

CHAPTER 3: USE REGULATIONS

10.3.1 TABLE OF PERMITTED USES

Table 3-1 below lists the principal uses permitted within all standard zone districts. Each of the listed uses is defined in Chapter 11. Specific use standards may be found in Section 3.2.

A. Uses Not Listed

Any use not expressly listed in Table 3-1 as a permitted use or a special review use is prohibited in the Town.

B. 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			
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AGH	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		S
	Child Care Center Small	P	P	P	P	P	P	P	P	P	P	S			P	P	P		S		P
Community Facilities	Community Center (Public)	S	S	S	S	S	S	S	P	P	P	P			P	P	P	S		S	P
	Correctional Facility																				S
	Governmental Office	P	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	P
	Public Works Facility								S	S	S	P	P	P				S		S	S
	Public Safety Station	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	S	S		S	S
	Transit Center								P	P	P	P	P	P	S	S	S	S		S	P
Cultural Facilities	Botanical garden	S	S	S	S	S	S	S	P	P	P	P			S	S	S	S		S	P
	Library				S	S	S	S	P	P	S	P			S	S	S	S		S	P
	Museum	S	S	S	S	S	S	S	P	P	P	S			S	S	S	S		S	S
	Zoo								S	S								S			S
Educational Use	College or University								P	P	P	P			S	S	P			S	P
	Commercial School								P	P	P	P	S	S	P	P	P			S	

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		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AGH	AP	PLI
	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			S				S
	Substance Abuse Treatment Facility, Outpatient								P	P	P	P					S				S
	Urgent Care 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	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	P
Religious Assembly	Religious Assembly	S	S	S	S	S	S	S	P	P	P	S	S	S	S	S	P	S	S	S	P
Wireless Communication Facilities	Alternative Tower Structure and Base Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

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		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AGH	AP	PLI		
Utility Facilities	Utility Facility, Major	S	S	S	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	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	P	P	P
COMMERCIAL USES																							
Agricultural	Agricultural Cultivation																			P	P		P
	Agricultural Event Center																				P		
	Agricultural Grazing																			P	P		S
	Agricultural Breeding																				P		
Animal Sales and Care	Animal Hospital, Large Animals (indoor)	S							S	S	S	P								P	P		
	Animal Hospital, Large Animals (outdoor facilities)	S							S	S	S	S								P	P		
	Animal Hospital, Small Animals (indoor)	S							P	P	P	P				P	P	P	P	P	P		
	Animal Hospital, Small Animals (outdoor facilities)	S							S	S	S	S								P	P		
	Equestrian Arena																					P	
	Stables	S																		P	P		
	Kennel or Animal Day Care (indoor)	S							P	P	P	P				S	S	P	P				

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		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AGH	AP	PLI
	Kennel or Animal Day Care (outdoor facilities)	S							S	S	S	S						P	P		
Assembly	General Assembly								S	S	S				S	S	S	S		S	S
	Residential Assembly (HOA)	P	P	P	P	P	P	P							P	P	P				
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				
	Check-cashing Facility																				
Food and Beverage Service	Tavern								P	P	P	P			P	P	P			P	
	Nightclub								P	P	P	S			P		P			S	
	Restaurant								P	P	P	P			P	P	P			P	S
	Restaurant, with drive-through or drive-up service								P	P	P	P					S				
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				
Parking	Parking Lot								S	S	S	S	S	S	S	S	S			P	P

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		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AGH	AP	PLI
	Parking Structure								S	S	S	S	S	S	S	S	S				
Recreation/ Entertainment, Indoor	Commercial Amusement, Indoor								P	P	P	P			P	P	P				
	Sexually-oriented business																				S
	Shooting Range, Indoor											S	P	P							
Recreation/ Entertainment, Outdoor	Campground																	S	S		S
	Outdoor Recreation, Commercial								S	S	S	S			S	S	S	S		S	S
	Golf Course	P	P	P	P	P	P		P	P	P	P								S	S
	Golf Driving Range								S	S	S	S					S				
	Golf Putting Course	P	P	P	P	P	P		P	P	P	S									S
	Recreational vehicle park																				
	Shooting Range, Outdoor																				
Retail Sales and Service	Funeral Parlor, Mortuary or Crematory								P	P	P	P					P				
	Gas Station								P	P	P	P	P	P			P			P	
	General Retail								P	P	P	P			P	P	P			P	

