CHAPTER 16

Zoning

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ARTICLE 1

General Provisions

Sec. 16-1-10. Title.

This Chapter establishes the regulations and standards governing the use and development of land within the Town of Lyons. Included are provisions for the annexation and zoning of land, as well as the administrative procedures governing the submission of applications and administrative and public reviews. (Prior code 9-1-1; Ord. 956 §1, 2014)

Sec. 16-1-20. Short title.

This Chapter shall be known and may be cited as the Lyons Zoning Regulations. Within this Chapter, the Lyons Zoning Regulations shall simply be referred to as "this Chapter." (Prior code 9-1-2; Ord. 956 §1, 2014)

Sec. 16-1-30. Authority.

(a) This Chapter is adopted pursuant to the authority contained in the Colorado Revised Statutes and the Colorado Constitution, Chapter XX, Section 6. Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Article 20 of Title 29, et seq., and Article 23 of Title 31, et seq., C.R.S. Additional statutory authority may also exist for specific types of land use regulation.

(b) Whenever a section of the state statutes that is referred to in this Chapter is later amended or superseded, this Chapter is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section. (Prior code 9-1-3; Ord. 956 §1, 2014)

Sec. 16-1-40. Jurisdiction.

(a) This Chapter shall be effective throughout the Town's corporate boundaries. The Town's planning jurisdiction includes all land within the Town and, where applicable, the land within the Town's Comprehensive Plan boundaries. For purposes of zoning, this Chapter only applies to lands within the Town's corporate boundaries.

(b) A copy of a map showing the boundaries of the Town and the area within the Comprehensive Plan shall be available for public inspection in the Town offices. (Prior code 9-1-4; Ord. 956 §1, 2014)

Sec. 16-1-50. Purpose.

The purpose of this Chapter is to create a vital, cohesive and well-designed community in order to enhance the Town's character and further the citizens' goals as identified in the Comprehensive Plan. This Chapter is designed to:

1. Encourage the most appropriate use of land within the Town;

2. Encourage innovative and quality site design, architecture and landscaping;
(3) Encourage new developments to relate to the Town's historic development pattern;

(4) Promote compact, well-defined and sustainable neighborhoods that enhance the Town's character;

(5) Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;

(6) Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;

(7) Provide a variety of lot sizes and housing types in every neighborhood;

(8) Protect sensitive natural and historic areas and the Town's environmental quality;

(9) Integrate a high quality natural environment into the developed portions of the community;

(10) Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;

(11) Provide protection from geologic, flood and fire hazards and other dangers; and

(12) Promote the health, safety, morals and general welfare of Town residents. (Prior code 9-1-5; Ord. 956 §1, 2014)

Sec. 16-1-60. Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern. (Prior code 9-1-6; Ord. 956 §1, 2014)

Sec. 16-1-70. Applicability of Chapter.

(a) The provisions of the Lyons Zoning Regulations shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Chapter. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Chapter. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Chapter.

(b) Except as herein provided, no building, structure or land shall be used and no building, structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

(c) Whenever both the provisions of this Chapter and provisions of any other law cover the same subject matter, whichever rule is more restrictive shall govern.
(d) This Chapter establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies and other guidelines. (Prior code 9-1-7; Ord. 956 §1, 2014)

Sec. 16-1-80. Relationship to existing ordinances.

(a) All ordinances, resolutions or motions of the Board of Trustees or parts thereof in conflict with this Chapter are to the extent of such conflict hereby superseded and repealed, provided that no such repealer shall repeal the repealer clauses of such ordinance, resolution or motion or revive any ordinance, resolution or motion thereby. The adoption of this Chapter shall not adversely affect the Town's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect.

(b) In the event of a conflict or inconsistency between this Chapter and any previously adopted provision of this Code, this Chapter shall govern. (Prior code 9-1-8; Ord. 956 §1, 2014)

Sec. 16-1-90. Relationship to Comprehensive Plan.

(a) Intent. It is the intention of the Town that this Chapter implement the planning policies adopted in the Comprehensive Plan for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

(b) Requirement for Comprehensive Plan Amendment. Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals.

(c) Criteria for Evaluating Amendment Proposals. Amendments to the Comprehensive Plan resulting from development proposals under this Chapter shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan. (Prior code 9-1-9; Ord. 956 §1, 2014)

Sec. 16-1-100. Effective date.

The provisions of this Code became effective May 5, 2008, and were originally adopted by Ordinance No. 835, on March 25, 2008. Development plans approved under previous regulations that received vested property rights through a site-specific development plan pursuant to Section 24-68-101, et seq., C.R.S., shall be valid for the duration of that vested property right, provided that all terms and conditions of the site-specific development plan are followed. Existing legal uses that may become nonconforming by adoption of this Chapter shall become legal nonconforming uses subject to the provisions of Section 16-7-40 of this Chapter. (Prior code 9-1-10; Ord. 956 §1, 2014)

Sec. 16-1-110. Fees.

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, zoning amendments, variances, site-specific development plans and other administrative relief. The fee schedule will be adopted
periodically by resolution of the Board of Trustees and is available from the Town Hall. (Prior code 9-1-11; Ord. 956 §1, 2014)

Sec. 16-1-120. Severability.

If any part, section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this Chapter. The Board of Trustees hereby declares that it would have passed these Zoning Regulations, including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one (1) or more parts, sections, subsections, sentences, clauses or phrases are declared invalid. (Prior code 9-1-12; Ord. 956 §1, 2014)

Sec. 16-1-130. Computation of time.

(a) In computing a period of days, the first day is excluded and the last day is included.

(b) If the last day of any period is a Saturday, Sunday or legal holiday, the period shall be extended to include the next day which is not a Saturday, Sunday or legal holiday.

(c) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month. (Prior code 9-1-13; Ord. 956 §1, 2014)

Sec. 16-1-140. Grammatical interpretation.

(a) As used in this Chapter, words used in the singular include the plural and words used in the plural include the singular.

(b) The words must, shall and will are mandatory; may, can, should and might are permissive. (Prior code 9-1-14; Ord. 956 §1, 2014)

Sec. 16-1-150. Acronyms.

Acronyms used in this Chapter are defined as follows:

BOT means the Board of Trustees.

C.R.S. means the Colorado Revised Statutes, as they may be amended from time to time.

DIP means the Downtown Improvement Plan.

IGA means an Intergovernmental Agreement.

PCDC means the Planning and Community Development Commission.

POST means Parks, Open Space and Trails.

PUD means a Planned Unit Development. (Prior code 9-1-16; Ord. 956 §1, 2014)
Sec. 16-1-160. Definitions.

For purposes of this Chapter, the following terms shall have the meanings indicated:

_Abutting_ means bordering or touching, such as sharing a common lot line.

_Accessory building_ means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot (or on a contiguous lot in the same ownership) with the main building or use. Accessory buildings are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.

_Accessory use_ means a subordinate use, clearly incidental and related to the main structure, building or use of land, and located on the same lot (or on a contiguous lot in the same ownership) as that of the main structure, building or use.

_Adjacent_ means meeting or touching at some point, or separated from a lot or parcel by one (1) of the following: a street, alley or other right-of-way, lake, stream or open space.

_Adjacent property owner_ is an owner of record of any estate, right or interest in real property abutting and within a specified distance, which can vary.

_Adult-oriented use_ means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to specified sexual activities or specified anatomical areas as the primary attraction to the premises.

_Agritourism or agricultural tourism_ means a commercial enterprise at a farm, ranch or vineyard that provides enjoyment or education to visitors and generates supplemental income to growers. These enterprises also provide opportunities for urban populations to experience a rural or agricultural environment. Agritourism can include farm stands, farm tours, wildlife viewing or bird watching, festivals and farm-animal petting zoos, while tasting or pick-your-own crops.

_Alley_ means a minor or secondary way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

_ALter_ means the act or result of any change, addition or modification in construction, occupancy or use.

_Animal boarding._ See _Boarding, large animal_ and _Boarding, small animal._

_Antenna_ means any transmitting or receiving device or equipment mounted on a tower, building or structure that radiates, captures, receives, switches, emits or transmits electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals, including but not limited to paging, enhanced specialized mobile radio service, commercial mobile radio service, personal
communication services, microwave link antenna, cellular telephone and other related technologies.

**Antenna, panel** means any antenna with both a vertical and horizontal plane designed to receive, transmit, direct, relay, aim or switch signals associated with telecommunication services. Panel antennae are mounted to lawfully existing buildings and structures.

**Antenna, whip** means any antenna cylindrical in shape and less than eight (8) inches in circumference that emits signals in a three-hundred-sixty-degree horizontal plane for the transmission or reception of wireless communications signals.

**Apartment** means a room or suite of rooms with cooking facilities available which is occupied as a residence by a single family or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two (2) dwelling units.

**Applicant** is the owner of land, the owner's authorized representative or the optionee of the land, as well as mineral owners and lessees.

**Area of lot or lot area** means the total horizontal area within the lot lines of a lot.

**Artisan studio and gallery** means the workshop or studio of an artist, craftsperson, sculptor or photographer, which workshop is primarily used for onsite production of unique custom goods through the use of hand tools or small-scale equipment, and may be used as an accessory gallery or for sales.

**Assisted living facility** means a state-licensed establishment which provides permanent living quarters and a variety of limited personal care and supportive health care to individuals who are unable to live independently but who do not need skilled nursing care. The facility may provide supportive health care monitoring, such as assistance with medication, but is limited to services which do not require state or federal licensing.

**Associated residential dwelling unit** means a residential dwelling unit that is located in a building in which fifty percent (50%) or more of the first floor area is devoted to a use for which the primary and principal purpose is the sale of goods, products or services that are subject to local sales tax, with the exception of stairways, entrance areas necessary to serve the associated residential dwelling unit and retail facades. An associated residential dwelling unit must be intended for use on a long-term basis, shall not be made available for lease or rent for periods of less than six-month terms and shall maintain an exterior entrance separate and apart from any other use within the building.

**Automotive repair, major** means an establishment primarily engaged in the repair or maintenance of commercial and heavy truck-oriented motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, provided that it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.

**Automotive repair, minor** means an establishment primarily engaged in the repair or maintenance of passenger and light truck-oriented motor vehicles, trailers and similar mechanical
equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission work, car washing, detailing, polishing or the like, provided that it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.

*Awning* means a roof-like cover of canvas or other material extending in front of a doorway or window or over a deck, to provide protection from the sun or rain.

*Awning sign* means a wall sign which is painted, stitched, sewn or stained onto the exterior of an awning.

*Bar* means an establishment providing or dispensing fermented malt beverages and/or malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches or light snacks is secondary.

*Bed and breakfast* means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.

*Bikeway* means a path designed for use by bicyclists, which may be used by pedestrians.

*Board of Trustees* means the governing board of the Town of Lyons.

*Boarding house* means a building other than a hotel, cafe or restaurant where, for compensation, directly or indirectly, lodging and/or meals are provided for roomers or boarders exclusive of the occupant's family. The word *compensation* shall include compensation in money, services or other things of value.

*Boarding, large animal* means the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.

*Boarding, small animal* means a facility licensed to house dogs, cats or other household pets and/or where grooming, breeding, boarding, training or selling of animals is conducted.

*Building* means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:

a. Is permanently affixed to the land.

b. Has one (1) or more floors and a roof.

*Building code* means the set of standards that must be followed in the construction and remodeling of buildings and structures. The building code used by the Town is the International Building Code, adopted in Chapter 18 of this Code.

*Building frontage* means the horizontal, linear dimension of that side of a building which abuts a street, a parking area or other circulation area open to the public and has either a main window display or a public entrance to the building.
Building height means the average of the vertical height measured from the finished grade at the center of each wall to the highest roof beam. The horizontal measurement point is three (3) feet from each wall. See Figure 16-1-1 below.

Figure 16-1-1
Building Height

Diagram shows the building height of this structure as 7, determined by adding Sides A, B, C and D (8+8+6+6) and dividing by 4.

Building, principal means one (1) building housing the principal (primary or most important) uses permitted for the lot upon which it is located.

Campground means an area established, maintained, operated or used by a public or private entity for temporary occupancy of recreational vehicles, tents or other camping equipment.

Canopy sign means a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.

Character means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.

Child care center. See Day care center, child.

Church or place of worship and assembly means a building containing a hall, auditorium or other suitable rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. Church or place of worship and assembly shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including but not limited to commercial motion picture houses or stage productions.
Clinic means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Clubs and lodges means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

Commercial mineral deposits means aggregates, stone and other natural deposits that may be extracted from a property for economic benefit.

Common open space means a parcel of land, an area of water or a combination of land and water within the site designated for a planned unit development, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development.

Community facility means a publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole.

Compatibility means the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Compatibility does not mean the same as. Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

Condominium means a single dwelling unit in a multiple unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

Conservation easement means a right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space or historical importance. See also Section 38-30.5-102, C.R.S. (NOTE: For a conservation easement to create tax benefits for the donor at the federal or state level, it must meet either or both of the Internal Revenue Service or State of Colorado definitions).

Constant care facility. See Nursing facility.

Container (also known as cargo or shipping container) means a truck trailer body that can be detached from the chassis for loading into a vessel or a rail car or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid or equipped with interior devices. A standard container may be twenty (20) feet, forty (40) feet, forty-five (45) feet, forty-eight (48) feet or fifty-three (53) feet in length, eight (8) feet or eight and one-half (8.5) feet in width, and eight and one-half (8.5) feet or nine and one-half (9.5) feet in height.

Covenants means a private written agreement outlining regulations specific to a development. As private restrictions, they are not enforced by the Town. In the event of conflict between the covenants and this Chapter, this Chapter controls.
**Cul-de-sac** means a local street with only one (1) outlet and having the other end for the reversal of traffic movement.

**Day care** means a use which is the temporary care and supervision of persons not related to the caregiver. Day care facilities shall have limited hours of operation and shall not offer permanent full time care. Day care facilities are not considered schools.

**Day care center, adult** means a facility which is maintained for a part of a day for the care of persons over the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation.

**Day care center, child** means a facility which is maintained for a part of a day for the care of children under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation. The term includes, but is not limited to, facilities commonly known as day nurseries, nursery schools, preschools, play groups, day camps, summer camps and centers for developmentally disabled children, but specifically excludes any group care home as defined in this Chapter.

**Dedication** means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights, and an acceptance of the dedicated property by the appropriate public agency.

**Density** means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Density is calculated by dividing the total number of units by the total acreage. This calculation is frequently referred to as gross density.

**Department store** means a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed, exhibited and sold directly to the customer for whom the goods and services are furnished.

**Design standard** means the standard that sets forth specific improvement requirements.

**Developer** means any person, partnership, joint venture, limited liability company, association or corporation which participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

**Development** means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land or the dividing of land into two (2) or more parcels. When appropriate in context, development shall also mean the act of developing or the result of development.

a. **Development** shall also include:

1. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land;
2. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;

3. Any change in use of land or a structure;

4. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;

5. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;

6. The demolition of a structure;

7. The clearing of land as an adjunct of construction;

8. The deposit of refuse, solid or liquid waste or fill on a parcel of land;

9. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and

10. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

b. Development shall not include:

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track if the work is carried out on land within the boundaries of the right-of-way;

2. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;

3. The maintenance, renewal, improvement or alteration of any structure if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;

4. The use of any land for an agricultural activity (refer to Section 16-3-110 of this Chapter);

5. A change in the ownership or form of ownership of any parcel or structure; or

6. The creation or termination of rights of access, easements, covenants concerning development of land or other rights in land.

Development plan means the written and graphical documents that detail the provisions for any development. These provisions may include, and need not be limited to, easements, covenants
and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas and parking facilities; common open space; and other public facilities.

*Discount store* means a bulk-purchase retail establishment that is usually membership-based, wherein a variety of unrelated merchandise and services are housed, enclosed, exhibited and sold directly to the customer for whom the goods and services are furnished.

*Downtown* means the downtown neighborhood as defined in the Comprehensive Plan.

*Drive aisle* means the lane in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.

*Drive-in use* means an establishment which, by design, physical facilities, service or packaging procedures, encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

*Drive-up window* means a window at a business establishment, such as a bank or restaurant, where patrons may transact business or order goods while staying in their vehicles; for example, to cash a check at the drive-up window of a bank.

*Driveway, private* means a constructed vehicular access connecting one (1) or more properties to a private or public road or street.

*Dry-cleaning retail outlet* means a dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.

*Dwelling* means a building or a portion thereof used exclusively for residential occupancy.

*Dwelling, multiple-family* means a building occupied by three (3) or more families living independently of each other, but not including motels or hotels, and containing three (3) or more dwelling units.

*Dwelling, one-family attached* means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

*Dwelling, one-family detached* means a single-family dwelling which is not attached to any other dwelling or building by any means, including manufactured housing on a permanent foundation.

*Dwelling, one-family (single-family)* means a detached building designed exclusively for, and occupied by, one (1) family and containing one (1) dwelling unit.

*Dwelling, two-family* means a building occupied by two (2) families living independently of each other, and containing two (2) dwelling units.
Dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a one-family, two-family or multi-family dwelling or mixed-use building.

Easement means a right to use or control the property of another for a designated purpose, such as access, conservation, drainage or utility, generally established by deed or dedication on a recorded plat.

Entertainment facilities means a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

Event center, large means a facility designed and constructed for hosting festivals, receptions, parties, conferences, conventions or other gatherings, with a capacity of more than five hundred (500) people for an outdoor event center or more than seven thousand five hundred (7,500) gross square floor area for an indoor event center.

Event center, small means a facility designed and constructed for hosting festivals, receptions, parties, conferences, conventions or other gatherings, with a capacity of fewer than five hundred (500) people for an outdoor event center or less than seven thousand five hundred (7,500) gross square floor area for an indoor event center.

Family means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or

b. Any unrelated group of persons consisting of not more than three (3) persons.

Farmers' market means an occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths on site.

Financial institution includes the following types of businesses: banks, including savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, and insurance agents.

Flagpole means an annexation in which a Town-owned platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream or other natural or artificial waterway is used to reach a portion of territory that would not otherwise be directly continuous to the Town and to establish the one-sixth contiguity with the Town limits, required by Subparagraph 15-1-310(2)a. of this Code.

Floodplain means areas which have been designated by FEMA as susceptible to flooding.
Floor area, also called gross floor area, means the total square footage of the building measured along the outside walls of the building and including each floor level basement areas, but not including open balconies, garages or other enclosed automobile parking areas.

Formula business means a business which does, or is required by contractual or other arrangement or as a franchise, to maintain two (2) or more of the following features, which causes it to be substantially identical to other businesses: standardized array of services and/or merchandise, including signage, menu, trademark, logo, service mark, symbol, decor, architecture, facade, layout, uniforms or color scheme, and which are utilized by ten (10) or more other businesses nationwide regardless of ownership or location. Formula businesses may include, but are not limited to: restaurants, bars, retail establishments, hotels/motels, gas stations, automotive/motorcycle repair and servicing (major and minor), and grocery stores.

Freestanding facility means a telecommunications facility that consists of a stand-alone structure, such as a monopole or lattice tower, attached antennae and associated equipment storage shelters.

Functional open space means open space which is large enough to serve a practical purpose, such as recreation, wildlife habitat or preservation of areas of agricultural, archaeological or historical significance, and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.

Funeral chapel means a building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.

Gallery means an establishment engaged in the sale, loan or display of art books, paintings, sculpture or other works of art, excluding libraries, museums or noncommercial art galleries.

Garage means an accessory building or portion of a principal building that is intended or used primarily for the storage of motor vehicles, and which is enclosed in such a manner that the stored or parked motor vehicle is contained entirely within the building.

Gasoline station means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold.

Geologic hazard means unstable or potentially unstable slopes, undermining, faulting, landslides, rockfalls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

Grade, finished means the final elevation of the ground surface after development.

Green Building means the practice of reducing resource consumption while also reducing harmful environmental impacts throughout the life cycle of a building. Four (4) main concepts of Green Building include:
a. Creating efficient buildings that reduce the consumption of energy, water, nonrenewable building materials and other resources in their construction, renovation, operations and maintenance;

b. Creating a healthy environment for building users, including air quality, lighting, electromagnetic fields and enhanced opportunity for healthy activities;

c. Reducing off-site negative impacts, such as construction waste, stormwater runoff, wastewater and air pollution; and

d. Implementing site design that integrates the site with surrounding properties.

Green Building strives to maximize the long-term economic and social benefits of a building while participating in the protection of a stable and sustainable environment.

*Grocery store* means a retail establishment which primarily sells food, but also may sell other convenience and household goods.

*Gross floor area* means the total floor area designed for occupancy and use, including basements, mezzanines, stairways and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

*Group care home* means a facility which provides twenty-four-hour care or supervision of persons who are not related by blood, marriage or adoption to the owner, operator or manager thereof, and who do not meet the definition of *family* under this Chapter.

*Home business* means an accessory use of a dwelling unit (or of an accessory structure allowed on a residential lot) for gainful employment of the residents of the dwelling unit, which use does not change the essential residential character or appearance of the dwelling unit.

*Hospital* means an institution providing health services primarily for human inpatient medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training and central services facilities and staff offices.

*Hotel/motel, large* means a building that contains more than seventy-five (75) guest rooms intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals.

*Hotel/motel, small* means a building that contains seventy-five (75) guest rooms or less that are intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals.

*Illumination* means lighting by means of a light source.

*Impound lot or yard* means an area used exclusively for the temporary storage of automobiles, motor vehicles and recreational vehicles impounded pursuant to order of a public law enforcement agency or insurance organization licensed to conduct business in the State, and stored solely for the purposes of law enforcement investigation, insurance investigation, title clearance and transfer and/or litigation. This definition does not include the dismantling or disassembly of vehicles.
except pursuant to litigation, the sale of vehicle parts or the storage of nonimpounded vehicles or their parts.

_**Junkyard**_ means an industrial use contained within a building, structure or parcel of land, or portion thereof, used for collecting, storing or selling wastepaper, rags, scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material, and including the sale of such material or parts thereof. _**Junkyard**_ shall not include a recycling facility.

_Kennel._ See _Boarding, small animal._

_Laundry, self-service_ means a laundry business which consists primarily of serving retail customers, provided that any laundry processing which occurs on the premises is limited to items which are brought directly to the premises by the retail customer.

_Light industrial_ means nonpolluting uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, _light industrial_ means uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories, or the like. _**Light industrial**_ shall not include uses such as heavy manufacturing, mining and extracting industries, junk and salvage yards, petrochemical industries, rubber refining, primary metal or related industries.

_Limited indoor recreation facility_ means a place where recreation activities occur completely within an enclosed structure, including but not limited to bowling alleys, skating rinks, pool halls, video arcades and pinball parlors.

_Limited outdoor recreation facility_ means a place with outdoor activities, including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges and go-cart tracks.

_Livestock_ means animals customarily and commonly associated with the practice of agriculture and ranching activities, such as horses, cattle, sheep and goats; but not including dogs, cats or similar common household pets.

_Long-term care facility_ means any of the following:

a. _**Convalescent center**_ means a health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.

b. _**Intermediate health care facility**_ means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who, because of a physical or mental condition or both, require care in an institutional environment but who do not have an
illness, injury or disability for which regular medical care and twenty-four-hour-per-day nursing services are required.

c. *Nursing care facility* means a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four-hour-per-day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State. The nursing services shall be organized and maintained to provide twenty-four-hour-per-day nursing services under the direction of a registered professional nurse employed full-time.

*Lot* means a parcel of land created through a subdivision plat with a separate legal description for purpose of conveyance or use.

*Lot, corner* means a lot situated at the junction of a front street and a side street.

*Lot, double frontage* means a lot which fronts on one (1) public street and backs on another.

*Lot line, front* means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

*Lot line, rear* means the line opposite the front lot line.

*Lot line, side* means any lot lines other than front lot lines or rear lot lines.

*Lot size*. See *Area of lot or lot area*.

*Lot width* means the distance parallel to the front lot line, measured at the front building setback line.

*Lyons Comprehensive Plan* means the plan which was adopted by the Planning and Community Development Commission and Board of Trustees in accordance with Section 31-23-206, C.R.S, to guide the future growth, protection and development of the Town, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

*Machine shop* means a workshop where power-driven tools are used for making, finishing or repairing machines or machine parts.

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

a. Is partially or entirely manufactured in a factory.

b. Is permanently affixed to and installed on an engineered permanent foundation.

c. Complies with HUD or IBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.
Medical and dental offices and clinics means an establishment operated by one (1) or more duly licensed members of the human health care professions, including but not limited to physicians, dentists, chiropractors, psychiatrists, osteopaths, physical therapy, massage therapy and acupuncture, where patients are not lodged overnight but are admitted for examination and/or treatment.

Medical marijuana center means a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business as described in Section 12-43.3-402, C.R.S.

Medical marijuana-infused products manufacturer means a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business as described in Section 12-43.3-404, C.R.S.

Membership club. See Clubs and lodges.

Mini-storage facility means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

Mixed use means the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses.

Mixed-use building means a building designed, planned and constructed as a unit, the primary use of which shall be nonresidential. Primary use means that at least fifty percent (50%) of the square footage must be nonresidential.

Model home means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer or contractor). The dwelling may be furnished but not occupied as a residence while being used as a model home.

Mortuary. See Funeral chapel.

Multiple family dwelling. See Dwelling, multiple-family.

Nonconforming building means a building or structure, or portion thereof, that does not conform to the regulations of this Chapter, but that was lawfully constructed under the regulations in force at the time of construction.

Nonconforming lot means a lot which does not meet the minimum lot area, lot width or lot depth requirements, but that was lawfully created under the regulations in force at the time it was subdivided.

Nonconforming use means a use that does not conform to the use regulations of this Chapter, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.
**Nursing facility** means a facility, or a distinct part of a facility, which meets the state nursing home licensing standards, is maintained primarily for the care and treatment of inpatients under the direction of a physician, and meets the requirements in federal regulations for certification as a qualified provider of nursing facility services. **Nursing facility** includes private, nonprofit or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.

**Off-street parking area** means a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

**Open space** means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas and environmental resources, structuring urban development form and protecting areas of agricultural, archeological or historical significance. Open space shall not be considered synonymous with vacant or unused land but serves important urban functions. Functional (usable) open space shall exclude areas used for streets, parking spaces, parking access ways, private yards and buildings.

**Optional premises cultivation operation** means a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business, as described in Section 12-43.3-403, C.R.S.

**Outdoor storage** means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

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

**Parcel** means a tract or plot of land.

**Park** means an area open to the general public and reserved for recreational, educational or scenic purposes.

**Parking garage** means an off-street parking area within a building.

**Parking lot** means off-street parking area or vehicular use area.

**Pedestrian scale (human scale)** means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

**Personal and business service shops** means shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments, such as laundry or dry-cleaning retail outlets, portrait or photographic studios, beauty or barber shops, employment service or mailing and copy shops.

**Plan** means the maps and supporting documentation for a development which includes, but is not limited to, lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas and conservation areas in accordance with the requirements of this Code.
**Planned Unit Development (PUD)** means a land area under unified control designed and planned to be developed in a single phase or a series of phases according to an approved final development plan.

**Plat** means a map of certain described area prepared in accordance with the requirements of this Chapter and Section 38-51-106, C.R.S., as an instrument for recording of real estate interests with the County Clerk and Recorder.

**Principal use** means the main use of land or of a structure as distinguished from a subordinate or accessory use.

**Professional office** means an office for professionals, such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who through training are qualified to perform services of a professional nature.

**Proof of ownership** means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State.

**Property** means any real property, including any buildings or structures or improvements located thereon.

**Property interest or interest in the property** means a right, claim, title, estate or legal share in a property.

**Property line** means the legally described boundary line that indicates the limits of a parcel, tract, lot or block to delineate ownership and setback requirements.

**Public facilities** means those constructed facilities, including but not limited to municipal offices; transportation systems or facilities; water systems or facilities; wastewater systems or facilities; storm drainage systems or facilities; fire, police and emergency systems or facilities; electric, gas, telecommunication utilities or facilities; and publicly owned buildings or facilities.

**Public hearing** means a meeting called by a public body for which public notice has been given, and that is held in a place at which the general public may attend to hear issues and to express their opinions.

**Public improvement** means any improvement including but not limited to drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area or lot improvement, not limited to streets, alleys, sidewalks, trails, water and sewer lines, electric facilities, storm drainage facilities, arterial right-of-way landscaping or other facility which benefits the public.

**Public open space** means an open space area conveyed or otherwise dedicated to the Town, State, County or other public body for recreational or conservation uses.

**Public sanitary facilities** means toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the buildings containing these units.

**Public school.** See School.
**Public utility** means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or stormwater service or similar public services, but does not include wireless telecommunications facilities (q.v.).

**Reception hall** means a building or portion of a building available for lease by private parties for social and dining purposes.

**Recreational vehicle (RV)** means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

**Recycling collection point** means an accessory use that serves as a drop-off point for temporary storage of recyclable material.

**Restaurant** means an establishment whose principal business is to serve food and beverages in a ready-to-consume state for consumption either within the restaurant building; off the premises as carry-out orders; or in an outdoor seating area on the premises.

**Retail establishment, large** means a retail establishment, or any combination of retail establishments in a single building or in multiple buildings, devoted to the sale or rental of goods, including stocking, to the general public for personal or household consumption, or to services incidental to the sale or rental of such goods, occupying more than seven thousand five hundred (7,500) cumulative gross square feet as measured on all levels of all buildings on a single parcel of land.

**Retail establishment, small** means a retail establishment, or any combination of retail establishments in a single building or in multiple buildings, devoted to the sale or rental of goods, including stocking, to the general public for personal or household consumption, or to services incidental to the sale or rental of such goods, occupying seven thousand five hundred (7,500) or fewer cumulative gross square feet as measured on all levels of all buildings on a single parcel of land.

**Right-of-way** means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, or for another special use.

**Sanitary waste station** means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.

**School** means any building or part of any building used for instructional purposes to provide elementary, secondary, post-secondary or vocational education. **School** does not include day care centers, but includes the following more specific uses.

a. **Public schools** are elementary, secondary or post-secondary schools that meet all applicable prescribed state standards; and
b. **Private schools** are schools that are not public and include schools affiliated with a particular religion (commonly referred to as *parochial schools*), private boarding schools, private colleges and universities or military schools.

*Setback* means the minimum distance in linear feet measured on a horizontal plane between the outer perimeter of a building or structure and each of its lot lines. For purposes of this Chapter, a wheelchair ramp, constructed on any property pursuant to all applicable permit requirements and in accordance with all applicable building code requirements, shall not be considered or measured as part of the perimeter of a building or structure and shall not be required to meet any setback requirements. This exception shall apply only to wheelchair ramps and not to any associated deck or porch. A maximum of thirty (30) inches of roof may project into a required yard where it does not conflict with adopted building codes. Where all or any part of a public right-of-way, street, road, alley or other thoroughfare bisects, divides or is included within any lot, the setback shall also apply to the distance in linear feet measured on a horizontal plane between the outer perimeter of a building or structure and the edge of such public right-of-way, street, road, alley or other thoroughfare.

*Sidewalk* means the hard surface path within the street right-of-way for use by pedestrians.

*Sight distance triangle* means an area of land at the intersection of streets, or a street and a driveway, within which nothing may be erected, planted, placed or allowed to grow in a manner which will obstruct the vision of motorists entering or leaving the intersection.

*Site plan* means a scaled drawing for a lot, use or building, specifying how the entire site will be developed, including but not limited to building envelopes, uses, densities, open space, parking/circulation, access, drainage, building area, landscaping and signs.

*Solar garden* means a system composed of a solar energy collector which may include an energy storage facility and components for the distribution of transformed energy, and which may be used for one (1) or more users.

*Street* means any public or private thoroughfare which affords a principal means of access to abutting property, and includes such terms as public right-of-way, highway, road and avenue.

*Street furniture* means constructed objects, such as outdoor seating, kiosks, bus shelters, sculptures, tree grids, trash receptacles, fountains and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by the public.

*Structure* means anything constructed or erected that is located on the ground or attached to something located on the ground, but not including fences or walls used as fences; or poles, lines, cables or other transmission or distribution facilities of public utilities; patios, concrete slabs or decks twenty-four (24) inches in height or less; or landscape materials.

*Structure, conforming* means any building or structure which complies with all of the regulations of this Code and any amendments thereto.
**Structure, nonconforming** means a structure which, when originally constructed or erected, was conforming but which no longer conforms due to changes made to this Code after it was constructed or erected.

**Studio** means a work space for artists or artisans, including individuals practicing one (1) of the fine arts or skilled in an applied art or craft.

**Subdivider** means any person, partnership, joint venture, association, corporation, person in a representative capacity or other legal entity or legal representative who participates in any manner in the division of land for the purpose, whether immediate or future, of sale or development.

**Subdivision** means the division or re-division of a lot, tract, parcel or structure into two (2) or more parcels, building sites, tracts, lots or estates in land.

**Supermarket.** See **Grocery store**.

**Sustainable agricultural** means the application of husbandry experience and scientific knowledge of natural processes to create integrated, resource-conserving farming systems, based on respect for the people and animals involved, which systems reduce environmental degradation and promote agricultural productivity and economic viability in both the short and long term.

**Tavern.** See **Bar**.

**Telecommunications facility, structure- or building-mounted** means any telecommunications facility, antenna or equipment attached to or mounted upon any structure or building. The phrase **structure- or building-mounted facility** does not include a **freestanding facility**.

**Telecommunications support facilities** means support buildings, structures, equipment cabinets, electrical and mechanical equipment, utilities poles and lines and other forms of physical improvements used in support of towers or structure- or building-mounted facilities for the provision of telecommunication services.

**Telecommunications facility** means the plant, equipment, buildings, fencing and other real and personal property, including but not limited to cables, wires, conduits, ducts, pedestals, antennas, towers, structures, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services. The term **telecommunications facility** shall not include:

a. Amateur radio operators' equipment licensed by the FCC;

b. Any noncommercial satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned industrial or commercial;

c. Any noncommercial satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category; or

d. Any antennae expressly exempted from local regulation by federal law or federal regulation that receives television broadcast signals, direct broadcast satellite service or
multichannel multipoint distribution services, or that receives or transmits fixed wireless communication signals, as such phrases are defined by federal law or federal regulation.

*Telecommunications provider* means a person, whether public or private, providing telecommunications service.

*Telecommunications service* means the providing or offering of any transmission, reception, relay, aiming, switching or other manipulation of voice, data, image, graphic and video programming, or other form of information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.

*Telecommunications site* means the real property and physical area upon which telecommunications facilities are located or proposed to be located, as described in an application for a special use permit in accordance with this Chapter.

*Temporary use* means a use established for a fixed period of time with the intent that such use will terminate automatically upon expiration of the fixed time period unless permission to conduct the use is renewed.

*Tourist facility* means an establishment set up to primarily provide local tourist information to visitors.

*Tower* means any structure designed and constructed primarily to support one (1) or more antennae for the purpose of providing telecommunications service, including but not limited to monopole towers and lattice towers. This term also includes any antenna or antenna array lawfully attached to the tower.

*Tower height* means, when referring to a tower or other structure used for the purpose of erecting, concealing or supporting one (1) or more antennae, the distance measured from the lowest point within ten (10) feet of the tower or other structure to the highest point on the tower or other structure, including the base pad and any antenna attached to the tower.

*Tower, lattice* means any tower or structure designed and constructed primarily to support antennae and comprised of interconnected poles, pipes, bars, beams, strips, wires or cross-members. A lattice tower shall include any type or form of tower that incorporates guy or supporting wires. A lattice tower is not a monopole tower.

*Tower, monopole* means any structure designed and constructed to support antennae for the purpose of providing telecommunications services and which consists solely of a stand-alone ground-mounted support pole, pipe or other solid structure. A monopole tower shall not include any tower supported or attached to guy or support wires. A monopole tower is not a lattice tower.

*Town* means the Town of Lyons, a municipal corporation in the County of Boulder and State of Colorado, and representatives and boards of the Town.

*Townhouse* means a single-family dwelling attached by party walls to one (1) or more single-family dwellings and oriented so that all exits open to the outside.
Use means the activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

Use, conditional means a use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.

Use, special. See Use, conditional.

Vacation of easement means to abandon publicly dedicated easements. When an easement is vacated, the right to use the land for the purpose established in the easement dedication is terminated. Easements that have dedicated to the public may only be vacated by ordinance of the Board of Trustees.

Vacation of right-of-way means to abandon a right-of-way dedicated to the public. When a right-of-way is vacated, the ownership of property reverts to the abutting properties as contemplated by state law. Rights-of-way that have been dedicated to the public may only be vacated by ordinance of the Board of Trustees.

Vacation, plat is any termination, elimination and vacation of a previously approved and recorded minor plat or final plat so as to return all of the previously platted property to an unplatted and unsubdivided condition. A plat vacation is not a vacation of a public street or right-of-way.

Variance means a waiver, modification, reduction or other dispensation concerning a standard or requirement imposed by this Code for an identifiable lot, block or property.

Vested property right means the right to undertake and complete the type and intensity of development and use of property under the terms and conditions of an approved site-specific development plan for a period of three (3) years from the date of approval.

Veterinary hospital means a facility rendering surgical and medical treatment to large animals and household pets and providing overnight accommodations, outdoor runs or crematory facilities.

Veterinary facilities, small animal clinic means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

Visual impact analysis means a written and graphic assessment which determines the appropriate contextual relationship of a proposed building with respect to architectural composition and compatibility.

Warehouse and distribution means a use engaged in storage, wholesale and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.
Wetland means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Workshop and custom small industry means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects or other similar uses.

Yard means an open space not occupied by any principal building or accessory building for a depth or width specified by the regulation for the district in which the lot is located.

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

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

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

Zero lot line means a common lot line on which a wall of a structure may be constructed.

Zoning district means any designated area delineated on the official zoning district map under the terms and provisions of this Chapter or which may hereinafter be created subsequent to the enactment of this Chapter for which regulations governing the area, height, use of buildings or use of land, and other regulations relating to development or maintenance of existing uses or structures, are uniform.

Zoning map means the official zoning map adopted by the Town by ordinance. (Prior code 9-1-15; Ord. 891 §2, 2011; Ord. 894 §1, 2011; Ord. 897 §2, 2011; Ord. 910 §3, 2013; Ord. 912 §3, 2014; Ord. 956 §1, 2014)

ARTICLE 2

Zoning Regulations

Sec. 16-2-10. General provisions.

In their interpretation and application, the provisions of these Zoning Regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and to further the goals and objectives of the Lyons Comprehensive Plan. (Prior code 9-2-1; Ord. 956 §1, 2014)
Sec. 16-2-20. Uniformity of regulations.

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

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

(2) No building or other structure shall be erected or altered:
   a. To exceed the height limitations.
   b. To accommodate or house higher than maximum densities.
   c. To occupy a greater percentage of the area.
   d. To have narrower or smaller rear yards, front yards, side yards or other open spaces.

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

(4) No yard or lot existing or approved prior to the effective date of this Chapter, May 5, 2008, shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

(5) Any use not permitted in a zone, either specifically or by interpretation by the Board of Trustees per Section 16-3-20 of this Chapter, is hereby specifically prohibited from that zone. (Prior code 9-2-1; Ord. 956 §1, 2014)

Sec. 16-2-30. Conflict with other provisions of law.

Whenever the requirements of this Chapter are at a variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern. (Prior code 9-2-1; Ord. 956 §1, 2014)

Sec. 16-2-40. Conflict with private covenants or deeds.

In case of a conflict between this Chapter and any private restrictions imposed by covenant or deed, the responsibility of the Town shall be limited to the enforcement of this Chapter. When provisions within this Chapter are more restrictive than those imposed by covenant or deed, or when any such private instruments are silent on matters contained within this Chapter, the provisions of this Chapter shall rule. (Prior code 9-2-1; Ord. 956 §1, 2014)
Sec. 16-2-50. Zoning of annexed territory.

(a) Zoning of land during annexation shall be done in accordance with the procedure and notice requirements of this Chapter. The proposed zoning ordinance may not be passed before the date when the annexation ordinance is passed.

(b) Any area annexed shall be brought under the provisions of this Chapter and the map thereunder within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety-day period, or such portion thereof as is required to zone the territory, the Town shall refuse to issue any building permit for any portion or all of the newly annexed area. (Prior code 9-2-1; Ord. 956 §1, 2014)

ARTICLE 3
Zoning Districts and Boundaries
Division 1
General Provisions

Sec. 16-3-10. Zoning districts established.

In order to carry out the provisions of this Code, the Town is divided into the following zoning districts:

A-1 Agricultural District
A-2 Agricultural District
E Estate Residential District
EC Estate Country Residential District
R-1 Low Density Residential District
R-2 Medium Density Residential District
R-2A Medium-High Density Residential District
R-3 High Density Residential District
B Business District
C Commercial District
CD Commercial Downtown District
CE-1 Commercial Entertainment District
CEC Commercial East Corridor District
LI Light Industrial District
GI General Industrial District
M Municipal Facilities and Services
Sec. 16-3-20. General application of uses.

(a) Uses designated as "permitted" or "allowed" uses are allowed in a zone district as a matter of right. Uses classified as "conditional uses" or "uses by special review" are permitted only upon the Board of Trustees' approval of a conditional use permit or use by special review permit, as appropriate. Unless a use is designated as a "permitted use," "allowed use," "conditional use" or "use by special review" or is classified as a legal "nonconforming" structure or use, the use is not permitted or allowed.

(b) Land uses not otherwise identified in this Chapter may be proposed for development. The Board of Trustees shall have the authority to determine whether or not the use can be reasonably interpreted to be similar in nature and degree to a permitted or allowed use, and to therefore be categorized as a permitted or allowed use in that district. Unless the Board of Trustees makes a determination that the proposed use should be permitted or allowed, no use that is not expressly permitted or allowed by this Chapter is permitted. (Ord. 910 §1, 2013)

Sec. 16-3-110. A-1 Agricultural District.

(a) Intent. The A-1 District is a low-density district intended for the pursuit of farm activities. This District is characterized by the growing of crops and related functions.

(b) Principal Uses. Permitted principal uses in the A-1 District shall be as follows:

(1) Accessory building or use.

(2) Bed and breakfast with six (6) or fewer guest rooms.

(3) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock, provided that the value of products produced and sold on the premises is at least sixty percent (60%) of the value of all products sold.

(4) Grazing of livestock, including supplemental feeding, provided that such grazing is not a part of or conducted in conjunction with any dairy, feed yard or livestock sales yard.
(5) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

(6) Single-family detached dwelling.

c) Conditional Uses. Permitted conditional uses in the A-1 District shall be as follows:

(1) Assisted living facility.

(2) Bed and breakfast with seven (7) or more guest rooms.

(3) Church.

(4) Day care center.

(5) Group care home.

(6) Nursing facility or constant care facility.

(7) Private school.

(8) Public or private campground for the temporary parking of travel trailers, campers and similar traveling units.

(9) Recreational facility.

(10) telecommunications facility.

d) Development Standards. Development standards in the A-1 District shall be as follows:

(1) Minimum lot area: five (5) acres.

(2) Minimum lot width: three hundred (300) feet.

(3) Minimum setbacks:

   a. Front yard – thirty (30) feet.

   b. Side yard – ten (10) feet plus one (1) foot for each two (2) feet of building height.

   c. Rear yard – twenty-five (25) feet (principal building), and five (5) feet (accessory building).

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

(5) Maximum density: One (1) dwelling unit per five (5) acres. (Prior code 9-2-4; Ord. 914 §§1, 2, 2012; Ord. 956 §1, 2014)
Sec. 16-3-120. A-2 Agricultural District.

(a) Intent. The A-2 District is an ultra-low-density district intended for the pursuit of farm activities and limited animal raising and grazing activities.

(b) Principal Uses. Permitted principal uses in the A-2 District shall be as follows:

(1) Accessory building or use.

(2) Bed and breakfast.

(3) Cemetery.

(4) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock, provided that the value of products produced and sold on the premises is at least sixty percent (60%) of the value of all products sold.

(5) Grazing of livestock, including supplemental feeding, provided that:

   a. Such grazing is not part of or conducted in conjunction with any dairy, feed yard or livestock sales yard; and

   b. The number of grazing animals does not exceed four (4) per acre or portion thereof.

(6) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

(7) Parks, playgrounds and playfields.

(8) Reception meeting facilities.

(9) Single-family detached dwelling.

(c) Conditional Uses. Permitted conditional uses in the A-2 District shall be as follows:

(1) Assisted living facility.

(2) Church.

(3) Day care center.

(4) Group care home.

(5) Nursing facility or constant care facility.

(6) Private school.

(7) Public and private campgrounds for the temporary parking of travel trailers, campers and similar traveling units.
(8) Recreational facility.

(9) Telecommunications facility.

(d) Development Standards. Development standards in the A-2 District shall be as follows:

(1) Minimum lot area: Thirty-five (35) acres.

(2) Minimum lot width: three hundred (300) feet.

(3) Minimum setbacks:
   a. Front yard – thirty (30) feet.
   b. Side yard – ten (10) feet plus one (1) foot for each two (2) feet of building height.
   c. Rear yard – twenty-five (25) feet (principal building) and five (5) feet (accessory building).

