

CHAPTER 3: USE REGULATIONS

10.3.1 TABLE OF PERMITTED USES

Table 3-1 below lists the principal uses permitted within all standard zoning districts. ~~For the PD district, unless expressly modified in the PD Development Plan, shall be as specified in Table 3-1 for the appropriate land use category.~~ Each of the listed uses is defined in Chapter 11. Specific use standards may be found in Section 3.2.

A. Explanation of Table Abbreviations

1. Permitted Uses

~~"P" in a cell indicates that the use is permitted by right, without special conditions other than those imposed upon other uses by right in the district. Permitted uses are subject to all other applicable regulations of this UDC, including the use-specific standards set forth in this Chapter and the requirements of Chapter 6.~~

2. Special Review Uses

~~"S" in a cell indicates that, in the respective zoning district, the use is permitted only if reviewed and approved as a Special Review Use in accordance with the procedures of Section 7.13. Special Review Uses are subject to all other applicable regulations of this UDC, including the use-specific standards set forth in this Chapter and the requirements of Chapter 6.~~

3. Prohibited Uses

~~A blank cell indicates that the use is prohibited in the respective zoning district.~~

4. Use-Specific Standards

~~Regardless of whether a use is permitted by right or permitted as a Special Review Use, there may be additional standards that are applicable to the use. Use-specific standards are noted through a cross-reference in the last column of the table. Cross-references refer to Section 3.2. These standards apply in all districts unless otherwise specified.~~

B. Table Organization

~~In Table 3-1, land uses and activities are classified under a "primary use classification" (such as Residential or Commercial) and then into specific "use types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories and specific uses may be listed in 1 category when they may reasonably have been listed in 1 or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.~~

C. Use for Other Purposes Prohibited

~~Approval of a use listed in Table 3-1, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically permitted listed in Table 3-1, and approved under the appropriate process is prohibited, unless otherwise permitted as noted below.~~

D.A. Classification of New and Unlisted Uses

~~Notwithstanding the prohibition stated in Subsection 3.1.C.B. above, new types of land use will develop and forms of land use not anticipated may seek to locate in the Town. In order to provide for such situations, a determination as to the appropriate classification of any new or unlisted form of land use shall be made. When application is made for a use category or use type that is not specifically listed in Table 3-1, the following procedure shall apply set forth below shall be followed.;~~

1. The ~~Community Development Director~~Director of Planning and Development shall provide an interpretation as to the zoning classification into which such use should be placed. In making such interpretation, the ~~Community Development Director~~Director of Planning and Development shall consider its potential impacts, including without limitation~~but not limited to:~~ the nature of the use ~~and whether it involves dwelling unit activity, sales, processing, type of product, storage and amount, and nature thereof; enclosed or open storage;~~ anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.
2. Standards for new and unlisted uses may be interpreted as those of a similar use by the ~~Community Development Director~~Director of Planning and Development.
3. ~~Appeal of the Community Development Director~~Director of Planning and Development's decision shall be made to the Board of Adjustment~~Board of Trustees~~ following procedures under Subsection 7.22.A ~~a recommendation of the Planning Commission.~~

E.B. Table of Permitted Uses

TABLE 3-1: TABLE OF PERMITTED USES																						
USE	CATEGORY	P = Permitted Use by Right							S = Special Review Use				Blank Cell = Prohibited			OTHER			Standards			
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	LHI	DT	NMU	CMU	AG/OS		AP	PLI	
RESIDENTIAL USES																						
Household Living	Dwelling, Duplex			P	P	P	S	S							P	P					3.2.A.1	
	Dwelling, Live/Work											S			P	P	P		S	S		
	Dwelling, Multi-Family			P	P	P	P	S							P	P	P				3.2.A.2	
	Dwelling, Single-Family Attached			P	P	P	P	S							P	P					3.2.A.3	
	Dwelling, Single-Family Detached	P	P	P	P	P	P	P							P	P					3.2.A.4	
	Mobile Home Park					S	S	S													3.2.A.6	
	Model Home	P	P	P	P	P	P	P							P	P	P				3.2.A.7	
Group Living	Dormitory								S	S	S	S			S	S	S		S	P		
	Group Home, Residential	P	P	P	P	P	P	P							P	P	P			P	3.2.A.5	
	Group Home, Large				S	S	S									S	S					
	Group Home, Small	S	S	S	S	S	S	S							S	S	S					
	Retirement Home, Nursing Home, or Assisted Living Facility				S	S	P	P	S							P	P			P	3.2.A.8	
PUBLIC / INSTITUTIONAL USES																						
Aviation	Airport and related uses											S							P			
	Heliport											S							P			
	Helistop								S	S		S							P	P		

Chapter 3: Use Regulations
Section 10.3.1 Table of Permitted Uses

TABLE 3-1: TABLE OF PERMITTED USES																						
		P = Permitted Use by Right							S = Special Review Use			Blank Cell = Prohibited										
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER			Standards	
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	UHI	DT	NMU	CMU	AG/OS	AP	PLI		
Cemetery	Cemetery	S	S	S													S		P			
Child Care	Child Care Center, Large	S	S	S	P	P	P	P	P	P	P	S			S	S	S		S	3.2.B.1		
	Child Care Center Small	P	P	P	P	P	P	P	P	P	P	S			P	P	P		P	3.2.B.1		
Community Facilities	Community Center (Public)	S	S	S	S	S	S	S	P	P	P	P			P	P	P	S	S			
	Correctional Facility																		S			
	Governmental Office	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P			
	Neighborhood Recreation Center (Indoor/Outdoor)	P	P	P	P	P	P	P	P	P	P	P			P	P	P	S	S			
	Public Works Facility								S	S	S	SP	P	P				S	S			
	Public Utility Services	S	S	S	S	S	S	S	S	S	S	S			S	S	S	S	S			
	Public Safety Station	S	S	S	S	S	S	S	S	S	S	SP	P	P	S	S	S	S	S			
	Transit Center	S	S	S	S	S	S	S	P	P	P	P	P	P	S	S	S	S	P			
Cultural Facilities	Botanical garden	S	S	S	S	S	S	S	P	P	P	P			S	PS	PS	S	S			
	Library				S	S	PS	PS	P	P	S	P			PS	PS	PS	S	S			
	Museum	S	S	S	S	S	S	S	P	P	P	S			PS	S	S	S	S			
	Zoo								S	S							S		S			
Educational Use	College or University								P	P	P	SP			S	S	P		S			

Chapter 3: Use Regulations
Section 10.3.1 Table of Permitted Uses

TABLE 3-1: TABLE OF PERMITTED USES																					
P = Permitted Use by Right S = Special Review Use Blank Cell = Prohibited																					
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER			Standards
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	LHI	DT	NMU	CMU	AG/OS	AP	PLI	
	Commercial School								P	P	P	PS	S	P	P	P			S		
	School - Public	P	P	P	P	P	P	P	P		P					P				P	
	School - Private	S	S	S	S	S	S	S	S		S					S				P	
Human Health Services	Dental or Medical Office, Clinic, Lab								P	P	P	P			P	P	P				
	Hospital								P	P	P	P								S	
	Laboratory								P	P	P	P	P	P		S	PS			S	
	Substance Abuse Treatment Facility, Outpatient								SP	SP	SP	SP					S			S	
	Urgent Care Center/Facility								P	P	P	P			S	S	P			S	
Park and Open Space	Athletic Fields and Courts	P	P	P	P	P	P	P	P	P	P	P			P	P	P	S		P	
	Community Garden	P	P	P	P	P	P	P										S		P	
	Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	
	Outdoor Amphitheater, Public							S	S	S	S	S			S	S	S			P	
	Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	
Religious Assembly	Religious Assembly	S	S	S	S	S	S	PS	P	P	P	S	S	S	PS	PS	P	S	S	P	
Wireless Communication Facilities	Alternative Tower Structure and Base Station	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P	SP	SP	SP	SP	SP	SP	3.2.B.2

Chapter 3: Use Regulations
Section 10.3.1 Table of Permitted Uses

TABLE 3-1: TABLE OF PERMITTED USES																					
		P = Permitted Use by Right							S = Special Review Use			Blank Cell = Prohibited									
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER			Standards
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	LHI	DT	NMU	CMU	AG/OS	AP	PLI	
	Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3.2.B.2
Utility Facilities	Utility Facility, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
	Utility Facility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Utility, Town-Owned	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL USES																					
Agricultural	Agricultural Cultivation	S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	S	P	3.2.C.2
	Agricultural Grazing	S	S	S	S	S	S	S	S	S	S	S			S	S	S	P		S	3.2.C.2
Animal Sales and Care	Animal Hospital, Large Animals (indoor)	S							S	PS	PS	P						P			3.2.C.3
	Animal Hospital, Large Animals (outdoor facilities)	S							S	S	S	S						P			3.2.C.3
	Animal Hospital, Small Animals (indoor)	S							P	P	P	P			P	P	P	P			3.2.C.3
	Animal Hospital, Small Animals (outdoor facilities)	S							S	S	S	S						P			3.2.C.3
	Horse Stables	S																P			
	Kennel or Animal Day Care (indoor)	S							P	P	P	P			S	S	P				3.2.C.6
	Kennel or Animal Day Care (outdoor facilities)	S							S	S	S	S						P			3.2.C.5

