

Title 17

ZONING

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Chapter 17.04

GENERAL PROVISIONS

Sections:

- 17.04.010 Purpose.
- 17.04.020 Restrictive provisions govern.

17.04.010 Purpose.

This title is designed to encourage the most appropriate use of land throughout the town and to insure a logical growth of the various physical elements of the town; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to improve housing standards; to conserve property

values; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and playgrounds and other public requirements; and in general to promote health, safety and general welfare. (Ord. 309 Art.1 §2, 1983)

17.04.020 Restrictive provisions govern.

Where any provision of this title imposes more stringent or higher requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this title shall govern. (Ord. 309 Art.1 §3, 1983)

Chapter 17.08

DISTRICTS, BOUNDARIES AND MAP

Sections:

- 17.08.010 Map adopted.
- 17.08.020 Districts designated.
- 17.08.030 Boundaries.
- 17.08.040 Annexation.

17.08.010 Map adopted.

The zoning map which is on file in the office of the town clerk, and any amendments thereof, is incorporated and made a part of this title, and is designated as the "Julesburg Zoning Map"; and the districts set forth in the map are approved and adopted and made a part of this chapter. (Ord. 309 Art.1 §4(a), 1983)

17.08.020 Districts designated.

For the purpose of this title as stated in Section 17.04.010, the town is divided into six geographical districts or zones to be designated as and known as follows:

- A Residential District
- A-1 Residential District
- B Residential District
- C Residential District (combined with B)
- D Business District
- E Commercial District
- F Industrial District

(Ord. 309 Art.2 §1, 1983)

17.08.030 Boundaries.

A. Boundaries of the zones or districts are established as shown on the zoning map and as the boundaries may be changed by amendment as provided in Chapter 17.52. This map shall indicate the latest amendment, shall be kept up-to-date and on file in the office of the building inspector and town clerk for the use and benefit of the public.

B. Unless otherwise indicated, the zoning boundaries are the centerlines of streets, alleys, parkways, waterways or railroad rights-of-way or such lines extended.

C. In the event a dedicated street or alley shown on the map as a zoning boundary is vacated by ordinance, the resulting property line shall become the district boundary.

D. The regulations of this chapter apply to all future development and construction; provided, that if on March 7, 1983, a subdivision has been approved, no change shall be made in the platted layout; and if buildings have been filed with the building inspector, have been approved and a building permit has been issued, they shall not be changed by this title.

E. Where there is a discrepancy between the zoning map layout and the actual street, property line or natural course layout, the building inspector shall interpret the map according to the reasonable intent of this chapter.
(Ord. 309 Art. 1 §4(b-f), 1983)

17.08.040 Annexation.

Any area annexed to the town after April 6, 1983, shall, by such annexation, be automatically classified as an A residential district; provided, that the petition for annexation may incorporate a request for a different zoning and if the zoning request in the petition to annex is approved by the town board in the annexation ordinance, then the new zoning shall apply in the area annexed. (Ord. 309 Art. 1 §5, 1983)

Chapter 17.12

A RESIDENTIAL DISTRICT

Sections:

- 17.12.010 Permitted uses.
- 17.12.020 Height regulations.
- 17.12.030 Yard regulations.

- 17.12.040 Lot regulations.
- 17.12.050 Utilities.
- 17.12.060 Fences-Permit required.
- 17.12.070 Fences-Permit application-Fee.
- 17.12.080 Fences-Construction regulations.
- 17.12.090 Fences-Flood control areas.
- 17.12.100 Fences-Location-Hedges.
- 17.12.110 Fences-Location-Walls.
- 17.12.120 Fences-Corner lots.
- 17.12.130 Fences-Height.
- 17.12.140 Fences-Electric or wire.
- 17.12.150 Fences-Temporary.
- 17.12.160 Fences-Required for public safety.
- 17.12.170 Appeal of permit denial.
- 17.12.180 Administration and enforcement.

17.12.010 Permitted uses.

In the A district, no building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:

A. One-family dwelling: The total area of such dwelling shall not be less than eight hundred fifty square feet, outside measurement;

B. Churches, schools and colleges;

C. Libraries, museums, parks, playgrounds, community buildings, fire stations, owned and controlled by the town;

D. Farming and truck gardening;

E. Accessory buildings customarily incidental to any of the uses in subsections A through D of this section. See Section 17.36.040 for specifications;

F. Small home businesses are permitted to operate in this district if they comply with the following:

1. The small business shall not degrade the residential character of the neighborhood;

2. The small business shall not be operated in such a way as to constitute a public nuisance as defined in the ordinances of the town;

3. The owner's primary residence shall be adjacent to or the same as the property to be used as a small business in a residential district;

4. The business shall employ no more than three full-time employees, including the owner;

5. Any advertising signs shall be attached to the building, and shall be no larger than two feet by two feet, and shall not be internally lighted;