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		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AGH	AP	PLI
	Pawnbroker Business																				
	Personal Service Establishment								P	P	P	P			P	P	P				
	Pharmacy								P	P	P	P			P	P	P				
	Pharmacy with drive-through service								P	P	P	P					S				
	Repair Shop, Appliances								P	P	P	P	P	P			P				
Vehicles and Equipment	Car Wash								S	S	S	S	P	P			S				
	Outdoor Recreational Vehicle Storage											S									
	Towing and Storage Facility																				
	Vehicle Sales and Rental								S	S	S	S									
	Vehicle Service and Repair, Heavy											S	P	P							
	Vehicle Service and Repair, Light								P	P	P	P	P	P	P		S				
Visitor Accommodation	Bed and Breakfast														S	S	S		S		
	Hotel or Motel								P	P	P	P			S	S	P				
MANUFACTURING AND LIGHT INDUSTRIAL USES																					
Industrial Service	Building Materials and Lumber Sales								P	P	P	P	P	P			S				
	Contractor's Shop or Storage Yard											S	P	P							

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		P = Permitted Use by Right								S = Special Review Use				<u>Blank Cell = Prohibited</u>							
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER			
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/ OS	AGH	AP	PLI
	Sanitary Landfill																			S	

1. 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		
		RP-1	RP-2	RP-3
Household Living	Dwelling, Duplex			
	Dwelling, Live/Work			
	Dwelling, Multi-Family			
	Dwelling, Single-Family Attached			
	Dwelling, Single-Family Detached	P	P	P
	Mobile Home Park			
	Model Home			
Group Living	Dormitory			
	Group Home, Residential	S	S	S
	Group Home, Large			
	Group Home, Small	S	S	S
	Retirement Home, Nursing Home, or Assisted Living Facility			
Aviation	Airport and related uses			
	Heliport			
	Helistop			
Cemetery	Cemetery	S	S	S
Child Care	Child Care Center, Large		S	S
	Child Care Center Small		S	S
Community Facilities	Community Center (Public)			
	Correctional Facility			
	Governmental Office			

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USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS		
		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			

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USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS		
		RP-1	RP-2	RP-3
	Park	S	S	S
Religious Assembly	Religious Assembly		S	
Retail Sales and Service	Pawnbroker Business			
Tele-communication Facilities	Antenna Collocation on Existing Tower	S	S	S
	Concealed Antennae and Towers	S	S	S
	Non-Concealed Building-Mounted Antennae and Towers	S	S	S
	Non-Concealed Freestanding Towers	S	S	S
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
Animal Sales and Care	Animal Hospital, Large Animals	P	P	P
	Animal Hospital, Large Animals (outdoor facilities)	P	P	P
	Animal Hospital, Small Animals	P	P	P
	Animal Hospital, Small Animals (outdoor facilities)	P	P	P
	Stables	P	P	P
	Kennel or Animal Day Care	P	P	P
	Kennel or Animal Day Care (outdoor facilities)	S	S	S

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USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS		
		RP-1	RP-2	RP-3
Assembly	General Assembly Uses	S	S	S
	Residential Assembly (HOA)			
Financial Institution	Automated teller machine (freestanding)			
	Bank			
	Bank, with drive-through service			
	Check-cashing Facility			
Food and Beverage Service	Tavern			
	Nightclub			
	Restaurant			
	Restaurant, with drive-through service			
Office	Office, Business or Professional			
	Recording or Broadcasting Studio			
Parking	Parking Lot			
	Parking Structure			
	Bus Lot /Maintenance Facility			
Recreation/ Entertainment, Indoor	Commercial Amusement, Indoor			
	Sexually-oriented Business			
	Fitness and recreational sports center			
	Shooting Range, Indoor		S	S

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USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS		
		RP-1	RP-2	RP-3
	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
	Farm Market			
	Funeral Parlor, Mortuary or Crematory			
	Gas Station			
	General Retail			
	Personal Service Establishment			
	Pharmacy			
	Pharmacy with drive-through service			
	Repair Shop			
	Shopping Center			
	Vehicles and Equipment	Car Wash		
Outdoor Recreational Vehicle Storage				
Towing and Storage Facility				
Vehicle Sales and Rental				