Chapter 3: Use Regulations
Section 10.3.1 Table of Permitted Uses

TABLE 3-1: TABLE OF PERMITTED USES																					
		P = Permitted Use by Right							S = Special Review Use			Blank Cell = Prohibited									
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER			Standards
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	LHI	DT	NMU	CMU	AG/OS	AP	PLI	
Assembly	General Assembly Uses								S	S	S				S	S	S	S	S		
	Residential Assembly (HOA)	S	S	S	S	S	S	S							S	S	S				
Financial Institution	Automated teller machine (freestanding)								P	P	P	P			P	P	P		P	S	
	Bank								P	P	P	P			P	P	P				
	Bank, with drive-through service								P	P	P	P					S				3.2.C.4
	Check-cashing Facility								P	P	P	P									
Food and Beverage Service	Bar/Tavern								P	P	P	P			P	P	P		P	S	
	Bar/Tavern (outdoor facilities)								P	P	P	P			P	PS	P		P		3.2.C.9
	Nightclub								P	P	P	S			P	S	P		S	S	3.2.C.6
	Restaurant								P	P	P	P			P	P	P		P	S	
	Restaurant, with drive-through or drive-up service								P	P	P	P					S		S		3.2.C.4
	Restaurant, with outdoor seating area								P	P	P	P			P	PS	P				3.2.C.9
Office	Office, Business or Professional								P	P	P	P			P	P	P		P	P	
	Recording or Broadcasting Studio								P	P	P	P			S	S	P				

Chapter 3: Use Regulations
Section 10.3.1 Table of Permitted Uses

TABLE 3-1: TABLE OF PERMITTED USES																						
P = Permitted Use by Right S = Special Review Use Blank Cell = Prohibited																						
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER			Standards	
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	LHI	DT	NMU	CMU	AG/OS	AP	PLI		
Parking	Parking Lot								PS	PS	PS	PS	S	S	S				P	P		
	Parking Structure								S	S	S	S	S	S	S						3.2.C.7	
	Bus-Lot/Maintenance Facility											S										
Recreation/Entertainment, Indoor	Commercial Amusement, Indoor								P	P	P	SP			SP	SP	P					
	Sexually-oriented business																	S			3.2.C.4	
	Shooting Range, Indoor											S	P	P								
	Sports Arena								S	P	S	S										
Recreation/	Amusement Park								S	P		S										
Entertainment, Outdoor	Campground																S		S			
	General Outdoor Recreation, Commercial	S	S	S	S	S	S	S	S	S	S	S			S	S	S	S	S	S		
	Golf Course	P	P	P	P	P	P		P	P	P	P								S		
	Golf Driving Range								S	S	S	S					S					
	Golf Putting Course	SP	SP	SP	SP	SP	SP		SP	SP	SP	S					S			S		
	Recreational vehicle park																					
	Shooting Range, Outdoor																					

Chapter 3: Use Regulations
Section 10.3.1 Table of Permitted Uses

TABLE 3-1: TABLE OF PERMITTED USES																					
P = Permitted Use by Right S = Special Review Use Blank Cell = Prohibited																					
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER			Standards
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HHI	DT	NMU	CMU	AG/OS	AP	PLI	
Retail Sales and Service	Convenience-Store						S		P	P	P	P					P		P		3.2.C.8
	Farm Market							S	S	S	S				S	S	S				
	Funeral Parlor, Mortuary or Crematory								P	P	P	P					P				
	Gas Station								P	P	P	P	P	P			P		P		3.2.C.8
	General Retail					S	S		P	P	P	P			P	P	P		P		
	Personal Service Establishment					S	S		P	P	P	P			P	P	P				
	Pharmacy					S	S		P	P	P	P			P	P	P		P		
	Pharmacy with drive-through service								P	P	P	P					S		S		3.2.C.4
	Repair Shop, Appliances								P	P	P	P	P	P	S	S	P				
Vehicles and Equipment	Car Wash								S	S	S	S	P	P			S				3.2.C.8.b
	Outdoor Recreational Vehicle Storage											S									
	Service Station								S	S	S	S					S		S		3.2.C.8
	Towing and Storage Facility											S									
	Vehicle Sales and Rental								S	PS	S	PS									3.2.C.10
	Vehicle Service and Repair, Heavy											PS	P	P							3.2.C.8.b

Chapter 3: Use Regulations
Section 10.3.1 Table of Permitted Uses

TABLE 3-1: TABLE OF PERMITTED USES																					
		P = Permitted Use by Right							S = Special Review Use			Blank Cell = Prohibited									
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER			Standards
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	LHI	DT	NMU	CMU	AG/OS	AP	PLI	
	Vehicle Service and Repair, Light								P	P	SP	P	P	P	P		S				3.2.C.8.b
Visitor Accommodation	Bed and Breakfast	S	S	S	S	S	S	S							S	S	S				
	Boarding or Rooming House					S	S														
	Extended Stay Lodgings					S	S		P	P	P	P					S				
	Hotel or Motel								P	P	P	P			S	S	SP				
MANUFACTURING AND LIGHT INDUSTRIAL USES																					
Industrial Service	Building Materials and Lumber Sales								P	P	SP	P	P	P			S				
	Contractor's Shop or Storage Yard											S	P	P							3.2.D.2
	Heavy Equipment Sales, Service and Rental											P	P	P							
	Industrial, Heavy											S	S	S							
	Industrial, Light										S	P	P	P					S		
	Light Equipment Sales, Service and Rental										P	P	P	P							
	Research and Development Facility								S	S	S	SP	P	P					S		
Manufacturing and Production	Heavy Manufacturing, General											S	S	S							
	Light Manufacturing										S		P	P							

Chapter 3: Use Regulations
Section 10.3.1 Table of Permitted Uses

TABLE 3-1: TABLE OF PERMITTED USES																						
		P = Permitted Use by Right							S = Special Review Use					Blank Cell = Prohibited								
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER			Standards	
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	LHI	DT	NMU	CMU	AG/OS	AP	PLI		
	General											P							S			
	Mining and Mineral Extraction	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
	<u>Oil and Gas Operations</u>													I								
Warehouse and Freight Movement	<u>Bus Lot/Maintenance Facility</u>											S	S	P								
	Freight or Truck Yard											S	S	P								
	Mini-warehouse/Self Storage											SP	P	P								
	Wholesale Distribution Center											S	P	P								
	<u>Recycling-Collection Point</u>								S	S	S	S				S			S	3.2.D.3		
	Recycling Center											S	S	S					S			
	Sanitary Landfill																		S	3.2.D.5		

- Oil and Gas Operations are restricted to the Heavy Industrial zone district and may only be conducted with a permit issued pursuant to Chapter 12.

TABLE 3-1: TABLE OF PERMITTED USES					
P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited					
USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS			Use Standards
		RP-1	RP-2	RP-3	
Household Living	Dwelling, Duplex				3.2.A.1
	Dwelling, Live/Work				
	Dwelling, Multi-Family				3.2.A.2
	Dwelling, Single-Family Attached				3.2.A.3
	Dwelling, Single-Family Detached	P	P	P	3.2.A.4
	Mobile Home Park				3.2.A.6
	Model Home				3.2.A.7
Group Living	Dormitory				
	Group Home, Residential	S	S	S	3.2.A.5
	Group Home, Large				
	Group Home, Small	S	S	S	
	Retirement Home, Nursing Home, or Assisted Living Facility				3.2.A.8
Aviation	Airport and related uses				
	Heliport				
	Helistop				
Cemetery	Cemetery	S	S	S	
Child Care	Child Care Center, Large		S	S	3.2.B.1
	Child Care Center Small		S	S	3.2.B.1
Community Facilities	Community Center (Public)				
	Correctional Facility				
	Governmental Office				

TABLE 3-1: TABLE OF PERMITTED USES					
P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited					
USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS			Use Standards
		RP-1	RP-2	RP-3	
	Neighborhood Recreation Center (Indoor/Outdoor)				
	Public Works Facility				
	Public Utility Services	S	S	S	
	Public Safety Station				
	Transit Center	S	S	S	
Cultural Facilities	Botanical garden		S	S	
	Library				
	Museum		S	S	
	Zoo		S	S	
Educational Use	College or University				
	Commercial School				
	School (public or private)	S	S	S	
Human Health Services	Dental or Medical Office, Clinic, Lab				
	Hospital				
	Laboratory				
	Substance Abuse Treatment Facility, Outpatient				
	Urgent Care Center				
Park and Open Space	Athletic Fields and Courts			S	
	Community Garden		S	S	
	Open Space	S	S	S	
	Outdoor Amphitheater, Public				

TABLE 3-1: TABLE OF PERMITTED USES					
P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited					
USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS			Use Standards
		RP-1	RP-2	RP-3	
	Park	S	S	S	
Religious Assembly	Religious Assembly		S		
Tele-communication Facilities	Antenna Collocation on Existing Tower	S	S	S	3.2.B.2
	Concealed Antennae and Towers	S	S	S	3.2.B.2
	Non-Concealed Building-Mounted Antennae and Towers	S	S	S	3.2.B.2
	Non-Concealed Freestanding Towers	S	S	S	3.2.B.2
Utility Facilities	Utility Facility, Major	S	S	S	
	Utility Facility, Minor	S	S	S	
	Utility, Town-Owned	P	P	P	
Agricultural	Agricultural Cultivation	P	P	P	
	Agricultural Grazing	P	P	P	3.2.C.2
Animal Sales and Care	Animal Hospital, Large Animals	P	P	P	3.2.C.3
	Animal Hospital, Large Animals (outdoor facilities)	P	P	P	3.2.C.3
	Animal Hospital, Small Animals	P	P	P	3.2.C.3
	Animal Hospital, Small Animals (outdoor facilities)	P	P	P	3.2.C.3
	Horse Stables	P	P	P	
	Kennel or Animal Day Care	P	P	P	3.2.C.5
	Kennel or Animal Day Care (outdoor facilities)	PS	PS	PS	3.2.C.5
Assembly	General Assembly Uses	S	S	S	

