercial. This district is to provide for what is normally considered as light commercial retail outlets;
- I. C-2, Heavy commercial. This district is for heavy commercial outlets in both retail and wholesale operations;
- J. C-M, Commercial industrial. This district provides for commercial, storage and service uses and light industrial uses;
- K. M-1, Limited industrial. This district provides for light industrial uses;
- L. M-2. This district provides for heavy industrial uses;
- M. F-C, Flood channel. This district provides for uses compatible in an area designated as a flood channel;
- N. F-P, Floodplain. This district provides for uses compatible to floodplain usage;
- O. PUD, Planned Unit Development. This district provides for planned unit developments of either single or multiple uses.

After March 14, 1996, no land shall be zoned or rezoned as an R-1-UD, R-2-UD or R-3-UD zone district and no unit development plan approved pursuant to Chapter 17.36 may be amended or altered except pursuant to the procedures set forth in Chapter 17.22 relating to planned unit developments. (Ord. 324 §2, 1996; Ord. 191 §3, 1983; prior code §10-33)

17.12.020 Zoning map.

A. A map indicating the boundaries, and zoning classifications and districts, of the town shall be kept at the town hall and maintained and amended from time to time by direction of the board of trustees.

B. In the event any uncertainty exists on the zoning district map, district boundaries shall be on section lines; lot lines; the center line of highways, streets, alleys, railroad rights-of-way, or such lines extended; municipal corporation lines; natural boundary lines, such as streams or other natural barriers.

C. Where a lot is divided by a zoning district boundary line at the time of enactment of this code or by subsequent amendments, the less restrictive zone requirements may be extended within the lot into the more restrictive zoning district for a distance of not more than twenty-five feet. (Ord. 246 §122, 1988; prior code §10-34)

Chapter 17.16

Residential Districts

Sections:

- 17.16.010 R-1 districts--Permitted uses.
- 17.16.020 R-1 districts--Density.
- 17.16.030 R-2 districts--Permitted uses.
- 17.16.040 R-2 districts--Density.
- 17.16.050 R-3 districts--Permitted uses.
- 17.16.060 R-3 districts--Density.
- 17.16.070 Additional standards for R-1, R-2 and R-3 districts and residential land use categories within PUD districts.
- 17.16.080 R-5 districts--Uses permitted.
- 17.16.090 R-1-UD districts--Uses permitted.
- 17.16.100 R-2-UD districts--Uses permitted.
- 17.16.110 R-3-UD districts--Uses permitted.

17.16.010 R-1 districts—Permitted uses.

A. Permitted Uses.

1. Single-family dwellings;
2. Public or private schools, elementary or high school;
3. Public parks, playgrounds, libraries, museums and other public recreation facilities;
4. Churches and church schools, provided that all buildings are located on a lot of at least one acre in size and are not less than fifty feet from any side lot line;
5. Municipal buildings and uses;
6. Domestic animals, provided that such animals are household pets and that kennels are not maintained, according to applicable town ordinance;
7. Home occupations.
8. Public utility mains, lines and substations, where no public office or no repair or storage facilities are maintained;
9. Accessory buildings and uses;
10. Fences, hedges and walks, according to applicable town ordinances;
11. Group homes not located within seven hundred fifty feet of any other group home.
12. Manufactured homes, as defined in Section 17.08.270.

B. Uses by Special Use Permit.

1. Group homes within seven hundred fifty feet of any other group home;
2. State licensed group homes for the developmentally disabled. (Ord. 568 §24, 2004; Ord. 443 §3B, 2000; Ord. 373 §6, 1997; Ord. 246 §§123, 124, 1988; Ord. 210 §1, 1985; prior code §10-36.1)

17.16.020 R-1 districts—Density.

The R-1 district shall comply with the following density schedule:

- A. Minimum lot area per dwelling, six thousand six hundred square feet;
- B. Minimum lot width per dwelling, sixty feet;
- C. Maximum height of buildings:
 - 1. Principal building, twenty-five feet,
 - 2. Accessory building, fifteen feet;
- D. Minimum front yard, twenty feet;
- E. Minimum side yard, five feet;
- F. Minimum rear yard, twenty feet;
- G. Minimum floor area per dwelling, one thousand square feet. (Ord. 331 §9, 1996; prior code §10-37)

17.16.030 R-2 districts—Permitted uses.

Uses permitted in the R-2 district are as follows:

- A. All uses permitted in the R-1 district;
- B. Two-family dwellings;
- C. Multiple-family dwellings, provided that the lot upon which any such dwelling is located is of sufficient size so that thirty percent thereof shall be devoted to functional open space;
- D. Unit developments subject to Chapter 17.36;
- E. Manufactured homes, as defined in Section 17.08.270. (Ord. 373 §7, 1997; Ord. 191 §5, 1983; prior code §10-36.2)

17.16.040 R-2 districts—Density.

Density in R-2 districts shall be as follows:

- A. R-1 uses in an R-2 district shall meet the density standards set forth in Section 17.16.020;
- B. Minimum lot area per two-family dwelling unit, three thousand five hundred square feet;
- C. Maximum height of buildings:

1. Principal building, twenty-five feet,
2. Accessory building, fifteen feet;
- D. Minimum front yard, twenty feet;
- E. Minimum side yard, five feet;
- F. Minimum rear yard, twenty feet;
- G. Minimum floor area per two-family and multi-family dwelling unit, eight hundred fifty square feet. (Ord. 568 §25, 2004; Ord. 331 §10, 1996; prior code §10-37.2)

17.16.050 R-3 districts—Permitted uses.

Permitted uses in R-3 districts shall be as follows:

- A. All uses permitted in the R-2 district, excluding single-family dwellings;
- B. Two-family dwellings;
- C. Multiple-family dwellings, provided that the lot upon which any such dwelling is located is of sufficient size so that thirty percent thereof shall be devoted to functional open space;
- D. Colleges and university buildings and uses;
- E. Community buildings;
- F. Fraternity and sorority houses;
- G. Hospitals;
- H. Medical and dental clinics;
- I. Professional offices;
- J. Personal service shops as accessory uses by special use permit only;
- K. Nursery schools and day care centers for pre-school age children;
- L. Private schools;
- M. Rest homes, convalescent homes and nursing homes;
- N. Membership clubs;
- O. Manufactured homes, as defined in Section 17.08.270. (Ord. 373 §8, 1997; Ord. 331 §11, 1996; Ord. 191 §6, 1983; prior code §10-36.3)

17.16.060 R-3 districts—Density.

Density in R-3 districts shall be as follows:

- A. R-1 uses in an R-3 district shall meet the density standards set forth in Section 17.16.020;
- B. Minimum lot area per two-family dwelling unit, three thousand five hundred square feet;
- C. Maximum height of buildings:
 - 1. Principal building, twenty-five feet;
 - 2. Accessory building, fifteen feet;
- D. Minimum front yard, twenty-five feet;
- E. Minimum side yard, one foot for every two and one-half feet or fraction thereof of building height, except no side yard shall be less than five feet;
- F. Minimum rear yard, twenty feet;
- G. Minimum floor area per dwelling, seven hundred eighty square feet;
- H. Minimum floor area per two-family and multi-family dwelling unit, five hundred square feet. (Ord. 568 §26, 2004; Ord. 331 §12, 1996; prior code §10-37.3;)

17.16.070 Additional standards for R-1, R-2 and R-3 districts and residential land use categories within PUD districts.

Additional standards for R-1, R-2 and R-3 districts and for residential land use categories within PUD districts shall be as set forth in this section. Where expressly stated, such standards shall further apply to any residential lot within the town.

- A. Each dwelling unit must have the applicable minimum lot area or, for PUD districts, such minimum lot area as specified in the FDP;
- B. On corner lots, the yard on all street frontages must meet minimum standards for front yards in the pertinent zone or, for PUD districts, such minimum lot area as specified in the FDP;
- C. Only one accessory building, not including a freestanding garage, is permitted per lot and shall be set back at least five feet from any property line. Accessory buildings are not permitted in the front yards or side yards that face a public street. Accessory buildings shall be of a similar color as the primary building, may not exceed a height of twelve feet and shall not exceed one hundred sixty square feet of floor area. Construction materials shall be similar to the primary building, except that premanufactured metal or plastic accessory buildings are permitted.
- D. The minimum number of off-street parking spaces shall be as follows:
 - 1. R-1, one space for each dwelling unit;

2. R-2, one space for each dwelling unit;
3. R-3, two and one-quarter spaces for each dwelling unit;
4. Churches, hospitals, offices, etc., one space for every two hundred square feet of floor space;
5. Handicapped spaces shall be provided as required by applicable federal law, including the Americans with Disabilities Act.

E. Parking and storage restrictions for motor vehicles, trailers, campers and boats shall be as follows:

1. No motor vehicle, trailer, camper or boat may be parked in the front yard (as defined in Section 17.08.460) of a residential lot within any zone district of the town except on a paved or graveled driveway which is intended for parking or access to a garage or carport or an area adjoining such driveway that provides for not more than one extra lane, or except as may be expressly specified and permitted on an approved FDP for a lot within a PUD district.

2. No semitrailer may be parked on any residential lot within any zone district of the town.

3. For purposes of this section:

- a. "Motor vehicle" has the meaning set out in the Model Traffic Code for Colorado Municipalities as from time to time adopted by ordinance of the board of trustees.

- b. "Trailer" means any wheeled vehicle or apparatus, without motive power, which is designed to be drawn by a motor vehicle and to carry cargo.

- c. "Camper" means and includes any type of camper coach, trailer coach, fifth wheel, mounted camper or other type of mounted or wheeled recreational equipment that is pulled or carried by a motor vehicle.

- d. "Semitrailer" has the meaning set out in the Model Traffic Code for Colorado Municipalities as from time to time adopted by ordinance of the board of trustees. Such term further includes any vehicle commonly referred to or considered a "tractor trailer."

4. Upon conviction of a violation of this section, a fine of three hundred dollars shall be imposed.

F. Only one freestanding garage is permitted per lot or dwelling unit and shall be subject to the same front and side yard setback requirements as the main building. A freestanding garage shall be set back at least five feet from the rear property line. Freestanding garages shall be of a similar color and architectural style, and constructed of similar materials as the main building. Within PUD zone districts, freestanding garages are only permitted if shown on an approved FDP and constructed pursuant to standards specified in the FDP.

G. All dwellings shall be constructed on a permanent concrete foundation which foundation shall have the following minimum characteristics:

1. It shall be constructed to be below estimated frost depth.

2. The foundation shall be located directly below not less than ninety percent of the outside perimeter of the first floor building wall.

3. The foundation shall be at a minimum eight inches in thickness.

H. All dwelling roofs shall have the following minimum characteristics:

1. A minimum of six roof planes per building, to add articulation. For the purposes of this section, portions of roofs less than ten percent of the total plan view roof area shall not constitute a "roof plane."

2. A pitch of not less than four inches in twelve inches.

3. Eighty percent of all eaves shall protrude from the exterior wall (not including the width of any gutter) no less than sixteen inches. This minimum overhang shall apply to all roofs, irrespective of pitch.

I. All residential dwellings shall be oriented on the lot such that a side with a length that is at least eighty percent the length of the longest side of the dwelling predominately faces the local street providing access to the lot. The length of any side includes the length of any attached garage. In all cases the front door of the dwelling shall be located in the closest portion of the dwelling that predominately faces the local street. For corner lots, this provision only applies to the local street providing direct driveway access. These requirements may be waived or modified with respect to land-leased manufactured housing developments within a PUD district, provided such waiver or modification is warranted by virtue of innovative design and amenities incorporated in the development plan.

J. For any new subdivision filing, all single-family dwellings developed shall have two car garages.

K. For any new subdivision filing, there shall be a minimum of one tree of one-and-one-half-inch caliper for each dwelling planted within the front yard of the dwelling. This requirement may be waived or reduced by the board if it determines that such a requirement would be inappropriate based on the submitted landscape theme, for potable water conservation reasons, or as specified in an approved FDP.

L. For any new subdivision filing, as developed, front lawn areas shall be installed as seed or sod in the front yard. Sod must be installed prior to the town issuing a certificate of occupancy, and if seed is used rather than sod, then the seed must be significantly established prior to the town issuing a certificate of occupancy. However, a certificate of occupancy may be issued by the town prior to the seed being significantly established if an automatic sprinkler system has been installed with an electronic timer. Further, if weather conditions do not allow for installation of sod or the significant establishment of seed at the time a certificate of occupancy could otherwise be issued, then the director of operations or the building official may grant an extension, not to exceed one hundred eighty days, for the sod to be installed or seed to be significantly established. These requirements may be waived or reduced by the board if it determines that such a requirement would be inappropriate based on relevant considerations including, but not limited to, the size of the lots or potable water conservation reasons, or as specified in an approved FDP.

M. Shrubs and ground cover plantings shall comprise no less than ten percent of the landscaped area of the front yard. This requirement may be waived or reduced by the board if it determines that such a

requirement would be inappropriate because of the size of the lots or for potable water conservation reasons, or as specified in an approved FDP.

N. Eighty-five percent of the exterior color treatment for all residential dwellings and accessory uses shall be muted (excluding glass treatment), unless otherwise approved by the board based on the unique architectural design of the home.

O. All sloped roofs shall be covered with a muted, earth-tone color roofing material, unless otherwise approved by the board based on the unique architectural design of the home.

P. It is unlawful to locate any roll-off trash container or trash container of any type in excess of one hundred ninety-two gallons in a front yard or in a side yard fronting a public street of a residential lot of any zone district of the town without first obtaining a permit and paying a permit fee of ten dollars. No such trash containers shall be located in a front yard or in a side yard fronting a public street of a residential lot of any zone district of the town for more than fourteen days in any one-hundred-eighty-day period. (Ord. 712 §1, 2009; Ord. 588 §1, 2005; Ord. 568 §27, 2004; Ord. 528 §§1, 2, 2003; Ord. 428 §1, 1999; Ord. 409 §§1, 2, 1998; Ord. 374 §1, 1997; Ord. 358 §1, 1997; Ord. 331 §13, 1996; prior code §10-37.4)

17.16.080 R-5 districts--Uses permitted.

Uses permitted shall be as follows:

A. Mobile home parks subject to the provisions of Chapter 17.48;

B. Mobile home subdivisions, subject to Chapter 17.48;

C. Modular homes and manufactured housing as defined herein, subject to the zone district standards for the R-1 district if the unit is a single-family dwelling, the R-2 district if the unit is a two-family dwelling and R-3 district if the unit is multifamily. (Ord. 191 §8, 1983; prior code §10-36.12)

17.16.090 R-1-UD districts--Uses permitted.

See Ch. 17.36 on unit developments. (Prior code §10-36.4)

17.16.100 R-2-UD districts--Uses permitted.

See Ch. 17.36 on unit developments. (Prior code §10-36.5)

17.16.110 R-3-UD districts--Uses permitted.

See Ch. 17.36 on unit developments. (Prior code §10-36.6)

Chapter 17.20

Commercial and Industrial Districts

Sections:

- 17.20.010 C-1 districts--Uses permitted.
- 17.20.020 C-2 districts--Uses permitted.
- 17.20.030 C-M districts--Uses permitted.
- 17.20.040 M-1 districts--Uses permitted.
- 17.20.050 M-2 districts--Uses permitted.
- 17.20.060 Commercial and industrial density schedule.

17.20.010 C-1 districts--Uses permitted.

Uses permitted in the C-1 districts shall be as follows:

- A. Places serving food or beverages for consumption inside of an enclosed building;
- B. Membership clubs;
- C. Offices and clinics;
- D. Neighborhood business uses, including grocery stores, drug stores, gift shops, hardware stores, florist shops, banks and similar indoor business uses primarily serving the daily needs of the immediate neighborhood;
- E. Personal service shops, including barber shops, beauty parlors, shoe repair shops, dry cleaning outlets and self-service laundries;
- F. Accessory buildings and uses;
- G. Churches and other places of assembly.
- H. Uses permitted in the R-1 district for those areas of the C-1 district that abut First Street. (Ord. 642 §1, 2007; Ord. 331 §14, 1996; Ord. 231 §1, 1987; prior code §10-36.7)

17.20.020 C-2 districts--Uses permitted.

Uses permitted in C-2 districts shall be as follows:

- A. All uses permitted in the C-1 district subject to the use provisions stated therefor;
- B. Places for the conduct of general retail business, including but not limited to the following:
 - 1. Automobile repair, when conducted inside a building,
 - 2. Bakeries,
 - 3. Banks, savings and loan and finance,
 - 4. Furniture stores,
 - 5. Gasoline service stations,

6. Grocery stores and supermarkets,
7. Hardware stores,
8. Hotels and motels,
9. Multiple-family dwellings,
10. Parking lots and parking garages,
11. Parks and playgrounds,
12. Printing and newspaper offices,
13. Recreation uses and theaters,
14. Restaurants, bars and other eating and drinking places,
15. Retail stores,
16. Studios,
17. TV and small appliance repair shops, and
18. Undertaking establishments;

C. Accessory buildings and uses. (Ord. 331 §15, 1996; Ord. 231 §2, 1987; prior code §10-36.8)

17.20.030 C-M districts--Uses permitted.

Uses permitted in C-M districts shall be as follows:

- A. All uses permitted in the C-2 district;
- B. Commercial, storage and service uses, including but not limited to the following:
 1. Automobile repair shops,
 2. Builders' supply yards and lumber yards,
 3. Cabinet making and carpenter shops,
 4. Frozen food lockers, not including slaughtering on the premises,
 5. Furniture upholstery,
 6. Greenhouses,
 7. Ice and cold storage plants,

8. Machine shops,
9. Pet stores and veterinary hospitals, excluding outdoor kennels,
10. Plumbing, electrical and carpenter shops,
11. Publishing plants,
12. Roofing shops,
13. Sheet metal shops,
14. Warehouses and enclosed storage,
15. Gasoline service stations.

C. Public utility facilities;

D. Accessory buildings and uses. (Ord. 568 §28, 2004; Ord. 331 §16, 1996; prior code §10-36.9)

17.20.040 M-1 districts—Uses permitted.

Uses permitted in M-1 districts are: Any kind of scientific research or manufacturing, compounding, assembling, processing or treatment of products, provided that the following limitations are on all such uses:

A. All permitted principal uses shall be operated entirely within a completely enclosed structure;

B. Dust, fumes, odors, refuse matter, smoke, vapor, noise, lights and vibrations shall be confined to the premises of the lot upon which such use is located and be controlled in accordance with the state air pollution laws;

C. Travel and parking portions of the lot shall be surfaced with asphalt or concrete. (Ord. 568 §29, 2004; Ord. 331 §17, 1996; prior code §10-36.10)

17.20.050 M-2 districts—Uses permitted.

Uses permitted in M-2 districts shall be as follows:

A. All uses permitted in the C-M district as stated therefor;

B. The following limitations are placed on all uses:

1. Dust, fumes, odors, smoke, vapor and noise shall be confined to the M-2 district and be controlled in accordance with the state air pollution laws.

2. Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts. (Ord. 568 §30, 2004; Prior code §10-36.11)

17.20.060 Commercial and industrial density schedule.

	C1	C2	CM	M1	M2
A. Minimum setback from right-of-way line of street in feet	50	50	5	30	30
B. Minimum rear setback from rear lot line in feet	20	15	10	10	10
C. Maximum floor area ratio as a percentage of lot area	30%	30%	80%	30%	30%
D. Parking spaces	One space for every 250 square feet of floor space, except hotels and motels, and other rental units, which must have one space for every rental unit				
E. Maximum height	40 feet				
F. Minimum floor space applicable to hotels, motels, rooming houses or other rental unit	Must be 500 feet for each rental unit, 300 square feet for each hotel or motel rental unit				

(Ord. 602 §3, 2006; Ord. 568 §31, 2004; Ord. 524 §1, 2003; Ord. 331 §18, 1996; prior code §10-37.5)

Chapter 17.22

Planned Unit Development

Sections:

- 17.22.010 Intent.
- 17.22.020 General provisions.
- 17.22.030 PUD zoning.
- 17.22.040 Size of a PUD.
- 17.22.050 Application—Outline Development Plan.
- 17.22.060 ODP review and processing.
- 17.22.065 Preliminary Development Plan.
- 17.22.070 Final Development Plan.
- 17.22.080 Conditions and standards for approval.
- 17.22.090 Amendments to the Outline Development Plan.
- 17.22.100 Amendments to the Preliminary and Final Development Plans.
- 17.22.110 Recording of amendments.
- 17.22.120 Temporary structures.
- 17.22.130 Control of development; enforcement.
- 17.22.140 Variances.
- 17.22.150 Assurance of completion

17.22.010 Intent.

Pursuant to Planned Unit Development Act of 1972, Article 67 of Title 24, C.R.S., the Planned Unit Development ("PUD") zoning district is created as an alternative to conventional land use regulations in order that the public health, safety, integrity and general welfare may be furthered in the era of increasing urbanization and growing demand for housing of all types and designs for the following purposes:

A. To provide for necessary commercial, recreational and educational facilities conveniently located to such housing;

B. To provide for well-located, clean, safe and pleasant industrial sites involving minimum strain on transportation facilities;

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

D. To encourage innovations in residential, commercial and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings;

E. To encourage a more efficient use of land and public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that the resulting economies may inure to the benefit of those who need homes;

F. To lessen the burden of traffic on streets and highways;

G. To encourage the building of "new towns" incorporating the best features of modern design;

H. To conserve the value of the land;

I. To provide a procedure which can relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics; and

J. To encourage integrated planning in order to achieve the above purposes. (Ord. 324 §3(part), 1996)

17.22.020 General provisions.

A. Planned unit developments provide for the opportunity for a mixed and multiple use district where both residential neighborhoods and nonresidential areas can be comprehensively planned and developed. All major categories of land use including industrial, office, commercial, residential, public and open space have the potential to be present in a PUD.

B. Where applicable, it is the intent of this chapter that subdivision review under the subdivision regulations in Title 16 of this code be coordinated with and carried out simultaneously with the review of a PUD under this chapter. (Ord. 324 §3(part), 1996)

17.22.030 PUD zoning.

A. The following types of planned unit developments may be established:

1. PUD zone district. A PUD zone district may be established by zoning land as a PUD zone district either through a rezoning process or by the initial zoning of land at the time of annexation. Commercial,

office, public, residential, agricultural, conservation and open space land uses are permitted in a PUD zone district as specified in the Firestone Development Regulations. An Outline Development Plan ("ODP") must be submitted at the time the PUD zoning is requested. A Preliminary Development Plan ("PDP") Final Development Plan ("FDP") must be submitted for that portion of the PUD for which building or further development is being proposed. A PDP may be submitted in lieu of an ODP at the time of zoning or rezoning as a PUD if concurrent building or development is also being applied for on the entire property being zoned or rezoned; an FDP shall thereafter be required for such building or development. The requirements for an ODP, PDP and an FDP are as set forth in this title and as stated in the Firestone Development Regulations.

2. Overall FDP. Subsequent to a PDP, an overall FDP may be submitted for an initial phase of development in which such phase only involves the construction of public or private utilities, overall landscaping, roadway or other general site features. An overall FDP may permit the development approved therein to proceed, but a site-specific PDP and FDP shall be required for further development of any site or lot not approved or addressed in the overall FDP. Notwithstanding the foregoing, the requirement for a site-specific PDP shall be waived if the application for further development meets all of the following criteria:

- a. The property is governed by an approved overall FDP, which overall FDP is in compliance with all terms and conditions of its approval, and which overall FDP, together with the site-specific FDP, meets all of the requirements for development set forth in this title and the Firestone Development Regulations;
- b. The proposed planned unit development contains no more than one principal building and principal use;
- c. The property subject to the application has been previously subdivided and no subdivision action is required to develop the property in accordance with the application;
- d. The property is subject to covenants of record addressing use and development of the property.

3. PUD Overlay District. A PUD overlay district may be established in an existing zoning district by overlaying a development plan over the applicable existing zoning district or districts. When a PUD is established in this manner, only the principal permitted uses and permitted accessory uses of the underlying zoning district are permitted in the PUD. When a PUD is established using the overlay procedure, the development must follow the applicable review procedures for approval of an ODP, PDP and FDP. A zoning change is not required for an overlay, and the property retains its original zoning classification subject to the provisions of the approved PUD for the property.

B. The maximum permissible density within a PUD zone district shall be determined based upon the land uses proposed for the development and shall be based upon the density standards for types of uses as specified in the Firestone Development Regulations. The maximum permissible density within a PUD overlay district shall be the density permitted in the underlying zoning district as set forth in Chapter 17.16 of this title for residential districts, and as set forth in Chapter 17.20 of this title for commercial and industrial districts. However, such density requirements may be altered through the approval process of the planned unit development if the spirit and intent of the development criteria contained in Section 17.22.080 are met and if the board of trustees finds that the development plan contains areas allocated for usable open space or common park area in excess of public use dedication requirements, or that the alteration is warranted by the

amenities incorporated in the development plan, and the needs of residents for usable and functional open space, parks and buffer areas can be met. (Ord. 435B §9, 2000; Ord. 324 §3(part), 1996)

17.22.040 Size of a PUD.

There shall be no minimum size for a PUD district. Unless otherwise approved, all commercial, industrial and multi-family residential property of any size and all single-family property two acres or more in size shall be developed as a PUD zone district or a PUD overlay district. (Ord. 543 §1, 2003; Ord. 324 §3(part), 1996)

17.22.050 Application—Outline Development Plan.

The application requirements for a PUD shall be as set forth in this section and as described in the Firestone Development Regulations.