6. Small businesses in residential districts shall adhere to normal business hours for that type of business, but in no case shall be open for business later than ten p.m. nor earlier than seven a.m.;

7. A small business in a residential district shall be licensed as such by the town;

8. Applicants for a small business license in a residential district must present the town with the following information:

- a. Name of owner,
- b. Address of owner and business,
- c. Type of business,
- d. Number of employees,
- e. Normal hours of operation,
- f. Copy of applicable state or federal licenses or certificates including, but not limited to, retail sales tax license and Federal Identification numbers, if any,
- g. Proof that any town sales and/or use tax has been paid, if the business was purchased from an individual;

9. Upon receipt of an application for a new small business license, the town clerk shall promptly post notice of such application in the town clerk's office. The notice shall briefly state the type of business, address of proposed business and owner of proposed business. The notice shall be posted for a full thirty days. During the notice period, any resident of the town may inspect the application upon request and may file written objections to the same with the town clerk;

10. If any objections are filed with the town clerk's office during the aforementioned notice period, the board of trustees shall schedule a public hearing having all interested residents of the town the opportunity to make comments for or against the licensing of the business. Notice of this hearing shall be posted in the town clerk's office and shall be published in the local newspaper at least once.

11. The board of trustees shall grant or reject the application for licensing within thirty days following such hearing;

12. No license fee shall be charged by the town. Licenses must be renewed on December 31 of each year. Forms

for renewal of license shall be furnished by the town clerk. In the event the town must publish notice of hearing, the applicant shall be required to advance the costs of the newspaper publication;

13. All small businesses existing prior to March 7, 1983, are "grandfathered" and automatically approved; provided, however, that such businesses shall be required to obtain the annual license each year.

G. Factory-built housing is permitted in any section of the town, but must comply with the following:

1. It must comply with all other zoning and construction ordinances;

2. Any factory-built house situated in the town must be aesthetically compatible with the surrounding neighborhood;

3. Factory-built houses must be sited on a permanent block or poured concrete foundation;

4. All transportation devices, including but not limited to, wheels, axles, suspension, trailer hitches and lights must be removed;

5. All factory-built houses must display a manufacturer's label or placard indicating that it has been constructed in compliance with H.U.D. Manufactured Home Construction and Safety Standards, or a certificate or label issued by the Colorado Division of Housing indicating that it meets the division's certification standards. (Ord. 333 §1, 1986; Ord. 309 Art. 2 §2(A), 1983)

17.12.020 Height regulations.

No building hereafter erected or structurally altered shall exceed thirty-five feet or two and one-half stories in height; nor less than one story aboveground; provided, however, that public or semipublic buildings may be erected to a height not exceeding fifty feet if, for each foot of height above thirty-five feet, the building is set back from each lot line one foot more than required by regulations for yards. (Ord. 309 Art. 2 §2(B), 1983)

17.12.030 Yard regulations.

There shall be a front yard of not less than twenty-five feet, a rear yard of not less than thirty feet and a side yard of not less than five feet from the dripline or furthest projection from the house on each side of a building; provided, that where forty percent or more of the

frontage in the block is built up with buildings having an average front yard depth with a variation of not more than six feet, no building hereafter erected or structurally altered shall project beyond the average front line of buildings so established; and provided further, that this regulation shall not require a front yard of more than forty feet. Notwithstanding anything to the contrary in this section, no building shall hereafter be erected or structurally altered in such a way as to cause any portion of the building or structure to project closer than two feet from the property line abutting the alley. (Ord. 313 §1, 1983: Ord. 309 Art. 2 §2(C), 1983)

17.12.040 Lot regulations.

Each one-family dwelling hereafter erected shall be located on a lot having an area of not less than six thousand square feet. (Ord. 309 Art. 2 §2(D), 1983)

17.12.050 Utilities.

All utilities (water, sewer, electric and gas) for new construction shall be placed underground. (Ord. 309 Art. 2 §2(E), 1983)

17.12.060 Fences-Permit required.

No person shall construct any fence, divisional, retaining or freestanding wall or hedge without obtaining a building permit. (Ord. 309 Art. 2 §2(F-1), 1983)

17.12.070 Fences-Permit application-Fee.

A. An application for a building permit as described in Section 17.12.060 shall be made upon forms provided by the town clerk. Required information includes property and lot lines indicating front, side and rear yards, a design, drawing, sketch or written description, and a description of the materials to be used and character of the fence, wall or hedge.

B. No application shall be approved unless each structure is properly designed in compliance with the currently adopted Uniform Building Code.