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

(5) Maximum density: One (1) dwelling unit per thirty-five (35) acres. (Prior code 9-2-4; Ord. 865 §1, 2009; Ord. 956 §1, 2014)

Sec. 16-3-130. E Estate Residential District.

(a) Intent. The E District is a very low-density residential district. This District has been developed to provide for large-lot single-family development in areas more characteristically rural and in the outer portion of the planning area.

(b) Principal Uses. Permitted principal uses in the E District shall be as follows:

   (1) Accessory building or use.

   (2) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.

   (3) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

   (4) Single-family detached dwelling.

   (5) Bed and breakfast with six (6) or fewer guest rooms.

(c) Conditional Uses. Permitted conditional uses in the E District shall be as follows:

   (1) Assisted living facility.

   (2) Bed and breakfast.
(3) Church.

(4) Day care center.

(5) Group care home.

(6) Nursing facility or constant care facility.

(7) Private school.

(8) Recreational facility.

(9) Telecommunications facility.

(d) Development Standards. Development standards in the E District shall be as follows:

(1) Minimum lot area: one (1) acre.

(2) Minimum lot width: one hundred twenty (120) feet.

(3) Minimum setbacks:
   a. Front yard – thirty (30) feet.
   b. Side yard – fifteen (15) feet.
   c. Rear yard – twenty-five (25) feet (principal building) and five (5) feet (accessory building).

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

(5) Maximum density: One (1) dwelling unit per acre. (Prior code 9-2-4; Ord. 928 §1, 2013; Ord. 956 §1, 2014)

Sec. 16-3-140. EC Estate Country Residential District.

(a) Intent. The EC District is a low-density residential district for large-lot single-family development.

(b) Principal Uses. Permitted principal uses in the EC District shall be as follows:

   (1) Accessory building or use.

   (2) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

   (3) Single-family detached dwelling.

(c) Conditional Uses. Permitted conditional uses in the EC District shall be as follows:
(1) Assisted living facility.
(2) Bed and breakfast.
(3) Church.
(4) Day care center.
(5) Group care home.
(6) Nursing facility or constant care facility.
(7) Private school.
(8) Recreational facility.
(9) Telecommunications facility.

(d) Development Standards. Development standards in the EC District shall be as follows:

(1) Minimum lot area: fifteen thousand (15,000) square feet.

(2) Minimum lot width:
   a. One hundred (100) feet.
   b. Sixty (60) feet (cul-de-sac lot).

(3) Minimum setbacks:
   b. Side yard – fifteen (15) feet.
   c. Rear yard – twenty-five (25) feet (principal building) and five (5) feet (accessory building).

(4) Maximum building height: thirty-five (35) feet.

(5) Maximum density: three (3) dwelling units per acre. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-3-150. R-1 Low Density Residential District.

(a) Intent. The R-1 District is a low-density housing district intended primarily for single-family uses on individual lots.

(b) Principal Uses. Permitted principal uses in the R-1 District shall be as follows:
(1) Accessory building or use.

(2) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

(3) Single-family detached dwelling.

c) Conditional Uses. Permitted conditional uses in the R-1 District shall be as follows:

(1) Assisted living facility.

(2) Bed and breakfast.

(3) Church.

(4) Day care center.

(5) Group care home.

(6) Nursing facility or constant care facility.

(7) Private school.

(8) Recreational facility.

d) Development Standards. Development standards in the R-1 District shall be as follows:

(1) Minimum lot area: seven thousand (7,000) square feet.

(2) Minimum lot width:
   a. Fifty (50) feet (interior lot).
   b. Sixty (60) feet (corner lot).

(3) Minimum lot depth: fifty (50) feet.

(4) Minimum setbacks:
   b. Side yard – Total of both side yards shall not be less than fifteen (15) feet, with each side yard to be at least five (5) feet.
   c. Corner side yard – twenty (20) feet (street side). The opposite side shall not be less than five (5) feet.
   d. Rear yard – twenty (20) feet (principal building) and five (5) feet (accessory building).
(5) Maximum building height: thirty (30) feet.

(6) Maximum density: six (6) dwelling units per acre. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-3-160. R-2 Medium Density Residential District.

(a) Intent. The R-2 District is a medium-density residential district for single-family and two-family dwellings.

(b) Principal Uses. Permitted principal uses in the R-2 District shall be as follows:

(1) Accessory building or use.

(2) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

(3) Single-family dwelling.

(4) Two-family dwelling.

(5) Detached second dwelling unit up to one thousand two hundred (1,200) square feet in size and not to exceed the total square footage of the single-family dwelling.

(c) Conditional Uses. Permitted conditional uses in the R-2 District shall be as follows:

(1) Assisted living facility.

(2) Bed and breakfast.

(3) Church.

(4) Day care center.

(5) Detached second dwelling unit in excess of one thousand two hundred (1,200) square feet in size.

(6) Group care home.

(7) Nursing facility or constant care facility.

(8) Private school.

(9) Recreational facility.

(d) Development Standards.

(1) Minimum lot area:

a. Four thousand five hundred (4,500) square feet per dwelling unit, except:
b. Nine thousand (9,000) square feet for a single-family dwelling.

c. Nine thousand (9,000) square feet for all other uses not listed above.

(2) Minimum lot width:

   a. Fifty (50) feet (interior lot).

   b. Sixty (60) feet (corner lot).

(3) Minimum lot depth: fifty (50) feet.

(4) Minimum setbacks:

   a. Front yard – twenty (20) feet.

   b. Side yard – ten (10) feet.

   c. Corner side yard – twenty (20) feet.

   d. Rear yard – twenty (20) feet (principal building) and five (5) feet (accessory building).

(5) Maximum building height: thirty (30) feet. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-3-170. R-2A Medium-High Density Residential District.

(a) Intent. The R-2A District is a district for medium to high residential development of single-family and two-family dwellings.

(b) Principal Uses. Permitted principal uses in the R-2A District shall be as follows:

   (1) Accessory building or use.

   (2) Detached second dwelling unit up to nine hundred (900) square feet in size and not to exceed the total square footage of the single-family dwelling.

   (3) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

   (4) Single-family dwelling.

   (5) Two-family dwelling.

(c) Conditional Uses. Permitted conditional uses in the R-2A District shall be as follows:

   (1) Assisted living facility.

   (2) Bed and breakfast.
(3) Church.
(4) Day care center.
(5) Detached second dwelling unit in excess of nine hundred (900) square feet in size.
(6) Group care home.
(7) Nursing facility or constant care facility.
(8) Private school.
(9) Recreational facility.
(d) Development Standards.
(1) Minimum lot area:
   a. Three thousand five hundred (3,500) square feet per dwelling unit, except:
   b. Seven thousand (7,000) square feet per single-family dwelling.
   c. Seven thousand (7,000) square feet for all other uses not listed above.
(2) Minimum lot width:
   a. Fifty (50) feet (interior lot).
   b. Sixty (60) feet (corner lot).
(3) Minimum lot depth: fifty (50) feet.
(4) Minimum setbacks:
   a. Front yard – twenty (20) feet.
   b. Side yard – five (5) feet, provided that the combination of both side yard setbacks must total fifteen (15) feet. (No side setback is required on internal lot lines for two-family dwellings.)
   c. Corner side yard – twenty (20) feet.
   d. Rear yard – twenty (20) feet (principal building) and five (5) feet (accessory building).
(5) Maximum building height: thirty (30) feet. (Prior code 9-2-4; Ord. 956 §1, 2014)
Sec. 16-3-180. R-3 High Density Residential District.

(a) Intent. The R-3 District is a high-density residential zone intended primarily for multi-family uses on individual lots.

(b) Principal Uses. Permitted principal uses in the R-3 District shall be as follows:

(1) Accessory building or use.

(2) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

(3) Multiple-family dwelling not exceeding four (4) units.

(4) Two-family dwelling.

(c) Conditional Uses. Permitted conditional uses in the R-3 District shall be as follows:

(1) Assisted living facility.

(2) Bed and breakfast.

(3) Boarding house.

(4) Church.

(5) Day care center.

(6) Group care home.

(7) Manufactured home park.

(8) Multiple-family attached dwelling units in excess of four (4) units.

(9) Nursing facility or constant care facility.

(10) Private school.

(d) Development Standards.

(1) Minimum lot area:

   a. Two thousand seven hundred twenty-five (2,725) square feet per dwelling unit for two-family or multiple-family dwelling units.

   b. One thousand (1,000) square feet per dwelling unit for two-family or multiple-family dwelling units owned or operated by the Town or a governmental housing authority and lawfully reserved for housing accommodations for persons classified as senior, aged, elderly or eligible for ownership or occupancy on the basis of income.
c. Five thousand (5,000) square feet for single-family dwelling.

d. Seven thousand (7,000) square feet for all other uses not listed above.

(2) Minimum lot width:
   a. Fifty (50) feet (interior lot).
   b. Sixty (60) feet (corner lot).

(3) Minimum lot depth: fifty (50) feet.

(4) Minimum setbacks:
   a. Front yard – twenty (20) feet.
   b. Side yard – ten (10) feet.
   c. Rear yard – twenty (20) feet (principal building) and five (5) feet (accessory building).
   d. Corner side yard – twenty (20) feet.

(5) Maximum building height: thirty (30) feet. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-3-190. B Business District.

(a) Intent. The B District is intended to provide business uses that primarily serve the daily needs of the immediate neighborhood, as opposed to community-wide needs.

(b) Principal Uses. Permitted principal uses in the B District shall be as follows:

   (1) Accessory building or use.

   (2) Club or lodge.

   (3) Dwelling unit when it provides a place of residence in conjunction with a place of employment, provided that there are six thousand (6,000) square feet of lot area per each dwelling unit.

   (4) Medical or dental office or clinic.

   (5) Neighborhood business use, such as grocery store, drug store, gift shop, hardware store, florist shop and bank.

   (6) Professional office.

   (7) Personal service shop, such as barber shop, beauty parlor, shoe repair shop, dry-cleaning retail outlet and self-service laundry.
(8) Restaurant, bar or other eating and drinking place.

(9) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over
the age of three (3) months.

c) Conditional Uses. Permitted conditional uses in the B District shall be as follows:

(1) Telecommunications facility.

d) Prohibited Uses. Prohibited uses in the B District shall include those that are intended to
serve community-wide needs as opposed to the needs of the immediate neighborhood in which it is
located. Prohibited uses shall include, but not be limited to, the following:

(1) Department store.

(2) Discount store.

(3) Gasoline station.

e) Development Standards. Development standards in the B District shall be as follows:

(1) Minimum lot area: six thousand (6,000) square feet

(2) Minimum setbacks:
   b. Side yard – zero (0) feet.
   c. Rear yard – twenty-five (25) feet.
   d. When abutting any A, E, R-1, R-2, R-2A or R-3 District, the yard between the zone
district boundary and any building shall not be less than three (3) times the height of the
proposed building.

(3) Maximum building height: thirty (30) feet. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-3-200. C Commercial District.

(a) Intent. The C District is intended to provide commercial uses to meet community-wide
needs.

(b) Principal Uses. Permitted principal uses in the C District shall be as follows:

(1) Accessory building or use.

(2) Business use, including but not limited to the following:
   a. Club or lodge.
b. Entertainment facility.

c. Financial institution.

d. Gallery.

e. Hotel or motel.

f. Medical or dental office or clinic.

g. Medical marijuana center.

h. Minor automobile repair.

i. Mortuary or funeral chapel.

j. Museum.

k. Professional office.

l. Parking garage or lot.

m. Personal service shop, such as barber shop, beauty parlor, computer repair shop, dry-cleaning retail outlet, self-service laundry, shoe repair shop or television or small appliance repair shop.

n. Recreational facility.

o. Restaurant, bar or other eating and drinking place.

p. Retail business, such as bakery, department store, discount store, drug store, florist shop, furniture store, gift shop, grocery store, hardware store or pet store.

q. Studio.

(3) Residential use as follows:

a. Associated residential unit, or

b. Dwelling unit when it provides a place of residence in conjunction with a place of employment, provided that there are one thousand six hundred (1,600) square feet of lot area per each dwelling unit.

(4) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

(c) Conditional Uses. Permitted conditional uses in the C District shall be as follows:

(1) Car wash facility.
(2) Church.
(3) Day care center.
(4) Gasoline station.
(5) Major automobile repair.
(6) Lumber yard.
(7) Small manufacturing facility with fewer than ten (10) employees.
(8) Telecommunications facility.
(9) Use with drive-up window.
(10) Wholesale commercial facility.

(d) Development Standards. Development standards in the C District shall be as follows:

(1) Minimum lot area: six thousand (6,000) square feet.

(2) Minimum setbacks:
   b. Side yard – zero (0) feet.
   c. Rear yard – twenty-five (25) feet.
   d. When abutting any A, E, R-1, R-2, R-2A or R-3 District, the yard between the zone district boundary and any building shall not be less than three (3) times the height of the proposed building.

(3) Maximum building height: forty (40) feet. (Prior code 9-2-4; Ord. 894 §2, 2011; Ord. 956 §1, 2014)

Sec. 16-3-210. CD Commercial Downtown District.

(a) Intent. The CD District is intended to reflect the character of the original downtown and to provide for a mixture of uses that will strengthen and expand the core community with zero-lot-line development. The desired character for the Commercial Downtown District includes retail uses and restaurants on the first floor of buildings, with offices and residential uses on the upper floors.

(b) Principal Uses. Permitted principal uses in the CD District shall be as follows:

(1) Accessory building or use.
(2) Business use, including but not limited to the following:
a. Club or lodge.
b. Entertainment facility.
c. Financial institution.
d. Gallery.
e. Hotel or motel.
f. Museum.
g. Professional office.
h. Personal service shop, such as barber shop, beauty parlor, computer repair shop, dry-cleaning outlet, self-service laundry, shoe repair shop or television or small appliance repair shop.
i. Recreational facility.
j. Restaurant, bar or other eating and drinking place.
k. Retail store, such as bakery, department store, discount store, drug store, furniture store, gift shop, grocery store or pet store.
l. Studio.

(3) Residential use, but only if a business use occupies the portion of the building immediately adjacent to the street frontage.

(4) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

(c) Conditional Uses. Permitted conditional uses in the CD District shall be as follows:

(1) Church.

(2) Day care center.

(3) Medical or dental office or clinic.

(4) Municipal administrative office.

(5) Use with drive-up window.

(d) Prohibited Uses. Prohibited uses in the CD District shall include those uses that cause water pollution or create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat and glare. Prohibited uses shall include, but not be limited to, the following:
(1) Automobile sales and repair.

(2) Gasoline station.

(3) Minor or major automotive repair.

(4) Mortuary or funeral chapel.

(5) Use with drive-up window.

(e) Development Standards. Development standards in the CD District shall be as follows:

(1) Minimum lot area: three thousand (3,000) square feet.

(2) Minimum lot frontage: fifty (50) feet.

(3) Minimum setbacks:
   a. Front yard – zero (0) feet.
   b. Side yard – zero (0) feet.
   c. Rear yard – zero (0) feet, or twenty-five (25) feet if abutting a residential district.

(4) Maximum building height: forty (40) feet. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-3-220. CE-1 Commercial Entertainment District.

(a) Intent. The purpose of the CE-1 District is to provide for a wide variety of for-profit and/or not-for-profit entertainment activities and uses, including but not limited to:

(1) Passive entertainment, such as concert and state performances.

(2) Education, training and research related to the entertainment-based function of the site.

(3) Hand production and assembly of entertainment products and instruments as an activity related to the entertainment-based function of the site.

(4) The sale of food or beverages as an activity related to the approved uses of the site.

(5) On-site residence, business and office space for staff, tenants and/or owners as related to the site.

(6) Retail and mail order sales of products produced on site and other arts, crafts and gift items related to approved on-site functions.

(b) Principal Uses.
(1) Additional buildings and uses that are accessory to the principal purpose of the CE-1 District are permitted, so long as such buildings and/or uses are included within an original or amended site plan.

(2) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

(c) Conditional Uses. Permitted conditional uses in the CE-1 District shall be as follows:

(1) State, theatrical, concert and related performances, and the construction of required facilities for such, as specified in the site plan.

(2) The sale of food and beverages and the operation of restaurant services.

(3) Educational, teaching, training, research and learning facilities and functions related to the uses and purpose of the site.

(4) The hand production and sale of equipment and goods and the provision of services related to the uses and purposes of the site.

(5) Office, business and residency structures and uses, as specified in the site plan.

(6) Retail and mail-order sales of arts, crafts and gift items.

(d) Prohibited Uses. Prohibited uses in the CE-1 District shall be as follows:

(1) Any use or activity that creates a danger to safety or the public welfare in surrounding areas.

(2) Any use or activity that infringes upon a floodplain in a fashion prohibited by the floodplain regulations specified in this Code.

(3) Any use or activity that creates substantial amounts of offensive noise, vibration, smoke, dust, odors, heat or glare beyond the property lines of the site.

(4) Any disposal of solid or liquid waste upon the site, including any hazardous materials.

(5) Any use or activity not included within the scope and content of an approved site plan.

(e) Development Standards. Development standards in the CE-1 District shall be as follows:

(1) Minimum lot area: five (5) acres.

(2) Minimum setbacks:

   a. Front yard – twenty (20) feet.

   b. Side yard – twenty (20) feet.
c. Rear yard – twenty (20) feet.

(3) Maximum building height: thirty-five (35) feet.

(f) Procedures for the Establishment of CE-1 District. Applications for a CE-1 Zoning District shall be submitted and reviewed as specified in this Chapter, and the submittal materials shall include an amendable letter of understanding between the applicant and the Town specifying further details of the entertainment to be provided.

(g) Criteria for Approval of CE-1 District. The criteria for approval of a CE-1 Zoning District shall be as specified in the amendment and conditional use sections of this Chapter.

(h) Conditions for Amendment or Revocation of Site Plans Submitted as Portion of Materials Required to Establish CE-1 District. The conditions and procedures for amending or revoking approval of previously approved site plans submitted as a portion of the application materials required to establish a CE-1 Zoning District shall be as specified in the conditional use section of this Chapter.

(Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-3-230. CEC Commercial East Corridor District.

(a) Intent.

(1) The Commercial East Corridor District (CEC) is intended to help localize Lyons' economy, provide employment opportunities in Town and encourage the Town's economic sustainability. It is intended to serve as an employment area within the Town and to provide locations for a variety of workplaces, including but not limited to office and business parks, tourism-related uses, light industrial uses, research and development offices and educational facilities. Further, the CEC District is intended to complement the downtown area, be compatible with Lyons' small-town character and quality of life, and protect the St. Vrain River and its associated riparian areas and floodplain.

(2) Because the CEC District is intended to be along Lyons' eastern gateway and the St. Vrain River, it shall promote excellence in environmentally sensitive design and construction of buildings, outdoor spaces and streetscapes. The corridor's commercial viability relies on careful planning for automobiles, but it should be designed and improved to accommodate pedestrians, bicycles and transit as well. Because of the highway traffic, special design features may be necessary for the buildings to be accessible and visible to passing motorists, while also accommodating practical multi-modal transit.

(b) Permitted Uses. Permitted principal uses in the CEC District shall be as follows:

(1) Accessory building or use.

(2) Accessory dwelling.

(3) Agri-tourism business and sustainable agricultural use.

(4) Artisan studio and/or gallery.
(5) Bed and breakfast.
(6) Day care center (all ages).
(7) Event center, small.
(8) Farmer's market.
(9) Financial institution.
(10) Greenhouse and plant nursery.
(11) Group home for people with disabilities.
(12) Hospital.
(13) Hotel or motel, small.
(14) Light industrial uses not required to hold operating permits for air emissions with the Colorado Department of Public Health and Environment.
(15) Long-term care facility.
(16) Medical and dental office and clinic.
(17) Medical marijuana center.
(18) Medical marijuana-infused product manufacturer.
(19) Medical marijuana optional premises cultivation operation.
(20) Mixed-use building (a building with less than fifty percent (50%) of the total gross floor area of the building consisting of residential uses, all of which residential uses are located on upper floors, where combined with a permitted nonresidential use on the ground level).
(21) Museum.
(22) Personal and business service shop.
(23) Professional office.
(24) Public and private school, including college, vocational training and technical training.
(25) Public facilities, including municipal offices, parks and trails.
(26) Recreational facility, limited indoor and limited outdoor.
(27) Research, experimental or testing laboratory.
(28) Restaurant and/or bar without drive-up food or beverage service, small (four thousand [4,000] square feet or less).

(29) Retail establishment (including grocery store), small.

(30) Solar garden, as an accessory use.

(31) Stone cutting, finishing and sales establishment.

(32) Veterinary hospital and veterinary facility.

(33) Workshop and custom small industry.

(c) Uses by Special Review. Uses allowed only upon approval by special review in the CEC District shall be as follows:

(1) Automobile, boat and motorcycle rental and sales.

(2) Automotive and motorcycle repair (major and minor).

(3) Campground.

(4) Dog day care facility.

(5) Event center, large.

(6) Gasoline station.

(7) Hotel/motel, large.

(8) Kennel.

(9) Mini storage facility.

(10) Mixed-use building (a building with at least fifty percent (50%) of the total gross floor area of the building consisting of residential uses, all of which residential uses are located on upper floors, where combined with a special review use on the ground level).

(11) Light industrial uses required to hold operating permits for air emissions with the Colorado Department of Public Health and Environment.

(12) Restaurant and/or bar with a drive-up window for food or beverage service, or that otherwise serves food or beverages to customers in parked motor vehicles, or a restaurant and/or bar with more than four thousand (4,000) square feet.

(13) Retail establishment, large.

(14) Solar garden, as a principal use.
(15) Telecommunication facility.

(d) Dimensional Standards. Dimensional standards in the CEC District shall be as follows:

(1) Minimum setbacks:
   b. Side yard – five (5) feet; twenty-five (25) feet if yard abuts a residential or agricultural zoning district.
   c. Rear yard – twenty-five (25) feet.
   d. When abutting any A, E, R-1, R-2, R-2A or R-3 District, the yard between the zone district boundary and any building shall not be less than three (3) times the height of the proposed building.

(2) Maximum building height – forty (40) feet. (Ord. 910 §2, 2013; Ord. 911 §2, 2013)

Sec. 16-3-240. LI Light Industrial District.

(a) Intent. The LI District is intended to provide locations for a variety of workplaces, including light industrial uses, research and development offices and institutions.

(b) Permitted Uses. Permitted principal uses in the LI District shall be as follows:

   (1) Medical marijuana center.
   (2) Medical marijuana-infused products manufacturer.
   (3) Optional premises cultivation operation.

(c) Conditional Uses. Permitted conditional uses in the LI District shall be as follows:

   (1) Special nonpolluting developments, such as research facilities, testing laboratories and facilities for the manufacturing, fabrication, processing or assembly of products, provided that such facilities are completely enclosed and located in planned industrial parks.

   (2) Telecommunications facility.

This District may only be used in conjunction with the PUD Overlay District.

(d) Development Standards. Development standards in the LI District shall be as follows:

   (1) Minimum lot area: one (1) acre.
   (2) Minimum setbacks:
b. Side yard – zero (0) feet.

c. Rear yard – twenty-five (25) feet.

d. When abutting any A, E, R-1, R-2, R-2A or R-3 District, the yard between the zone district boundary and any building shall not be less than three (3) times the height of the proposed building.

(3) Maximum building height: forty (40) feet. (Prior code 9-2-4; Ord. 894 §3, 2011; Ord. 956 §1, 2014)

Sec. 16-3-250. GI General Industrial District.

(a) Intent. The GI District is intended to provide a location for a variety of employment opportunities, such as manufacturing, warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations.

(b) Principal Uses. Permitted principal uses in the GI District shall be as follows:

(1) Any use permitted in the C and CEC Districts.

(2) Any manufacturing operation or industrial use (including outdoor storage) which does not create any danger to safety in surrounding areas, does not cause water pollution and does not create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat and glare.

(3) Medical marijuana center.

(4) Medical marijuana-infused products manufacturer.

(5) Optional premises cultivation operation.

(c) Conditional Uses. Permitted conditional uses in the GI District shall be as follows:

(1) Adult-oriented use.

(2) Extractive or mining industry.

(3) Impound lot.

(4) Junk and salvage yard.

(5) Mini-storage facility.

(6) Stone cutting and finishing.

(7) Telecommunications facility.

(d) Development Standards. Development standards in the GI District shall be as follows:
(1) Minimum lot area: seven thousand (7,000) square feet.

(2) Minimum setbacks:
   b. Side yard – zero (0) feet.
   c. Rear yard – twenty-five (25) feet.
   d. When abutting any A, E, R-1, R-2, R-2A or R-3 District, the yard between the zone
district boundary and any building shall not be less than three (3) times the height of the
proposed building.

(3) Maximum building height: forty (40) feet. (Prior code 9-2-4; Ord. 894 §4, 2011; Ord. 956
§1, 2014)

Sec. 16-3-260. M Municipal Facilities and Services District.

(a) Intent. The intent of the M District is to provide land areas for the planning, construction,
development, expansion and redevelopment of municipally owned and municipally related public
uses, facilities, services and buildings, including:

   (1) Those uses, facilities and buildings presently providing such municipal services.

   (2) Those uses, facilities and buildings as are needed in the future to accommodate new or
expanded or redeveloped municipal services.

   (3) Provision for the construction and use of on-site residential uses and buildings, as needed,
solely to provide for caretaker, resident manager or operator and security facilities and services.

(b) Principal Uses. Principal permitted uses in the M District shall be as follows:

   (1) Accessory building or use.

   (2) Cemetery.

   (3) Electric power facility.

   (4) Emergency alert system.

   (5) Fire suppression facility.

   (6) Municipal administrative office.

   (7) Municipal service facility.

   (8) Public sanitary facility.
(9) Recreational facility.
(10) Recycling collection facility.
(11) Water or wastewater facility.

(c) Prohibited Uses. Prohibited uses in the M District shall be as follows:

(1) Any use or activity that creates a danger to safety or the public welfare in surrounding areas.

(2) Any residential use, except as provided for above for the purposes of providing caretaker, resident manager or operator or security functions.

(d) Conditional Uses. Permitted conditional uses in the M District shall be as follows:

(1) Telecommunications facility.

(e) Development Standards. Development standards in the M District shall be as follows:

(1) Minimum setbacks:
   a. Front yard – twenty (20) feet.
   b. Side yard – ten (10) feet.
   c. Rear yard – ten (10) feet.
   d. When abutting any A, E, R-1, R-2, R-2A or R-3 District, the yard between the zone district boundary and any building shall not be less than three (3) times the height of the proposed building.

(2) Maximum building height: thirty-five (35) feet. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-3-270. POS Parks and Open Space District.

(a) Intent. The POS District is intended for open space preservation of environmental resources and protection of ridgelines, parks, recreation and public access to parks and open space. Land within the POS District is Town-owned land. It is intended that municipal use changes occur within a public review process.

(b) Permitted Uses. Permitted principal uses in the POS District shall be as follows:

(1) Passive recreational use with minor improvements.

(2) Temporary entertainment and/or special event, as approved by the Board of Trustees (e.g., Good Old Days, Artwalk and Art).
(3) Use allowed in parks master plans in accordance with the Parks, Open Space and Trails (POST) Plan.

(c) Conditional Uses. Permitted conditional uses in the POS District shall be as follows:

(1) Accessory building or use.

(2) Agricultural use (e.g., grazing of livestock and growing of crops).

(3) Athletic field or athletic amenity.

(4) Amphitheatre.

(5) Aquarium.

(6) Botanical garden.

(7) Campground.

(8) Cemetery.

(9) Community garden.

(10) Golf course.

(11) Museum.

(12) Parking lot.

(13) Permanent structure (e.g., restrooms or concession stand).

(14) Playground.

(15) Recreational use with structure.

(16) Residence, caretaker.

(17) Swimming pool.

(18) Telecommunications facility.

(19) Trailhead.

(20) Zoo.

(d) Development Standards. Development standards for buildings in the POS District shall be as follows:

(1) Minimum setbacks:
a. Front yard – twenty (20) feet.

b. Side yard – ten (10) feet.

c. Rear yard – ten (10) feet.

d. When abutting any A, E, R-1, R-2, R-2A or R-3 District, the yard between the zone district boundary and any building shall not be less than three (3) times the height of the proposed building.

(2) Maximum building height: thirty-five (35) feet. (Prior code 9-2-4; Ord. 956 §1, 2014)

Division 3
Planned Unit Development (PUD) District

Sec. 16-3-310. Intent.

(a) The PUD District is intended to encourage innovative land planning and site design concepts that promote the most beneficial and creative development of land within the Town and that achieve a high level of environmental sensitivity, energy efficiency, aesthetics, high-quality development and other community goals by:

(1) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards that were designed primarily for individual lots.

(2) Allowing greater freedom in selecting the means to provide access, light, open space and design amenities.

(3) Allowing greater freedom in providing a mix of land uses in the same development, including a mix of housing types, lot sizes, densities and/or supporting commercial uses in residential PUD Districts.

(4) Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses.

(5) Encouraging quality design and environmentally sensitive development by allowing increases in densities when such increases can be justified by superior design or the provision of additional amenities such as public open space.

(b) In return for flexibility in site design and development, PUD Districts are expected to include innovative design that preserves critical environmental resources, provide above-average open space and recreational amenities, incorporate creative design in the layout of buildings, open space and circulation, assure compatibility with surrounding land uses and neighborhood character, and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure. (Prior code 9-2-4; Ord. 956 §1, 2014)
Sec. 16-3-320. PUD Districts.

The PUD Districts set forth in this Division are authorized. Please refer to Section 16-2-10 of this Chapter for general provisions addressing the establishment of these PUD Districts (i.e., PUD Districts that may be established through annexation or rezoning versus PUD Districts that may be applied as an overlay district over the standard base zoning districts). (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-3-330. PUD-R Residential Planned Unit Development District.

(a) Specific Purpose. The purpose of the PUD-R District is to establish areas for high quality residential development where development and use standards are flexible in order to achieve superior innovation in land use, neighborhood compatibility, high-quality architectural design and environmental design. PUD-R Districts are also intended to provide opportunities for creative integration of resident-serving commercial uses within residential neighborhoods.

(b) Allowed Uses. In PUD-R Districts established through initial zoning or through rezoning, the following uses shall be allowed as appropriate and approved in the PUD Plan:

(1) Principal permitted, conditional or accessory uses allowed in the R-1, R-2, R-2A, and R-3 Districts.

(2) Commercial uses, including retail and service uses, provided that such uses satisfy the following criteria:
   a. The commercial uses are secondary to the principal permitted residential uses;
   b. The commercial uses are designated to be consistent with the needs of the residents of the PUD District; and
   c. The PUD Plan integrates and connects the commercial uses with adjacent residential development through local street connections, sidewalks, trails and similar features.

(3) Other residential and supporting uses expressly approved as part of the PUD Plan.

(c) Density. For PUD-R Districts established through initial zoning or rezoning, residential density shall be established by the allowed density in a comparable residential zoning district unless varied through the PUD review process. The decision-making body may increase density for any of the amenities described in Section 16-4-200 of this Chapter. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-3-340. PUD-C Commercial Planned Unit Development District.

(a) Specific Purpose. The purpose of the PUD-C District is to establish areas for planned commercial centers and grouping of consumer-oriented commercial uses that incorporate high-quality architectural design and to allow development of tracts of land large enough to accommodate well-planned and rational connections between structures, people and automobiles through the use of planned parking access, pedestrian walkways, courtyards, malls and landscaped open space.
(b) Allowed Uses. In PUD-C Districts established through initial zoning or through rezoning, the following uses are allowed as appropriate and approved in the PUD Plan:

(1) Principal permitted, conditional or accessory uses allowed in the C District unless such specific uses are explicitly omitted in the PUD Plan;

(2) Multiple-family dwellings as part of a mixed-use development where the residential use is located in the same building as a principal nonresidential use; and

(3) Other uses expressly approved as part of the PUD Plan.

(c) Density. For PUD-C Districts established through initial zoning or rezoning, density shall be established by the allowed density in the C District (please refer to Section 16-3-200 above) unless varied through the PUD review process. The decision-making body may increase density for any of the amenities described in Section 16-4-200 of this Chapter. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-3-350. PUD-I Industrial Planned Unit Development.

(a) Specific Purpose. The purpose of the PUD-I District is to establish areas for planned office and industrial parks that incorporate well-planned access and parking areas, adequate fire and safety controls, landscaped open space areas and high-quality architectural design.

(b) Allowed Uses. In PUD-I Districts established through initial zoning or through rezoning, the following uses are allowed as appropriate and approved in the PUD Plan:

(1) Principal permitted, conditional and accessory uses allowed in the LI and GI Districts unless such specific uses are explicitly omitted in the PUD Plan.

(2) Dwellings as part of a mixed-use project where the residential use is located in the same building as a principal nonresidential use and is twenty-five percent (25%) or less of the total project floor area.

(3) Other uses expressly approved as part of the PUD Plan.

(c) Density. For PUD-I Districts established through initial zoning or rezoning, density shall be established by the allowed density in the industrial zoning districts unless varied through the PUD review process. The decision-making body may increase density for any of the amenities described in Section 16-4-200 of this Chapter. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-3-360. PUD-MU Mixed Use Planned Unit Development.

(a) Specific Purpose. The purpose of the PUD-MU District is to establish areas facilitating the integration of residential, commercial and light industrial development, incorporating high-quality architectural design, on parcels of sufficient size to support a self-sustaining project.

(b) Allowed uses. In PUD-MU Districts established through initial zoning or through rezoning, the following uses are allowed as appropriate and approved in the PUD Plan:
(1) Principal permitted, conditional or accessory uses allowed in the C District unless such specific uses are explicitly omitted in the PUD Plan;

(2) Detached residential uses allowed without attached commercial.

(3) Single or multiple-family dwelling units may be constructed in the same building as a permitted nonresidential use, provided that separate access to the dwelling units is provided.

(4) Other uses expressly approved as part of the PUD Plan.

c) Density.

(1) For PUD-MU Districts established through initial zoning or rezoning, density shall be established by the allowed density in a comparable zoning district unless varied through the PUD review process. The decision-making body may increase density for any of the amenities described in Section 16-4-200 of this Chapter.

(2) The decision-making body shall establish maximum allowable floor-to-area ratio for nonresidential and residential uses, as appropriate, in the PUD-MU Districts, using the floor-to-area ratio of existing comparable development and comparable base zoning districts as guides. (Prior code 9-2-4; Ord. 956 §1, 2014)

ARTICLE 4
Overlay Districts

Division 1
PUD Overlay Districts

Sec. 16-4-10. Allowed uses generally.

In a PUD District established as an overlay to an existing residential, commercial or industrial zoning district, principal permitted, conditional and accessory uses of the underlying zoning district shall be allowed as appropriate and approved in the PUD Plan. Because there is no underlying mixed-use zone district, a PUD-MU District can only be used as an overlay when initial zoning is being established through annexation, provided that an underlying zone district is simultaneously established as required by Section 16-2-10 of this Chapter. In the case of any conflict between the use or development standards applicable in the underlying zoning district and the restrictions, controls and incentives stated in an approved PUD Plan, the PUD Plan shall apply and control in the overlay area. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-20. Density.

For PUD Overlay Districts, the allowable number of residential dwelling units per acre shall be established by the underlying zoning district designation. The decision-making body may increase density for any of the amenities described in Section 16-4-200 of this Article. (Prior code 9-2-4; Ord. 956 §1, 2014)
Sec. 16-4-30. Manufactured home parks.

A manufactured home park is a high-density residential development on a parcel of land under single ownership or control on which two (2) or more manufactured homes are occupied as residences. A manufactured home park is allowed only in conjunction with a PUD Overlay District and is subject to the following provisions:

(1) An amendment to the zoning district map to create a PUD-MH Overlay District shall follow the PUD and amendment procedures set forth in this Chapter.

(2) If a manufactured home park includes dedication of public streets and utility easements, a subdivision plat is required in accordance with the subdivision regulations set forth in this Code.

(3) All manufactured homes within the park must be set on a permanent, engineered foundation and shall be certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq., as amended, or shall be certified by the Colorado Division of Housing pursuant to Section 24-32-701, et seq., C.R.S.

(4) A manufactured home park shall be designed in accordance with the following design standards:

   a. The interior streets shall be privately owned and maintained by the park owner.

   b. Every manufactured home space shall have two (2) off-street parking spaces adjacent to the manufactured home.

   c. The park plan shall include a system of pedestrian circulation within the development and connect with existing sidewalks adjacent to the property.

   d. The minimum manufactured home space area shall be four thousand (4,000) square feet, with a minimum lot length of eighty (80) feet and a minimum lot width of fifty (50) feet.

   e. The maximum gross density shall be ten (10) units per acre.

   f. The minimum distance between any building or manufactured home from a property line of the manufactured home park shall be twenty (20) feet. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-40. Preapplication conference.

The applicant shall attend a preapplication conference with a representative from the Town. The purpose of the meeting is to discuss the conditional use submittal requirements and review process. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-50. Application submittal.

The applicant shall submit ten (10) copies of the complete conditional use application package to the Town Clerk and shall request that the application be reviewed by the PCDC and BOT. A written
consent by the owners of all property to be included in the PUD District must accompany the application. The application shall include:

(1) Completed application form, application fee and fee agreement.

(2) Current proof of ownership in the form of title insurance issued within thirty (30) days of submission of the application.

(3) Written statement and any graphics necessary to describe how the proposed development departs from the otherwise applicable standards of the current or underlying zoning district and how the proposed PUD Plan, on balance, is an improvement over what would be required under otherwise applicable development regulations. The written statement shall address the following points:

a. Need for the proposed PUD Plan;

b. Present and future impacts on the existing adjacent properties, uses and physical character of the surrounding area;

c. Impact of the proposed PUD Plan on area accesses and traffic patterns;

d. Availability of utilities for conditional use;

e. Potential impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools and transit;

f. Fiscal impact analysis;

g. Environmental impact analysis;

h. The relationship between the proposal and the Comprehensive Plan.

i. Public benefits arising from the proposal;

j. Proposed project name;

k. Legal description of all land included in the PUD District;

l. Total acreage of the project;

m. An explanation of how all functional open space will be preserved and maintained;

n. Architectural intent of the project; and

o. Intended use of each building and breakdown of square footage of residential and nonresidential uses.

p. Description of how the PUD development will relate and connect to surrounding properties and uses.
(4) A general location map of the project relative to the surrounding area prepared at a scale appropriate to show its relationship to adjacent streets and properties.

(5) A map showing existing zoning districts on the site.

(6) A complete site plan showing the major details of the PUD Plan prepared at a scale of not less than one (1) inch equals one hundred (100) feet. The site plan shall include:

a. Topography at five-foot contour intervals;

b. Proposed land uses;

c. The location and size of all existing and proposed buildings, structures and improvements;

d. The density and type of dwellings;

e. The maximum height of all buildings;

f. The internal traffic and circulation systems, off-street parking areas, service areas, loading areas and major points of access to public rights-of-way, including pedestrian circulation and external connections;

g. Areas within the 100-year floodplain;

h. A general screening and landscape plan to be followed;

i. Designation of land to be retained as functional open space; and

j. The location, height and size of proposed signs, lighting and advertising devices.

(7) A development schedule indicating the approximate date when construction or site development to the PUD Plan or stages of the PUD Plan can be expected to begin and be completed.

(8) Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.

(9) Surrounding and interested property ownership report. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

(10) Surrounding and interested property ownership notification envelopes. One (1) set of stamped and addressed envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies.
(11) A signed certification from the applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with Section 24-65.5-103, C.R.S., or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application.

(12) Such additional information as may be required by the Town.

(13) Any additional information or exhibits the applicant deems pertinent in evaluating the proposed PUD Plan. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-60. PUD Plan application certification of completion.

Within ten (10) working days, Town Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the amended application to the Town Clerk. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-70. Review and approval procedures for district establishment.

The permitted PUD Districts may be established through one (1) of the following procedures:

(1) Initial zoning when petitioning for annexation;

(2) A rezoning to a PUD District; or

(3) Except for a PUD-MU, approval of a permitted PUD District as an overlay to an existing residential, commercial or industrial zoning district, as follows:

   a. PUD-R may be established as an overlay in the R-1, R-2, R-2A, and R-3 zoning districts;

   b. PUD-C may be established as an overlay in the C zoning district; and

   c. PUD-I may be established as an overlay in the LI and GI zoning districts.

(4) A PUD-MU District may be established as an overlay only when initial zoning is being established through annexation. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-80. PUD Plan required; consolidation with subdivision approval.

(a) PUD Plans Required. Approval of Preliminary and Final PUD Plans is required prior to any development in a PUD District. A Preliminary PUD Plan shall be submitted concurrently with all requests for approval of a PUD District. Preliminary PUD Plans are reviewed and approved by the Planning and Community Development Commission. Final PUD Plans are reviewed and approved by Planning and Community Development Commission and the Board of Trustees.
(b) Consolidation With Subdivision Approval. Where applicable, the applicant shall consolidate an application for Preliminary PUD Plan approval with an application for preliminary subdivision plan approval. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-90. General review criteria.

All requests for the establishment of a permitted PUD District shall evidence compliance with the following general criteria:

(1) The PUD Plan is generally consistent with the Lyons Comprehensive Plan. The decision-making body shall weigh competing Comprehensive Plan goals, policies and strategies and may approve a PUD Plan that provides a public benefit even if it is contrary to some of the goals, policies or strategies in the Comprehensive Plan.

(2) The PUD Plan complies with all applicable district-specific standards and PUD development/design standards.

(3) The PUD Plan shall comply with all standards, requirements and specifications for provision of the following services: water; sewer; electricity; gas; public transit; trash collection and recycling; storm drainage; floodplain; telecommunications; streets/pedestrian system; fire protection; and cable television.

(4) The PUD Plan shall be integrated and connected, whenever possible, with adjacent development through street connections, sidewalks, trails and similar features.

(5) The PUD Plan shall be sensitive to existing adjacent development and shall not limit the ability to integrate surrounding land into the Town or cause variances or exceptions to be necessary if the adjacent land is annexed or developed.

(6) The PUD Plan shall avoid or substantially mitigate impacts from development in known areas of natural or geologic hazard, including unstable slopes, flood, high groundwater or soil conditions unfavorable to development.

(7) The PUD Plan minimizes environmental impacts, mitigates impacts to wildlife and wildlife habitat and promotes green building standards.

(8) The PUD Plan avoids placing unreasonable financial burdens on the Town.

(9) The PUD Plan shall be consistent with and implement the intent of the specific PUD District.

(10) Any applicable standards, requirements and specifications may be modified if the decision-making body finds that the proposed PUD Plan incorporates creative site design such that it represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards, including but not limited to improvements in open space provision and access; environmental protection; tree and vegetation preservation; efficient provision of streets, roads and other utilities and services; or increased choice of living and housing environments.
(11) Except where modifications are allowed under Section 16-4-50 above, the PUD Plan complies with all applicable standards stated in this Chapter.

(12) The proposed phasing, if any, for development of the PUD Plan is rational in terms of available infrastructure capacity and adequate public facility standards.

(13) Height and setback standards shall be established using the following criteria:

   a. The proposed structure would have minimal effect upon adjacent properties with respect to compatibility of use and design, solar access, visual access and rights of privacy, light and air;

   b. The height and/or setback standards would not interfere with delivery of public services to the site at existing levels of service or at adequate levels required by Town policies and regulations;

   c. The project complies with all fire and building code regulations and standards;

   d. The architecture and character of the proposed structure is compatible with existing development on surrounding or adjacent parcels; and

   e. In the PUD Overlay District, the development complies with all other applicable zoning and development regulations, including parking, screening, bulk and landscaping. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-100. PUD-MU District supplemental review criteria.

In addition to the general review criteria stated above, all PUD-MU Districts shall comply with the following criteria:

(1) The applicant shall establish that the addition of residential units to the planned commercial or industrial development benefits both the owners of commercial units and residents of the PUD District.

(2) The design and operations of the nonresidential land uses in the PUD District will not result in adverse impacts on the residential uses in the PUD District.

(3) When a PUD-MU designation is requested for a parcel of an initial annexation, there shall be a declaration of an underlying zoning which would be used should the PUD application expire under the conditions of Section 16-4-150 below. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-110. PUD District procedures with annexation.

PUD districts established as the initial zoning at the time of annexation shall be reviewed and approved under the procedures applicable to annexations as specified in Chapter 15 of this Code. The request for initial PUD District zoning shall be reviewed and approved in compliance with all applicable review criteria for rezonings and in compliance with the applicable PUD review criteria. (Prior code 9-2-4; Ord. 956 §1, 2014)
Sec. 16-4-120. PUD District procedures through rezoning.

PUD Districts established through an application for rezoning shall be reviewed and approved under the procedures and review criteria applicable to rezoning applications as specified in Article 15 of this Chapter and in compliance with the applicable PUD review criteria. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-130. PUD District establishment as overlay.