A. Preapplication Conference. Prior to filing an application for approval of a PUD district, a preapplication conference shall be held with the town planning department to acquaint the applicant with town development procedures and related requirements, and to obtain copies of pertinent documents and application materials.

B. Application Submission. The applicant shall make application to the town for approval of a PUD. A PUD application may be made at regularly scheduled meetings. The application shall be accompanied by an Outline Development Plan ("ODP") as specified in this section and the Firestone Development Regulations. The ODP shall include an ODP map and a written textual statement and such other forms or additional relevant information as deemed necessary by the board of trustees.

C. Outline Development Plan Map. The ODP map shall contain at least the following information:

1. Title block, scale, north arrow and vicinity map.
2. The location of streets, and other circulation systems with notes specifying general conditions such as right-of-way width and access control, and other pertinent factors when applicable.
3. Proposed land uses and their respective acreage.
4. Existing structures and features with notes specifying whether they are to remain.
5. Existing and proposed utilities and easements.
6. The existing topographical character of the land.

D. Outline Development Plan Text. The ODP written textual statement shall contain the following information:

1. Title block.
2. Approval blocks for the planning commission and board of trustees.
3. A statement of present ownership and legal description of the land within the PUD.

4. A statement of technical consultants preparing the plan.
5. A statement of the character and development concept of the PUD and of how the PUD has been planned to take advantage of the PUD regulations.
6. An identification and description of land use and transportation and their impacts upon existing land use and transportation systems.
7. The location of and impact on significant natural features and environmental components such as trees, wetlands, wildlife, streams, floodplains and historical and archaeological sites.
8. A general description of utilities and public services necessary to serve the PUD.
9. The location, size and description of existing and proposed public and semipublic uses, both dedicated and other.
10. The density of residential land uses and type of dwellings, if applicable.
11. A statement specifying maximum building height.
12. A land use table summarizing use, acreage and density of each subdistrict of the PUD.
13. A general statement of the expected schedule of development and any proposed phasing.
14. A description of any agreements, conveyances, restrictions or covenants which will govern the use, maintenance and continued protection of the PUD and any of its park, open space, common area or joint ownership area. (Ord. 324 §3(part), 1996)

17.22.060 ODP review and processing.

A. The ODP application shall be processed in accordance with the Firestone Development Regulations. The planning commission and the board of trustees shall provide notice and hold a public hearing on the ODP application in the manner prescribed by Chapter 17.44 for the amendment or change of zoning ordinances.

B. Approval of the ODP application shall constitute approval of the outline development plan only, and such approval shall be valid for ten years. A one-year extension of approval time may be applied for in writing to the board of trustees. The approval of an outline development plan shall not result in the creation of any vested property rights. Such approval shall allow the applicant to proceed to the next development plan stage, subject to compliance with the time limits set forth in this subsection and the other requirements of this chapter and the Firestone Development Regulations. (Ord. 525 §2, 2003; Ord. 431 §2, 1999; Ord. 324 §3(part), 1996)

17.22.065 Preliminary Development Plan.

A Preliminary Development Plan ("PDP"), which may reflect the entire development as delineated on the ODP or any logical portion thereof, must be submitted following the approval of the ODP. The PDP shall include PDP maps and drawings and a written textual statement and such other forms as required by the town. An approved PDP shall be valid for no more than three years within which time a final development plan must be submitted for all or a portion of the area covered by the PDP. The approval of a PDP shall not result in the

creation of any vested property rights. Such approval shall allow the applicant to proceed to the next development plan stage, subject to compliance with the time limits set forth in this subsection and the other requirements of this chapter and the Firestone Development Regulations.

A. Preliminary Development Plan maps and drawings. The following PDP maps and drawings, insofar as applicable, shall be required and shall contain the minimum information specified in this section and the Firestone Development Regulations:

1. Site plan. The PDP site plan shall at least contain the following:
 - a. Title block, scale, north arrow and vicinity map.
 - b. Location and size of all existing and proposed buildings and structures.
 - c. Proposed land uses and their respective acreage within the PUD.
 - d. Location, dimension and surfacing, if applicable, of all existing and proposed streets, rights-of-way, drives, parking areas and pedestrian ways, and easements.
 - e. Location of all existing and proposed points of ingress and egress to the property.
 - f. Location of lot lines, setback lines, parks, open space and other areas dedicated for public use.
 - g. A delineation of the one-hundred-year floodplain and floodway.
2. Environmental site plan. The PDP environmental site plan shall at least contain the following:
 - a. Location of all existing and proposed structures within the PDP and within one hundred fifty feet of its external boundary.
 - b. Existing forested or uniquely vegetated areas to remain after development.
 - c. The location of significant natural, environmental, historical, archaeological or paleontological features.
3. Grading plan.
4. Landscape plan. A PDP landscape plan showing spacing and types of landscaping materials shall be submitted.
5. Proposed architectural elevations.
6. Cross sections as required by the Firestone Development Regulations.
7. Utility plans. Utility plans shall be submitted for all major utilities and drainage facilities showing necessary easements, including but not limited to water, sanitary sewer, storm sewer, gas, telephone and electrical.

8. The following technical studies and reports shall be submitted with the PDP maps:
 - a. Preliminary soils report;
 - b. Master drainage study;
 - c. Master traffic study.

B. Preliminary Development Plan text. The PDP written textual statement shall contain the following information:

1. A statement of the character and development concept of the PUD.
2. A land use table showing building coverage and square footage, and providing the percentage of paved, open space and landscaped areas in relation to gross area of the PDP.
3. A statement of assessment and mitigation for the preservation or other special treatment of significant natural, environmental, historical, archaeological or paleontological features.
4. A development schedule setting forth the timing and phasing, if any, for construction of the development.
5. A general description of signs and lighting devices indicating type, size, material, color and text.
6. Approval block for the board of trustees.

C. The PDP shall be processed in accordance with the Firestone Development Regulations. The planning commission and the board of trustees shall provide notice and hold a public hearing on the PDP submittal in the manner prescribed by Chapter 17.44 for the amendment or change of zoning ordinances. (Ord. 525 §3, 2003; Ord. 435B §10, 2000)

17.22.070 Final Development Plan.

A Final Development Plan ("FDP"), which may reflect the entire development as delineated on the ODP or any logical portion thereof, must be submitted following the approval of the ODP. The FDP shall include FDP maps and drawings and a written textual statement and such other forms as required by the town.

A. Final Development Plan Maps and Drawings. The following FDP maps and drawings, insofar as applicable, shall be required and shall contain the minimum information specified in this section and the Firestone Development Regulations:

1. Site plan. The FDP site plan shall at least contain the following:
 - a. Title block, scale, north arrow and vicinity map.
 - b. Identification of present ownership and developer if different from owner.
 - c. Location, size and first floor elevations of all existing and proposed buildings and structures.

- d. Proposed land uses and their respective acreage within the PUD.
 - e. Location, dimension and surfacing, if applicable, of all existing and proposed streets, rights-of-way, drives, parking areas, pedestrian ways, service areas including trash disposal areas, outdoor storage areas and easements.
 - f. Location of all existing and proposed points of ingress and egress to the property, proposed turning movements to and from streets and median cuts.
 - g. Location and dimension of lot lines, setback lines, parks, open space and other areas dedicated for public use.
 - h. Location, height and size of proposed lighting, signs, advertising devices and mailboxes.
 - i. The maximum height of all buildings.
 - j. Location and screening of all utilities.
 - k. A delineation of the one-hundred-year floodplain and floodway.
2. Environmental site plan. The FDP environmental site plan shall at least contain the following:
 - a. Location of all existing and proposed structures within the FDP and within one hundred fifty feet of its external boundary.
 - b. Existing forested or uniquely vegetated areas to remain after development.
 - c. Location of any existing major wildlife habitat or migration routes.
 - d. The location of significant natural, environmental, historical, archaeological or paleontological features.
3. Grading plan.
 4. Landscape Plan. A FDP landscape plan showing spacing, sizes and specific types of landscaping materials shall be submitted.
 5. Proposed architectural elevations.
 6. Cross sections as required by the Firestone Development Regulations.
 7. Utility plans. Utility plans shall be submitted for all major utilities and drainage facilities showing necessary easements, including but not limited to water, sanitary sewer, storm sewer, gas, telephone and electrical.
 8. Transportation plan as required by the Firestone Development Regulations.
 9. The following technical studies and reports shall be submitted with the FDP maps:

- a. Soils report;
- b. Drainage study; and
- c. Traffic study.

B. Final Development Plan Text. The FDP written textual statement shall contain the following information:

1. Title block, legal description, submittal date, identification of present ownership and developer if different from owner, and identification of technical consultants.
2. A statement of the character and development concept of the PUD.
3. A land use table showing building coverage and square footage, and providing the percentage of paved, open space and landscaped areas in relation to gross area of the FDP.
4. A statement of assessment and mitigation for the preservation or other special treatment of significant natural, environmental, historical, archaeological or paleontological features.
5. Copies of any agreements, conveyances, restrictions or covenants which will govern the use, maintenance and continued protection of the PUD and any of its park, open space, common area or joint ownership area.
6. A development schedule setting forth the timing and phasing, if any, for construction of the development.
7. A general description of signs and lighting devices indicating type, size, material, color and text.
8. Approval block for the board of trustees.

C. The FDP shall be processed in accordance with the Firestone Development Regulations. The planning commission and the board of trustees shall provide notice and hold a public hearing on the FDP submittal in the manner prescribed by Chapter 17.44 for the amendment or change of zoning ordinances. (Ord. 324 §3(part), 1996)

17.22.080 Conditions and standards for approval.

The planning commission and the board of trustees may approve a PUD application if it meets the intent of this chapter and complies with this code and other controlling regulations and documents, including the development standards specified in the Firestone Development Regulations. The planning commission and board of trustees shall consider the following in making their decision for approval, approval with conditions or denial of a PUD:

- A. The proposed PUD district is compatible with present development in the surrounding area, and will not have a significant, adverse effect on the surrounding area;
- B. The proposed PUD district is consistent with the public health, safety and welfare, as well as efficiency and economy in the use of land and its resources;

C. The proposed PUD district is consistent with the overall direction and intent of this chapter, and the intent and policies of the town's comprehensive plan and other pertinent policy documents of the town;

D. The proposed PUD district provides for a creative and innovative design which could not otherwise be achieved through other standard zoning districts.

E. The exceptions from the zoning regulations requested in the proposed PUD are warranted by virtue of innovative design and amenities incorporated in the PUD district.

F. The PUD provides adequate circulation in terms of the internal street circulation system, designed for the type of traffic generated, for separation from living areas, convenience, safety, access and noise and exhaust control. Proper circulation in parking areas has been provided in terms of safety, convenience, separation and screening. The PUD provides for buffering from collector and arterial streets through earthen berms, landscaping and other methods.

G. The PUD provides functional open space in terms of practical usability and accessibility, and optimum preservation of natural features, including trees and drainage areas, recreation, views, natural stream courses, bodies of water and wetlands.

H. To the extent practicable, the PUD provides variety in terms of housing types, housing size, densities, facilities and open space.

I. The PUD provides for pedestrian and bicycle traffic in terms of safety, separation, convenience, access, destination and attractiveness. If possible, there shall be an internal pedestrian circulation system separate from the vehicular system such that allows access to adjacent parcels, parks, open space or recreational facilities within the PUD as well as links to trail systems of the town.

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

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

L. Landscaping of the site in terms of purpose, such as screening, types and materials used, maintenance suitability, water demands and effect on the area.

M. Services including utilities, fire, police protection and other such services are available or can be made available to adequately serve the development.

N. No structures in the PUD shall encroach on a floodplain except as permitted by the town's floodplain ordinance.

O. No occupied structure shall be located on ground showing severe subsidence potential without adequate design and study approved by the town.

P. Visual relief and variety of visual sitings shall be located within the PUD through building placement, shortened or interrupted street vistas, visual access to open space and other design methods. (Ord. 324 §3(part), 1996)

17.22.090 Amendments to the Outline Development Plan.

A. An amendment to the ODP is a change in zoning district classification and shall follow the same procedures set out in this chapter pertaining to the approval of an ODP. The planning director may authorize minor changes in the ODP that do not:

1. Alter the basic relationship of the proposed development to adjacent property;
2. Change the uses permitted;
3. Increase the maximum density, floor area ratio or height;
4. Decrease the amount of required off-street parking; or
5. Reduce the minimum yards required at the boundary of the site.

B. Any administrative approvals granted under this section shall be transmitted to the planning commission and the board of trustees for their information by written memorandum from the planning director. (Ord. 324 §3(part), 1996)

17.22.100 Amendments to the Preliminary and Final Development Plans.

A. Except as provided below, no changes may be made in the approved PDP or FDP except upon application and approval by the board of trustees under the same procedures and requirements as specified for the initial submittal of a PDP or FDP. The planning director may, at the director's sole discretion, approve an amendment to a PDP or FDP, provided that the amendments are only:

1. Architectural. Minor changes in the color; exterior appearance; lot coverage; screening of outdoor storage areas; or location, siting and height of buildings, structures or divisional walls if required for engineering reasons or other circumstances not foreseen at the time the PDP or FDP was approved. No change authorized by this paragraph may increase or decrease the dimensions of any building or structure by more than ten percent or permit an accessory structure whose size is greater than ten percent of the area of the principal building or structure.
2. Landscaping and site features. Changes in plant materials, minor alterations in the location of plantings, changes in plant quantities or sizes, changes to the location of internal sidewalks or changes in location of parking spaces if required for engineering reasons or other circumstances not foreseen at the time the PDP or FDP was approved. No change authorized by this paragraph may increase or decrease landscaping or sidewalks by more than ten percent.

B. Any changes which are approved shall constitute an amendment to the PDP or FDP.

C. Any administrative amendments authorized by the planning director shall be transmitted to the planning commission and board of trustees for their information by written communication from the planning director. (Ord. 435B §11, 2000; Ord. 324 §3(part), 1996)

17.22.110 Recording of amendments.

Any changes which are approved for an ODP or an FDP shall constitute an amendment thereto and must be on file with the town and noted as amendments to the ODP or FDP. Any administrative amendments authorized by the planning director shall be transmitted to the planning commission and board of trustees for their information by written communication from the planning director. (Ord. 324 §3(part), 1996)

17.22.120 Temporary structures.

The planning director may approve temporary structures for an FDP to be present on-site for a period of up to twenty-four months. The structure must be removed at the end of the approval period and the site returned to the approved FDP requirements. In no event shall any property owner acquire a vested right to maintain such temporary structure beyond the twenty-four-month period provided in this section. (Ord. 324 §3(part), 1996)

17.22.130 Control of development; enforcement.

A. After the planned unit development has been approved, the use of land and the construction, modification or alteration of any buildings or structures within the planned unit development will be governed by the approved ODP and FDP rather than the other provisions of this title. The approved ODP shall constitute the zoning document for the planned unit development, and the approved FDP shall govern all land development within such PUD zone.

B. From time to time, the planning commission shall compare the actual development accomplished in the various planned unit developments previously approved with the development schedule and the development plan of the project. If the owner or owners of the property in the planned unit development have failed to meet the approved development schedule, or development plan and any supplementary agreements, the town board, the planning commission or the town staff may initiate proceedings to review the previously approved FDP. Such review shall occur in the same manner as review of the FDP in Section 17.22.070, and upon such review, the FDP may be revoked or the limits of the development schedule may be extended.

C. If the time limit established by the development schedule has passed, no building permit or certificates of occupancy shall be issued until after the planning commission has reviewed the development plan and a new development schedule has been established. (Ord. 568 §32, 2004; Ord. 324 §3(part), 1996)

17.22.140 Variances.

Notwithstanding any other provision of this chapter, the board of adjustment has the power to hear and decide, grant or deny applications for variances on individual lots from the provisions of an approved planned unit development except for use variances. (Ord. 324 §3(part), 1996)

17.22.150 Assurance of completion.

A. In those cases where a planned unit development is applied for on one or more subdivided lots, but which do not have in place assurances of completion in the form of a guarantee acceptable to the town as required under Section 16.12.030, or that involve any required on-site or off-site public improvements which in the opinion of the town requires an assurance of completion, such improvement assurances shall be made pursuant to the terms of a developer's agreement. For the purposes of this section, the term *developer* means

that person making application for approval of a planned unit development or the property owner of the land if other than the applicant.

B. The assurance of completion in the form of a guarantee acceptable to the town must be furnished by the developer to assure the installation and completion of all required public improvements in an approved manner and in a reasonable period of time.

C. The developer shall execute a developer's agreement with the town that requires guarantees to be furnished for the construction of the required public improvements and establishes the developer's responsibility for the provision of such improvements. Building permits will be issued only for that part of the plan for which the required financial guarantee has been provided.

D. The developer's agreement shall be recorded prior to the issuance of any building permits. Upon written request from the developer, a release from the town may be obtained for a lot or lots when the terms of the agreement have been satisfied for the lot or lots involved.

E. The developer's agreement shall provide that no certificates of occupancy shall be issued prior to the town's conditional acceptance of the required improvements. The developer's agreement shall further provide that if, at any time there is a breach of such agreement, the town may withhold approval of all building permits within the planned unit development until any breach has been cured. (Ord. 568 §33, 2004)

Chapter 17.24

Flood Hazard Districts

Sections:

17.24.010 F-C districts--Permitted uses.

17.24.020 F-P districts--Permitted uses.

17.24.010 F-C districts—Permitted uses.

Uses permitted in F-C districts shall be as follows:

A. All uses in the F-C district shall be subject to the use limitations of any underlying zoning district as stated therefor;

B. Flood channels and flood channel casements;

C. Flood control dams;

D. Irrigation structures; and

E. Open space recreational use such as parks, greenbelts and pathways for hiking or riding of bicycles or horses. (Prior code §10-36.13)

17.24.020 F-P districts—Permitted uses.

Uses permitted in the F-P district shall be as follows:

- A. Flood storage areas;
- B. All uses permitted in any underlying zoning district as stated therefor, providing the following limitations are placed on all such uses:
 1. Any building or structure shall be adequately floodproofed to withstand the one-hundred-year flood;
 2. Any building or structure shall be located so as to offer minimum obstruction to the flow of floodwater and shall not cause lands outside of the natural floodplain to be flooded;
 3. The flood elevation of the lowest habitable story and lowest basement opening of any building shall be at least one foot above the elevation of the one-hundred-year flood underchannel and floodplain conditions existing at the time of construction;
 4. No more than nominal filling shall be done or accomplished without the approval of the director of public works; and
 5. No material which could be moved by floodwaters or which in time of flooding could be harmful, detrimental or injurious to human, animal or plant life shall be stored or processed unless facilities for storing or processing the materials shall be floodproofed adequately to prevent movement by floodwaters and the harmful, detrimental or injurious effects in the event of a one-hundred-year storm. (Prior code §10-36.14)

Chapter 17.28

General Use Regulations

Sections:

- 17.28.010 Generally.
- 17.28.020 Minimum lot areas and widths.
- 17.28.030 Minimum front yard--Developed areas.
- 17.28.040 Minimum floor area.
- 17.28.050 Minimum off-street parking.
- 17.28.060 Exclusions.

17.28.010 Generally.

Regulations specified in other sections of this title shall be subject to the following interpretations and exceptions in this chapter. (Prior code §10-38(part))

17.28.020 Minimum lot areas and widths.

A. Small Lots. Where an individual lot was held in separate ownership from adjoining properties or was platted and recorded at the time of passage of this title, and has less area and/or less width than required in other sections of this title, such a lot may be occupied according to the permitted uses provided for the district in which such lot is located, except in the case of motels, hotels, lodges and resorts which shall not be subject to the preceding exception.

B. Reduction. No part of an area or width required for a lot for the purpose of complying with the provisions of this title shall be included as an area or width required for another building. (Prior code §10-38(A, B))

17.28.030 Minimum front yard—Developed areas.

Where lots comprising fifty percent or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of this title, the average front yard of such buildings shall be the minimum front yard required for all new construction in such block. (Prior code §10-38(C))

17.28.040 Minimum floor area.

In measuring the minimum floor area as required, all measurements shall be along outside walls of the living area, not including garage or carport area. (Prior code §10-38(D))

17.28.050 Minimum off-street parking.

Each space shall be not less than ten feet wide, twenty feet long and seven feet high, shall have vehicular access to a street or alley, and shall be located on the same lot as the principal use which it serves in the R-1 and R-3 districts and within two hundred feet of the principal use in the other districts. (Prior code §10-38(E))

17.28.060 Exclusions.

A. No junk or waste shall be stored outdoors.

B. No junk material, wastes or trash shall be removed from one parcel of property and disposed of by depositing upon another parcel of property or in the streets or public rights-of-way except by being delivered to an authorized dump site.

C. On corner lots no fence, wall, shrubbery, sign other than traffic control signs erected by the town, county or state, or structure shall be erected, placed, planted or allowed to grow or maintained within the triangular space formed by the intersection of the center lines of the intersecting streets and a line joining points on the street lines sixty feet from the point of intersection of the street center lines.

D. It is unlawful to sell any products at retail or wholesale from any temporary stand, temporary structure, motor vehicle or trailer except agricultural products grown on the premises upon which the stand is located without specific approval from the town council. (Ord. 246 §125, 1988; prior code §10-38(F))

Chapter 17.30

Sign Permits

Sections:

- 17.30.010 Sign permits -- Authority and Purpose.
- 17.30.020 Sign permit required. 17.30.030 Application filing.
- 17.30.040 Zoning administrator review and action.
- 17.30.050 Approval criteria.
- 17.30.060 Effect of approval/lapse.
- 17.30.070 Revocable permits required.
- 17.30.080 Application filing.
- 17.30.090 Review and action.
- 17.30.100 Board of trustees' review and action.
- 17.30.110 Approval criteria.

17.30.010 Sign permits—Authority and purpose.

Pursuant to authority found in the laws of the state, the following sign permit regulations are adopted for the purpose of promoting the health, safety, morals and general welfare of the town. (Ord. 467 §1, 2001)

17.30.020 Sign permit required.

A. Prior to the erection or installation of any sign allowed by Chapter 17.31 of this code, including temporary signs, but not including exempt signs under Section 17.31.030, a sign permit shall be obtained pursuant to this chapter. It shall be unlawful to erect or install any sign without having first obtained a permit pursuant to this chapter.

B. Sign permits shall also be required for sign programs specified in an approved Final Development Plan for centers, regional centers, or large-scale single users, such program to include signs as allowed by Section 17.31.040 (Sign Schedule) of this code or as may be approved in a Final Development Plan. It shall be unlawful to erect or install any sign authorized under a Final Development Plan sign program without having first obtained a permit pursuant to this chapter. (Ord. 467 §1, 2001)

17.30.030 Application filing.

An application for a sign permit shall be filed with the zoning administrator. The zoning administrator shall review the application for completeness in accordance with information required on the Sign Permit Application Form as set forth in the Firestone Development Regulations. The application shall be deemed complete when the application form is completed and all required fees have been paid. (Ord. 467 §1, 2001)

17.30.040 Zoning administrator review and action.

The zoning administrator shall review the sign permit application in light of the approval criteria of Section 17.30.050. Based on the results of the review, the zoning administrator shall take final action on the sign permit application and either approve, approve with conditions or deny such application. The zoning administrator shall act upon a request for a sign permit within seven days of submittal of a complete application. (Ord. 467 §1, 2001)

17.30.050 Approval criteria.

A sign permit application shall comply with the following criteria:

A. The proposed sign complies with the applicable standards set forth in this code or as approved in a Final Development Plan ("FDP") and the building code of the town. In cases where there is a conflict between Section 17.31.040 (Sign schedule) of this code and the FDP, the FDP shall control. Where an FDP specifies sign standards, such FDP shall specify in writing which standards in this code are applicable to the FDP.

B. In cases where there is a conflict with Chapter 17.31 and the sign standards set forth in Section 17.50.020 of this code which regulate signage for sexually oriented businesses, the more restrictive standards shall control and apply. (Ord. 568 §34, 2004; Ord. 467 §1, 2001; Ord. 1-02 §7, 2001)

17.30.060 Effect of approval/lapse.

A sign permit shall lapse and have no further effect unless a sign has been erected in compliance with the terms and conditions of the permit within one year after the date of the sign permit approval. (Ord. 467 §1, 2001)

17.30.070 Revocable permits required.

A revocable permit shall be required whenever a person seeks to erect a sign on public property or within a public right-of-way. (Ord. 467 §1, 2001)

17.30.080 Application filing.

An application for a revocable permit shall be filed with the zoning administrator. The zoning administrator shall review the application for completeness in accordance with information required on the Revocable Permit Application Form as set forth in the Firestone Development Regulations. The application shall be deemed complete when the application form is completed and all required fees have been paid. (Ord. 467 §1, 2001)

17.30.090 Review and action.

A. The zoning administrator shall review each proposed revocable permit application in light of the approval criteria stated below and shall distribute the application to the town engineer for review and approval, and, as deemed necessary, shall distribute the application for review by other town staff.

B. Based on the results of those reviews, the zoning administrator shall take action to approve, approve with conditions or deny the revocable permit application in light of the approval criteria. The zoning administrator shall complete the review and take action within sixty days of receipt of a complete application.

C. If the revocable permit application is approved, the zoning administrator shall forward it to the board of trustees for its consideration and acceptance based on the criteria noted below. (Ord. 467 §1, 2001)

17.30.100 Board of trustees' review and action.

The zoning administrator shall forward an approved revocable permit application to the board of trustees, who shall take final action to accept or reject the application. (Ord. 1-02 §7, 2001; Ord. 467 §1, 2001)

17.30.110 Approval criteria.

An application for a revocable permit may be approved if it complies with the following criteria:

A. The applicant agrees to the terms of a revocable permit agreement, including any provisions that indemnify the town and hold the town harmless from future damages or liability claims.