TABLE 3-1: TABLE OF PERMITTED USES					
P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited					
USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS			Use Standards
		RP-1	RP-2	RP-3	
Financial Institution	Residential Assembly (HOA)				
	Automated teller machine (freestanding)				
	Bank				
	Bank, with drive-through service				3.2.C.4
	Check-cashing Facility				
Food and Beverage Service	Bar/Tavern				
	Bar/Tavern (outdoor facilities)				3.2.C.9
	Nightclub				3.2.C.6
	Restaurant				
	Restaurant, with drive-through service				3.2.C.4
	Restaurant, with outdoor seating area				3.2.C.9
Office	Office, Business or Professional				
	Recording or Broadcasting Studio				
Parking	Parking Lot				
	Parking Structure				3.2.C.7
	Bus Lot /Maintenance Facility				
Recreation/ Entertainment, Indoor	Commercial Amusement, Indoor				
	Sexually-oriented Business				3.2.C.1
	Fitness and recreational sports center				
	Shooting Range, Indoor		S	S	

TABLE 3-1: TABLE OF PERMITTED USES					
P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited					
USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS			Use Standards
		RP-1	RP-2	RP-3	
	Sports Arena				
Recreation/ Entertainment, Outdoor	Amusement Park				
	Campground		S	S	
	General Outdoor Recreation, Commercial	S	S	S	
	Golf Course	S	S	S	
	Golf Driving Range				
	Golf Putting Course		S	S	
	Recreational vehicle park				
	Shooting Range, Outdoor		S	S	
Retail Sales and Services	Convenience Store				
	Farm Market				
	Funeral Parlor, Mortuary or Crematory				
	Gas Station				
	General Retail				
	Personal Service Establishment				
	Pharmacy				
	Pharmacy with drive-through service				
	Repair Shop				
Vehicles and	Shopping Center				
	Car Wash				3.2.C.8.b

TABLE 3-1: TABLE OF PERMITTED USES					
P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited					
USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS			Use Standards
		RP-1	RP-2	RP-3	
Equipment	Outdoor Recreational Vehicle Storage				
	Service Station				3.2.C.8
	Towing and Storage Facility				
	Vehicle Sales and Rental				3.2.C.10
	Vehicle Service and Repair, Heavy				3.2.C.8.b
	Vehicle Service and Repair, Light				3.2.C.8.b
Visitor Accommodation	Bed and Breakfast		S	S	
	Boarding or Rooming House				
	Extended Stay Lodgings				
	Hotel or Motel				
Industrial Service	Building Materials and Lumber Sales				
	Contractor's Shop or Storage Yard				3.2.D.2
	Heavy Equipment Sales, Service and Rental				
	Industrial, Heavy				
	Industrial, Light				
	Light Equipment Sales, Service and Rental				
	Research and Development Facility				
Manufacturing and Production	Heavy Manufacturing, General				
	Light Manufacturing, General				
	Mining and Mineral Extraction	S	S	S	

TABLE 3-1: TABLE OF PERMITTED USES					
P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited					
USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS			Use Standards
		RP-1	RP-2	RP-3	
Warehouse and Freight Movement	Freight or Truck Yard				
	Mini-warehouse/Self Storage				
	Wholesale Distribution Center				
Waste-Related Uses	Auto Wrecking and Salvage Yard/Junkyard				3.2.D.1
	Hazardous Materials Handling and Transfer Facility				
	Recycling Collection Point				3.2.D.3
	Recycling Center				
	Sanitary Landfill			S	3.2.D.5

10.3.2 USE-SPECIFIC STANDARDS

A. **Residential Uses.** ~~The Residential Building Design Standards contained in Section 6.7 shall apply to the following residential uses: Dwelling, Duplex; Dwelling, Multi-Family; Dwelling, Single-Family Attached; and Dwelling, Single-Family Detached.~~

1. Dwelling, Duplex

~~The Residential Building Standards contained in Section 6.7 shall apply to duplex dwelling units.~~

Formatted: Not Highlight

2. Dwelling, Multi-Family

~~The Residential Building Standards contained in Section 6.7 shall apply to multi-family dwelling units.~~

Formatted: Not Highlight

3. Dwelling, Single-Family Attached

~~The Residential Building Standards contained in Section 6.7 shall apply to multisingle-family attached dwelling units.~~

Formatted: Not Highlight

4. Dwelling, Single-Family Detached

~~The Residential Building Standards contained in Section 6.7 shall apply to single-family detached dwelling units.~~

Formatted: Not Highlight

5.1. Group Home, Residential

a. Compliance with State and Federal Law/Statutes

~~Residential Group Homes shall comply with all state and federal law/the occupancy, dispersal, and other requirements found in the Colorado statutes and regulations for group homes.~~

b. Reasonable Accommodation

~~In consideration of the requirement of the Federal Fair Housing Act ("FHA") (42 U.S.C. § 3601 et seq.) that local governments make reasonable accommodations in order to permit housing for persons with disabilities, the Community Development Director/Director of Planning and Development (in consultation with the Town attorney) is hereby authorized to approve minor modifications of building setbacks, building height, lot coverage or occupancy limits in order to provide reasonable accommodation for Residential Group Homes without the need for an additional hearing. The Community Development Director/Director of Planning and Development may approve a reasonable accommodation other than that requested by the applicant if it is concluded that an alternative accommodation would have fewer impacts on adjacent neighborhoods. The decision of the Community Development Director/Director of Planning and Development regarding a FHA application for a reasonable accommodation shall contain written findings of fact as to the need for the accommodation and the authority to approve the requested accommodation, as stated herein.~~

6.2. Mobile Home Park

a. General Provisions

- i. All mobile homes shall be located ~~only~~ in a Mobile Home Park.
- ii. Existing mobile homes whether they be located within or outside of a mobile home park shall be ~~deemed conforming as of the effective date of this UDC.~~ Existing mobile homes shall ~~only be~~ upgraded or replaced with newer and higher quality contemporary mobile homes.

iii. Permitted Principal Uses

~~The following uses shall be permitted within a mobile home park:~~

- (A) Any single-family dwelling unit regardless of its method of assembly including Type 1 and Type 2 manufactured homes, module homes assembled after 1976, factory-built homes or on-site built homes, ~~provided said dwelling units have been~~

~~—constructed no more than 10 years prior to the effective date of this UDC Mobile homes.~~

~~(B) Community center.~~

~~(C) Group care facilities.~~

iv. Permitted Accessory Uses:

~~(A) Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot or on an adjacent lot.~~

~~(B) Recreational facilities.~~

~~(C) Service facilities.~~

~~(D) Storage facilities.~~

b. Dimensional Requirements

i. Minimum mobile home park area: 3 contiguous acres.

ii. Minimum mobile home park width: 200 feet.

iii. Maximum gross density: 8 manufactured mobile homes per gross acre.

iv. Minimum individual lot or space area:

~~(A) Singlewide mobile home: 3,000 square feet.~~

~~(B) Doublewide or expandable mobile home: 4,000 square feet.~~

~~(C) Individual lot or space width: 40 feet.~~

~~(D) Minimum distance between mobile homes: 15 feet.~~

v. Maximum primary residential structure height: 30 feet.

c. Development Standards

i.iii. All mobile homes are required to meet the provision of C.R.S. Article 32, Title 24 that requires comprehensive regulation of the installation of mobile homes to ensure the safety, affordability and performance of such dwelling units.

ii. All interior streets shall be hard surfaced with asphalt or concrete and shall provide convenient access to each individual lot or space. Streets shall meet all adopted Town street standards.

iii. Walkways shall not be less than 4 feet in width and having have an all-weather surface and shall be provided from homes to buildings constructed in the mobile home park that are intended to provide common services to the residents of the mobile home park and in which such residents will need access to such service building.

iv. Interior streets, parking areas and walkways shall be adequately lighted to provide safe movement of vehicles and pedestrians at night.

v. Either An an enclosed individual storage area, or a common storage area for the use of the mobile home park residents, shall be provided in an amount equal to a minimum 80 square feet per dwelling unit.

vi. Landscaping that complies with the provisions set forth in Section 6.4 shall be submitted as part of the required Site Plan for the park. All setback areas, with the exception of driveways and sidewalks, and other open

~~space shall be landscaped to soften the exterior appearance of the mobile home park.~~

~~vii. Not less than 10 percent of the total land area of the mobile home park shall be devoted to space for private recreation and play areas.~~

~~iv.~~ All mobile homes shall be skirted between the floor and the ground surface with durable, all-weather construction as manufactured specifically for covering the undercarriage area of the mobile home.

~~viii.v.~~

~~ix.~~ No replacement mobile home ~~or manufactured home~~ shall be moved onto any lot unless such mobile home ~~or manufactured home~~ is certified pursuant to the "National Mobile home Construction and Safety Standards Act of 1974", 42 U.S.C.

§5401 et seq., as amended or is certified by the Colorado Division of Housing pursuant to C.R.S. § 24-32-701, et seq. ~~A replacement mobile home shall be less than 10 years old.~~ A mobile home presently located within a mobile home park that is relocated within the same mobile home park is exempted from the requirements of this Chapter.