C. The application, inspection and permit fee is ten dollars. (Ord. 309 Art. 2 §2(F-2), 1983)

17.12.080 Fences-Construction regulations.

No structure requiring a permit under Section 17.12.060 shall be erected or repaired unless it is done in a safe and workmanlike manner in compliance with the currently adopted Uniform Building Code. The building inspector is expressly authorized to develop and enforce rules and regulations necessary and convenient for carrying out the purpose of this chapter. (Ord. 309 Art. 2 §2(F-3), 1983)

17.12.090 Fences-Flood control areas.

No person shall erect, repair or maintain any fence, divisional, retaining or freestanding wall or hedge which extends beyond the lot line onto any public right-of-way, or which could, in flood control areas, impede the flow of floodwaters, accumulate debris, or would be subject to being easily moved during flood periods. If, in the sole discretion of the building inspector, any fence, divisional, retaining or freestanding wall or hedge is required to be removed for maintenance or any other purpose, the removal shall be the responsibility, and at the sole expense, of the property owner, without any liability to the town. (Ord. 309 Art. 2 §2(F-4), 1983)

17.12.100 Fences-Location-Hedges.

No person shall plant the trunk or base portion of any hedge closer than twenty-four inches to any lot line. (Ord. 309 Art. 2 §2(F-5), 1983)

17.12.110 Fences-Location-Walls.

Fences and divisional, retaining or freestanding walls may be placed up to, but not on, the lot lines, except as limited in Section 17.12.120. (Ord. 309 Art. 2 §2(F-6), 1983)

17.12.120 Fences-Corner lots.

A. No person shall erect, repair or maintain any solid fence or divisional, retaining or freestanding wall which is less than eighty percent open or any hedge above twenty inches in height in any required front yard or required side yard adjacent to any public right-of-way, except that fences of woven or wire type which are at least

eighty percent open and other fences which are at least eighty percent open may be erected up to forty-two inches in height and may extend up to the lot lines.

B. The fence may be located on a corner lot on town property, but must be located four and one-half feet from the inside of curb or, if no curb, from the inside of where curb would be if curb was installed. The fence may not be installed on town property in an alley. (Ord. 309 Art. 2 §2(F-7), 1983)

17.12.130 Fences-Height.

No person shall erect any fence, divisional, retaining or freestanding wall or hedge or any combination thereof in excess of six feet in height measured from where it is attached to the ground to the top of the fence, wall or hedge with the following exceptions:

A. Recreational fences and walls:

1. Tennis courts;
2. Baseball fields;
3. Similar recreational uses.

B. Commercial and industrial zones:

1. Chain link fences for security purposes. (Ord. 309 Art. 2 §2(F-8), 1983)

17.12.140 Fences-Electric or wire.

A. Electrically charged fences are not permitted in any zoning district. No person shall erect, repair or maintain any device or system for electrically charging any fence, wall or partition within the town.

B. No person shall erect, repair or maintain any barbed wire fence in the town, with the following exceptions:

1. No more than four strands of barbed wire may be strung on the top of a chain link fence located in any area zoned for industrial or commercial use and used for industrial or commercial purposes for security purposes.

2. Three strands of barbed wire are allowed for the division of property only on property zoned for industrial use and used for industrial purposes. (Ord. 309 Art. 2 §2 (F-9), 1983)

17.12.150 Fences-Temporary.

Land under development may be surrounded by a chain link fence of six feet in height. The fence from top to

bottom shall be installed within the property lines of the development surrounded. Gates into the fence enclosure may be provided as needed; however, not closer than one hundred feet from the intersection of any two streets, or shall be located at the discretion of the building inspector upon application. (Ord. 309 Art. 2 §2(F-10), 1983)

17.12.160 Fences-Required for public safety.

A. All outdoor swimming pools shall be enclosed by a fence or wall at least six feet in height.

B. In the event the board of trustees deems it necessary for the general health, safety, welfare and enjoyment of property by citizens, or as to environmental and aesthetic values, it may require up to an eight-foot fence made of materials suitable to the circumstances to separate the various residential zoning districts from one another, and from commercial and industrial districts, and to surround junkyards and lumberyards and other warehousing uses, auto repair and salvage yards and similar uses. (Ord. 309 Art. 2 §2(F-11), 1983)

17.12.170 Appeal of permit denial.

A denial of a permit under this chapter, or variance from any provision thereof, may be appealed to the board of adjustment pursuant to the requirements of this title. (Ord. 309 Art. 2 §2(F- 13), 1983)

17.12.180 Administration and enforcement.

A. The town building inspector will be responsible for enforcing compliance with this chapter. He will have the authority to notify any person who erects, repairs or maintains any of the structures described in this chapter, of any violation of this chapter, and shall have the authority to require compliance within fifteen days, except in special cases where the person may appeal to the building inspector for a reasonable extension.

B. The building inspector may, in order to protect the health, safety, welfare and property enjoyment of the citizens and inhabitants of the town, order that fences, divisional, retaining or freestanding walls, hedges and other plantings which cause traffic hazards, are dilapidated, unsightly or dangerous, be removed within any time period, depending on the severity of the hazard.