B. The proposed structure complies with all applicable use, development and design standards set forth in this code.

C. The proposed structure shall not interfere with street intersection visibility, or in any other way, adversely affect the public health, safety or welfare.

D. The proposed structure has been approved by the town engineer based on the engineer's review of the proposal under all town ordinances, resolutions, rules, regulations and policies governing the use of public property and public rights-of-way.

E. If the proposed structure is for a sign plaza intended to provide direction to two or more developments, the revocable permit agreement shall be executed by the entity that will install and maintain the sign panels, and no individual permit agreement shall be required for each entity utilizing the sign plaza. Sign plazas may be authorized solely for sign panels intended to provide direction to homebuyers to the location of residential subdivisions under development and to provide direction to public facilities, and may not be used for any other purpose.

F. The board of trustees may consider such other facets and criteria as it determines relevant to the application and may reject any application if the board determines that such application is not in furtherance of the public health, safety or welfare or the best interest of the town. (Ord. 558 §1, 2004; Ord. 467 §1, 2001)

Chapter 17.31

Sign Standards

Sections:

- 17.31.010 Authority, purpose and relation to other laws.
- 17.31.020 Intent.
- 17.31.030 Signs allowed without a permit.
- 17.31.040 Sign schedule.
- 17.31.050 Exceptions and additional criteria.
- 17.31.060 Informational signs.
- 17.31.070 Changeable copy signs.
- 17.31.080 Temporary signs.

- 17.31.090 Portable signs.
- 17.31.100 Prohibited signs.
- 17.31.110 Sign measurement, removal, and alteration.
- 17.31.120 Minor modifications to sign standards.
- 17.31.130 Maintenance and upkeep of signs.
- 17.31.140 Nonconforming signs.

17.31.010 Authority, purpose and relation to other laws.

The sign standards set forth in this chapter are intended to and shall apply to the all standard zoning districts established in Chapter 17.12 of this title, and to all Planned Unit Development Zone and Overlay Zone Districts, within the town. If these standards vary with those set forth in the Firestone Development Regulations or with the sign standards set forth in Section 17.50.020 of this code, which regulate sexually oriented businesses, the more restrictive standards shall control and apply. (Ord. 467 §2, 2001)

17.31.020 Intent.

The intent of these standards is to coordinate the type, placement and physical dimensions of signs within the standard zoning districts and PUD zoning districts within the town. It is also the intent of these regulations to:

- A. Recognize the commercial communication requirements of all sectors of the business community;
- B. Encourage the innovative use of design;
- C. Promote both renovation and proper maintenance;
- D. Allow for special circumstances;
- E. Guarantee equal treatment through accurate record keeping and uniform enforcement;
- F. Encourage signs that are attractive and compatible with the adjacent property;
- G. Encourage signs that will preserve and enhance property values within the community;
- H. Provide for the public's safety;
- I. Preserve the environmental character of the community and prevent overload of visual stimuli; and
- J. Promote safe visual perception of signs from a moving vehicle. (Ord. 467 §2, 2001)

17.31.030 Signs allowed without a permit.

Generally, the following types of signs are allowed in all standard zoning districts and PUD zone districts as long as they meet the requirements of this section of the code and do not require the issuance of a building permit. All signs not listed in this section require a permit pursuant to Chapter 17.30 (Sign Permits).

- A. Official Flags. Up to three official flags of any government, governmental agency or nonprofit agency, provided that the following restrictions are met:

1. For residential uses, the height of the pole on which the flag is mounted does not exceed the height of the principal structure on the lot or the distance from the flagpole to the lot line, whichever is less;

2. For commercial, employment, office and other nonresidential uses, the height of the pole on which the flag is mounted does not exceed the height of the principal structure on the lot or forty feet, whichever is less, unless otherwise approved as part of a Final Development Plan;

3. The vertical dimension of the flag is no more than one-fifth of the height of the flagpole (i.e., if the height of the flagpole is twenty feet, the vertical dimension of the flag cannot exceed four feet);

4. The size of the flag does not exceed twenty square feet; and

5. The location of the flagpole is set back a distance from a property line, equal to its height.

B. Other Flags. One flag in addition to permitted official flags, provided that the following restrictions are met:

1. For residential uses, the height of the pole on which the flag is mounted does not exceed the height of the principal structure on the lot or the distance from the flagpole to the lot line, whichever is less;

2. For commercial, employment, office and other nonresidential uses, the height of the pole on which the flag is mounted does not exceed the height of the principal structure on the lot or forty feet, whichever is less, unless otherwise approved as part of a final development plan;

3. The vertical dimension of the flag is no more than one-fifth of the height of the flagpole (i.e., if the height of the flagpole is twenty feet, the vertical dimension of the flag cannot exceed four feet);

4. The size of the flag does not exceed twenty square feet; and

5. The location of the flagpole is set back a distance from a property line, equal to its height.

C. Large Special Event Banners. Up to two large special event banners may be suspended from the sides of a building housing a permitted community services use (events center, assembly hall or cultural facility), provided that:

1. Each such banner shall relate to a public event;

2. Each such banner shall be removed no later than one week after the event to which it relates ends; and

3. The maximum size of any such banner shall be two hundred square feet.

D. Small Special Event and other Small Special Banners. In commercial areas and in the vicinity of town hall or public park areas, in connection with ongoing seasonal public events such as Fiesta Days or a similar event, any number of small banners may be suspended from light poles, utility poles or building mounted fixtures, provided that:

1. Each such banner shall relate to a public event or shall identify a specific neighborhood located within the town;

2. When related to one-time or special events, each such banner shall be removed no later than one week after the event to which it relates ends;

3. No more than two such banners may be suspended from any one pole or fixture; and

4. The maximum size of any such banner shall be six square feet.

E. Public Signs. Signs erected by the federal government, the state or the town.

F. Public Warning Signs. Any number of protective, warning or traffic signs erected by a governmental agency.

G. Interior Signs. Any number of signs that are located within any structure and are not visible from adjacent properties or from the public streets.

H. Historical Signs. Any number of historical commemorative plaques, memorials or tables that are (1) built into a building or mounted flat against the wall of a building, that contain the name of that building, the date of erection and use of the building, or (2) erected in any particular locations designated by the town as having historical significance.

I. Real Estate Signs. One freestanding or wall-mounted sign per street frontage that advertises the sale, rental or lease of the property on which the sign is located. In commercial zoning districts, this sign shall not be larger than twenty square feet in total area. In residential zone districts, this sign shall not exceed five square feet in total area. Traffic visibility requirements shall be met in all cases.

J. Address and Building Identification Signs. Signs that include a letter, number, word or address used to identify a particular parcel of land, individual building, or buildings located in a business, industrial or residential building complex or center, for purposes of information and not for advertising, and including an individual house address sign, provided that such signs:

1. Are attached to the building identified;

2. Are limited to two per building;

3. Are not more than five square feet in total area for each sign; and

4. May be illuminated.

K. Permanent Window Signs. Permanent window signs may occupy up to ten percent of the total window area of each establishment in commercial zoning districts. Such signs may be illuminated during the times the establishment is in operation.

L. Temporary Window Signs. Temporary window signs may occupy up to seventy percent of the total window area in the commercial zoning districts for no more than two periods of not more than four consecutive days each (a total of eight days) in any calendar month.

M. Temporary Freestanding Sidewalk Signs. In commercial zoning districts, temporary free-standing signs shall be permitted to be placed on the sidewalks in front of commercial and retail uses, provided that:

1. The maximum of each side of each such sign shall be six square feet;
2. No such freestanding sidewalk sign shall be placed within twenty-five feet of another temporary freestanding sidewalk sign;
3. Each such sign shall be maintained in good condition and repair, so that it does not create a hazard to pedestrians or their clothing or luggage; and
4. No such sign shall be anchored to or cause damage to the sidewalk surface or other elements of the public right-of-way. Each such sign may be placed on the sidewalk only during the business hours of the business to which it relates, shall not impede pedestrian movement and must be removed immediately upon the request of any town official who determines that it is in violation of this code or unsafe.

N. Election/Campaign Signs. Any number of election/campaign signs that are located on private property and provided that:

1. The size and location of those signs do not create a hazard for automobile or pedestrian traffic or a public nuisance, and
2. All such signs are removed within one week after the election to which they relate.

O. Garage, Yard and Estate Sale Signs. Signs directing the public to a garage, yard or estate sale shall be allowed as follows:

1. Any number of garage, yard or estate sale signs may be located on private property.
2. No such sign shall be posted on private or public property or placed in a public right-of-way, except in compliance with this section.
3. All garage, yard and estate sale signs shall comply with all of the following requirements:
 - a. No sign shall be attached to any utility pole, utility box or other public facility, located within a median area which separates vehicular traffic lanes, or otherwise placed in a manner that creates a hazard for automobiles or pedestrian traffic;
 - b. No sign shall be posted more than forty-eight hours prior to the first day of the sale or remain posted later than 7:00 p.m. on the day after the last day of the sale;
 - c. No sign shall be larger than six square feet;
 - d. No sign shall be posted higher than three feet above ground level; and
 - e. There shall be legibly stated on each sign the name and address of the person conducting the garage, yard or estate sale advertised thereby, and the end date of the sale advertised thereby.

4. A violation of this subsection shall be punishable by a fine in an amount of up to one hundred dollars. (Ord. 710 §§1, 2, 2009; Ord. 629 §1, 2006; Ord. 587 §§1, 2, 2005; Ord. 1-02; Ord. 467 §2, 2001)

17.31.040 Sign schedule.

The number, types and sizes of signs set forth in the Sign Schedule are allowed in a standard zoning district or PUD zoning district for the permitted uses indicated in the following table, unless otherwise approved in a Final Development Plan. Each sign shall also comply with the exceptions and additional criteria listed in Section 17.31.050 (unless otherwise approved in a Final Development Plan) and with the structural requirements set forth in the town Uniform Building Code.

A. Agriculture, Open Space, Conservation and Community Separator:

Bed & Breakfast

- 1 Wall-mounted sign parallel or perpendicular to the building wall or freestanding sign with min. 10-ft. setback; max. area 2 sq. ft., max. height 8 ft.

Conditional Use Sign

- 1 Wall-mounted sign or freestanding sign with min. 10-ft. setback; max. area 20 sq. ft., max. height 6 ft., lighting permitted.

Home Occupation Sign

- 1 Wall sign; max. area 1 sq. ft., max. height 8 ft., no lighting.

B. Residential: Single-Family Land Use:

Bed & Breakfast

- 1 Wall-mounted sign parallel or perpendicular to the building wall or freestanding sign with min. 10-ft. setback; max. area 2 sq. ft., max. height 8 ft.

Church Sign

- 1 Freestanding sign with min. 10-ft. setback; may have changeable copy related to church operations only; max. area 32 sq. ft., max. height 6 ft., lighting permitted.
- 1 Wall sign; max. area 30 sq. ft. plus 1 sq. ft. per lineal foot of building frontage (not to exceed 100 sq. ft.); max. height 1 ft. below roofline, lighting permitted.

Conditional Use Sign

- 1 Wall-mounted sign or freestanding sign with min. 10-ft. setback; max. area 32 sq. ft., max. height 6 ft., lighting permitted.

Home Occupation Sign

- 1 Wall sign; max. area 1 sq. ft., max. height 8 ft., no lighting.

C. Residential: Multi-Family:

Bed & Breakfast

- 1 Wall-mounted sign parallel or perpendicular to the building wall or freestanding sign with min. 10-ft. setback; max. area 2 sq. ft., max. height 8 ft.

Church Sign

- 1 Freestanding sign with min. 10-ft. setback; may have changeable copy related to church operations only; max. area 32 sq. ft., max. height. 6 ft., lighting permitted.
- 1 Wall sign; max. area 30 sq. ft. plus 1 sq. ft. per lineal foot of building frontage (not to exceed 100 sq. ft.); max. height 1 ft. below roofline, lighting permitted.

Conditional Use Sign

- 1 Wall-mounted sign or freestanding sign with min. 10-ft. setback; max. area 32 sq. ft., max. height 6 ft., lighting permitted.

Informational Sign (relating to principal permitted use)

- 2 Freestanding signs with min. 10-ft. setback or wall sign; max. area 5 sq. ft., max. relating to a principal height 6 ft., lighting permitted.

Home Occupation Sign

- 1 Wall sign; max. area 1 sq. ft., max. height 8 ft., no lighting.

Identification Sign (rest homes, hospitals and multi-family housing or complexes)

- 1 Freestanding sign with min. 25-ft. setback; max. area 40 sq. ft., max. height 8 ft., lighting permitted.

Or

- 1 Wall sign; max. area 40 sq. ft., max. height 25 ft., lighting permitted.

D. Commercial and Office:

Office

- 1 Building identification wall sign: max. area 60 sq. ft., max height 25 ft., lighting permitted;

Or

- 1 Building identification wall sign for buildings greater than 50,000 sq. ft. in gross floor area: max. area 80 sq. ft., max. height 25 ft., lighting permitted;

Or

- 1 Building identification wall sign for buildings over 35 ft. in height; max area 100 sq. ft.; max. height 1 ft. below roofline, lighting permitted during hours when the primary building use is open to the public;

Or

- 1 Freestanding tenant panel sign located within 5 ft. of building (or wall sign) listing tenants located within a building; max. area 3 sq. ft. per tenant (up to a max. of 30 sq. ft.), max. height 10 ft., lighting permitted.

- 1 Additional sign if building is not located in an office center, which can be either freestanding sign with min. setback of 10 ft.; max. area 32 sq. ft., max. height 6 ft., lighting permitted;

Or

(if lot is 4 acres or less)

- 1 Freestanding sign with min. setback of 25 ft.; max. area 60 sq. ft.; max. height 12 ft., lighting permitted;
Or (if lot is more than 4 acres)
- 1 Freestanding sign with min. setback of 25 ft.; max. area 100 sq. ft., max. height 5 ft., lighting permitted;
- 1 Additional sign if building is located in an office center
- 1 Freestanding establishment identification sign located within 15 feet of building; max. area 32 sq. ft., max. height 6 ft., lighting permitted
- 3 Freestanding informational signs with min. 10-ft. setback (or wall sign); max. area 5 sq. ft., max. height 6 ft., lighting permitted.

All Office Centers

- 1 Freestanding identification sign for hospitals, with min. 25-ft. setback (or wall sign); max. area 40 sq. ft., max. height 6 ft. (25 feet for wall sign), lighting permitted.

Office Center (0-2 Acres)

- 1 Freestanding sign with min. setback 10 ft.; max. area 32 sq. ft., max. height 6 ft., lighting permitted.
- 2 Freestanding informational signs with min. 10-ft. setback (or wall sign); max. area 5 sq. ft., max. height 6 ft., lighting permitted.

Office Center (between 2 - 8 Acres)

- 2 Freestanding signs with min. 10-ft. setbacks, one per street frontage; max. area 50 sq. ft. per sign, max. height 12 ft., lighting permitted.
- 3 Freestanding informational signs with min. 10-ft. setback (or wall sign); max. area 5 sq. ft., max. height 6 ft., lighting permitted.

Office Center (between 8 - 18 Acres)

- 1 Freestanding center directory sign with min. 25-ft. setback (or wall sign); max. area 20 sq. ft., max. height 8 ft., lighting permitted.
- 2 Freestanding signs with min. 25-ft. setbacks, one per street frontage; max. area 100 sq. ft. per sign, max. height 15 ft., lighting permitted.
- 3 Freestanding informational signs with min. 10-ft. setback (or wall sign); max. area 5 sq. ft., max. height 6 ft., lighting permitted.

Office Center (between 18 - 30 Acres)

- 1 Freestanding center directory sign with min. 25-ft. setback (or wall sign); max. area 20 sq. ft., max. height 8 ft., lighting permitted.
Freestanding sign per street frontage, with min. 25-ft. setbacks, max. area 100 sq. ft. per sign, max. height 25 ft., lighting permitted.
- 3 Freestanding informational signs with min. 10-ft. setback (or wall sign); max. area 5 sq. ft., max. height 6 ft., lighting permitted.

Regional Center Larger than 30 Acres

Same requirements as for office centers between 18 and 30 acres

Or

As approved in an Overall Final Development Plan

E. Commercial and Office (Along First Street):

Wall sign

- 1 Wall sign per building frontage, except where the rear of the building would face onto or be adjacent to a residential zoning district boundary; max. area 30 sq. ft. plus 1 sq. ft. per lineal foot of applicable building frontage (not to exceed 100 sq. ft.), max. height 25 ft., lighting permitted.

Or

- 1 Projecting wall sign (in lieu of one wall sign); max. area 25 sq. ft., max. height 25 ft., lighting permitted.

Under Canopy Sign

- 1 Projecting sign located perpendicular to the front of the building; max. area 4 sq. ft., max. height 12 ft., lighting permitted.

Freestanding Sign

- 1 Additional sign if building is set back at least 10 ft. from the property line and is not located on a corner.
- 1 Freestanding sign with a min. 10-ft setback; max. area 32 sq. ft., max. height 6 ft., lighting permitted.

Interior Store Sign

- 1 Additional sign for commercial building or shopping mall containing interior stores without external entrances.
- 1 Exterior wall sign or cluster of wall signs at one location on the exterior of the building; max. area 6 sq. ft. per interior store.

F. Other Nonresidential Uses, including uses in a Mixed Use Area:

Commercial Building (Not located in a commercial center or a commercial building that is the only building in a commercial center)

- 1 Freestanding sign with min. setback of 10 ft.; max. area 32 sq. ft., max. height 6 ft., lighting permitted;

Or (if lot is 4 acres or less)

- 1 Freestanding sign with min. setback of 25 ft.; max. area 60 sq. ft., max. height 12 ft., lighting permitted.

Or

(if lot is more than 4 acres)

- 1 Freestanding sign with min. setback of 25 ft.; max. area 100 sq. ft., max. height 5 ft., lighting permitted.

Or

(if lot is more than 4 acres)

- 1 Freestanding sign located between 25 and 100 ft. of an interstate highway right-of-way, for a single user occupying more than 300,000 sq. ft. of gross floor area in a building located within 250 feet of an interstate highway; max. area 300 sq. ft., max. height 45 ft., lighting permitted.

- 1 Wall sign per building frontage, except where the rear of the building would face onto or be adjacent to a residential zoning district boundary; max. area 30 sq. ft. plus 1 sq. ft. per lineal foot of applicable building frontage (not to exceed 100 sq. ft.), max. height 25 ft., lighting permitted.

Or

- 1 Projecting wall sign (in lieu of one wall sign), which may extend up to 5 ft. over a public right-of-way, but may not extend over a public street; max. area 25 sq. ft., max. height 25 ft., lighting permitted.

- 1 Establishment identification wall sign per street frontage (maximum of 2) for establishments occupying more than 60,000 sq. ft. of gross leasable area; max. area 150 sq. ft., max. height 1 ft. below roofline, lighting permitted during hours when the primary building use is open to the public.

Or

- 1 Building identification wall sign for buildings over 35 ft. in height; max. area 100 sq. ft., max. height 1 ft. below roofline, lighting permitted during hours when the primary building use is open to the public.
- 1 Under canopy projecting sign located perpendicular to the front of the building; max. area 4 sq. ft., max. height 12 ft., lighting permitted.
- 3 Freestanding informational signs with min. 10-ft. setback (or wall sign); max. area 5 sq. ft., max. height 6 ft., lighting permitted.

Note: As an alternative to the wall signs and informational signs otherwise available to them, a single user of a building containing at least 150,000 sq. ft. of gross leasable area may apply for approval of a Final Development Plan

Commercial Building (located in a Commercial Center, where the Commercial Center contains other use types)

- 1 Wall sign per building frontage, except where the rear of the building would face onto or be adjacent to a residential zoning district boundary; min. area 30 sq. ft. plus 1 sq. ft. per lineal foot of applicable building frontage (not to exceed 100 sq. ft.), max. height 25 ft., lighting permitted.

Or

- 1 Projecting wall sign (in lieu of one wall sign), which may extend up to 5 ft. over a public right-of-way, but may not extend over a public street; max. area 25 sq. ft., max. height 25 ft., lighting permitted;

Or

- 1 Building identification wall sign for buildings over 35 ft. in height; max area 100 sq. ft., max. height 1 ft. below roofline, lighting permitted during hours when the primary building use is open to the public.
- 1 Establishment identification wall sign for per street frontage (maximum of 2) for establishments occupying more than 60,000 sq. ft. of gross leasable area; max. area 150 sq. ft., max. height 1 ft. below roofline, lighting permitted.
- 1 Under canopy projecting sign located perpendicular to the front of the building; max. area 4 sq. ft., max. height 12 ft., lighting permitted.

Commercial Building or Shopping Mall (containing interior establishments without external entrances)

- 1 Exterior wall sign per interior establishment; max. area 6 sq. ft. per 100 sq. ft. of gross floor area in the interior establishment (maximum 100 sq. ft.).

Office Building (not located in a Commercial Center or Office Building that is the only building in Commercial Center)

- 1 Freestanding establishment identification sign within 15 feet of building; max. area 32 sq. ft., max. height 6 ft., lighting permitted.
- 1 Building identification wall sign: max. area 40 sq. ft., max. height 25 ft., lighting permitted.

Or

- 1 Building identification wall sign for buildings greater than 50,000 sq. ft. in gross floor area: max. area 80 sq. ft., max. height 25 ft., lighting permitted;

Or

- 1 Building identification wall sign for buildings over 35 ft. in height; max. area 100 sq. ft., max. height 1 ft. below roofline, lighting permitted during hours when the primary building use is open to the public;

Or

- 1 Freestanding tenant panel sign listing tenants located within a building; max. area 3 sq. ft. per tenant (up to a max. of 30 sq. ft.), max. setback 10 ft., max. height 10 ft., lighting permitted.
- 3 Freestanding informational signs with min. 10-ft. setback (or wall sign); max. area 5 sq. ft., max. height 6 ft., lighting permitted.

Industrial Building

- 1 Freestanding establishment identification sign located within 10 feet of building; in a center max. area 32 sq. ft., max. height 6 ft., lighting permitted.
- 1 Wall sign per building frontage, except where the rear of the building would face onto or be adjacent to a residential zoning district boundary; min. area 30 sq. ft. plus 1 sq. ft. per lineal foot of applicable building frontage (not to exceed 100 sq. ft.), lighting permitted;

Or

- 1 Projecting wall sign (in lieu of one wall sign), which may extend up to 5 ft. over a public right-of-way, but may not extend over a public street; max. area 25 sq. ft., max. height 25 ft., lighting permitted;

Or

- 1 Building identification wall sign for buildings over 35 ft. in height; max. area 100 sq. ft., max. height 1 ft. below roofline, lighting permitted during hours when the primary building use is open to the public.

All Commercial Centers

- 1 Freestanding identification sign for rest homes, hospitals and multi-family housing complexes, with min. 25-ft. setback (or wall sign); max. area 40 sq. ft., max. height 6 ft. (25 feet for wall sign), lighting permitted.

Commercial Center 0 - 2 Acres

- 1 Freestanding sign with min. setback 10 ft.; max. area 32 sq. ft., max. height 6 ft., lighting permitted.
- 1 Freestanding informational sign with min. 10-ft. setback (or wall sign); max. area 5 sq. ft., max. height 6 ft., lighting permitted.

Commercial Center 2 - 8 acres

- 1 Freestanding center directory sign with min. 25-ft. setback (or wall sign); max. 20 sq. ft., max. height 8 ft., lighting permitted.
- 3 Freestanding signs with min. 10-ft. setbacks, one per street frontage; max. area 60 sq. ft. per sign; max. height 12 ft., lighting permitted.
- 4 Freestanding informational signs with min. 10-ft. setback (or wall sign); max. area 5 sq. ft., max. height 6 ft., lighting permitted.

Commercial Center 8 - 18 Acres

- 1 Freestanding center directory sign with min. 25-ft. setback (or wall sign); max. 20 sq. ft., max. height 8 ft., lighting permitted.
- 2 Freestanding signs with min. 25-ft. setbacks, one per street frontage; max. area 100 sq. ft. per sign, max. height 15 ft., lighting permitted.
- 3 Freestanding informational signs with min. 10-ft. setback (or wall sign); max. area 5 sq. ft., max. height 6 ft., lighting permitted.

Commercial Center 18 and 30 acres

- 1 Freestanding center directory sign with min. 25-ft. setback (or wall sign); max. 20 sq. ft., max. height 8 ft., lighting permitted.

- 1 Freestanding sign per street frontage, with min. 25-ft. setbacks, max. area 100 sq. ft. per sign; max. height 25 ft.; lighting permitted.
- 3 Freestanding informational signs with min. 10-ft. setback (or wall sign); max. area 5 sq. ft., max. height 6 ft., lighting permitted.

Center Larger than 30 Acres NA Same requirements as for Commercial Centers between 18.1 and 30 acres or as approved in a Final Development Plan.

(Ord. 467 §2, 2001)

17.31.050 Exceptions and additional criteria.

All signs permitted pursuant to Section 17.31.040 (Sign Schedule) in all standard zoning districts and PUD zoning districts shall meet the following additional requirements and/or are eligible for the following exceptions:

- A. No sign attached to a building shall project above the top of the building.
- B. No flags or banners shall be displayed from poles or standards placed on the roof of a building or structure.
- C. The rear service entrance to any business establishment may have one sign no more than two square feet in area stating only the name of the business and/or address.
- D. No freestanding sign shall be located closer than ten feet to a front property line.
- E. Freestanding signs located within one hundred feet of any residential zoned property shall not exceed six feet in height.
- F. All freestanding signs must meet the corner visibility requirements set forth in this code.
- G. Each residential subdivision may have: (i) one freestanding permanent subdivision identification sign or (ii) more than one permanent subdivision identification sign incorporated into entryways or fences. Such signs:
 1. Shall include only the name of the subdivision or development;
 2. Shall be located at the principal street entrance to the subdivision;
 3. Shall not be located within three feet of a sidewalk or curb;
 4. Shall have a maximum combined sign area of forty square feet;
 5. Shall have a maximum height of six feet;
 6. Shall be constructed of masonry or other substantial materials; and
 7. May be lighted.