Establishment of a PUD District as an overlay requires approval of a Preliminary PUD Plan and a Final PUD Plan. Preliminary PUD Plans are reviewed and approved by the Planning and Community Development Commission. Final PUD Plans are reviewed and approved by the Planning and Community Development Commission and the Board of Trustees. All applications for Preliminary PUD Plan and Final PUD Plan approval shall follow the core procedure for review of rezonings except for the following modification: The Planning and Community Development Commission shall be the decision-making body on all applications for Preliminary PUD Plan approval, and shall approve, conditionally approve or deny the application based on its compliance with the review criteria stated in this Section. However, the Planning and Community Development Commission may determine by majority vote of the quorum that Board of Trustees action on a particular application is necessary and, in such case, shall make a recommendation on the proposal to the Board of Trustees. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-140. Application review criteria.

All applications for Preliminary PUD Plan and Final PUD Plan approval shall demonstrate compliance with the PUD review criteria. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-150. Effect of preliminary PUD Plan approval.

(a) An approved Preliminary PUD Plan shall lapse and be of no further force and effect if a complete Final PUD Plan application for the development or a phase of the development has not been submitted within any timeframe established by the Planning and Community Development Commission at the time of Preliminary Plan approval, or, if no timeframe was established by the Planning and Community Development Commission, then within one (1) year. If the PUD Plan lapses, the zoning shall revert to the original underlying zoning.

(b) In the case of partial Final PUD Plan submission, the approval of the remaining portion of the Preliminary PUD Plan shall automatically gain an extension of one (1) year. If the PUD Plan lapses, the zoning shall revert to the original underlying zoning.

(c) If the applicant fails to submit a Final PUD Plan within any applicable time period, all proceedings concerning the PUD Plan are terminated and a new Preliminary PUD Plan application is required prior to any development activity. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-160. Standards of general applicability.

The standards contained in Sections 16-4-170 through 16-45-240 below shall apply to all PUD Districts unless otherwise expressly provided. (Prior code 9-2-4; Ord. 956 §1, 2014)
Sec. 16-4-170. Allowed uses.

In PUD Overlay Districts, allowed uses shall be consistent with the underlying zoning district unless varied through the PUD review process. In all other PUD Districts, allowed uses shall be consistent with comparable zoning districts unless varied through the PUD review process. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-180. Minimum lot size.

In PUD Overlay Districts, minimum lot size shall be consistent with the underlying zoning district unless varied through the PUD review process. In all other PUD Districts, minimum size shall be consistent with comparable zoning districts unless varied through the PUD review process. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-190. Common open space.

(a) Minimum Requirements. Except for PUDs or PUD Overlay Districts located in the neighborhoods identified in the Lyons Comprehensive Plan as the Downtown Commercial Area and East Entry Corridor, all PUD Plans shall provide common open space unless varied through the PUD review process.

(b) Compliance With Other Open Space Standards. All common open space in the PUD Districts shall comply with the standards stated in this Code (including applicable public park reservation, dedication or in-lieu fee requirements) unless varied through the PUD review process. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-200. Bonus density.

The decision-making body may increase density for any of the following entities:

(1) Affordable housing.

(2) Additional land dedicated, improved and developed for pedestrian trails or bikeways; or a pedestrian overpass or underpass.

(3) Additional common open space and/or landscaped area; additional streetscape landscaping or additional investment in streetscape amenities (lighting, furniture, etc.); additional landscaping used instead of fences for perimeter screening, privacy or buffering purposes; public or common open space improved for active purposes; or xeric landscaping.

(4) Commercial and residential buildings constructed according to green building standards or with proper solar orientation.

(5) Mixed-use developments.

(6) Additional accessible parking spaces for the physically disabled, shared parking in PUD-MU Districts, parking structure or underground parking.
Additional fire protection techniques, such as sprinkler systems for individual units in a single-family housing development. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-210. Clustering.

Where appropriate, clustering of dwelling units, commercial uses and industrial uses is strongly encouraged, provided that buffers, common open space and emergency access are adequate. Buffers are required to separate different uses in order to eliminate or minimize potential interference and nuisances on adjacent properties. The size of the buffer shall be determined through the PUD review process, based on its ability to achieve appropriate separation. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-220. Protection of significant scenic views.

To the maximum extent feasible, the PUD District shall be sited to allow identified significant scenic views across and through the development parcel, as viewed from adjacent public rights-of-way, including trails, and from public open space or parks. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-230. Setbacks.

In PUD Overlay Districts, setbacks shall be consistent with the underlying zoning district unless varied through the PUD review process. In all other PUD Districts, setbacks shall be consistent with comparable zoning districts unless varied through the PUD review process. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-240. Development standards.

(a) Circulation and Pedestrian Linkage. All PUD Plans shall comply with the circulation, access and pedestrian linkage standards stated in this Code, and the decision-making body may modify or vary such provisions in any way, provided that adequate compensating mitigation measures are included in the PUD Plan.

(b) Adequate Public Facilities. All PUD Plans shall comply with the adequate public facilities standards stated in this Code, unless varied through the PUD review process.

(c) Water Share Requirements. The PUD Plan shall meet the Town's water share requirements for additional water service.

(d) Design Standards. All PUD Plans shall comply with the applicable residential and nonresidential design standards stated in this Code, unless varied through the PUD review process.

(e) Signs. Signs are subject to the sign regulations of this Chapter unless varied through the PUD review process.

(f) Parking. PUD Plans shall be subject to the off-street parking and loading standards of this Code unless varied through the PUD review process.

(g) Street Standards and Modification. The design of public streets within a PUD District shall comply with all applicable Town standards. Right-of-way, pavement widths and street widths may be reduced through the PUD review process where it is found that:
(1) The development plan for the PUD District provides for separation of vehicular, pedestrian and bicycle traffic;

(2) Access for emergency service vehicles is not substantially impaired;

(3) Adequate off-street and/or on-site parking is provided for the uses proposed; and

(4) Adequate space for public utilities is provided within the right-of-way.

(h) All Other Zoning and Development Standards and Modifications.

(1) Modification allowed. Unless otherwise expressly limited by this Section, the decision-making body may allow modification of all other applicable zoning district, general development and subdivision standards within a PUD District.

(2) Applicability continues if no waiver. Except where this Article states a specific standard or the decision-making body modifies an otherwise applicable standard, all development in a PUD District shall comply with all applicable standards of this Code.

(i) Development Assurances. The decision-making body may require adequate assurance, in a form and manner that it approves, that the common open space, amenities and public improvements shown in the Final PUD Plan will be provided and fully developed. (Prior code 9-2-4; Ord. 956 §1, 2014)

Division 2
Outdoor Activity Overlay Districts

Sec. 16-4-310. Restricted Outdoor Activity (ROA) Overlay District.

(a) Intent. The intent of this Section is to create the following overlay district to encourage revitalization in downtown Lyons and to ensure a high degree of compatibility between new and existing uses by restricting the hours of operation, types of uses and outdoor activities based on the uses’ proximity to existing residences and the elementary school: Restricted Outdoor Activity (ROA) Overlay District.

(b) Application. Unless specifically modified by the applicable overlay district, development shall adhere to the base zoning district (existing zoning).

(c) Restricted Outdoor Activity (ROA) Overlay Standards.

(1) Permitted uses. In addition to the uses permitted in the underlying zoning district, the following are allowed as permitted principal uses in the ROA Overlay District:

a. Bed and breakfasts.

b. Nonprofit artistic or cultural production or performance facilities.

(2) Prohibited uses. The following uses are expressly prohibited in the ROA Overlay District:
a. Bars,
b. Taverns,
c. Retail liquor stores,
d. Brew pubs,
e. Adult-oriented uses,
f. Commercial outdoor rooftop seating.

(3) Hours of operation shall be limited to 5:00 a.m. to 11:00 p.m.

(4) Live music and/or amplified sound is allowed outdoors until 9:00 p.m. on Fridays and Saturdays.

(5) The business may apply for exemptions per calendar year to permit live music and/or amplified sound outdoors until 10:30 p.m. These applications shall be made in writing to the Town Administrator. In approving or denying a temporary exemption, consideration shall be given to the effective dates and anticipated impact on adjacent land uses. Permission will not be unreasonably withheld. The Town Administrator shall notify the applicant of approval or denial of the application within seven (7) days of receipt of a complete application. Any application not approved or denied within seven (7) days shall be deemed approved.

(6) Any outdoor seating area shall not exceed the size or capacity of the establishment's indoor seating area unless approved by a conditional use review.

(7) All trash in areas located within the outdoor dining area on the property or on adjacent streets and sidewalks shall be picked up and disposed of immediately after closing. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-320. Limited Outdoor Activity (LOA) Overlay District.

(a) Intent. The intent of this Section is to create an overlay district to encourage revitalization in downtown Lyons and to ensure a high degree of compatibility between new and existing uses by restricting the hours of operation, types of uses and outdoor activities based on the uses' proximity to existing residences and the elementary school: Limited Outdoor Activity (LOA) Overlay District.

(b) Application. Unless specifically modified by the applicable overlay district, development shall adhere to the base zoning district (existing zoning).

(c) Limited Outdoor Activity (LOA) Overlay Standards.

(1) Prohibited uses.

   a. Bars.

   b. Taverns.
c. Retail liquor stores.

d. Brew pubs.

e. Adult entertainment enterprises.

(2) Hours of operation shall be limited to 5:00 a.m. to 12:00 a.m.

(3) Live music and/or amplified sound is allowed outdoors between 7:00 a.m. and 9:00 p.m.

(4) Outdoor seating areas shall not exceed the establishment's indoor seating area, unless approved by a conditional use review.

(5) The business may apply for exemptions per calendar year to permit live music and/or amplified sound outdoors until 10:30 p.m. These applications shall be made in writing to the Town Administrator. In approving or denying a temporary exemption, consideration shall be given to the effective dates and anticipated impact on adjacent land uses. Permission will not be unreasonably withheld. The Town Administrator shall notify the applicant of approval or denial of the application within seven (7) days of receipt of a complete application. Any application not approved or denied within seven (7) days shall be deemed approved.

(6) All trash in areas located within the outdoor dining area on the property or on adjacent streets and sidewalks shall be picked up and disposed of immediately after closing. (Prior code 9-2-4; Ord. 956 §1, 2014)

Sec. 16-4-330. Open Outdoor Activity (OOA) Overlay District.

(a) Intent. The intent of this Section is to create an overlay district to encourage revitalization in downtown Lyons and to ensure a high degree of compatibility between new and existing uses by restricting the hours of operation, types of uses and outdoor activities based on the uses’ proximity to existing residences and the elementary school: Open Outdoor Activity (OOA) Overlay District.

(b) Application. Unless specifically modified by the applicable overlay district, development shall adhere to the base zoning district (existing zoning).

(c) Open Outdoor Activity (OOA) Overlay Standards.

(1) Prohibited uses: Adult-oriented uses.

(2) All trash in areas located within the outdoor dining area on the property or on adjacent streets and sidewalks shall be picked up and disposed of immediately after closing. (Prior code 9-2-4; Ord. 956 §1, 2014)
ARTICLE 5

District Uses and Standards

Sec. 16-5-10. Permitted and conditional uses and uses by special review by zoning district.

Please note that, in case of conflict between the matrix and written regulations, the written regulations govern.

Matrix of Permitted and Conditional Uses and Uses by Special Review by Zoning District

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</tr>
</tbody>
</table>
Dwelling unit when it provides place of residence in conjunction with place of employment and provided that there is 1,600 sq. ft. of lot area per each dwelling unit

<table>
<thead>
<tr>
<th>Dwelling unit when it provides place of residence in conjunction with place of employment and provided that there is 1,600 sq. ft. of lot area per each dwelling unit</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group care home</td>
<td>C C C C C C C</td>
</tr>
<tr>
<td>Manufactured home park</td>
<td>C</td>
</tr>
<tr>
<td>Multiple-family dwellings not exceeding 4 units</td>
<td>P</td>
</tr>
<tr>
<td>Multi-family dwelling units in excess of 4 units</td>
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<tr>
<td>Residential use, but only if business use occupies portion of building immediately adjacent to street frontage</td>
<td>P</td>
</tr>
<tr>
<td>Single-family detached dwelling</td>
<td>P P P P P P P</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>P P P</td>
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**Institutional/Civic/Public Uses**

<table>
<thead>
<tr>
<th>Cemetery</th>
<th>P</th>
<th>C</th>
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<tbody>
<tr>
<td>Church</td>
<td>C C C C C C C C C</td>
<td></td>
</tr>
<tr>
<td>Community garden</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Electric power facility</td>
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<tr>
<td>Emergency alert system</td>
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<td>Fire suppression facility</td>
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<tr>
<td>Golf course</td>
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<td></td>
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<tr>
<td>Hospital</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Municipal administrative office</td>
<td>C P P</td>
<td></td>
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<tr>
<td>Municipal amphitheater</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Municipal aquarium</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Municipal athletic field or athletic amenity</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Municipal botanical garden</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Municipal passive recreational use with minor</td>
<td>P</td>
<td></td>
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<tr>
<td>improvements</td>
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<td>-------------------------------------------------------------------------------</td>
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<tr>
<td>Municipal playground</td>
<td>C</td>
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<tr>
<td>Municipal permanent structure (e.g., restrooms or concession stand)</td>
<td>C</td>
<td></td>
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<tr>
<td>Municipal recreational use with structure</td>
<td>C</td>
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<tr>
<td>Municipal service facility</td>
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<tr>
<td>Municipal swimming pool</td>
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<td>Municipal zoo</td>
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<td>Museum</td>
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<td>Nursing facility or constant care facility</td>
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<tr>
<td>Private school</td>
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<tr>
<td>Public and private school, including college, vocational training and technical training</td>
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<tr>
<td>Public facilities, including municipal offices, parks and trails</td>
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<tr>
<td>Public or private campground for the temporary parking of travel trailers, campers and similar traveling units</td>
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<tr>
<td>Public sanitary facility</td>
<td>P</td>
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<tr>
<td>Recreational facility</td>
<td>C C C C C C C C P P P P</td>
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<tr>
<td>Recreational facility, limited indoor and limited outdoor</td>
<td>P</td>
<td></td>
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<tr>
<td>Recycling collection facility</td>
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<tr>
<td>Solar garden, as an accessory use</td>
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<td></td>
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<tr>
<td>Solar garden, as a principal use</td>
<td>S</td>
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<tr>
<td>Temporary entertainment and/or special event as approved by the Board of Trustees</td>
<td>P</td>
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<tr>
<td>Use allowed in parks master plans in accordance with POST Plan</td>
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<tr>
<td>Business/Commercial/Retail Uses</td>
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<tr>
<td>Adult-oriented use</td>
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<tr>
<td>Agritourism business and sustainable agricultural use</td>
<td>P</td>
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<tr>
<td>Artisan studio</td>
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<tr>
<td>Automobile, boat and motorcycle rental and sales</td>
<td>S</td>
<td></td>
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<tr>
<td>Automobile sales</td>
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<tr>
<td>Automotive and motorcycle repair (major and minor)</td>
<td>S</td>
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<tr>
<td>Bed and breakfast</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Boarding or rooming house</td>
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<tr>
<td>Business use</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Campground</td>
<td></td>
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<tr>
<td>Car wash</td>
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<tr>
<td>Club or lodge</td>
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<td>P</td>
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<tr>
<td>Day care center</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Department store</td>
<td>*</td>
<td>P</td>
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<tr>
<td>Discount store</td>
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<td>P</td>
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<tr>
<td>Dog day care facility</td>
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<td>Entertainment facility</td>
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<tr>
<td>Event center, large</td>
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<tr>
<td>Event center, small</td>
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<tr>
<td>Financial institution</td>
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<td>Gallery</td>
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<tr>
<td>Gasoline station</td>
<td>*</td>
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<tr>
<td>Greenhouse and plant nursery</td>
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<tr>
<td>Category</td>
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<tr>
<td>Grocery store</td>
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<tr>
<td>Group home for people with disabilities</td>
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<tr>
<td>Hospital</td>
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<tr>
<td>Hotel or motel</td>
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<td>P</td>
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<tr>
<td>Hotel or motel, large</td>
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<td></td>
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<tr>
<td>Hotel or motel, small</td>
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<tr>
<td>Kennel</td>
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<tr>
<td>Long-term care facility</td>
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<tr>
<td>Lumber yard</td>
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<tr>
<td>Machine shop</td>
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<tr>
<td>Major automobile repair</td>
<td>C</td>
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<tr>
<td>Medical marijuana center</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Medical marijuana-infused products manufacturer</td>
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<td></td>
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<tr>
<td>Medical marijuana optional premises cultivation operation</td>
<td>P</td>
<td></td>
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<tr>
<td>Medical or dental office or clinic</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Minor automobile repair</td>
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<td></td>
</tr>
<tr>
<td>Mixed use building (a building with at least 50% of the total gross floor area of the building consisting of residential uses, all of which residential uses are located on upper floors, where combined with a special review use on the ground level)</td>
<td></td>
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<tr>
<td>Mixed use building (a building with less than 50% of the total gross floor area of the building consisting of residential uses, all of which residential uses are located on upper floors, where combined with a permitted nonresidential use on the ground level)</td>
<td></td>
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<tr>
<td>Mortuary or funeral chapel</td>
<td>P</td>
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<tr>
<td>Category</td>
<td>P</td>
<td>C</td>
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<td>--------------------------------------------------------</td>
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</tr>
<tr>
<td>Neighborhood business</td>
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<tr>
<td>Nursing and assisted living facility</td>
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<td></td>
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<tr>
<td>Optional premises cultivation operation</td>
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<tr>
<td>Parking garage</td>
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<tr>
<td>Parking lot</td>
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<tr>
<td>Permitted principal use with drive-up window</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Personal and business service shop</td>
<td></td>
<td></td>
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<tr>
<td>Personal service shop</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Professional office</td>
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<td></td>
</tr>
<tr>
<td>Restaurant and/or bar without drive-up food or beverage service, small</td>
<td>P</td>
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</tr>
<tr>
<td>Restaurant, bar or other eating and/or drinking place</td>
<td>P</td>
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</tr>
<tr>
<td>Restaurant and/or with a drive-up window for food or beverage service, or that otherwise serves food or beverages to customers in parked motor vehicles, or a restaurant and/or bar with more than 4,000 square feet</td>
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<tr>
<td>Retail establishment, large</td>
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<tr>
<td>Retail establishment (including grocery store), small</td>
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<tr>
<td>Retail store or establishment</td>
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<td>P</td>
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<tr>
<td>Studio</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Veterinary hospital and veterinary facility</td>
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<td></td>
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<tr>
<td>Wholesale commercial facility</td>
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<tr>
<td><strong>Industrial Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extractive or mining industry</td>
<td></td>
<td></td>
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<tr>
<td>Impound lot</td>
<td></td>
<td></td>
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<tr>
<td>Junk and salvage yard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light industrial use</td>
<td></td>
<td>C</td>
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<td>-------------------------------</td>
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</tr>
<tr>
<td>Light industrial use not required to hold operating permits for air emissions with the Colorado Department of Public Health and Environment</td>
<td></td>
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</tr>
<tr>
<td>Light industrial use required to hold operating permits for air emissions with the Colorado Department of Public Health and Environment</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Mini-storage facility</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Research, experimental or testing laboratory</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small manufacturing facility with fewer than 10 employees</td>
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<td>C</td>
</tr>
<tr>
<td>Stone cutting and finishing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stone cutting, finishing and sales establishment</td>
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<td></td>
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<tr>
<td>Telecommunications facility</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Workshop and custom small industry</td>
<td></td>
<td></td>
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<tr>
<td><strong>Agricultural Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock provided that the value of products produced on the premises is at least 60% of the value of all products sold</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Farmers' market</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grazing of livestock including supplementary feeding, provided such grazing is not a part of nor conducted in conjunction with any dairy, feed, yard or livestock sales yard</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Grazing of livestock including supplementary feeding, provided such grazing is not a part of nor conducted in conjunction with any dairy, feed yard or livestock sales yard and provided that the number of grazing animals does not exceed 4 per</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Keeping, harboring, boarding, caring or maintaining of not more than 4 dogs over the age of 3 months</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

P = Permitted Principal Use  
C = Permitted Conditional Use  
S = Use by Special Review  
* = Use

(Prior code 9-2-5; Ord. 894 §5, 2011; Ord. 897 §3, 2011; Ord. 910 §4, 2013; Ord. 911 §3, 2013; Ord. 956 §1, 2014)
Sec. 16-5-20. Density and dimensional standards.

The following specifications shall be required in the zones identified:

Matrix of Residential Density and Dimensional Standards

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<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area per dwelling (square feet unless otherwise noted)</td>
<td>5 acres</td>
<td>35 acres</td>
<td>1 acre</td>
<td>15,000</td>
<td>7,000</td>
<td>4,500</td>
<td>3,500</td>
<td>2,725</td>
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<tr>
<td>Maximum net density (units per acre)</td>
<td>1 per 5 acres</td>
<td>1 per 35 acres</td>
<td>1 per 1 acre</td>
<td>3 per 1 acre</td>
<td>6 per 1 acre</td>
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<tr>
<td>Minimum lot width (feet per dwelling)</td>
<td>300</td>
<td>300</td>
<td>120</td>
<td>100</td>
<td>50 (interior lot)</td>
<td>50 (interior lot)</td>
<td>50 (interior lot)</td>
<td>50 (interior lot)</td>
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<tr>
<td>Minimum lot depth</td>
<td>50</td>
<td>50</td>
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<tr>
<td>Minimum front yard setback (feet) principal building and accessory building</td>
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<tr>
<td>Principal building</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>25</td>
<td>25</td>
<td>20</td>
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<tr>
<td>Accessory building</td>
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<td>30</td>
<td>30</td>
<td>25</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Minimum side yard setback (feet)</td>
<td>10 plus 1 ft. for each 2 ft. of building height</td>
<td>10 plus 1 ft. for each 2 ft. of building height</td>
<td>15</td>
<td>15</td>
<td>5 g</td>
<td>10</td>
<td>5 h</td>
<td>10</td>
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<tr>
<td>Minimum rear yard setback (feet)</td>
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<tr>
<td>Principal building</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>20</td>
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<tr>
<td>Accessory building or structure</td>
<td>5</td>
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<td>5</td>
<td>5</td>
<td>5</td>
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<tr>
<td>Maximum building height (feet)</td>
<td>30</td>
<td>30</td>
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</tbody>
</table>

a SFD = Single-Family Detached  
b 2FD = Two-Family Dwelling  
c MFD = Multi-Family Dwelling  
e Except 9,000 sq. ft. for single-family dwelling and 9,000 sq. ft. for all other uses.  
f Except 7,000 sq. ft. for single-family dwelling and 7,000 sq. ft. for all other uses.  
g And 1,000 sq. ft. for dwelling unit for two-family or multi-family dwelling units owned or operated by the Town or a governmental housing authority and lawfully reserved for housing accommodations for persons classified as senior, aged, elderly or eligible for ownership or occupancy on basis of income.  5,000 sq. ft. for single-family dwelling.  7,000 sq. ft. for all other uses.  
h Total of both side yards shall not be less than 15 feet with each side yard to be at least 5 feet.  
i No side setback required on internal lot lines for two-family dwellings.

(Prior code 9-2-6; Ord. 956 §1, 2014)
ARTICLE 6

Commercial and Mixed-Use Design Standards

Sec. 16-6-10. Introduction.

(a) Purpose. The Commercial and Mixed Use Development Design Standards and Guidelines ("DDSG") establish design criteria and minimum standards for commercial development and mixed use developments within the Town. The purpose of the DDSG is to:

(1) Enhance and protect the quality of life and community image of the Town through clearly articulated development design goals and policies, design guidelines and minimum design standards;

(2) Protect and promote the long-term economic vitality of the Town through application of design standards which encourage enduring, innovative, quality site design, architecture and landscaping that integrate new places into the community and revitalize older development in a manner compatible with the preferred development forms established in the Town;

(3) Minimize adverse impacts of vehicular circulation to existing neighborhoods and to the surrounding physical environment;

(4) Enhance and protect the security and health, safety and welfare of all residents of the Town; and

(5) Create environmental, economic and social sustainability.

(b) Applicability. The provisions of the Guidelines shall apply to all new development and redevelopment within the CEC-Commercial East Corridor, B-Business, CE-Commercial Entertainment, LI-Light Industrial and portions of C-Commercial and M-Municipal zoning districts as delineated on the map below. Development plan submittals and other new development that may be approved through site-plan review and/or issuance of a building permit are required to conform to these standards and guidelines as applicable. Development for which there currently exists an unexpired vested property right to develop under land use approvals granted prior to the adoption of these provisions are not subject to these provisions.
(c) New Development and Redevelopment. The Planning Commission and Board of Trustees will evaluate each development plan proposal based on these standards and guidelines and the context within which a project is located. The standards and guidelines are intended to be specific enough to guide development, but not to preclude creative design solutions. Applicants must substantially conform to the design standards and guidelines unless it can be demonstrated that an acceptable alternative meets one (1) or more of the following conditions:

(1) The alternative better achieves the stated intent;

(2) The intent will not be achieved by application of the principle in this circumstance;

(3) The effect of other principles will be improved by not applying the principle; and/or

(4) Strict application or unique site features make the principle impractical.

The goals and policies set forth in this document are expected to be met through compliance with all mandatory design standards and substantial collective conformance with the design guidelines. Modifications to or waivers of mandatory design standards may be authorized by Town staff through a site plan or building permit review, or by the Planning Commission or the Board of Trustees as part of the development plan review process.

(d) Redevelopment. Redevelopment of nonconforming buildings and sites may not be strictly held to total compliance with all relevant design standards unless the site is being leveled clean. Instead, proportionality should be established between the physical and economic scope of the proposed redevelopment project and the scope of compliance with the relevant standards to be required and enforced. Substantial progress toward compliance shall be required as it relates to the specific re-constructed elements of redevelopment. Where redevelopment calls for reconstruction of existing buildings, portions of existing buildings, existing site improvements or portions of existing site improvements, then corresponding conformance with the applicable standards shall be required for only the reconstructed elements to the degree possible, given the need to maintain the utility and functional integration of the remaining nonconforming buildings and site improvements. No new nonconformities shall be allowed to be created unless approved through a variance process or through a waiver granted as provided for herein as part of a development plan review or site plan review (see above).
(e) Desirable Elements of Commercial and Mixed-Use Project Design. The Town considers the following design features to be desirable elements of commercial development and mixed-use development. In some cases, these design features may not be appropriate for light industrial development.

1. Quality of exterior building materials, surfaces and textures;

2. Where appropriate, building locations which provide pedestrian courtyards and common gathering areas with coordinated site furniture and lighting;

3. Visual and functional compatibility with development on adjacent sites, where existing adjacent development substantially conforms to these standards and guidelines or is valued for its preferred historic character;

4. Visual connections between entrances and associated pedestrian areas of individual buildings to encourage visual and physical integration into a strengthened "sense of place";

5. Step-down of building scale adjacent to pedestrian routes and building entrances;

6. Pedestrian-oriented architectural detailing at ground level;

7. For commercial and mixed-use development: multi-planed, pitched roofs with meaningful overhangs and arcades;

8. Regular or traditional window rhythm;

9. Articulated building forms and massing with significant wall articulation (e.g., insets, canopies, wing-walls, trellises);

10. Use of local sandstone as an accent building material for building facades, pedestrian pavement, courtyards, plazas, retaining walls and other site improvements;

11. Significant landscape and hardscape site improvements;

12. Landscaped, shaded and screened parking;

13. Preservation of significant natural site features;

14. Enhancement of view corridors to river and mountain vistas;

15. Access driveways with clear visibility and functional signage;

16. Night-sky friendly lighting that avoids fugitive light and excessive glare; and

17. Multi-modal transportation.

(f) Relation of the DDSG to Other Town Regulations and Ordinances.
(1) The DDSG is a supplement to this Chapter and Chapter 17 of this Code, the Town of Lyons Manual of Design Criteria and Standard Specification for the Construction of Public Improvements and any other construction standards or storm drainage design criteria that may be duly adopted by the Town from time to time.

(2) Where a mandatory standard in this Article is in conflict with any provision of this Code, the most restrictive requirement shall take precedence and shall apply. Building and life safety codes and the Town of Lyons Manual of Design Criteria and Standard Specification for the Construction of Public Improvements take precedence over the standards in this Article in cases where the standards in this Article require action that is in conflict with those codes.

(g) How to Use the DDSG. The statements of standards, indicated with an (S), establish the specific design standards where compliance is mandatory. The statements of guidelines, indicated with a (G), establish design guidelines where substantial collective or cumulative conformance is required, but individual variances may be allowed. Explicit waivers of standards may be approved where it can be demonstrated that, due to site-specific constraints, strict conformance will not further the applicable goals and policies, or that the alternative will better achieve the applicable goals and policies.

(h) Definitions. For purposes of this Article, the following terms shall have the following meanings:

Commercial development and mixed-use development means land development activity in the Town, including but not limited to retail, office, commercial accommodations development, mixed residential and commercial development and light industrial development. Commercial development and mixed-use development also includes any addition, remodeling, relocation or construction requiring an amendment to an approved development plan.

Green space means all portions of the site that support natural vegetation or decorative landscape plantings, including impervious walkways, courtyards, pedestrian plazas and terraces, may be counted as part of such green space. Community gardens and other forms of local food production also qualify as green space.

Impervious site coverage means all portions of the site that do not qualify as green space as defined above shall be considered impervious, including but not limited to buildings, streets, drives, parking lots and attached sidewalks.

Native authenticity of building materials means building materials that are natural and traditional in their appearance and means of assembly are considered authentic. For example, brick or concrete masonry products, including high quality manufactured simulated stone masonry units, that are assembled unit by unit on a mortar bed, are considered authentic. Panelized building products that imitate the appearance of traditional building materials are not considered authentic. Vinyl siding that imitates the appearance of cedar shakes or other traditional wood siding products are not considered authentic.

Neighborhood compatibility means that new development and redevelopment should be designed to fit within the existing fabric of the built environment in a compatible manner provided that the existing adjacent built environment substantially conforms to these standards and
guidelines, or is otherwise recognized as being worthy of preservation as a valued part of the Town due to its distinctive historic character. If adjacent development is recognized as undesirable in its physical form, then compatibility is not an objective of this Article.

*Parcel* means an existing or proposed legal lot of record. In many cases, more than one (1) parcel of land will be combined for development of a single building or cluster of buildings to be used by a single user.

*Pedestrian scale/human scale* means the relationship between the proportions and dimensions of a building, street, outdoor space or streetscape element to the average dimensions of the human body. (Ord. 932 §1, 2013; Ord. 956 §1, 2014)

Sec. 16-6-20. Site planning and design.

(a) Environmental Conservation. Intent: New development should be designed to fit within the natural environment in a compatible and integrated manner. To the greatest extent feasible, sites should be designed to preserve floodplains, steep slopes, natural landforms and significant vegetative communities and the wildlife inhabiting those areas. New development and redevelopment should also be designed to fit within the existing fabric of the built environment in a compatible manner wherever the existing built environment is recognized as being worthy of preservation as a valued part of the neighborhood.

(1) Inventory the property's natural characteristics (e.g., important view sheds, soils, topography, hydrology, vegetation) prior to the site design so that the physical features and views become an integral part of the development. New development should: a) respect existing drainage patterns and minimize grading and impervious coverage (buildings, parking lots, roads, etc.); b) work with the Colorado Division of Wildlife and Town-approved ecologists to design projects to minimize potential impacts and conflicts with wildlife; and c) ensure that development minimizes environmental impacts, mitigates impacts to wildlife and wildlife habitat and promotes building practices which benefit the environment and the well-being of current and future residents of the Town.

(2) Standards and guidelines:

   a. In the event significant natural resources, including important view sheds, are found to exist on the development site, they shall be adequately protected and integrated into the new development. Resources to be protected include streams, rivers and associated wetland and riparian vegetation, significant stands of healthy mature trees and shrubs, distinctive natural land forms and prominent views to these resources from public spaces. Important view sheds to be protected include views from public streets, parks and gathering spaces to Steamboat Mountain and other prominent ridgelines, views to the St. Vrain River and its primary tributaries and views of landmark historic buildings. Views to be protected may be identified with duly adopted maps and other graphics. (G)

   b. In the event significant natural systems and/or resources are expected to be negatively impacted and compromised by development, it shall be the applicant's responsibility to demonstrate adequate mitigation of the negative impacts. Where important view sheds may be
impacted by new development, it shall be the applicant's responsibility to submit visual simulations of the potential visual impact of the development on the view shed. (G)

c. Identify the natural resources on a site and show how they are integrated into the overall design for the project and the neighborhood. (G)

(b) Riparian Area Protection. (This Section is reserved.)

c. Site Grading, Site Disturbance Limitations. Intent: New development should be designed to fit within the natural environment in a compatible and integrated manner. The design of site improvements should minimize cut-and-fill in order to preserve each site's natural terrain to the maximum extent possible.

(1) To the greatest extent feasible, sites should be designed to preserve floodplains, steep slopes, natural landforms, significant vegetative communities and riparian areas and the wildlife inhabiting those areas. New development and redevelopment should also be designed to fit within the existing fabric of the built environment in a compatible manner wherever the existing built environment is recognized as being worthy of preservation as a valued part of the neighborhood.

(2) Where significant natural resources and systems are found, site disturbance of these resources and systems shall be minimized to the maximum extent feasible, through careful site planning and creative design, including but not limited to design of buildings, parking lots, drives and other site improvements to fit into the natural terrain with minimal site grading and site disturbance. The burden is on the applicant to demonstrate the suitability of the development site for the type, size, scale and scope of the development proposed, regardless of the use and maximum site coverage allowances provided in the underlying zoning district.

(3) Steep slope protection standards and guidelines:

a. Steep slope defined. A steep slope shall include any land area greater than two hundred fifty (250) square feet with an average slope greater than twenty-five percent (25%). (S)

b. Identification of steep slopes required. Any application for development shall graphically identify all steep slopes on the property. (S)

c. Steep slope mitigation and reduction of impact. Site design shall avoid the location of any development or improvement within an area of a steep slope. Where such location of development or improvement cannot otherwise be reasonably avoided, the following mitigation measures shall be required: (S)

1. Submit a soils and geologic study prepared by a geologist containing recommendations for appropriate structure design.

2. Minimize the extent of disturbed areas and a plan for the revegetation of all disturbed areas immediately after development within the area or within the next growing season.

3. Minimize road cuts and fills to avoid scarring of the steep slope area.
4. Design structures appropriate for the steep slope area which may include reducing the footprint of the structure, construction of walk-out lower levels or garage-under structures, use of foundation walls as retaining walls or the location of structures as close to an access road as permitted or possible.

5. Other reasonable conditions or safeguards deemed necessary by the Board of Trustees, Planning Commission or administrative staff person with final authority to approve the Development Plan.

(4) Grading standards and guidelines:

a. In developing sites, limit slopes to 3:1 or less. Slopes in excess of 3:1 may be allowed when engineering or site constraints dictate a steeper slope, provided that adequate vegetative cover is established to prevent erosion. (G)

b. Avoid grade changes within the drip-line of existing trees that are to be maintained. (G)

c. Stockpile and protect topsoil during construction. (S)

d. Protect existing site vegetation, to the extent possible, during grading and construction activities. (G)

e. Prepare disturbed soil prior to seeding and replant all disturbed soil and slopes to establish an approved grass mixture or ground cover in the first growing season. (S)

f. Grading prohibited without prior approvals or permits. No grading, excavation or tree or vegetation removal shall be permitted, whether to provide for a building site, for on-site utilities or services or for any roads or driveways, prior to final approval of a grading and excavation report or plan submitted in support of the project development plan or the issuance of a building permit. (S)

g. Limits on changing natural grade. The original, natural grade of a lot shall not be raised or lowered more than ten (10) feet at any point for construction of any structure or improvement (S), except for foundation walls incorporated into the principal structure to allow for walk-out basements; or the site's original grade may be raised or lowered a maximum of twelve (12) feet if a retaining wall or terracing is used to reduce the steepness of man-made slopes, provided that the retaining wall or terracing comply with the requirements set forth in this Section.

h. Limits on graded or filled man-made slopes. Except as provided below, graded or filled man-made slopes shall not exceed a slope of fifty percent (50%) (a 2:1 slope) unless a soils engineering or a geotechnical report is furnished stating that the site has been investigated and that, in the opinion of the qualified professional, a cut at a steeper slope will be stable and not create a hazard. (S)

(d) Retaining Walls. Intent: Limited use of retaining walls is encouraged to reduce the steepness of man-made slopes, to optimize space-efficient utilization of the site and to provide planting pockets on steep slopes conducive to revegetation.
Standards and Guidelines:

(1) Retaining walls shall be used to minimize the extent of man-made slopes exceeding thirty percent (30%) and to provide planting pockets. (G)

(2) Retaining walls may be permitted to support steep slopes but should not exceed six (6) feet in height from the finished grade (G), except for:
   a. A structure's foundation wall,
   b. As necessary to construct a driveway from the street to a garage or parking area, or
   c. As otherwise expressly allowed by a site-specific development plan approval in order to minimize overall site disturbance.

(3) Retaining walls greater than four (4) feet in height shall be designed by a Colorado Registered Professional Engineer. (S)

(4) It is preferred that retaining walls visible from an arterial street or highway be constructed with red sandstone, faced with red sandstone or adequately screened by vegetation and buildings or otherwise concealed from view. (G)

(e) Building Siting and Orientation. Intent: Commercial buildings should be visible from major roadways and entries, to provide clear way-finding orientation and access for both vehicles and pedestrians and to facilitate internal pedestrian circulation. Placement of new structures should be compatible with the existing built context, the location of adjoining uses and the location of major roads. Pedestrian courtyards, common gathering areas and walkable, well-landscaped environments that encourage pedestrian and multi-modal movement between adjacent uses, are all important features of good site design. Where appropriate, the development site design should include elements of gateway, path and destination, welcoming public spaces and destinations that encourage social interaction. New development should be physically and socially welcoming to all people, regardless of age, ethnicity, race, ability or circumstance. Universal design principles which are aesthetically pleasing and which strive to be all-purpose solutions that help everyone, not just disabled people, are preferred. The consideration of long-term energy efficiencies in the site design, such as seasonal sun-shade relationships, deserves careful consideration.

Standards and Guidelines:

(1) Provide direct, safe and convenient pedestrian connections from buildings to adjacent public walkways and between buildings. (S)

(2) Provide passive solar building orientations and architectural design where possible. (G)

(3) Locate commercial buildings to create plazas and pedestrian gathering places which are of a sufficient size and scale to separate pedestrian areas from traffic and circulation areas. (G)

(4) Orient buildings to frame views through and into each new development. (G)
(5) Orient single freestanding buildings and their primary facades and primary pedestrian entrances toward public streets. (G)

(6) Where possible, buildings shall be located to front on and relate primarily to streets. Building setbacks from local and collector streets should be minimized in order to establish a pedestrian-oriented streetscape. (G)

(f) Parking Location and Setbacks. Intent: Setbacks should provide a well-landscaped and pedestrian-friendly character along major streets which promotes a comfortable walkable environment. To attain this objective, all buildings and parking should be set back from perimeter and interior streets a sufficient distance to create a distinct landscape zone between buildings, parking, and adjacent roadways. Varying building setbacks to enhance visual interest along the streetscape is strongly encouraged.

Standards and Guidelines:

(1) Minimum parking setbacks from perimeter property lines on adjacent street rights-of-way to provide for landscaped buffers: (S)

<table>
<thead>
<tr>
<th>Location</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Property Lines on U.S. 36/66</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Other Arterial Street R.O.W.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Collector &amp; Local Street R.O.W.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Side Lot Line Property Boundary</td>
<td>5 ft.</td>
</tr>
</tbody>
</table>

(2) Minimum parking setbacks from the annual high water mark of rivers and streams: (S)

<table>
<thead>
<tr>
<th>Location</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>North St. Vrain and St. Vrain River</td>
<td>25 ft.</td>
</tr>
<tr>
<td>All other perennial streams and rivers</td>
<td>15 ft.</td>
</tr>
</tbody>
</table>

(3) Surrounding buildings or wrapping the project perimeter with parking lots, especially along the street front is strongly discouraged. (G)

(4) Orientation of some buildings closer to the street to screen parking in the interior of the site and to provide strong pedestrian connections to buildings is encouraged. (G)

(g) Pedestrian Amenities. Intent: New developments should use natural amenities and associated green space, improved parks, courtyards and plazas to organize pedestrian amenities and orient buildings and circulation patterns. This will help to create an identity for each project and the neighborhood it occupies.

Standards and Guidelines:
(1) Where appropriate, outdoor gathering spaces should be functional and should not be relegated to marginal "left-over" spaces. (S)

(2) Aggregate outdoor space for outdoor activities that complement the principal use on the site. (G)

(3) Use of sandstone as a building material for pedestrian pavement, courtyards, plazas, planter curbs, benches and seating walls is encouraged. (G)

(4) Delineate areas of pedestrian activity with sandstone accent paving, substantial landscaping, pedestrian scale decorative lighting and furnishings. (G)

(5) Incorporate seating, trash receptacles, shade trees and lighting to provide welcoming, attractive pedestrian spaces. (G)

(h) Impervious Site Coverage Limitations. Intent: Green space is a valued amenity that must be integrated into every development as a substantial part of the site design. Building, parking and driveway site coverage within each parcel should be configured in a space-efficient layout that maximizes the utilization of the site without compromising green space.

Standards and Guidelines:

(1) The minimum amount of green space/open space to be provided within a single parcel or contiguous multi-lot development site that is one-half (½) acre or larger in size is thirty percent (30%). (S)

(2) Sites that are smaller than one-half (½) acre in size should strive to provide green/open space approaching thirty percent (30%). (G)

(i) Utilities, Mechanical and Telecommunications Equipment. Intent: The visual and noise impacts of utilities, mechanical equipment, data transmission dishes, towers and similar antennas and equipment should be mitigated.

Standards and Guidelines:

(1) Install all permanent utility lines underground. (S)

(2) Where possible, locate transformers away from major pedestrian routes and outdoor seating areas. (S)

(3) Screen all transformers, telecommunications devices, equipment switching boxes and other utility cabinets from street and pedestrian areas with landscaping or architectural screens. (S)

(j) Service, Delivery, Storage Areas and Dumpsters. Service, delivery and storage areas can be visually obtrusive. The visual impact of service and delivery areas should be minimized, especially views of such areas from public ways and along designated view corridors.

Standards and Guidelines:
(1) Locate loading docks and service areas a minimum of twenty (20) feet from any public street in areas of low visibility, such as the rear of buildings. Loading docks, solid waste facilities, recycling facilities and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations. (S)

(2) Combine loading docks and service areas between multiple sites. (G)

(3) Screen loading areas, service and storage areas visible from the public right-of-way or adjacent property with an opaque screen that is an integral part of the building architecture, such as fencing, walls and/or landscaping or a combination. (S) Chain link fences with slats are not acceptable screening materials. (See also Subsection 16-6-70(c), Screening Requirements).

(4) Screening and buffering may be achieved through walls, architectural features and landscaping or other site improvements such as building recesses or depressed access ramps. (G)

(5) Dumpsters and their enclosures shall be located and designed to facilitate collection and to minimize negative impact on-site or to neighboring properties, or public rights-of-way. (G)

(6) Where possible, dumpsters and other waste disposal activities shall be adequately screened or otherwise concealed from the view of persons traveling on any public street, sidewalk or other public ways. (S)

(k) Water Quality Control and Drainage.

(1) Intent: Preserve natural drainage and design stormwater improvements as landscape amenities to enhance the project, slow stormwater runoff, capture water pollutants, prevent erosion and minimize impervious surfaces. Stormwater and snow melt from rooftops, paved areas and lawns carry plant debris, soil particles and dissolved chemicals into rivers and streams. Site development plans should employ management and best engineering practices to protect stormwater discharge from these undesirable elements, before releasing water off-site or into the Town's storm drainage system or natural waterways.

(2) Site drainage should be designed to minimize water collection near building foundations, entrances, service ramps and primary pedestrian routes.

(3) In addition to the Town storm drainage and technical criteria, the following standards and guidelines apply.