C. The building inspector shall make specific findings of fact as to any violations contained in subsection B of this section, and shall consult with the traffic engineer regarding traffic hazards before making her/his determination.

D. Any person who fails to comply with any such order by the building inspector shall be in violation of this chapter and subject to the penalties of Chapter 17.56, effective as of the final denial of an appeal by the board of adjustment, or thirty days from the date of the order, whichever is shorter.

E. Such an order is appealable to the board of adjustment under this title. (Ord. 309 Art. 2 §2(F-12), 1983)

Chapter 17.14

A-1 RESIDENTIAL DISTRICT

Sections:

17.14.010	A-1 residential district established.
17.14.020	Permitted uses.
17.14.030	Height regulations.
17.14.040	Yard regulations.
17.14.050	Lot regulations.
17.14.060	Accessory buildings in rear yards.
17.14.070	Utilities.
17.14.080	Foundations.
17.14.090	Fences.
17.14.100	Drainage.
17.14.110	Small home business.
17.14.120	Sprinkler systems.
17.14.130	Building overhangs.
17.14.140	Air conditioning.
17.14.150	Basements.
17.14.160	Satellite television dishes.
17.14.170	Sidewalks.
17.14.180	Driveways.
17.14.190	Landscaping.
17.14.200	Street trees.
17.14.210	Parking requirements.
17.14.220	Community buildings, parks and playgrounds.
17.14.230	Appeal of permit denial.
17.14.240	Administration and enforcement.

17.14.010 A-1 residential district established.

For the purpose of this chapter, a new zone known as the "A-1 residential district" is created and the boundaries of the district shall be as established and shown on the "Julesburg Zoning Map" and as may be changed by amendment. (Ord. 378 §2(part), 1998)

17.14.020 Permitted uses.

In the A-1 district, no building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:

A. One-family Dwelling. The total area of such dwelling shall not be less than one thousand four hundred square feet, outside measurement with a pitched roof of no less than 4:12 and must include a garage or its equivalent if approved by the building inspector.

B. Multifamily Dwellings. These include duplexes, triplexes and four-plexes which shall not be less than seven hundred square feet per each living unit with a pitched roof of not less than 4:12.

1. No dwelling unit shall be constructed without first obtaining a building permit;

2. Multifamily dwellings in excess of four units each are not allowed;

3. Construction of these units must resemble that of a single-family dwelling;

4. Four-plexes must be built with a basement and upstairs level and must not be built as one story units throughout so that they predominate such development;

5. No multifamily units will be built back to back nor be built to abut each other. They must be staggered throughout this development;

6. All multifamily units must be built on corner lots.

C. New Manufactured Homes. Manufactured homes must be located only within Block 7 and Block 8 under the plat-
ted first filing.

1. A manufactured home is a single-family dwelling which is partially or entirely manufactured in a factory and is not less than one thousand four hundred square feet, outside measurement, is installed on an engineered permanent foundation, has brick, wood or cosmetically equivalent exterior siding, a pitched roof of no less than 4:12 and is

certified pursuant to the National Manufactured Housings Construction and Safety and Standards Act of 1974, 42 USC 5401, et seq., as amended, and is built for the Colorado climate and snow loads according to the Department of Housing and Urban Development standards established under the provisions of 42 USC 5401, et seq.

2. Manufactured homes must include a garage or its equivalent if approved by the building inspector.

3. All transportation devices, including but not limited to, wheels, axles, suspension, trailer hitches and lights must be removed immediately. (Ord. 378 §2(part) and (A-C), 1998)

17.14.030 Height regulations.

No building erected or structurally altered shall exceed thirty-five feet or two and one-half stories in height, nor less than one story above ground. (Ord. 378 §2(D), 1998)

17.14.040 Yard regulations.

All buildings erected, placed or allowed to remain on any lot shall be situated no closer than twenty-five feet from any street. There shall be a front yard of not less than twenty-five feet, a rear yard of not less than thirty feet and a side yard of not less than ten feet from the drip line or the furthest projection from the house on each side of a building. No building, structure or fence shall be erected or structurally altered in such a way as to cause any portion of the building, structure or fence to project closer than five feet from the property line abutting the alley. (Ord. 391 §1, 1999: Ord. 378 §2(E), 1998)

17.14.050 Lot regulations.

With the exception of Lots 1 and 2, Block 3 and Lots 1, 2, 3, and 4, Block 8, Campbell Subdivision formerly a part of Clarkson's first addition to the Town of Julesburg, each dwelling, whether one-family, multifamily, duplex, triplex or four-plex shall be located on a lot having an area of not less than fourteen thousand square feet. If additional land is desired, the required purchase size of any additional land shall be in increments of one hundred feet by one hundred and forty feet only. (Ord. 391 §2, 1999: Ord. 378 §2(F), 1998)