8. Adequate provisions to maintain the sign must be provided by subdivision covenants or homeowners' association.

H. Signs may only be constructed in a public right-of-way with the approval of the town engineer and pursuant to the procedures for a revocable permit set forth in Chapter 17.30. Any sign located within a public right-of-way shall not be located over any existing or future utilities and may be removed by the town if necessary for reconstruction of a street, sidewalk, utilities or to protect the health, safety and welfare of the citizens of the town, with no liability to the town for replacement or repair.

I. Signs on awnings and canopies (including gasoline service station canopies) may be used as a portion of the wall signage area allowed in the sign schedule on any building in commercial zoning districts. The area of the awning or canopy sign shall be included in the total signage area allowed for these types of wall signs and may not exceed the total square footage allowed for wall signage per building frontage. Awnings and canopies may be back-lit. Where gasoline service station canopies are involved, (i) the permitted sign area shall be measured by applying the sign schedule ratio to the length of the canopy frontage, rather than the primary structure frontage, and (ii) no more than one wall sign, whether located on the primary structure or canopy, shall face in any given direction (i.e. there shall not be a wall sign and a canopy sign facing the same direction).

J. If more than ten percent of any wall or roof surface of any nonresidential building or any accessory structure to a nonresidential use is painted, finished or surfaced in a distinctive color scheme that includes some or all of the same colors, shapes, symbols, images, patterns or textures used on any sign identifying an owner, tenant or user of the building, and the planning director determines that such wall or roof surfaces serve as a sign for an owner, tenant or user of the building, such wall or roof area shall be counted as wall signage and shall be subject to the limitations on wall signage area in the sign schedule.

K. Signs may be placed on motorized vehicles provided that: (i) each sign must be permanently painted or affixed to the vehicle; (ii) the vehicle upon which the sign is affixed must be used for the daily operation of the business and not primarily to display signage; and (iii) no sign shall project more than one foot above the roofline of the vehicle to which it is attached. When not in use, the vehicle must be parked on the business premises of the business that it advertises and not closer than fifty feet to the public right-of-way (or, if there is no parking on the business premises, it must be legally parked). No signage may be painted or affixed in any manner to trailers.

L. A super graphic or mural may be located on the same building face as a wall sign provided they are graphically incorporated into each other. No super graphic or wall mural shall occupy more than ten percent of any wall or roof surface or any accessory structure.

M. Special signs, such as (i) super graphics or murals occupying more than ten percent of a wall or roof surface or an accessory building, (ii) architectural sculpture, (iii) nostalgic or period signs (such as barber poles), and (iv) special district and historic district signs, may be approved pursuant to Chapter 17.30 (Sign Permits). (Ord. 467 §2, 2001)

17.31.060 Informational signs.

Signs that give specific instructions to the public using a building or facility are permitted, provided that such signs:

- A. Have letters that do not exceed four inches in height;
- B. Do not exceed five square feet in area;
- C. Display only instructional information pertaining to the use of the site (such as "Enter," "Exit," "Warning," "Self Service," "Drive-Thru," "One-Way," etc.); and
- D. Do not contain any word, symbol or image identifying the owner, tenant or user of the building or facility. (Ord. 467 §2, 2001)

17.31.070 Changeable copy signs.

The following types of signs permitted under Section 17.31.040 (Sign Schedule) are permitted to have changeable copy (without first obtaining a new sign permit) under the following conditions. Signs not listed in this subsection must obtain a new sign permit before copy is changed.

- A. Up to thirty-three percent of any building identification sign or center identification sign permitted by the sign schedule may have changeable copy.
- B. One changeable copy theater or movie marquee sign identifying current productions and movies may be incorporated into, or may be substituted for, one building identification sign and one center identification sign permitted by the sign schedule. The area of any marquee sign, including any changeable copy, shall be included in calculating the total area of the sign it is incorporated into or replaces and shall not increase the permitted sign area of any such sign.
- C. Any portion of a church sign permitted by the sign schedule may have changeable copy.
- D. One changeable copy gasoline price sign listing only the types and prices of gasoline may be incorporated into each freestanding or wall sign permitted by the sign schedule (maximum one per street frontage). The area of changeable copy shall not exceed eight square feet on any sign, and the area of changeable copy shall not be included in calculating the total area of a sign it is incorporated into.
- E. Two changeable copy menu board signs are permitted for each drive-through restaurant, in addition to those signs listed in the sign schedule. Menu board signs may be freestanding or wall-mounted; one sign shall be no more than thirty square feet in area, while the second menu board shall be no more than sixteen square feet in area. All menu boards shall have a maximum height of seven feet and shall be readable only to traffic on the adjacent drive-through lane.
- F. One changeable copy menu board wall sign indicating daily menu changes is permitted for each nondrive-through restaurant. Menu board signs shall be no more than three square feet in area and must be placed no more than ten feet from the front entrance of the restaurant.
- G. No changeable copy sign or portion of a sign may have changeable copy that is nailed, pinned, glued, taped or otherwise attached by obviously temporary means.
- H. No changeable copy sign or portion of a sign may be constructed using face or screen materials such as expanded metal or other types of mesh, any type of corrugated plastic such as Filon, V3 or Styrene or other types of materials that are commonly used for "portable" or "homemade" signs, unless the use of

such materials for sign construction is permitted under any uniform code or ordinance adopted by the town.

I. If any part of the changeable copy portion of a sign or the track type system or other method of attachment (i) is absent from the sign, or (ii) deteriorates so that it is no longer consistent with the style or materials used in the permanent portion of the sign, or (iii) is altered in such a way that it no longer conforms to the approved plans and specifications, the sign shall be in violation of this code. (Ord. 467 §2, 2001)

17.31.080 Temporary signs.

The following types of temporary signs shall be allowed under the following conditions.

A. Temporary Residential Tract Sign. Each residential subdivision may have one freestanding temporary tract sign for each type of housing unit to be built (e.g., single-family, townhouse and condominium), provided that each sign (1) is located at a major entrance to the subdivision, (2) has a maximum area of no more than fifty square feet, (3) has a maximum height of ten feet, (4) is located at least twenty-five feet from the public right-of-way and (5) is not lighted. Such signs may remain in place as long as active initial sales of the type of housing shown on the sign are occurring. The foregoing square footage and height limits may be increased to not more than, respectively, sixty-four square feet and twelve feet, pursuant to the procedures and criteria of section 17.31.120.

B. Temporary Freestanding On-site Residential Informational Sign. Each builder of over twenty residential units in a subdivision or development may have one temporary informational sign for each type of residential unit that it is building in the subdivision or development (such as single-family, townhouse or condominium), provided that such sign (1) only includes text directing visitors to the construction or sales site, (2) has a maximum area of fifteen square feet, (3) has a maximum height of ten feet, (4) is not lighted and (5) is not located within the public right-of-way, a sight triangle established for an intersection or street, or otherwise in a location determined unsafe by a town official. Such signs may remain in place as long as active initial sales of the type of housing shown on the sign are occurring.

C. Temporary Nonresidential Tract Sign. Each subdivided lot in the Commercial or Industrial zoning districts may have one freestanding temporary tract sign, provided that each sign (1) has a maximum sign area of thirty-two square feet, (2) has a maximum height of six feet, (3) is located at least twenty-five feet from the public right-of-way and (4) is not lighted. Such signs may remain in place until the first Certificate of Occupancy is issued for a building on the tract or lot.

D. Off-Site Sign Plaza Panel Signs. Builders may utilize sign panels on sign plazas installed within the public right-of-way. Any such use shall be in accordance with the approvals and agreements governing the use of such plaza. Sign plazas are intended to provide direction to homebuyers to the location of residential subdivisions under development and to provide direction to public facilities, and may not be used for any other purpose.

E. Model Home Signs. Each builder within a subdivision or development may have the following types of model home signs under the following conditions, and each such sign may remain until the single-family model home is sold to a private buyer for use:

1. Each builder may have one freestanding or wall sign within each group of attached or detached single-family model homes that it constructs, provided that each such sign:

- a. Is located on a model home lot,
- b. Has a maximum area of forty square feet,
- c. Has a maximum height of six feet,
- d. Has a minimum setback of ten feet, and
- e. Is not lighted.

2. Each attached or detached single-family model home may have one freestanding or wall sign, provided that each such sign:

- a. Is located on the same lot as the model home,
- b. Has a maximum area of five square feet,
- c. Has a maximum height of six feet, and
- d. Is not lighted.

3. Each builder may have one freestanding or wall sign at the entrance to each multi-family building it constructs, provided that each such sign:

- a. Is located on the same lot as the multi-family building,
- b. Has a maximum area of five square feet,
- c. Has a maximum height of six feet, and
- d. Is not lighted.

4. Each subdivision may have a temporary model home flag, provided that:

- a. Each flagpole is located within two hundred feet of an entrance to the subdivision on a model home lot containing a model home or a temporary sales office,
- b. No flag has a maximum area of more than fifteen square feet,
- c. The total area of all flags is no more than ninety square feet, and
- d. No flag pole has a maximum height of more than twenty feet.

F. Temporary Signs on Commercial Buildings. Temporary signs, including but not limited to banners promoting special events, shall be permitted on commercial buildings in accordance with Chapter 17.30 and this section.

1. General requirements:

- a. One temporary sign per business may be posted on the building frontage;
- b. Each sign shall be mounted on the front elevation of the building in which the business or organization to which the sign refers is located;
- c. Each sign shall have a maximum area of one hundred square feet; and
- d. No temporary sign shall be displayed for more than four consecutive days or more than a total of eight days per quarter.

2. Grand openings. In addition to the temporary sign permitted above, the following will be permitted for a period of time not to exceed fourteen days from the first day of business:

- a. Two temporary signs per business indicating the premises are now open for business may be posted on any elevation of the building; and
- b. Stationary balloons and other stationary promotional inflatables.

3. Prohibited signs. No sign listed as a prohibited sign in Section 17.31.100 shall be permitted, even on a temporary basis.

4. Permits. Each permit issued for a temporary sign pursuant to this section and Chapter 17.30 shall include the dates upon which the sign shall be erected and removed. (Ord. 587 §3, 2005; Ord. 558 §1, 2004; Ord. 467 §2, 2001)

17.31.090 Portable signs.

One freestanding portable sign shall be allowed to each business in commercial zoning districts, under the following conditions:

A. No more than two signs shall be displayed outside of any single building at one time, regardless of the number of businesses in the building.

B. Each such sign shall be located (i) within ten feet of the entrance of the business related to the sign (and in no case in front of another business unrelated to the sign), (ii) so that a minimum three-foot unobstructed walkway is maintained at all times on any sidewalk where the sign is located, (iii) so that both sides of the sign are not visible from the same direction, and (iv) so that it does not obstruct traffic visibility or any official traffic control device. Such signs are permitted on the public right-of-way only if the adjacent business or building is built to the front property line and has a zero setback. No portable sign may be installed on any public right-of-way or public property until a revocable permit to occupy such space has been obtained pursuant to Chapter 17.30.

C. Each such sign shall be constructed (i) with a maximum area of eight square feet per side, (ii) with a maximum height of four feet, (iii) of plywood or other substantially rigid materials, and (iv) without wheels or a frame allowing it to be pulled as a trailer.

D. All changeable copy shall meet the requirements of Section 17.31.050 (Exceptions and Additional Criteria); all nonchangeable copy shall be painted or affixed by other means to be a permanent part of the sign; and no part of the sign shall include fluorescent or day-Glo colors.

E. All signs shall be maintained to avoid (i) faded or discolored backgrounds or copy, (ii) broken, loose or ill-fitting pieces and (iii) jagged edges or other conditions that could be a hazard to pedestrians.

The town shall have the right to remove any portable sign at any time that it is not maintained or constitutes a hazard to public health or safety.

F. If this section is repealed or amended, no portable signs permitted above shall be allowed to continue as a nonconforming use, and all portable signs not meeting the requirements of this code after such repeal or amendment shall be removed immediately. (Ord. 467 §2, 2001)

17.31.100 Prohibited signs.

The following types of signs are prohibited in all zoning districts:

A. Any sign which is not allowed under Sections 17.31.030 (Signs Allowed Without a Permit), 17.31.040 (Sign Schedule), 17.31.050 (Exceptions and Additional Criteria), 17.31.080 (Temporary Signs) or 17.31.090 (Portable Signs) of this code.

B. Any sign which is misleading or fraudulent.

C. Any sign, including but not limited to real estate signs; special event signs; garage, yard and estate sale signs; and election/campaign signs, erected on, over, across or above any public right-of-way or public property, unless such sign is explicitly allowed by this Chapter and, unless explicitly exempt, a revocable permit for the sign has been obtained pursuant to Chapter 17.30. town employees may remove and destroy any prohibited sign in any public right-of-way of the town. This Section shall not apply to traffic control devices, signs erected by the town or other signs erected by a governmental entity to protect the public health, safety and welfare.

D. Any moving sign, other than a sign explicitly permitted by this code, which (i) has any part revolving at more than eight revolutions per minute by any means, including fluttering or rotating or (ii) has any part set in motion by movement of the atmosphere.

E. Any sign displaying flashing or intermittent lights or lights of varying intensity, except those portions of a sign indicating time and temperature or electronic changeable copy signs with intermittent lights due to the change of copy.

F. Any sign with direct or indirect lighting that causes direct glare into or upon any lot or tract with a residential use that is adjacent to the lot or tract where the sign is located.

G. Any sign that is an imitation of an official government protective or warning sign, including signs using the words "Stop" or "Danger" to imply a need or requirement to stop or a caution for the existence of danger, and including signs that are copies of or which are likely to be confused with any official government protective or warning sign.

H. Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building as required by law.

I. Any sign not permanently affixed to a permanent, rigid structure, unless explicitly authorized by this code.

J. Any sign that violates any provision of any law of the state relative to outside advertising.

K. Any temporary signs attached to utility poles or stakes, unless explicitly authorized by this code.

L. Any off-site sign not explicitly permitted by this chapter.

M. Bus bench advertising signs.

N. Any sign which is inconsistent with any intergovernmental land use agreement the town may have with Weld County or other government. (Ord. 710 §3, 2009; Ord. 697 §1, 2008; Ord. 1-02 §7, 2001; Ord. 467 §2, 2001)

17.31.110 Sign measurement, removal and alteration.

A. Sign Measurement.

1. The area of any sign contained within a can, cabinet, or frame shall be determined by calculating the total area of the sign including the can, cabinet or frame.

2. The area of any sign displaying individual letters on a background (facade, wall, divisional wall, awning or canopy) shall be measured by encompassing all the letters in a rectangle or square. Except for awning, canopy and permanent subdivision identification signs, three capital letters and three lowercase extensions may be exempted from being included in the area of measurement. Capital letters and lowercase extensions may not exceed twice the height of lowercase letters.

3. Architectural treatments that aid in integrating the signage with the building design are encouraged, but any such treatment shall not be created for the purpose of visually enlarging the size of the sign.

4. Freestanding and projecting signs shall be measured by the area of one face of the sign.

5. The height of any sign shall be determined by the distance between the topmost portion of the sign structure and the ground elevation at the base of the sign.

B. Sign Removal or Repair. In addition to any other remedies available under this code, the town may issue a written notice to owners of the following types of signs or supporting structures, or if the owner is unknown, then to the owners of the property on which the following types of signs or supporting structures are located, of the need to remove or repair them.

1. Any sign that does not meet the requirements set forth in this code and does not qualify as a nonconforming use or structure.

2. Any sign for which a permanent or temporary permit has expired.

3. Any sign that is in disrepair or unsafe and deemed hazardous by the town.

4. Any sign identifying a business, professional or industrial establishment that has moved from the premises.

5. Signs or supporting structures that are the subject of a written notice shall be removed or repaired within fifteen days after the date on which the town issues the notice. If the sign is not repaired or removed within that time, the town may remove the sign from the premises on which it is located and store

the sign. Costs incurred by the town for removal and storage and/or disposition of the sign will be assessed to the owner of the sign, supporting structure or property to which the notice was sent.

C. Altering or Moving Existing Signs.

1. Any alteration to an existing sign, except for alterations to changeable copy allowed pursuant to Section 17.31.050 (Exceptions and Additional Criteria), shall require a new permit pursuant to Chapter 17.30 (Sign Permits) before the sign may be altered. Alterations shall include, without limitation:

- a. Changing the copy of the sign except as allowed pursuant to Section 17.31.050 (Exceptions and Additional Criteria);
- b. Changing the size of the sign;
- c. Changing the shape of the sign;
- d. Changing the material of which the sign is constructed;
- e. Changing or adding lighting to the sign;
- f. Changing the location of the sign; or
- g. Changing the height of the sign.

2. Existing conforming or nonconforming signs may be altered in any way that does not change the size, height, background shape or location of the sign without bringing the entire sign into conformance, provided that the cost of the alteration is less than fifty percent of the sign's replacement cost.

3. Signs may be removed for maintenance only and replaced on the same support, without obtaining a new permit. (Ord. 1-02 §7, 2001; Ord. 467 §2, 2001)

17.31.120 Minor modifications to sign standards.

A. The planning director shall be authorized to grant minor modifications of any sign standard, including but not limited to sign area modifications of twenty percent or less, subject to the approval criteria noted in Subsection D of this Section 17.31.120. Such actions may be taken in order to encourage the implementation of alternative or innovative practices that provide equivalent benefits to the public.

B. Applications for a minor sign modification shall be submitted to the planning director. The planning director shall review the application for completeness. The application shall be deemed complete when the application form, which is as set forth in the Firestone Development Regulations, is completed and all required fees have been paid.

C. Planning Director Review and Action. The planning director shall review each proposed minor modification application in light of the approval criteria of Subsection D of this section, and as deemed necessary, distribute the application to other staff. Based on the results of those reviews, the planning director shall take final action on the minor modification application and either approve, approve with conditions or deny such application. The planning director shall act upon a request for a minor modification within sixty days of submittal of a complete application.

D. Approval Criteria. Minor modifications may be approved by the planning director only upon a finding that all of the following criteria have been met:

1. The requested modification eliminates an unnecessary inconvenience to the applicant and will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public;
2. Any adverse impacts resulting from the minor modification will be mitigated to the maximum extent practical; and
3. The requested minor modification is either:
 - a. Of a technical nature and is required to compensate for some practical difficulty or unusual aspect of the site or the proposed sign; or
 - b. An alternative or innovative design practice that achieves to the same or better degree the objective of the existing design standard sought to be modified. (Ord. 467 §2, 2001)

17.31.130 Maintenance and upkeep of signs.

All signs, both currently existing and constructed in the future, and all parts and components thereof, shall be maintained in a safe condition, and the owner or lessee of any sign shall take all reasonable actions to ensure any sign is properly maintained. (Ord. 467 §2, 2001)

17.31.140 Nonconforming signs.

Whenever one of the following conditions occurs or exists, a sign which is nonconforming to the regulations of this chapter and Chapter 17.30 shall be brought into conformance or the use thereof shall terminate:

- A. Whenever an alteration of the sign is made or sought to be made that is not permitted pursuant to Section 17.31.110;
- B. Whenever there is a request made for a permit to change the sign;
- C. When any such sign or nonconforming portion thereof is destroyed by any means to an extent of more than fifty percent of its value. (Ord. 467 §2, 2001)

Chapter 17.32

Conditional and Special Use Permits

Sections:

- 17.32.010 Intent.
- 17.32.020 Procedure—Hearing—Findings of fact.
- 17.32.030 Criteria.

17.32.010 Intent.

This chapter is intended to provide additional submittal requirements for proposed special uses within a non-PUD district and proposed conditional uses within a PUD district, and additional criteria to be used in determining whether a proposed special or conditional use is compatible and beneficial to the surrounding properties and inhabitants and not detrimental. (Ord. 435B §13, 2000; Ord. 210 §3(part), 1985; prior code §10-37.6(A))

17.32.020 Procedure—Hearing—Findings of fact.

Whenever an applicant makes application for a conditional or special use permit, such application shall be in the form of and shall be processed as a PDP and FDP in accordance with Chapter 17.22 and the Firestone Development Regulations. The requirement of a PDP shall be waived by the director of operations if the proposed special use is to be commenced within an existing structure for which structural alterations are not proposed.

A. In addition to the information required for a PDP and FDP, the applicant for a conditional or special use permit shall file with the town clerk the following additional information:

1. A detailed description of the use for which the conditional or special use permit is sought, including but not limited to hours of operation; traffic patterns and demands; employment levels; management plans with respect to the demands of the use upon public services and facilities; and such other information as may be requested by the director of operations, planning commission or board of trustees.
2. A statement describing the benefits of the proposed use, how that use will be compatible with surrounding uses and the impact it will have relative to the criteria as set forth;
3. A fiscal impact analysis showing the cost-benefit relationship between the proposed use and the town.
4. Any other information required by the Firestone Development Regulations.

B. The conditional or special use permit application shall be in the form of and be processed as a PDP and FDP in accordance with the development procedures set forth in Chapter 17.22 and the Firestone Development Regulations. The planning commission and the board of trustees shall provide notice and hold a public hearing on the conditional or special use permit application in the manner prescribed by Chapter 17.44 for the amendment or change of zoning ordinances. (Ord. 712 §1, 2009; Ord. 435B §14, 2000; Ord. 331 §19, 1996; Ord. 210 §3(part), 1985; prior code §10-37.6(B))

17.32.030 Criteria.

In addition to any findings required by Chapter 17.22, in order for a conditional or special use permit to be approved, there must also be a specific finding by the board of trustees that the proposed use is compatible and beneficial to the surrounding properties and inhabitants and not detrimental. In addition to any criteria set forth in Chapter 17.22, the following criteria shall be considered in determining whether or not to grant a conditional or special use permit:

- A. Will the proposed use be in harmony and compatible with the character of the surrounding neighborhood;
- B. Will the proposed use be consistent with the Firestone comprehensive plan;
- C. Will the proposed use have material adverse affect on Firestone capital improvement programs;
- D. Will the proposed use result in an over-intensive use of the land;
- E. Will the proposed use result in undue traffic congestion or hazards;
- F. Will the proposed use cause significant air, water or noise pollution;
- G. Will the proposed use require a level of community facilities and services greater than that available;
- H. Will the proposed use be detrimental to the health, safety or welfare of current or future inhabitants of the town. (Ord. 435B §15, 2000; Ord. 210 §3(part), 1985; prior code §10-37.6(C))

Chapter 17.36

Unit Developments

Sections:

- 17.36.010 Defined.
- 17.36.020 Special requirements.
- 17.36.030 Procedure.

17.36.010 Defined.

A "unit development" is a project which is permitted to vary minimum lot area, minimum lot width and minimum yard requirements in order to provide variety and diversity of design while still preserving the unique features of the site and protecting the surrounding neighborhood. (Prior code §10-40)

17.36.020 Special requirements.

A. The tract or parcel of land involved shall contain at least two acres and shall be held either in one ownership or be the subject of an application filed jointly by the owners of all the property to be so included.

B. In residential areas, the minimum amount of functional open space (exclusive of streets, parking and buildings) shall be thirty percent of the total acreage.

C. Residential unit developments which are within an R-3-UD district or have at least fifty percent of their boundaries adjacent to an R-3 district or to nonresidential town zoning districts shall have a maximum density of thirty dwelling units per acre. R-2-UD districts shall not exceed twelve dwelling units per acre. R-1-UD shall not exceed six dwelling units per acre.

D. Areas and facilities of joint use shall be retained in title by the developers, or deeded to an organization composed of all owners in the development. (Prior code §10-40.1)

17.36.030 Procedure.

A unit development proposal shall be processed in the following manner:

A. A preapplication discussion should be held between the developer, the town engineer and the planning commission.

B. The necessary information as specified herein shall be submitted to the town engineer's office for presentation to the planning commission and to the town council for their review and approval if, in their opinion, all conditions required herein are being met.

C. A unit development plan may be amended by the addition of adjacent tracts of land (which may be less than two acres in size) or the original design may be amended, provided that all procedures followed are the same as those required for initial approval and that the basic concept of the original plan is preserved. (Prior code §10-40.2)

Chapter 17.38

Areas and Activities of State Interest

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Part 1:

General Regulations and Procedures

17.38.010 Definitions.

For the purposes of this chapter only, the words and terms used in this chapter shall have the meanings set forth below unless the context clearly requires otherwise:

A. "Appurtenant facilities" means any buildings, structures or other property which are clearly incidental to and customarily found in connection with major facilities of public utilities and are operated and maintained for the benefit or convenience of the occupants, employees, customers or visitors of such major facilities.

B. "Area around a key facility" means an area immediately and directly affected by a key facility.

C. "Arterial highway" means any limited-access highway that is part of the federal-aid interstate system or any limited-access highway constructed under the supervision of the Colorado Department of Transportation.

D. "Central office buildings of telephone utilities" means facilities, including appurtenant facilities, owned and operated by a telephone utility for the primary purpose of officing of telephone utilities employees engaged in administrative, accounting, engineering, training and like activities or public office maintained for the transaction of business with telephone utilities customers, including the expansion of existing facilities which would increase office floor space by fifty percent or more.