Standards and Guidelines:

a. Stormwater should not drain directly into the public storm drainage system or be released overland into rivers or streams without first going through peak runoff mitigation and water quality treatment systems. (G)

b. Design all storm sewers, grassed swales and other drainage channels in accordance with the Town storm drainage design and technical criteria. (S)
c. Avoid hard concrete-lined channel designs, where practical. If a hard channel design is necessary, use a more natural approach that incorporates river rock or natural rock channel lining when possible. (G)

d. Utilize accepted design criteria and recommendations of the Urban Drainage and Flood Control District (or other commonly recognized and appropriate engineering standards) and the Town for detention pond design and to enhance water quality. (S)

e. Design on-site drainage and detention facilities with attractive landscape features and amenities. (S)

f. Integrate local durable materials in pond design, such as flagstone terracing. (G)

g. The drainage design shall:

1. Restrict runoff from a parcel to historic conditions, unless otherwise indicated in the Town's Master Drainage Plan, or demonstrate that doing so would be detrimental to the overall system. (S)

2. Accept and convey runoff in its historic manner, unless otherwise indicated in the Town's Master Drainage Plan, or unless other offsite permanent arrangements are made. (S)

3. Include easements in favor of the Town to facilitate emergency maintenance of controls, structures, features or other improvements that, when not operating correctly, could result in damage to adjacent property or to the Town. (S)

4. Respect existing conditions and adjacent properties and follow general topographic constraints of the site and adjacent lands. (S)

h. Drainage improvements serving a regional area may be turned over to the Town for ownership and maintenance if accepted by the Board of Trustees and approved easements and agreements are in place. Drainage improvements serving a common ownership, cluster development, shopping plaza, industrial park or other similar development will remain under the ownership and maintenance of the owner or managing association. Easements will be required in favor of the Town as noted above. (S)

i. Drainage plans and reports shall be prepared by a licensed professional engineer in the State and be accompanied by an erosion and sediment control plan. (S) Erosion and sediment control plans are required for construction and for permanent improvements. Erosion and sediment control plans shall:

1. Encompass the phasing of a development or site design. (S)

2. Be in consideration of other upstream and downstream property owners, drainage conveyances and the north and south St. Vrain Creeks. (S)

3. Protect existing vegetation outside the limits of construction. (G)
4. Minimize disturbance to natural lands and geologic features. (S)

5. Address construction-related dust mitigation. (S)

6. Include details and specifications for the proper installation and maintenance of temporary and permanent improvements. (S)

7. Comply with all applicable state and federal standards, including but not limited to the Colorado Department of Public Health and Environment. (S)

8. The plan and report are subject to review and acceptance by the Town. (S)

j. Parking lot stormwater management:

1. Stormwater runoff should be routed or directed over perimeter and interior plantings to the greatest extent possible. (G)

2. Stormwater runoff management should facilitate infiltration as close to where it falls as possible provided that it does not harm structures or hard surface pavements. (G)

3. The consolidation of planting islands to be used for stormwater quality enhancement is encouraged and allowed for the promotion of plant growth and cleansing of runoff. (G)

4. The use of biofiltration techniques, such as constructed rain gardens to filter pollutants carried by runoff and infiltrate stormwater for irrigation, is recommended. (G)

5. Use of permeable concrete or asphalt pavement systems for parking lots is strongly encouraged. (G)

k. The Town considers sustainability to be an important consideration for today's actions. As such, drainage design should consider sustainability through local treatment of surface runoff, infiltration and capture and use of runoff on-site, provided that such use is not in violation of applicable state regulations. (G) (Ord. 932 §1, 2013; Ord. 956 §1, 2014)

Sec. 16-6-30. Vehicular circulation, access and parking.

Intent. The on-site vehicular circulation and parking system is a critical factor in the safety and success of a new development. The parking/access/circulation system should provide for the safe, efficient, convenient and functional movement of multiple modes of transportation both on and off the site. Pedestrian/bicycle/vehicle conflicts should be minimized. Alternate modes of transportation, including public transit, golf carts, bicycles and pedestrians, should be given priority in the site design.

(1) Site access. Intent: Every new street and internal drive should be designed to create a pleasant experience for the people who will use them, considering landscape features, vegetation, topography and adjacent land uses. Streets must be safe, functional and attractive and should contribute to the Town's interconnected street system.
New development shall be designed to encourage and integrate walking, bicycling, electric vehicles and special needs transportation in addition to automobiles. Pedestrians should have access to a continuous, well-maintained, universally accessible sidewalk/trail system with sufficient landscaping to provide shade and to protect them from automobile traffic. Shade trees, landscaped medians and public art should be included in streetscape whenever possible.

Vehicular access shall minimize points of conflict and promote the safety and mobility of pedestrians, bicycles and motor vehicles by minimizing the width and number of access points to private property from public streets. Vehicle entrances should be designed as attractive gateways.

Standards and Guidelines:

a. Enhance the intersections of entrance drives with arterial and collector streets by incorporating signs, accent paving, special landscaping and lighting. Materials used in entry features should be consistent with the materials used elsewhere in the development. (G)

b. The maximum width of any single point of two-way site access shall be limited to thirty-five (35) feet. Where access width is proposed to exceed twenty-eight (28) feet, the necessity of greater width must be demonstrated based on expected oversized vehicle turning requirements. The maximum width of any single point of one-way site access shall be limited to fourteen (14) feet. (S)

c. Locate site access points as far as possible from street intersections to provide adequate vehicle stacking room. (G)

d. More than one (1) access to a site may be permitted when it will not be hazardous to the safety and operation of the street or to pedestrians. (G)

e. Maintain a minimum of fifty (50) feet of separation between adjacent curb cuts along private roadways. (S)

f. Maintain a minimum of thirty (30) feet of separation between a public or private road intersection and a parcel curb cut. (S)

g. When the opportunity exists, provide common or shared entries. (G)

h. Locate site entries to minimize pedestrian/vehicular conflicts. Where possible, position vehicular site access on one side of the street directly opposite the site access on the other side. (G)

i. Entrances should be free from backing movements that would interfere with site ingress.

j. Entrances that lead directly into head-in parking are discouraged. (G)

k. The center of two (2) streets forming a three-way intersection shall be spaced not less than one hundred fifty (150) feet from the centerline of any other existing or proposed street intersection. (S)
1. Intersections of streets shall be made at approximately right angles unless topographical or physical features prevent such an alignment. (S)

m. Not more than two (2) streets shall intersect at any one (1) point. (S)

n. The centerline of a new intersection along one (1) side of an existing street shall align with the centerline of any existing intersection on the opposite side of such street. (S)

o. Streets and drives shall be leveled, whenever possible, to a grade of four percent (4%) or less for a distance of at least forty (40) feet for drives and seventy-five (75) feet for streets when approaching intersections. (S)

p. Access to a state highway shall occur only at intersections approved by the Colorado Department of Transportation in consultation with the Town Engineer. (S)

Design Vehicle Entrances as attractive "Gateways"

(2) Vehicular circulation. Intent: Projects with multiple building sites or parcels should include a hierarchy of internal roadways such as: 1) internal collector; 2) internal drives and parking aisles; and 3) service drives. This hierarchy should be implemented by engineering and landscape treatments. The street, access and parking network shall provide for the smooth, safe, convenient and functional movement of all modes of transportation, including vehicles, public transit, electric vehicles, bikes and pedestrians, with priority to the pedestrians.

Standards and Guidelines:

a. Link developments with surrounding areas and uses by extending streets, drives and sidewalks directly into and across the development and across property lines, thereby providing convenient, direct pedestrian, bicycle and vehicular access to adjoining development. (G)

b. Provide separate vehicular and pedestrian circulation systems with a strong definition of pedestrian linkages between uses. (S)

c. All streets, drives and alleys shall be constructed and paved in accordance with the applicable Manual of Design Criteria and Standard Specifications for the Construction of Public Improvements of the Town of Lyons (DCS) and other construction standards adopted for the Town. (S)
d. All streets and associated curbs, gutters and sidewalks shall be designed and constructed to allow for the safe and convenient movement of handicapped individuals and shall meet all federal and state requirements and standards for accessibility. (S)

e. Avoid conflicts between adjacent parking lots by maintaining similar directions of travel and layout of parking circulation. (G)

f. Design drive-thru lanes to allow for a vehicle stacking distance that accommodates anticipated demand without impairing traffic circulation. (S)

g. For drive-thru restaurants, the vehicle stacking distance must anticipate and accommodate periods of peak demand. (S)

h. Drive-thru facilities and lanes should be separated from parcel access points. (G)

i. Drive-thru facilities and stacking lanes shall not be located within the front yard setbacks and, when located adjacent to residential zone districts, shall be adequately screened from view. (S)

j. One-way access ways require a minimum twelve-foot-wide driveway, a minimum fifteen-foot radius intersection. (S)

(3) Passenger drop-off areas. Intent: Passenger drop-off areas should provide for safe and convenient access to building entries.

Standards and Guidelines:

a. All schools and child care facilities having a capacity greater than twenty-five (25) students shall incorporate drop-off areas. (S)

b. Provide a clear separation of vehicular traffic between drop-off zones and accesses to either parking lots or parking structures. (S)

c. Design drop-off lanes so as not to obstruct traffic flow when motorists are stopped to discharge passengers. (S)

d. Use signs to indicate "drop-off zone" or "passenger loading only." (S)

(4) Service/delivery, emergency and utility access. Intent: Routes for service, emergency and utility access should be clearly marked. Service circulation within a development shall be designed to provide safe movements for all anticipated vehicles. The design of individual parcels to accommodate truck access shall meet all regulatory requirements for turning radii without sacrificing other important goals and policies of the DDSG.

Standards and Guidelines:

a. Meet all Lyons Fire Protection District regulations in the design and provision of emergency access to buildings for fire suppression, police, ambulance and other emergency vehicles. (S)
b. Avoid the creation of "blind areas" that cannot be patrolled by police or security staff. (G)

c. Provide shared service and delivery access ways between adjacent parcels and/or buildings. (G)

(5) Parking lots. Intent: Vehicle parking should be provided to meet the location and quantity requirements of specific uses without undermining the function of other modes of transportation or detracting from the creation of attractive pedestrian environments. The intent of this Section is to prevent or alleviate congestion of public streets, to minimize detrimental effects of parking on adjacent properties and to promote the safety and welfare of the public.

(6) General provisions.

Standards and Guidelines:

a. Surface. All parking lots containing more than eight (8) spaces intended for daily use, along with the adjacent driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or similar all-weather surface materials. (S)

b. Integration with surroundings. Parking lots should not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian routes or negatively impact surrounding neighborhoods. The pedestrian character of streets and buildings should be maximized through continuity of buildings and landscape frontage. (G)

c. Location. Parking lots should be located to the rear or side of buildings or in the interior of a block whenever possible. (G)

d. Shared access. Where feasible, parking lots should share access drives with adjacent property with similar land uses. (G)

e. Off-street parking design. Off-street parking areas shall be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way or sidewalks. Backing onto public sidewalks is prohibited. (S)

f. Shared off-street parking. When opportunities exist for shared parking between different uses with staggered peak parking demand, make every effort to take advantage of this opportunity to reduce the total number of parking spaces within the development, especially in multi-tenant and mixed-use commercial centers. A parking study and shared parking agreements may be required to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements. (G)

g. Limitation on shared off-street parking. All shared parking must be located within seven hundred (700) feet or less of the use to be served in order to be credited towards the required parking supply. (S)
h. All private parking must be located outside of public rights-of-way. (S)

i. Adequate and appropriate bicycle parking should be provided based on use projections provided by the applicant and accepted by the Town. (G)

(7) Minimum parking ratios for off-street parking.

Standards and Guidelines:

a. Multiple dwellings: one (1) space per bedroom, up to two (2) per unit, plus one-quarter (¼) guest space per unit. (S)

b. Boarding house, motel, hotel or other commercial accommodations: one (1) space per guest bedroom or guest unit, plus one (1) space for every two (2) employees present on site. (S)

c. Restaurants, cafes or drinking places: one (1) space per one hundred (100) square feet of customer service area. (S)

d. Retail: one (1) space for every five hundred (500) square feet of gross floor area. (S)

e. Office/business uses: one (1) space for every five hundred (500) square feet of gross floor area. (S)

f. Public assembly/theaters: one (1) space for every six (6) seats. (S)

g. Warehouse, business park, industrial: one (1) space each for the maximum number of employees present at any one (1) time. (S)

h. Private schools, pre-schools, elementary and middle schools: one (1) space per one-half (½) classroom or one (1) space for every six (6) auditorium seats, whichever is greater. Senior high schools: one (1) space per one-quarter (¼) classroom and one (1) space for every six (6) auditorium seats. (S)

i. Commercial schools for adults: one (1) space for every fifty (50) square feet of gross floor space. (S)

j. At a minimum, off-street parking for nonresidential uses shall be sufficient to provide parking for on-site employees. (S)

(8) Off-street parking layout and dimensional requirements.

Standards and Guidelines:

a. Design parking lots to avoid dead-end aisles. (G)

b. Where a dead-end aisle is authorized, adequate space for unimpeded turn-around must be provided. (S)
c. Separate parking areas from buildings by a six-inch raised curb, bollard defined pedestrian plaza or landscaped strip. (S)

d. Where backing up into major drive aisles is unsafe, avoid head-in parking resulting in hazardous backing movements on major access aisles, except for handicap parking. (G)

e. Orient parking aisles perpendicular to buildings so pedestrians walk parallel to moving cars. (G)

f. Design parking areas that incorporate pedestrian walkways in a manner that links buildings to the street sidewalk system. (S)

g. Divide parking areas which accommodate more than one hundred (100) vehicles into a series of smaller, connected lots. (S)

h. Parking bumpers in surface lots are discouraged. (G)

i. Provide cross-access easements between adjacent lots to facilitate the flow of traffic between complementary uses. (G)

j. Provide landscaped islands at the ends of all rows of parking as required to provide visibility for internal circulation. (S)

k. Functional and attractive bike parking shall be provided in convenient locations and in adequate numbers for both customers and employees. (G)

l. Parking stall dimensions. Parking stalls for automobiles shall meet the following standards. All dimensions represent the minimum requirement for any required parking space. (S)

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width</th>
<th>Stall to Curb</th>
<th>Aisle Width</th>
<th>Curb Length</th>
<th>Overhang</th>
</tr>
</thead>
<tbody>
<tr>
<td>45</td>
<td>9'</td>
<td>19'</td>
<td>13'</td>
<td>12'8&quot;</td>
<td>1'5&quot;</td>
</tr>
<tr>
<td>60</td>
<td>9'</td>
<td>20'</td>
<td>13'</td>
<td>10'5&quot;</td>
<td>1'8&quot;</td>
</tr>
<tr>
<td>90</td>
<td>9'</td>
<td>18'</td>
<td>24'</td>
<td>9'</td>
<td>2'</td>
</tr>
<tr>
<td>0 (parallel)</td>
<td>8'*</td>
<td>8'*</td>
<td>12'</td>
<td>24'</td>
<td>0</td>
</tr>
</tbody>
</table>

* Except along local streets where 7 feet is permitted.

(9) Handicap parking.

Standards and Guidelines:

a. Handicap parking spaces shall be required for all retail, office, business, industrial and institutional uses, as well as multi-family units. (S)

b. Handicap parking spaces shall be designated as being for the handicapped with painted symbols and standard identification signs. (S)
c. Handicap parking spaces shall be located as close as possible to the nearest accessible building entrance. (S)

d. Number of handicap parking spaces:

<table>
<thead>
<tr>
<th>Total Parking Spaces in Lot</th>
<th>Minimum Number of Required Handicap Parking Spaces (S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1—25</td>
<td>1</td>
</tr>
<tr>
<td>26—50</td>
<td>2</td>
</tr>
<tr>
<td>51—75</td>
<td>3</td>
</tr>
<tr>
<td>76—100</td>
<td>4</td>
</tr>
<tr>
<td>101—150</td>
<td>5</td>
</tr>
<tr>
<td>151—200</td>
<td>6</td>
</tr>
<tr>
<td>201—300</td>
<td>7</td>
</tr>
<tr>
<td>301—400</td>
<td>8</td>
</tr>
<tr>
<td>401—500</td>
<td>9</td>
</tr>
<tr>
<td>501—1,000</td>
<td>2% of total</td>
</tr>
<tr>
<td>1,000 and over</td>
<td>20 plus 1 for every 100 over 100</td>
</tr>
</tbody>
</table>

Note: For every 8 handicap parking spaces there must be at least 1 van-accessible space. If there is only 1 handicap parking space, that space must be van-accessible.

e. Handicap parking spaces must be eight (8) feet by eighteen (18) feet with a five-foot-wide access aisle, at a minimum. Van-accessible spaces require an eight-foot-wide access aisle. (S)

f. Handicap parking spaces that are parallel to an accessible pedestrian walk may have the same dimensions as those for standard vehicles. (G)

(10) Provisions for future parking lots. Intent: Atypical uses that need not conform to standardized parking ratios shall provide for parking expansion if the need arises (as determined by the Town). Large projects which are expected to be developed in phases should anticipate and accommodate such phasing in the parking lot design. Provision should be made for increased parking demands related to anticipated expansions, and for possible changes in use of a building or complex of buildings.

Standards and Guidelines:

a. Where expansion of a building is planned, or where initial uses do not warrant provision of parking totals in conformance with adopted minimum standards for the broader use category, appropriate amounts of unimproved land for additional parking shall be reserved. (S)

b. When expansion of a building or a change of use occurs the Town may require expansion of the existing parking to accommodate the new demand. (S) (Ord. 932 §1, 2013; Ord. 956 §1, 2014)
Sec. 16-6-40. Pedestrian and bicycle circulation.

Intent: Site design for pedestrians and bicycles should be incorporated into all developments and designed to be safe. Pedestrian spaces and routes should be designed to invite walking throughout and around each new development. Routes should be integrated to form a comprehensive circulation system providing convenient, safe and visually attractive access to all destinations on the site. Ease of maintenance should be considered.

Standards and Guidelines:

(1) Sidewalks shall conform to the adopted construction standards and specifications of the Town. All sidewalks and associated curbs and gutters shall be designed and constructed to allow for the safe and convenient movement of handicapped individuals and shall meet all federal and state requirements and standards for accessibility. (S)

(2) Design of developments with internal orientation. In multiple-building developments where setbacks are increased to accommodate internal orientation, all primary building entrances should face walkways, plazas or courtyards that have direct, continuous linkage to the street without making people walk through parking lots. Driveway crossings must place priority on the pedestrian access. Continuous driveway aisles located directly in front of a building are discouraged. (G)

(3) Locate buildings and design on-site circulation to minimize pedestrian/vehicle conflicts. (S)

(4) Separate pedestrian and vehicle movements with the use of landscaping, barriers or other appropriate design solutions. (G)

(5) Differentiate areas of pedestrian and bicycle/vehicle interface with accent pavement and signage to alert drivers to potential conflicts. (S)

(6) Where a driveway crosses a walkway, make the walkway continuous in grade without a ramp down to the road bed. (G)

(7) Align walkways directly and continuously to connect pedestrian destinations. (S)

(8) Avoid following the perimeter of parking lots that do not provide direct pedestrian access. (G)

(9) Sidewalks shall be at least five (5) feet wide. (S)

(10) Sidewalks should be aligned parallel to the adjacent street. (G)

(11) In cases where a meandering sidewalk is desired along an arterial street, provide adequate width within which to accommodate berming and landscaping that enhances the meander and defines the walkways. (G) If the appropriate width is not provided within the public right of way to meet this guideline, a sidewalk easement will be required. (G)
(12) Internal pedestrian walkways should be designed to avoid the crossing of drive-thru lanes and service drives. (G)

(13) Driveway crossings must place priority on pedestrian access, and the material and layout of the pedestrian access must be continuous as it crosses the driveways, with a break in the continuity of the driveway paving and not in the pedestrian access way. (S)

(14) Use attractive barriers to separate pedestrian and vehicular traffic. (G)

(15) Where possible, connect internal pedestrian and bicycle paths to existing or proposed neighborhood trails. (G)

Link developments with surrounding areas provide separate vehicular and pedestrian circulation systems with a strong emphasis on pedestrian linkages.

(Ord. 932 §1, 2013; Ord. 956 §1, 2014)

Sec. 16-6-50. Architectural design.

(a) Intent: Create enduring quality and beauty in the built environment and establish a distinctive character for the community. Accommodate a wide variety of compatible architectural styles. All elements, including the scale and mass of buildings, materials, colors, roof styles, door and window openings and details, should be responsive to this goal. Compatibility to adjacent buildings shall be achieved, provided that adjacent buildings conform to these standards or are otherwise valued for their distinctive historic character.

Building masses should relate to "human scale" with materials and details that are proportionate to human height and provide visual interest at the street and sidewalk level. Compatibility between different architectural styles should be achieved in part through the common use of durable high quality exterior finish building materials, such as stone, particularly red sandstone, or brick masonry on the ground level. Materials, such as wood and stucco that have smoother textures and a lighter visual appearance may be used on upper levels.
Use durable high quality exterior finish building materials such as stone, particularly red sandstone, or brick masonry on the ground level. Materials such as wood and stucco that have smoother textures and a lighter visual appearance may be used on upper levels.

Standards and Guidelines:

(1) Anchoring of the building to the ground plane should be emphasized through the architectural detailing of the building creating visual interest at the ground level. (G)

(2) The indoor/outdoor transitional space at primary building entrances shall be sheltered and enhanced with use of covered landings, porches, canopies, porticos or similar architectural features that provide overhead shelter. (S)

(3) Large buildings should be reduced in apparent mass or articulated to avoid large monolithic, box-like shapes. (S)

(4) Standardized commercial architecture that is found widely in other communities should be avoided unless it conforms, or is adapted to conform, to the applicable standards and guidelines herein. Strongly thematic architectural styles associated with some chain restaurants and service stores are not allowed if not conforming to the applicable standards and guidelines herein. (S)

(5) Preserve and restore significant historic structures in accordance with the historic preservation provisions in Article 12 of this Chapter. (S)
Shelter primary building entries with porches, porticos or covered landings.

(b) Building relationships and compatibility. Intent: All buildings within a proposed development should be visually and physically compatible with one another, and with the natural setting of the Town with its distinctive red sandstone bluffs.

Standards and Guidelines:

(1) Locate buildings so they will not obscure desired views from public streets, parks and other public gathering places (see Section 16-6-20 of this Article) (G)

(2) Locate the buildings to create pedestrian plazas and gathering places. (G)

(c) Building Heights and Roofs. Intent: Taller buildings should incorporate a series of multi-planed roof levels that step down to the pedestrian scale at the perimeter of the building. Additional building height is warranted where the height is needed to accommodate pitched roofs and distinctive architectural elements that create visual interest, resulting in a building profile that is varied to create visual interest and reduce the apparent mass and bulk of the structure and to avoid a box-like profile.
Incorporate a series of multi-planed roof levels that step down to the pedestrian scale at the perimeter of the building.

Standards and Guidelines:

(1) Relate building heights to adjacent open space/green space to allow maximum sun and to provide protection from prevailing winds. (G)

(2) The height of new development should be compatible with and avoid abrupt transitions from the height of adjacent buildings. (G)

(3) Buildings that exceed thirty (30) feet in height should incorporate pitched roofs that avoid box-like building profiles. (G)
Multi-planed roofs and awnings add desirable articulation.

Incorporate pitched roofs that avoid box-like building profiles.

(d) Building Massing, Forms, and Pedestrian Scale. Intent: Buildings should relate to the natural setting and each other in their massing and forms. Square "box-like" structures with large, blank, unarticulated wall surfaces are not an acceptable form. The exterior character of buildings should respond to the pedestrian scale in the immediate vicinities. Buildings should have features and patterns that provide visual interest at the scale of the pedestrian, that reduce apparent mass, and that relate to local architectural character, provided that adjacent buildings conform to these standards or are otherwise valued for their distinctive historic character.

Standards and Guidelines:

(1) Where new development incorporates active commercial uses, such as retail and restaurants, buildings should be located and designed to create and define transitional outdoor entrances, sheltered pedestrian plazas and gathering places. (S)
Locate, design and orient buildings to create and define transitional outdoor entrances and sheltered pedestrian plazas and gathering places.

(2) Provide street-facing building facades that create visual interest from primary auto and pedestrian views. (S)

(3) Break large buildings into modules or sub-parts to reduce perceived scale. (S)

For example:

a. Variations in color and/or texture should be used. (G)

b. Step-downs and step-backs should follow the terrain and be tiered and reinforced by landscape elements. (G)

c. Variation in roof forms and height of roof elements should be used. (G)

(4) Compositions that emphasize floor lines or that incorporate patterns of windows, columns and other architectural features are encouraged. (G)

(5) Avoid blank walls at ground-floor levels. Use windows, trellises, wall articulation, arcades, material changes, awnings or other features. (G)

(6) Architectural features, such as columns, pilasters, canopies, porticos, awnings, brackets or arches, should be included. (G)
(7) Ground level windows that can reveal indoor amenities and activities or retail displays are required in commercial buildings. (S)

(e) Roof Forms and Materials. Intent: Rooftops should contribute to the appeal and visual interest of the building. Additional building height is warranted where the height is needed to accommodate pitched roofs stepping down in multiple planes and related architectural elements that create visual interest, resulting in a building profile that is varied to reduce the apparent mass and bulk of the structure and to avoid a box-like profile.
Pitched roofs stepping down in multiple planes are encouraged.

Multi-planed roofs add desirable articulation.

Use of masonry anchors the building to the ground plane.

Standards and Guidelines:

(1) Avoid roof lines running in continuous planes of more than fifty (50) feet. (S)

(2) Materials on visible pitched roofs should be attractive, high quality and durable. Concrete tile, asphalt shingles and standing-seam metal are examples of appropriate roof materials. (S)
(3) Screen rooftop mechanical units from view with architecturally integrated screening units, roof parapets or sloped roof forms. (S)

(4) Design roof forms to correspond to and denote building elements and functions such as entrances, arcades and porches. (S)

(f) Building Materials and Colors. Intent: Exterior building materials and colors should be aesthetically pleasing, durable and of a high quality. Native authenticity of building materials is required. Compatibility of building materials is preferred throughout a development project consisting of multiple buildings.

Emphasis is placed on local sandstone as a preferred exterior finish building material for the highway commercial areas. This will create a strong image for the built environment that relates intimately with the natural setting of the Town, as well as the Town's history as a source for sandstone. The cumulative result will be to establish a local character that is authentic and that resonates with the natural setting.

Contemporary sandstone masonry designs are encouraged.

(1) Building materials.

Standards and Guidelines:

a. Stone or other masonry, heavy timbers or logs are preferred as dominant exterior finish building materials exposed on the ground level combined with muted complementary colors expressed with materials such as stucco, wood, other natural stone, brick or textured concrete masonry on upper levels. (G)

b. Native authenticity of building materials is required. Panelized building products, such as faux brick veneer, that imitate the appearance of traditional authentic building materials are prohibited. (S)
c. Appropriate exterior wall materials include wood, unpainted textured concrete (with or without integral color) and other materials with naturally matte textures and muted colors. (G)

d. Prohibited primary exterior materials include:
   1. Highly reflective materials (except for functional windows). (S)
   2. Prefabricated metal buildings, painted metal walls or painted concrete walls (painted metal roofing material is appropriate). (S)
   3. Plain, unfinished concrete block. (S)
   4. Large expanses of unarticulated stucco. (S)
   5. Plexi-glass awnings, glossy metal awnings and back-lit vinyl awnings. (S)

e. Use materials manufactured in units and measurable in human proportions such as brick, tile and modular stone, on the ground level. Other appropriate materials include stucco, glass and decorative tiles. (G)

(2) Building colors.

Standards and Guidelines:

a. Exterior building colors shall not become signs for the building or tenant. (S)

b. Avoid monotony among colors throughout the project site. (S)

c. Building colors should not be garish. (S)

d. Primary colors and other bright colors can be used as accents to enliven the architecture, but should be used sparingly. (G)

   e. Use accent colors to enhance visual interest. (G)

f. Color should be used to enhance architectural elements. (G)
A bright or primary color can be appropriate for accent elements, such as door and window frames and architectural details.

g. Choose coordinated color palettes for new buildings that use compatible architectural detailing accents and roof colors. (S)

h. Bright colored roofs, which exceed a chroma of six (6) on the Munsell Color chart shall not be allowed. (S)

(g) Building Entrances. Intent: Primary building entrances should be easily identifiable and relate to human scale. Incorporate clearly defined, highly visible customer entrances for each principal building on a site. Entryway design elements should provide orientation and display aesthetically pleasing character.
Entrances should be easily identifiable and relate to human scale.

Standards and Guidelines:

(1) Locate main entrances to be clearly identifiable from primary driveways and drop-offs. For example:

   a. Design building entrances to contrast with the surrounding wall plane. (G)

   b. Consider tinted glass, painted doors or recessed features that will create a shaded effect. (G)

   c. Create a frame around doorways by changing materials from the primary facade material. (G)

   d. Design primary entrances to be accessible to handicapped users without complex ramp systems. (G)

(2) Design building entrance ways as a transition from the building to the ground. Incorporate porticos, walls, terraces, grading and plant materials to accomplish this transition. (G)
Canopies or porticos, overhangs, recesses/projections, arcades, raised corniced parapets over the door and peaked roof forms are encouraged.

(3) Enhance each entrance with an appropriate combination of several of the following features: 1) canopies or porticos; 2) overhangs; 3) recesses/projections; 4) arcades; 5) raised corniced parapets over the door; 6) peaked roof forms; 7) arches; 8) outdoor patios; 9) display windows; 10) architectural details such as tile work and moldings which are integrated into the building structure and design; and 11) integral planters or wing walls that incorporate landscaped areas and/or places for sitting. (G)

(h) Service Entrances and Loading Areas. Intent: Service areas should be visually unobtrusive and integrated with the project site design and architecture.

Standards and Guidelines:

(1) Orient service entrances, loading docks, waste disposal areas and other similar uses toward service roads and away from arterial and collector streets and residential areas, unless adequately screened. (S)

(2) Screen service entrances and trash dumpsters from public streets, pedestrian gathering areas and primary entrances with fencing, walls and/or landscaping. (S)

(3) Use the same materials as employed elsewhere on the building or site. (S)

(4) Coordinate the location of service areas with adjacent developments so that shared service drives may be feasible. (G)

(5) Do not place service areas where they will be readily visible from adjacent buildings or where they will negatively impact important/identified view corridors. (S)

(i) Energy Conservation Measures and Green Building Principles. Intent: Promote the use of rapidly renewable materials and regional materials in building construction or renovation of existing buildings to save resources and to support local businesses. Support ecologically sensitive construction waste management techniques to help prevent demolition and construction debris from disposal in landfills and to promote their reuse for another purpose.

Local climate conditions afford the opportunity to take significant advantage of passive and active solar energy applications. Buildings should be designed and sited to maximize the use of solar gain
for energy savings, and respect the solar access requirements of adjacent (existing and proposed) buildings.

Identify environmental standards for the construction and operation of all proposed buildings. The resource areas to be considered include water quality and water conservation, energy conservation and renewable energy, life cycle impacts of building materials, solid waste construction and operation impacts, health and safety. All buildings should be energy-efficient to conserve natural resources.

Standards and Guidelines:

(1) Provide for each building's solar orientation and encourage energy conservation measures (e.g., use landscaping to provide summer shade and wind protection, minimize heat islands, construct energy-efficient buildings). (G)

(2) Water conservation. All new development is encouraged to incorporate water-saving measures in building design and landscaping. (G)

(3) Incorporate energy-conserving design concepts, including but not limited to the following: (G)

   a. Proper orientation and clustering of buildings to take advantage of the prevailing summer winds and to buffer against adverse winter conditions;
   
   b. The arrangement and design of windows to take advantage of passive solar opportunities;
   
   c. Photovoltaic energy;
   
   d. Building day-lighting;
   
   e. Earth sheltering with creative landforms; and
   
   f. Natural ventilation of outdoor, indoor and attic spaces.

(j) Freestanding Accessory Structures. Intent: Where freestanding structures are part of an approved development plan (e.g., ATMs, garages, service station canopies, storage units, recycling sheds, trash enclosures, utility buildings) they should meet the same design standards as the principal buildings on the site.

Standards and Guidelines:

(1) The design of freestanding accessory structures shall be coordinated with the principal building through repetition of architectural forms, materials, colors and detailing. (G) (Ord. 932 §1, 2013; Ord. 956 §1, 2014)
Sec. 16-6-60. Landscape design.

(a) Intent. Design new development to complement and enhance the natural beauty of the Town and to preserve its environmental quality. The site plan and landscape plan should be coordinated to achieve the following objectives:

(1) Enhance the aesthetics of new developments;
(2) Create a pedestrian-friendly environment;
(3) Break up the mass of buildings;
(4) Soften architectural materials;
(5) Provide screening of service structures;
(6) Provide tree-lined streets;
(7) Define building and parking lot entrances;
(8) Provide shade in parking lots;
(9) Consider wildlife habitat;
(10) Provide buffers between incompatible uses;
(11) Reduce water use by using native plants and Xeriscape design techniques;
(12) Maximize rainwater retention and infiltration;
(13) Integrate natural features and significant existing trees and native vegetation into new development and maximize their interconnectivity within the site; and
(14) Local food production and community gardens are allowed and count towards green space.

(b) Perimeter Landscaping Adjacent to Public Streets. Intent: Landscape improvements in new development shall create an attractive streetscape with an appropriate mix of street trees, shrubs and hardy ground covers.

Standards and Guidelines:

(1) Provide a planting strip between the public right-of-way and the edge of adjacent buildings or parking lot pavement, containing a minimum of one (1) tree and five (5) shrubs for every twenty-five (25) lineal feet of street frontage. See Subsection 16-6-20(f) of this Article. (S)

(2) Use of raised planters or low screen walls to partially screen adjacent parking lots is encouraged. (G)
(3) Provide an effective thirty-foot sight triangle at every point of vehicular egress onto a public street. (S)

(4) Provide a minimum six-foot-wide by twelve-foot-long landscaped buffer strip or sidewalk along both sides of access drives behind the sidewalk at the street property line. (G)

(5) Break up long expanses of fence and wall surfaces with landscape pockets and structural insets integrated into the structure every forty (40) lineal feet, or less. (S)

(c) Perimeter Landscaping Adjacent to Abutting Property. Intent: Visual buffers should be provided between different land uses to accomplish transitions and to mitigate potential conflicts between dissimilar uses.

Standards and Guidelines:

(1) Provide a minimum five-foot-wide planting strip next to side and rear property lines containing at least one (1) tree for every thirty-five (35) lineal feet of property line and an appropriate mix of shrubs and hardy vegetative ground cover. (S)

(d) Parking Lot Landscaping. Intent: Parking lots are necessary features of building sites that can, if not designed properly, visually detract from the overall development character. Parking lots should be designed to blend with each building site's character, using landscape plantings and coordinated site design elements. Significant shade should be provided within and around the parking lot.
Significant shade should be provided within and around the parking lot.

Standards and Guidelines:

1. A minimum of one (1) canopy shade tree per eight (8) parking spaces is required in all parking lots, to be planted in islands, medians and perimeter areas adjacent to lots (exclusive of streetscape tree plantings). (S)

2. Utilize landscaped islands, medians and distinctive pedestrian pavement to improve the definition of circulation patterns, provide shading for paved areas and break up continuous rows of parking. (G)

3. No landscaped island within a parking lot should be less than forty (40) square feet. (G)

4. Provide a minimum six-foot-wide landscaped island at the end of every interior row of parking, equal in length to the length of the parking spaces. (S)

5. Provide a minimum of one (1) canopy shade tree and six (6) shrubs, not exceeding three (3) feet height at maturity, in each interior end island. (S)

6. Lower the grades of parking lots below existing street elevations, where possible, to minimize visibility of parked cars, while promoting views to building entries. (G)
Utilize landscaped islands, medians and distinctive pedestrian pavement to improve the definition of circulation patterns.

(e) Landscape Irrigation and Water Conservation. Intent: A significant percentage of the Town's treated water supply is used to irrigate plant materials and grasses. Every effort should be made to conserve water and augment irrigation by maximizing absorption of rain and snow. Incorporate Xeriscape concepts into the landscape design of each new development without compromising the intent to establish significant visual amenities through landscaping. This includes best practices such as bio-swales, on-site slash mulching, careful site level micro-climate zoning of plants (e.g., locate drought-tolerant plants on dry south and west facing slopes). Irrigation devices should be selected for specific micro-climatic site applications, with optimum device adjustment and programmer timing to conserve water and maintain a healthy vegetative cover. Smart irrigation timers with rain sensors are encouraged where appropriate.

Standards and Guidelines:

(1) Incorporate a "zoned planting scheme" to reduce water demand by grouping plants with similar watering needs, particularly those that are drought tolerant. (S)

(2) Use drought-tolerant plant species suitable to this climate that have low watering requirements. (G)

(3) For all irrigated areas, potential over-spray runoff shall be avoided through the proper selection of irrigation devices. (S)

(4) Incorporate heavily mulched planting beds to aid in retaining moisture and to make planting areas easier to maintain. (S)

(5) For turf areas, soils should be improved to a depth of six (6) inches, with appropriate soil amendments as needed to improve water retention and promote root growth. (G)

(6) Incorporate advanced irrigation measures and scheduling. Install an efficient automatic irrigation system that will incorporate water conservation measures. Spray heads are recommended for lawn and ground cover areas, with drip irrigation recommended for shrubs and trees. (G)
(7) The creation of water-conserving landscapes is encouraged by minimizing or avoiding manicured lawns. Warm season grasses are appropriate for turf areas. (G)

(8) The use of alternative sources of irrigation water, other than potable, is encouraged. (G)

(f) General Landscape Provisions.

Standards and Guidelines:

(1) A healthy vegetative cover adequate to prevent soil erosion and invasion of weeds shall be established on all disturbed ground in the first growing season. (S)

(2) Choose plant materials that provide variety and year-round color and screening. Select materials which highlight each season. (G)
   a. Spring: flowering plants.
   b. Summer: shade.
   c. Fall: leaf color.
   d. Winter: branch form and texture.

(3) Artificial plants of any type, size or color are not allowed as exterior landscaping within any development. (S)

(4) Use of any plant species listed by the County as noxious or invasive is prohibited. (S)

(5) Mulching:
   a. Planting beds should be mulched with wood or plant fiber mulch to stabilize soils, control erosion and conserve water use. (S)
   b. Use of decorative stone as a mulch/ground cover should be minimized and restricted to areas where wood mulch may not be appropriate. (G)
   c. Decorative rock should not be over-used and should not constitute more than fifty percent (50%) of the total mulched area. (G)
   d. In parking lot landscape islands, rock mulch may be used as an edger to protect the organic mulch which should be the primary mulch material. (S)
   e. Use only biodegradable netting to hold mulch. (S)

(6) Use biodegradable weed barrier fabric or other appropriate weed control measures within all shrub beds and mulched areas to control weeds. (G)

(7) All landscape plans should be prepared by a qualified landscape architect or landscape designer. (G)
(8) Upon issuance of a certificate of occupancy, a performance guarantee secured by cash or a letter of credit shall be required to ensure completion of unfinished landscaping. (S)

(g) Plant Size Standards. Intent: An immediate, substantial landscape impact will be achieved within all new development through the application of minimum plant size standards. The following minimum size standards are meant only to apply to the minimum planting quantities. Planting quantities in excess of the minimum requirement are not subject to these minimum size restrictions.

Standards and Guidelines:

(1) Provide landscaping according to the following minimum sizes: (S)


b. Ornamental trees: one-and-one-half-inch caliper.

c. Evergreen trees: four (4) feet to six (6) feet in height with a minimum of twenty-five percent (25%) that are six (6) feet in height.

d. Multi-stem ornamentals: four (4) feet to six (6) feet in height.

e. Shrubs: five-gallon container.


(h) Landscape Maintenance and Replacement. Intent: The property owner is responsible for providing, protecting and maintaining all landscaping in a healthy and growing condition.

Standards and Guidelines:

(1) The property owner will remove and replace dead plant materials in first growing season with the same type, size and quantity of plant material as originally installed. Replacement may not be identical, yet should provide same form and function, subject to Town staff review and approval. (S)

(i) Existing Vegetation. Intent: Special attention should be paid to preserving, within each new development, those natural features and vegetation which are significant. To the maximum extent feasible, the landscape requirements set forth herein shall be met through the retention of existing healthy trees, shrubs and ground cover.

Standards and Guidelines:

(1) Locate site improvements and building improvements to preserve significant natural vegetation; i.e., existing healthy trees, shrubs and other vegetation. (S)

(2) Use tree wells or retaining walls as required to maintain original grade around significant existing trees to be retained. (S)
(3) Protect vegetation to be retained with temporary construction fencing, and with a heavy temporary mulch layer, as needed to minimize soil compaction on heavy construction traffic routes that are intended to become planted areas with the finished site design. (S) (Ord. 932 §1, 2013; Ord. 956 §1, 2014)

Sec. 16-6-70. Freestanding walls and fences.

(a) Intent. Fences and walls should be decorative and contribute to the visual quality of the project and the overall development. Walls, fences and landscape materials shall be used to screen service areas, loading areas and outdoor storage or sales areas. When not required for security, screening or grade transitions, the size of walls and fences should be minimized. When required, however, fencing should be as inconspicuous as possible, and walls should be low.

(b) Freestanding Walls and Fence Design and Materials. Intent: Fencing and walls shall be constructed of materials that are compatible with the adjacent building architecture and their appearance softened with plantings.

Standards and Guidelines: 1

(1) Preferred fencing materials:

a. Traditional fence designs using wood in its natural color and texture.

b. Decorative wrought iron and durable metals designed to be visually subordinate and inconspicuous.

(2) Preferred wall materials: Stone in its natural color and texture, especially red sandstone.

(3) Incorporate finished architectural treatment on both sides of perimeter freestanding walls. (S)

(4) Provide landscaping in combination with walls and fences to soften their appearance. (G)

(5) Chain-link fencing with or without slats is not an acceptable screen material. (S)

(6) Break up long expanses of fences or walls with periodic columns, insets or change in materials. (S)

(7) Height changes, offset angles and the use of complementary materials may be used to create variety in fences and walls. (G)

(8) Construct walls and fences from durable materials such as stone, brick or metal with dark finishes (wrought iron or similar), or a combination of these materials. (G)

1 Note: Fencing or other temporary freestanding barriers installed to protect new trees and shrubs from destructive browsing by deer and other wildlife shall not be subject to the materials and design standards set forth in this Section, except where that fence or wall runs along the perimeter of the site.
Concrete walls are permitted if faced with masonry or stone or if the surface is scored or textured. (G)

In the side and rear yard no fence or wall in any district shall exceed six (6) feet in height, except to the minimum extent required to visually screen an approved storage, service, loading or trash disposal area. (S)

No fence, wall, hedge or other shrubbery shall interfere with the vision of motorists at any intersection. (S)

Fences, walls and hedges shall not be located in any public right-of-way without the written consent of the Town. (S)

Chain-link is allowed only where required for security or other functional necessity that is explicitly authorized with a development plan approval. Where chain-link is approved, an adequate vegetative screen shall be provided to conceal the fence from public view on adjacent streets, sidewalks or other public ways. An eight-foot chain link fence is permitted, but some landscaped screening in front of the fence is suggested unless security is compromised. Chain-link will be allowed in the front lot in a business, public facility or industrial zone, provided that such fence is set back a minimum of six (6) feet from the back of the sidewalk and upon establishing a need for such a fence for reasons of security or protection of outdoor storage. (S)

Prohibited materials. No fences shall be constructed in whole or in any part of concertina, razor wire, tin, wood scraps, mill scraps or slabs or any unsightly material. (S)

Decorative fences and freestanding walls. Decorative or ornamental fences and freestanding walls may be permitted in the front yard, provided that the following conditions are met: (G)

a. The maximum height allowable is three (3) feet.

b. No total enclosure fences running along all property boundaries will be allowed.

c. The minimum setback from the back of the sidewalk along public streets shall be three (3) feet.

c) Screening Requirements. Intent: A project must include adequate screening of meters, transformers and loading and service areas.

Standards and Guidelines:

Make screening for loading docks and service areas a minimum of six (6) feet high and constructed of the same materials and finishes as the main building. (S)

All authorized outside storage shall be substantially screened. (S)

a. Screen from view all outdoor areas used for the display, storage or sale of seasonal inventory. (S)
b. Use fencing, walls and/or landscaping. (S)

(3) Screen all utility equipment, meters and transformers from view with fencing, walls and/or landscaping. (S)

d) Noise Barriers and Buffers. Intent: Where noise that will be generated on the site can reasonably be anticipated to have a negative impact on the surrounding neighborhood, that noise shall be adequately mitigated, in part through the use of physical sound barriers incorporated into the approved development plan.

Standards and Guidelines:

(1) For commercial and light industrial uses where, in the opinion of the Town Engineer, there is a potential for noise exceeding the state standards at the property line, a noise study completed by a qualified acoustic engineer may be required to demonstrate that noise emissions at the property line will not exceed state standards. (S)

(2) If a noise buffer is recommended in an acoustic engineer's report, the design shall be submitted for review. It shall consist of landscaped earth berms or sound barrier walls, with landscaping at the base or as otherwise determined acceptable by the Board of Trustees. (S) (Ord. 932 §1, 2013; Ord. 956 §1, 2014)

Sec. 16-6-80. Exterior site lighting.

(a) Intent. Exterior lighting should be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties. Lighting that spills beyond the intended target of illumination, whether into the night sky or onto adjacent properties, is considered light pollution and is prohibited. Lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed or shielded to minimize light spill into the night sky. The use of sensor technologies, timers or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety and promote compatibility between different land uses. Lower lighting levels after closing are encouraged.

(b) Fixture Design and Illumination Level. Intent: Lighting shall be arranged so it neither unreasonably disturbs occupants of adjacent residential properties nor interferes with traffic.

Exterior light fixtures should be compatible and relate to the architectural character of the buildings on a site. Site lighting should be provided at the minimum level to accommodate safe pedestrian and vehicle movements without causing any off-site glare.