7.1. Model Homes

The following standards shall apply to all model homes:

a. Approval

~~i. Model homes shall require the approval of the Community Development Director through the administrative Site Plan review process. Building permits for model homes shall be issued after paved streets are completed and accepted by the Public Works Director and the applicant has demonstrated the model homes will be connected to the Town's potable water and sanitary sewer systems; and~~

~~ii.i. Off-street parking, sidewalks and landscape improvements shall be installed prior to the issuance of a Certificate of Occupancy is issued for any model home.~~

b.a. Construction Plans

Construction plans shall be filed that demonstrate:

~~i. Paved street access with sidewalk and landscaping that conform to district and development standards;~~

~~ii.i. The location of temporary on-site sales offices within the model home; temporary parking lots with all-weather surfacing; and temporary trap fencing; and~~

~~iii.i. Connection to the Town's potable water and sanitary sewer system.~~

c.a. Development Standards

Model homes and associated parking shall conform to the development and design standards applicable to residential uses in the zone district, and with the following additional standards:

~~i. Standards for Temporary Off-Street Parking~~

~~Model homes shall provide temporary off-street parking onsite or on an adjacent lot that conforms to the development and design standards for parking lots for similar commercial uses, as may be modified by the Community Development Director to reflect the temporary nature of the use.~~

Chapter 3: Use Regulations

Section 10.3.2 Use-Specific Standards

~~The temporary off-street parking shall have all-weather surfacing.
Temporary parking lots shall be removed prior to the issuance of the last
Certificate of Occupancy for a dwelling unit in the development is issued.~~

~~Within 30 days of a parking lot being removed, the owner shall re-vegetate the lot.~~

~~ii. Standards for Temporary Sales Office~~

~~Temporary sales offices shall be operational within 30 days of receiving the first Certificate of Occupancy for a model home. Once the applicable subdivision plans, as approved by the Community Development Director, are 90 percent constructed as determined by the Community Development Director, the model homes shall no longer be used for sales purposes and all temporary sales offices shall be removed.~~

~~iii. Standards for Temporary Fencing~~

~~Temporary fencing across paved streets, with a gated fence, is permitted for model homes when in conformance with any requirements of the Fire District, and as may be approved by the Community Development Director. No such temporary fencing shall be constructed without first obtaining a fence permit. Temporary fencing shall be removed prior to sale of the model homes for residential use.~~

8.3. Retirement Home, Nursing Home, or Assisted Living Facility

- a. The number of residents occupying a facility at any 1 time (including staff and family of staff) shall not exceed 1 person per 200 square feet of living area.
- b. Structures 5,000 square feet or more in size shall comply with the multi-family residential design standards in Chapter 6.
- ~~c. A minimum of 15 percent of the site shall remain as an open planted area, landscaped area, natural vegetation area or usable yard, to exclude buildings, driveways, parking areas, sidewalk, etc. unless otherwise permitted by the Community Development Director. Director of Planning and Development who determines that a lower percentage is sufficient to buffer adjacent uses.~~
- ~~d.~~ c. Subject to requirements in Section 6.3.

B. Institutional and Public Uses

1. Child Care Center

All Child Care Centers, both Large and Small, shall meet all of the applicable licensing requirements of C.R.S. §26-6-102 et seq. and the Regulations of the Colorado Department of Human Services (12 CCR 2509-9).

~~i.~~

C. Commercial Uses

1. Sexually Oriented Business

None of the following permitted uses may be established, operated, or maintained within 750 feet of a residential district, park, library, state licensed day-care facility, religious assembly, or a school that meets all requirements of the compulsory education laws of the state; nor shall more than 2 of the following uses be established, operated, or maintained within 750 feet of each other.

- a. Adult bookstore.
- b. Adult photo studio.
- c. Adult theater or mini-motion picture theater.
- d. Adult novelty store or adult retail store.

- e. Adult cabaret or restaurant.
- f. Adult hotel or motel.

2. **Agricultural ~~Cultivation~~/Grazing**

~~Agricultural cultivation and grazing shall only be permitted as a special review use on a parcel, tract or lot of at least five (5) acres in size.~~ The raising of hogs, pigs or other livestock fed from silage, garbage or offal, ~~or any confined animal feeding operation,~~ is prohibited ~~as part of this use.~~

3. Animal Hospitals, Large and Small Animals

Unless outdoor facilities are authorized under Table 3-1, all facilities, including all treatment rooms, cages, pens, kennels, training rooms and exercise runs, shall be maintained within a completely enclosed, soundproof building and shall be sufficiently insulated so that, to the maximum extent feasible, noise or odor cannot be detected off-premises.

4. Drive-Through Service or Drive-Up Service

Drive-through or drive-up services are permitted as accessory uses to the following primary uses ~~if such uses are permitted uses in the applicable zone district, unless prohibited within any zone district~~: restaurant, pharmacy, and financial institution. The following standards apply to all drive-through or drive-up services:

a. Stacking Spaces

Stacking spaces shall be provided pursuant to Table 6-6.45, Schedule ~~A of Vehicle Stacking Spaces~~.

b. Impact on Adjacent Uses

- i. A drive-through or drive-up shall be located, sized, and designed to minimize traffic, noise, ~~air emissions~~, and glare impacts on surrounding properties.
- ii. The drive-through or drive-up shall be ~~screened~~ buffered from adjacent right-of-ways and properties through architectural elements, screening, landscaping, or site design.
- iii. A landscaping buffer with a minimum width of 10 feet is required when drive-through or drive-up uses abut residential lots in a residential or mixed-use district.
- iv. The noise generated on the site by talk boxes shall ~~be inaudible at the property line~~ not cause a nuisance.

5. Kennel or Animal Day Care

- a. Unless outdoor facilities are authorized under Table 3-1, all facilities, including cages, pens, kennels, training rooms and exercise runs, shall be maintained within a completely enclosed, soundproof building, and shall be sufficiently insulated so that, to the maximum extent reasonably feasible, noise or odor cannot be detected off-premises.
- b. ~~A~~ kennels or animal day care facilities with outdoor facilities shall be located a minimum of ~~2,640~~ 300 feet from any residential zone district ~~except that any existing facility as of the date of adoption of this UDC shall not be rendered legally nonconforming~~.

6. Nightclub

- a. All facilities shall be maintained within a completely enclosed, soundproof building, and shall be sufficiently insulated, so that, ~~to the maximum extent reasonably feasible~~, noise cannot be detected off-premises ~~or constitute a nuisance~~.
- b. Notwithstanding the general dimensional standards in Chapter 4, except for the DT zone district, the minimum setback requirement shall be 25 feet if adjacent to a public right-of-way or to an industrial zoning district, and 50 feet if adjacent to a non-industrial zoning district.

7. Parking Structure

a. Ground-Floor Pedestrian-Oriented Uses Required

A ground-floor parking garage in any commercial district or any parking structure in any of the mixed-use districts shall provide a first-floor space that:

- i. Has a minimum depth of 25 feet;

- ii. Faces on each street, except alleys, for the full length of the building, except for places necessary for pedestrian and vehicle entrances and exits; and
- iii. Is designed for retail, restaurant, and other pedestrian-oriented uses otherwise permitted or approved in the zoning district.

b. Upper-Floor Facade

The street-facing facade of second and higher floors of a parking garage or any parking structure shall have a repeating pattern that includes no less than 3 instances of either:

- i. Color change;
- ii. Texture changes;
- iii. Material module changes; or
- iv. Expression of an architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.

At least 1 of these elements shall repeat at an interval of not more than 30 feet. This standard may be modified or waived at the sole discretion of the **Community Development** Director if the applicant can demonstrate an alternative building design that significantly articulates the wall plane.

c. Maximum Footprint

The maximum footprint of the parking garage shall not exceed 3000 square feet in the DT and NMU-Old Town zone districts.

8. Service Station/Convenience StoreGas Station

a. Fuel Pump Canopy Design and Illumination

- i. A fuel pump canopy shall utilize the same architectural design and materials as the principal building(s) on the lot.
- ii. Light fixtures mounted under canopies shall be full cut-off and shielded so that there is no glare or light spillage at the property line.
- iii. Lights shall not be mounted on the top or sides (fascias) of the fuel pump canopy and the sides (fascias) of the canopy shall not be externally illuminated, except as part of an internally illuminated sign that meets the standards of Section 6.12.

b. Car Wash Bays and Vehicle Repair Bays

~~i. To the maximum extent reasonably practicable, the entrance/exit to a car wash bay or vehicle repair bay shall not be oriented to a street frontage.~~

~~ii.i.~~ Notwithstanding the general setback requirements in Chapter 4, a 20 foot setback for vehicle service areas, bays, or canopies is required from any adjacent street. The setback shall be landscaped with a mixture of turf/sod, shrubs, trees, and other plants in accordance with the minimum live plant material requirements of the Town's Landscape Materials List, in order to screen the automotive wash, repair or maintenance facility from view from adjacent streets.

~~iii.ii.~~ Vehicle wash or service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening wall or fence of at least 6 feet in height.

~~iii.~~ Outdoor vacuuming facilities may be outside, but not in the front **building** setback nor closer than 25 feet from any residential district.

-
- iv. [All repairs shall be conducted inside a building.](#)

c. Outside Displays

Outside display of merchandise shall be limited to petroleum products, propane, ice and vending machines, and auto- related equipment.

9. Restaurant with Outdoor Seating Area

- a. Eating and drinking establishments, ~~permitted under this UDC,~~ may provide outdoor seating areas on private their property. The outdoor seating on private property shall meet the following criteria:

~~i. Food service shall be provided by the employees of the establishment.~~

~~ii.i.~~ The pedestrian circulation and building entries shall comply with all applicable law, including without limitation the Americans with Disabilities Act ~~not be impaired.~~ If a private sidewalk is adjacent to the outdoor seating area then a minimum of 4 feet of open sidewalk shall be maintained free of obstructions.

~~iii. Outdoor trash receptacle(s) shall be available for patron use.~~

~~iv.ii.~~ The operators of the outdoor seating area shall be responsible for maintaining a clean, litter-free and well-kept appearance for the outdoor seating area.

~~v.iii.~~ The outdoor seating area shall comply with applicable State and County Health Department regulations.