17.14.060 Accessory buildings in rear yards.

An accessory building customarily incidental to any uses of one-family and multifamily dwellings and not limited to a vehicle garage or workshop, shall not exceed fourteen feet in height and must be aesthetically pleasing compared to the neighborhood as a whole, may occupy not more than forty-five percent of the required rear yard; provided on a corner lot, no accessory building shall be nearer a street than the main building on the same lots and in the case of reversed frontage, not nearer the side street than the front line of the building. No detached accessory building shall be nearer the front lot line than sixty feet. (Ord. 392 §2, 1999: Ord. 378 §2(G), 1998)

17.14.070 Utilities.

All utilities including water, sewer, electrical, telephone, cable television and gas lines shall be run underground from the main service lines to the point of service connect at the building or structure or between structures. (Ord. 378 §2(H), 1998)

17.14.080 Foundations.

Foundations can be no higher than three feet from top of existing curb line. (Ord. 378 §2(I), 1998)

17.14.090 Fences.

A. Fencing and walls should be considered an integral part of the building structure design and shall, therefore, extend the architectural expression of the house with materials used to reflect the same.

B. Fences can be constructed to the height of six feet.

C. No fence shall project beyond the house unit frontage.

D. No fence, divisional, retaining or freestanding wall or hedge shall be constructed without first obtaining a building permit. Information required for completion of the permit application must include property and lot lines indicating front, side and rear yards, a design, drawing, sketch or written description, and a description of the materials to be used and character of the fence, wall or hedge. The cost of the application, inspection and permit fee is ten dollars.

E. Fences may be located between dwelling units on lot lines.

F. Fences may be located on a corner lot on the property line provided that the approval of such is first obtained from the building inspector. (Ord. 378 §2 {J}, 1998)

17.14.100 Drainage.

All single-family and multifamily lots shall be graded so that stormwater runoff is directed onto public rights-of-way and/or open spaces. A minimum inclination of twelve inches must be established from above the top of existing curb line to base of building site. Stormwater drainage from one privately owned lot directly onto another private lot will not be allowed. (Ord. 378 §2(K), 1998)

17.14.110 Small home business.

A. The small business shall be contained within the home itself.

B. The business shall employ no more than three full-time employees, including the owner.

C. No advertising signs shall be permitted.

D. The small businesses shall adhere to normal business hours for that type of business, but in no case shall it be open for business later than seven p.m. nor earlier than seven a.m.

E. The small business must be licensed by the town. (See section 17.12.010(F)(8), (F)(9), (F)(10), (F)(11) and (F)(12). (Ord. 378 §2(L), 1998)

17.14.120 Sprinkler systems.

Sprinkler systems must all originate from within the house not within the meter pit. Pressure vacuum breakers must be provided. (Ord. 378 §2(M), 1998)

17.14.130 Building overhangs.

Building overhangs (soffits) must be no less than sixteen inches or more than thirty-six inches. (Ord. 378 §2(N), 1998)

17.14.140 Air conditioning.

Air conditioning units must be located to the rear of the house or at the back rear side portion of house. (Ord. 378 §2(O), 1998)

17.14.150 Basements.

Basements within this chapter are not required. Footings can be no less than four feet below the exterior dirt grade. (Ord. 378 §2(P), 1998)

17.14.160 Satellite television dishes.

A. Satellite television dishes are permissible, however, must be of low profile type and located so as to minimize their visual impact.

B. They must be installed in compliance with the manufacturer's instructions or recommendations as to the foundation, construction or anchoring.

C. A building permit must be obtained before such installation. (Ord. 378 §2(Q), 1998)

17.14.170 Sidewalks.

Sidewalks are required and must be four feet in width constructed to abut existing curb and gutter along all streets and must also comply with ADA corner design standards. (Ord. 378 §2(R), 1998)

17.14.180 Driveways.

Driveways must be asphalt paved, concrete, brick or concrete pavers. They should be a minimum of twelve feet in width at the street. (Ord. 378 §2(S), 1998)

17.14.190 Landscaping.

Landscape development should enhance the site by creating landscape buffers to screen unsightly areas such as trash or storage, provide wind protection, create privacy, develop shade for outdoor use areas and create a unified street pattern. Landscape buffer drawings must be submitted to and approved by the building inspector prior to planting or installing. Lawns must be planted within two years after housing has been erected. (Ord. 378 §2(T), 1998)

17.14.200 Street trees.

A. Large scale deciduous shade trees should be provided approximately twenty-five to forty feet on center along all streets and edges for all walkways. They should be located to provide the appearance of a unified street tree environment and placed a similar distance from the sidewalk.