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USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS		
		RP-1	RP-2	RP-3
	Vehicle Service and Repair, Heavy			
	Vehicle Service and Repair, Light			
Visitor Accommodation	Bed and Breakfast		S	S
	Hotel or Motel			
Industrial Service	Building Materials and Lumber Sales			
	Contractor's Shop or Storage Yard			
	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
Warehouse and Freight Movement	Freight or Truck Yard			
	Mini-warehouse/Self Storage			
	Wholesale Distribution Center			
Waste-Related Uses	Auto Wrecking and Salvage Yard/Junkyard			
	Hazardous Materials Handling and Transfer Facility			
	Recycling Center			

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		RURAL PRESERVATION DISTRICTS		
USE CATEGORY	USE TYPE	RP-1	RP-2	RP-3
	Sanitary Landfill			S

10.3.2 USE-SPECIFIC STANDARDS

A. Residential Uses. The Residential Design Standards contained in Section 10.6.7 shall apply to the following residential uses: Dwelling, Duplex; Dwelling, Multi-Family; Dwelling, Single-Family Attached; and Dwelling, Single-Family Detached.

1. Group Home, Residential

Residential Group Homes shall comply with all state and federal law.

2. Mobile Home Park

a. General Provisions

- i. All mobile homes shall be located in a Mobile Home Park.
- ii. Existing mobile homes whether they be located within or outside of a mobile home park shall be upgraded or replaced with newer and higher quality contemporary mobile homes.
- 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.
- 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.

No replacement mobile home shall be moved onto any lot unless such mobile 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.

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. Subject to requirements in Section 10.6.3.

B. Institutional and Public Uses

1. Child Care Center

All Child Care Centers, both Large and Small, shall comply with state law, including without limitation C.R.S. § 26-6-101, et seq. and the Regulations of the Colorado Department of Human Services (12 CCR 2509-9).

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. Animal Hospitals

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.

3. 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: 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 6-6.5, Schedule 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, and glare impacts on surrounding properties.
- ii. The drive-through or drive-up shall be 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 not cause a nuisance.

4. 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 facility with outdoor facilities shall be located a minimum of 300 feet from any residential zone district.

5. Nightclub

- a. All facilities shall be maintained within a completely enclosed, soundproof building, and shall be sufficiently insulated, so that 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 zone district, and 50 feet if adjacent to a non-industrial zone district.

6. Parking Structure

a. *Ground-Floor Pedestrian-Oriented Uses Required*

A ground-floor parking garage in any commercial zone district or any parking structure in any of the mixed-use zone 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 zone 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, unless an alternative building design significantly articulates the wall plane.

7. Gas 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 10.6.12.

b. Car Wash Bays and Vehicle Repair Bays

- 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.
- 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 setback nor closer than 25 feet from any residential district
- iv.** All repairs shall be conducted inside a building.

8. 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.** The outside storage of shop supplies, tires, other equipment or stock is prohibited.

D. Manufacturing and Light Industrial Uses

1. Auto Wrecking, Recycling and Salvage Yard / Junkyard

Auto wrecking, recycling and salvage yard/junkyards shall be located a minimum of 300 feet from any residential use, school, hospital, park, government office or place of public assembly.

2. Contractor's Shop or Storage Yard

A contractor's shop or storage yard shall not be located within 300 feet of any residentially zoned property boundary, or property boundary of a school, hospital, park, governmental office, or religious assembly.

Storage yard surface areas shall be paved in concrete or asphalt. Recycled concrete, recycled asphalt or equivalent may be approved by the Director for non-public storage areas.

10.3.3 ACCESSORY USES AND STRUCTURES

A. Approval of Accessory Uses and Structures

1. When application is made for an accessory use or structure that is not specifically listed in Table 3-2, the procedure described in Subsection 3.1.A, 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 this Chapter.

B. Table of Accessory Uses and Structures

Table 3-2 below lists the accessory uses and structures permitted in all zone districts.