Standards and Guidelines:

(1) Poles and fixtures should be designed to be architecturally compatible with structures and lighting on site and on adjacent properties where such lighting conforms to these standards. (G)

(2) The light source shall be concealed or otherwise shielded so that the light source is not visible from any street right-of-way or adjacent properties. In order to direct light downward and
minimize the amount of light spill into the night sky and onto adjacent properties, all lighting fixtures shall be full cutoff fixtures. (S)

(3) Illuminate all intersections with perimeter public roads with poles and fixtures approved by the Town for lighting public streets. (S)

(4) Select and locate all lighting fixtures to shield or confine light spread within a site's boundaries and to protect the night sky. (S)

(5) To facilitate security, specify lighting levels that are adequate for visibility, but not overly bright. All building entrances should be well-lighted. (G)

(6) Use metal halide, LED, induction or other energy efficient white light fixtures. High pressure sodium is discouraged in any application. (G)

(7) Maximum height of all poles within parking lots, landscaped and plaza areas is twenty-four (24) feet, measured from finish grade at the base of the foundation of the pole. (S)

(8) The maximum permitted illumination at the property line shall be two (2) foot-candles. (S)

c) Decorative Architectural Lighting. Intent: Special lighting that accents building features and creates visual interest is permitted in new developments, provided that design continuity is maintained among buildings.

Standards and Guidelines:

(1) Lighting fixtures mounted directly on structures may be allowed when utilized to enhance specific architectural elements or to help establish pedestrian scale or provide visual interest. (G)

(2) "Wall paks" are permitted only in loading and service areas and should be down-lit and shielded from view. (S)

(3) Neon tubing is not acceptable as a building accent or to accentuate the building's form. (S)

(4) Integrate illuminators or fixtures used to light building-mounted signage, building facades or pedestrian arcades into a building's architectural design. (G)

(d) Parking Lot Lighting. Intent: Parking lot lighting should be unobtrusive and provide safe light for orderly functions.

Standards and Guidelines:

(1) All parking area lighting shall be full cut-off type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to shield the light source from nearby residential properties and from the vision of passing motorists. (S)

(2) Make all parking lot light fixtures similar in design for all surface parking areas. (S)
(3) Select metal halide lighting with a concealed light source of the "cut-off" variety to prevent glare and light trespass onto adjacent buildings and sites. (S)

(4) Provide separate, pedestrian-scale lighting for all pedestrian ways through parking lots. (G)

(5) Maximum height of parking lot poles is twenty-four (24) feet, measured from finished grade at the base of the foundation of the pole. (S)

(6) Locate poles in medians wherever possible, with a maximum base height of two (2) feet. (G)

(e) Pedestrian Area Lighting. Intent: Walkway lighting should be scaled to the pedestrian and should provide for safe use of pathways and pedestrian areas. Walks should be lighted for the safe passage of pedestrians, as should areas which are dangerous if unlit, such as stairs, ramps, intersections and underpasses.

Standards and Guidelines:

(1) Use of lighted bollards or other low-level fixtures is encouraged to identify pedestrian walkways and drop-off areas at entrances to buildings. (G)

(2) Emphasize pedestrian-to-vehicle intersections with low-level decorative street lights. (G)

(3) Illuminate all primary walkways, steps or ramps along pedestrian routes. (G)

(4) Incandescent or metal halide lamps are strongly encouraged. (G)

(5) Use building-mounted fixtures for walkways or plazas near buildings. (G)

(f) Landscape Lighting. Intent: Landscape lighting should enhance and complement, not overpower, the landscape materials.

Standards and Guidelines:

(1) Design the landscape lighting to work for all seasons of the year and through the life of the landscape. (G)

(2) Conceal fixtures where possible (i.e., in trees, by landscape, behind rocks), control glare and avoid extreme bright spots on the surrounding landscape. (G)

(g) Site Security Lighting. Intent: Security lighting is anticipated in some sites, but it should not negatively impact the site and building architecture or adjacent parcels.

Standards and Guidelines:

(1) No light source (bulb) shall be directly visible from adjacent parcels. (S)
(2) Provide only as much light or illumination as necessary to provide safety and security of the area. (G)

(h) Light Intensity. Intent: The light intensity levels within all areas should correspond to use and potential hazards.

Standards and Guidelines:

(1) A photometric lighting plan is required for all proposed commercial development and mixed-use developments to ensure that adequate and appropriate light levels are provided for each site condition. (S)

(2) The following recommended levels of illumination should be maintained for each of the specific locations: (G)*

<table>
<thead>
<tr>
<th>Location</th>
<th>Illumination in foot-candles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building entrances</td>
<td>5.0</td>
</tr>
<tr>
<td>Sidewalks</td>
<td>2.0</td>
</tr>
<tr>
<td>Bikeways</td>
<td>1.0</td>
</tr>
<tr>
<td>Courts/plazas/terraces</td>
<td>1.5</td>
</tr>
<tr>
<td>Ramps</td>
<td>5.0</td>
</tr>
<tr>
<td>Stairways</td>
<td>5.0</td>
</tr>
<tr>
<td>Underpasses</td>
<td>5.0</td>
</tr>
<tr>
<td>Waiting areas</td>
<td>1.0</td>
</tr>
<tr>
<td>Parking lots</td>
<td>1.0</td>
</tr>
<tr>
<td>Roadways</td>
<td>1.5</td>
</tr>
</tbody>
</table>

* Values given are in minimum average maintained horizontal foot-candles which are measured at the average point of illumination between brightest and darkest areas, 4 feet to 5 feet above the ground surface. (Source: IES Lighting Handbook – 4th Edition.)

(3) Site lighting should provide consistent levels of illumination, avoiding pockets of very high or low levels of illumination. (G) (Ord. 932 §1, 2013; Ord. 956 §1, 2014)

Sec. 16-6-90. Special design guidelines for large buildings.

Intent: Large buildings with twenty thousand (20,000) square feet or more on the ground level can have high visibility from major public streets. The design of these buildings influences the character and attractiveness of the major streetscapes in the commercial areas of the Town. It is important that these large individual buildings contribute to and integrate with the Town in a positive way. The following policies, standards and guidelines augment the standards and guidelines found in Section 16-6-50 of this Article. This Section is meant to provide a means to address the impacts of large buildings with standards and guidelines that are in addition to all other applicable standards and guidelines in this Article.
(1) Parking lot orientation. Intent: Parking should be distributed around large buildings in order to shorten the distance to the buildings and public sidewalks.

Standards and Guidelines:

a. Locate no more than seventy-five percent (75%) of the off-street parking area for the entire property between the front facade of the principal buildings and the primary abutting street. (G)

(2) Rear of buildings. Intent: The rear or sides of buildings should be attractive. Architectural and landscape screening techniques should be employed to mitigate the aesthetic impacts of blank walls, loading areas, storage areas, HVAC units and garbage receptacles.

Standards and Guidelines:

a. Provide a minimum twenty-foot building setback from the nearest property line along the rear and sides of buildings. (S)

b. Where the parcel is adjacent to a residential use, plant evergreen trees at fifteen-foot intervals, or in clusters that accommodate mature tree diameter and provide appropriate screening. (S)

(3) Facades and exterior walls. Intent: Articulate facades to reduce the massive scale and the uniform impersonal appearances of large buildings and provide visual interest that is consistent with the desired identity, character and scale of the Town.

Standards and Guidelines:

a. In cases of facades more than one hundred (100) feet in length, incorporate significant architectural features and treatments to diminish the building mass. (S)

b. Incorporate arcades, display windows, entry areas or other such features along at least sixty percent (60%) of the horizontal length of the entire ground floor facade with the primary pedestrian entrance. (S)

c. Incorporate design features that are similar to the front facade in all rear and side facades visible from adjoining properties and/or public streets. (S)

d. In cases of large buildings for employment, storage or auto related uses that have little relationship to pedestrians or have a need to limit ground floor windows, bring a part of the building to the street. (G) A setback modification may be authorized for such purpose. (G)

(4) Detail features. Intent: All buildings should incorporate architectural features and patterns that create visual interest, are of a pedestrian scale and recognize the Town's desired identity, character and scale.

Standards and Guidelines:
a. Incorporate a repeating pattern in all building facades to include the following elements:
   1) color change; 2) texture change; and 3) material module change. (G)

b. Repeat these elements at intervals of no more than thirty (30) horizontal feet. (G)

c. Express architectural or structural bays through a change in plane of at least twelve (12) inches in width, such as an offset, reveal or projecting rib. (G)

(5) Roofs. Intent: Variations in roof lines should be used to add interest to, and reduce the massive scale of, large retail buildings. Roof features should complement the character of adjoining neighborhoods where the neighborhoods contain preferred architectural form and character.

Standards and Guidelines:

Incorporate the following features into the roofs of large buildings:

a. For flat roofs, parapets on all building elevations that conceal flat roofs and rooftop equipment. (S)

b. If sloping roofs are used, the standards in 1 and 2 below must be applied on all building elevations. (S) For sloping roofs:

   1. Overhanging eaves that extend no less than three (3) feet past the supporting walls. (S)

   2. Three (3) or more roof slope planes. (S)

c. Design roof slopes within the maximum to minimum range of 1:1 to 3:1. (G) (Ord. 932 §1, 2013; Ord. 956 §1, 2014)

Sec. 16-6-100. Appendices.

(a) APPENDIX A: UTILITIES

(1) The water main distribution system of a development shall be designed to connect with the Town water system, to be compatible with the existing system and to make water available to each lot in the proposed development within the public right-of-way or dedicated easements. Fire hydrants shall be located to ensure protection to each lot based on utilization of existing Fire District or Town firefighting equipment and shall be approved by the Fire Chief. Design of the system shall be to Town specifications.

(2) Where the Town wastewater collection system is accessible, the wastewater collection system shall be designed to connect with the Town system and provide service to each lot in a proposed development. Design of the system shall be the responsibility of the developer, with all plans subject to Town specifications and the approval of the Town Engineer. When the Town wastewater collection system is not accessible, the developer shall be responsible for installation of a wastewater collection system for the development. Such system shall meet all federal, state and local laws and regulations concerning design and installation of the system.
(3) The electrical system for subdivisions will be designed by the Town and paid for by the developer. Installation of the system will be facilitated through the Public Improvement Agreement with the developer, or as otherwise accepted by the Board of Trustees. The electrical system for a residential building, single building or cluster of buildings on a site will be the responsibility of the developer.

(4) All wires, cables or other equipment for the distribution of electric energy and telecommunication signals, with the exception of transformers, meters, junction boxes and like equipment, shall be placed underground. Where subdivisions or developments are approved along or with crossing existing overhead power and communications facilities, energy and telecommunications may be obtained from these existing facilities. The connections to these facilities shall be placed underground unless otherwise approved by the Director of Electrical Services due to economic, engineering or aesthetic reasons. Utility easements and rights-of-way shall be provided in the subdivision or development, meeting the requirements of the Town electric system for the installation and maintenance of energy distribution and telecommunication facilities.

(5) Landscaping within public underground utility easements. Landscaping within public underground utility easements is limited to shrubs, ground covers and small ornamental trees. No canopy or shade trees may be planted within such easements. Berming is generally acceptable within public easements in conjunction with plant material.

(b) APPENDIX B: RECOMMENDED PLANT MATERIALS LIST. The Town shall adopt a Recommended Plant Materials List for development, which list may be updated periodically. The list shall be maintained on file in the Planning Department. Selection of plant materials from the list is preferred, and also in light of the following guidelines:

(1) Select plant materials on the basis of suitability to climate, setting, long season of visual appeal (multi-season plants, good architectural appeal, long bloom time, branching structure or ornamental grasses, for instance) and compatibility with other development plantings, character and functions.

(2) Select plant materials that are free of disease and harmful insect problems. To avoid the spread of disease, avoid planting more than twenty percent (20%) of a site with any single plant species. On small sites (less than one [1] acre), some flexibility may be granted to achieve specific design objectives.

(3) The quality of plant material selected will follow the guidelines of the "American Standard for Nursing Stock" by the American Association of Nurserymen.

(4) Proper drainage is required for all major plantings to ensure the establishment of a vigorous root system and healthy growth.

(5) The installation of all landscaping shall be done by an established landscape contractor who follows the procedures set forth by the American Association of Landscape Contractors and its local agencies.
(6) All landscaping and landscape material shall be backed by a warranty of the owner and the contractor for a minimum of one (1) year, as detailed in the development agreement. (Ord. 932 §1, 2013; Ord. 956 §1, 2014)

ARTICLE 7
Conditional and Nonconforming Uses

Sec. 16-7-10. Purpose.

(a) In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a conditional use permit. Specific conditional uses for each zone district are listed in the Matrix of Permitted Uses by Zoning District in Section 16-5-10 of this Chapter.

(b) Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Article is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the Town at large. Conditional uses may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied. (Prior code 9-2-7; Ord. 956 §1, 2014)

Sec. 16-7-20. Conditional use review process.

(a) Step 1: Preapplication Conference. The applicant shall attend a preapplication conference with a representative from the Town. The purpose of the meeting is to discuss the conditional use submittal requirements and review process.

(b) Step-2: Conditional Use Application Submittal. The applicant shall submit ten (10) copies of the complete conditional use application package to the Town Clerk and shall request that the application be reviewed by the PCDC and BOT. The application shall include:

1. Completed application form, application fee and fee agreement.
2. Current proof of ownership in the form of title insurance issued within thirty (30) days of submission of the application.
3. Written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied. The written statement shall address the following points:
   a. Need for the proposed conditional use;
b. Present and future impacts on the existing adjacent properties, uses and physical character of the surrounding area;

c. Impact of the proposed conditional use on area accesses and traffic patterns;

d. Availability of utilities for conditional use;

e. Potential impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools and transit;

f. Fiscal impact analysis;

g. Environmental impact analysis;

h. The relationship between the proposal and the Comprehensive Plan; and

i. Public benefits arising from the proposal.

(4) A map showing the proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped area and utilities and drainage features.

(5) Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.

(6) Such additional material as the PCDC and/or BOT may prescribe or the applicant may submit pertinent to the application.

(7) Surrounding and interested property ownership report. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

(8) Surrounding and interested property ownership notification envelopes: One (1) set of stamped and addressed, envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies.

(9) A signed certification from the applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with Section 24-65.5-103, C.R.S., or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. It is the applicant's responsibility to ensure that accurate and complete information is provided.

(c) Step 3: Conditional Use Application Certification of Completion. Within ten (10) working days, Town Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The
applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the amended application to the Town Clerk.

(d) Step 4: Set PCDC Public Hearing and Complete Public Notification Process. The Town Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies before the PCDC public hearing. The Town Clerk shall also publish notice in the newspaper of record no less than ten (10) days prior to the public hearing. If the conditional use request is accompanying another application that is scheduled for public hearings before the PCDC and BOT, one (1) public hearing may be held on both applications.

(e) Step 5: Final Staff Review and Report to PCDC. Town Staff shall complete a final review of the materials, including referral responses, and prepare a report to the PCDC explaining how the application is or is not consistent with the approval criteria for conditional uses.

(f) Step 6: PCDC Public Hearing and Action on the Conditional Use. The PCDC shall hold a public hearing to review the conditional use based on the approval criteria for conditional uses. The PCDC shall then make a recommendation to the BOT to approve, conditionally approve or deny the conditional use application.

(g) Step 7: Set BOT Public Hearing and Complete Public Notification Process. The BOT shall schedule a public hearing for the purpose of taking action on the conditional use. The Town Clerk shall publish notice in the newspaper of record no less than ten (10) days from the date of advertising.

(h) Step 8: BOT Public Hearing and Action on the Conditional Use. The BOT shall, after receiving the report and recommendations from the PCDC, hold a public hearing and act upon the proposed amendment. Following the required hearing, the BOT shall consider the comments and evidence presented at the hearing and evaluate the application in accordance with the approval criteria specified in Section 16-7-30 below and approve, approve with conditions or deny the application in whole or in part. (Prior code 9-2-7; Ord. 956 §1, 2014)

Sec. 16-7-30. Conditional use approval review criteria.

The Town shall use the following criteria to evaluate the applicant's request:

(1) The conditional use shall satisfy all applicable provisions of the zoning regulations and subdivision regulations.

(2) The conditional use shall conform with or further the goals, policies and strategies set forth in the Lyons Comprehensive Plan.

(3) The conditional use shall be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.
(4) The conditional use shall not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.

(5) The conditional use shall result in efficient on-site and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

(6) Potential adverse impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use shall be mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods.

(7) The conditional use minimizes environmental impacts, mitigates impacts to wildlife and wildlife habitat and promotes green building standards.

(8) The conditional use avoids placing unreasonable financial burdens on the Town.

(9) The applicant shall submit evidence that all applicable local, state and federal permits have been or will be obtained.

(10) The conditional use will not create more noise, dust, odors, vibrations, lights, traffic or parking than is customary for the zone district in which the conditional use is proposed, or that such increased impacts can be adequately mitigated. (Prior code 9-2-7; Ord. 956 §1, 2014)

Sec. 16-7-35. Uses by special review.

(a) Purpose.

(1) In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a use by special review permit. Specific uses by special review for each zone district are listed in the Matrix of Permitted and Conditional Uses and Uses by Special Review by Zoning District, Section 16-5-10 of this Chapter.

(2) Because of their unusual or special characteristics, uses by special review (USRs) require an evaluation so that they may be located properly with respect to their impacts on surrounding properties. The review process prescribed in this Section is intended to ensure compatibility and harmonious development between uses by special review, surrounding properties and the Town at large. USRs may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the USR will be in accordance with the USR approval criteria. The scope and elements of any USR may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for USR permits shall be denied.

(3) In economic-oriented zones, USR proposals should promote economic sustainability, help the Town's transition from a residential-development-based economy to a commercial-based, localized economy through encouraging entrepreneurship, economic diversification, reduced retail leakage and increased economic multipliers to keep dollars circulating in the community while creating quality jobs locally.
(b) Use by special review process.

   (1) Step 1: Pre-Application Conference. The applicant shall attend a pre-application conference with the Town Planner. The purpose of the meeting is to discuss the proposed use, submittal requirements and review process, including the Town Planner's estimate of the approximate timetable and direct costs of the process.

   (2) Step 2: Use by Special Review Application Package. The applicant shall submit three (3) copies of the complete USR application package to the Town Clerk. The application shall include:

       a. Completed application form, application fee and fee agreement.

       b. Current proof of ownership in the form of a title commitment issued within thirty (30) days of submission of the application.

       c. A detailed description and any graphics necessary to describe the proposed use and its operating characteristics and to illustrate how all use by special review criteria have been satisfied. The written statement shall address the following points:

           1. Detailed description of the proposed operation;

           2. Maximum number of users per day or week;

           3. Hours of operation;

           4. Existing uses on surrounding properties;

           5. Present and future impacts on the existing adjacent properties, uses and physical character of the surrounding environment (consider noise, odors, lighting, traffic, glare, visual impact, air quality, water quality, outdoor storage, recreational uses, wildlife habitat, etc.);

           6. Description of anticipated traffic for the site, describing the number of vehicles at peak hours, total daily trips generated and the impact on area streets, accesses and traffic patterns;

           7. Potential impacts on public facilities and services, including but not limited to fire, police, water, electric, sanitation, roadways, parks, schools and transit;

           8. A statement of how the use will contribute to Lyons' small-town character;

           9. A demonstration of how the use will be consistent with the Sustainable Design and Development Principles and other relevant goals of the Comprehensive Plan.

       d. A map showing the proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped areas, utilities and drainage features.
e. Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.

f. Such additional material as the PCDC and/or BOT may prescribe or the applicant may submit pertinent to the application.

g. Surrounding and interested property ownership list. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

h. Surrounding and interested property ownership notification envelopes. One (1) set of stamped and addressed envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies.

i. A signed certification from the applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with Section 24-65.5-103, C.R.S., or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. It is the applicant's responsibility to ensure that accurate and complete information is provided.

j. An electronic copy of the application package in PDF format.

(3) Step 3: USR Application Certification of Completion. Within ten (10) working days, Town staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the revised application package to the Town Clerk.

(4) Step 4: Set PCDC Public Hearing and Complete Public Notification Process. The Town Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies before the PCDC public hearing. The Town Clerk shall also publish notice in the newspaper of record no less than ten (10) days prior to the public hearing. If the USR request is accompanying another application that is scheduled for public hearings before the PCDC and BOT, one (1) public hearing may be held on both applications.

(5) Step 5: Final Staff Review and Report to PCDC. Town staff shall complete a final review of the materials, including referral responses, and prepare a report to the PCDC explaining how the application is or is not consistent with the USR approval criteria.

(6) Step 6: PCDC Public Hearing and Action on the USR. The PCDC shall hold a public hearing to review the USR based on the USR approval criteria. The PCDC shall then make a
recommendation to the BOT to either approve, conditionally approve or deny the USR application.

(7) Step 7: BOT Meeting. The PCDC's recommendation shall be forwarded to the BOT. The BOT shall, following the PCDC recommendation, hold a first and second reading of the ordinance, which shall include a public hearing, in accordance with provisions set forth in Chapter 2, Article 4 of this Code, on the application and act to either approve, conditionally approve or deny the USR application in accordance with the approval criteria specified in Section 16-7-30 above.

(8) Step 8: Submit and Record USR Map. The applicant shall submit two (2) original, signed Mylar drawings of the approved USR map to the Town Clerk for recording, accompanied by the recording fees and all other costs billed by the Town relative to the USR. Inaccurate, incomplete or poorly drawn plans shall be rejected. The Town Clerk shall submit the approved USR map to the County Clerk and Recorder's office for recording within thirty (30) business days of receipt of the complete information.

(c) USR approval review criteria. Because of their unusual or special characteristics, uses shall be evaluated by the Town against the following criteria:

(1) The use shall satisfy all applicable provisions of this Chapter, design standards and subdivision regulations.

(2) The use shall conform with or further the goals, policies and strategies set forth in the Comprehensive Plan.

(3) The use shall be compatible with existing surrounding uses and enhance the community's character and conform with the Sustainable Design and Development Principles of the Comprehensive Plan. Compatibility should be evaluated by considering the magnitude, scale and diversity of product types in any given proposal so that no single project or combination of projects detracts from the character of the community.

(4) The use shall result in efficient on-site and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

(5) Potential adverse impacts of the use on the neighborhood and the environment shall be adequately mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods.

(6) The use avoids placing unreasonable financial burdens on the Town, such as police services and public facilities.

(7) The proposed development shall conform with all applicable local, state and federal regulations.
(8) The use shall not create more noise, dust, odors, vibrations, lights, traffic or parking than is customary for the zone district in which the USR is proposed, or such increased impacts can be adequately mitigated.

(d) Compatibility review. In addition to the other requirements in this Chapter and this Code, conditions may be imposed upon the approval of the use by special review applications to ensure that new development will be compatible with existing neighborhoods, uses, sensitive natural areas, Lyons' small-town character, environment and quality of life, and the guiding principles and goals of the Comprehensive Plan. Such conditions may include, but need not be limited to, restrictions on:

(1) Hours of operation and deliveries.

(2) Location on a site of activities that generate potential adverse impacts on adjacent uses or the Town at large, such as traffic, noise, glare and visual impacts.

(3) Placement of trash receptacles.

(4) Location of loading and delivery zones.

(5) Light intensity and hours of full illumination.

(6) Placement and illumination of outdoor vending machines.

(7) Location of structures and uses relative to sensitive natural areas and habitat, including but not limited to the protection of the St. Vrain River corridor and associated riparian areas and floodplain.

(8) Location and number of off-street parking spaces.

(9) Location and size of commercial outdoor seating areas and similar active outdoor commercial areas. (Ord. 911 §1, 2013)

Sec. 16-7-40. Authority to continue nonconformity of buildings, uses and lots.

Except as provided in this Article, the lawful use and location of any building or land existing at the effective date of this Chapter or any amendments hereto may be continued even though such use or location does not conform to the requirements of this Chapter. (Prior code 9-2-8; Ord. 956 §1, 2014)

Sec. 16-7-50. Use of nonconforming buildings.

(a) Repairs and Maintenance of Nonconforming Buildings. Ordinary repairs and maintenance of nonconforming buildings shall be permitted.

(b) Restoration of Damaged Buildings. A nonconforming building which has been damaged by fire or other unavoidable causes may be restored to its original condition, provided that such work is commenced within one (1) year of such calamity.
(c) Discontinuance of Nonconforming Use. Whenever a nonconforming use has been discontinued for a period of six (6) months, such use shall not thereafter be re-established.

(d) Change of Nonconforming Use. A nonconforming use shall not be changed to a use of less restrictive classification. Such nonconforming use may, however, be changed to another use of the same or more restrictive classification. (Prior code 9-2-8; Ord. 956 §1, 2014)

Sec. 16-7-60. Use of nonconforming lots.

A nonconforming lot existing at the effective date of this Chapter may be used as otherwise permitted, provided that all other requirements of the particular zoning district are met. A nonconforming lot in a residential zoning district shall be permitted at least one (1) dwelling unit, notwithstanding the applicable maximum density. (Prior code 9-2-8; Ord. 956 §1, 2014)

ARTICLE 8

Off-Street Parking Regulations

Sec. 16-8-10. Intent.

The intent of this Article is to prevent or alleviate congestion of public streets, to minimize detrimental effects of parking on adjacent properties and to promote the safety and welfare of the public. (Prior code 9-3-3; Ord. 956 §1, 2014)

Sec. 16-8-20. General provisions.

(a) Intent. In all zone districts, off-street parking facilities for the storage of self-propelled motor vehicles for the use of occupants, employees and patrons of the building or structures hereafter erected, altered or extended shall be provided and maintained as herein prescribed.

(b) Surface. All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or similar materials.

(c) Integrate Parking Lots With Surroundings. Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian routes or negatively impact surrounding neighborhoods. The pedestrian character of streets and buildings shall be maximized through continuity of buildings and landscape frontage.

(d) Location. Parking lots shall be located to the rear or side of buildings or in the interior of a block whenever possible.

(e) Landscaping. All off-street parking areas with more than ten (10) spaces shall screen said spaces in part from view from adjacent streets by providing either:

(1) A low three (3) feet to four (4) feet of decorative fence or wall between the required landscaped area and the parking area; or
(2) Earth mounds of three (3) feet to four (4) feet in height which shall be landscaped, placed between the street and the parking area.

(f) Share-Access. Where feasible, parking lots shall share access drives with adjacent property with similar land uses.

(g) Off-Street Parking Design. Any off-street parking area shall be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way or sidewalks or strike against or damage any wall, vegetation, utility or other structure.

(h) Circulation Area Design. Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.

(i) Lighting. All parking area lighting shall be full cutoff-type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to reflect the light away from nearby residential properties and away from the vision of passing motorists.

(j) Shared Off-Street Parking. When there are opportunities to support parking demand through shared off-street parking for compatible uses, a parking study and shared parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.

(k) Adjacent On-Street Parking in CD District. In order to promote a pedestrian scale and encourage safety in the CD Commercial Downtown District, parking may be satisfied using adjacent on-street parking or shared rear-lot parking areas. A parking plan and shared parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements. (Prior code 9-3-3; Ord. 956 §1, 2014)

Sec. 16-8-30. Paved off-street parking requirements.

(a) Paved off-street parking shall be provided according the minimum requirements as specified below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Parking (must be outside of rights-of-way)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single-family detached dwelling</td>
<td>2 spaces per unit</td>
</tr>
<tr>
<td>2. Multiple dwelling</td>
<td>1 space per bedroom, up to 2 per unit, plus .25 guest spaces per unit</td>
</tr>
<tr>
<td>3. Boarding house, motel, hotel or bed and breakfast</td>
<td>1 space per guest bedroom</td>
</tr>
<tr>
<td>4. Restaurant, cafe or drinking place</td>
<td>1 space per 100 sq. ft. of customer service area</td>
</tr>
<tr>
<td>5. Retail establishment</td>
<td>1 space for every 500 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>6. Office/business use</td>
<td>1 space for every 500 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>7. Institutional, church, club</td>
<td>1 space for every 6 seats</td>
</tr>
<tr>
<td>8. Business park or industrial use</td>
<td>1 space each for the maximum number of employees present at any 1 time</td>
</tr>
<tr>
<td>9. Schools, private</td>
<td></td>
</tr>
</tbody>
</table>
Pre-school, elementary and middle (noncommercial) | 1 space per ½ classroom or 1 space for every 6 auditorium seats, whichever is greater
Senior high | 1 space per ⅜ classroom and 1 space for every 6 auditorium seats
Commercial school | 1 space for every 50 sq. ft. of gross floor space

(b) At a minimum, off-street parking for nonresidential uses shall be sufficient to provide parking for employees of all permitted uses. (Prior code 9-3-3; Ord. 956 §1, 2014)

Sec. 16-8-40. Location of spaces.

(a) Off-street parking facilities for residential uses shall be provided and located on the same lot as the building they are intended to serve.

(b) The location of required off-street parking facilities for other than residential uses shall be within seven hundred (700) feet of the building they are intended to serve when measured from the nearest point of the building or structure. (Prior code 9-3-3; Ord. 956 §1, 2014)

Sec. 16-8-50. Handicap parking spaces.

(a) Handicap parking spaces shall be required for all retail, office, business, industrial and institutional uses, as well as multiple-family units.

(b) Handicap parking spaces shall be designated as being for the handicapped with painted symbols and standard identification signs.

(c) Handicap parking spaces shall be located as close as possible to the nearest accessible building entrance.

(d) The number of handicap parking spaces shall be as follows:

<table>
<thead>
<tr>
<th>Total Parking Spaces in Lot</th>
<th>Minimum Required Number of Handicap Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1—25</td>
<td>1</td>
</tr>
<tr>
<td>26—50</td>
<td>2</td>
</tr>
<tr>
<td>51—75</td>
<td>3</td>
</tr>
<tr>
<td>76—100</td>
<td>4</td>
</tr>
<tr>
<td>101—150</td>
<td>5</td>
</tr>
<tr>
<td>151—200</td>
<td>6</td>
</tr>
<tr>
<td>201—300</td>
<td>7</td>
</tr>
<tr>
<td>301—400</td>
<td>8</td>
</tr>
<tr>
<td>401—500</td>
<td>9</td>
</tr>
<tr>
<td>501—1,000</td>
<td>2% of total</td>
</tr>
<tr>
<td>1,000 and over</td>
<td>20 plus 1 for every 100 over 1,000</td>
</tr>
</tbody>
</table>
For every eight (8) handicap parking spaces, there must be at least one (1) van-accessible space. If there is only one (1) handicap parking space, that space must be van-accessible. (Prior code 9-3-3; Ord. 956 §1, 2014)

Sec. 16-8-60. Handicap parking space dimensions.

(a) Parking spaces must be eight (8) feet by eighteen (18) feet with a five-foot-wide access aisle.

(b) Van-accessible spaces must be eight (8) feet by eighteen (18) feet with an eight-foot-wide access aisle.

(c) Parking spaces for the physically handicapped that are parallel to a pedestrian walk which is handicap-accessible may have the same dimensions as those for standard vehicles. (Prior code 9-3-3; Ord. 956 §1, 2014)

Sec. 16-8-70. Parking stall dimensions.

Parking stalls for automobiles shall meet the following standards. All dimensions represent the minimum requirement for any required parking space.

<table>
<thead>
<tr>
<th>Parking Stall Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parking Aisle (A)</strong></td>
</tr>
<tr>
<td>45°</td>
</tr>
<tr>
<td>60°</td>
</tr>
<tr>
<td>90°</td>
</tr>
<tr>
<td>0° (parallel)</td>
</tr>
</tbody>
</table>

* Except along local streets, where 7 feet is permitted.

45° Parking Angle
60° Parking Angle

90° Parking Angle

0° Parallel Parking Angle

(Prior code 9-3-3; Ord. 956 §1, 2014)
Sec. 16-8-80. Excess weight and recreational vehicle parking restrictions.

In nonresidential zone districts, no boat, boat trailer, tractor trailer, semi-trailer, motor home, bus or detached/dismounted camper shall be kept or parked upon any public right-of-way or roadway, except for visitation purposes not exceeding twenty-four (24) hours. (Prior code 9-3-3; Ord. 956 §1, 2014)

ARTICLE 9

Sign Regulations

Division 1

General Regulations

Sec. 16-9-10. Sign permits and administration.

(a) Sign Permit Required. To ensure compliance with the regulations of this Article, a sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with Section 16-9-50 of this Article. In multiple tenant buildings, a separate permit shall be required for each business entity's sign. Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis. Changing or replacing the copy only on an existing lawfully permitted sign shall not require a new or amended permit, provided that the copy change does not change the nature of the sign, structurally alter the sign or render the sign in violation of this Chapter.

(b) Application for Sign Permit.

(1) Sign permit application requirements. Applications for sign permits shall be made in writing on forms furnished by Town. The application shall contain:

a. A completed application in a form approved by the Town Administrator; and

b. Payment of a nonrefundable application fee in an amount established by resolution of the Board of Trustees to cover the administrative costs of processing the application.

(2) Staff review and approval. Following a determination by the Town that the application is complete, the Town Administrator shall review the sign permit in accordance with the established review criteria and has the authority to approve, approve with conditions or deny the sign permit. Upon the Town Administrator's approval of the sign permit, the sign permit and any building or electrical permits required for the sign shall be issued to the applicant.

(c) Sign Permit Review Criteria. The following review criteria will be applied by the Town Administrator to evaluate all sign permit applications:

(1) The sign meets the requirements of this Article;

(2) The sign conforms to the applicable requirements of the building code and electrical code; and
(3) The sign conforms to the applicable requirements of this Chapter for the zoning district in which the sign is located.

(d) Appeal of Town Administrator's Decision Regarding Application. Any appeal of the Town Administrator's decision regarding an application for a sign permit may be made to the Board of Adjustments as provided by Article 16 of this Chapter. A written request for appeal must be submitted to the Town Administrator within ten (10) days of the date of the Town Administrator's decision. Unless otherwise approved by the person seeking an appeal, the hearing shall be set for a date not more than thirty (30) days from the date the written request for appeal is submitted to Town Administrator.

(e) Town Administrator Authority. The Town Administrator is authorized to delegate any duty or function provided by this Article to another employee or agent of the Town. The Town Administrator shall prepare and require the use of application forms, guidelines, interpretive memoranda and other information necessary or convenient to implement the provisions of this Article.

(f) Variance Authorized. A variance to the number, height, size or location requirements of this Article may be granted by the Board of Adjustments for any property within the Business (B) Zone District, Commercial (C) Zone District, Commercial Downtown (CD) Zone District or Commercial East Corridor (CEC) Zone District. All of the procedures and standards applicable to the granting of a variance pursuant to Article 16 of this Chapter shall apply to a variance to the provisions of this Article; provided, however, that, instead of finding that a "practical difficulty" or "unnecessary hardship" exists, a variance to this Article may be granted upon a demonstration by the applicant and a finding by the Board of Adjustments that:

1. There exist one (1) or more special circumstances related to the location of permanent structures or topography that are not found on other properties in the same zone district;
2. The special circumstances are located either on the property or adjacent to the property; and
3. The special circumstances prevent signs that are otherwise lawfully authorized by this Article to be effective in advertising the products, services or activities available on the property to an extent similarly enjoyed by other properties in the same zone district. (Prior code 9-5-1; Ord. 956 §1, 2014)

Sec. 16-9-20. Nonconforming signs.

(a) Nonconforming Signs. A sign existing upon property zoned within the Commercial (C) Zone District, Business (B) Zone District, Commercial Downtown (CD) Zone District, Commercial East Corridor (CEC) Zone District, General Industrial (GI) Zone District or any Agricultural (A) Zone District shall be deemed a nonconforming sign by the Town where such sign meets all of the following criteria:

1. The sign:
   a. Was lawfully erected as evidenced by a Town-issued permit, and
b. The sign existed prior to and on April 21, 2003, in the same location affixed in a permanent manner to the ground or to a building without modification other than routine maintenance and repair;

(2) The sign is associated with an existing and operating business or activity; and

(3) The sign fails to conform to one (1) or more requirements of this Article pertaining to size, height, materials or location.

(b) Town Record of Nonconforming Signs. The Town Administrator shall cause to be made, maintained and certified a record of permanent signs existing within the Commercial (C) Zone District, Business (B) Zone District, Commercial Downtown (CD) Zone District, Commercial East Corridor (CEC) Zone District, General Industrial (GI) Zone District or any Agricultural (A) Zone District of the Town that meet the requirements of Subsection (a) above. The record shall include photographs and other materials prepared at the direction of the Town Administrator suitable to memorialize nonconforming signs in the event a later conflict arises regarding the legality of the location, size or other aspect of a permanent sign. The record shall establish a rebuttable presumption that the permanent signs memorialized within the record are nonconforming signs for purposes of this Article. Property owners may request in writing that the Town Administrator supplement the Town's record of nonconforming signs with additional information provided by the owner. The Town Administrator shall supplement the record upon such request when the Town Administrator finds that the sign depicted in the owner's supplement is a nonconforming sign within the requirements of Subsection (a) above. The Town Administrator's decision regarding supplementation of the Town's record shall be subject to appeal in accordance with Article 16 of this Chapter.

(c) Effect of Nonconforming Sign Status. A nonconforming sign as defined by this Article shall be deemed lawful subject to all requirements of this Chapter and this Code with the following exceptions: (1) the requirement to obtain a sign permit; and (2) enforcement by the Town for exceeding or violating limitations on size, shape, location or design imposed by this Article. All nonconforming signs shall be subject to the following requirements and restrictions:

(1) Each nonconforming sign shall be considered a lawful sign for so long as the sign remains in the same location without enlargement or change other than routine maintenance and change in copy.

(2) Damage or change to a nonconforming sign from any cause or reason in an amount exceeding fifty percent (50%) of the sign's value or exceeding fifty percent (50%) of the sign shall require the sign, if repaired or replaced, to be brought into conformance with this Article and applicable provisions of this Chapter.

(3) Discontinuation of the commercial or business operation of the property on which a nonconforming sign is located for more than three hundred sixty-five (365) days shall require such sign to be brought into conformance with this Chapter and applicable provisions of this Chapter, or for such sign to be permanently removed.

(4) All nonconforming signs on a property shall be considered in the calculation or computation of the total number and size of signs that may be lawfully permitted for the property as specified by this Article. (Prior code 9-5-2; Ord. 956 §1, 2014)
Sec. 16-9-30. Use of public right-of-way.

(a) Encroachment Generally Prohibited. No sign shall occupy or encroach into a Town-owned or Town-controlled public right-of-way except where the occupancy or encroachment is authorized by the Town in accordance with this Section.

(b) License for Existing Lawful and Nonconforming Signs. The Town hereby grants a license for continued use of the public rights-of-way owned by the Town to the owners of lawfully erected and nonconforming signs that are located within or encroach within such right-of-way as of the effective date of this Chapter, May 5, 2008. Such license shall be subject to the following conditions:

(1) The owner's continued use of the public right-of-way for a lawful or nonconforming sign following said effective date constitutes the owner's acceptance and approval of the license.

(2) The license is revocable as may be permitted by law; provided, however, that the Town shall not revoke a license unless the Town finds:

   a. That the sign presents a hazard to the public health, safety or welfare; or

   b. The use of the right-of-way is necessary for a public purpose and the continued occupancy of the sign unreasonably interferes with such public purpose.

(3) The Town's grant of a license to an owner shall not constitute an agreement by the Town to indemnify or to hold the sign owner harmless for damages resulting from such sign.

(c) New Signs. Except for signs authorized to occupy the public right-of-way by Subsection (b) above, signs proposed for location or encroachment, in whole or in part, into the Town-owned public right-of-way shall first obtain a license. The form of license shall be a standardized license agreement between the Town and the sign owner in a form approved by the Board of Trustees. The Town Administrator shall be authorized to execute the standardized form of license agreement where the Town Administrator finds that:

(1) The owner has properly executed the license agreement;

(2) The proposed sign meets the requirements of this Article; and

(3) The sign's location within the right-of-way will not interfere with the traveled portion of any roadway, any sidewalk or pedestrian way, any trail or the public use of any public property.

(Prior code 9-5-3; Ord. 956 §1, 2014)

Sec. 16-9-40. Enforcement.

(a) Removal of Signs for Discontinued Establishments. Whenever a business, industry, service or other use is discontinued, the signs pertaining to such use shall be removed or the copy obscured by the person or entity owning or having possession over the property within ninety (90) days after the discontinuance of such use or within one hundred eighty (180) days for a seasonal use. For purposes of this Section, seasonal use shall mean a commercial enterprise that is customarily and routinely open only for a specific and identifiable period of time during a calendar year as the result of the seasonal nature of the business, such as but not limited to ski and winter sports stores.
(b) Illegal Signs.

(1) Illegal signs constitute nuisance. Signs that fail to meet one (1) or more of the following are hereby deemed unlawful and declared nuisances:

   a. Any sign for which a permit has not been issued in accordance with this Article or for which a nonconforming sign certificate has not been issued.

   b. Any sign prohibited by Section 16-9-60 of this Article.

(2) Removal of illegal signs in the public right-of-way or on public property. Without notice to the owner of the sign, the Town may remove any sign within or extending into the public right-of-way or on publicly owned property for which a license or license agreement has not been issued by the Town.

(3) Enforcement against illegal signs. Illegal signs shall be subject to removal, abatement and enforcement in the manner provided for nuisances by Chapter 7 of this Code.

(4) Storage of removed signs. Signs removed in compliance with this Section shall be stored by the Town for thirty (30) days, during which they may be recovered by the owner only upon payment to the Town for the Town's costs of removal and storage. If not recovered within the thirty-day period, the sign and supporting structure shall be declared abandoned and title shall vest with the Town. The costs of removal and storage (up to thirty [30] days) may be billed to the owner. If not paid, the applicable costs may be imposed as a lien against the property and certified to the County for collection in the same manner as property taxes. (Prior code 9-5-4; Ord. 956 §1, 2014)

Sec. 16-9-50. Exempt signs.

The following types of signs are exempt from permit requirements of this Article but shall be subject to all other provisions of this Article, including but not limited to Section 16-9-60. An exempt sign is permitted in any zone district unless otherwise limited or specified by this Section. All exempt signs (except government signs) shall be located on private property outside of the public right-of-way unless a license or a license agreement has been issued by the Town for such sign pursuant to Section 16-9-30 above. Signs shall not interfere with the visibility of traffic signs or interfere with the minimum sight distance triangle at intersections as may be provided by this Code.

(1) Address signs. A sign not to exceed two (2) square feet in total surface area that identify the address and/or occupants of a residential dwelling unit or the address of a commercial or business establishment.

(2) Architectural features. Integral decorative or architectural features of buildings, so long as such features do not contain letters, numbers, trademarks or moving parts.

(3) Art. Integral and permanent decorative or architectural features of buildings and works of art, so long as such features or works do not contain letters, numbers, trademarks, moving parts or lights. Sculpture or other three-dimensional art must be capable of being contained within a box.

(4) Banners. A banner constructed of paper, plastic or fabric used to decorate or attract attention to a commercial or business establishment located only in the Commercial (C) Zone District, Business (B) Zone District, Commercial Downtown (CD) Zone District or Commercial East Corridor (CEC) Zone District.

(5) Building identification and historical markers. Non-illuminated signs no larger than three (3) square feet in area constructed of metal or masonry that are permanently affixed to buildings or structures for the purpose of identifying the original name of a building, date of erection or other historical information, such as the original owner or architect of the building.

(6) Political signs. A temporary sign announcing or supporting candidates or issues in connection with any national, state or local election.

(7) Temporary construction signs. One (1) temporary construction sign for each lot upon which a current and valid building permit is issued and is effective, provided that:

a. The sign shall not exceed sixteen (16) square feet in area within any residential zone district. The sign shall not exceed thirty-two (32) square feet in area within any nonresidential zone district.

b. The sign shall not be illuminated either directly or indirectly in a residential zone district. Illumination of signs in nonresidential zone districts is permitted.

c. The sign shall be located only on the lot described in the building permit.

(8) Courtesy signs. A nonilluminated or indirectly illuminated sign located within the Commercial (C), Business (B), Commercial Downtown (CD) or Commercial East Corridor (CEC) Zone District that identifies, as a courtesy to business customers, items such as credit cards accepted, menus or room availability (e.g., "Vacancy" or "No Vacancy). A courtesy sign shall be limited to one (1) sign for each use, not to exceed two (2) square feet in sign area. A courtesy sign may be attached to the building, attached as a projecting or wall sign or included as an integral part of a freestanding or monument sign.

(9) Decorations (holiday or seasonal). Temporary decorations or displays when such are clearly incidental to and are customarily and commonly associated with any national, state, local or religious holiday or celebration; provided that such signs shall be displayed for not more than sixty (60) days in any one (1) year.

(10) Directional or private regulatory signs. On-premises directional and instructional signs not exceeding four (4) square feet in area each, such as "No Parking," "Parking in Rear," No Entry," "Exit" or "No Trespassing."

(11) Door signs. Signs located within the Commercial (C), Business (B), Commercial Downtown (CD) or Commercial East Corridor (CEC) Zone District not exceeding twenty-one
(21) square feet in size, affixed to the primary pedestrian entrance door that identifies the name and/or address of an establishment.