E. "Collector highway" means a major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas or industrial centers and constructed under guidelines and standards established by or under the supervision of the Colorado Department of Transportation, not including a town local street or local service road or a county road designed for local service and constructed under the supervision of local government.

F. "Designation" means that legal procedure for designating areas or activities of state interest specified by Section 24-65.1-101, C.R.S. which is carried out by the board of trustees.

G. "Developer" means any person engaging or proposing to engage in development in an area of state interest or in conduct of an activity of state interest designated or proposed to be designated under the provisions of this chapter.

H. "Development" means any construction or activity that changes the basic character or the use of the land on which the construction or activity occurs but excludes any construction, activity or use exempted from the permit process pursuant to this chapter.

I. "Domestic water and sewage treatment system" means a wastewater treatment plant, water supply system or water treatment plant, as defined in Sections 25-9-102(5), (6) and (7), C.R.S. and any system of pipes, structures and facilities through which wastewater is collected for treatment.

J. "Interchange" means the intersection of two or more highways, roads or streets at least one of which is an arterial highway. At such intersection there must be direct access to and from the state arterial highway.

K. "Key facilities" means airports; major facilities of a public utility; interchanges involving arterial highways; rapid or mass terminals, stations, and fixed guideways.

L. "Local government" means a municipality.

M. "Major facilities of a public utility" means central office buildings of telephone utilities; transmission lines, power plants and substations of electrical utilities; and pipelines and storage areas of utilities providing natural gas or other petroleum derivatives.

N. "Mass transit" means a coordinated system of transit modes providing transportation for use by the general public.

O. "Matter of state interest" means an area of state interest or an activity of state interest or both as defined under Section 24-65.1-101, C.R.S.

P. "Municipality" means a home rule or statutory city, town or city and county or a territorial charter town.

Q. "Person" includes any individual, limited liability company, partnership, corporation, association, company, quasi-municipal corporation, special district or other public or corporate body, and includes without limitation any political subdivision, agency, instrumentality or corporation of the state or the United States government.

R. "Rapid transit" means the element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway constructed solely for that purpose.

S. "Site selection," when used in connection with the regulation of the site selection of arterial highways and interchanges and collector highways, means the preliminary or final selection of a highway corridor by whatever means achieved. "Site selection," when used in connection with the regulation of the site selection of any other activity, means the preliminary or final selection of a discrete location for the proposed activity. (Ord. 478 §4, 2001)

17.38.020 Purpose.

A. The general purpose of this chapter is to facilitate the identification, designation and regulation of areas or activities of state interest, consistent with the provisions of Chapter 65.1 of Title 24, C.R.S., commonly known as House Bill 1041.

B. The specific purposes and intent of this chapter are as follows:

1. Adopt guidelines and regulations for the town's participation in determining areas and activities of state interest, in order to attain better land use planning with quality development for the health, welfare and safety of the people of the town and the state and for the protection of the town and state;

2. Encourage planned, orderly, efficient and economical land use development;

3. Provide for the needs of agriculture, industry, business, residential communities and recreation in future growth;

4. Encourage uses of land and natural resources consistent with their character and adaptability;

5. Protect and preserve open agricultural uses and open spaces and the beauty of the landscape;

6. Promote efficient and economical use of public resources;

7. Regulate projects that would otherwise cause excessive noise, water or air pollution, or which would otherwise degrade or threaten the existing environmental quality within the town;

8. Ensure that site selection and construction of major facilities of a public utility; site selection of arterial highways and interchanges and collector highways; site selection of rapid or mass transit terminals, stations and fixed guideways; site selection and construction of major new and existing domestic sewage treatment systems; and site selection and development of solid waste disposal sites occurs so that community development needs are met, desirable community patterns are not disrupted and direct conflict with adopted local government, regional and state master plans is avoided;

9. Ensure that areas around key facilities are so designated to reduce any potential risks or dangers to the public health;

10. Ensure that areas around key facilities are developed to discourage traffic congestion, encourage the smooth flow of motorized and nonmotorized traffic, discourage incompatible land uses and the expansion of the demand for government services beyond the reasonable capacity of the community or region to provide such services as determined by the town and preserve desirable existing community patterns;

11. Ensure that areas around major facilities of a public utility are administered so as to minimize disruption of service provided by the public utility and preserve desirable existing community patterns and, where feasible, are located so as to avoid direct conflict with adopted local government, regional and state master plans; and

12. Ensure that the administration and construction of domestic water and sewage treatment systems shall be constructed in areas that will result in the proper utilization of existing treatment plants and the

orderly development of domestic water and sewage treatment systems of adjacent communities. (Ord. 478 §4, 2001)

17.38.030 Findings.

The board of trustees finds that:

A. Based on duly noticed public hearings, the board of trustees considered the current and foreseeable development pressures and the applicable guidelines for designation issued by the Colorado Land Use Commission as part of its House Bill 1041 Model Land Use Regulations;

B. This chapter is necessary because of the intensity of current and foreseeable development pressures on and within the town; and

C. The regulations contained in this chapter are necessary to fulfill the purposes and intentions specified in Section 17.38.020. (Ord. 478 §4, 2001)

17.38.040 Authority and applicability.

A. This chapter is authorized by Section 24-65.1-101, C.R.S.

B. This chapter shall apply to all proceedings concerning the identification and designation of areas and activities of state interest, and the control of development in any area of state interest or the conduct of any activity of state interest that has been or may hereafter be designated as such by the board of trustees. (Ord. 478 §4, 2001)

17.38.050 Boundaries.

The boundaries of the designated areas of state interest shall be as they appear on the official recorded designated area maps as adopted by the board of trustees and shall be kept on file with the town clerk. The boundary lines on the maps shall be determined by the use of the scale appearing on the map. Where there is a conflict between the boundary lines illustrated on the map and actual field conditions or where detailed investigations show that hazardous conditions are not significant throughout the entire designated area, the dispute shall be settled according to Section 17.38.250. (Ord. 478 §4, 2001)

17.38.060 Town not liable for damages.

The degree of protection from hazards intended to be provided by this chapter is considered reasonable for regulatory purposes and is based on accepted methods of study. This chapter is intended to minimize dangers, costs and impacts from hazards. Therefore, unforeseen or unknown conditions or natural or manmade changes in conditions may contribute to future damages to structures and land uses even though properly permitted within designated areas. This chapter does not imply that areas outside designated area boundaries or land uses permitted within such areas will be free from the impact of hazards. This section shall not create a liability on the part of or be the basis of a cause of action against the town or any officer or employee thereof, and shall not be deemed to create any duty of care. (Ord. 478 §4, 2001)

17.38.070 Designated area maps.

The location and boundaries of the designated areas established by ordinance are shown upon the official designated area maps of the town. Such maps and all amendments thereto shall be as much a part of this chapter as if fully set forth and described herein. Each change in the official maps shall be subject to the amendment procedure as required in Section 17.38.240. (Ord. 1-02 §8, 2001; Ord. 478 §4, 2001)

17.38.080 Developments not covered by chapter provisions.

This chapter shall not apply to any development that meets any of the following conditions:

A. The development or activity is covered by a current building permit issued by the town as of the effective date of this chapter;

B. The development or activity has been approved by the electorate;

C. The development or activity is open agriculture or single-family dwellings built or maintained on legal building lots;

D. The development or activity is addressed by an intergovernmental agreement to which the town is a party and which meets the requirements of Section 17.38.210; such projects and developments will be reviewed under the terms of the intergovernmental agreement; or

E. The development or activity has been approved by the town as part of a final planned unit development plan or has been zoned by the town for the use contemplated by such development or activity, provided such zoning requires and there is first obtained a final planned unit development plan approval prior to commencement of such development or activity. (Ord. 478 §4, 2001)

17.38.090 Relationship with other requirements.

A. Whenever a permit is required pursuant to the provisions of this chapter, the application for such permit may be processed concurrently with any application for town subdivision, zoning, planned unit development or special review use approval. Where the provisions of this chapter overlap with other applicable town requirements, including but not necessarily limited to town grading, access and floodplain regulations, all applicable regulations shall be followed and all required town permits or approvals shall be obtained.

B. These regulations are not intended to duplicate federal or state agency review of any matters of state interest designated herein. However, where in the opinion of the board of trustees federal or state review processes do not adequately cover the impacts which these regulations authorize the town to address, the town reserves the authority to address those impacts as provided herein.

C. It is the intent of this chapter that subdivision review under Title 16 and planned unit development review under Chapter 17.22 of this title may be carried out simultaneously with the review and permit procedures of this chapter, but that any subdivision or planned unit development process involving identified areas or activities of state interest be subject to the same requirements that would otherwise apply to any other subdivision or planned unit development proposal. In the event a proposed development is not subject to either the planned unit development provisions of Chapter 17.22 or the subdivision provisions of Title 16, the

provisions of this chapter shall apply to any building, grading, flood plain, street cut or other permit application involving an identified area or activity of state interest. Nothing herein shall limit any authority of the town to require a permit or the obligation of any person to obtain a permit, as stated in House Bill 1041. (Ord. 478 §4, 2001)

17.38.100 Procedure for designation of areas and activities.

The procedure for designation of areas and activities of state interest shall be as set forth in this section and Section 24-65.1-101 et seq., C.R.S., and in the event of conflict the latter shall control.

A. Designations may be initiated in the following ways:

1. The board of trustees may in its discretion designate and adopt regulations for the administration of any matter of state interest;

2. The planning commission may on its own motion or upon request by the board of trustees, recommend the designation of matters of state interest following public hearing before the planning commission. The board of trustees shall decide, in its sole discretion and pursuant to the requirements of Section 24-65.1-101 et seq., C.R.S., whether or not to designate any or all of the requested matters of state interest.

3. If the Colorado Land Use Commission submits a formal request to the board of trustees with regard to a specific matter which the Colorado Land Use Commission considers to be of state interest within the town, the board of trustees shall publish notice and conduct a hearing pursuant to this chapter and Section 24-65.1-101 et seq., C.R.S.

B. After a designation has been initiated, recommended or requested pursuant to Subsection A of this section, no person shall engage in development in the area or conduct the activity that is the subject thereof until the board of trustees has held its hearing and issued its order relating thereto.

C. At any hearing to designate a matter of state interest, the board of trustees shall consider such evidence as it deems appropriate, including but not limited to testimony and documents addressing the following considerations:

1. The intensity of current and foreseeable development pressures;

2. The matters and considerations set forth in any applicable guidelines for identification and designation issued by the Colorado Land Use Commission;

3. The boundaries of any area proposed for designation;

4. Reasons why the particular area or activity is of state interest, the adverse impacts that would result from uncontrolled development of any such area or uncontrolled conduct of such activity and the advantage of development of such area or conduct of such activity in a coordinated manner;

5. The extent to which other governmental entities regulate the area or activity proposed to be designated;

6. The applicable criteria for administration of the proposed area or activity as set forth in these regulations and Section 24-65.1-201 et seq., C.R.S.;

7. The legislative declarations stated in Sections 24-65-102, 24-65.1-101, 29-20-102 and 29-20-108, C.R.S. and other applicable enactments; and

8. Consistency with the town comprehensive plan or any municipal plan adopted as part of, pertaining to or affected by the area or activity under consideration.

D. The board of trustees may continue its hearing for a period not to exceed ninety days after the first date on which the public hearing is held.

E. The board of trustees will collect and preserve the following record of the designation process, at minimum:

1. Notice of the hearing;

2. Certificate of publication of the notice;

3. Written testimony presented by any persons at the public hearing;

4. An audio recording of the hearing; and

5. The ordinance making appropriate findings supporting any designation and adopting the accompanying guidelines or regulations.

F. At the conclusion of the hearing, or within thirty days thereafter, the board of trustees may by ordinance adopt, adopt with modification or reject the proposed designation and accompanying guidelines or regulations.

G. Each designation ordinance adopted by the board of trustees shall, at a minimum:

1. Specify the boundaries of the designated area of state interest;

2. State reasons why the designation is appropriate in light of the factors considered at the public hearings pursuant to this section; and

3. Specify the regulations applicable to the designated matter of state interest.

H. Upon adoption of a designation ordinance, all relevant materials including the record of any public hearing as described in this section shall be forwarded to the Colorado Land Use Commission for review. If, within thirty days after receipt of a designation ordinance and accompanying regulations, the Land Use Commission notifies the board of trustees that modification of the designation or regulations is recommended and specifies the requested modifications in writing, the board of trustees shall, within thirty days after receipt of the recommended modifications:

1. Modify the original order in a manner consistent with the recommendations of the Colorado Land Use Commission and resubmit the order to the Colorado Land Use Commission; or

2. Notify the Colorado Land Use Commission that the Colorado Land Use Commission's recommendations are rejected and the reasons therefor. (Ord. 478 §4, 2001)

17.38.110 Administration.

The zoning administrator shall administer the provisions of this chapter. When necessary, the zoning administrator may call upon the appropriate state agency to provide technical and scientific assistance in administering the provisions of this chapter. (Ord. 478 §4, 2001)

17.38.120 Application for permit.

A. Any person desiring to undertake development or to make land use changes in a designated area of state interest or proposing to conduct a designated activity of state interest, in whole or in part, within the town must first obtain a permit pursuant to this title. Such persons shall file an application for a permit with the town clerk. The application shall be on a form prescribed by the town and the Colorado Land Use Commission, and shall be accompanied by such additional information as is required by this chapter. The applicant for a permit shall be responsible for all costs of processing and reviewing a permit application, including costs of review of an application by engineers, other consultants and legal counsel retained by the town. Each application shall be accompanied by a signed cost agreement for such purpose, in the form provided by the town and available from the town clerk. No application shall be considered complete until a cost agreement has been executed by the applicant and any amounts required thereunder have been deposited with the town.

B. An application shall not be accepted unless it is complete. If the application is considered incomplete by the zoning administrator, the zoning administrator shall specify what additional information is required. When a submitted application is considered to be complete by the zoning administrator and the applicant, the zoning administrator shall note upon the application the date and hour of its receipt.

C. When an applicant seeks a permit to engage in development in more than one area of state interest and/or to engage in development in one area of state interest and to conduct one activity of state interest, the application may be completed for all such activities or developments and may be reviewed in a consolidated hearing.

D. The zoning administrator may waive any part of the submission requirements which are not relevant to a decision on the application or which the applicant convinces the zoning administrator are unreasonably burdensome for the applicant. (Ord. 478 §4, 2001)

17.38.130 Application process and submittal requirements.

As detailed in this section, the steps required for any permit approval consist of a preapplication conference; an application; referral to affected agencies and others; staff review; public review before the planning commission; public review before the board of trustees; and post-approval requirements.

A. Preapplication conference. A preapplication conference is required of all applicants and shall be between the applicant, the zoning administrator and other appropriate town staff.

1. This meeting is intended to provide an understanding of the applicable review procedures, requirements and standards, and to provide information pertinent to the application and the geographical area affected by the application.

2. Town staff will explain the application procedures and the materials required for submittal.

3. The applicant shall bring a conceptual site plan to the conference.

4. Any comments or commitments made by any member of the town staff during this preapplication conference are only preliminary in nature and should not be relied upon by the applicant. All prospective applicants should be informed that formal comments cannot be made by staff until after the complete application is filed.

B. Application. Before any request for town approval under these regulations may be processed, a complete application, meeting the requirements of this section must be filed with the zoning administrator.

1. The application must include an application form designating all agents for the applicant and exhibiting the applicant's or agent's signature, and have all necessary information completed. The form shall be accompanied by an executed cost agreement and all fees, maps, plans and reports required by these regulations.

2. The signature on an application form will be assumed to indicate the applicant's concurrence with all submissions and commitments made by the applicant's designated agent.

3. The application must contain a written description of the proposal.

4. All data and plans submitted for review must show the qualifications of the individual in charge of the work. With respect to all application materials, the following professional certification requirements shall apply:

a. Improvement plans and reports for drainage, utilities, soils, grading, roads, structures, transportation modeling, transportation planning, transit planning, air quality planning or modeling and other civil engineering work must be certified by a registered Colorado Professional Engineer, or other qualified professional engineer exempted from licensing requirements by state statute.

b. All documents containing land survey descriptions must be certified by a registered Colorado Professional Land Surveyor or other qualified professional surveyor exempted from licensing requirements by state statute.

c. Geology reports shall be prepared by either a member of the American Institute of Professional Geologists, a member of the Association of Engineering Geologists, an individual registered as a geologist by a state or other qualified professional geologist exempted from licensing requirements by state statute.

5. If the town does not have qualified staff to review certain elements of an application or referral agencies are not able to adequately advise the town regarding certain elements of an application, the planning commission may authorize that the review be performed by a consultant engaged or approved by the zoning administrator. The board of trustees shall have the discretion to decide whether the

applicant shall pay all, part of or none of the consultants' fees, based upon the nature and extent of consulting expertise required. A referral agency may impose a fee for the review of the application. No hearings will be held if any such referral agency's fee has not been paid.

6. The following are general requirements for any map or plan required as part of the application for a town approval. Minimum requirements include:

- a. The name of the proposed development or use and total number of acres under consideration.
- b. The map scale and size should be large enough for effective presentation and should accurately illustrate the application.
- c. Name, address and telephone number of the applicant, designer, engineer, surveyor and any other consultants of the applicant.
- d. Date of preparation, revision box, written scale, graphic scale and north arrow for each map.

7. The following requirements shall apply to all applications:

a. Detailed description of the need for the proposed development or activity, including but not limited to:

- i. The present population of the area to be served and the total population to be served by the development or activity for which the permit is sought.
- ii. The predominant types of users or communities to be served by the proposal.
- iii. The percentage of the design capacity at which the current system is now operating.
- iv. The relationship of the proposal to the applicant's long-range planning and capital improvements programs.

b. Environmental impact analysis.

i. Land use:

a) Specify whether the proposal conforms to planning policies of the town and adjacent jurisdictions.

b) Detail the agricultural productivity capability of the land affected by the proposal (SCS classification).

c) Specify how the proposed development will utilize existing easements or rights-of-way for any associated transmission, distribution or collector networks.

d) Specify any additional right-of-way or easements for new or expanded transportation facilities.

ii. Water Resources:

a) On the same or another appropriate map, indicate any floodplain associated with the proposal. Documentation of historical flooding activity should be included. Detail potential adverse impacts related to the associated floodplain.

b) Describe the potential adverse effects of the proposal upon plant and animal life dependent upon the water resources in question.

iii. Air Quality:

a) Detail how many average daily vehicle trips will be generated by the proposal or will be made on the proposed transportation facilities.

b) Explain any other adverse impacts on air quality anticipated from the proposal.

c) Describe how any state or federal air quality standards will be impacted and if the proposed transportation facility has been included in the region's air quality models to verify conformity with the air quality plan.

iv. Significant Environmentally Sensitive Factors:

a) Identify and locate on a map of appropriate scale any of the following features present in the proposed development or activity and its environs, and detail the potential impact of the proposal upon each feature:

1) Marshlands and wetlands;

2) Groundwater recharge areas;

3) Potential natural hazards;

4) Forest and woodlands;

5) Critical wildlife habitat;

6) Public outdoor recreation areas; and

7) Unique areas of geologic, historic and archaeological importance.

v. Visual Aesthetics and Nuisance Factors:

a) Identify and describe any significant deterioration of existing natural aesthetics, creation of visual blight, noise pollution or obnoxious odors which may stem from the proposal.

b) Identify and describe any structures, excavations and embankments that will be visible as a result of the project.

vi. Transportation Impacts:

a) Describe what impacts the proposal will have upon transportation patterns in the area intended to be served or affected by the proposal through the submittal of a traffic impact analysis of the proposed transportation facilities. The traffic impact analysis should include but not be limited to the following:

1) Identification of the facilities required to support the existing and future land uses being served by the proposed transportation facility.

2) Traffic model data verifying consistency with any applicable regional transportation plan, the Colorado Department of Transportation (CDOT) Statewide Transportation Improvement Program (STIP) and any applicable transportation improvement plans or programs.

3) The existing and proposed traffic volume impacts to the adjacent road system, including county roads and local roads under the jurisdiction of the town or jurisdictions immediately adjacent to the town.

4) The existing and future Level of Service (LOS) and capacity of the transportation facilities before and after the proposed transportation project is completed.

5) All transportation access information as required by the most current editions of the town Access Code and the CDOT State Highway Access Code.

6) A benefit/cost analysis of the proposed transportation improvements and identification of the distribution of the burden of the cost for the proposed improvements to the project as well as the adjacent state, county or local road system.

vii. Less Damaging Alternatives:

a) If the zoning administrator, the planning commission or the board of trustees at its respective public hearing determines that the nature or extent of the proposal involves the potential for significant environmental damage and warrants examination of specific, less environmentally damaging alternatives, the zoning administrator, planning commission or board of trustees may require that the applicant evaluate and present information on such alternatives as part of the application or additional evidence to be considered at the public hearing.

b) Required information on alternatives may include, but shall not necessarily be limited to, information on the environmental impacts and cost-effectiveness of the alternatives in relationship to the proposal presented.

c) Proposals for major electrical or natural gas facilities shall include information on alternatives in compliance with Section 29-20-108, C.R.S. which shall include but not be limited to analysis of potential undergrounding or burying of facilities and alternative facility corridors and locations. (Ord. 478 §4, 2001)

17.38.140 Referral of application to appropriate state agencies and others.

A. Upon receipt of a complete application for development, the zoning administrator shall forward a complete copy of such application, together with maps and plans, to the appropriate state agency for review and recommendations, and to other referral entities determined appropriate by the zoning administrator (the "referral entities"). The referral shall notify the referral entities of the date and proposed hearings on said application, and shall request the entity to make its reviews and recommendations on said application to the zoning administrator within fourteen days from the date the town forwards the application.

B. The applicant is responsible for preparing the referral packets in the manner prescribed by the zoning administrator. An error made by the applicant in the preparation of referral packets may result in a delay in processing of the application so that the proper referrals can be accomplished.

C. Referral responses must be received by the zoning administrator within fourteen days of the date the application is referred by the planning commission in order to ensure that recommendations are considered and included in the materials forwarded to the planning commission and board of trustees.

D. The zoning administrator shall refer the application to those referral entities that the administrator determines are appropriate entities to review and comment on the application, which entities may include, but are not limited to, the following:

1. The Colorado and county health departments shall review the application for conformity with all applicable State and County health-related regulations.
2. The Colorado Geological Survey may evaluate those geologic factors which would have a significant impact on the proposed use of the land.
3. The CDOT shall review the application for conformity to the State Highway Access Code, STIP and the regulations relative to the administration of state and federal transportation systems.
4. The Regional Transportation District (RTD) shall review the proposed transportation facility and provide information relative to the impacts to the District's transit facilities.
5. The Denver Regional Council of Governments (DRCOG) will review the proposed transportation facility and provide information relative to the impacts to the region's Five-Year and the 2020 Transportation Improvement Program (TIP), and relative to compliance with air and water quality regulations and plans.
6. The Colorado Water Quality Control Division may evaluate the project with respect to compliance with water quality and facility siting statutes and regulations.
7. The Colorado Oil and Gas Conservation Commission may evaluate the project's impacts upon the mineral resource or matters within the commission's jurisdiction.
8. The Colorado Land Use Commission.
9. Weld County and area municipalities.

10. Interested or affected town departments, school districts, water and sanitation districts, recreation districts, fire districts, utility providers and landowners.

E. If there are referral comments received by the zoning administrator that require a response from the applicant, the following actions shall occur:

1. Town staff will transmit by first class mail, fax or hand delivery, the comments from referral entities as soon as possible following the required referral response period.

2. The applicant shall respond in writing to all issues raised during the referral process.

a. Such responses shall be considered an amendment to the application, and shall be made part of the application to be used as a basis for a final staff recommendation.

b. If the zoning administrator finds that new information obtained in the referral process results in a substantial change in the proposal, the administrator may consider the application a new application, determine whether it is complete, re-refer the amended application and supporting materials to the referral entities, and amend the processing schedule accordingly.

c. If the applicant is unable to supply sufficient responses, then the applicant may request, in writing, a delay in processing the application for up to ninety days.

d. If the applicant fails to supply satisfactory responses, the zoning administrator may either base the staff recommendation on review of the file as it exists or reject the application as a result of the failure to provide information necessary to its proper review. In the case of the latter, the zoning administrator shall inform the applicant in writing.

F. Town staff shall make a recommendation based on its analysis of the record on the application, the referral comments and the applicant's responses to the referral comments. (Ord. 478 §4, 2001)

17.38.150 Public hearing process.

A. Upon receiving a completed application for a permit under this chapter, the zoning administrator shall schedule the application for a hearing before the board of trustees. Such hearing shall be scheduled within ninety days of receipt of a completed application. Not later than thirty days after receipt of a completed application for a permit, notice of a public hearing before the board of trustees on the application shall be published. Such publication shall be at least once in a newspaper of general circulation in the town, not less than thirty or more than sixty days before the date set for the hearing. Such notice shall also be given to the state Land Use Commission and to any other persons or agencies requesting notice of the hearing, at the same time the notice is published.

B. The zoning administrator shall also schedule the application for a hearing before the planning commission. Such hearing shall be held before the date of the board of trustees hearing on the application. Notice of the planning commission hearing shall be published in a newspaper of general circulation in the town not less than fifteen days before the hearing date, and shall be mailed to the applicant and to any other persons or agencies requesting notice of the hearing, at the same time the notice is published. (Ord. 478 §4, 2001)

17.38.160 Conduct of permit hearings.

A. The planning commission shall conduct its public hearing in such a manner so as to solicit all relevant testimony from the applicant and members of the public.