B. Tree species should be selected to create a unified image for the street, provide an effective canopy, avoid sidewalk damage and minimize water consumption. A list of appropriate tree species include Hackberry, Honeylocust, Kentucky Coffeetree, Bur Oak, American Linden, Ohio Buckeye, fruitless Crabapple, Sumac, Colorado Blue Spruce, Austrian Pine, Ponderosa Pine, Scots Pine, Eastern Red Cedar, Rocky Mountain Juniper and Russian Olive.

C. Other species may be selected with the approval of the building inspector. (Ord. 378 §2(U), 1998)

17.14.210 Parking requirements.

A. For single-family residential lots there shall be provided two off-street parking spaces for each residence.

B. For multiple family lots there shall be provided one and one-half off-street parking spaces for each unit. (Ord. 378 §2(V), 1998)

17.14.220 Community buildings, parks and playgrounds.

All parks, playgrounds and community building shall be owned and controlled by the town. (Ord. 378 §2(W), 1998)

17.14.230 Appeal of permit denial.

A denial of a permit under this chapter, or variance from any provision thereof, may be appealed to the board of adjustments pursuant to the requirements of this town's ordinances and Colorado law. (Ord. 378 §2(X), 1998)

17.14.240 Administration and enforcement.

A. The building inspector of the town will be responsible for enforcing compliance with this chapter. He will have the authority to notify any person who erects, repairs or maintains any of the structures described in this chapter, of any violation, and shall have the authority to require compliance within fifteen days, except in special cases where the person may appeal to the building inspector for a reasonable extension. The building inspector or any duly authorized person has a right to enter upon any premises at any reasonable time for the purpose of making the inspections necessary to carry out his duties in the enforcement of this chapter.

B. Whenever any building work is being done contrary to the provisions of this chapter, the building inspector may order the work stopped by notice in writing served on

any person engaged in doing or causing the work to be done, and any such person shall immediately stop such work until authorized by the building inspector to proceed.

C. Any application for a building permit shall be made to the building inspector and a building permit shall be obtained before work is begun for alterations in any kind of building or structure, regardless of size, cost or purpose.

D. Any building erected, raised, converted or land used in violation of any provision of this chapter or the requirements thereof, is a common nuisance, and such common nuisance may be abated in such manner as nuisances are now or hereafter may be abated under existing law.

E. Any person, firm or corporation that violated, disobeys, omits, neglects or refuses to comply with, or resists any of the provisions of this chapter shall be fined not less than ten dollars nor more than three hundred dollars for each offense. Each day that a violation permitted to exist constitutes a separate offense.

F. It shall be the duty of the building inspector to enforce the provisions of this chapter and to bring to the attention of the proper enforcement officers of the town any violations thereof, and when required for the proper enforcement of this chapter, it shall be the duty of the building inspector to make and file in municipal court a written complaint against any such violator. (Ord. 378 §2 (Y), 1998)

Chapter 17.16

B RESIDENTIAL DISTRICT

Sections:

- 17.16.010 Permitted uses.
- 17.16.020 Height regulations.
- 17.16.030 Yard regulations.
- 17.16.040 Lot regulations.

17.16.010 Permitted uses.

In the B district no building or land shall be used and no building hereafter erected, converted or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:

- A. Any use permitted in the A district;

B. For every dwelling structure for more than one family, there shall be dwelling area of at least five hundred square feet, outside measurement per family, if one of the families dwells below the first story, and at least two thousand seven hundred fifty square feet for each family of dwellings, all of whose dwelling stories are above ground level. For all multifamily dwellings, the owner shall provide off-street automobile parking for at least one automobile for each family dwelling unit;

C. Philanthropic institutions, hospitals and sanitariums, other than institutions for the insane or feeble-minded;

D. Nurseries and greenhouses for the propagating and cultivating of plants only;

E. Accessory buildings customarily incidental to any of the uses in subsections A through D of this section. The regulations are the same as in the A district. (Ord. 309 Art. 2 §3(1-4, S(part), 1983)

17.16.020 Height regulations.

The regulations are the same as in the A district. (Ord. 309 Art. 2 §3(5a), 1983)

17.16.030 Yard regulations.

The regulations are the same as in the A district. (Ord. 309 Art. 2 §3(5b), 1983)

17.16.040 Lot regulations.

For every dwelling hereafter erected or structurally altered, there shall be a lot of not less than four thousand five hundred square feet for one-family residence or dwelling; a lot area of not less than six thousand square feet for a residence with basement apartment for two families. (Ord. 309 Art. 2 §3(Sc), 1983)

Chapter 17.20

C. RESIDENTIAL DISTRICT

Sections:

17.20.010 Regulations.

17.20.010 Regulations.

The regulations for the C district are the same as those in the B district, as set out in Chapter 17.16. (Ord. 309 Art. 2 §4, 1983)

Chapter 17.24

D BUSINESS DISTRICT

Sections:

- 17.24.010 Permitted uses.
- 17.24.020 Height regulations.
- 17.24.030 Yard regulations.
- 17.24.040 Lot regulations.
- 17.24.050 Conflict with fire ordinance.