(12) Flags. Flags, crests or banners of nations, organizations of nations, states and cities or professional, fraternal, religious or civic organizations. No more than one (1) flag, crest or banner may be displayed upon any lot. No flag, crest or banner shall exceed fifty (50) square feet in size.

(13) Garage sale, estate sale, yard sale or farm produce sale signs. Signs that advertise a private garage sale, yard sale or farm produce sale conducted on the lot upon which the sign is located.

(14) Hazards. Temporary or permanent signs erected by the Town, public utility companies, oil and gas companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

(15) Memorial signs. Memorial signs, plaques or grave markers that are noncommercial in nature and located within a cemetery or other lawfully authorized place of burial.

(16) Merchandise. Goods, merchandise, pictures or models of products that are incorporated as an integral part of a commercial establishment's window display located within the Commercial (C), Business (B), Commercial Downtown (CD) or Commercial East Corridor (CEC) Zone District.

(17) Temporary off-premises directional signs. A temporary sign with the primary intent of announcing directions to a specific location for a specific event.

a. Temporary off-premises directional signs shall not exceed six (6) square feet in sign area and shall be no higher than forty-two (42) inches at the highest point.

b. When used in conjunction with an event, a temporary off-premises directional sign shall be erected no earlier than two (2) days before the event and must be removed within twenty-four (24) hours after the event.

c. Temporary off-premises directional signs shall be permitted to be located in the public right-of-way, provided that the placement of such signs does not create a hazard to the public by obstructing the view or passage of pedestrians, cyclists or motorists.

(18) Public information. Signs that identify restrooms or public telephones or provide instructions as required by law or necessity, provided that the sign does not exceed two (2) square feet in area. This category shall be interpreted to include such signs as "Exit," "No Smoking," "Restrooms," "No Solicitors," "Self-Service" and similar informational signs.

(19) Religious symbols. Religious symbols located on a building or lot used for organized religious services.

(20) Scoreboards. Scoreboards for athletic fields located on the property of a governmental agency, recreation district or public or private school.
(21) Sandwich board signs. One (1) temporary, portable sign consisting of two (2) identically shaped flat sign faces attached to each other on one (1) edge with each sign face not exceeding two (2) feet in horizontal width and four (4) feet in vertical height may be displayed on any commercially zoned lot, provided that such sign and the lot meet all of the following requirements:

a. The sign advertises a product, service or activity conducted by an operating commercial enterprise that is conducted on the same lot on which the sign is displayed.

b. Only one (1) sandwich board sign for each business may be displayed, regardless of the number of business enterprises operating on such lot.

c. The sign shall not be illuminated in any manner.

d. The sign may be displayed only when the associated business is open and shall be removed from public view during any period that the business is closed.

e. During periods of display, the sign shall be weighted, attached to the ground or otherwise secured in a manner to prevent movement by wind or weather conditions. Attachment to a utility pole, utility equipment, benches, planters or publicly owned signs or sign poles is prohibited.

f. The sign does not impede pedestrian or vehicular travel.

g. The sign shall be located on private property or public property directly in front of the business during regular business hours.

(22) Strings of light bulbs. Displays of string lights, provided that such lights are:

a. Decorative displays that only outline or highlight landscaping or areas of a window of a private building or structure.

b. Bulbs shall be no greater in intensity than five (5) watts.

c. Not placed on or used to outline signs, sign supports, awnings and/or canopies.

d. Not be assembled or arranged to convey messages, words, commercial advertisements, slogans and/or logos.

e. Not create a safety hazard with respect to placement, location of electrical cords or connection to power supply.

(23) Subdivision monumentation sign. A permanent ground-placed monument sign located within a sign easement or upon private property owned and controlled by a homeowners' association (or other similar organization created to provide permanent maintenance of such sign) for the purpose of identifying a platted subdivision of eight (8) or more lots located within the Town. A subdivision monumentation sign shall include only permanent copy (as opposed to changeable copy). A subdivision monument sign constructed from sandstone or concrete colored to simulate sandstone (excluding elements of any non-visible support structure) shall not exceed
forty-eight (48) square feet in sign area; all other subdivision monument signs shall not exceed eighteen (18) square feet in sign area.

(24) Vehicular signs. Signs mounted or displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, rental trucks, trailers and the like, shall be exempt from the provisions of this Article, provided that the primary purpose of such vehicles is not for the display of the signs, and provided that they are parked or stored in areas appropriate to their use as vehicles.

(25) Vending machine signs. A sign integral to and incorporated into a vending machine, provided that the advertisement upon the vending machine sign is limited to the product vended.

(26) Window signs. Any sign located on the interior of a window in the Commercial (C), Business (B), Commercial Downtown (CD) or Commercial East Corridor (CEC) Zone District.

Sec. 16-9-60. Prohibited signs.

The following signs are inconsistent with the purposes and standards in this Article and are prohibited in all zoning districts, regardless of the provisions of Section 16-9-50 above.

(1) Other than strings of light bulbs as permitted in Paragraph 16-9-50(22) above, flashing, rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement.

(2) Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic or traffic-control devices, including any sign that interferes with the minimum sight distance triangle at intersections as may be provided by this Code.

(3) Any sign or portion of a sign located on, or extending into, a public right-of-way or other public property unless erected by a governmental agency or expressly authorized by a revocable license agreement or other written contract between the owner of the sign and the Town and, where applicable, the Colorado Department of Transportation.

(4) Any sign or portion of a sign incorporating a mirror or constructed with a mirrored surface.

(5) Mechanical or electrical appurtenances, such as revolving beacons, that are designed to compel attention.

(6) Roof signs (to include any sign or portion of a sign extending above the crest of the roof or above any permanent parapet wall). A roof sign may be mounted upon an angled or pitched roof, provided that such sign does not project above the crest of the roof.

(7) In the residential zone districts, off-premises advertising signs or any other sign not pertinent and clearly incidental to the permitted use on the property where located, except off-
premises nonconforming signs (see Section 16-9-20) or an approved Comprehensive Sign Program (see Division 2 of this Article).

(8) Any sign that interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air.

(9) Any sign located in such a way as to intentionally block the view of an existing sign.

(10) Vehicle-mounted signs, including but not limited to signs painted on, mounted on or attached to trailers or cargo containers when exhibited on public property or upon private property adjacent to public right-of-way for the primary purpose of advertising business, activities or services. A vehicle-mounted sign shall be considered used for the primary purpose of advertising when the vehicle, trailer or container is not employed on a daily basis for commercial use or is parked in a location other than where the advertised business, activity or service is provided.

(11) Portable signs, signs mounted on wheels or any other sign not permanently affixed or attached to the ground or to a structure, except sandwich board signs as provided by Section 16-9-50 above.

(12) Rotating signs.

(13) Searchlights.

(14) Signs with optical illusion of movement by means of a design that presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.

(15) Inflatable signs or tethered balloons.

(16) Fabric signs, flags, pennants or banners when used for commercial advertising purposes, except as permitted in Section 16-9-50 above.

(17) Electronic message boards, except signs erected by a governmental agency for warning, information or other governmental purposes.

(18) Wind signs.

(19) Any sign (together with its supporting structure) now or hereafter existing which, ninety (90) days or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located. If the sign or sign structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the Town Administrator upon good cause for such extension being shown. This provision shall not apply to permanent signs accessory to businesses that are open only on a seasonal basis, provided that there is clear intent to continue operation of the business.

(20) Any sign or sign structure that:

a. Is structurally unsafe;
b. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;

c. Is not kept in good repair; or

d. Is capable of causing electrical shocks to persons likely to come in contact with it.

(21) Any sign or sign structure that:

a. In any other way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign;

b. Uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering a vehicle;

c. Creates in any other way an unsafe distraction for motor vehicle operators; or

d. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.

(22) Any sign that misstates the law, including but not limited to signs located on private property that designate portions of the public street as "no parking" where public parking is lawfully permitted. (Prior code 9-5-6; Ord. 956 §1, 2014)

Sec. 16-9-70. Temporary residential signs.

(a) Temporary Signs Permitted in Residential Zone Districts. Temporary signs may be posted on property in all residential zones of the Town, subject to the following requirements and those applicable provisions stated elsewhere in this Article. Although the content or message of a temporary sign is not regulated, such signs are intended to permit reasonable opportunity for the display of messages such as support for political causes and candidates and real estate-related offers (e.g., for sale or for rent).

(1) The total square footage for all temporary signs posted on a residential lot, property or parcel shall not exceed thirty (30) square feet, with no individual sign face exceeding six (6) square feet in surface area.

(2) No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.

(3) A temporary sign shall be designed to be stable under all weather conditions, including high winds.

(4) No temporary sign shall be illuminated.

(5) A temporary sign shall only be posted with the consent of the property owner or occupant.
(6) A temporary sign shall not advertise or promote any commercial enterprise or event not conducted on the same building lot.

(b) Removal Requirements for Temporary Signs. In addition to the requirements stated above, temporary signs shall comply with the following requirements:

(1) A temporary sign located on the exterior of a building may be posted for a period of up to ninety (90) days, at which time the sign shall be removed or replaced.

(2) Notwithstanding the display limitation in Paragraph (1) above, a temporary sign related to proposed real estate transaction shall be removed within fourteen (14) days after the closing of sale, rental of the property or completion of the transaction, as applicable.

(3) Temporary signs located within the interior of a building may be posted indefinitely, subject to all other requirements of this Article. (Prior code 9-5-7; Ord. 956 §1, 2014)

Sec. 16-9-80. Measurement of sign area and height.

(a) Sign Surface Area. The area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face shall be measured using standard mathematical formulas as measured from the nearest whole inch.
(b) Sign Support. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

(c) Double-Faced Signs. Double-faced signs shall be regarded as a single sign only if sign faces are parallel, of identical size and shape, are mounted on a single structure and the distance between each sign face does not exceed two (2) feet at any point.

(d) Three-Dimensional Signs. Where a sign consists of one (1) or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture), the sign area shall be measured as their maximum projection upon a vertical plane.

(e) Wall Signs. If a sign is attached to a wall, only that portion of the wall onto which the sign face or letter are placed shall be calculated in the sign area.

(f) Sign Height. The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it. When berms are used in conjunction with the signage, the height of the sign shall be measured from the mean elevation of the fronting street.
Sec. 16-9-90. Sign illumination.

Sign illumination shall be permitted only in accordance with this Section.

(1) Use of illumination limited. Illumination shall be used only if necessary to provide information during evening and nighttime hours. Signs erected for the purpose of identifying locations, events or other activities only available during daylight hours shall not be illuminated.

(2) Use existing light source. When possible, signs should use existing sources of illumination as opposed to creating new sources of illumination. See Figure 16-9-4 below.

(3) Use direct light source. All lighted signs shall direct lighting in such a manner as to illuminate only the face of the sign. When external light sources are directed at the sign surface,
the light source must be concealed for pedestrians' and motorists' lines of sign. See Figure 16-9-4 below.

(4) Signs shall be illuminated in a manner that does not cause glare onto the street and upon adjacent properties. Signs shall be lighted only to the minimum level for nighttime readability.

(5) All light sources shall be shielded so as not to be visible except when viewed from a point directly in front of the sign face.

(6) All lighted signs shall meet all applicable electrical codes.

(7) Flashing, moving, blinking, chasing or other animation effects shall be prohibited on all signs.

Figure 16-9-4
Light Sources

(Prior code 9-5-9; Ord. 956 §1, 2014)

Sec. 16-9-100. Installation and maintenance.

(a) All signs and components thereof, including sign structures and sign faces, shall be kept in a good state of repair and in compliance with all building and electrical codes. The Town may inspect any sign governed by this Article and shall have the authority to order the repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

(b) Owners of projecting signs erected after the effective date of the initial ordinance codified herein, May 5, 2008, extending over public right-of-way or public property shall be required to apply for and obtain a revocable license agreement from the Town and, where applicable, any other applicable public agency owning or controlling the property. (Prior code 9-5-10; Ord. 956 §1, 2014)
Sec. 16-9-110. Specific sign standards.

Figure 16-9-5
Sign Types

(a) Awning Signs. An awning sign is a wall sign that is painted, attached, sewn or stained onto the exterior of an awning. An awning is a removable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

(1) Location. Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way.

(2) Maximum area and height. Sign area shall comply with the requirements established by Section 16-9-120 below. No structural element of an awning shall be located less than eight (8) feet above finished grade of a private sidewalk or right-of-way. No structural element of an awning located above or within a public right-of-way or public property shall be located below the height authorized by the necessary revocable license agreement. No awning, with or without signage, shall extend above the roofline of any building.

(3) Lighting. Awnings shall not be internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.

(b) Freestanding Signs. A freestanding sign is a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground, but does not include a sign attached to a structure.

(1) Location. The freestanding sign may be located only on a site frontage adjoining a public street.

(2) Maximum area and height. The sign shall comply with the height and area requirements established in Section 16-9-120 of this Article.

(3) Sign mounting. The sign shall be mounted on one (1) or more posts.

(4) Any freestanding sign that extends into a public right-of-way or over a public right-of-way shall require issuance of a revocable license agreement by the Town.
(c) Monument Signs. A monument sign is a permanent sign where the entire bottom of the sign is affixed to the ground and is not supported by poles or attached to a building or other structure.

(1) Location. The sign may be located only along a site frontage adjoining a public street. Any monument sign that extends into a public right-of-way or over a public right-of-way shall require issuance of a revocable license agreement by the Town.

(2) Maximum area and height. The sign shall comply with the height and area requirements established in Section 16-9-120 of this Article.

(3) Design. The design and placement of the sign shall not obstruct traffic safety sight distance areas.

(d) Off-Premises Signs. Off-premises signs, also known as off-site signs, are prohibited except for:

(1) Off-premises signs that are nonconforming in accordance with Section 16-9-20 of this Article; and

(2) Off-premises signs in nonresidential zone districts, provided that the total size of signage on the property does not exceed the maximum size allowed in the zone district as described in this Article.

(3) Subdivision monumentation signs located within public right-of-way as approved through the Town's sign permit review process. A subdivision monumentation sign shall include only permanent copy (as opposed to changeable copy), shall be constructed from sandstone or concrete colored to simulate sandstone (excluding elements of any nonvisible support structure), and shall not exceed forty-eight (48) square feet in sign area.

(4) Town-erected monument or freestanding signs intended to direct the traveling public to public properties, public parking, points of interest, Town-sponsored or regional events and merchants and business opportunities available within the Town.

(e) Projecting Signs. A projecting sign is any sign supported by a building wall and projecting from the building wall at least twelve (12) inches or more horizontally beyond the surface of the building to which the sign is attached. See Figure 16-9-6 below for an example of a projecting sign.

(1) Location. Projecting signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.

(2) Maximum area and height. Projecting signs shall not be higher than the wall from which the sign projects if attached to a single-story building, or the height of the bottom of any second-story window if attached to a multistory building. Projecting signs must have eight (8) feet of clearance over any private right-of-way or private sidewalk or such greater clearance as may be required by a revocable license agreement when extending over or into a public right-of-way or public sidewalk. Projecting signs may not extend more than four (4) feet from the building wall except where the sign is an integral part of an approved canopy or awning.
Any projecting sign that extends into a public right-of-way or over a public right-of-way shall require issuance of a revocable license agreement by the Town.

(f) Sign Plaza. A sign plaza contains a monument sign on public property identifying businesses or activities and is subject to review and approval by the Board of Trustees.

(g) Wall Signs. A wall sign is any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall. A wall sign shall also include a canopy sign, defined as a sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns (See Figure 16-9-7 below for a general illustration of a canopy sign).

(1) Maximum area and height. Wall signs shall not be higher than the roof ridgeline of the principal building. The sign shall comply with the height and area requirements established in Section 16-9-120 of this Article.
Sec. 16-9-120. Sign standards by zoning district.

(a) Residential Signs. Signs in the Estate Residential (E), Estate County (EC), Low Density Residential (R-1), Medium Density Residential (R-2), Medium-High Density Residential (R-2A), High Density Residential (R-3), any residential lot of a Planned Unit Development (PUD) and Agricultural (both A-1 and A-2) Zone Districts may include and shall be limited to:

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>No. of Signs</th>
<th>Max. Area (sq. ft.)</th>
<th>Max. Height of Freestanding Signs</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identification sign (freestanding, monument, wall, canopy or awning)</td>
<td>1 identification sign for a multi-family attached dwelling with 8 or more units</td>
<td>4</td>
<td>5 feet</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>One for each business</td>
<td>6</td>
<td>5 feet</td>
<td>Set back at least 4 feet from sidewalk or property line, whichever would place sign closer to street</td>
</tr>
<tr>
<td>Home business</td>
<td>One for each business</td>
<td>2</td>
<td>N/A</td>
<td>Wall-mounted signs only</td>
</tr>
</tbody>
</table>

(b) Business, Commercial and Industrial Signs. Signs in the Business (B), Commercial (C), Commercial Downtown (CD), Commercial East Corridor (CEC), Light Industrial (LI) and General Industrial (GI) Zone Districts may include and shall be limited as provided in the table below.

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>No. of Signs</th>
<th>Max. Area (sq. ft.)</th>
<th>Max. Height of Freestanding Signs</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freestanding sign OR monument sign, but not both</td>
<td>1 sign for each lot, regardless of number of businesses on each lot</td>
<td>See Tables Below Titled: Maximum Freestanding or Monument Sign Area</td>
<td>Maximum height of freestanding sign: 12 feet Minimum height of freestanding sign: 8 feet above grade Maximum height of monument sign:</td>
<td></td>
</tr>
<tr>
<td>Sign Type</td>
<td>Description</td>
<td>Area Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall sign</td>
<td>One per separately identifiable and segregated commercial business unit located on the building side.</td>
<td>7% of wall area for primary entrance side. 5% of wall area for all other building sides.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Projecting sign</td>
<td>1 for each separately identifiable and segregated commercial business unit.</td>
<td>Maximum 3 feet by 6 feet. Minimum height: 8 feet from grade above any sidewalk or pedestrian way.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Awning sign</td>
<td>1 for each side of building.</td>
<td>No maximum size.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TABLES:**

**Maximum Freestanding or Monument Sign Area for Commercial Zones.**

For purposes of the following Table, "Zone A" refers to commercially zoned properties located west of the eastern edge of the downtown area and fronting (sharing a property line or boundary with) Highway 36/66, Main Street or Broadway Avenue. "Zone B" refers to all commercially zoned properties not located in Zone A and which front (share a property line or boundary with) Highway 36/66. Tables apply only to freestanding or monument signs. Lot frontage in linear feet is to be interpreted as including any lot up to the specified linear feet as determined by the Town of Lyons based on a review of property maps.

**ZONE A**

<table>
<thead>
<tr>
<th>Lot Frontage Linear Feet</th>
<th>Sign Area Square Feet</th>
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<tbody>
<tr>
<td>0</td>
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</tr>
<tr>
<td>25</td>
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<td>300</td>
<td>143</td>
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</table>
Division 2

Comprehensive Special Event Sign Program

Sec. 16-9-210. Purpose.

The purpose of the Comprehensive Special Event Sign Program is to facilitate innovative and creative planning by allowing flexibility in the application of the Town's Sign Code set forth in this Article. Use of the comprehensive sign program should be limited in its application to special events (such as annual community festivals or Town-wide community events) and to property devoted to a variety of different or separate uses on a single lot (such as shopping centers and industrial parks) and for which the strict application of this Article will not provide sufficient signage for each of the uses. For reoccurring annual or semi-annual special events, program approval should include a comprehensive written resolution or an agreement documenting the terms and conditions of the allowable signs. (Prior code 9-5-13; Ord. 956 §1, 2014)

Sec. 16-9-220. Application.

Applicants seeking Town approval of a comprehensive sign plan shall submit an application to the Town Administrator that includes the following:

(1) A completed application in a form approved by the Town Administrator, setting forth general information deemed relevant to the Town Administrator to contact the applicant.
(2) Payment of a nonrefundable application fee in an amount established by resolution of the Board of Trustees to cover the administrative costs of processing the application.

(3) The location by street number and the legal description of the property proposed for a comprehensive sign program.

(4) Names and addresses of the owner, sign contractor and sign installer.

(5) Legible site plans that include the specific location of the signs within the program and setbacks to adjacent property lines and buildings.

(6) A detailed drawing indicating the dimensions, materials and colors of the proposed signs within the program. For any freestanding or projecting signs, a certification of compliance with applicable adopted building and safety codes made by a structural engineer may be required by the Town Administrator when, following consultation with the Building Inspector, the Town Administrator determines that the sign may be structurally unsound or present a hazard.

(7) A graphic drawing or photograph of all proposed signs in the program.

(8) A description of the lighting to be used for each sign, if applicable. (Prior code 9-5-13; Ord. 956 §1, 2014)

Sec. 16-9-230. Application process.

(a) Application Certification of Completion. Within a reasonable time of the date of application submission, the Town shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant in writing of any deficiencies.

(b) Staff Review and Approval. Following the Town's determination that the application is complete, the Town Administrator shall review the sign permit in accordance with the established review criteria. The Town Administrator shall make a recommendation to the applicant and to the Planning and Community Development Commission and Board of Trustees regarding the comprehensive sign program's conformance with this Article.

(c) Planning and Community Development Commission Administrative Review. Following Town Staff review, an application shall be set first for an administrative review and recommendation by the Planning and Community Development Commission. Such review and consideration shall require no public notice other than inclusion of the matter on the posted agenda of the Planning and Community Development Commission. Following review and consideration, the Planning and Community Development Commission shall make a recommendation to the Board of Trustees to approve, approve with conditions or deny the application for a comprehensive sign program. The Planning and Community Development Commission shall base its recommendation upon the conformance of the application with the criteria for approval specified in Section 16-9-240 below.

(d) Board of Trustees Public Hearing. Following the Planning and Community Development Commission's administrative review, the Board of Trustees shall conduct a public hearing to consider the application's conformance with the criteria for approval specified in Section 16-9-240. Notice of
the public hearing shall be the same as required for a rezoning of property by this Chapter. The Board of Trustees may impose reasonable conditions upon the approval of a comprehensive sign Program designed to ensure the greatest degree of conformance with the policies and intent of this Article or as may be needed to mitigate adverse impacts of the sign program upon adjacent properties and the public.

(e) Sign permit applications for repetitive events shall be reviewed and approved by Town Staff. Only sign permit applications that Town Staff determines to be a significant modification of the originally approved sign shall be reviewed by the Planning and Community Development Commission as described in Subsection (c) above and the Board of Trustees as described in Subsection (d) above. (Prior code 9-5-13; Ord. 956 §1, 2014)

Sec. 16-9-240. Sign permit review criteria.

The following review criteria will be applied by the Planning and Community Development Commission and the Board of Trustees to evaluate all comprehensive sign program applications:

(1) The sign program generally meets the policies and intent expressed in this Article, although one (1) or more particular signs fail to strictly meet the location, number or size requirements. Deviations from design (to include, for example, lighting, materials and colors) shall not be permitted unless the Planning and Community Development Commission or the Board of Trustees finds that such deviations are absolutely necessary to permit reasonable display of the proposed sign.

(2) All signs within the comprehensive sign program conform to the requirements of the Town's applicable adopted building and electrical codes.

(3) The type of signs within the program are permitted signs within the zoning district in which the signs are located (e.g., a permanent freestanding sign is not proposed in a residential zone district).

(4) No sign would interfere with pedestrian or vehicular safety.

(5) No sign would be located so as to negatively and substantially impact an adjacent property.

(6) The proposed sign program would not detract from the pedestrian quality of the street or the immediate area.

(7) The sign program would not add to an over-proliferation of signs on a particular property or area. (Prior code 9-5-13; Ord. 956 §1, 2014)
ARTICLE 10
Supplementary Regulations

Sec. 16-10-10. Fences, hedges and walls.

(a) Intent. The intent of this Section is to allow fences, hedges and walls for privacy, provided that public safety is maintained.

(b) General Provisions. Fences, hedges and walls may be permitted in the various districts as accessory uses in accordance with the following limitations:

(1) No fence or wall in any district shall exceed six (6) feet in height in the side yards and rear yards, except for around the enclosures of outdoor swimming pools.

(2) No fence or wall in any district shall exceed four (4) feet in height in the front yard, except for around the enclosures of outdoor swimming pools.

(3) No fence, hedge, wall, shrubbery or sign shall interfere with the vision of motorists at any intersection.

(4) Fences, hedges and walls are not subject to setback requirements.

(5) All outdoor swimming pools shall be enclosed by a fence or wall at least six (6) feet but not more than eight (8) feet in height with a gate or gates which can be securely locked.

(6) The use of barbed wire fencing and electrically charged fencing is prohibited except for within properties zoned for agricultural use and/or to protect municipal utility facilities or facilities providing essential services to Town residents. (Prior code 9-3-1; Ord. 956 §1, 2014)

Sec. 16-10-20. Decks.

(a) Intent. The intent of this Section is to allow decks attached to a principal structure to be set back five (5) feet from the rear yard property line.

(b) General Provisions. Decks attached to principal structures may be permitted in all districts in accordance with the following limitations:

(1) The deck shall meet a minimum setback of five (5) feet from the rear yard property line.

(2) The deck shall meet front and side yard setbacks of zone district in which it is located. (Prior code 9-3-2; Ord. 956 §1, 2014)

Sec. 16-10-30. Home businesses.

(a) Standards. A home business shall be allowed as a permitted accessory use, provided that all of the following conditions are met:
(1) Such use shall be conducted entirely within the principal dwelling and/or an accessory structure associated with the residential use and shall be carried on by the inhabitants of the principal dwelling and a maximum of one (1) employee.

(2) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof.

(3) The total area used for such purposes shall not exceed one-half (½) the first floor area of the user's dwelling unit.

(4) There shall be no substantial retailing or wholesaling of stocks, supplies or products conducted on the premises of a home business; however, delivery of retail products to the consumer off the premises, such as in the course of an Internet or mail order business, shall be permitted.

(5) There shall be no exterior storage on the premises of supplies or materials used in the home business.

(6) There shall be no storage, use or discharge of any chemically hazardous or explosive materials within the structures or upon the exterior of the property.

(7) A home business shall not generate or result in nuisances such as noise, vibration, odor, glare, fumes, electromagnetic interference or hazards greater than that usually associated with residential uses.

(8) A home business shall provide an off-street parking area adequate to accommodate all needs created by the home business.

(9) Such use shall not produce traffic volumes of more than eight (8) business-related vehicle visits daily. The employee, if any, shall be included in the count of business-related vehicle visits.

(10) Business-related visits to the home business are only allowed from 7:00 a.m. to 7:00 p.m. daily.

(b) Permitted identification signs for home businesses are described in Subsection 16-9-120(a) of this Chapter. (Prior code 9-2-12; Ord. 956 §1, 2014)

Sec. 16-10-40. Environmental impact analysis.

(a) Intent. The intent of this Section is to ensure that any development minimizes environmental impacts, mitigates impacts to wildlife and wildlife habitat, and promotes building practices which benefit the environment and the socioeconomic well-being of current and future residents.

(b) General Provisions. An environmental impact analysis, if required by the Town, shall be submitted by the applicant and shall include, but not be limited to, the following information:

(1) Air quality:

   a. Explain any other adverse impacts on air quality anticipated from the proposal.
b. Describe the impacts and net effect that the activity would have on air quality during both construction and operation under both average and worst-case conditions.

(2) Significant environmentally sensitive factors:

a. Identify potential natural hazards, public outdoor recreation and open space areas and unique areas of geological, historical and archaeological importance present in the proposed development or activity and its environs, and detail the potential impact of the proposal upon each feature.

(3) Terrestrial and aquatic animals and habitat:

a. Describe terrestrial and aquatic animals, including the status and relative importance of game and non-game wildlife, livestock and other animals; include a description of stream flows and lake levels needed to protect the aquatic environment and a description of threatened or endangered animal species and their habitat.

b. Describe critical wildlife habitat and livestock range to be affected by the activity, including migration routes, calving areas, summer and winter range and spawning beds.

c. Describe the impacts and net effect that the activity would have on terrestrial and aquatic animals, habitat and food chain.

(4) Terrestrial and aquatic plant life:

a. Describe terrestrial and aquatic plant life, including the type and density and threatened or endangered plant species and habitat.

b. Describe the impacts and net effect that the activity would have on terrestrial and aquatic plant life.

(5) Water resources:

a. Identify any flood hazard area associated with the proposal with documentation of historical flooding activity on the parcel where the activity or development will be located and on other property affected by the activity or development; and describe potential, adverse impacts related to the associated flood hazard area.

b. Describe all surface waters to be affected by the project and the immediate and long-term impact and net effects that the activity would have on the quantity and quality of surface water under both average and worst-case conditions.

c. Describe the impacts and net effect of the activity on wetlands and riparian areas, including a description of the types of wetlands species composition and biomass, the source of water interacting with the surface systems to create each wetland and the impacts and net effect that the project will have on the wetlands and riparian areas.

(6) Visual aesthetics and nuisance factors:
a. Identify view sheds, scenic vistas, unique landscapes or land formations.

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

c. Identify and describe any structures, excavations and embankments that will be visible because of this project.

(7) Green building standards:

a. Identify environmental standards for the construction and operation of all proposed buildings.

b. The resource areas to be considered include water quality and quantity, energy quantity and type, life cycle impacts of building materials, solid waste construction and operation impacts, and health and safety. (Prior code 9-3-4; Ord. 956 §1, 2014)

Sec. 16-10-50. Fiscal impact analysis.

(a) Intent. The intent of this Section is to provide a financial cost/benefit analysis of a proposed development to the Town in the short-term and long-term, to avoid placing unreasonable financial burdens on the Town.

(b) General Provisions. A fiscal impact analysis, if required by the Town, shall be submitted by the applicant and shall include, but not be limited to, the following information:

(1) Costs:

   a. Describe the potential costs to the Town for the proposed development (such as public improvements for roads and utilities), including a breakdown of immediate costs, costs at build-out and long-term costs.

   b. Describe plans for mitigation of costs to the Town.

(2) Revenue:

   a. Describe the potential revenues to the Town for the proposed development (such as sales tax generation and building fees), including a breakdown of immediate revenues, revenues at build-out and long-term revenues.

   b. Describe the risk factor associated with the revenue generation estimates. (Prior code 9-3-5; Ord. 956 §1, 2014)

Sec. 16-10-60. Temporary uses and structures during or resulting from any officially declared local disaster or emergency.

This provision for temporary uses and structures is intended only to accommodate the need for special exceptions to the zoning regulations and other applicable provisions of this Code during or resulting from officially declared local disasters or emergencies pursuant to Section 24-33.5-709,
C.R.S., to provide immediate temporary relief from the direct and indirect damage to land, structures, businesses and supporting infrastructure. The principal purpose is to mitigate the loss of use and promote the rapid restoration of beneficial economic use of property that has suffered direct or indirect damage, including economic damage, due to flood, fire or other natural or manmade disaster. This Section authorizes the Town Administrator to issue permits in any zone for the temporary use of property that will aid in the immediate restoration of an area adversely impacted by a major disaster. The authorization of temporary uses and structures under this Section is intended to promote the recovery of damaged land and structures, accommodating necessary short-term transitional economic uses not otherwise provided for within the underlying zoning, to aid in the eventual restoration of permanent beneficial use consistent with the underlying zoning or proposed site specific master plan that advances the goals and objectives of the Comprehensive Plan. The Town Administrator shall have the authority to administer the provisions of this Section temporarily waiving or modifying provisions of this Code concerning building permits, demolition permits and restrictions on the use, development or occupancy of private property, provided that such action, in the opinion of the Town Administrator, is reasonably justifiable for the protection of life and property, mitigation of hazardous conditions, avoidance of undue displacement of households or businesses or prompt restoration of public infrastructure.

(1) Critical facilities. Any police, fire, emergency medical, emergency communications facility or other critical municipal or public facility that may aid in the immediate restoration of the area may be permitted in any zone for a period not to exceed two (2) years from date of declaration of emergency.

(2) Required findings. Other temporary uses: Temporary use permits may be issued in any zone, with conditions, as necessary, provided that written findings are made establishing a factual basis that the proposed temporary use: 1) will not be detrimental to the immediate neighborhood; 2) will not adversely affect the Comprehensive General Plan or any applicable specific plan; and 3) will contribute in a positive way to the reconstruction and recovery of areas adversely impacted by the disaster.

a. Applicability. All applicants shall show a clear and immediate need for accommodation under this provision due to the direct or indirect damage to land, structures or business operations resulting from any officially declared disaster or emergency. All temporary uses and structures shall obtain a temporary use permit pursuant to the procedures set forth in this Section.

b. Procedures for approval of temporary uses and structures. The procedure for an application for a temporary use or structure shall be as follows:

1. Step 1: Pre-Application Conference. A pre-application conference is required for temporary use or structure applications under this provision. The applicant shall provide a written statement of intent that identifies the need for accommodation under this provision. Where the proposed temporary use does not conform to the underlying zoning, it shall be the applicant's responsibility to provide a written explanation of the beneficial nature of the requested temporary use as a temporary and transitional means to return to a conforming use. This may include a plan to re-zone the property in response to the changed circumstances resulting from the disaster to accommodate a use that will advance the goals.
and objectives of the Comprehensive Plan. The applicant shall establish the necessary connection between the temporary use as a bridge to the establishment of a permanent use.

2. Step 2: Notice to Adjacent Property Owners of Application. The site shall be posted with a notice of the application provided by the Town for a period of at least seven (7) days before approval and issuance of a temporary use permit. Staff may also require written notice to be mailed to adjacent property owners. If so, the applicant shall provide the Town Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the return address and the envelopes shall be addressed to the surrounding property owners within three hundred (300) feet of the property and to any referral agencies identified by the Staff.

3. Step 3: Staff Review and Action. Within thirty (30) days from the date a complete application is submitted and notice is posted, the Staff shall review the application according to the standards set forth in this Section and shall make a final decision to approve, approve with conditions or deny the application.

c. Standards for review. The Staff shall review an application for a temporary use or structure and evaluate it for compliance with the following standards (as applicable):

1. The proposed site for the temporary use or structure is adequate in size and shape to accommodate the temporary use;

2. The proposed site is adequately served by streets, water, power, sanitary sewer and any other necessary infrastructure of sufficient capacity to accommodate the demand that the temporary use may reasonably be expected to generate;

3. Adequate parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations; and

4. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

5. The proposed temporary structure and/or use is needed to restore the property to an economically or structurally viable use.

d. Conditions of approval. In approving a temporary use permit, the Staff may impose conditions, including but not limited to control of nuisance factors (e.g., glare, noise, smoke, dust), provision of security and safety measures, notice of the temporary change in use to the County for property tax purposes, and limitations on hours of operation, storage and parking, provided that such conditions are necessary to:

1. Achieve the general purposes of this Section and the specific purposes of the zoning district in which the temporary use will be located, or to be consistent with the Comprehensive Plan;

2. Protect the public health, safety and general welfare; or
3. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.

e. Time limits on permits. Upon declaration of a local emergency, temporary use permits may be issued with an effective period of up to one (1) year from the date of issuance or two (2) years from the date of the emergency declaration, whichever is shorter. A temporary use permit may be extended, provided that the original findings are determined to be still applicable, and provided that in no event shall the total duration of the temporary use exceed two (2) years from the declaration of emergency date. Any request for an extension must be accompanied by the notice requirements set forth in Subparagraph (2)b.2. above. A temporary use permit for a nonresidential use on residential property shall not exceed one (1) year from the date of issuance, and no extension shall be available for a nonresidential use on residential property. An owner who intends to continue a nonresidential use on residential property must discontinue the use at the end of the one-year period unless the owner files a complete application to rezone the property before the end of the one-year period. If, at any time while the permit is active, substantial evidence contradicting one (1) or more of the required findings comes to the attention of the Town Administrator, then the temporary use permit shall be revoked. Where a recreational vehicle, mobile or manufactured home or other structure is temporarily authorized for residential use, it must be removed from the property no later than thirty (30) days after the certificate of occupancy or a certificate of completion is issued for the new or rehabilitated residence or upon expiration of the temporary use permit, whichever occurs first. If the permit holder fails to remove any temporary structure following the expiration of the permit, the Town may remove the temporary structure at the permit holder's expense. Likewise, where the approved temporary use involves the temporary occupancy of a permanent structure that is not otherwise suitable for habitation, the occupants must cease the temporary occupancy of the structure no later than thirty (30) days after a certificate of occupancy is issued for the residential structure on the property. The Town shall be responsible for notifying the Boulder County Sheriff's Office and the Lyons Fire Protection District whenever an approved temporary use involves the occupancy of a nonresidential structure (e.g., a garage) or of a temporary structure.

f. No vesting/zoning change. Issuance of a temporary use permit under this provision shall not create a vested property right, nor shall the issuance of a temporary use permit constitute a rezoning.

g. Unlawful acts. It shall be unlawful for any person to:

1. Continue or maintain a temporary use not otherwise allowed in the applicable zone district after the period of time set forth in this Section or in any approval issued by the Town Administrator;

2. Fail to cease occupying or fail to remove a temporary structure from the property as required by Subparagraph e. above; or

3. Otherwise use the property in violation of this Chapter.

h. Appeals. The final administrative determination of the Staff may be appealed to the Board of Trustees. The decision of the Board of Trustees may be appealed to the District Court
pursuant to Colorado Rules of Civil Procedure Rule 106(a)(4). (Ord. 949 §1, 2014; Ord. 956 §1, 2014)

Sec. 16-10-70. Accessory dwelling units.

(a) Purpose. This Section is adopted for the following purposes:

   (1) To provide a mix of housing that is responsive to changing demographics and family needs;

   (2) To encourage a range of affordability in Town housing units and provide a broader range of more affordable housing; and

   (3) To create new housing compatible with the scale and look of single-family neighborhoods.

(b) Definition and creation of new accessory dwelling units.

   (1) An accessory dwelling unit (ADU) is a second and subordinate dwelling unit added to or created within a principal detached single-family dwelling that is located in a single-family residential zoning district. ADUs are created for the purpose of accommodating a second household that lives separately from the principal household. An ADU is a secondary dwelling occupied by a second family or household that enjoys spatially segregated living space that provides for cooking, sanitation and sleeping that is separate from and accessory to and subordinate to the principal single-family dwelling.

   (2) ADUs may either be created in converted space in an existing principal dwelling or in new space attached to the principal dwelling as a use by right in all single-family residential zoning districts.

   (3) Detached ADUs are allowed subject to conditional use review in new or existing space detached from the principal dwelling or created in new or existing space situated in or over an existing detached garage or other detached accessory building.

   (4) Mobile homes, recreational vehicles and travel trailers shall not be used as accessory dwelling units.

(c) Standards.

   (1) Districts permitted as attached use by right or as detached subject to conditional use review. Accessory dwelling units shall be allowed as accessory uses to single-family residential uses in the R-1, E, EC and A residential districts.

   (2) Minimum lot area required for a detached ADU is six thousand (6,000) square feet. There shall be no minimum lot area required for attached ADUs.

   (3) Design standards.
a. An accessory dwelling unit shall comply with all applicable site design and building
design standards, access standards and other standards applicable to principal dwelling units in
the zoning district where the accessory dwelling unit will be located.

b. An accessory dwelling unit shall contain private sanitary facilities with hot and cold
running water, cooking and food storage facilities and sleeping quarters to accommodate a
second household living independently and separately from the principal single-family
dwelling and the principal household residing therein.

c. A separate entrance into an accessory dwelling unit shall not be located on a street
facing exterior building facade.

d. Attached ADUs shall share a common building wall with the principal dwelling that is at
least ten (10) feet in length with indoor living space or enclosed garage space on either side of
the common wall.

e. An accessory dwelling unit shall comply with the locally adopted building code and all
other applicable local, state and federal regulations.

(4) Size of an accessory dwelling unit (habitable floor area). There is no minimum ADU size
set by this Section. The maximum ADU size for principal dwellings with habitable floor area of
one thousand six hundred (1,600) square feet or larger shall be eight hundred (800) square feet or
fifty percent (50%) of the principal dwelling unit, whichever is less. The maximum ADU size for
principal dwellings smaller than one thousand six hundred (1,600) square feet but bigger than one
thousand two hundred (1,200) square feet shall be six hundred (600) square feet or fifty percent
(50%) of the size of the habitable floor area, whichever is less. For principal dwellings smaller
than one thousand two hundred (1,200) square feet, the ADU may be as large as six hundred (600)
square feet, but shall not exceed six hundred (600) square feet. These size limitations shall not
apply to ADUs located in a basement for which there is no size limit.

(5) There shall be no more than one (1) accessory dwelling unit on a lot.

(6) Parking requirements. One (1) off-street parking space is required for the accessory
dwelling unit.

(7) Maximum height.

a. If the accessory dwelling unit is attached to the principal dwelling, it shall conform to
the maximum building height limit of the underlying zoning district.

b. If the accessory dwelling unit is detached from the principal dwelling, it may be
restricted to a lower height as determined through a conditional use review.

(8) Conditional use review criteria for detached ADUs.

a. Detached ADUs shall be oriented towards existing alleys and use alley access where that
is available, except where created over or within an existing detached garage or other detached
accessory building.
b. Detached ADUs shall not be sited to minimize negative impacts to the principal residence where that results in greater negative impacts to adjacent property.

c. Detached ADUs shall demonstrate architectural compatibility with the principal dwelling and the existing neighborhood.

(d) Unity of ownership. The fee ownership of the principal dwelling and accessory dwelling unit shall not be separated.

(e) Utilities. All accessory dwelling units shall be served with municipal water, municipal sanitary sewer and municipal electric service.

(f) Appeals. The final administrative determination of the staff may be appealed to the Board of Trustees. The decision of the Board of Trustees may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure Rule 106(a)(4). (Ord. 950 §1, 2014; Ord. 956 §1, 2014)

ARTICLE 11

Telecommunications Facilities

Division I

General Provisions

Sec. 16-11-10. Intent.

The general purpose of this Article is to regulate the placement, construction and modification of towers and telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the Town. Specifically, the purposes of this Article are:

(1) To regulate the location of towers and telecommunications facilities in the Town;

(2) To protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities.

(3) To minimize adverse visual impact of towers and telecommunications facilities through careful design, placement, landscaping and innovative camouflaging techniques.

(4) To promote and encourage shared use and collocation of telecommunication sites as a primary option rather than construction of additional single-use towers.

(5) To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new or multiple tower structures to support antenna and telecommunications facilities.

(6) To avoid potential damage to property caused by towers and telecommunications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or are determined to be structurally unsound.
(7) To ensure that towers and telecommunications facilities are compatible with surrounding uses. (Prior code 9-2-11; Ord. 956 §1, 2014)

Sec. 16-11-20. Conditional use permit required.

A conditional use permit approved in accordance with this Chapter shall be required for all telecommunications facilities within the Town. (Prior code 9-2-11; Ord. 956 §1, 2014)

Sec. 16-11-30. Conditional use review process.

(a) Step 1: Preapplication Conference. The applicant shall attend a preapplication conference with a representative from the Town. The purpose of the meeting is to discuss the conditional use submittal requirements and review process.

(b) Step 2: Conditional Use Application Submittal. The applicant shall submit ten (10) copies of the complete conditional use application package to the Town Clerk and shall request that the application be reviewed by the PCDC and BOT. The application shall include:

   (1) A completed application form, application fee and fee agreement.

   (2) Current proof of ownership in the form of title insurance issued within thirty (30) days of submission of the application.

   (3) A written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied. The written statement shall address the following points:

      a. Need for the proposed conditional use;

      b. Present and future impacts on the existing adjacent properties, uses and physical character of the surrounding area;

      c. Impact of the proposed conditional use on area accesses and traffic patterns;

      d. Availability of utilities for the conditional use;

      e. Potential impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools and transit;

      f. Fiscal impact analysis;

      g. Environmental impact analysis;

      h. The relationship between the proposal and the Comprehensive Plan; and

      i. Public benefits arising from the proposal.
(4) A site plan containing a graphic representation of the property subject to the proposed conditional use permit prepared at a scale not greater than one (1) inch equals twenty (20) feet. The site plan shall include or illustrate:

a. A general vicinity map of the property subject to the conditional use permit illustrating the property's location within the Town.

b. Date of preparation, map scale, north arrow and revision box.

c. A title that prominently identifies the name of the applicant and the phrase "Conditional Use Permit Site Plan."

d. Information identifying all setbacks, maximum heights, location of utility services and service lines, guy or supporting wires, support facilities, equipment, proposed conditions or restrictions upon use, and all other land use requirements or restrictions applicable to the zone district in which the property subject to the proposed conditional use permit is located, as identified in this Code.

e. A signature block that reads:

   BOARD OF TRUSTEES APPROVAL: The Board of Trustees, by Ordinance No.______ approved this Site Plan and a Conditional Use Permit for the illustrated telecommunications facility on the ______ day of_____________, 20__.  