TABLE 3-2: TABLE OF ACCESSORY USES AND STRUCTURES

**P=Permitted Use By Right S=Special Review Use
Blank=Not Permitted**

ACCESSORY USE/ STRUCTURE	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED-USE			OTHER			
	RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NM	CM	AG/OS	AGH	AP	PLI
Accessory dwelling unit	P	P	P	P	P	P	P							P	P	P			P	
Accessory Structure, General	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Airport Hanger	P																			P
Backyard Chicken Hens	P	P	P	P	P	P	P								P					
Drive-thru or drive up								P	P	P						S				
Dwelling unit, caretaker/guard											P	P	P				P	P		P
Family child care home	P	P	P	P	P	P	P							P	P	P	P	P		
Farm stand																		P		
Home occupations	P	P	P	P	P	P	P							P	P	P	P	P		
Keeping of Household Pets	P	P	P	P	P	P	P							P	P	P	P	P		
Keeping of Large Animals	S	S															P	P		S
Outdoor display and sales								P	P	P	P			P	P	P				
Outdoor storage								P	P	P	P			P	P	P				P
Pool House	P	P	P	P	P	P	P							P	P		P			
Residential Guest House	P	P	P	P	P	P	P							P	P		P			
Recycling Collection Point								S	S	S	S					S				S
Restaurant/Bar/Tavern Outdoor Seating Area								P	P	P	P			P	P	P				
Swimming Pool/Hot Tub	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P		P

C. General Standards

1. Compliance

All accessory uses and structures shall be subject to the standards set forth in this Section, the use-specific standards of this Chapter, 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 Title, the more restrictive standards shall control.

2. Location

The accessory use shall be conducted on the same lot as the principal use. The accessory structure shall be located on the same lot as the principal structure. 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/structure and the accessory use/structure are occurring shall be under the same ownership.

4. Size of Structure

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

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

- a. Airplane hangars, and agricultural structures in the AGH district, 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.

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. 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; 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. Where Permitted

An accessory dwelling unit shall be permitted on any single family detached residential lot or parcel of 6,000 square feet or more, and shall comply with all applicable site and building design, access, and other standards for principal dwelling units in the applicable zone district. Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units.

ii. Size

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.

iii. 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.

iv. 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.

v. Design Standards

All accessory dwelling units shall be designed to maintain the appearance, architectural style and character of the principal dwelling unit. Exterior siding, roofing, and trim shall visually match the appearance of the materials on the principal dwelling unit. Roof style shall 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 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.

2. Airport Hangers

Airport hangers shall only be permitted in the Erie Airpark Subdivision. Airport hangers within the Erie Airpark Subdivision must have access easements to the Erie Airport property and runways established to be permitted.

3. Family Child Care Home

Family child care homes shall comply with C.R.S. § 26-6-102, *et seq.*, and any applicable state regulations.

4. Home Occupations

Home occupations shall be an 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 has been issued by the Director. Said 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.
- c.** 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.
- d.** There shall be no visible evidence of the operation, and it shall not change the residential character of the property.
- e.** A maximum of 2 employees, independent contractors or others associated with the home occupation may be at the residence for the home occupation.
- f.** The operation shall not generate objectionable traffic in the area, and off-street parking shall be provided; but, in no case shall the number of additional parking spaces provided for the home occupation exceed the number of bedrooms in the residence.
- g.** The operation shall not create adverse impacts such as odor, dust, smoke, noise, or vibration.
- h.** The following are not 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. Keeping of Backyard Chicken Hens

The keeping of backyard chicken hens shall be an 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 shall be housed in 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.** No part of the chicken coop or chicken run shall be located between the rear of the principal structure and the front yard lot line.
 - iii.** The chicken coop and chicken run shall be set back a minimum 5 feet from any side or rear property line.
 - iv.** The chicken coop shall not be located in 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 issued by the Director. Said license shall cite the conditions of the approval, if any. The following are the application requirements for a license:
 - i.** Completed Backyard Chicken License Application.
 - ii.** Non-refundable application fee in the amount set by resolution of the Board of Trustees.
 - iii.** Scaled Site Plan of the property showing the location of the chicken coop and run.

6. Outdoor Display and Sales

The Director may permit outdoor display and sales as an accessory use to all

commercial uses with Site Plan approval, subject to all of the following requirements:

a. Location

- i. Outdoor display of goods shall not be located in parking spaces, drive aisles, loading zones or 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 be limited to no more than 1/2 of the length of the store-front. 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.
- 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 Director.
- vi. The outdoor display area shall take place on an improved surface.

7. 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. Goods stored in an approved outdoor storage area shall be limited to storage of materials associated with the business on the lot; vehicle storage; or storage of businesses' vehicles and equipment. Outdoor storage shall meet all of the design standards in Chapter 6.