17.24.010 Permitted uses.

No building or land shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except for one of the following uses:

- A. Any use permitted in a B district;
- B. Public and semipublic office buildings, banks, fire stations, telephone exchanges;
- C. Retail store, assembly hall, mortuary, laundry, bakery shop, for custom work and service customarily performed for residents of the locality, including the making of articles to be sold at retail, provided such is not noxious or offensive by reason of emission of dust, odor, smoke, gas, fumes, noise or vibration;
- D. Cafe, restaurant or lunch counter, theater, moving picture house, dance hall;
- E. Public buildings, parking lots;
- F. Public garage, filling station; provided, however, that before a permit for the location of a public garage or a filling station is granted by the building inspector, the written consent of the recorded owners of seventy-five percent of all real estate within three hundred feet of any such public garage or filling station is to be located;
- G. Printing plants doing newspaper and job printing, plumbing and electrical shops;
- H. Pool halls and amusement parlors;
- I. Accessory buildings and uses incidental to any of the uses when located on the same lot and not involving the conduct of a business;
- J. Transient recreational vehicle parking. (Ord. 309 Art. 2 §5(A), 1983)

17.24.020 Height regulations.

No building hereafter erected or structurally altered shall exceed forty feet or three stories in height. (Ord. 309 Art. 2 §5(B), 1983)

17.24.030 Yard regulations.

Where all of the frontage of a block is zoned for business, no setback is required. (Ord. 309 Art. 2 §5(C), 1983)

17.24.040 Lot regulations.

Buildings or parts of buildings hereinafter erected or structurally altered for residential purposes shall provide a lot area of not less than two thousand seven hundred fifty square feet per family. (Ord. 309 Art. 2 §5(D) (part), 1983)

17.24.050 Conflict with fire ordinance.

Nothing in this title shall be construed to permit construction when the construction conflicts with the requirements of the existing fire ordinance. (Ord. 309 Art. 2 §5(D) (part), 1983)

Chapter 17.28E COMMERCIAL DISTRICTSections:

- 17.28.010 Permitted uses.
- 17.28.020 Setback regulations.

17.28.010 Permitted uses.

No building shall be erected or structurally altered, unless otherwise provided in this chapter, except for one of the following uses:

- A. Any use permitted in the B or D district;
- B. Creameries and milk distribution stations;
- C. Bottling works, coal or wood;
- D. Motels;
- E. Freight, express warehouse and storage yards;
- F. Sales and storage rooms for building materials;
- G. Machinery sales and storage;
- H. Mobile home parks (see mobile home parks, Chapter 15.28);

I. Uses customarily incidental to any of the uses listed in subsections A through Hof this section, when located on the same lot. (Ord. 309 Art. 2 §6(A), 1983)

17.28.020 Setback regulations.

For buildings used exclusively for business, no setback is required. For buildings used exclusively for residence, setback and side yard are the same as for the B district. (Ord. 309 Art. 2 §6(B), 1983)

Chapter 17.32

F INDUSTRIAL DISTRICT

Sections:

17.32.010 Permitted uses.

17.32.010 Permitted uses.

Buildings or premises may be used for any purpose whatsoever not in conflict with any ordinance of the town regulating nuisances; provided, however, that no premises shall be occupied nor a permit issued for any of the following uses, unless the location of the uses are approved by the board of adjustment and the board of trustees:

- A. Acid manufacture;
- B. Cement, lime, gypsum or plaster of paris manufacture;
- C. Explosives manufacture or storage;
- D. Fertilizer manufacture;
- E. Fuel manufacture;
- F. Garbage, offal or dead animal reduction or dumping;
- G. Glue manufacturing, fat rendering or distillation of bones;
- H. Petroleum refining;
- I. Smelting of ores;
- J. Stockyards, slaughterhouses or meat packing;
- K. Junkyards. (Ord. 309 §2-7, 1983)

Chapter 17.36

SPECIAL USE REGULATIONS

Sections:

17.36.010 Lots of record.

- 17.36.020 Accessory buildings in rear yards.
- 17.36.030 Double frontage lots.
- 17.36.040 Reversed frontage.
- 17.36.050 Height exceptions.
- 17.36.060 Obstruction of view.
- 17.36.070 Signs.
- 17.36.080 Satellite dish antennas.
- 17.36.090 Parking regulations.
- 17.36.100 Automobile wrecking yards.
- 17.36.110 Trailer homes.
- 17.36.120 Objectionable uses.
- 17.36.130 Duplexes.
- 17.36.140 Walls to be fire-resistant.