~~vi.iv.~~ The Community Development Director ~~Director of Planning and Development~~ may impose conditions relating to the design, location, configuration and operation aspects of the outdoor seating to ensure that such area is compatible with surrounding uses.

b. Outdoor Café Permit

- ~~c.b.~~ Eating and drinking establishments, permitted under this UDC, may provide outdoor seating areas on a sidewalk or in a designated parking area or travel lane within a public right-of-way as permitted in a revocable license agreement with the Town, ~~provided that pedestrian circulation, vehicular circulation and building entries are not impaired.~~ An application is required for an Outdoor Café Permit that is subject to issuance by the Community Development Director ~~Director of Planning and Development.~~ The Community Development Director ~~Director of Planning and Development~~ shall make a determination whether to issue a permit for outdoor seating based on compliance with ~~The outdoor seating in the public right of way shall meet~~ the following criteria:

- i. To allow for pedestrian circulation, a minimum of 4 feet of open sidewalk shall be maintained free of obstructions adjacent to the outdoor seating area.
- ii. Pedestrian circulation to the building and building entries shall not be impaired.
- iii. Vehicular circulation within the right-of-way Emergency access shall not be impaired.
- iv. Within the outdoor seating area, chairs, tables, umbrellas, planters and trash receptacles may be permitted.
- v. When a A-fence or barrier is permitted it shall be no taller, no greater than 4 feet in height, delineating the outdoor seating area shall be permitted within the public right-of-way and may be required as a condition of the issuance of the Outdoor Café Permit.
- vi. All furniture and encumbrances placed within the outdoor seating area right of way must be compatible with the character of the street furniture and be

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Chapter 3: Use Regulations

Section 10.3.2 Use-Specific Standards

moveable (not permanently attached) to allow maintenance of public infrastructure ~~in the right-of-way as needed, upon request by the Town.~~

- vii. The operators of the outdoor seating area shall be responsible for maintaining a clean, litter-free and well-kept appearance for the outdoor seating area.

- viii. Alcoholic beverages shall only be served or consumed within the outdoor seating area in conformance with State ~~law~~ Law and Town Municipal Code.
- ix. The outdoor seating area shall comply with applicable State and County Health Department regulations.
- x. The Outdoor Café Permit applicant shall be required to enter into a License Agreement with the Town for the use of the right-of-way as a condition of the issuance of the Outdoor Café Permit.
- xi. The ~~Community Development Director~~ Director of Planning and Development may impose additional conditions on the issuance of the Outdoor Café Permit relating to the design, location, configuration and operation aspects; including but not limited to lighting, utility extensions and deck height, of the outdoor seating area to ensure that such area is compatible with surrounding uses.

10. Vehicle Sales and Rentals

- a. Vehicle repair services shall be clearly incidental to vehicle sales and rentals.
- b. All repairs shall be conducted inside a building.
- ~~c. All outside storage of vehicles in for repair shall be fully screened from public view.~~
- ~~d. c.~~ The outside storage of shop supplies, tires, other equipment or stock shall be prohibited.

D. Manufacturing and Light Industrial Uses

1. Auto Wrecking, Recycling and Salvage Yard / Junkyard

- a. **Location of Site**
Such uses shall be located a minimum of 300 feet from any residential district, school, hospital, park, government office or place of public assembly.
- ~~b. **Drainage - Protection of Water Supply**
Provision shall be made to prevent any contamination of the domestic water supply or excessive surface runoff from the property into adjoining lands or streams. The drainage plan that carries water off the site shall be subject to the approval of the Public Works Director Town Engineer. Failure to prevent such contamination shall be cause to revoke a Special Review Use permit and remove the use at the cost of the owner of the land upon which it is operated.~~

2. Contractor's Shop or Storage Yard

- a. **Location of Site**
The use shall not be located within 300 feet of any residentially zoned property boundary district, or property boundary of a school, hospital, park, governmental office, or any other place of public religious assembly.
- ~~b. **Drainage - Protection of Water Supply**
Provision shall be made to prevent any contamination of the domestic water supply or excessive surface runoff from the property into adjoining lands or streams. The drainage plan that carries water off the site shall be subject to the approval of the Public Works Director. Failure to prevent such contamination shall be cause to revoke a Special Review Use permit and remove the use at the cost of the owner of the land upon which it is operated.~~
- ~~c. b. **Surface Requirement**
Parking lots/vehicle stacking spaces designated to meet the minimum parking requirements Storage yard surface areas shall be paved in concrete or asphalt. Recycled concrete, recycled asphalt or equivalent may be approved by the~~

~~Community Development Director~~Director for non-public storage areas.

3. Recycling Collection Point

The following regulations apply:

- a. Recycling collection points located on a parking lot may not occupy required off-street parking spaces and shall be located so as not to impede free traffic flow.
- b. No processing of the goods or products, including flattening of aluminum cans, may be performed on the site.
- c. A vehicle in which a recycling collection point is operated must be kept in proper repair and the exterior must have a neat and clean appearance.
- d. Any container used as a recycling collection point must be fully enclosed, kept in proper repair and the exterior must have a neat and clean appearance.
- e. Litter in the immediate vicinity of a recycling collection point must be collected and disposed of properly. Goods or products shall not be stored outside the vehicle or container.

10.3.3 ACCESSORY USES AND STRUCTURES

A. Purpose

Table 3-2 below lists the accessory uses and structures permitted within all standard zoning districts. This Section authorizes the establishment of accessory uses and structures. An accessory use is "incidental and customarily subordinate" to a principal use if it complies with the standards set forth in this Section.

Approval of Accessory Uses and Structures

—All principal uses permitted in a zoning district shall be deemed to include the accessory uses, structures, and activities set forth in this Section Table 3-2, unless specifically prohibited. In addition, Chapter 11, identifies typical accessory uses associated with many principal uses as part of the principal use definition.

1. When application is made for an accessory use category or use type structure that is not specifically listed in Table 3-2, the procedure described in Subsection 3.1 DA, shall be followed.
2. All accessory uses and structures shall be subject to the general standards set forth in this Subsection, as well as any use-specific standards set forth in Section 3.2 above and 3.3.

B. Explanation of Table Abbreviations

1. Permitted Uses

"P" in a cell indicates that the use is permitted by right, without special conditions other than those imposed upon other uses by right in the district. A use by right requires no further approval from the Board of Trustees; however, it shall be subject to Site Plan review if the associated principal use requires Site Plan review. Permitted uses W are subject to all other applicable regulations of this UDC, including the use-specific standards set forth in this Chapter and the requirements of Chapter 6.

2. Special Review Uses

"S" in a cell indicates that, in the respective zoning district, the use is permitted only if reviewed and approved as a Special Review Use in accordance with the procedures of Section 7.13. Special Review Uses are subject to all other applicable regulations of this UDC, including the use-specific standards set forth in this Chapter and the requirements of Chapter 6.

3. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

Formatted: Not Highlight

4. Use-Specific Standards

Regardless of whether a use is permitted by right or permitted as a Special Review Use, there may be additional standards that are applicable to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of the table.

~~Cross-references refer to Section 3.2. These standards apply in all districts unless otherwise specified.~~

C. Classification of New and Unlisted Uses

When application is made for an accessory use category or use type that is not specifically listed in Table 3-2, the procedure described in Subsection 3.1.D, shall be followed.

D.B. Table of Permitted Accessory Uses and Structures

Table 3-2 below lists the accessory uses and structures permitted within all zoning districts.

TABLE 3-2: TABLE OF ACCESSORY USES <u>AND STRUCTURES</u>																			
ACCESSORY USE/ STRUCTURE	P=Permitted Use By Right S=Special Review Use Blank=Not Permitted																		
	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED-USE				OTHER	
	RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NM	CM	AG/ OS	AP	PLI
Accessory dwelling unit	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>							<u>SP</u>	<u>SP</u>	<u>P</u>			
<u>Accessory Structure, General</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Airport Hanger <u>*Erie Airpark Subdivision Only</u>	<u>P*</u>										<u>S</u>							<u>P</u>	
Backyard Chicken Hens	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>								<u>P</u>				
<u>Detached residential living space</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>							<u>P</u>	<u>P</u>		<u>P</u>		
<u>Drive-thru or drive up</u>								<u>SP</u>	<u>SP</u>	<u>SP</u>						<u>S</u>			
Family child care home	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Garage, Private</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>
<u>Greenhouse</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>				<u>S</u>			<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>		<u>P</u>
Home occupations	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Keeping of Household Pets	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Keeping of Large Animals	<u>S</u>	<u>S</u>	<u>S</u>														<u>P</u>		<u>S</u>
Outdoor display and sales								<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>			<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>S</u>		
Outdoor storage								<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>			<u>P</u>	<u>P</u>	<u>SP</u>	<u>S</u>		<u>P</u>
<u>Parking lot serving permitted uses</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Pool House</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>							<u>P</u>	<u>P</u>		<u>P</u>		
<u>Quarters for Dwelling unit, caretaker/guard as part of a permanent structure</u>	<u>S</u>	<u>S</u>	<u>S</u>								<u>SP</u>	<u>P</u>	<u>P</u>				<u>S</u>	<u>P</u>	<u>SP</u>
<u>Residential Guest House</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>							<u>P</u>	<u>P</u>		<u>P</u>		
<u>Recycling Collection Point</u>								<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>					<u>S</u>			<u>S</u>
<u>Shed/Gazebo/Playhouse</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Swimming Pool/Hot Tub	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>

E.C. General Standards

Chapter 3: Use Regulations

Section 10.3.3 Accessory Uses and Structures

All accessory uses and structures shall comply with the general standards in this Section. No accessory use shall be located on any lot as the principal use.

1. Compliance

- a. All accessory uses and structures shall be subject to the standards set forth in this Section, and also the use-specific standards of Section 3.2-~~above~~ and 3.3. and the

dimensional standards of Chapter 4. In the case of any conflict between the accessory use/structure standards of this Section and any other requirement of this UDC, the more restrictive standards shall control.

~~b. Accessory uses shall comply with all standards of this UDC applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use and any accessory use.~~

2. Same Lot Required Location

The accessory use or structure shall be conducted and/or located on the same lot as the principal use. ~~An accessory use or structure shall only be permitted on a lot that has a principal use. An accessory structure shall be located behind the front façade of the principal use.~~

3. Same Ownership Required

The property where the principal use and the accessory use are occurring shall be under the same ownership.

4. Same Utility Meter Required

The principal use and the accessory use shall utilize the same utility meter with the exception of an approved accessory dwelling unit that may have the same or separate utility meter.