1. The planning commission shall hear testimony and receive evidence, including but not limited to:
 - a. The recommendations of the zoning administrator; and
 - b. Relevant testimony and documents presented at the public hearing.
2. The zoning administrator shall preserve the following record of the public hearing before the planning commission:
 - a. The permit application.
 - b. The recommendations of town staff and any written statements or documents presented in support of or in opposition of the permit application.
 - c. The names and addresses (if available) of all persons making oral or written statements, appearing as witnesses or offering documentary evidence.
 - d. Any tape recording of the hearing.
3. The planning commission, upon completion of its public hearing, shall forward to the board of trustees its recommendation on the permit application.

B. The board of trustees shall conduct its public hearing in such a manner so as to solicit all relevant testimony from the applicant and members of the public.

1. The board of trustees shall hear testimony and receive evidence, including but not limited to:
 - a. The recommendations of the town staff and planning commission; and
 - b. Relevant testimony and documents presented at the public hearing.
2. There shall be preserved the following record of the public hearing before the board of trustees:
 - a. The permit application.
 - b. Any written statements or documents presented in support of or in opposition to the permit application.
 - c. The names and addresses (if available) of all persons making oral or written statements, appearing as witnesses or offering documentary evidence.
 - d. Any tape recording of the hearing.
 - e. The resolution of the board of trustees granting or denying the permit application.

f. A copy of the permit, if issued.

C. Hearings conducted pursuant to this chapter may be conducted utilizing the procedures set forth in Chapter 17.44, including but not limited to the decision-making procedures set forth in Sections 17.44.070 and 17.44.100. (Ord. 478 §4, 2001)

17.38.170 Development respecting matters of state interest not previously designated or regulated.

If a person proposes to undertake any development in a known area of state interest, or to conduct an activity of state interest, which has not been previously designated and for which guidelines or regulations have not been adopted, the town may hold a hearing for the determination of designation and guidelines and granting or denying of the permit. Whenever the board of trustees designates a matter of state interest, no person shall engage in any development in such area, and no such activity shall be conducted until the designation and guidelines or regulations for such an area or activity are finally determined. (Ord. 478 §4, 2001)

17.38.180 Guidelines for consideration of application.

A. Deliberations on the permit application by the planning commission and the board of trustees shall include but not be limited to:

1. Objectives and definitions of 1974 Colorado Session Law 336;
2. Guidelines and criteria promulgated and distributed by the Land Use Commission and other applicable state agencies;
3. The technical information presented by the applicant;
4. Recommendations of the planning commission;
5. Recommendations of town staff;
6. The recommendations of state agencies and referral entities;
7. Relevant testimony and documents presented at the public hearing and any other pertinent technical information;
8. The severity of hazardous conditions and the future effect of those conditions on the proposed development;
9. The intensity and character of the proposed development and its future effect on those hazardous conditions; and
10. The relationship between Subsections A.8 and A.9 of this section and the related potential impact upon future users of the subject and adjacent or affected properties.

B. The board of trustees may deliberate on an application on the date of the public hearing, or may continue the application to a later date, and may direct staff to prepare draft findings, conclusions and orders on an application for town consideration. (Ord. 1-02 §9, 2001; Ord. 478 §4, 2001)

17.38.190 Proposed development may be approved if in accordance with provisions.

A. The board of trustees may approve a permit to allow a development in a designated area of state interest or to allow a person to conduct a designated activity of state interest if the proposal, including all mitigation measures proposed by the applicant, complies with the requirements and criteria of Section 24-65.1-101, C.R.S. and this chapter.

B. If the proposal does not comply with all of the applicable requirements and criteria, the permit shall be denied, unless the board of trustees determines that reasonable conditions can be imposed on the permit which will enable the permit to comply with the requirements and criteria.

C. If the board of trustees determines at the public hearing that sufficient information has not been provided to it to allow it to determine if the applicable criteria have been met, the board of trustees may continue the hearing until the specified additional information has been received.

D. The permit shall be issued on a form prescribed by the town, which may be the board of trustees' written resolution of decision on the application. The permit may be issued for an indefinite term or a specified number of years.

E. Before any permit is issued, the board of trustees may, in its discretion, require the applicant to file a guarantee of financial security deemed adequate by and made payable to the town, and the purpose of which shall be to assure that the applicant or permittee shall faithfully perform all requirements of the permit. Any requirement for a financial guarantee shall be specified in the written decision of the board of trustees on the permit application. (Ord. 478 §4, 2001)

17.38.200 Approval or denial of permit application.

Within forty-five days after conclusion of hearings on the development application permit, the board of trustees shall render a decision as to approval or denial. The board of trustees shall state in writing the reasons for its decision and its findings and conclusions, and shall provide timely transmittal of its findings to the applicant, the appropriate state agency and the state land use commission. (Ord. 478 §4, 2001)

17.38.210 Intergovernmental agreements.

A. Upon request of the state or a political subdivision of the state as defined by Section 29-1-202(1), C.R.S. proposing to develop in an area of state interest or to engage in an activity of state interest, the requirements of this chapter may be met by the approval of an intergovernmental agreement in lieu of a permit application and review as provided by these regulations. In the event such an agreement is approved by the board of trustees, no permit application to develop in the area or to conduct the activity of state interest shall be required, provided that all of the following conditions are met:

1. The state or political subdivision/ developer and the town must both be authorized to enter into this agreement.
2. The purpose and intent of this chapter and Section 24-65.1-101, C.R.S. must be satisfied by the terms of the agreement as determined by the town in its review of the agreement.

3. A public hearing must be conducted by the board of trustees to publicly review and approve of the proposed agreement. Notice of the public hearing shall be published once at least thirty and not more than sixty days prior to the hearing in a newspaper of general circulation in the town and county.

4. Both the board of trustees and the governing body of the state or political subdivision/developer must approve the agreement in the manner required of each of them by the Colorado Constitution, state statutes and any applicable charter, ordinance or resolution.

B. Exercise of the provisions of this section by the state or political subdivision/developer will not prevent that entity from electing at any time to proceed under the permit provisions of these regulations. Additionally, any entity which has previously proceeded under the permit provisions of these regulations may at any time elect to proceed instead under this section. (Ord. 478 §4, 2001)

17.38.220 Enforcement of permit requirement.

A. When it comes to the attention of the board of trustees that the provisions of any permit have been violated by the permittee, the board of trustees, if it determines that enforcement action is appropriate, shall give the permittee written notice of the specific violation and of a hearing on the proposed violation which the board of trustees shall schedule no sooner than thirty days after the date of the written notice. If the board of trustees determines that an emergency situation exists, the Board of trustees may schedule the hearing sooner than thirty days, provided that the permittee receives at least five working days' prior notice of the hearing.

B. If the permittee fails to correct the violation by the public hearing date and the board of trustees determines at the public hearing that the violation exists, the board of trustees, in its discretion, may impose an appropriate sanction, including but not necessarily limited to temporary suspension of the permit for a reasonable time certain; an order to correct the violation within a reasonable time certain; the requirement for additional financial guarantees; or revocation of the permit.

C. The town shall have the authority to seek an injunction or other appropriate relief in the appropriate state or federal district court if the permittee fails to correct the violation or to comply with any sanction imposed at the public hearing.

D. Any permit issued under these regulations shall be deemed to include the granting of the permittee's consent to entry and inspections by the board of trustees and its authorized representatives as may be necessary at any time during regular business hours, without prior notice to the permittee, to determine compliance with the terms of the permit. (Ord. 478 §4, 2001)

17.38.230 Development without permit subject to enjoinder.

After the effective date of this chapter, any person desiring to engage in a development in a designated area of state interest or to conduct a designated activity of state interest who does not obtain a permit pursuant to this chapter may be enjoined by the state Land Use Commission or the town from engaging in such development; and such developer shall be liable for all costs involved in any court action to enjoin such development, including reasonable attorney's fees, expert witness fees and costs. (Ord. 478 §4, 2001)

17.38.240 Amendment of designated area boundaries.

Amendment of designated area boundaries shall be in accordance with the procedures prescribed by Chapter 17.44 for the amendment or change of zoning ordinances. (Ord. 478 §4, 2001)

17.38.250 Boundary disputes.

A. In addition to the amendment procedure provided in Section 17.38.240, the special procedure set out in Subsection B of this section shall be used by the board of trustees in deciding contested cases in which the boundary of a designated area of state interest is disputed, or in cases where because of local, detailed circumstances the designated condition does not present a significant hazard to public health or safety or to property at the specific location for the particular proposed land use.

B. In all cases, a person contesting the location of the designated area boundary or the severity of conditions at a specific location within the designated area shall be given a reasonable opportunity to present a case to the board of trustees and shall submit technical evidence to support such contest. The board of trustees shall not amend the boundary line as mapped or nonpermitted land uses within the boundary areas unless credible evidence clearly establishes, in the opinion of the board of trustees, that the conditions do not present a significant hazard to public health or safety, or to property at the specific location within the hazard area boundary for the particular proposed land use, or that the proposed use will not violate the criteria for administration of areas or activities of state interest set forth in Sections 24-65.1-201 through 204, C.R.S. (Ord. 478 §4, 2001)

*Part 2:
Specific Designations and Criteria*

17.38.260 Specific designations.

A. The board of trustees, having considered the intensity of current and foreseeable development pressures and applicable guidelines for identification and designation adopted and issued by the Colorado Land Use Commission, as well as the other relevant factors set forth in this chapter, at a duly noticed public hearing held in accordance with Section 24-65.1-401, C.R.S. finds and declares the following areas and activities to be matters of state interest:

1. Site selection of arterial highways and interchanges and collector highways;
2. Site selection and construction of major facilities of a public utility;
3. Site selection of rapid and mass transit terminals, stations and fixed guideways;
4. Site selection and construction of major new domestic water and sewage treatment systems and major extensions of existing domestic water and sewage treatment systems; and
5. Site selection and development of solid waste disposal sites;
6. The following areas around key facilities in which development may have a material effect upon the key facility or the surrounding community:

- a. Areas around major facilities of a public utility;
- b. Areas around interchanges involving arterial highways; and
- c. Areas around rapid or mass transit terminals, stations and fixed guideways.

B. Any development within any of such designated areas, and the conduct of any of such designated activities, within the boundaries of the town shall be subject to these designations, shall require a permit and shall be subject to the accompanying regulations as set forth herein.

C. The reasons for such designations are as stated in Ordinance No. 478 and Section 17.38.020 and incorporated herein.

D. Areas around arterial highway interchanges, as designated hereunder, shall be considered to be those areas which are immediately and directly affected by the arterial highway interchange, whether existing or proposed. The boundaries for these areas shall be an area within a radius of one mile from the center of the interchange. (Ord. 478 §4, 2001)

17.38.270 Site selection of arterial highways and interchanges and collector highways.

A. A permit to engage in site selection of an arterial highway and interchange and collector highway shall be required at the time of site selection as defined in this chapter. The term "site selection" shall in all contexts be construed to require a permit before any grading, earth moving, or other work is done which shall physically affect the site or corridor selected. Any permit granted for site selection activity shall state that the particular activity for the particular site or corridor therein described shall be allowed. A new permit shall be required for any other site selection activity, site or corridor not specifically covered by a permit.

B. In addition to the general requirements and criteria of Sections 17.38.010 through 17.38.250, any permit application under this chapter for the site selection of an arterial highway, interchange or collector highway shall be subject to the following additional criteria:

1. The arterial highway, interchange or collector highway shall be located so that:
 - a. Community traffic needs are met. By way of example and not limitation, the arterial highway, interchange or collector highway shall not be located so as to:
 - i. Cause or significantly contribute to congestion on or overuse of community roads and streets;
 - ii. Cause or contribute to any unacceptable traffic safety condition; or
 - iii. Significantly interfere with pedestrian or bike paths or trails, or with provision of other alternative modes of transportation;
 - b. Desirable community patterns are not to be disrupted. By way of example and not limitation, the arterial highway, interchange or collector highway shall not be located so as to:
 - i. Significantly degrade the natural characteristics of existing open agricultural areas, parks or open space;

ii. Significantly degrade view corridors or active or passive recreation opportunities associated with existing open space;

iii. Create blight or cause other nuisance factors, such as excessive noise, dust, smoke, light and emissions, or obnoxious odors, particularly in areas adjacent or in close proximity to existing residential areas or open space;

iv. Significantly disrupt existing residential and rural areas; or

v. Isolate town lands, residences or residential areas from public facilities, including but not limited to schools, hospitals, bus facilities, recreation areas, open spaces or pedestrian or bike paths or trails.

c. Direct conflicts with adopted local, regional and state master plans are avoided. By way of example and not limitation, the arterial highway, interchange or collector highway shall not be located so as to:

i. Directly conflict with any alignment or location set forth in an adopted local, regional or state master plan, or in any other applicable planning document; or

ii. Directly conflict with land uses anticipated within an adopted local, regional or state master plan, or with other applicable land use plans.

2. All provisions of the permit application procedure have been complied with.

3. Arterial highways and interchanges and collector highways shall be located only in those community areas for which a clear and reasonable need for such highway facility has been demonstrated.

4. Other reasonable modes of transportation shall be incorporated into the proposal for the arterial highway, interchange or collector highway.

5. The proposal shall be consistent with alternatives which may be utilized by the town in planning for and controlling adjacent land use.

6. Arterial highways and interchanges and collector highways shall be located in a manner that does not significantly impede the delivery of essential community goods and services, including without limitation police, fire and other emergency services.

7. Arterial highways and interchanges and collector highways shall be located in a manner that does not significantly restrict access via other roadways, mass transit facilities or pedestrian or bike paths or trails to local commercial services, businesses and employment centers.

8. The location of arterial highways and interchanges and collector highways shall not contribute to the expansion of demand for public services or utilities beyond the reasonable capacity of the serving authorities or utilities to provide such services.

9. Arterial highways and interchanges and collector highways shall be located so as to complement the compact and efficient extension of urban services, utilities and development, if planned for the community.

10. The benefits of the arterial highway or interchange or collector highway location shall outweigh the loss of any natural resources or agricultural or other lands rendered unavailable by the proposal.

C. The permit shall be denied if it does not satisfy all applicable requirements and criteria. (Ord. 478 §4, 2001)

17.38.280 Site selection and construction of major facilities of a public utility.

A. In addition to the general requirements and criteria of Sections 17.38.010 through 17.38.250, any permit application under this chapter for the site selection and construction of a major facility of a public utility shall be subject to the following additional criteria:

1. The facility shall be located so that:

a. Desirable community patterns will not be disrupted. By way of example and not limitation, the facility shall not be located so as to:

i. Significantly degrade the natural characteristics of existing open agricultural uses, parks or open space;

ii. Significantly degrade view corridors or active or passive recreation opportunities associated with existing open space;

iii. Create blight or cause other nuisance factors, such as excessive noise, dust, smoke, light and emissions, or obnoxious odors, particularly in areas adjacent or in close proximity to existing residential areas or open space;

iv. Significantly disrupt existing residential and rural areas; or

v. Isolate town lands, residences or residential areas from public facilities, including but not limited to schools, hospitals, bus facilities, recreation areas, open spaces or pedestrian or bike paths or trails.

b. Direct conflicts with adopted local, regional and state master plans are avoided. By way of example and not limitation, the facility shall not be located so as to:

i. Directly conflict with any alignment or location set forth in an adopted local, regional or state master plan, or in any other applicable planning document; or

ii. Directly conflict with land uses anticipated within an adopted local, regional or state master plan, or with other applicable land use plans.

iii. In reviewing compliance with this Subsection b., the town may require that the applicant present siting and design alternatives in addition to those preferred by the applicant, and may require that the applicant provide analysis of the costs and feasibility of alternative routes.

c. Existing natural hazards and dangerous conditions are not exacerbated.

2. All provisions of the permit application procedure have been complied with.

3. The facility shall be located only in service areas for which a clear and reasonable need for such facility has been demonstrated.

4. For a facility that is also a "major electrical or natural gas facility," as defined in Section 29-20-108, C.R.S. the applicant has complied with all procedural requirements of House Bill 01-1195, enacted by the 62nd Colorado General Assembly.

5. The proposal shall be consistent with alternatives which may be utilized by the town in planning for and controlling adjacent land use.

6. The facility shall be constructed of materials and in methods designed to ensure consistency to the greatest extent possible with the town's master plan, development regulations and zoning and building ordinances. The applicant shall be required to submit information on alternative materials and methods of construction for evaluation by the town.

7. The facility shall not significantly impact the delivery of, or be projected to have an excessive demand upon, essential community services, including without limitation police, fire and other emergency services.

8. Facilities that occupy a corridor shall be located in a manner that does not significantly restrict access routes or pedestrian or bike paths or trails to local commercial services, businesses, employment centers, residential areas, recreational areas or open space lands.

9. The facility shall not contribute to the expansion of demand for public services or utilities beyond the reasonable capacity of the serving authorities or utilities to provide such services.

10. The benefits of the facility shall outweigh the loss of any natural resources or agricultural or other lands rendered unavailable by the proposal.

B. The facility will not adversely impact the physical, economic or social environment of the town or, if an adverse impact is expected to occur, reasonable modifications and mitigation measures will be implemented and maintained to minimize the degree of adversity of the impact.

C. The permit shall be denied if it does not satisfy all applicable requirements and criteria. (Ord. 478 §4, 2001)

17.38.290 Site selection of rapid and mass transit terminals, stations and fixed guideways.

A. In addition to the general requirements and criteria of Sections 17.38.010 through 17.38.250, any permit application under this chapter for the site selection of rapid and mass transit terminals, stations or fixed guideways shall be subject to the following additional criteria:

1. The facility shall be located:

a. In a coordinated manner with other existing or planned transportation systems;

b. So that desirable community patterns will not be disrupted. By way of example and not limitation, the facility shall not be located so as to:

i. Significantly degrade the natural characteristics of existing open agricultural uses, parks or open space;

ii. Significantly degrade view corridors or active or passive recreation opportunities associated with existing open space;

iii. Create blight or cause other nuisance factors, such as excessive noise, dust, smoke, light and emissions, or obnoxious odors, particularly in areas adjacent or in close proximity to existing residential areas or open space;

iv. Significantly disrupt the functionality of existing or planned transportation infrastructure;

v. Significantly disrupt existing residential and rural areas; or

vi. Isolate town lands, residences or residential areas from public facilities, including but not limited to schools, hospitals, bus facilities, recreation areas, open spaces or pedestrian or bike paths or trails.

c. In compliance with the town Master Plan and, in any event, in furtherance of the purposes set forth in Section 31-23-303(1), C.R.S.

d. So that direct conflicts with adopted regional and state master plans are avoided. By way of example and not limitation, the facility shall not be located so as to:

i. Directly conflict with any alignment or location set forth in an adopted regional or state master plan, or in any other applicable planning document; or

ii. Directly conflict with land uses anticipated within an adopted regional or state master plan, or with other applicable land use plans.

iii. In reviewing compliance with Subsection c. and this Subsection d., the town may require that the applicant present siting and design alternatives in addition to those preferred by the applicant, and may require that the applicant provide analysis of the costs and feasibility of alternative routes.

e. So existing natural hazards and dangerous conditions are not exacerbated.

2. All provisions of the permit application procedure have been complied with.

3. The following shall be met with respect to mass transit facilities:

a. Stations, shelters and terminals shall be appropriately located to meet transit needs;

b. All facilities shall have safe access and egress for all transit modes and shall have adequate parking;

c. All facilities shall be designed to support multi-modal transportation needs; and

d. The facilities shall comply to the maximum extent possible with town design and building requirements.

4. For rail facilities, the applicant shall submit with its application information and consents to cooperate with respect to potential designation of areas within the town as areas in which train horns will not be utilized during specified hours.

5. The facility shall be located only in service areas for which a clear and reasonable need for such facility has been demonstrated.

6. The proposal shall be consistent with alternatives which may be utilized by the town in planning for and controlling adjacent land use.

7. The facility shall not significantly impact the delivery of, or be projected to have an excessive demand upon, essential community services, including without limitation police, fire and other emergency services.

8. The facility corridor shall be located in a manner that does not significantly restrict access routes or pedestrian or bike paths or trails to local commercial services, businesses, employment centers, residential areas, recreational areas, or open space lands.

9. The preferred location for the facility shall be the one that requires the least possible amount of demolition or condemnation of residences or businesses.

10. Light rail facilities shall be limited to the existing corridor reserved from the Dent Branch railroad right-of-way, unless otherwise approved by the board of trustees.

11. The facility shall not contribute to the expansion of demand for public services or utilities beyond the reasonable capacity of the serving authorities or utilities to provide such services.

12. The benefits of the facility shall outweigh the loss of any natural resources or agricultural lands rendered unavailable by the proposal.

B. The facility will not adversely impact the physical, economic or social environment of the town or, if an adverse impact is expected to occur, reasonable modifications and mitigation measures will be implemented and maintained to minimize the degree of adversity of the impact.

C. The permit shall be denied if it does not satisfy all applicable requirements and criteria. (Ord. 478 §4, 2001)

17.38.300 Site selection and construction of major new domestic water and sewage treatment systems and major extensions of existing domestic water and sewage treatment systems.

A. In addition to the general requirements and criteria of Sections 17.38.010 through 17.38.250, any permit application under this chapter for the site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems shall be subject to the following additional criteria:

1. New domestic water and sewage treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.

2. Major extensions of such systems shall be permitted only in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.

3. The facility shall be located so that:

a. Desirable community patterns will not be disrupted. By way of example and not limitation, the facility shall not be located so as to:

i. Significantly degrade the natural characteristics of existing open agricultural uses, parks or open space;

ii. Significantly degrade view corridors or active or passive recreation opportunities associated with existing open space;

iii. Create blight or cause other nuisance factors, such as excessive noise, dust, smoke, light and emissions or obnoxious odors, particularly in areas adjacent or in close proximity to existing residential areas or open space; or

iv. Significantly disrupt existing residential, commercial, open space or rural areas.

b. Direct conflicts with adopted local, regional and state master plans are avoided. By way of example and not limitation, the facility shall not be located so as to:

i. Directly conflict with any alignment or location set forth in an adopted local, regional or state master plan, or in any other applicable planning document; or

ii. Directly conflict with land uses anticipated within an adopted local, regional or state master plan, or with other applicable land use plans.

c. Existing natural hazards and dangerous conditions are not exacerbated.

4. All provisions of the permit application procedure have been complied with.

5. The proposed development shall not adversely affect drainage patterns and shall be supported by adequate water rights.

6. The proposed development will not result in a duplication or proliferation of services.

7. There is no existing underutilization or inefficient utilization of existing facilities.

8. The proposal shall be consistent with alternatives which may be utilized by the town in planning for and controlling adjacent land use.

9. The facility shall not significantly impact the delivery of or be projected to have an excessive demand upon essential community services, including without limitation police, fire and other emergency services.

10. The benefits of the facility shall outweigh the loss of any natural resources or agricultural lands rendered unavailable by the proposal.

11. The proposed facility and its collector or distribution system will not significantly deteriorate aquatic habitats, marshlands or wetlands, groundwater recharge areas, sloping or unstable terrain, habitat areas or public outdoor recreation areas.

12. The proposed facility must be necessary and demonstrated to be in compliance with all state regulations.

B. The permit shall be denied if it does not satisfy all applicable requirements and criteria. (Ord. 478 §4, 2001)

17.38.310 Site selection and development of solid waste disposal sites.

A. In addition to the general requirements and criteria of Sections 17.38.010 through 17.38.250, any permit application under this chapter for the site selection and development of solid waste disposal sites shall be subject to the following additional criteria:

1. Major solid waste disposal sites shall be developed in accordance with sound conservation practices and shall emphasize, where feasible, the recycling of water materials.

2. The site selection and development shall take into consideration the longevity and subsequent use of the site, soil and wind conditions, the potential problems or pollution inherent in the proposed site and the impact on adjacent property owners, compared with alternative locations. In reviewing compliance with this Subsection 2., the town may require the applicant to provide siting alternatives and, with respect to such alternative sites, information on the matters stated in this Subsection 2. and information listed in Section 17.38.130 as is required for the proposed location subject to permitting under this chapter.

3. The facility shall be located so that:

a. Desirable community patterns will not be disrupted. By way of example and not limitation, the facility shall not be located so as to:

i. Significantly degrade the natural characteristics of existing open agricultural uses, parks or open space;

ii. Significantly degrade view corridors or active or passive recreation opportunities associated with existing parks or open space;

iii. Create blight or cause other nuisance factors, such as excessive noise, dust, smoke, light and emissions, or obnoxious odors, particularly in areas adjacent or in close proximity to existing residential areas or open space; or

iv. Significantly disrupt existing residential and rural areas.

b. Direct conflicts with adopted local, regional and state master plans are avoided. By way of example and not limitation, the facility shall not be located so as to:

i. Directly conflict with any alignment or location set forth in an adopted local, regional or state master plan or in any other applicable planning document; or

ii Directly conflict with land uses anticipated within an adopted local, regional or state master plan or with other applicable land use plans.

c. Existing natural hazards and dangerous conditions are not exacerbated.

4. All provisions of the permit application procedure have been complied with.

5. The site shall be designed, developed and operated to minimize disruption to traffic patterns and impact to town streets.

6. The site shall be designed, developed and operated to minimize off-site light, odors, noise and similar adverse impacts.

7. Hours of operation shall be subject to town approval.

8. There is no existing underutilization or inefficient utilization of existing facilities.

9. No facility shall be located so as to adversely affect established drainage patterns, groundwater recharge areas or floodplain areas.

10. The proposal shall be consistent with alternatives which may be utilized by the town in planning for and controlling adjacent land use.

11. The facility shall not significantly impact the delivery of or be projected to have an excessive demand upon essential community services, including without limitation police, fire and other emergency services.