8. Swimming Pool/Hot Tub

A swimming pool or hot tub is permitted in any zone district as an accessory use subject to the following additional requirements:

- a. No 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 shall conform to all applicable Town and State regulations.

9. Accessory Structures, General

An Accessory Structure that is over 120 square feet in gross floor area, shall meet the following standards:

- a. Facades shall not be constructed of metal materials.
- b. 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.
- d. Greenhouses, gazebos, playhouses and similar structures shall be exempt from this subsection.
- e. Agricultural structures in the AGH district and airport hangers in the Erie Airpark Subdivision shall be exempt from this subsection.

13. Pool House

A pool house is allowed as an accessory structure on a lot or parcel with a swimming pool.

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 houses may include bedrooms, living rooms and bathrooms, but shall not contain a full kitchen.

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. 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.
- 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.

16. Outdoor Seating Area

- a. Restaurants, taverns and coffee shops may have outdoor seating areas on private property. The outdoor seating on private property shall meet the following criteria:
 - i. In the Old Town area of the NMU district, a 6-foot-high screening fence shall be required for any outdoor seating area adjacent to, or across an alley from, a residential use.

- ii. The Director may impose additional 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. Restaurants, taverns and coffee shops may have outdoor seating areas on a sidewalk or in a designated parking area or travel lane within a public right-of-way subject to the execution of a revocable license agreement with the Town. 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. Emergency access shall not be impaired.
 - iv. Within the outdoor seating area, chairs, tables, umbrellas, planters and trash receptacles are permitted.
 - v. Fences and barriers shall be no taller than 4 feet in height, delineating the outdoor seating area.
 - vi. All furniture and encumbrances shall be compatible with the character of the street furniture and be moveable (not permanently attached).
 - vii. The outdoor seating area shall be clean, litter-free and with a well-kept appearance.
 - viii. Alcoholic beverages shall only be served or consumed within the outdoor seating area in conformance with state law and this Code.
 - ix. The outdoor seating area shall comply with applicable Health Department regulations.
 - x. To ensure that such area is compatible with surrounding uses, the Director may impose additional conditions relating to the design, location, configuration and operation of the outdoor seating area, including without limitation lighting, utility extensions and deck height..

10.3.4 TEMPORARY USES

A. Purpose

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

B. Temporary Uses Permitted

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

1. Retail sales of products including without limitation 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 Title provided that no display shall be located within an area restricted by the Corner Sight Distance requirements of Section 10.4.2.
2. Temporary office space and equipment storage is permitted when accessory to an approved construction project. 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. 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 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 or expansion of these facilities.
 - b. Temporary classroom space for existing schools.
 - c. Temporary space for recreational uses 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 Director may approve a written request for a 60day extension of the Temporary Use Permit provided that the request is filed prior to the lapse of the original permitterm.
 - 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.

C. Temporary Use Permits

1. Permit Required

Unless otherwise specified herein, all temporary uses shall obtain a Temporary Use Permit pursuant to the procedures set forth in Section 10.7.16. A Temporary Use Permit shall be reviewed, approved, or revoked only in accordance with the regulations of Section 10.7.14 and this Section.

2. Permit Exceptions

Notwithstanding Subsection 3.4.C.1, the following temporary uses are permitted in any district and are exempt from the Temporary Use Permit requirements:

- 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

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

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 Title or in the terms of the Temporary Use Permit, the temporary use shall expire 30 days after approval of the Temporary Use Permit.
4. All temporary signs associated with the temporary use 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 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 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.
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.

E. Additional Use-Specific Regulations for Certain Temporary Uses

In addition to complying with the general regulations, the temporary uses listed below shall comply with the additional use-specific regulations below.

1. **Construction Office and Outdoor Storage for Construction**
Construction offices and outdoor storage locations for construction shall be reviewed and if appropriate approved by the Director. 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 construction office with a turn-around that is approved by the Fire District. The access and turn-around is required to be in place before the construction office is installed.
- d. The construction office 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 construction office 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 construction office is located. Within 30 days of the construction office 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

- i. Model homes shall require the approval of the 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. 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:

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

4. Temporary Sales Office

A temporary sales office shall be reviewed and if appropriate approved by the Director. 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 temporary sales office is located.
- 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 temporary sales office 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 office may only be issued after installation of a paved road access and installation of off-street parking.
- k.** The temporary sales office 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 temporary sales office is located. Within 30 days of the temporary sales office 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.