   ________________________________
   Mayor or Mayor Pro Tem

   ATTEST:

   _________________
   Town Clerk  
   (Town Seal)

f. Location and type of natural features of the property subject to the special use permit and for properties within one hundred (100) feet of the subject property, including watercourses, lakes, topography, 100-year floodway and floodplain, rock outcrops and surface geology, wildlife corridors and known wildlife foraging areas, scenic vistas and significant trees and vegetation.

g. Location of all existing man-made structures, utilities, streets, driveways, ditches, fences or other physical improvements on the property or within one hundred (100) feet of the property subject to the conditional use permit.

h. Approximate location of recorded or apparent easements or rights-of-way on the property and within one hundred (100) feet of the property.

i. Location of primary access to the tower and/or antenna, equipment and support facilities.

j. Any other data or information essential to the evaluation of the proposed conditional use as may be requested by the Town.
(5) Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.

(6) Such additional material as the PCDC and/or BOT may prescribe or the applicant may submit pertinent to the application.

(7) Surrounding and interested property ownership report. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

(8) Surrounding and interested property ownership notification envelopes. One (1) set of stamped and addressed, envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies.

(9) The names, addresses and telephone numbers of all owners of other telecommunications facilities within a one-mile radius of the proposed new facility.

(10) A sworn and notarized affidavit attesting to the fact and describing the applicant's diligent, but unsuccessful, efforts to obtain permission to install or collocate the applicant's proposed telecommunications facilities on other telecommunications facilities located within a one-mile radius of the proposed site or attesting to the fact and describing, in detail, why such collocation would be technologically impossible. Documentation evidencing diligence in seeking permission and the denial of such permission or documentation of the technological impossibility of collocation, as the case may be, shall be included with the affidavit.

(11) A signed certification from the applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with Section 24-65.5-103, C.R.S., or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application.

(12) Conditional use proposal. Illustrations, maps, photographs and textural descriptions which identify or provide the following information:

   a. A written evaluation and report of the visual impact of the proposed facility, including color photographic or computer-generated simulations of the proposed site of the proposed telecommunications facility as it would appear viewed from the closest residential property and from at least three (3) different locations which afford a public view of the facility. The Planning and Community Development Commission or Board of Trustees may request additional simulations to assess the visual impact of the proposed facility. Applicants are encouraged to provide photographic examples of similar facilities and samples of proposed architectural colors and materials to permit the Town and interested parties to understand the visual impact of the proposed conditional use. The report or evaluation shall include a landscape, screening and fencing plan showing specific landscape materials and locations, fencing materials and colors and other screening techniques, together with illustrative drawings.
showing the visual effect of the proposed landscaping and screening from at least three (3) different locations which afford a public view of the facility.

b. Size, height, type, style, configuration, design and architectural elevation drawings of the proposed tower, antenna and support facilities.

c. A technological design plan for the proposed telecommunications facility. The design plan shall identify the type of telecommunication service to be provided by the telecommunication site, the frequency or bandwidths, a general description of the equipment types and models, and a graphic representation of the area to be provided service by the telecommunications facility. The design plan must demonstrate a need for the proposed telecommunications facility and service and why design alternatives that would reduce the size or visibility of the facility, or reduce the number of facilities within the area, cannot be utilized to accomplish the provision of the applicant's telecommunications services.

d. A copy of any lease or other agreement authorizing the use of the property for the proposed telecommunications facility. Applicants may excise or delete from such lease or agreement information considered proprietary or pertaining to rental or lease payment amounts.

e. Description of the size, type and visibility of any proposed illumination for the site, specifically including lighting attached to any tower.

f. Information sufficient to demonstrate that the telecommunications site is a necessary component of the applicant's overall communication network and is integrated into a coordinated communication service plan for the community and for the area. Conformance with this requirement may be established by evidence presented to the Town which demonstrates that the proposed site is necessary in order to:

1. Provide appropriate signal coverage and quality to the area;
2. Connect and relay services between existing facilities;
3. Connect and relay services between facilities that are reasonably likely to be constructed within one hundred eighty (180) days of the application;
4. Handle increased capacity due to customer demand;
5. Overcome existing topography and/or structures in the surrounding area that preclude other preferred locations in the same area; or
6. Overcome engineering and technical constraints which require the site to be in the desired location in relation to other existing sites and potential site locations.

g. Information sufficient to demonstrate that other reasonably potential telecommunications sites, including sites located outside of the Town, were evaluated by the applicant and are incapable of serving the applicant's overall communication network needs due to physical or technical limitations. Financial or economic considerations alone shall not establish an incapability to serve an overall communication network.
h. Information sufficient to demonstrate that location of the proposed antenna and facility upon towers or structures at other existing telecommunication sites and facilities has been thoroughly explored and is rendered impossible due to one (1) or more of the following:

1. Absence of other existing telecommunication sites within the area;

2. Incompatibility of an engineering or technical nature between the applicant's proposed antenna and telecommunication service and existing telecommunication sites and facilities;

3. Lack of sufficient space on existing telecommunication sites to permit attachment of the applicant's proposed antenna or equipment; and

4. Inability to obtain a lease for or permission to use existing telecommunication sites despite the exercise of due diligence to do so.

i. Evidence that the telecommunications service provider has obtained or secured a performance bond, letter of credit or other surety ("performance guarantee") acceptable to the Town Attorney in an amount of one hundred twenty percent (120%) of the estimated cost and expense of removing the telecommunications facility in accordance with the requirements stated in this Section. All performance guarantees shall authorize the Town to obtain the funds secured by the guarantee upon the Town's determination that the telecommunications facility has not been removed in accordance with this Section or as otherwise required by law. The amount of such performance guarantee shall be based upon an estimate obtained by the telecommunications service provider, which shall be subject to review and approval of the Town Engineer. In the event that the Town rejects an estimate as inaccurate, incomplete or incorrect, the Town may obtain, at its cost and expense, an estimate which shall be used for purposes of determining the amount of the performance guarantee. The telecommunications service provider shall take all action necessary to keep such performance guarantee valid and in effect at all times. Upon any renewal of the special use permit or the modification of an approved telecommunications facility, the Town Administrator shall cause the performance guarantee to be reviewed and the appropriate amount of the guarantee reassessed, and a new guarantee shall be posted or secured by the service provider in accordance with this Section. Expiration of a performance guarantee may, at the option of the Town and notice to the telecommunications service provider, result in the expiration of the conditional use permit for the telecommunications facility.

j. Proof of insurance to insure adjacent property owners and the public against personal and property damage resulting from negligent installation and/or damages caused by or arising from the construction and maintenance of the telecommunications facility site.

(c) Step 3: Conditional Use Application Certification of Completion. Within ten (10) working days, Town Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the amended application to the Town Clerk.
(d) Step 4: Set PCDC Public Hearing and Complete Public Notification Process. The Town Clerk shall send a notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies before the PCDC public hearing. The Town Clerk shall also publish notice in the newspaper of record no less than ten (10) days prior to the public hearing. If the conditional use request is accompanying another application that is scheduled for public hearings before the PCDC and BOT, one (1) public hearing may be held on both applications.

(e) Step 5: Final Staff Review and Report to PCDC. Town Staff shall complete a final review of the materials, including referral responses, and prepare a report to the PCDC explaining how the application is or is not consistent with the approval criteria for conditional uses.

(f) Step 6: PCDC Public Hearing and Action on Conditional Use. The PCDC shall hold a public hearing to review the conditional use based on the approval criteria for conditional uses. The PCDC shall then make a recommendation to the BOT to approve, conditionally approve or deny the conditional use application.

(g) Step 7: Set BOT Public Hearing and Complete Public Notification Process. The BOT shall schedule a public hearing for the purpose of taking action on the conditional use. The Town Clerk shall publish a notice in the newspaper of record at least ten (10) days from the date of hearing.

(h) Step 8: BOT Public Hearing and Action on Conditional Use. The BOT shall, after receiving the report and recommendations from the PCDC, hold a public hearing and act upon the proposed amendment. Following the required hearing, the BOT shall consider the comments and evidence presented at the hearing and evaluate the application in accordance with the approval criteria specified in Section 16-7-30 of this Chapter and approve, approve with conditions or deny the application, in whole or in part. (Prior code 9-2-11; Ord. 956 §1, 2014)

Sec. 16-11-110. Conformance with standards.

(a) When considering a conditional use application for a telecommunications facility, the Town shall recognize a preference for the siting of panel antennae or whip antennae affixed to existing lawful structures, provided that the requirements of this Section are satisfied. Applicants proposing the location of panel antennae or whip antennae affixed to existing lawful structures shall be required to substantially conform to the requirements of this Section. The Planning and Community Development Commission may recommend, and the Board of Trustees may grant waivers, variances or modifications of the design and performance standards of this Section for panel antennae or whip antennae where the waiver, variance or modification will allow for an innovative or creative design which reduces or mitigates adverse impacts upon the public related to the siting of the telecommunications facility.

(b) Applicants proposing the erection of any freestanding facility shall strictly conform to the requirements of this Section. (Prior code 9-2-11; Ord. 956 §1, 2014)
Sec. 16-11-120. Criteria applicable to facilities and sites.

The following design and performance criteria and requirements shall apply to all telecommunications facilities:

(1) All telecommunications facilities shall be designed to be compatible with and incorporated into surrounding and adjacent buildings and existing or planned uses in the area. This requirement shall be accomplished through the use of compatible architectural elements such as color, texture, scale and character.

(2) Siting and installation of telecommunications facilities shall preserve or enhance the existing character of the topography and vegetation of a site. Existing vegetation, if any, and if suitable with natural features, should be preserved and/or improved to provide screening for the facility. If existing topography of the site does not adequately screen equipment from view, fencing may be required. Fencing should not be used exclusively to screen equipment from view but instead be supplemented with vegetation.

(3) All telecommunications facilities shall be sited, designed and screened to minimize to the greatest degree possible the visibility of such equipment from surrounding properties, public streets and locations affording public views of the site. An economic or financial hardship, by itself, shall not be considered an impediment to minimizing the visibility of a tower, antennae and support facilities.

(4) All towers, antennae and equipment should be no taller than necessary for the efficient operation of the antennae and equipment. Exceptions may be permitted where the applicant demonstrates that the facility is designed to permit collocation by other telecommunication service providers and the applicant has demonstrated a commitment to accept the collocation of other antennae upon reasonable terms and conditions.

(5) The use of security fencing should be minimized and be designed to blend into the character of the existing environment. Fencing shall conform to the height limitation for the zone district in which the fencing is located. The use of chain-link, wire mesh or metal fencing is strongly discouraged unless substantially shielded from public view by the use of vegetation and painted to blend into the existing environment.

(6) All towers, antennae and support facilities must be designed and certified by an engineer to be structurally sound and, at minimum, be in conformance with the adopted building codes and any other standards outlined in this Article. (Prior code 9-2-11; Ord. 956 §1, 2014)

Sec. 16-11-130. Structure-mounted or building-mounted facilities.

All structure-mounted or building-mounted facilities shall be designed and constructed to blend with and enhance the architectural characteristics of the accompanying building or structure.

(1) Panel antennae standards.
a. Panel antennae shall not protrude horizontally more than two (2) feet from the building wall and shall be painted, textured and treated to match the building or structure to which the panel is attached.

b. Panel antennae attached to the side of a building or structure shall not exceed the height of the parapet or the roofline, whichever is greater.

c. Panel antennae mounted on an existing penthouse or existing rooftop-mounted service equipment for the building shall not exceed the height of the penthouse or service equipment to which the panel antennae are attached.

d. Panel antennae shall not be mounted in a freestanding, sled or rack-mounted fashion on the top of a building unless: (1) there exists unscreened service equipment on the roof which will be screened from view along with the panel antennae; and (2) the screening of the antennae and equipment will be architecturally compatible with the building.

e. No panel antenna shall exceed the maximum height limitation for the zone district in which the panel antenna is located.

f. Panel antennae shall not be attached to any building or structure which fails to conform to the applicable provisions of this Code. The Town may, as a condition of approval of any special use permit for a panel antenna or antennae attached to a nonconforming building or structure, require that a nonconforming building or structure be brought into conformance with this Code.

(2) Whip antennae standards.

a. Whip antennae shall not extend more than fifteen (15) feet above the height of the building or structure to which the antennae are attached.

b. Where more than one (1) whip antenna are attached to one (1) building or structure, such antennae shall maintain a minimum separation of fifteen (15) feet between antennae owned by different telecommunication providers.

c. No whip antenna shall exceed the maximum height limitation for the zone district in which the antenna is located.

d. Whip antennae shall not be attached to any building or structure which fails to conform to the applicable provisions of this Code. The Town may, as a condition of approval of any conditional use permit for a whip antenna or antennae attached to a nonconforming building or structure, require that a nonconforming building or structure be brought into conformance with this Code.

(3) Support facilities associated with structure-mounted or building-mounted antennae. Support facilities associated with structure-mounted or building-mounted antennae are encouraged to be located in one (1) of the following areas, which are listed in order of preference from most (a.) to least (e.) preferred:
a. Inside the building or structure to which the panel or whip antennae are attached.

b. Inside an existing equipment penthouse on the roof of a building whenever possible.

c. Immediately adjacent to the exterior of an existing equipment or elevator penthouse if the shelter can be visually incorporated into the penthouse structure by the use of screening of similar style and color to the penthouse.

d. Outside of a penthouse on the roof of a building if a parapet exists that is taller than the support facility.

e. On the ground and screened according to the design criteria for other telecommunications facilities. (Prior code 9-2-11; Ord. 956 §1, 2014)

Sec. 16-11-140. Freestanding telecommunications facilities.

The following design and performance standards shall apply to all freestanding telecommunications facilities:

(1) Lattice towers shall be prohibited within the Town unless the applicant establishes that the prohibition of a proposed lattice tower will have the effect of absolutely prohibiting the ability of the applicant to provide wireless communication services within the Town due to technical impossibility to utilize any other type of tower or facility within the Town or within the surrounding area. Economic hardship or economic considerations associated with the use of alternative types of towers or facilities, standing alone, shall not justify the use of a lattice tower.

(2) The height of any freestanding telecommunications facility shall conform to the applicable height limit of the zone district in which the facility is located unless a Town variance is obtained in accordance with this Section. Measurement of tower height for the purpose of determining compliance with all requirements of this Section shall be made from the grade existing at the time of application to the highest point or portion of the freestanding facility, including any antennae or other equipment proposed for attachment to the tower.

(3) No new freestanding telecommunications facility shall be built, constructed or erected in the Town unless the facility is capable of supporting at least one (1) other person's operating telecommunications facilities. The phrase capable of supporting means and includes:

1. The physical capability of connecting antennae comparable in weight, size and surface area to the antenna installed by the applicant on the tower;

2. The capability of operation of another person's antennae in a comparable manner and efficiency as the applicant's antennae; and

3. A means or system in place to facilitate the ready connection of additional antennae to the freestanding facility, such as, but not limited to, a form of contract approved by the applicant to be offered and made available to other persons who seek to collocate on the freestanding telecommunications facility.
(4) As a condition of approval of any freestanding telecommunications facility, the Town shall require the applicant to provide a performance bond or other surety to the Town which is adequate to ensure the completion of all planned and required landscaping and screening associated with the approved freestanding telecommunications facility.

(5) Freestanding facilities shall not be located upon any property that fails to meet the minimum lot size, setback or other lot restrictions of the zone district in which the property is located.

(6) Freestanding telecommunications facilities shall not be located upon any property that includes a building or structure which fails to conform to the applicable size, height or use provisions of this Code. The Town may, as a condition of approval of any special use permit for a freestanding telecommunications facility, require that a nonconforming building or structure be brought into conformance with this Code.

(7) The tower associated with a freestanding telecommunications facility shall not be located closer than one thousand five hundred (1,500) feet from any other tower of a freestanding telecommunications facility established or proposed by the same or another telecommunication service provider. For the purpose of this Section, the separation distances between freestanding telecommunications facilities shall be measured by drawing or following a straight horizontal line in plain view between the base of any existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The minimum tower separation distances shall be calculated and applied irrespective of Town jurisdictional boundaries.

(8) Support facilities associated with freestanding telecommunications facilities shall meet the following requirements:

   a. Be located in an enclosed building that is architecturally compatible with the surrounding environment or be screened completely with an architecturally compatible wall or fence so the support facility is not visible from adjacent properties, streets or public areas;

   b. Include vegetation to enhance the appearance of any the support facility, walls and fencing;

   c. Where security fencing is utilized, such fencing shall enclose the minimum space practicable for operation of the telecommunications facility;

   d. Be grouped as closely as technically possible to each other and the freestanding facility;

   e. Cover a surface area not to exceed four hundred fifty (450) square feet per telecommunication service provider utilizing the freestanding facility;

   f. Be designed with materials, textures, treatments and colors that are compatible with other structures and vegetation on the same parcel and adjacent parcels; and

   g. Not reduce the parking or landscaped areas below the minimum requirements for other principal uses on the property. (Prior code 9-2-11; Ord. 956 §1, 2014)
Sec. 16-11-150. Telecommunications facilities in specific districts.

Telecommunications facilities shall be permitted within the Town as provided in the following table:

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Structure-Mounted or Building-Mounted Facility</th>
<th>Freestanding Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>Permitted as conditional use if attached to lawful nonresidential structure</td>
<td>Permitted as conditional use if located more than 500 feet from residential structures</td>
</tr>
<tr>
<td>A-2</td>
<td>Permitted as conditional use if attached to lawful nonresidential structure *</td>
<td>Not permitted</td>
</tr>
<tr>
<td>E</td>
<td>Permitted as conditional use if attached to lawful nonresidential structure *</td>
<td>Not permitted</td>
</tr>
<tr>
<td>EC</td>
<td>Permitted as conditional use if attached to lawful nonresidential structure</td>
<td>Not permitted</td>
</tr>
<tr>
<td>R-1</td>
<td>Not permitted</td>
<td>Not permitted</td>
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<td>R-2</td>
<td>Not permitted</td>
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<td>R-2A</td>
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<td>CD</td>
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<td>POS</td>
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<tr>
<td>B</td>
<td>Permitted as conditional use if attached to lawful nonresidential structure *</td>
<td>Not permitted</td>
</tr>
<tr>
<td>C</td>
<td>Permitted as conditional use if attached to lawful nonresidential structure</td>
<td>Not permitted</td>
</tr>
<tr>
<td>CEC</td>
<td>Permitted as conditional use if attached to lawful nonresidential structure</td>
<td>Not permitted</td>
</tr>
<tr>
<td>LI</td>
<td>Permitted as conditional use if attached to lawful nonresidential structure</td>
<td>Permitted as conditional use if located more than 500 feet from residential structures</td>
</tr>
<tr>
<td>GI</td>
<td>Permitted as conditional use if attached to lawful nonresidential structure *</td>
<td>Permitted as conditional use if located more than 500 feet from residential structures **</td>
</tr>
<tr>
<td>M</td>
<td>Permitted as conditional use if attached to lawful nonresidential structure *</td>
<td>Permitted as conditional use if located more than 500 feet from residential structures **</td>
</tr>
</tbody>
</table>

* Structure-mounted or building-mounted telecommunications facilities are permitted on nonresidential structures and on multiple-family residential buildings, provided that the antennae and equipment are located no closer to a dwelling unit than the distance deemed safe or appropriate by the Federal Communication Commission or other appropriate federal regulatory agency for radio frequency radiation or emissions.

** Any freestanding telecommunications facility in the A-1, A-2, and CE-1 zone district shall be entirely enclosed within an attached architectural element of a building or structure that is compatible in design, color and materials with the uses adjacent to the telecommunications site.

(Prior code 9-2-11; Ord. 956 §1, 2014)

Sec. 16-11-160. Alternate review; use of public utility transmission facilities.

(a) Public utility transmission facilities, structures and transmission poles may be utilized as a telecommunication site if:

(1) The utility company has granted approval of the use of the facility, structure or pole;
(2) Where located in a residential zone district, the telecommunications facility is granted a conditional use permit, or where located in a zone district other than residential, the telecommunications facility has received administrative review and approval; and

(3) Where the telecommunications facility does not exceed the height of the existing transmission structure or pole.

(b) In all zone districts in which telecommunications facilities are permitted, any proposal to co-locate or otherwise mount new antenna on an existing approved tower meeting all requirements of this Section shall be subject to administrative review and approval by the Town Administrator. This administrative review process shall apply instead of and not in addition to the conditional use review process otherwise required by this Chapter. The Town Administrator shall approve such attachment of new antennae where the applicant for such use demonstrates that the antennae conform to the requirements of this Article. Where the attachment of new antennae includes installation of new, additional or enlarged or expanded support facilities, such support facilities shall be subject to the conditional use permit process of this Chapter. (Prior code 9-2-11; Ord. 956 §1, 2014)

Division 3
Application Approval and Site Abandonment

Sec. 16-11-210. Standards for application approval.

(a) Applicant to Bear Burden of Proof. The applicant shall bear the burden of presenting substantial evidence at the public hearing to support the standards for approval set forth in this Section. Any decision by the reviewing body to approve, conditionally approve or deny an application shall be based upon a consideration of the evidence presented during the public hearing. Where evidence presented is contradictory, the reviewing body shall weigh such evidence and judge the credibility and sufficiency of the evidence in rendering a decision.

(b) Written Decision and Ordinance Required. Every decision of the Board of Trustees shall be made by written ordinance approved by a majority of a quorum present and voting at a regular or special meeting. The Board of Trustees may, following conclusion of the public hearing and prior to rendering a final decision, direct the Town Planner, Town Administrator or Town Attorney to prepare written findings and an ordinance memorializing the Board of Trustees' decision for presentation at the Board of Trustees' next regular meeting. Only upon final consideration and approval of the required written ordinance shall the decision of the Board of Trustees become final for purposes of this Chapter and any appeal.

(c) No Consideration of Electromagnetic Effects. The reviewing body shall not base any decision of denial of an application upon, or impose a condition upon approval concerning, the environmental or health effects of radio frequency emissions of telecommunications facilities, provided that such facilities are shown to comply with regulations imposed by the FCC concerning such emissions. The receipt of statements, testimony or other evidence by the reviewing body concerning environmental effects of radio frequency emissions of the telecommunications facility shall not be imputed or implied as a basis for any decision of the reviewing body.

(d) Required Findings for Decision.
(1) For unconditional approval. The reviewing body must find that the application, supporting materials and the record of proceedings before the reviewing body establishes that the applicant has met:

a. All applicable requirements of this Article;

b. All requirements of the applicable zone district; and

c. All applicable requirements of this Code.

(2) For approval with conditions. The reviewing body must find that the application, supporting materials and the record of proceedings before the reviewing body establishes that the applicant has met:

a. All applicable requirements of this Article;

b. All requirements of the applicable zone district;

c. All applicable requirements of this Code; and further, that

d. The conditions imposed upon such approval are reasonably necessary or desirable to ensure that the special use conforms to Subparagraphs a., b. and c. above.

In establishing conditions of approval, such conditions shall be specifically stated within the ordinance for approval in a form approved by the Town Administrator or Town Attorney.

(3) For denial. The reviewing body must find that the application, supporting materials and the record of proceedings before the reviewing body establishes that the applicant has failed to satisfy one (1) or more specifically identified requirements imposed by:

a. An applicable requirement of this Article;

b. A requirement of the applicable zone district; or

c. An applicable requirement of this Code. (Prior code 9-2-11; Ord. 956 §1, 2014)

Sec. 16-11-220. Modification to approved facilities.

(a) No modification to an approved telecommunications facility may be made without approval of the Town except for:

(1) Routine and customary repairs of towers, antennae and equipment that will not alter the physical appearance of the telecommunications facility when viewed from any boundary of the property described in the special use permit.

(2) The addition, substitution, replacement and repair of equipment located within enclosed equipment structures associated with a telecommunications facility.
(b) Minor Modifications. The Town Administrator, with the concurrence of the Town Planner, may administratively grant approval for a minor modification of an approved telecommunications facility where the modification is a minor modification within the meaning of this Subsection and the modification satisfies all applicable requirements of this Article and the zone district in which the telecommunications facility is located. A minor modification shall only include:

1. Removal of antennae.
2. Replacement of existing approved antennae or equipment with comparably sized and comparably colored antenna or equipment.
3. Replacement of existing approved antennae with antennae that will result in a reduction of the visibility of the antennae when viewed from the boundary of the property described in the special use permit.
4. Attachment of antennae or equipment to existing approved structures to fulfill the applicant's plan for collocation as specifically identified in an approved special use permit.

The Town Administrator may request the submission of plans, drawings or other information identified in this Chapter in order to reach an administrative decision to approve or deny a minor modification.

(c) Major Modifications. Any modification, other than a minor modification, shall be subject to approval of the Board of Trustees as a major modification. The application for approval of a major modification shall be processed in the same manner as a new application for a conditional use permit pursuant to this Article. The Town Administrator, with the concurrence of the Town Planner, may administratively waive application requirements established by this Article and agency referral requirements established by this Article for a major modification where such requirement is deemed unreasonable based on the nature and extent of the proposed modification. (Prior code 9-2-11; Ord. 956 §1, 2014)

Sec. 16-11-230. Abandonment.

(a) If any telecommunications facility shall cease to be used for a period of three hundred sixty-five (365) consecutive days, the Town Administrator shall notify the owner, with a copy to the applicant, that the telecommunications site will be subject to a hearing and possible determination by the Board of Trustees that such site has been abandoned. The owner and applicant shall be provided written notice of the hearing before the Board of Trustees, and the hearing shall be held not less than fourteen (14) days following the mailing of notice via hand-delivery, regular U.S. mail, postage prepaid, or comparable delivery service to the last known addresses of the owner. The owner and applicant shall be provided an opportunity to show at the hearing, by a preponderance of the evidence, that the telecommunications facility has been in use or under repair during such period. If the owner or applicant fails to show that the facility has been in use or under repair during the period, the Board of Trustees shall issue a final determination of abandonment for the telecommunications site and shall order removal of the telecommunications facility by written demand sent via certified U.S. mail, return receipt requested, to the owner and the applicant. Upon issuance of the final determination of abandonment and delivery order for removal, the owner shall, within seventy-five
(75) days, or such longer period determined by the Board of Trustees as reasonable to permit removal, cause the telecommunications facility to be dismantled and removed.

(b) Telecommunications facilities declared abandoned by the Town in accordance with this Section and which remain in place following the deadline for removal stated in an order for removal shall:

(1) Constitute a public nuisance and shall be subject to abatement as provided by this Code; and

(2) Be subject to removal by the Town utilizing funds placed into escrow for removal of a telecommunications facility and/or public funds;

(3) Be subject to any other remedy available to the Town to cause the removal of the telecommunications facility; and

(4) Result in the immediate termination of the conditional use permit issued for the telecommunications facility. (Prior code 9-2-11; Ord. 956 §1, 2014)

Sec. 16-11-240. Permit expiration.

Special use permits for telecommunications facilities shall expire upon the expiration of any term of the permit. (Prior code 9-2-11; Ord. 956 §1, 2014)

Sec. 16-11-250. Permit revocation.

(a) The Board of Trustees may, following notice and a hearing as generally provided in this Chapter, revoke any conditional use permit for telecommunications facilities and order the removal of the telecommunications facility upon a finding by the Board of Trustees that:

(1) The telecommunications facility fails to substantially conform with a requirement of this Article or a condition of the conditional use permit and the owner failed to remedy such noncompliance within fifteen (15) days of the date of mailing of a notice of noncompliance; or

(2) The telecommunications facility fails to substantially conform with a representation or criteria stated in the applicant's application, site plan or special use proposal and the applicant or owner failed to remedy such noncompliance within fifteen (15) days of the date of mailing of a notice of noncompliance.

(b) The owner and applicant shall be provided written notice of the hearing before the Board of Trustees, and the hearing shall be held not less than fourteen (14) days following the mailing of notice via hand-delivery, regular U.S. mail, postage prepaid, or comparable delivery service to the last known address of the owner. (Prior code 9-2-11; Ord. 956 §1, 2014)

Sec. 16-11-260. Enforcement.

(a) It shall be unlawful for any owner or applicant to fail to substantially conform with an applicable requirement of this Article or a condition of a conditional use permit issued pursuant to this Article. Such violation may be enforced in accordance with Chapter 7 of this Code.
(b) It shall be unlawful for any owner or applicant to fail to substantially conform with a representation or criteria stated in the application, site plan or special use proposal submitted to the Town and approved in accordance with this Article. Such violation may be enforced in accordance with Chapter 7 of this Code,

(c) It shall be unlawful for any person to authorize, maintain or permit the use of property within the Town for a telecommunications facility without first securing approval of a conditional use permit in accordance with this Article. (Prior code 9-2-11; Ord. 956 §1, 2014)

Sec. 16-11-270. Inspections.

The Town shall have authority to enter onto the property upon which a telecommunications facility is located to inspect the facility for the purpose of determining whether the facility conforms to the applicable provisions of this Article, this Code, the application, site plan or special use proposal submitted to and approved by the Town or federal or state law. (Prior code 9-2-11; Ord. 956 §1, 2014)

Sec. 16-11-280. Removal of facilities.

(a) Removal Required. A telecommunications facility shall be removed within seventy-five (75) days, or such longer period determined by the Board of Trustees as reasonable to permit removal, of the following:

(1) The date of expiration of the conditional use permit.

(2) The date of a final declaration of abandonment by the Board of Trustees.

(3) The date of revocation of a permit.

(b) Restoration of Property. Where removal of a telecommunications facility is required by this Article, the telecommunications service provider shall, at the service provider's cost and expense, remove the facility and restore the property to a condition substantially similar to that existing before the installation. Such removal shall not, however, include removal of any installed landscaping unless removal of landscaping is approved by the Town. (Prior code 9-2-11; Ord. 956 §1, 2014)

ARTICLE 12

Historic Preservation

Sec. 16-12-10. Purpose.

(a) The purpose of this Article is to:

(1) Promote the voluntary protection and preservation of the Town's historic and cultural heritage.

(2) Provide educational opportunities to increase public appreciation of The Town's unique past.
(3) Allow owners of historic property to volunteer the same for historic landmarking.

(4) Encourage tourist interest in the history of the Town.

(5) Enable property owners to pursue grants and tax incentives.

(b) Further, it is the intention to create a reasonable balance between private property rights and the public interest in preserving the Town's heritage by entrusting that the demolition of, moving of or alterations to the exterior of properties of historic value shall be carefully considered for its impact to the historical character of the Town. (Prior code 9-6-1; Ord. 956 §1, 2014)

Sec. 16-12-20. General provisions.

(a) A historic building or property shall be defined as being:

(1) At least fifty (50) years of age;

(2) Without extensive alteration to the exterior of said structure;

(3) With small or minor modifications and/or alterations made at least fifty (50) years prior to the date of application; and

(4) Unique to the historical and cultural development of the Town.

(b) Historic land ownership shall be defined as having been significant to the historical and cultural development of the Town, such as original ownership of property obtained through the Homestead Act of 1862, pre-emption grants, squatters' rights, purchase, inheritance or gift of said property in the 1800s and early 1900s. (Prior code 9-6-2; Ord. 956 §1, 2014)

Sec. 16-12-30. Historic Designation Commission.

(a) The Lyons Historic Designation Commission (LHDC) shall be composed of three (3) or five (5) members.

(b) The LHDC will function as an advisory board to the Board of Trustees, remaining flexible in order to include persons interested in historical research, the historical development of the Town and/or architecture, red sandstone quarrying, archeology and preservation.

(c) The goals of the LHDC are to:

(1) Encourage and cultivate good stewardship and pride in owners of historic properties in the Town;

(2) Help property owners voluntarily preserve their historic landmark;

(3) Promote heritage tourism, at the consent of the owners, by printing historic tours of the Town's historic homes;

(4) Create and maintain a registry of designated properties; and
(5) Identify incentives available through the historic designation process.

(d) Members of the LHDC shall be by appointed by the Mayor. All interested persons may submit a letter of application when a vacancy occurs.

(e) Membership to the LHDC is intended, if possible, to consist of persons with a variety of backgrounds, knowledge and interests, including stone quarry operations, stone quarry mining history, architectural design and/or historic preservation. (Prior code 9-6-3; Ord. 956 §1, 2014)

Sec. 16-12-40. Historic landmark designations.

(a) Recommendations for Designation of Historic Sites. Pursuant to the procedures set forth in this Article, the LHDC may make written recommendation to the BOT that a site be designated as an historic site for designation, meeting the criteria set forth in this Article. Each such recommendation shall include a description of the characteristics of the site which justify its designation and shall include a legal description of the site. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this Article.

(b) Procedures for Designating Historic Sites.

(1) Applications. Applications for designation of historic sites shall be made to the Town Staff on forms provided by the Town. Applications shall be made only by the owners or authorized designees of one hundred percent (100%) of the site for which the application is submitted.

(2) Staff review. The Town Staff shall review applications for designation of historic sites for content and for completeness. The Town Staff shall, within sixty (60) days of receipt, forward the completed application and staff recommendations to the LHDC.

(3) LHDC review. The LHDC shall consider and act upon applications at regularly scheduled or special meetings within sixty (60) days of receipt of Town Staff recommendations. The LHDC shall approve, approve with conditions or disapprove applications, and shall immediately forward notice of its decisions to the BOT. In the event of failure of the LHDC to act in a timely manner, the BOT may proceed without an LHDC recommendation.

(4) BOT action. The BOT shall, by resolution, approve, modify and approve or disapprove the proposed historic designation.

(5) Withdrawal of applications. Prior to action on applications by the BOT, applicants may withdraw applications by submitting a written request to the Town Clerk.

(6) Recording. The resolution designating a site as a local historic landmark shall be recorded in the records of the County Clerk and Recorder.

(c) The LHDC retains the right to publish any or all part of the application. By written agreement with the property owner, said landmarked property may be included in the Town of Lyons Historic Tourism program.
(d) Upon designation of the property as being a Lyons Historic Landmark by resolution of the BOT, placement of the application shall be as follows:

(1) The original application shall be kept at the Lyons Town Hall.

(2) A copy shall be returned to the owners of record.

(3) Another copy shall be archived at the Lyons Redstone Museum.

(e) The LHDC shall present the owner of the property with a plaque to be placed on the property, indicating the designation of landmark status.

(f) Future property owners shall be encouraged to comply with the landmark designation, entrusting that the exterior of any buildings remain as is at the time of landmark designation. (Prior code 9-6-4; Ord. 956 §1, 2014)

Sec. 16-12-50. Historic landmark designation standards.

To qualify for designation as an historic site pursuant to this Article, the LHDC shall determine that the property has historic significance due to one (1) or more of the following factors:

(1) It has character, interest or value, as part of the historical development, heritage or culture of the Town, State or Nation.

(2) Its location is a site of a significant historical event.

(3) Its identification with a person or who significantly contributed to the culture and development of the Town.

(4) Its exemplifications of the cultural, economic, social or historic heritage of the Town.

(5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

(6) Its embodiment of distinguishing characteristics of an architectural type of specimen.

(7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the Town.

(8) Its embodiment of the elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation.

(9) Its relationship to other distinctive areas that are eligible for designation according to a plan based on a historic, cultural or architectural motif.

(10) Its unique location of singular physical characteristic representing an established familiar visual feature of a neighborhood or the Town. (Prior code 9-6-5; Ord. 956 §1, 2014)
Sec. 16-12-60. Landmark designation amendments.

A landmark may be amended to add features or property to the site according to the application process described in this Article for new landmark designations. (Prior code 9-6-6; Ord. 956 §1, 2014)

Sec. 16-12-70. Landmark designation alterations.

If an owner intends to make significant modifications and retain the landmark designation, the owner shall notify the Town Clerk of the owner's intention to alter, demolish, move or remove the site and provide plans for the work at least thirty (30) days prior to beginning such work. This notification requirement shall run with the land and shall bind successors and assigns. The Town Clerk shall, upon receipt, forward the notification and plans to the LHDC for review. The LHDC shall review the plans and may advise the owner on the potential affect of the plans on the historic designation. The LHDC may forward a recommendation to the BOT that, based on the plans, the historic designation be modified or revoked. (Prior code 9-6-7; Ord. 956 §1, 2014)

Sec. 16-12-80. Revocation of landmark status.

(a) The BOT may, by resolution, revoke or modify the designation of a site after fifteen (15) days' notice to the owner and after a public hearing if any of the following conditions exist:

(1) If any owner of a designated site fails to provide notification as required in this Article, or if alterations to the site will significantly alter the historic character of the site;

(2) If an owner of a designated historic site submits a written request to the Town for revocation of a historic designation;

(3) If the LHDC makes a recommendation for modification or revocation based on an owner's written intent to alter a designated historic site; or

(4) If modifications are made to an historic landmark that are found by the LHDC to not be in accordance with the standards specified in this Article.

(b) The resolution revoking or modifying the landmark designation shall be recorded in the records of the County Clerk and Recorder. (Prior code 9-6-8; Ord. 956 §1, 2014)

ARTICLE 13

Vested Property Rights

Sec. 16-13-10. Title.

The title of this Article shall be the Town "Vested Property Rights Regulation" and may be so cited and pleaded. (Prior code 11-1-1; Ord. 956 §1, 2014)
Sec. 16-13-20. Authority.

The Town is expressly enabled to establish and administer this regulation by Article 78 of Title 24, C.R.S. Should further authorizing legislation exist prior to adoption of this regulation or be enacted following adoption of the regulation, this regulation is additionally deemed to be adopted pursuant thereto. (Prior code 11-1-2; Ord. 956 §1, 2014)

Sec. 16-13-30. Scope.

The provisions of this Article shall apply to all private and public property located within the Town, except as otherwise prohibited by state or federal law. (Prior code 11-1-3; Ord. 956 §1, 2014)

Sec. 16-13-40. Legal standing.

(a) Interpretation and Application:

(1) The provisions of this Article shall be considered the minimum requirements for the protection of the public health, safety, welfare, comfort, convenience and prosperity of the present and future residents within the Town. Consequently, this Article shall be regarded as remedial, and, where appropriate, it shall be construed liberally in order to accomplish its purpose.

(2) Whenever a given element in this Article contains provisions regarding the same subject matter as any other regulation or any other law, statute, regulation, resolution or contract of the Town, the provisions of this Article shall prevail whenever possible.

(b) Severability. Should any part, section or provision of this Article be declared illegal, unconstitutional or otherwise invalid by any court of competent jurisdiction, such action shall have no bearing upon the validity, application or effect of the remainder of this Article or any other regulation of the Town.

(c) Adoption and Enactment. The various parts, sections and provisions of this Article shall take effect immediately upon their adoption or enactment by the appropriate authorities within the Town, and they shall remain in full force until amended, repealed or replaced.

(d) Repeal. Any existing provisions of regulations previously adopted by the Town which conflict with any provision of this Article required by the provisions of Article 78 of Title 24, C.R.S., are hereby declared to be null, void and repealed. (Prior code 11-1-4; Ord. 956 §1, 2014)

Sec. 16-13-50. Purpose.

The purposes of this Article are as stated in Section 24-68-101, C.R.S., and this Article is adopted for the purpose of local government compliance with Article 78 of Title 24, C.R.S. (Prior code 11-1-5; Ord. 956 §1, 2014)

Sec. 16-13-60. Definitions.

As used within this Article, the following shall apply:

Applicant means Landowner.
Landowner means any owner of a legal or equitable interest in real property, including the heirs, successors and assigns of such ownership interest.

Property means all real property subject to land use regulation in the Town.

Site-specific development plan means a previously approved and valid final subdivision plat, final PUD plan or other development approval as allowed by a majority vote of the Board of Trustees, that has been approved by the Board of Trustees, upon request by the landowner and in compliance with the provisions of this Article, as a site-specific development plan. In the event that more than one (1) of these development approvals are involved in a land development change, it shall be the final approval that is eligible to become a site-specific development plan.

Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan, as provided for within the provisions and limitations of this Article. (Prior code 11-1-6; Ord. 956 §1, 2014)

Sec. 16-13-70. Proposed site-specific development plan procedures.

(a) Submittal Requirements:

(1) Any landowner wishing to have a proposed land development change eligible to be approved as a site-specific development so approved shall request that the proposed thirty (30) days before the eligible land development change is scheduled to be considered by the Board of Trustees for final approval.

(2) Such requests shall be submitted in writing to the Board of Trustees, stating the proposed change that the landowner wished to have approved as a site-specific development plan, the reason why the landowner so wishes the approval and the duration of time that the landowner wishes the vested property right to endure. Failure to so request within thirty (30) days of the final approval of the eligible land development change shall render the approval not a site-specific development plan, and no vested property right shall be deemed to have been created.

(3) All maps, charts, plats and other documents submitted as requirements for approval of land development changes that a land owner wishes to be designated as site-specific developments must contain in a prominent location in clear, visible lettering the following statement:

Approval of this document may create a vested property right of three (3) or more years' duration on the affected property, pursuant to local land use regulations and Article 78 of Title 24, C.R.S.

(b) Review Procedures; Three-Year Vested Site-Specific Development Plans. Approval or conditional approval of the eligible proposed land use change by the Board of Trustees shall also constitute approval of the proposed change as a site-specific development plan, within the limitations of this Article; provided that the provisions of this Article and all other land development regulations and provisions of the Town are complied with by the landowner and the landowner's agents or representatives. Such approved site-specific development plans shall create a vested property right of three (3) years' duration. Denial of the eligible proposed land use change shall also cause denial of approval of the proposed site-specific development plan, and no vested property right shall be deemed to have been created.
(c) Review Procedures and Other Site-Specific Development Plans. Upon approval or conditional approval of an eligible proposed land use change that would create a site-specific development plan with a vested property right of more than three (3) years duration, the Board of Trustees shall then consider and decide by majority vote the duration of the vested property right to be granted. In so deciding, the Board of Trustees shall base its decision on the following considerations:

(1) All adopted comprehensive plans and other regulations of the Town;

(2) The extent, intensity, characteristics, development time and duration of the land use changes encompassed within the site-specific development plan;

(3) The professional level and extent of experience of the landowner and the landowner's record of accomplishing similar proposed plans.

(4) The potential fiscal consequences, budget implications and other financial and institutional consequences to the residents and local governments of the Town of approving a vested property right of more than three (3) years' duration.

(d) Special Conditions Attached to Site-Specific Development Plans. Following approval or conditional approval of an eligible land use change that would create a site-specific development plan, the Board of Trustees may attach to the site-specific development plan such additional conditions and special provisions as it may reasonably deem necessary to protect the public health, safety and welfare. These conditions and provisions shall be conveyed in written form to the landowner, with written notice of the action taken, within ten (10) working days of the date that the action was taken.

(e) Planning and Community Development Commission Participation in Plan Review. The Board of Trustees may, at its discretion, as a routine matter or on a case-by-case basis, seek advice and recommendations from the Planning and Community Development Commission, regarding all aspects of a proposed vested property rights. Such Planning and Community Development Commission recommendations and advice may include but need not be limited to conditions and provisions that should be attached to the plan; and the Planning and Community Development Commission may, in turn, seek the advice of referral agencies in preparing its own recommendations. Any referral agency procedures initiated by the Planning and Community Development Commission shall comply with the subdivision referral agency procedures and provisions of the Town. (Prior code 11-1-7; Ord. 956 §1, 2014)

Sec. 16-13-80. Approved site-specific development plan review, revocation.

(a) At such intervals as specified in its decision, or at such other time as circumstances may warrant, the Board of Trustees may request the Planning and Community Development Commission to review the terms, conditions or other provisions of a site-specific development plan approval issued by the Board of Trustees and, upon review of the permit provisions, the Planning and Community Development Commission may recommend to the Board of Trustees time periods in which any violations of the terms or conditions shall be corrected and how the corrections shall be accomplished, or the Planning and Community Development Commission may recommend revocation of the site-specific plan approval.
(b) In the event that the Planning and Community Development Commission recommends revocation of the plan approval or other significant corrective action, such recommendation and the reasons for it shall be forwarded to the Board of Trustees within ten (10) days of that action. Within thirty (30) days of receiving such recommendation, the Board of Trustees shall schedule a public hearing, to be conducted as specified in Section 16-15-30 of this Chapter.

(c) Following the conduct of the public hearing, the Board of Trustees shall act to revoke or impose additional or amended conditions or sanctions on the site-specific development plan approval previously granted. Subsequent failure of a landowner, or a landowner's agents or representatives, to comply within the stipulated time periods or with any of the other conditions and provisions under which the site-specific development plan was originally approved, or to comply with the revised conditions and provisions, shall be adequate reason for revocation of a site-specific development plan approval by the Board of Trustees without the conduct of additional public hearings.

(d) Upon revocation of the approval of a site-specific development plan, any vested property rights previously created shall cease to exist and notice of the revocation of the site-specific development plan and abolition of the vested property rights shall be published in a local newspaper of general circulation as specified in Section 16-13-90 below.

(e) At the request of a landowner or by mutual consent of a landowner and the Board of Trustees, site-specific development plans and their terms and conditions may be amended, provided that such amendments comply with the procedural requirements of this Section and the notification requirements of Section 16-13-90 below. At the discretion of the Board of Trustees in the case of mutually agreed upon amendments of a minor or technical sort, the public hearing requirements contained in Subsection (c) above may, however, be suspended. (Prior code 11-1-8; Ord. 956 §1, 2014)

Sec. 16-13-90. Notification of approval and creation of vested property rights.