~~**5. Temporary Accessory Uses and Structures**~~

~~Temporary accessory uses and structures shall be governed by the temporary use permit procedures and standards set forth in Sections 7.16 and 3.4.~~

6.5. Size of Structure

Unless specified below, an accessory ~~use~~ structure shall be subordinate in gross floor area, extent and purpose to the principal ~~use~~ structure. When multiple accessory ~~use~~ structures are associated with a principal use, the total of all accessory ~~use~~ structures shall be subordinate in gross floor area, extent and purpose to the principal ~~use~~ structure.

Notwithstanding Subsection 3.3.GD.1.d, the following are not required to be subordinate in gross floor area:

- a. Airplane hangars ~~located in the Erie Airpark Subdivision, Rural Residential and Airport districts,~~ shall be exempt.
- b. Within the Rural Residential and Estate Residential districts, accessory structures shall not exceed 2 times the gross floor area of the principal building.

F.D. Additional Standards for Specific Accessory Uses and Structures

1. Accessory Dwelling Units

a. Purpose

Accessory dwelling units are intended to:

- i. Provide a mix of housing that responds to changing family needs;
- ii. Provide a means for residents, seniors, single parents and families with grown children to remain in their homes and neighborhoods, obtain extra income, security, companionship and services;
- iii. Provide a broader range of accessible and more affordable housing;
- iv. Create new housing dwelling units while respecting the look and scale of single-family detached neighborhoods; and
- v. To establish a procedure to minimize potential impacts from these conversions on abutting single-family uses.

b. Exception from Impact Fee Requirements

New accessory dwelling units shall not be subject to impact fee charges.

c. ~~Construction of New~~Creation of Accessory Dwelling Units

An accessory dwelling unit may be created by:

- i. Converting an existing living area, attic, basement or garage;
- ii. Addition of floor area to a single-family house;
- iii. Construction of a detached accessory dwelling unit on the single-family lot;
or
- iv. Construction of a new single-family detached house with an internal or detached accessory dwelling unit.

d. General Standards

All accessory dwelling units shall meet the following standards:

i. Districts Permitted

Accessory dwelling units shall be permitted as accessory uses to single-family detached residential uses as depicted in Table 3-2. A minimum lot size of 6,000 square feet is required.

ii. Where Permitted on Lot

~~An permitted~~ accessory dwelling unit shall comply with all applicable site and building design, access, and other standards for principal dwelling units in the zoning district in which the accessory dwelling unit will be located. Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units.

iii. Size of Accessory Dwelling Unit

~~No accessory dwelling unit shall exceed 33 percent of the size of the habitable floor area of the principal dwelling unit, or 800 square feet, whichever is less. In addition, accessory dwelling units in the Old Town Residential District shall be no less than 500 square feet. An accessory dwelling unit shall contain private sanitary facilities with hot and cold running water and cooking and food storage facilities. An accessory dwelling unit shall not exceed 800 square feet in gross floor area. An accessory dwelling unit shall contain a living/sleeping area, bathroom and full kitchen.~~

iv. Limit on Number

There shall be no more than 1 accessory dwelling unit on a lot in addition to the principal single-family detached dwelling. An accessory dwelling unit shall not serve as the principal dwelling on the site.

v. Parking Requirements

(A) On-site parking is not required if an accessory dwelling unit is built on a site with an existing single-family detached house that has on-street parking on the abutting street frontage.

(B) One additional parking space is required when:

- (1) The street abutting the site does not have on-street parking;
or
- (2) The accessory dwelling unit is built at the same time as the single-family detached house.

vi. Design Standards

~~Accessory dwelling units that are created by either an addition to an existing single-family detached house or through new construction as a separate~~

Chapter 3: Use Regulations

Section 10.3.3 Accessory Uses and Structures

structure from the principal structure shall meet the following additional design standards to insure compatibility with the principal dwelling unit.

(C)(A) All accessory dwelling units shall be designed to maintain the appearance, architectural style and character of the principle dwelling unit. Exterior siding, roofing, and trim shall be the same or visually match the

appearance of the materials on the principal dwelling unit. Roof style shall ~~be the same or visually~~ match the predominant style of the principal dwelling unit. Exterior window trim, window proportions (width to height), patterns, and orientation (horizontal to vertical) shall ~~be the same or visually~~ match those of the principal dwelling unit. ~~Eaves will project from the building walls the same distance as the eaves on the existing house.~~

~~(D) The building scale and placement of structures shall provide for sharing of common space on the lot such as driveways, and yards and a walkway from the accessory dwelling unit to a street.~~

~~e. Additional Design Standards by Accessory Dwelling Unit Type~~

~~New accessory dwelling units that are created by either an addition to an existing single-family detached house or through new construction shall meet the following additional design standards to insure compatibility with the existing house.~~

~~i. New Units Created Through the Addition of Floor Area~~

~~New accessory dwelling units created through the addition of floor area to a single-family detached house shall meet the following standards:~~

- ~~(A) Exterior finish materials will be same or visually match in type, size and placement, the exterior finish materials and color of the existing house;~~
- ~~(B) The roof pitch shall generally be the same as the predominant roof pitch of the existing house;~~
- ~~(C) Windows shall generally match the existing house in style, proportion and orientation; and~~
- ~~(D) Eaves will project from the building walls the same distance as the eaves on the existing house.~~

~~ii. New Detached Units~~

~~New detached accessory dwelling units shall meet the following standards:~~

- ~~(A) The maximum height permitted for a detached accessory dwelling unit is 18 feet unless the dwelling unit is built above a detached garage, in which case the maximum height permitted is 35 feet or the maximum height for an accessory structure in the underlying zone district, whichever is less;~~
- ~~(B) Exterior finish materials will be the same or visually match the exterior finish materials of the existing house in type, size and placement;~~
- ~~(C) The roof pitch shall generally be the same as the predominant roof pitch of the existing house;~~
- ~~(D) Windows shall generally match the existing house in style, proportion and orientation; and~~
- ~~(E) Eaves shall generally project from the building walls the same distance as the eaves on the existing house.~~

2. Airport Hangers

Airport hangers shall only be permitted in the Erie Airpark Subdivision within the Rural Residential zone districts of the Town. Airport hangers within the Erie Airpark Subdivision must have access easements to the Erie Airport property and runways established to be permitted.

3. Dwelling Unit, Caretaker/Guard

~~The single~~Only one dwelling unit for a caretaker or guard is permitted. The dwelling unit shall be located within a permanent structure that is used for the principal use. The maximum gross floor area of the dwelling unit shall be 800 square feet.

2.4. Family Child Care Home

Family child care homes shall comply with the Colorado licensing statutes codified at C.R.S. § 26-6-102, *et seq.*, and the Department of Human Service Regulations codified at 12 CCR 2509-8 *et seq.*

~~State regulations should regulate what type of dwelling the use is permitted in; state requires 75 sq. ft. outside area per child.~~

3. Greenhouse

~~A greenhouse shall be permitted as an accessory use to a residential dwelling unit only if there are no sales from the premises.~~

4.5. Home Occupations

Home occupations shall be ~~a~~ **permitted** accessory use governed by the following regulations:

- a. A home occupation shall not be conducted until a home occupation has been reviewed and approved and a ~~home occupation permit license~~ has been issued by the ~~Community Development Director~~**Director of Planning and Development**. Said ~~license~~**home occupation permit** shall cite the conditions of the approval, if any.
- b. Home occupations must be clearly secondary to the use of the building as a residence and shall not occupy more than 25 percent of the total floor area of the main building; or if located in an accessory building(s), shall not occupy more than 500 square feet ~~except by Special Review Use~~.
- c. The home occupation shall use the same water, electric and gas meters as the residence.
- d. Home occupations shall be operated entirely from an enclosed structure with no exterior storage of business related vehicles, materials or equipment. The home occupation owner's individual business/personal passenger vehicle is exempt from this requirement.
- e. There shall be no visible evidence of the operation, and it shall not change the residential character thereof.
- f. ~~There shall be no signage identifying the home occupation.~~
- g. The residential building includes complete residential facilities, i.e., kitchen, living room, bathroom and bedroom(s).
- h. Only persons residing in the residence can operate the home occupation at the residence. A maximum of 2 off-site employees, independent contractors or others associated with the business may be at the residence at the same time for work assignments, supplies, etc.
- i. The operation shall not generate objectionable traffic in the area, and off-street parking must be provided to accommodate all needs created by the home occupation; however, in no case shall the number of additional parking spaces provided for the home occupation exceed the number of bedrooms in the residence.
- j. The operation shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar impacts.
- k. The following uses, because of their tendency to go beyond the limits permitted for home occupations and thereby impair the use and value of the residential area shall not be permitted as home occupations: auto repair or motorized implement repair; dance, music or other types of instruction (if more than 4 students are being instructed at 1 time); dental offices; medical offices; the painting of vehicles, trailers or boats; private schools with organized classes; motor vehicle towing operation; barber shops having more than 1 chair, beauty shops having more than 1 chair; welding shops; nursing homes; bed and breakfast and other such transient lodging; and retail sales where products are stocked and sold to purchasers at the home occupation residence like a retail store.