12. The benefits of the facility shall outweigh the loss of any natural resources or agricultural lands rendered unavailable by the proposal.

13. The proposed facility and its collector or distribution system will not significantly deteriorate aquatic habitats, marshlands or wetlands, groundwater recharge areas, sloping or unstable terrain, habitat areas, or public outdoor recreation areas.

14. The proposed facility must be necessary and demonstrated to be in compliance with all state regulations.

B. The permit shall be denied if it does not satisfy all applicable requirements and criteria. (Ord. 1-02 §10, 2001; Ord. 478 §4, 2001)

17.38.320 Areas around major facilities of a public utility.

A. In addition to the general requirements and criteria of Sections 17.38.010 through 17.38.250, any permit application under this chapter for development in areas around major facilities of a public utility shall be subject to the following additional criteria:

1. The proposed development shall be administered to minimize danger to public health and safety and to property.

2. The proposed development shall avoid traffic congestion, incompatible uses and the expansion of demand for government services beyond the reasonable capacity of the community or region to provide such services.

3. The proposed development shall encourage the smooth flow of traffic and compatibility of motorized and nonmotorized traffic.

4. The proposed development shall preserve desirable existing community patterns. By way of example and not limitation, the proposed development shall not:

a. Significantly degrade the natural characteristics of existing open space;

b. Significantly degrade view corridors or active or passive recreation opportunities associated with existing open space;

c. Create blight or cause other nuisance factors, such as excessive noise, dust, smoke, light and emissions, or obnoxious odors, particularly in areas adjacent or in close proximity to existing residential areas or open space;

d. Significantly disrupt existing residential and rural areas; or

e. Significantly impact or degrade existing land forms, landscaping or buffer or transition areas between land uses.

5. A development that proposes burdens or deprivations on the town and other communities of the region shall not be justified on the basis of local benefit alone.

6. The proposed development shall minimize disruption of the service provided by the public utility.

7. All provisions of the permit application procedure have been complied with.

8. The proposed development must comply with existing zoning regulations in the area, with all applicable master plans and with all other applicable local, state and federal law.

B. The town, as part of the permitting process for the proposed development, may establish control zones intended to carry out the provisions of this chapter. Such zones may include hazard zones, in which all development may be prohibited; buffer zones, in which limited uses compatible with the facility may be allowed; and transition zones, in which uses intended to integrate the facility with planned and existing uses in the area may be allowed.

C. Development in areas around a major facility of a public utility may be subjected to additional setback requirements, which may be established through the permitting process based on site specific consideration, including but not limited to the potential impacts of the facility on the proposed uses, safety considerations related to the proximity of uses and potential expansion of the facility.

D. A use otherwise permitted in the town zoning ordinance may be limited or conditioned if necessary to ensure compliance with the provisions of this chapter.

E. The permit shall be denied if it does not satisfy all applicable requirements and criteria. (Ord. 478 §4, 2001)

17.38.330 Areas around interchanges involving arterial highways.

A. In addition to the general requirements and criteria of Sections 17.38.010 through 17.38.250, any permit application under this chapter for development in areas around interchanges involving arterial highways shall be subject to the following additional criteria:

1. The proposed development shall be administered to minimize danger to public health and safety and to property.

2. The proposed development shall discourage traffic congestion, incompatible uses and the expansion of demand for government services beyond the reasonable capacity of the community or region to provide such services.

3. The proposed development shall encourage the smooth flow of traffic and compatibility of motorized and nonmotorized traffic.

4. The proposed development shall preserve desirable existing community patterns. By way of example and not limitation, the proposed development shall not:

a. Significantly degrade the natural characteristics of existing open space;

b. Significantly degrade view corridors or active or passive recreation opportunities associated with existing parks or open space;

c. Create blight or cause other nuisance factors, such as excessive noise, dust, smoke, light and emissions, or obnoxious odors, particularly in areas adjacent or in close proximity to existing residential areas or open space;

d. Significantly disrupt existing residential and rural areas; or

e. Significantly impact or degrade existing land forms, landscaping or buffer or transition areas between land uses.

5. A development that proposes burdens or deprivations on the town and other communities of the region shall not be justified on the basis of local benefit alone.

6. All provisions of the permit application procedure have been complied with.

7. The proposed development must comply with existing zoning regulations in the area, with all applicable master plans and with all other applicable local, state and federal law.

B. The permit shall be denied if it does not satisfy all applicable requirements and criteria. (Ord. 1-02 §11, 2001; Ord. 478 §4, 2001)

17.38.340 Areas around rapid or mass transit terminal, stations and fixed guideways.

A. In addition to the general requirements and criteria of Sections 17.38.010 through 17.38.250, any permit application under this chapter for development in areas around rapid or mass transit terminals, stations and fixed guideways shall be subject to the following additional criteria:

1. The proposed development shall be administered to minimize danger to public health and safety and to property.
2. The proposed development shall discourage traffic congestion, incompatible uses and the expansion of demand for government services beyond the reasonable capacity of the community or region to provide such services.
3. The proposed development shall encourage the smooth flow of traffic and compatibility of motorized and nonmotorized traffic.
4. The proposed development shall preserve desirable existing community patterns. By way of example and not limitation, the proposed development shall not:
 - a. Significantly degrade the natural characteristics of existing open space;
 - b. Significantly degrade view corridors or active or passive recreation opportunities associated with existing open space;
 - c. Create blight or cause other nuisance factors, such as excessive noise, dust, smoke, light and emissions, or obnoxious odors, particularly in areas adjacent or in close proximity to existing residential areas or open space;
 - d. Significantly disrupt existing residential and rural areas; or
 - e. Significantly impact or degrade existing land forms, landscaping or buffer or transition areas between land uses.
5. A development that proposes burdens or deprivations on the town and other communities of the region shall not be justified on the basis of local benefit alone.
6. All provisions of the permit application procedure have been complied with.
7. The proposed development must comply with existing zoning regulations in the area, with all applicable master plans and with all other applicable local, state and federal law.

B. Development in areas around a terminal, station or guideway may be subjected to additional setback requirements, which may be established through the permitting process based on site specific consideration, including but not limited to the potential impacts of the terminal, station or guideway on the proposed uses, safety considerations related to the proximity of uses and potential expansion of the facility.

C. The development may be required to integrate its transportation plan into existing and planned utilization of the terminal, station or guideway.

D. A use otherwise permitted in the town zoning ordinance may be limited or conditioned if necessary to ensure compliance with the provisions of this chapter.

E. The permit shall be denied if it does not satisfy all applicable requirements and criteria. (Ord. 478 §4, 2001)

Chapter 17.40

Nonconforming Uses

Sections:

17.40.010 Nonconforming uses.

17.40.010 Nonconforming uses.

Except as provided in this chapter, the lawful use of any building or land existing at the time of enactment of this title, or of any amendments to this title, may be continued even though such use does not conform to the requirements of this title.

A. Repairs and Maintenance. Ordinary repairs and maintenance of a nonconforming building shall be permitted.

B. Restoration. A nonconforming building which has been damaged by fire or other causes may be restored to its original condition, provided that such work is commenced within one year of such calamity.

C. Abandonment. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this title.

D. Change in Use. A nonconforming use shall not be changed to a use of lower, or less restrictive classification; such nonconforming use may, however, be changed to another use of the same or higher classification.

E. Extension. A nonconforming use shall not be extended either in intensity of use or in floor area or lot area.

F. Moving. No building or structure which does not conform to all of the regulations of the district in which it is located shall be moved in whole or in part to another location unless every portion of such building or structure is moved, and the use thereof is made to conform to all regulations of the district into which it is moved. (Prior code §10-39)

Chapter 17.42

Vested Property Rights

Sections:

- 17.42.010 Purpose.
- 17.42.020 Definitions.
- 17.42.030 Creation--notice and hearing.
- 17.42.040 Notice of approval.
- 17.42.050 Effective date.
- 17.42.060 Duration and amendment.
- 17.42.070 Payment of costs.
- 17.42.080 Other provisions unaffected.
- 17.42.090 Rights by agreement.
- 17.42.100 Limitations.

17.42.010 Purpose.

The purpose of this chapter is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended. (Ord. 431 §1, 1999)

17.42.020 Definitions.

As used in this chapter, the following words and phrases shall have the meanings set forth in this section, unless the context otherwise requires:

A. "Landowner" means any owner of a legal or equitable interest in real property and includes the heirs, successors and assigns of such ownership interests.

B. "Site Specific Development Plan" means and is limited to a planned unit development (PUD) final development plan submitted pursuant to Chapter 17.22 of this title and the Firestone Development Regulations, which plan may be accompanied by a special use permit request submitted pursuant to Chapter 17.32 of this title and the Firestone Development Regulations. No other type of land use application shall be considered a site specific development plan.

C. "Vested Property Right" means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan. (Ord. 431 §1, 1999)

17.42.030 Creation—notice and hearing.

A. A vested property right pursuant to Article 68 of Title 24, C.R.S., as amended, is created only upon board of trustees approval or conditional approval of a site specific development plan which has been processed in accordance with the provisions of this chapter. No administrative or other type of land use approval shall create such a vested property right.

B. Any landowner seeking the creation of a vested property right through approval of the site specific development plan shall invoke the procedures of this chapter by specific written request to the town. The request shall be made to the director of operations at least thirty days prior to the date the board of trustees is to consider approval of the site specific development plan. The failure of the landowner to make such a request renders the PUD final development plan not a site specific development plan, and no vested rights shall be deemed to be created by its approval or conditional approval.

C. No site specific development plan shall be approved until after a board of trustees public hearing, preceded by notice of the hearing published at least once in a newspaper designated by the town for the

publication of notices. The notice shall be published by the town at least fifteen days prior to the board of trustees hearing date and may, at the town's option, be combined with any notice required for the PUD final development plan or with any other required notice, or may be given separately. Interested persons shall have the opportunity to be heard at the hearing.

D. The board of trustees' intention to create a vested property right shall be set forth in the resolution granting approval or conditional approval of the site specific development plan. (Ord. 712 §1, 2009; Ord. 431 §1, 1999)

17.42.040 Notice of approval.

A. Not more than fourteen days after board of trustees approval or conditional approval of a site specific development plan, there shall be published in a newspaper designated by the town for the publication of notices, a public notice. The notice shall contain the following:

1. A statement that a site specific development plan has been approved and a vested property right created.
2. A statement generally describing the type and intensity of use approved in the site specific development plan and a reference to the specific board of trustees resolution of approval.
3. A description of the subject property which shall include a vicinity description by reference to the adjacent or nearest road intersection and which shall include a legal description.

B. Each map, plan or other document constituting a site specific development plan shall contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended." Failure to include this statement shall prevent the creation of a vested property right. (Ord. 431 §1, 1999)

17.42.050 Effective date.

A site specific development plan shall be deemed approved upon the effective date of the board of trustees' final action granting approval or conditional approval of such plan, if such approval is otherwise granted in compliance with the procedures of this chapter. Failure to comply with the procedures set forth in this chapter shall prevent the creation of a vested property right. (Ord. 431 §1, 1999)

17.42.060 Duration and amendment.

A. A vested property right which has been created pursuant to this chapter shall remain vested for a period of three years, unless a longer period is expressly authorized by board of trustees resolution.

B. The three-year vesting period shall not be extended by any amendments to a site specific development plan. Therefore, in the event the board of trustees approves amendments to a site specific development plan, the effective date of such amendments, for purposes of duration of any vested property right, shall be the date of the board of trustees approval of the original site specific development plan, unless the board of trustees by resolution expressly finds and determines otherwise. Vested property rights shall not attach to any administrative amendment and may attach to amendments to the site specific development plan only if approved in compliance with the procedures set forth in this chapter. (Ord. 431 §1, 1999)

17.42.070 Payment of costs.

The applicant for approval of a site specific development plan shall pay all costs incurred by the town resulting from such plan, including but not limited to costs of review, consultation and advice; costs of drafting and publication of notices, resolutions and other documents; and costs of conduct of public hearings. Reimbursement of such costs shall be provided for through a cost and funds deposit agreement with the town. (Ord. 431 §1, 1999)

17.42.080 Other provisions unaffected.

A. Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of the Firestone Municipal Code, Firestone Development Regulations, or other applicable ordinances, resolutions or regulations pertaining to the development or use of property.

B. The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the town, including but not limited to building, fire, plumbing, electrical and mechanical codes. Further, the establishment of a vested property right shall not preclude the application of ordinances or regulations as otherwise permitted by Article 68 of Title 24, C.R.S., as amended.

C. A site specific development plan for which a vested right has been created shall not be exempt from subsequent reviews and approvals to ensure compliance with the terms and conditions of the plan's approval. Failure to abide the terms and conditions of approval of a site specific development plan will result in a forfeiture of vested property rights. (Ord. 431 §1, 1999)

17.42.090 Rights by agreement.

The board of trustees may enter into agreements with landowners providing that property rights shall be vested for a period exceeding three years, where warranted in light of all relevant circumstances, including but not limited to the size and phasing of development, economic cycles and market conditions. Such agreements shall be adopted as legislative acts subject to referendum. (Ord. 431 §1, 1999)

17.42.100 Limitations.

Nothing in this chapter is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event that said Article is repealed or deemed by a court to be invalid or unconstitutional, this chapter shall be deemed to be repealed and the provisions hereof shall no longer be effective. (Ord. 431 §1, 1999)

Chapter 17.44

Zoning and Rezoning Applications

Sections:

- 17.44.010 Generally.
- 17.44.020 Applications--Applicants.
- 17.44.030 Applications--Information required.

- 17.44.040 Quasi-judicial matters--Generally.
- 17.44.050 Hearings--Notice--Procedure--Records.
- 17.44.060 Criteria for zoning or rezoning approval.
- 17.44.070 Planning commission decision.
- 17.44.080 Zoning or rezoning ordinance--Scheduling.
- 17.44.090 Public record.
- 17.44.100 Board of trustees decision.

17.44.010 Generally.

The procedure for changing the boundaries, area or classification of any zoning district of the town, as shown on the town zoning map, shall be as hereinafter provided and as prescribed by the Firestone Development Regulations. Costs and fees related to zoning applications and review shall be adopted from time to time by resolution of the board of trustees and set forth in the Firestone Development Regulations. (Ord. 324 §4(part), 1996)

17.44.020 Applications--Applicants.

Application for any amendment, supplement or change to any zoning district, as shown on the town zoning map, may be made at regularly scheduled meetings by the board of trustees, the planning commission, or the property owner or the property owner's duly authorized representative. (Ord. 324 §4(part), 1996)

17.44.030 Applications--Information required.

Applications for any such amendments, supplements or changes shall contain the following information and shall provide such additional information and materials as specified in the Firestone Development Regulations:

- A. Name and address of applicant;
- B. An accurate legal description of the property included in the application;
- C. The name and address of all persons having any legal or equitable interest in the property to be zoned or rezoned;
- D. The location of the property with reference to streets and addresses, if any;
- E. Present zoning, if any;
- F. The requested zoning or rezoning;
- G. A statement of the reasons for requesting the zoning or rezoning;
- H. The application shall be signed by the applicant or the duly authorized representative of the applicant; and
- I. The application shall be accompanied by a fee in an amount as set forth in the Firestone Development Regulations, payable to the town. (Ord. 324 §4(part), 1996)

17.44.040 Quasi-judicial matters--Generally.

All matters relating to the zoning or rezoning of property within the corporate limits shall be deemed quasi-judicial in nature except amendments, supplements or changes which are generally applicable in effect, terms or context, which shall be deemed legislative in character and not quasi-judicial. (Ord. 324 §4(part), 1996)

17.44.050 Hearings--Notice--Procedure--Records.

All public hearings shall be conducted under procedures designed to insure all interested parties due process of law and shall, in all cases, provide for the following:

A. The planning commission shall provide to the board of trustees a recommendation on the zoning application. A public hearing before the planning commission shall be held prior to submitting its recommendation or report. The board of trustees shall then complete a public hearing on the zoning application.

B. Notices of the time, place and subject matter of the hearing shall be published once in a newspaper of general circulation in the town at least fifteen days prior to the hearing date of the planning commission and at least fifteen days prior to the hearing date of the board of trustees.

C. The town clerk shall place the application on the agenda of a meeting of the planning commission and of the board of trustees, and shall give notice thereof in writing, in person or by mail to the applicant, which notice shall contain a statement of the date, time and place of the meeting of the planning commission and the board of trustees at which such application shall be considered.

D. The applicant shall, fifteen days or more before the date of the planning commission hearing, mail by certified or registered mail, return receipt requested, notice of such meeting to all owners of legal or equitable interests in the land, and owners of adjoining property within three hundred feet of the outside boundaries of the property as shown by the application, and shall file proof of such mailing, and/or return receipts received, with the commission at the time of the hearing.

E. Notice of the requested zoning application and of the holding of such hearing shall be posted on the property at least fifteen days in advance of such hearing. The specifications for such posting shall be as described in the Firestone Development Regulations.

F. The administration of oaths to all parties or witnesses who appear for the purpose of testifying upon factual matters.

G. The right to be represented by counsel.

H. The right to present and rebut testimony and evidence.

I. The right of a party in interest to cross-examine other persons giving testimony, provided that:

1. Such right is asserted at the meeting in which the person is giving testimony;
2. Such right is asserted at the first available opportunity.

J. A record of the hearings produced by the town, whether by electronic or stenographic reproduction. Any party who submits evidence or testimony shall be entitled to listen to the electronic reproduction of the proceedings at reasonable times, places and circumstances, and shall be entitled to a copy of the transcript of the proceedings, or any portion thereof, upon payment of a reasonable fee.

K. The right, insofar as possible, to have the members of the planning commission and the board of trustees free from personal interest or a pre-hearing contact on quasi-judicial matters heard by them. At the commencement of the hearing, any member of the planning commission or the board of trustees who has a substantial interest in the subject matter of the zoning or rezoning matter to be heard, or who has been unable to avoid a pre-hearing contact with the applicant or any interested party with respect to the subject matter of the zoning or rezoning matter to be heard, shall reveal such substantial interest or such pre-hearing contact. If, in the opinion of that member, such interest or contact impairs the member's ability to vote on the matter, the member shall so state and shall abstain therefrom to the end that the proceeding shall be fair and shall have the appearance of fairness.

L. The right to a written decision setting forth the findings of facts and conclusions, with the reasons or basis for the decision, on the material and relevant issues presented on the record.

M. The provisions set forth in this section shall be applied uniformly in all quasi-judicial hearings. (Ord. 324 §4(part), 1996)

17.44.060 Criteria for zoning or rezoning approval.

The burden of proof is placed upon the applicant seeking to justify his or her application. Zoning and rezoning applications shall be granted only if the following criteria, to the extent applicable, have been met:

A. Granting the request is in the public interest; the greater the departure from present land use patterns, the greater the burden of the applicant;

B. The public interest is best served by granting the application for zoning or rezoning, and further that such public interest is best served by granting the application at the time of hearing;

C. The proposed action fully accords with the applicable goals and policies of the community development plan or other applicable goals and policies of the planning commission or board of trustees;

D. The factors listed in Section 31-23-303, C.R.S., were consciously considered. These factors include: to lessen congestion in the streets; to secure safety from fire, panic, floodwaters and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. Other factors include reasonable consideration, among other things, as to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town;

E. There has been a change in the neighborhood or community or a mistake in the planning or zoning of the land, and as presently zoned, it is inconsistent with the applicable goals and policies of the community development plan or it is in the public interest to encourage redevelopment of the area. (Ord. 324 §4(part), 1996)

17.44.070 Planning commission decision.

A. Within sixty days after filing a complete application and any required materials, notice shall be provided and the planning commission shall hold a public hearing unless the applicant requests or consents to a longer period of time. Upon completion of the hearing, the planning commission shall, after commission discussion, vote on the matter. Any motion must briefly state the findings of fact and conclusions of the planning commission with reference to the relevant and material evidence and testimony supporting such findings of fact and conclusions.

B. The planning commission may vote to recommend either approval, approval with modifications or denial of the application. If the planning commission approves an application with modifications, the applicant shall make such modifications to the required text, maps, studies, etc., before the planning commission chairman shall sign any necessary approval blocks.

C. Notwithstanding subsection B of this section, and as alternatives to subsection B of this section, the planning commission may act in accordance with the following upon a vote of the majority of the members present:

1. Make a decision and vote on the date of hearing, but request the town attorney to prepare findings of fact and conclusions for approval and adoption at the next regular meeting;
2. Defer a decision and direct the town attorney to prepare findings of fact and conclusions to be submitted to the planning commission at its next regular meeting, with final deliberation, decision and adoption of the findings of fact and conclusion at that meeting; or
3. Defer a decision until a date certain as is mutually agreed upon by the applicant and the planning commission by which time the record and all evidence can be reviewed. At that time, the planning commission can either vote to recommend approval, approval with modifications or denial of the application, adopt findings of fact and conclusions or direct the town attorney to prepare findings of fact and conclusions for adoption at the next regular meeting after the meeting to which the matter has been deferred. (Ord. 324 §4(part), 1996)

17.44.080 Zoning or rezoning ordinance--Scheduling.

No later than sixty days after recommendation of the planning commission, notice shall be provided and the board of trustees shall hold a public hearing. If the recommendation of the planning commission is to approve or grant the proposed zoning or rezoning, the town clerk shall place an ordinance embodying the proposed rezoning on the agenda of a meeting of the board of trustees. (Ord. 324 §4(part), 1996)

17.44.090 Public record.

The findings of fact and conclusions and recommendations of the planning commission, responses to referrals and recommendations of planning staff shall be submitted to the town clerk immediately after the final decision of the planning commission and shall become a part of the record of the case before the board of trustees. The same shall be considered to be a public record and available in the office of the town clerk for examination by any person from the time of filing during regular business hours, including the members of the board. (Ord. 324 §4(part), 1996)

17.44.100 Board of trustees decision.

A. Upon completion of the hearing, the board of trustees shall, after board discussion, vote on the matter. Any motion must briefly state the findings of fact and conclusions of the board of trustees with reference to the relevant and material evidence and testimony supporting such findings of fact and conclusions.

B. The board shall vote to approve, approve with modifications or deny the application. If the board approves an application with modifications, the applicant shall make such modifications to the required text, maps, studies, etc., before the mayor shall sign any necessary approval blocks.

C. Notwithstanding subsection B of this section, and as alternatives to subsection B of this section, the board may act in accordance with the following upon vote of the majority of the members present:

1. Make a decision and vote on the date of hearing, but request the town attorney to prepare findings of fact and conclusions for approval and adoption at the next regular meeting;

2. Defer a decision and direct the town attorney to prepare findings of fact and conclusions to be submitted to the board of trustees at its next regular meeting, with final deliberation, decision and adoption of the findings of fact and conclusion at that meeting; or

3. Defer a decision until a date certain as is mutually agreed upon by the applicant and the board of trustees by which time the record and all evidence can be reviewed. At that time, the board of trustees can either vote to approve, approve with modifications or deny the application, adopt findings of fact and conclusions, or direct the town attorney to prepare findings of fact and conclusions for adoption at the next regular meeting after the meeting to which the matter has been deferred. (Ord. 324 §4(part), 1996)

Chapter 17.46

Board of Adjustment

Sections:

- 17.46.010 Planning and zoning commission to act.
- 17.46.020 Rules of procedure.
- 17.46.030 Powers.
- 17.46.040 Appeals.
- 17.46.050 Variances.
- 17.46.060 Voting requirements.
- 17.46.070 Judicial review.

17.46.010 Planning and zoning commission to act.

The planning and zoning commission shall act as the board of adjustment whenever such a board is required by this code, other ordinances or regulations of the town, or state or federal law. (Ord. 369 §4(part), 1997)

17.46.020 Rules of procedure.

The planning and zoning commission shall adopt such rules as may be necessary for the conduct of its business when acting as the board of adjustment. Matters coming before the board of adjustment may be considered on the same date as any regular, special or adjourned meeting of the planning and zoning commission. (Ord. 369 §4(part), 1997)

17.46.030 Powers.

When acting as the board of adjustment, the planning and zoning commission shall have the power to:

A. Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or determination made by a town administrative official and based on or made in the enforcement of this title;

B. Hear and decide to grant or deny applications for variances from the provision of this title and applications for variances on individual lots from the provisions of an approved planned unit development plan, except that the board of adjustment shall have no authority to grant use variances;

C. Hear and decide such other matters as the board of trustees may provide by ordinance. (Ord. 369 §4(part), 1997)

17.46.040 Appeals.

An appeal may be taken by any party in interest who is aggrieved by an order, requirement, decision or determination made by a town administrative official and based on or made in the enforcement of this title. An appeal must be made by filing a written notice of appeal within thirty days of the date of the order, requirement, decision or determination being appealed. The appeal shall be taken and heard in the form and manner prescribed by the rules of procedure of the board of adjustment as may be in effect from time to time. Appellants shall be advised as to the existence of such rules of procedure, and a copy thereof shall be made available to such appellants. The appeal shall be accompanied by a fee, payable to the town, in an amount as set forth in the Firestone Development Regulations. (Ord. 369 §4(part), 1997)

17.46.050 Variances.

A. The board of adjustment has the power to vary or modify the provisions of this title, and to grant or deny applications for variances on individual lots from the provisions of an approved planned unit development plan, except that the board shall have no authority to grant use variances. Further, the board may grant a variance only if it finds that all of the following conditions are present:

1. There are unique physical circumstances or conditions peculiar to the affected property, such as exceptional topography or irregularity, narrowness or shallowness of lot;
2. The unique physical circumstances or conditions do not exist throughout the neighborhood or district in which the property is located;
3. The unique physical circumstances or conditions, or any other hardship complained of, have not been created by the applicant;

4. Because of the unique physical circumstances or conditions, the property cannot be reasonably developed in conformity with the provisions of this title;

5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of adjacent conforming property;

6. The variance, if granted, is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this title or the town comprehensive plan.