Any vested property rights created by approval of a site-specific development plan shall be deemed established upon the approval or conditional approval of the site-specific development plan. Within fourteen (14) days of approval of a site-specific development plan, the Town shall cause to be published in a local newspaper of general circulation notice of the approval or conditional approval of a site-specific development plan and creation of a vested property right. (Prior code 11-1-9; Ord. 956 §1, 2014)

Sec. 16-13-100. Limitations.

The provisions of this Article shall be limited by the following provisions and stipulations:

1) The purpose of this Article is solely to implement the provisions of Article 78 of Title 24, C.R.S. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this Article shall be deemed to be repealed, the provisions contained herein shall no longer apply and the Board of Trustees may, at its discretion, upon the conduct of a public hearing, revoke all vested property rights previously created by this Article.
(2) In taking action on site-specific development plans, the Board of Trustees may impose any such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.

(3) All vested property rights created by the authority of this Article may be modified, diminished or abolished by circumstances that include, but are not necessarily limited to, the following events:

a. Consent of an affected landowner;

b. Failure of the affected landowner to conform to the provisions and conditions under which a site-specific development plan was approved;

c. Discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time the site-specific development plan was approved, so long as such hazards, if uncorrected, would pose a serious threat to the public health, safety and welfare;

d. Payment of just compensation to an affected landowner; and

e. Application by the Board of Trustees of land use and related regulations which are general in nature and applicable to all property subject to land use regulation by the Town.

(4) Approval of a site-specific development plan shall not constitute an exemption from or a waiver of any provisions of the land use regulations or other lawfully established provisions of the Town pertaining to the development, use or exchange of property unless such exemption or waiver is expressly granted by the Town. (Prior code 11-1-10; Ord. 956 §1, 2014)

ARTICLE 14

Appeals and Variances

Sec. 16-14-10. Purpose.

(a) The Board of Adjustments shall hear and decide appeals from any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Chapter. In addition, the Board of Adjustments shall hear and decide all requests for a variance from the bulk requirements of this Chapter. Such variance shall not be granted if it would be detrimental to the public good, create a conflict with the Town Comprehensive Plan or impair the intent and purpose of this Code.

(b) The Board of Adjustments shall not grant use variances. (Prior code 9-2-9; Ord. 956 §1, 2014)
Sec. 16-14-20. Appeal application.

Any aggrieved person of interest may appeal a denial of a building or other development permit, or any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this Code.

(1) An appeal to the Board of Adjustments shall be made within ten (10) days after denial of a building permit or other development permit, or receipt of a written notice of an order, requirement, decision, interpretation or determination by an administrative official of the Town. Failure to make a timely appeal shall be considered a waiver of the appellant's rights to appeal to the Board of Adjustments.

(2) The applicant shall file with the Town Clerk a written notice of appeal on a form approved by the Board of Adjustments and pay the fee set by the current fee schedule.

(3) The Town Clerk shall forward a copy of the notice of appeal to the Planning Staff or other appropriate administrative officer, who shall prepare a record of the Town action that is being appealed for consideration by the Board of Adjustments. (Prior code 9-2-9; Ord. 956 §1, 2014)

Sec. 16-14-30. Variance application.

Any person of interest or an officer or department of the Town may apply to the Board of Adjustment for a variance from the literal interpretation of the bulk requirements of this Chapter. For a variance request, the applicant shall submit the following to the Town Clerk:

(1) Land use application form.

(2) Title commitment. The title commitment must be current and dated no more than thirty (30) days from the date of the application submittal.

(3) Explanation letter identifying the variance being requested, a citation of the portion of the Code from which relief is requested and explaining what exceptional condition, practical difficulty or unnecessary hardship exists to require the variance. The letter shall also address how the variance, if granted, will not be detrimental to the public good, create a conflict with the Town Comprehensive Plan or impair the intent and purpose of this Code.

(4) Map. Town Staff will state map requirements based on the variance being requested. The map shall typically consist of a scale drawing depicting the property affected by the variance request, including but not limited to required or existing setbacks and proposed setbacks from adjacent lot lines or structures and any other information that will assist the Board of Adjustments in understanding the request.

(5) Surrounding and interested property ownership report. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
(6) Public hearing notification envelopes. Provide the Town Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the return address, and the envelopes shall be addressed to the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies. (Prior code 9-2-9; Ord. 956 §1, 2014)

Sec. 16-14-40. Public hearing and notification.

(a) The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than fifteen (15) days from the date of advertising.

(b) For a variance, in addition to the published notice, the Town Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question and the appropriate referral agencies no less than fifteen (15) days before the hearing. The Town Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant no less than fifteen (15) days before the hearing. Upon receiving a variance request application, the Town Clerk shall establish a time for the hearing not to exceed forty-five (45) days from the filing of the application. (Ord. 913, 2012; Ord. 956 §1, 2014)

Sec. 16-14-50. Board of Adjustments hearing and action.

(a) The Board of Adjustments shall make the decision on appeals and variances at a regular meeting of the Board of Adjustments.

(1) The appellant, or the applicant for a variance, has the burden of proof to establish the necessary facts to warrant favorable action of the Board of Adjustments.

(2) The Board of Adjustments shall have all the powers of the applicable Town administrative official on the action appealed. The Board of Adjustments may in whole or in part affirm, reverse or amend the decisions of the applicable Town administrative official.

(3) The Board of Adjustments may impose reasonable conditions in its order to be complied with by the appellant in order to further the purposes and intent of this Code.

(4) The Board of Adjustments may impose any reasonable conditions on the issuance of a variance and may amend the variance from that requested.

(5) No single decision of the Board of Adjustments sets a precedent. The decision of the Board of Adjustments shall be made on the particular facts of each case.

(6) Variances granted by the Board of Adjustments shall be recorded with the County Clerk and Recorder at the expense of the applicant.

(b) Any appeal of the decision of the Board of Adjustments may be made to the District Court as provided by law; provided however, that such appeal must be made prior to thirty (30) days following the date of the final action taken by the Board of Adjustments, as provided by Rule 106, Colorado Rules of Civil Procedure. (Prior code 9-2-9; Ord. 956 §1, 2014)
Sec. 16-14-60. Appeal criteria for approval.

(a) The Board of Adjustments, in hearing an appeal from an interpretation of this Code, shall consider:

(1) The technical meaning of the provision being appealed;

(2) Evidence of the manner in which the provision has been interpreted in the past;

(3) The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives; and

(4) The intent of the provision in implementing the Town Comprehensive Plan.

(b) In approving a requested interpretation, the Board of Adjustments shall provide a written record of its findings, and the Town Staff shall use it to propose amendments that address future interpretation problems (Prior code 9-2-9; Ord. 956 §1, 2014)

Sec. 16-14-70. Variance criteria for approval.

(a) The Board of Adjustments shall not grant a variance to this Chapter or Chapter 17 of this Code which:

(1) Permits a land use not allowed in the zoning district in which the property is located;

(2) Is in the public right-of-way or on public property;

(3) Alters any definition of this Chapter;

(4) Is other than the minimum variance that will afford relief with the least modification possible to the requirements of this Chapter;

(5) Is based on physical conditions or circumstances of the property so general or recurring throughout the district as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to of this Chapter; or

(6) Is based exclusively on findings of personal or financial hardship. Convenience, profit or caprice shall not constitute undue hardship.

(b) In order to grant a variance to this Chapter, the Board of Adjustments shall find that all the following have been satisfied:

(1) That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition particular to the affected property;

(2) That, because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of this Chapter;
(3) That, due to such unique physical circumstances or conditions, the strict application of this Chapter would create a demonstrated hardship;

(4) That the demonstrable hardship is not self-imposed;

(5) That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood;

(6) That the variance, if granted, will not change the character of the zoning district in which the property is located;

(7) That the variance, if granted, is in keeping with the intent of this Code; and

(8) That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of Town.

(c) The condition of any variance authorized shall be stated in writing in the minutes of the Board of Adjustments with the justifications set forth. (Prior code 9-2-9; Ord. 956 §1, 2014)

ARTICLE 15
Amendments

Sec. 16-15-10. Amendments to text or Official Zoning Map.

The Board of Trustees may from time to time amend, supplement, change or repeal the regulations and provisions of this Chapter. Amendments to the text of this Chapter may be initiated by the BOT, the PCDC or Town Staff. Amendments to the zoning district map may be initiated by the BOT, PCDC, Town Staff or a real property owner in the area to be included in the proposed amendment. (Prior code 9-2-10; Ord. 956 §1, 2014)

Sec. 16-15-20. General rezoning.

Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of this Chapter, whether such revision be made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of, real property in the area of the proposed change shall be waived. However, the proposed zoning map shall be available for public inspection in the Town Hall during regular business hours for ten (10) days prior to the public hearing on such amendments. The Town Clerk shall also publish notice in the newspaper of record no less than ten (10) days prior to the public hearing. (Prior code 9-2-10; Ord. 956 §1, 2014)

Sec. 16-15-30. Zoning amendment application process.

(a) Step 1: Preapplication Conference. The applicant shall attend a preapplication conference with a representative from the Town. The purpose of the meeting is to discuss the zoning amendment, submittal requirements and review process.
(b) Step 2: Zoning Amendment Application Submittal. The applicant shall submit ten (10) copies of the complete zoning amendment application package to the Town Clerk and shall request that the application be reviewed by the PCDC and BOT. The application must include.

(1) Completed application form, application fee and fee agreement.

(2) A written description of the proposed change and the rationale for the proposed change, with particular attention given to the approval criteria specified in Section 16-15-50 below.

(3) A legal description for all property to be considered for rezoning.

(4) Current proof of ownership in the form of title insurance issued within thirty (30) days of submission of the application.

(5) A zoning amendment map of the area included in the proposed change, twenty-four (24) inches high by thirty-six (36) inches wide, with the following information:

   a. North arrow, scale (1" = 100' or 1" = 200') and date of preparation.

   b. The subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.

   c. Legal description of the area to be zoned (entire area and individual zoning districts). In unsubdivided property, zone boundaries shall be determined by a metes and bounds description.

   d. Location and boundaries, including dimensions, of the property proposed for rezoning. Note: Zone boundaries are to be the center lines of physical streets, roads, highways, alleys, railroad rights-of-way and channeled waterways, or such lines extended.

   e. The acreage or square footage contained within the property proposed for rezoning.

   f. All existing land uses in the proposed rezoning area.

   g. Zoning and existing land uses on all lands adjacent to the proposed rezoning.

   h. The location and dimensions for all existing public rights-of-way, including streets, easements and centerlines of water-courses within and adjacent to the rezoning.

   i. The names of all adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.

   j. Certificate blocks for the surveyor, PCDC, BOT and County Clerk and Recorder.

   k A digital form of the zoning amendment map in a format compatible with the Town's Geographic Information System.

(6) A written statement describing the proposal and addressing the following points:
a. Need for the proposed rezoning.

b. Potential impacts on the existing adjacent properties and zone districts, uses and physical character of the surrounding area.

c. Impact of the proposed zone on area accesses and traffic patterns.

d. Availability of utilities for any potential development.

e. Present and future impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools and transit.

f. Fiscal impact analysis.

g. Environmental impact analysis.

h. The relationship between the proposal and the Comprehensive Plan.

i. Public benefits arising from the proposal.

(7) Surrounding and interested property ownership report. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

(8) Surrounding and interested property ownership notification envelopes. One (1) set of stamped and addressed envelopes. The envelopes shall have the Town's address as the mailing address and return address, and the envelopes shall be addressed to the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies. It is the applicant's responsibility to ensure that accurate and complete information is provided.

(9) Such additional material as the PCDC and/or BOT may prescribe or the applicant may submit pertinent to the application.

(c) Step 3: Zoning Amendment Application Certification of Completion. Within a reasonable period of time, Town Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the amended application to the Town Clerk.

(d) Step 4: Set PCDC Public Hearing and Complete Public Notification Process. The Town Clerk shall send notice of the public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies before the PCDC public hearing. The Town Clerk shall also publish notice in the newspaper of record no less than ten (10) days prior to the public hearing. If the zoning amendment request is accompanying another application that is
scheduled for public hearings before the PCDC and BOT, one (1) public hearing may be held on both applications.

(e) Step 5: Final Staff Review and Report to PCDC. Town Staff shall complete a final review of the materials, including referral responses, and prepare a report to the PCDC explaining how the application is or is not consistent with the approval criteria for amendments to the Official Zoning Map.

(f) Step 6: PCDC Public Hearing and Action on Zoning Amendment. The PCDC shall hold a public hearing to review the zoning amendment based on the approval criteria for amendments to the Official Zoning Map or the criteria for text amendments to this Chapter. The PCDC shall then make a recommendation to the BOT to approve, conditionally approve or deny the zoning amendment application.

(g) Step 7: Set BOT Public Hearing and Complete Public Notification Process. The BOT shall schedule a public hearing for the purpose of taking action on the zoning amendment. The Town Clerk shall publish notice in the newspaper of record at least ten (10) days from the date of the hearing.

(h) Step 8: BOT Public Hearing and Action on Zoning Amendment. The BOT shall, after receiving the report and recommendations from the PCDC, hold a public hearing and act upon the proposed amendment. Following the required hearing, the BOT shall consider the comments and evidence presented at the hearing and evaluate the application in accordance with the approval criteria specified in Section 16-15-50 below and approve, approve with conditions or deny the application, in whole or in part.

(i) Step 9: Post-Approval Actions.

1. Upon approval of an amendment to the official zoning map by the BOT, the Town Clerk shall cause an appropriate revision of the official zoning map to be prepared for recording with the County Clerk and Recorder. In the event the zoning amendment was initiated by an interested party, the petitioner shall pay the Town's cost for the preparation of the revision to the official zoning map and associated filing fees.

2. Upon approval of an ordinance amending, changing or repealing part of the text of this Chapter, the Town Clerk shall certify a copy of the ordinance and place it in the official records of the Town and make appropriate supplements to this Chapter in accordance with Section 1-3-70 of this Code.

3. The applicant initiating the official zoning map amendment shall have thirty (30) days after approval of the amendment by the BOT to submit to the Town Clerk two (2) original drawings of the approved zoning amendment map for recording, along with the recording fees and all other costs billed by the Town relative to the zoning amendment.

4. The zoning amendment map shall be prepared by a licensed surveyor or engineer. Inaccurate, incomplete or poorly drawn plans shall be rejected. In addition, the petitioner shall submit one (1) 11" x 17" Mylar reduction of the zoning amendment map and a digital copy in a form compatible with the Town's Geographic Information System.
(5) Within thirty (30) days of receipt of the zoning amendment map, the Town Clerk shall review the documents for compliance with the BOT's approval, obtain the Town officials' signatures and submit the approved zoning amendment map and the ordinance amending the official zoning map to the County Clerk and Recorder's office for recordation. (Prior code 9-2-10; Ord. 956 §1, 2014)

Sec. 16-15-40. Official Zoning Map amendment approval criteria.

For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:

(1) To correct a manifest error in an ordinance establishing the zoning for a specific property.

(2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally.

(3) The land to be rezoned is inconsistent with the policies and goals of the Comprehensive Plan.

(4) The proposed rezoning is necessary to provide land for a municipal-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the goals and policies of the Comprehensive Plan.

(5) The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area, and the rezoning will be consistent with the goals and policies of the Comprehensive Plan.

(6) A rezoning to a Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development. (Prior code 9-2-10; Ord. 956 §1, 2014)

Sec. 16-15-50. Text amendment approval criteria.

For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the text of this Chapter shall not be amended except:

(1) To correct a manifest error in the text of this Chapter.

(2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town Staff.

(3) To accommodate innovations in land use and development practices that were not contemplated at the time of adoption of this Chapter.

(4) To further the implementation of the goals and objectives of the Comprehensive Plan. (Prior code 9-2-10; Ord. 956 §1, 2014)
Sec. 16-15-60. Map amendment upon zoning establishment or modification.

Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map. (Prior code 9-2-10; Ord. 956 §1, 2014)

ARTICLE 16

Enforcement

Sec. 16-16-10. Responsible enforcement entity.

The Board of Trustees shall be responsible for enforcing the provisions of this Chapter. Any criminal enforcement shall be by the issuance of a complaint and summons to Municipal Court by a peace officer. (Prior code 9-4-1; Ord. 956 §1, 2014)

Sec. 16-16-20. Authorization for inspections.

Upon presentation of proper credentials, the Town Clerk or the Code Enforcement Officer may enter any building, structure, real property or premises to ensure compliance with the provisions of this Chapter. Such inspections shall be carried out during normal business hours unless the Town Clerk or Code Enforcement Officer determines that there is an emergency. (Prior code 9-4-1; Ord. 956 §1, 2014)

Sec. 16-16-30. Violations.

It shall be a violation of this Chapter to undertake any of the following activities:

1. Activities inconsistent with Chapter. Erecting, constructing, reconstructing, remodeling, altering, maintaining, expanding, moving or using any building, structure or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this Chapter, including all required approvals.

2. Land-disturbing activities inconsistent with Chapter. Excavating, grading, cutting, clearing or undertaking any other land-disturbance activity contrary to the provisions of this Chapter or without first obtaining all requisite land use approvals required by this Chapter or other applicable regulations.

3. Nonconforming uses inconsistent with Chapter. Creating, expanding, replacing or changing a nonconforming use, structure, lot or sign except in compliance with this Chapter.

4. Making lots or setbacks nonconforming. Reducing or diminishing the lot area, setbacks or open space below the minimum required by this Chapter.
(5) Increasing intensity of use. Increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this Chapter.

(6) Activities inconsistent with permit. Engaging in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval or other form of authorization required to engage in such activity.

(7) Activities inconsistent with conditions of approval. Failure to comply with any terms, conditions or limitations placed by the Board of Trustees upon any final development plan, subdivision plat, permit or other form of authorization. (Prior code 9-4-1; Ord. 956 §1, 2014)

Sec. 16-16-40. Penalty for violations.

Any person, including but not limited to the officers and agents of a corporation responsible for its actions or inaction, and the partners or members of a partnership, firm or joint venture, either as owner, lessee, occupant or otherwise, who violates or causes the violation of any of the provisions of this Chapter, shall be guilty of a separate offense for each and every day or portion thereof during which a violation is committed, permitted or continues. Any person convicted of a violation shall be subject only to the fines provided for in Section 1-4-20 of this Code. (Prior code 9-4-1; Ord. 956 §1, 2014)

Sec. 16-16-50. Civil remedies and enforcement powers.

In addition to criminal prosecution for violations, the Code Enforcement Officer, Town Clerk or Board of Trustees shall have the following civil remedies and powers to enforce this Chapter:

(1) Notice of violation and corrective action order.

a. Nonemergency violations. In the case of violations of this Chapter that do not constitute an emergency or require immediate attention, written notice of the nature of the violation and required corrective action to be taken shall be given to the property owner, agent, occupant or the applicant for any relevant permit. Notice shall be given in person, by certified U.S. mail (return receipt requested) or by posting a notice on the premises. The notice shall specify the Code provisions allegedly in violation and shall state that the individual has a period of thirty (30) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken. The notice shall also state any appeal and/or variance procedures available pursuant to this Chapter.

b. Emergency violations. In the case of violations of this Chapter that constitute an emergency as a result of safety or public concern, or violations that will create increased problems or costs if not remedied immediately, the Code Enforcement Officer, Town Clerk or Board of Trustees may use the enforcement powers available under this Chapter without prior notice, but shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant or the applicant for any relevant permit.

c. Extension of time for correction. The Board of Trustees may grant an extension of the time to cure an alleged violation, up to a total of ninety (90) days, if the Board of Trustees finds
that, due to the nature of the alleged violation, it reasonably appears that it cannot be corrected within thirty (30) days.

(2) Deny or withhold permits.

   a. The Town Clerk or Building Official may deny and withhold all permits, certificates or other forms of authorization to use or develop any land, structure or improvements thereon until the alleged violation related to such property, use or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation.

   b. Where a property owner, agent or other person has a record of an outstanding serious violation of this Chapter, the Town Clerk, Building Official and/or Board of Trustees shall be authorized to deny or withhold all permits, certificates of occupancy or other forms of authorization for any use or development activity undertaken by such person until the outstanding violation is corrected. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation.

   c. The denial or withholding of a permit by the Town Clerk or Building Official may be appealed to the Board of Adjustments as provided in this Chapter.

(3) Revocation of permits.

   a. Public hearing required. The Board of Trustees may revoke any development permit, building permit or other authorization, after notice and a public hearing.

   b. Notice of public hearing. The public hearing on the revocation of a development permit, building permit or other authorization shall be conducted during a regular or special meeting of the Board of Trustees not less than seven (7) days, nor more than fourteen (14) days from the date the notice of the hearing is given. Notice of the hearing shall be deemed given to the owner, the owner's agent or other person to whom the development permit was issued, upon deposit of said notice in the U.S. mail by certified mail, return receipt requested, addressed to the last known address of said person. Additional methods of service may also be utilized to give notice of the public hearing.

   c. Findings. Following the public hearing, the Board of Trustees, upon a finding of the following, may revoke any development permit, building permit or other authorization:

      1. There is a departure from the approved plans, specifications or conditions of approval.

      2. There is a violation of any provision of this Code.

      3. The development permit was obtained by false representation.

      4. The development permit was issued in error.

   d. Notice of revocation. Written notice of revocation shall be served upon the owner, the owner's agent, applicant or other person to whom the permit was issued by certified mail,
return receipt requested, or such notice may be posted in a prominent location at the place of the violation. No work, construction or use of the property shall proceed after service of the revocation notice.

(4) Stop work order.

a. Issuance of stop work order. The Town Clerk, Building Official, Code Enforcement Officer or Board of Trustees may issue a written order to stop work on any property on which there is an uncorrected violation of either a provision of this Code or a provision of a development permit, building permit or other form of authorization. The stop work order shall specify the Code provisions allegedly in violation. Service of the order shall be given in person, by certified U.S. mail (return receipt requested) or by posting notice on the premises. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct such violation or comply with the order. The notice shall also state any appeal and/or variance procedures available pursuant to this Chapter.

b. Timing/notice. The stop work order may be issued in conjunction with a notice of violation or subsequent to such notice. The stop work order may also specify a shorter time for correction of the violation than the thirty-day period specified in Subparagraph (1)a. above. The stop work order shall also indicate that failure to comply with the order may subject the violator to criminal liability as penalty for the violation.

(5) Abatement or injunctive relief. The Board of Trustees, through the Town Attorney, may initiate injunction or abatement proceedings or other appropriate legal action in the District Court or other court of competent jurisdiction to abate, remove or enjoin such violation and to recover damages, costs and reasonable attorneys' fees incurred in the abatement and removal of such violation. (Prior code 9-4-1; Ord. 956 §1, 2014)

Sec. 16-16-60. Cumulative remedies.

The remedies provided for violations of this Chapter, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order. (Prior code 9-4-1; Ord. 956 §1, 2014)

Sec. 16-16-70. Continuation of prior enforcement actions.

Nothing in this Chapter shall prohibit the continuation of previous enforcement actions undertaken by the Town pursuant to previous regulations. (Prior code 9-4-1; Ord. 956 §1, 2014)

Sec. 16-16-80. Appeals of enforcement actions.

Appeals of any order, requirement, decision or determination made by an administrative official in the enforcement of this Chapter shall be made to the Board of Adjustments in accordance with the provisions of this Chapter. (Prior code 9-4-1; Ord. 956 §1, 2014)
Sec. 16-16-90. Liability of Town.

This Chapter shall not be construed to hold the Town responsible for any damages to persons or property because of the inspection or re-inspection or failure to inspect or re-inspect or because of issuing a building permit, or by reason of pursuing or failing to pursue an action for injunctive relief. (Prior code 9-4-1; Ord. 956 §1, 2014)

ARTICLE 17

Site Plan and Development Plan Review Process

Sec. 16-17-10. Minor building permits; purpose and applicability.

Minor building permit applications are applications that, due to the nature and scope of the work proposed, do not present any questions of compliance with standards and regulations adopted by the Town not found in the Building Code. These minor applications are exempt from the site plan or development plan review process described herein because they do not necessitate further review for compliance with other duly adopted Town standards and regulations, including but not limited to the zoning regulations contained in this Chapter. The determination of this minor status shall be made by the Town Administrator upon review of the building permit application. Minor building permit applications are only subject to review for compliance with the Building Code as adopted by the Town from time to time. (Ord. 912 §1, 2013)

Sec. 16-17-20. Site plan and/or development plan review, purpose and applicability.

(a) All developments not classified as minor building permit applications must obtain either site plan or development plan approval before they may obtain a building permit. The site plan or development plan depicts how the site will be developed so that the Town can ensure that the building and site design will be in compliance with all applicable Town zoning standards and other duly adopted regulations not found in the Building Code. The site plan review process shall be performed by the Town Administrator to determine regulatory compliance for all building permit applications that are limited in size and scope. The PCDC shall be the final decision-making authority for all development plan reviews. A decision rendered by the Town staff pertaining to site plan review or a decision rendered by the PCDC pertaining to development plan review is subject to appeal by the Board of Trustees as set forth in Section 16-17-60 of this Article.

(b) The development plan review process shall be performed by the PCDC for all applications that are not limited in size and scope as determined by the following minimum development plan threshold criteria:

(1) Multi-family residential uses shall be subject to development plan review where the proposal entails a building floor area expansion, major structural alteration or new construction of three (3) or more dwelling units.

(2) Commercial accommodations uses (excluding bed and breakfast) shall be subject to development plan review where the proposal entails a major structural alteration or new construction of seven (7) or more guest rooms or accommodation units.
(3) Commercial, industrial, office uses and all other nonresidential development or redevelopment shall be subject to development plan review where the proposal entails:

a. New building construction in excess of two thousand (2,000) square feet;

b. Expansion or major structural alteration of existing building square footage in excess of two thousand (2,000) square feet; or

c. Alteration of the site that includes ten (10) or more parking spaces reconfigured or added, along with relocation or alteration of street access, alteration to water or sewer service, alteration of drainage or alteration of site lighting.

(4) All uses subject to use by special review shall also be subject to development plan review.

(5) Major structural alteration shall mean the alteration of perimeter foundations, exterior load-bearing building walls or roofs to an extent that less than fifty percent (50%) of the renovated portion of the original exterior load-bearing structure remains intact.

(6) Any application that entails any one (1) or more of the minimum development plan threshold criteria listed above shall be subject to the development plan review process and public hearing before the Planning Commission. Any application that is not subject to a development plan review and does not qualify as a strictly minor building permit shall be reviewed as a site plan. Because of the limited nature of a site plan application, the site plan review is not subject to a public hearing before the Planning Commission. The Town Administrator is the final decision making authority for site plan review. (Ord. 912 §1, 2013)
Sec. 16-17-30. Site plan and/or development plan review process.

(a) Step 1: Pre-Application Conference. The applicant shall attend a pre-application conference with Town staff. The purpose of the meeting is to discuss the Town's expectations, submittal requirements, review process and approximate timeframe for processing the application. Town staff shall provide the applicant with an outline of the site plan or development plan approval process with associated time frames, shall identify all related application fees required by the Town and shall identify all other direct costs payable to the Town that the applicant may expect to incur with the processing of the application. This information will be provided to the applicant within one (1) week of the pre-application conference.

(b) Step 2: Submit Site Plan and/or Development Plan Application. The applicant shall submit three (3) copies of the complete site plan and/or development plan application package to the Town. The Town Administrator shall determine the applicable submittal requirements at the pre-application conference. The Town Administrator shall determine which of the following must be submitted, based on the complexity of the site plan or development plan proposal:

1. Land use application form.

   a. Surrounding and interested property ownership list. Provide the Town Clerk with a current list, not more than thirty (30) days old, of the names and addresses of the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of
record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

b. Surrounding and interested property ownership notification envelopes. One (1) set of stamped and addressed envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies.

c. A signed certification from the applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with Section 24-65.5-103, C.R.S., or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. It is the applicant's responsibility to ensure that accurate and complete information is provided.

(2) Site plan and/or development plan technical criteria form.

(3) Electronic copy of application package in pdf format.

(4) Application fee and fee agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Administrator and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The Town shall provide applicants with a copy of the most current fee schedule and fee agreement form.

(5) Site plan and/or development plan map. The site plan and/or development plan map sheets shall be a minimum of twenty-four (24) inches by thirty-six (36) inches, prepared at a scale of 1" = 20', unless otherwise approved by staff. The Town Administrator shall determine which of the following must be submitted, based on the complexity of the site plan or development plan proposal:

a. General plan information (cover sheet):
   1. Title of project.
   2. North arrow, scale, date of preparation and revision dates.
   3. Vicinity map.
   4. Address of project.
   5. Legal description of property.
   6. Name, address and phone number of property owner.
   7. Name, address and phone number of person or firm responsible for plan.
8. Certificate blocks for signatures of owner, surveyor, utility providers and Town approval, as applicable.

9. Lot size (square footage).

10. Bearings and distances of all lot lines.

11. Existing and proposed zoning.

12. Adjacent zoning, land uses and landowners.

b. Statistical information (cover sheet):

1. Net project land area in square feet (gross land area net of public and private street rights-of-way).

2. Number of dwelling units or guest units (if any). Number of affordable housing units, accessory dwelling units and employee housing units, if any.

3. Project net density (multi-family residential projects only) or net developable land area per guest unit (accommodations projects only).

4. Cumulative gross floor area of all levels of all buildings.

5. Number of parking spaces provided (break out as unenclosed or enclosed and standard or handicapped).

6. Impervious lot coverage.

7. A land use chart or table summarizing the cumulative gross floor area and number of units of all proposed uses by general category of use (e.g. office, retail, commercial accommodations, etc.).

c. Context/Vicinity map (cover sheet). The context/vicinity map shall show the proposed development site in relation to the surrounding area (one-mile radius around the property or other as approved by staff).

1. Title of project.

2. North arrow, scale (not greater than 1" = 1000') and date of preparation.

3. Boundary of proposed project.

4. Existing (for developed land) or proposed (for vacant or agricultural land) land uses for the properties shown on the map (i.e., residential, commercial, industrial, park, etc.). Label the land use and whether it is existing or proposed.

5. Major streets (show and label street names).
6. Existing public water and sewer lines and proposed connections.

7. Regional open space and trail networks per the Comprehensive Plan.

8. Major ditches, rivers and bodies of water.

9. Adjacent properties identified by subdivision name and/or zoning district.

d. Existing and/or proposed vehicular and pedestrian circulation:

1. Existing and proposed easements and rights-of-way.

2. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and all building entries.

3. Location and layout of all vehicular service and loading areas.

4. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.

5. Proposed traffic controls and striping layout for parking areas (all lanes, driveways and parking spaces must be dimensioned).

6. Proposed pavement surfacing materials for all parking, streets, drives and sidewalks.

e. Existing and/or proposed buildings and accessory structures:

1. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.

2. Existing and proposed structures and their use.

3. Finished floor elevations.

4. The distance from the proposed buildings or structures to adjacent lot lines, easements and adjacent structures.

5. Cumulative gross floor area for all existing and proposed buildings.

6. All proposed structure heights.

7. For multi-family residential, the number of residential units and bedrooms per unit.

8. Trash disposal areas and enclosures, including specifications for enclosures.

f. Existing and/or proposed utility systems:
1. Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).

2. Location and size of water and sewer lines to which the service connections will be or are made.

3. Location and size of water meters.

4. Location and size of backflow prevention devices.

5. Indication of how and where perimeter drain will drain, if one exists.

6. Location of existing electrical lines and poles on or adjacent to the site.

7. Location and size of proposed electrical service connection and meter location.

8. Location of electric transformer and meter (must be at the front quarter closest to the transformer or hard box).

9. Location of all existing and proposed fire hydrants and associated ISO fire flow calculations. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within five hundred (500) feet.

10. Location of proposed signs and lights.

11. Specifications for the signs and lights, including type, height and general conformance to this Code.

g. Existing and proposed grading, stormwater management and site drainage:

1. Existing and proposed one-foot contours.

2. Existing waterways on or adjacent to the site, with regulatory wetlands, floodway and 100-year floodplain delineated where present.

3. Location of detention/retention areas and storm sewer infrastructure with the required drainage easements.

4. Existing and proposed drainage channels, stormwater management facilities and detention areas, including tributary areas, drainage facilities and erosion control devices, with nomographs and calculations.

5. Critical spot elevations controlling flowlines for all curbs and gutters, swales and storm drains.

6. On-site detention location, layout and typical design details and materials.

7. Stormwater drainage systems for streets (curbs, gutters and cross-pans, with materials noted).
h. Landscape, buffering and lighting:

1. Location and character of existing and proposed landscaping, including types of surfaces and ground covers to be used for specific areas.

2. Planting schedule with species, sizes and quantities of planting material.

3. Location, character and species of all individual existing trees measuring eight (8) inches DBH and larger (with trees to be removed and trees to be retained noted).

4. Location, dimensions and materials to be used for outdoor seating and gathering areas for people, fences, walls, berms, screening and buffering (where applicable) and all retaining walls with height noted.

5. Location and dimensions of all buffer areas from zone district boundaries, wetlands and stream/river corridors.

6. Location, height and type of exterior lighting fixtures.

i. Miscellaneous:

1. Location of existing and proposed oil and gas facilities and their required setbacks, including existing flow lines and proposed relocation of flow lines.

2. Location of archaeologically significant or historic sites or structures that merit preservation.

3. Project phasing plan (if any).

4. Preliminary condominium map (if any).

(6) General development information. Provide a written description of how the business will function (hours of operation, clientele, number of employees, etc.) and how the proposed development conforms to this Code (including all applicable guidelines, standards and provisions found in this Chapter, Chapter 17, all other applicable duly adopted Town regulations and the Comprehensive Plan). Include a detailed explanation of how the proposed use will comply with the review criteria. For commercial and industrial uses, note the type of activity and number of employees.

(7) Certified drainage report. A certified drainage report per Town standards, including an erosion control study and plan.

(8) Final landscape plan. Refer to applicable design standards for the final landscape plan requirements.

(9) Final open space and ecological characterization plan. Refer to applicable design standards for the final open space and ecological characterization plan requirements.
(10) Exterior elevations of proposed structures/graphic visual aids. Provide complete building elevations, drawn to scale, with illustrations of all exterior colors and identifying all major exterior materials to be used in the structures. Conceptual building design illustrations for each principal building, showing building mass, schematic floor plans. Natural grade, finished grade, building height above existing grade shall be noted on all elevations. In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models, and/or computer visualizations when the impacts of a proposal warrant such information.

(11) Photometric plan. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in foot-candles) of these fixtures across the site to all property boundaries.

(12) Proof of ownership. The proof of ownership (ownership and encumbrances report or title commitment) must be current and dated no more than thirty (30) days from the date of site plan and/or development plan application submittal. This must include any encumbrances listed as Schedule B or B2 and include copies of those encumbrances.

(13) Traffic impact analysis. This study shall be prepared by a professional traffic engineer and shall address use impacts and necessary improvements to support the use on-site and off-site.

(14) Cost estimates. Cost estimates of proposed landscape improvements and cost estimate for any infrastructure to be dedicated to the Town.

(15) Landscape maintenance plan. Proposed maintenance plan for landscaping improvements.

(16) Electronic legal description. Provide an electronic file of the legal description in MSWord format.

(17) Electronic copy of application package. Provide an Adobe pdf file of the complete application package.

(18) Site plan and/or development plan agreement. Town staff may require that the applicant execute a site plan and/or development plan agreement to guarantee the construction of on-site and off-site improvements as a condition of approval of the site plan and/or development plan. Guarantees in the site plan and/or development plan agreement may be secured by an irrevocable letter of credit, or by cash deposited in an escrow account in an amount determined appropriate by Town staff.

(c) Step 3: Application Certification of Completion. Within ten (10) business days, Town staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the site plan and/or development plan technical criteria form) to the Town Clerk.

(d) Step 4: Refer Application to Referral Agencies. After receipt of a complete application, the plans will be distributed to Town staff and applicable referral agencies. The application will be
reviewed for technical accuracy, compliance with this Chapter and other relevant regulations and ordinances, and shall evaluate the proposal according to adopted review criteria. Referral agencies will be given fourteen (14) business days to provide comments to the Town Administrator. Comments provided by referral agencies will be communicated to the applicant in a written site plan and/or development plan review report prepared by the Town Administrator within twenty-eight (28) business days after receiving the complete application package.

(e) Step 5: Applicant Submits Revised Application. The Applicant shall revise the site plan and/or development plan application as necessary to respond to all comments in the site plan and/or development plan review report and shall submit the revised application package to the Town Administrator. The applicant is encouraged to work with the Town staff and agencies to resolve any concerns. Revised plans shall reflect all resolutions. Any remaining issues should be documented in the site plan and/or development plan review report and communicated to both Town staff and applicable agencies. The revised application shall include the applicant's response to each comment raised by Town staff and referral agencies.

(f) Step 6: Site Plans; Final Administrative Action. The Town Administrator shall take final action and either approve, conditionally approve or deny the site plan based on the applicable site plan review criteria. The Town Administrator shall notify the applicant of the final action and advise the applicant, as applicable, that the applicant must satisfy or accept all conditions of approval prior to issuance of a building permit. Any Town staff action shall be final unless appealed by the applicant.

(g) Step 7: Development Plans; Final PCDC Action:

(1) The Town Administrator shall schedule a public hearing before the PCDC and shall forward the development plan review report to the PCDC along with referral agency comments and any other written public comment. The PCDC shall hold a public hearing within sixty (60) working days from the date of certification of a complete application.

(2) The PCDC shall take final action at a public hearing to approve, conditionally approve or deny the development plan based on the applicable review criteria. If the development plan is denied, the request or one that is substantially the same may not be submitted to the Town for a period of one (1) year from the date of denial unless otherwise approved by the PCDC.

(h) Step 8: Submit and Record Development Plan and Development Plan Agreement. The applicant shall submit two (2) original, signed Mylar drawings of the approved site plan and/or development plan map to the Town Clerk for recording, accompanied by the recording fees and all other costs billed by the Town relative to the development plan, the signed development plan agreement and financial guarantee within sixty (60) days of Town approval. Inaccurate, incomplete or poorly drawn plans shall be rejected. The Town Clerk shall submit the approved development plan and development plan agreement to the County Clerk and Recorder's office for recording within thirty (30) business days of receipt of the complete information.

(i) Step 9: Post-Approval Actions.

(1) Public improvements, plat, final drainage and stormwater management and erosion control plans. Plans and reports for public improvements, plats, final drainage and stormwater management are required to be completed and reviewed by the Town prior to issuing a building
permit. Building permits may be issued prior to completion of the improvements subject to review, provided that they are in substantial accordance with the guidelines and requirements. Unless otherwise approved by the Board of Trustees, no certificates of occupancy will be awarded until the public improvements, plat, final drainage and stormwater management construction are completed and achieved preliminary acceptance by the Town.

(2) Building permit. A building permit shall be issued only when a development plan has been approved. However, with the approval of the Town Administrator, an applicant may submit a building permit application concurrent with the development plan application. Building permits shall not be issued for any development that is not in conformance with the approved development plan.

(3) Certificate of occupancy. When building construction and site development are completed in accordance with the approved development plan and building permits, a certificate of occupancy may be issued.

(4) Phasing and expiration of approval. The development plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in the written development plan approval. Building permits shall not be issued based on development plans that have an approval date more than three (3) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval. (Ord. 912 §1, 2013)

Sec. 16-17-40. Site plan and/or development plan review criteria.

The development plan must meet the following review criteria as applicable:

(1) All of the information required on the site plan or development plan is shown.

(2) The lot size and lot dimensions are consistent with what is shown on the approved final plat.

(3) No buildings or structures infringe on any required setbacks, easements or rights-of-way unless approved in writing by the easement holder or owner of the right-of-way.

(4) The proposed site grading is consistent with the requirements of the Town's adopted storm drainage criteria or master drainage plan, and grading disturbance of significant existing natural vegetation and natural landforms has been minimized to the maximum extent feasible.

(5) The density and dimensions shown conform with this Chapter or the approved PUD requirements.

(6) The applicable regulations, design standards and guidelines have been adequately addressed and the proposed improvements conform with this Code, including but not limited to the following standards, as applicable:

a. Lighting shall be arranged so it neither unreasonably disturbs occupants of adjacent residential properties nor interferes with traffic. The light source shall be concealed by a full
cutoff lighting fixture so that the light source is not visible from any street right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spill into the night sky and onto adjacent properties, all lighting fixtures shall be cutoff fixtures. The maximum permitted illumination at the property line shall be two (2) foot-candles. Light fixtures shall not exceed twenty-four (24) feet in height and shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site. Lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed or shielded to minimize light spill into the night sky. The use of sensor technologies, timers or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety and promote compatibility between different land uses. Lower lighting levels at off-peak times are encouraged as a safety measure.

b. Outdoor storage shall be screened from adjacent properties. Screening shall be achieved through walls, architectural features and landscaping and shall be visually impervious. Permitted outdoor vehicle or equipment storage areas shall be screened by the establishment of landscaped buffers or an opaque fence or wall at least five (5) feet high. Vehicles being serviced or stored for customers shall not be parked on streets, alleys or public sidewalks. Automobile, boat and motorcycle rental and sales lots shall not be greater than one and one-half (1.5) acres.

c. Uses that create intense glare or heat, whether direct or reflected, that are perceptible from any point along the site's property lines, shall be conducted within an enclosed building or be effectively screened from public view. If the source of the glare is proposed to be screened with plant material, then the applicant must show that the screening will be effective year-round.

d. To the extent reasonably feasible, an applicant shall take advantage of opportunities to integrate adjacent outdoor pedestrian spaces and other adjacent land use in a manner consistent with the goals and objectives of the Comprehensive Plan. To the extent reasonably feasible, an applicant shall enter into cooperative agreements with adjacent property owners to share vehicular access in a manner that creates safe traffic movements and minimizes vehicle/pedestrian conflicts, resulting in an integrated network of vehicular and pedestrian access.

e. New employment or industrial uses abutting an existing residential neighborhood shall not create drastic or abrupt change in the scale and height of buildings.

(7) The site can be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.).

(8) The site will provide efficient on-site and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
(9) The site design minimizes environmental impacts, mitigates impacts to wildlife and wildlife habitat and utilizes best management practices to conserve natural resources (consider energy conservation, water conservation, recycling, use of local materials).

(10) The site has an approved trash disposal plan that addresses litter control, trash collection, on-site storage, pick-up on a regular basis and the Dumpster location with proper screening and buffering so that there are not any substantial impacts to abutting properties. All waste shall be deposited into a completely enclosed container concealed from adjacent properties.

(11) Proposed land uses and activities shall be conducted so that any noise generated on the property will not violate the Town's noise regulations in Chapter 10, Article 11 of this Code, so that any ground vibration created by the use of the property will be imperceptible without instruments at any point along the property line.

(12) The proposed development shall conform with all applicable local, state and federal regulations. (Ord. 912 §1, 2013)

Sec. 16-17-50. Amendments to approved development plans.

(a) Minor variations in the location of structures, improvements or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Town staff. Such changes shall not exceed ten percent (10%) of any measurable standard or modify the use, character or density of an approved development plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.

(b) Changes to approved development plans that exceed the ten-percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new development plan application. Such amendments shall require Town staff review and approval to become effective. A complete development plan application shall be prepared and submitted in compliance with the requirements set forth in this Article. (Ord. 912 §1, 2013)

Sec. 16-17-60. Appeals.

(a) Site Plan Appeals: The administrative decision of the Town staff may be appealed to the BOT.

(b) Development Plan Appeals: The decision of the PCDC may be appealed to the BOT.

(c) Appeals may be filed by a party of interest. A party of interest shall be limited to:

(1) The applicant;

(2) Any party holding a proprietary or possessory interest in the real or personal property that was the subject of the decision by the PCDC whose action is to be appealed;

(3) Owners of property located within three hundred (300) feet of the boundaries of the subject property; and
(4) The BOT.

(d) Appeals must be submitted in writing to the Town Clerk no later than thirty (30) days from the date of the PCDC action that is appealed. The BOT shall hold a public hearing of the appeal within sixty (60) days of the filing of an appeal with the Town Clerk.

(e) Criteria for Approval of Appeals. The Board of Trustees, in hearing an appeal of a site plan or development plan decision, shall provide a written record of its findings, and Town staff shall use it to propose amendments that address future interpretation problems. The record should include:

(1) The technical meaning of the provision being appealed;

(2) Evidence of the manner in which the provision has been interpreted in the past;

(3) The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives; and

(4) The intent of the provision in implementing the Comprehensive Plan. (Ord. 912 §1, 2013)

Sec. 16-17-70. Waivers.

(a) Purpose. Town staff may authorize waivers from this Chapter's application submittal requirements when a particular requirement would not provide relevant information to the Town staff or governing body. Such waiver shall not be granted if it would be detrimental to the public health, safety or welfare, create a conflict with the Comprehensive Plan or impair the intent and purpose of this Code.

(b) Waiver Criteria for Approval. Town staff is authorized to grant written waivers of submittal requirements required by this Chapter if such requirement would not provide meaningful information to the staff or governing body, is redundant or is otherwise unduly burdensome given the nature of the application. No such waiver may be granted if it would be detrimental to the public health, safety or welfare, create a conflict with the Comprehensive Plan or impair the intent and purpose of this Chapter. (Ord. 912 §2, 2013)