5.6. Keeping of Backyard Chicken Hens

The keeping of backyard chicken hens shall be an ~~permitted~~ accessory use to single-family detached dwelling units on lots greater than 5,000 square feet in lot area that meet the following regulations:

- a. No more than 6 backyard chicken hens are permitted per ~~principal~~ dwelling unit.
- b. Roosters are prohibited.
- c. Backyard chicken hens are required to be located within a designated chicken coop and chicken run that meet the following standards:
 - i. The chicken coop and chicken run shall be located in the rear yard of a property.
 - ii. The chicken coop and chicken run, nor any part thereof, shall be located between the rear of the principle structure and the front yard lot line.
 - iii. The chicken coop and chicken run shall have a minimum 5 foot setback from any side or rear property line.
 - iv. The chicken coop shall not be located within any utility easement.
 - v. The chicken coop shall be predator resistant with a solid covered roof.
 - vi. Water shall be provided onsite and be accessible at all times.
 - vii. During daylight hours, chicken hens shall have access to a chicken run that is adequately fenced and protected from predators and shall also have access to the chicken coop.
 - viii. From dusk to dawn, chicken hens shall be protected from predators by being enclosed within a chicken coop.
 - ix. The maximum chicken coop is 100 square feet in area.
 - x. A minimum of 4 square feet of area per chicken hen shall be provided in both the coop and run.
 - xi. The maximum height of the chicken coop shall be no more than 7 feet at the highest point of the roof.
- d. The chicken coop and run shall be maintained and shall regularly be cleaned to control dust, odor and waste and not constitute a nuisance, safety hazard or health problem to surrounding properties.
- e. No onsite slaughtering is permitted.
- f. Chicken feed shall be stored in metal re-sealable, airtight, predator proof containers.
- g. Chicken waste shall be stored in metal re-sealable, airtight, predator proof containers.
- h. The keeping of backyard chicken hens shall not be conducted until a backyard chicken license has been reviewed and approved and a license has been issued by the ~~Community Development Director~~~~Director of Planning and Development~~. Said license shall cite the conditions of the approval, if any. The following are the application requirements need for review of a backyard chicken license:
 - i. Completed Backyard Chicken License Application.
 - ii. Non-refundable application fee.

- iii. Scaled Site Plan of the property showing location of chicken coop and run.

6.7. Keeping of Household Pets

Household pets including, but not limited to dogs, cats, potbelly pigs or similar domesticated animals shall be permitted in all zoning districts allowing for residential use provided that no more than 5 animals over 4 months of age are kept by the occupant of any residential dwelling unit. This provision limiting the number of pets does not apply to tropical fish, small rodent animals such as gerbils, hamsters, and small birds kept as pets, unless the animals are raised for commercial purposes. Kennels, boarding facilities, and commercial activities are not a permitted accessory use. Animals typically found on farms including but not exclusive of, turkeys, goats, sheep, cows, and pigs are not considered household pets. For regulations regarding keeping of large animals such as donkeys, horses, and llamas, etc., see Subsection 3.3 ~~GD.7.8~~ below.

7.8. Keeping of Large Animals

Horses, donkeys, mules, and llamas, ~~or as otherwise approved by the Director,~~ for non-commercial use ~~may only be kept as a permitted accessory use in the Agricultural, Open Space, Rural Preservation and Rural Residential Districts,~~ provided at least two acres of pasture area is available for the first animal and 1 additional acre of pasture is available for each additional animal. ~~The raising of hogs, pigs or other livestock fed from silage, garbage or offal is prohibited.~~

8.9. Outdoor Display and Sales

Outdoor display and/or sales may be permitted as an accessory use for all commercial uses, and requires Site Plan approval. It is the intent of this UDC to allow the display of merchandise for sale, but not where the display of such items impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The display of goods shall meet all of the following requirements:

a. Procedural Requirements

Outdoor display and/or sales shall require approval of the ~~Community Development Director~~~~Director of Planning and Development~~. All new development plans must show the location of such areas in accordance with this Section. Existing non-residential uses must submit a plan showing the location of the outdoor display or sales areas and how the requirements of this Section are to be met. Approval may be subject to appropriate conditions established by the ~~Community Development Director~~~~Director of Planning and Development~~.

b. Where Permitted

- i. ~~All outdoor display of goods shall be located immediately adjacent to the storefront and not in drive aisles, loading zones, fire lanes, or parking lots~~
Outdoor display of goods shall not be located in parking spaces, drive aisles, loading zones and fire lanes. Outdoor display of goods on pedestrian walks shall only be allowed when a minimum of 5 feet of walk is maintained free of goods and overall pedestrian circulation routes and building entries are not impaired.
- ii. The area used for outdoor display or sales shall ~~not occur on the sides and rear of buildings and shall~~ be limited to no more than 1/2 of the length of the store front, unless increased by the ~~Community Development~~ Director after taking into account aesthetics, and safety concerns or other relevant factors. In the case of a shopping center, the "storefront" shall include the entire frontage of the shopping center, meaning that the total amount of display for all the in-line tenants combined shall not exceed 50 percent of the aggregate store front of the overall shopping center.

Chapter 3: Use Regulations

Section 10.3.3 Accessory Uses and Structures

-
- iii. The area of outdoor display or sales shall not encompass the width of the entrance doors to the facility as projected straight out from the facility. For example, if the width of the entrance doors is 10 feet, then there shall be at least a 10 foot clearance from the doors as projected straight out and away from the facility.
 - iv. No goods or outdoor displays shall be attached to a building's exterior wall surface.

- v. The height of the outdoor display shall not exceed 6 feet, unless an exception to this provision has been granted by the ~~Community Development Director~~ Director of Planning and Development.
- vi. The outdoor display area shall take place on an improved surface ~~such as the sidewalk or pavement~~.

~~c. No Pedestrian Obstruction~~

~~At least 5 feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.~~

~~d. Temporary Sales Distinguished~~

~~The provisions of Subsection 3.3.G.7.c above shall not apply in cases of temporary sales events, such as weekend sidewalk sales, seasonal vegetable sales and other similar temporary uses. See Section 3.4 for regulations applying to temporary uses.~~

9.10. Outdoor Storage

In no case shall the storage or parking of trailers, semi-trailers, cargo containers or shipping containers outdoors, walk-in coolers or similar containers, or the warehousing of goods in such containers, be permitted as a principal use. ~~Outdoor storage may be permitted as an accessory use through the Site Plan review process described in Section 7.12. Goods stored in an approved outdoor storage area shall be limited to storage of materials associated with the business on the lot; business of vehicle storage; or storage of businesses' vehicles and equipment. The Outdoor storage area shall meet all of the following requirements as well as design criteria found standards in Chapter 6.~~

- ~~a. Each outdoor storage area shall be incorporated into the overall site design and screening shall be complimentary in design to the primary structure on the site and shall be located at the rear or side of the primary structure. The outdoor storage shall not be located in front of the primary structure. Surfacing of the outdoor storage area shall be asphalt or concrete. Recycled asphalt, recycled concrete or equivalent may be considered for industrial uses, and the final approval of the alternative shall be the final decision maker for the application.~~
- ~~b. Goods stored in an approved outdoor storage area shall be limited to storage of materials associated with the business on the lot; business of vehicle storage; or storage of businesses' vehicles and equipment.~~
- ~~c. If the outdoor storage area is covered, then the covering shall be designed to be complimentary to the principal structure by integrating the same roofing materials and color, and roof slope as the primary structure.~~
- ~~d. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.~~
- ~~e. No materials may be stored in areas intended for vehicular or pedestrian circulation.~~
- ~~f. If installed, exterior lighting shall meet the functional needs of the facility and the requirements of this UDC without adversely affecting adjacent properties or the neighborhood.~~

10.11. Swimming Pool/Hot Tub

A swimming pool and/or hot tub may be permitted in any district as an accessory use subject to the following additional requirements:

- a. No public or private swimming pool or hot tub may be located in any required front yard or side yard abutting a street. No swimming pool shall be located closer than 10 feet to any side or rear lot line.

- b. Swimming pools or hot tubs and related facilities ~~of either~~ shall conform to all applicable Town and State regulations.

11.12. ~~Private Garage or Shed~~ Accessory Structures, General

~~A garage or shed that is accessory to a residential structure and is over 120 square feet in gross floor area shall meet the following standards; An Accessory Structure to a principal use, that is over 120 square feet in gross floor area, shall meet the standards below.~~

- a. Facades shall not be constructed of metal materials.
- ~~b. The accessory garage or shed shall be designed to maintain the architectural style and character of the principal residential structure. Exterior siding, roofing and trim should match the principal residential structure. Accessory structures shall be similar in architectural design and character to the principal structure.~~
- ~~c. Accessory structures for non-residential uses, such as storage tanks, and similar accessory structures shall be screened from public view from streets, alleys, sidewalks, trails, parks and open space. Screening may be accomplished through the use of fencing and/or landscaping.~~
- ~~b.d. Greenhouses, gazebos, playhouses and similar structures shall be exempt from the architectural design and character requirements and from the screening requirement.~~
- ~~c. An accessory garage or shed shall not exceed 18 feet in height for a 1 story structure and 25 feet for a 2 story structure. Private airplane hangars for residential development in the Erie Airpark Subdivision shall not be subject to the height restrictions.~~

~~Detached Residential Living Space~~

~~Detached residential living spaces may be allowed on the same lot as a detached single-family detached residential living space is allowed as an accessory structure on the same lot as a detached single-family dwelling unit. A detached residential living space may consist of bedrooms, living rooms, and bathrooms, but shall not contain a full kitchen. Each detached residential living space shall comply with the Accessory Use General Standards set forth in Section 10.3.3.E.~~

13. Pool House

~~A pool house is allowed as an accessory structure to a permitted principal dwelling unit on the same lot as the detached single-family dwelling unit. A pool house may contain detached residential living space. A pool house shall comply with the Accessory Use General Standards set forth in Section 10.3.3.E.~~

14. Residential Guest House

~~A residential guest house is allowed as an accessory structure on the same lot as a detached single-family dwelling unit. A residential guest house may include bedrooms, living rooms and bathrooms, but shall not contain a full kitchen. A residential guest house shall comply with the Accessory Use General Standards set forth in Section 10.3.3.E.~~

15. Recycling Collection Point

~~The following regulations apply:~~

- a. ~~Recycling collection points located on a parking lot may not occupy required off-street parking spaces and shall be located so as not to impede free traffic flow.~~

- b. No processing of the goods or products, including flattening of aluminum cans, may be performed on the site.
- ~~c. A vehicle in which a recycling collection point is operated must be kept in proper repair and the exterior must have a neat and clean appearance.~~
- ~~d.c. Any container used as a recycling collection point must be fully enclosed, kept in proper repair and the exterior must have a neat and clean appearance.~~
- ~~e.d. Litter in the immediate vicinity of a recycling collection point must be collected and disposed of properly. Goods or products shall not be stored outside the vehicle or container.~~

10.3.4 TEMPORARY USES AND STRUCTURES

A. Purpose

This Section allows for the establishment of certain temporary uses and structures of limited duration, provided that (1) a Temporary Use Permit is properly obtained pursuant to Section 7.16 of this UDC; (2) such uses do not negatively affect adjacent properties or Town facilities; (3) such uses or structures are discontinued upon the expiration of a set time period as defined by the Temporary Use Permit; and (4) temporary uses or structures do not involve the construction or alteration or any permanent building or structure.