B. In granting any variance, the board of adjustment has the authority to attach such reasonable conditions as it deems necessary to protect the general welfare and implement the purposes of this title.

C. All requests for variances shall be made and heard in the form and manner prescribed by the rules of procedure of the board of adjustment as may be in effect from time to time. Applicants shall be advised as to the existence of such rules of procedure, and a copy thereof shall be made available to such applicants. The request shall be accompanied by a fee, payable to the town, in an amount as set forth in the Firestone Development Regulations. (Ord. 369 §4(part), 1997)

17.46.060 Voting requirements.

The concurring vote of four members of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination made by a town administrative official, or to decide in favor of the applicant any matter upon which the board is required to pass under this title, or to effect any variance. (Ord. 369 §4(part), 1997)

17.46.070 Judicial review.

Any person aggrieved by any decision of the board of adjustment or any officer, department, board or bureau of the town may seek judicial review of the decision of the board in the manner provided by state law. (Ord. 369 §4(part), 1997)

Chapter 17.48

Mobile Home Parks and Mobile Home Subdivisions

Sections:

- 17.48.010 Purposes.
- 17.48.020 Definitions.
- 17.48.030 Where allowed.
- 17.48.040 Procedure for development.
- 17.48.050 Mobile home subdivision--Standards generally.
- 17.48.060 Mobile home subdivisions--Bulk requirements.
- 17.48.070 Mobile home subdivisions--Off-street parking requirements.
- 17.48.080 Mobile home subdivisions--Street and sidewalk design standards.
- 17.48.090 Mobile home subdivisions--Utility design requirements.
- 17.48.100 Mobile home subdivisions--Building code requirements.
- 17.48.110 Mobile home subdivisions--Homeowner's association.

- 17.48.120 Mobile home parks--Permits.
- 17.48.130 Mobile home parks--Standards.
- 17.48.140 Mobile home parks--Bulk requirements.
- 17.48.150 Mobile home parks--Space markers.
- 17.48.160 Mobile home parks--Street design standards.
- 17.48.170 Mobile home parks--Off-street parking.
- 17.48.180 Mobile home parks--Utility design requirements.
- 17.48.190 Mobile home parks--Mobile home stands.
- 17.48.200 Mobile home parks--Building requirements.
- 17.48.210 Drive names and addresses.
- 17.48.220 Solid waste disposal.
- 17.48.230 Revocation of permit.
- 17.48.240 Office and register required.
- 17.48.250 Site plan contents.
- 17.48.260 Site design requirements.
- 17.48.270 Site plan review requirements.

17.48.010 Purposes.

The purpose of this chapter is to protect the health, safety and welfare of the people of the town. Furthermore, it is the intent of this chapter to achieve the following:

- A. To make provisions for an alternative choice of housing;
- B. To encourage efficient and functional use of land for mobile home parks and subdivisions;
- C. To minimize potential impacts on surrounding land uses through the site plan process. (Ord. 191 §9(part), 1983; prior code §10-55)

17.48.020 Definitions.

The words and phrases in this chapter have the meanings ascribed to them in this section:

- A. "Building inspector" means the designated inspector of the town.
- B. "Trustees" means the board of trustees of the town.
- C. "Commission" means the planning and zoning commission of the town.
- D. "Mobile home park" means a parcel of land under single ownership or control, and licensed as a mobile home park as provided for in this chapter.
- E. "Mobile home park permit" means a written permit issued by the building official permitting the construction, alteration or operation of a mobile home park.
- F. "Mobile home space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home
- G. "Mobile home subdivision" means a subdivision designed and intended to provide individual lots for residential occupancy in a mobile home.

H. "Mobile home development" means a mobile home park or mobile home subdivision. (Ord. 191 §9(part), 1983; prior code §10-56)

17.48.030 Where allowed.

A. Mobile homes shall be located only in mobile home developments approved by the town in accordance with the procedures set forth in this chapter. The location and establishment of mobile home developments shall be subject to all applicable provisions of the zoning title, which stipulates mobile homes are to be located only in the R-5 district.

B. No mobile home shall be parked upon any alley or public ground within the town nor shall the same be parked, attached or detached, on any public right-of-way within the town; provided, however, that this section shall not be construed to prohibit the parking of uninhabited, unused mobile homes upon private property for the purposes of storage or sale upon compliance with all other applicable provisions of this code and other ordinances of the town. Further, no mobile home shall be occupied for dwelling purposes unless it is properly placed in a mobile home space or lot and connected to water, sewage and electric, and to gas and other utilities as appropriate.

C. No mobile home shall be occupied in a mobile home development unless the mobile home is situated on a designated mobile home space or lot. (Ord. 371 §2, 1997; Ord. 191 §9(part), 1983; prior code §10-57)

17.48.040 Procedure for development.

A. Before any permits can be issued for construction of a mobile home development, a site plan shall be submitted and approved by the trustees.

B. Applicants for mobile home subdivisions, in addition to meeting site plan requirements as stated in subsection A of this section shall obtain trustee approval of the subdivision plat in accordance with the provisions of the land subdivision regulations of the town.

C. Mobile home parks legally existing on the date of the adoption of the ordinance codified in this chapter shall not be affected by the provisions of this chapter unless (1) an expansion of the park is requested, or (2) an increase in the number of mobile home spaces over that approved on their mobile home park permit is requested.

D. Mobile home parks legally existing on the date of adoption of the ordinance codified in this chapter shall be subject to the annual licensing process and fees as set forth in this chapter. (Ord. 191 §9(part), 1983; prior code §10-58)

17.48.050 Mobile home subdivision--Standards generally.

The standards and requirements in the following sections shall apply to mobile home subdivisions. (Ord. 191 §9(part), 1983; prior code §10-59.1)

17.48.060 Mobile home subdivisions—Bulk requirements.

The following are the minimum requirements for mobile home subdivisions. Aesthetic, environmental or facility design may necessitate exceeding the minimum specified:

- A. Parcel size, five acres;
- B. Parcel street frontage, fifty feet;
- C. Single wide unit lot size, four thousand square feet;
- D. Single wide unit lot frontage, forty feet;
- E. Double wide unit lot size, five thousand square feet;
- F. Double wide unit lot frontage, fifty feet;
- G. Front setback from property line, fifteen feet;
- H. Rear setback, ten feet, except the rear setback may be decreased to eight feet where the lot abuts an alley or public right-of-way;
- I. Side setback, five feet;
- J. Useable open space per mobile home lot, one thousand two hundred square feet;
- K. The required lot frontage may be measured along the front setback line; provided, however, the lot width at the street line, as measured in a straight line where the lot lines intersect the street lines, is a minimum of twenty feet;
- L. Only one mobile home dwelling unit shall be allowed on each lot. (Ord. 602 §§1, 2, 2006; Ord. 191 §9(part), 1983; prior code §10-59.2)

17.48.070 Mobile home subdivisions—Off-street parking requirements.

Every mobile home lot shall include two paved off-street parking spaces located five feet to the rear of the front lot line. In order to meet this requirement, tandem parking design can be utilized. (Ord. 191 §9(part), 1983; prior code §10-59.3)

17.48.080 Mobile home-subdivisions—Street and sidewalk design standards.

All streets in the mobile home subdivision shall be dedicated to the public and built to town street construction standards and specifications. (Ord. 191 §9(part), 1983; prior code §10-59.4)

17.48.090 Mobile home subdivisions—Utility design requirements.

All public utilities shall be installed underground in accordance with the building code of the town. (Ord. 191 §9(part), 1983; prior code §10-59.5)

17.48.100 Mobile home subdivisions—Building code requirements.

A. All mobile homes in mobile home subdivisions shall be certified as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development.

B. Prior to moving any mobile home into a mobile home subdivision, the owner or other authorized person shall obtain a permit issued by the building inspector. The permit shall be valid for a period of ninety days following its issuance. No permit shall be issued to set up a mobile home subdivision. This permit shall include provisions that the mobile home owner shall be responsible for any damages to streets, sidewalks or other public areas or structures within the mobile home subdivision that may be caused in moving the mobile home onto the lot.

C. Skirting of an acceptable quality shall be attached to all mobile homes within ninety days of the date of issuance of the permit.

D. Mobile homes shall be tied down in accordance with the building code of the town.

E. Prior to occupancy the building inspector shall inspect each mobile home to determine compliance with this code. No occupancy shall be permitted or certificate of occupancy issued until the inspection and all connections to public utilities have been made.

F. A permit shall be required to move a mobile home from a mobile home lot. The building inspector shall issue these permits and the permit shall include provisions that the owner shall be responsible for any damages to streets, sidewalks or other public areas or structures within the mobile home subdivision that may be caused in moving the mobile home from a lot. The permit shall also be conditioned upon proper disconnection from public utilities.

G. Fees for any of the permits required by this section shall be established by the trustees by resolution from time-to-time. (Ord. 191 §9(part), 1983; prior code §10-59.6)

17.48.110 Mobile home subdivisions--Homeowner's association.

All mobile home subdivision developers may establish an association of property owners. The association shall satisfy standards established by the trustees by resolution to include, but not be limited to, the following:

A. Mandatory participation in an association of property owners to maintain all common areas, buffer areas and vacant lots within the subdivision to enforce restrictive covenants;

B. Binding effect on all future property owners;

C. Perpetual existence;

D. Unaffected by any change in zoning or land use;

E. Assurance of adequate maintenance;

F. Enforceable by the trustees by legal action; and,

G. That if maintenance of preservation of common areas or lots no longer comply with the provisions of the association's document, the trustees may take all necessary action to assure compliance and assess the association all costs incurred by Firestone for such purposes, including reasonable attorney's fees. (.Ord. 191 §9(part), 1983; prior code §10-59.7)

17.48.120 Mobile home parks--Permits.

A. It is unlawful for any person to construct, operate, maintain or alter a mobile home park in the town without first having secured a permit from the town to do so.

B. Application for a mobile home park permit shall be made in writing to the town clerk and shall contain the following information:

1. The name and address of the applicant;

2. The name and operator of the mobile home park;

3. A copy of the site plan to be approved by the trustees and recorded at the county clerk and recorder's office. Mobile home parks existing on the date of adoption of the ordinance codified in this chapter shall utilize plans already on file with the building inspector unless changes are required.

C. No permit may be issued for a mobile home park unless a certificate is presented that shows all property taxes, real and personal, and all special assessments have been paid to date.

D. All annual operating permits shall expire on April 30th. Application for permit renewal shall be made at least thirty days prior to the expiration date. The application for such permit, or renewal thereof, shall be accompanied by an annual fee of fifty dollars for the first twenty mobile home spaces, or part thereof, and two dollars and fifty cents for each additional mobile home space in the existing or proposed mobile home park.

E. No mobile home park permit shall be transferable or assignable.

F. If the building inspector determines that the mobile home park is in compliance with all provisions of this code and other applicable regulations, he shall issue a mobile home park permit. (Ord. 191 §9(part), 1983; prior code §10-60.1)

17.48.130 Mobile home parks--Standards.

The following standards shall apply to all mobile home parks which shall be subject to review and approval through the site plan process. (Ord. 191 §9(part), 1983; prior code §10-60.2)

17.48.140 Mobile home parks--Bulk requirements.

The following are minimum requirements for mobile home parks:

	<i>Park Site</i>	<i>Mobile Home Space</i>
A. Minimum area	5 acres	4,000 square feet
B. Minimum lot width	100 feet	40 feet -- singlewide unit
		50 feet -- doublewide unit

C. Minimum Yards.

1. The distance between any building or mobile home from a property line of the park shall be twenty feet.

2. The front setback of a mobile home, exclusive of the towing hitch, shall be fifteen feet from the back of the curb on interior streets or drives.

3. Side and rear spacing shall provide for a distance of twenty feet between units.

4. There shall be minimum setback of eighteen feet between any service facility or mobile home park permanent building and any mobile home. (Ord. 191 §9(part), 1983; prior code §10-60.3)

17.48.150 Mobile home parks--Space markers.

Each mobile home space shall be clearly marked on the ground by permanent stakes, markers or other suitable means. (Ord. 191 §9(part), 1983; prior code §10-60.4)

17.48.160 Mobile home parks--Street design standards.

All interior streets in mobile home parks shall be privately owned and maintained by the mobile home park owner and shall be built to town street construction standards. (Ord. 191 §9(part), 1983; prior code §10-60.5)

17.48.170 Mobile home parks--off-street parking.

A. Every mobile home park space shall have one paved off-street parking space adjacent to the mobile home stand. There shall be one additional designated parking space for each mobile home space within one hundred feet of the space for exclusive use of its occupants.

B. Where open space, community facilities or other amenity is provided provision shall be made for user parking off the street in accordance with the provisions of the zoning title. (Ord. 191 §9(part), 1983; prior code §10-60.6)

17.48.180 Mobile home parks--Utility design requirements.

A. All public utilities shall be installed in accordance with the town building code.

B. Mobile home parks shall have one master meter for water service. (Ord. 191 §9(part), 1983; prior code §10-60.7)

17.48.190 Mobile home parks--Mobile home stands.

Mobile home stands shall be installed in accordance with the town building code. (Ord. 191 §9(part), 1983; prior code §10-60.8)

17.48.200 Mobile home parks--Building requirements.

A. Mobile homes in mobile home parks shall be required to meet Department of Housing and Urban Development standards.

B. All mobile homes shall be skirted, but such skirting shall not attach the mobile home permanently to the ground, provide a harborage for rodents or create a fire hazard.

C. Additions to increase the floor area of mobile homes within the mobile home park shall be permitted except that such additional room, including cabanas, patios or porches, does not exceed twenty percent of the square foot area of the mobile home.

D. Prior to occupancy, the building inspector shall inspect each mobile home to determine compliance with this code. No occupancy shall be permitted or certificate of occupancy issued until the inspection and all connections to public utilities have been made. Fees for this inspection shall be established by the trustees by resolution from time to time.

E. All additions shall comply with minimum yard requirements, and a building permit shall be required in advance for any such addition. (Ord. 191 §9(part), 1983; prior code §10-60.9)

17.48.210 Drive names and addresses.

All mobile home park streets shall be named on a plan submitted by the owner for approval. Each space shall be numerically designated for address and mail purposes and signs furnished and installed by mobile park owner. (Ord. 191 §9(part), 1983; prior code §10-61)

17.48.220 Solid waste disposal.

A. The owner of any mobile home park shall be responsible for the promulgation and enforcement of rules and regulations governing solid waste storage and handling that meet city, state or federal regulations.

B. The owner shall provide containers for the storage of solid wastes awaiting collection. Containers are to be sized to completely contain all solid wastes that are generated on the premises. Such containers shall conform to all applicable town specifications or regulations, including size, sanitary conditions, physical conditions and container closure.

C. The owner shall provide adequate location or locations for such containers which shall facilitate the collection of solid wastes from the park. Such locations shall be accessible to collection vehicles and to occupants of the park. The collection vehicle should be able to remain on a public street or alley and be able to stop directly adjacent to the container location. If private drives must be used, they should provide sufficient space around parked vehicles for easy operation of the collection vehicle without backing the vehicle.

D. The collection points, including the containers located therein, shall be kept in a neat and sanitary condition by the owner or his agent. (Ord. 191 §9(part), 1983-. prior code §10-61.1)

17.48.230 Revocation of permit.

A. It shall be the responsibility of the owner to insure that all requirements of this chapter are met and maintained.

B. When it appears to the building inspector, the chief of the fire department, or the marshal that any person holding a license under this chapter has violated any of the provisions of this chapter or any health or safety regulation of the town, a written notice shall be served upon such owner in person or by certified mail specifying the violation of this chapter or any health or safety regulation and requiring him to appear before the trustees at a time specified therein not less than ten days after such service, and to show cause why such

license should not be suspended or revoked. At such time, the owner and the fire, police and building inspector of the town may produce such evidence as may be relevant to determine whether the violation contained in the charge has been committed. If the trustees find that such violation has not been committed, the trustees shall so advise the owner and the owner shall be permitted to continue operation, but if the trustees find from the evidence that such violation has been committed, the trustees shall so advise the owner and may suspend or revoke the license.

C. It is unlawful for any person whose license has been revoked or suspended to operate, continue to operate or offer to operate any mobile home park after the date of such revocation or during the term of suspension, as the case may be. (Ord. 191 §9(part), 1983; prior code §10-61.2)

17.48.240 Office and register required.

Every mobile home park shall have an office in which a copy of the park permit and certificate of occupancy shall be posted, and the park register shall be kept in such office. It shall be the duty of the owner to keep a register of park occupancy which shall be current at all times and contain the following information:

- A. Full name and address in the park of the owner of the mobile home or his tenant or agent;
- B. The make, model, serial number, year and dimension of each mobile home;
- C. The date of arrival and departure of each mobile home and destination. (Ord. 191 §9(part), 1983; prior code §10-61.3)

17.48.250 Site plan contents.

Before any permit is issued for construction of a mobile home development, a site plan and required documentation shall be submitted to and approved by the trustees. The plan shall be prepared by a registered land surveyor or registered professional engineer and shall be drawn to a scale of no less than one inch equals one hundred feet and shall include as a minimum the following:

- A. North arrow, date of plan, engineer's scale and legend;
- B. Boundaries and area of mobile home development, legal description of property, and total spaces in the area;
- C. Names of adjacent public streets, roads, and existing zoning of adjacent property;
- D. Name and address of fee owner and record owner of the proposed mobile home development; and name, address and phone number of firm or individual responsible for site plan;
- E. Topography, showing existing and proposed grades at one foot intervals;
- F. All required set back lines, shown as dashed lines;
- G. Landscaping and buffer areas;
- H. Location and dimensions of all mobile home lots or spaces and a schedule of units per acre;

- I. Lot and block numbering system of lots or numbering system for each mobile home space;
- J. Location and dimensions of existing and proposed right-of-ways, easements and proposed street names;
- K. Location and plans of any buildings to be constructed in the mobile home development;
- L. Surface drainage and storm sewer plan;
- M. Paving and drainage plans showing the directions and calculated quantities of run-off. Street and drainage construction shall be to the specifications of the town as to location and grade. Drainage improvements shall be sufficient to contain drainage flow;
- N. Plans and profiles of all roads and main storm drainage and sanitary sewer facilities;
- O. Location and dimensions of trash disposal areas or enclosures;
- P. Location and size of proposed water and sewer service connections;
- Q. Either proposed homeowner's association and restrictive covenants for a mobile home subdivision or tenant rules and regulations and plans for operation of mobile home park. (Ord. 191 §9(part), 1983; prior code §§10-61.4, 10-61.5)

17.48.260 Site design requirements.

A. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No site within the park shall have direct vehicular access to a street bordering the development. There shall be at least two connections to the public street system.

B. Access for pedestrians and cyclists to and from the mobile home development shall be by safe and convenient routes. Such ways need not be adjacent or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at the perimeters of mobile home developments, such crossings shall be safely located, marked and controlled, and where such ways are exposed to substantial vehicular traffic, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.

C. 1. Where mobile home developments adjoin public streets located along exterior boundaries, a landscaped buffer at least ten feet wide shall be provided adjacent to such streets. Such area may be used to satisfy open space requirements for individual dwellings, but shall not contain carports, recreational shelters, storage structures, or any other structures generally prohibited in yards adjacent to streets in residential districts. No direct vehicular access to individual lots shall be permitted through such yards, and no group parking facilities or active recreation areas shall be allowed therein.

2. Where mobile home developments are so located that one or more boundaries adjoin neighboring residential districts without an intervening street, alley or other permanent open space at least twenty feet in width, a buffer at least ten feet wide shall be provided.

3. Along the perimeter of mobile home developments, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site inconsistent land use characteristics of mobile home parks and residential districts. In particular, extensive off-street parking areas and service areas for loading and unloading of other than passenger vehicles, and storage and collection of trash and garbage shall be screened.

D. In mobile home parks only, adequate light shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. (Ord. 191 §9(part), 1983; prior code §10-61.6)

17.48.270 Site plan review requirements.

A. The site plan of the proposed mobile home development shall be submitted in six copies to the building official. The fee to be paid at submittal shall be determined by trustees' resolution from time to time.

B. The trustees may receive the site plan at a regular meeting after it determines that the site plan is complete. The trustees shall approve, modify and approve, or disapprove the site plan within sixty-five days after the date of receipt of the site plan.

C. The site plan as approved by the trustees shall be binding and shall not be changed during the construction of the mobile home development. Substantial changes from an approved plan shall be approved by the trustees.

D. In the case of a mobile home subdivision, the requirements of a site plan and site plan approval may be incorporated into any required plat and considered as one document. (Ord. 191 §9(part), 1983; prior code §10-61.7)

Chapter 17.50

Sexually Oriented Businesses

Sections:

17.50.010 Location.

17.50.020 Sign and Display Requirements.

17.50.010 Location.

A. Sexually oriented businesses shall be located only within the planned unit development (PUD) regional commercial (RC) and neighborhood commercial (NC) zoned areas located within the town west of Road 13 and south of Road 20, and within the limited industrial (M-1) zoned areas located within the town east of Road 15 and south of Road 20. It shall be unlawful to cause or permit the operation, establishment or maintenance of a sexually oriented business outside of these areas.

B. It shall be unlawful to cause or permit the operation, establishment or maintenance of a sexually oriented business unless a special use permit has been obtained pursuant to Chapter 17.32 of this title, and unless the use is in compliance with such approval and all applicable regulations of this code.

C. No sexually oriented business shall be established, operated or maintained within one thousand five hundred feet of any school or within one thousand feet of:

1. Any religious institution;
2. Any public building;
3. An existing dwelling;
4. Any licensed day care facility;
5. Any park;
6. The boundary of a residential zone district; or
7. Another sexually oriented business.

D. The distance between two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.

E. The distance between a sexually oriented business and any religious institution, school, public building, day care facility, existing dwelling, park or boundary of a residential zone district shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure used as part of the premises where the sexually oriented business is conducted, to the nearest property line of the premises of a religious institution, school, public building, day care facility or existing dwelling, or the nearest boundary of an affected park or residential zone district.

F. No more than one sexually oriented business shall be established, operated or maintained within the same building, structure, premises or portion thereof.

G. Any sexually oriented business lawfully operating on the effective date of this ordinance that is in violation of Subsection C of this section will be permitted to continue for a period of six months from the effective date of the ordinance codified herein.

H. Notwithstanding the provisions of Subsection G of this section, the town may grant an extension of time during which a sexually oriented business in violation of Subsection C of this section will be permitted to continue upon a showing that the owner of the business has not had a reasonable time to recover the initial financial investment in the business. No such extension of time shall be for a period greater than that reasonably necessary for the owner of the business to recover his or her initial financial investment in the business. A sexually oriented business in violation of Subsection C of this section may continue during such extended period unless the business is sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more. Such business shall not be enlarged, extended or altered except that the business may be brought into compliance with this subsection.

I. If two or more sexually oriented businesses are within one thousand feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at the particular location will be deemed to be in compliance with Subsection C of this section, and the later established businesses will be deemed to be in violation of such subsection.

J. A sexually oriented business which at the time it received its sexually oriented business license was in compliance with the location requirements of Subsection C of this section does not violate that subsection if when the sexually oriented business applies to renew its valid sexually oriented business license a school is now located within one thousand five hundred feet of the sexually oriented business; or a church, public building, day care facility, dwelling or residential zone district is now located within one thousand feet of the sexually oriented business. This provision applies only to the renewal of a valid sexually oriented business license and does not apply to an application for a sexually oriented business license that is submitted as a result of the previous sexually oriented business license expiring or being revoked. (Ord. 443 §4, 2000)

17.50.020 Sign and display requirements.

A. In addition to any applicable requirements of this code, the Firestone Development Regulations and the Uniform Baseline Design Standards, sexually oriented businesses shall comply with the sign and display requirements set forth in this section. In the event of conflict between this section and any other provisions of this code, the Firestone Development Regulations or the Uniform Baseline Design Standards, the restrictions set forth in this section shall apply and control.

B. Signs for sexually oriented businesses shall not contain photographs, silhouettes, drawings or pictorial representations of any type or manner. Such signs may contain only the name of the enterprise and a phrase denoting the type of sexually oriented business by reference to the classifications set forth in this title, such as "adult arcade", "adult bookstore", "adult theater."

C. For any adult bookstore, adult novelty shop or adult video store, there shall be presented to the licensing officer with the application required under Section 5.46.080 of this code, a scaled floor plan showing the specific locations within the commercial establishment where the stock-in-trade describing or depicting specified sexual activities or specified anatomical areas, or designed or intended for use with or in specified sexual activities, will be displayed and sold. The plan shall also describe the method of display of such stock-in-trade.

D. For any commercial establishment that is open for other business purposes to persons under the age of twenty-one, the sexually oriented business shall segregate such stock-in-trade into a separate and distinct area within the establishment that may be accessed only by persons over the age of twenty-one and where the stock-in-trade may not readily be viewed by persons outside such area regardless of age. Alternatively, such stock-in-trade need not be segregated into a separate and distinct area if any matter describing or depicting specified sexual activities or specified anatomical areas is covered by an opaque material, such as an opaque magazine, book or video sleeve, that prevents viewing of such matter by persons under the age of twenty-one. It is the specific intent of this section to require that adult books, magazines, videos and novelty items, and any other adult materials displayed in the establishment, either be displayed only in areas not accessible to persons under the age of twenty-one, or be displayed only after matter describing or depicting specified sexual activities or specified anatomical areas is first shielded from view by opaque covering. (Ord. 443 §4, 2000)