B. Temporary Uses and Structures Permitted

The following temporary uses and structures may be permitted in accordance with the requirements of this Section.

1. Retail sales of products including ~~without limitation but not limited to Christmas-seasonal~~ trees, agricultural produce, sidewalk sales, and fireworks, is permitted in any nonresidential district for a period not to exceed the number of days specified in the Temporary Use Permit. Display of products need not comply with the yard and setback requirements of this UDC provided that no display shall be located within an area restricted by the Corner Sight Distance requirements of Section 4.2.
2. Temporary office space and equipment storage is permitted when accessory to an approved construction project in accordance with Subsection 3.4.E. Such uses shall be located on the site no more than 30 days prior to the start of construction and removed no more than 30 days after completion of such project.
3. ~~Sales of~~ Offices associated with residential sales are permitted ~~on residential development sites in any residential zoning districts~~ until all lots or houses are sold or leased in accordance with Subsection 3.4.E. Use of the sales office for sites outside of the project is prohibited.
4. Expansion or replacement facilities, consisting of transportable buildings that are pre-constructed and arrive at the site ready for occupancy and are readily removed and installed at other sites. Such facilities may include ~~without limitation, but are not limited to,~~ the following:
 - a. Expansion of existing religious assembly facilities, health care facilities, and government offices following the approval of filed plans and applications for the permanent alteration/expansion of these facilities.
 - b. Temporary classroom space for existing schools.

- c. Temporary space for recreational uses provided in connection with an approved residential development under construction.
 - d. Temporary space for a non-residential use following the destruction of a building by fire or other catastrophic event. The building permit for the reconstruction of the permanent building must be obtained within 60 days of the approval of the Temporary Use Permit. For good cause, the ~~Community Development Director~~Director of Planning and Development may approve a written request for a 60 day extension of the Temporary Use Permit provided that the request is filed prior to the lapse of the original permit term.
 - e. Temporary office space (1 per site) for hiring, membership solicitation, apartment office/leasing, and general office use following the issuance of a building permit for the construction of a permanent office building.
5. The ~~Community Development Director~~Director of Planning and Development may approve other temporary uses or structures using the process established in Subsection 3.1.DA.

C. Temporary Use Permits

1. Permit Required

All temporary uses and structures shall obtain a Temporary Use Permit pursuant to the procedures set forth in Section 7.16. A Temporary Use Permit shall be reviewed, approved, or revoked only in accordance with the regulations of Section 7.16 and this Section.

2. Permit Exceptions

Notwithstanding Subsection 3.4.C.1—~~above~~, the following temporary uses are ~~permitted~~deemed approved in any district and are exempted from the Temporary Use Permit requirements ~~provided that the proposed temporary use complies with the general requirements below~~:

- a. Town sponsored events utilizing Town property, public streets, or public right-of-ways, provided that the applicant shall coordinate the event with the Public Works Department, Police Department and Fire District, and comply with any conditions required by those departments;
- b. Up to 7, 1-day garage or yard sales per year per residential dwelling unit;
- c. Temporary car washes lasting no more than 7 days per year;
- d. Gatherings of less than 100 people, such as block parties, nonprofit bazaars, and fundraisers; and
- e. Temporary uses that occur wholly within an enclosed permanent building.

D. General Requirements for all Temporary Uses and Structures

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this UDC:

- 1. The temporary use shall comply with all applicable general and specific regulations, including zoning regulations, of this Section unless otherwise expressly stated.
- 2. Permanent alterations to the site are prohibited. If any alterations to the site occur the site shall be restored to its previous condition.
- 3. Unless otherwise stated in this UDC or in the terms of the Temporary Use Permit, the temporary use shall expire 30 days after approval of the Temporary Use Permit. ~~Renewal of the permit may be permitted pursuant to the procedures outlined in Section 7.16.~~

4. All temporary signs associated with the temporary use or structure shall be required to follow the Town sign regulations and obtain a permit. All signs shall be removed when the activity ends.
5. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
6. The temporary use regulations of this Section do not exempt the applicant or operator from any other required permits, such as building permits, health department permits, etc.
7. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, stream protection setbacks, wetlands, areas of slope greater than 20 percent, ~~and required landscaping.~~
8. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
9. Tents and other temporary structures shall be located not to interfere with the normal operations of any permanent use located on the property.
10. Off-street parking shall be adequate to accommodate the proposed temporary use.
11. Applications for temporary structures to be located in or near the 100-year floodplain shall be required to obtain a Floodplain Permit and submit a plan to the Planning Commission for the removal of such structure(s) in the event of a flood notification. The plan shall include the following information:
 - a. The name, address, and phone number of the individual responsible for the removal of the temporary structures;
 - b. The time frame prior to the event at which a structure will be removed;
 - c. A copy of the contract or other suitable proof of contract with a trucking company to ~~insure~~ ensure availability of removal equipment when needed; and
 - d. Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.

E. Additional Use-Specific Regulations for Certain Temporary Uses

In addition to complying with the general regulations in Subsection 3.4.D ~~above~~, the temporary uses listed below shall comply with the additional use-specific regulations below.

1. Construction Trailer and Outdoor Storage for Construction

Construction trailers and outdoor storage locations for construction shall be reviewed and if appropriate approved by the ~~Community Development Director~~ Director of Planning and Development. Plans shall be submitted illustrating that the application meets all of the following requirements:

- a. The use shall be located on a lot.
- b. The use shall meet zoning category setback and height requirements.
- c. The use shall provide an all-weather access road to the trailer with a turn-around that is approved by the Fire District. The access and turn-around is required to be constructed before the trailer is installed.

Chapter 12: REGULATIONS FOR OIL AND GAS OPERATIONS

- d. The construction trailer is not required to tap into the Town's water and sanitary sewer system. A port-a-let shall be provided.
- e. Outdoor storage shall be fenced; if adjacent to existing or future residential development, such fencing shall be opaque.
- f. The trailer and associated site elements shall be removed by the time the last Certificate of Occupancy is released within the filing within the development in which the trailer is located. Within 30 days of the trailer being removed from the site, the owner shall either have a building permit(s) issued for the site or the site shall be restored with appropriate ground cover in accordance with Town erosion control standards.

2. Model Homes

The following standards shall apply to all model homes:

a. Approval

- Model homes shall require the approval of the Community Development Director through the administrative Site Plan review process. Building permits for model homes shall be issued after paved streets are completed and accepted by the Public Works Director and the applicant has demonstrated the model homes will be connected to the Town's potable water and sanitary sewer systems; and
- Off-street parking, sidewalks and landscape improvements shall be installed prior to the issuance of a Certificate of Occupancy is issued for any model home.

b. Construction Plans

Construction plans shall be filed that demonstrate:

- Paved street access with sidewalk and landscaping that conform to district and development standards;
- The location of temporary on-site sales offices within the model home; temporary parking lots with all-weather surfacing; and temporary trap fencing; and
- Connection to the Town's potable water and sanitary sewer system.

c. Development Standards

Model homes and associated parking shall conform to the development and design standards applicable to residential uses in the zone district, and with the following additional standards:

- Standards for Temporary Off-Street Parking
Model homes shall provide temporary off-street parking onsite or on an adjacent lot that conforms to the development and design standards for parking lots for similar commercial uses, as may be modified by the Community Development Director to reflect the temporary nature of the use. The temporary off-street parking shall have all-weather surfacing. Temporary parking lots shall be removed prior to the issuance of the last Certificate of Occupancy for a dwelling unit in the development is issued.

2.3 Temporary Sales Trailer or Temporary Sales Office

A temporary sales trailer or temporary sales office shall be reviewed and if appropriate approved by the ~~Community Development Director~~Director of Planning and Development. Plans shall be submitted illustrating that the application meets all of the following requirements:

- a. The use shall be located on a lot.
- b. The owner shall provide a paved road to Town standards as accepted on the construction plans, and shall provide secondary access if required by Fire District; to their standards.
- c. The use shall meet zoning category setback and height requirements.
- d. A water and sewer tap is required on the lot where the trailer/office is located to provide adequate public facilities within the sales trailer.
- e. ADA access is required.
- f. Temporary off-street parking shall be provided on-site or on an adjacent vacant lot.
- g. Off-street parking shall have all-weather surfacing.
- h. Off-street parking shall meet zoning category setback requirements.
- i. Access to a sales trailer and associated parking shall come from a local or collector streets and not from an arterial street unless the applicant can prove that it is impracticable to do so.
- j. A building permit for a temporary sales trailer or temporary sales office may only be issued after installation of a paved road access and installation of off-street parking.
- k. The trailer and associated site elements shall be removed by the time the last Certificate of Occupancy is released within the filing within the development in which the trailer is located. Within 30 days of the trailer being removed from the site, the owner shall either have a building permit(s) issued for the site or the site shall be restored with appropriate ground cover in accordance with Town erosion control standards.