17.36.010 Lots of record.

Where a lot in separate ownership has a smaller area than the minimum required in this title, and was of record on April 6, 1983, the lot may be occupied by a one-family dwelling and the usual accessory buildings; provided, however, that the yard requirements shall not be reduced except by order of the board of adjustment as provided in Chapter 17.44. (Ord. 309 Art. 2 §8(1), 1983)

17.36.020 Accessory buildings in rear yards.

In a residential district, an accessory building including, but not limited to, a vehicle garage or workshop, not exceeding fourteen feet in height and aesthetically pleasing compared to the neighborhood as a whole, may occupy not more than forty-five percent of the required rear yard, provided that on a corner lot, no accessory building shall be nearer a street than the main building on the same lot, and in the case of reversed frontage, not nearer the side street than the front line of the buildings on the lots at the rear; provided, further, that no detached accessory building shall be nearer the front lot line than sixty feet. (Ord. 392 §1, 1999; Ord. 309 Art. 2 §8(4), 1983)

17.36.030 Double frontage lots.

On double frontage lots, no buildings shall project beyond the front line of buildings of either of the abutting streets. (Ord. 309 Art. 2 §8(2), 1983)

17.36.040 Reversed frontage.

On corner lots in a residence district where the frontage has been reversed, the side yard on the street

side of the lot shall be the same as the front yard required on the lots at the rear of the corner lot. For both corner and interior lots in reversed frontage, the front yard shall be not less than fifteen feet and the rear yard not less than seven feet. (Ord. 309 Art. 2 §8(5), 1983)

17.36.050 Height exceptions.

The height regulation shall not apply to restrict the height of chimneys, stacks, elevators, cooling towers, water towers, radio and television towers, scenery lofts, monuments, observation towers, domes, spires, belfries, cupolas and necessary mechanical appurtenances. (Ord. 309 Art. 2 §8(6), 1983)

17.36.060 Obstruction of view.

On any corner lot on which a setback line is established, no wall, fence or other structure shall be erected and no hedge, shrub or other growth shall be maintained in such location between the setback line and the street line as to cause danger to traffic. (Ord. 309 Art. 2 §8(9), 1983)

17.36.070 Signs.

No billboard or electrical sign is permitted within the corporate limits of the town, except when located on the premises occupied by the business or service being advertised as provided in this title. (Ord. 309 Art. 2 §8(8), 1983)

17.36.080 Satellite dish antennas.

Satellite dish antennas for the purpose of television reception of microwave signals are allowed in the town if:

- A. They are sited in a manner which is aesthetically compatible with the surrounding neighborhood;
- B. They are installed in compliance with the manufacturer's instructions or recommendations as to the foundation, construction or anchoring;
- C. A building permit must be obtained before installation. (Ord. 309 Art. 2 §8(3), 1983)

17.36.090 Parking regulations.

A. No street car, bus or other vehicle converted to any use other than transportation may be moved into the town, or parked or located within the corporate limits of the town for any use or purpose whatsoever.

B. Off-street parking areas shall be provided for at least one car for each living unit. (Ord. 309 Art. 2 §8(7), (10), 1983)

17.36.100 Automobile wrecking yards.

No junkyards or automobile wrecking yards are permitted within the town limits. Unused or discarded automobiles, trucks, tractors or other machinery shall not be permitted to remain in any residential district. (Ord. 309 Art. 2 §8(13), 1983)

17.36.110 Trailer homes.

No trailer house may be occupied as a dwelling or living unit or located within the corporate limits of the town for any use or purpose whatsoever, except as provided in Chapters 17.12 and 17.32 in a regularly licensed trailer court; provided, that trailer houses may be displayed for sale on a lot or in a building licensed for the sale of the trailer houses. (Ord. 309 Art. 2 §8(11), 1983)

17.36.120 Objectionable uses.

Any use in a particular zone may be prohibited by the board of adjustment if the use would be injurious to the immediate neighborhood because of offensive fumes, odors, dust, noise or other objectionable features or if the use would be hazardous to the surrounding area on account of the danger of fire or explosion. (Ord. 309 Art. 2 §8(12), 1983)

17.36.130 Duplexes.

A. No single dwelling shall be converted to two or more living units in any district not permitting double or multiple-dwellings, and where permitted, then only after plans are submitted to and approved by the building inspector. All such conversions must meet the following minimum conditions:

1. Two rooms and bath for each dwelling unit;
2. Each dwelling unit must have separate kitchen and separate bath facilities;
3. The building should not be materially enlarged and should maintain its general appearance;
4. A floor area of at least three hundred square feet per living unit;

5. A lot area of not less than six thousand two hundred fifty square feet;

6. Adequate fire protection shall be provided.

B. No dwelling shall be erected back of another dwelling on the same lot. (Ord. 309 Art. 2 §8(14), (15), 1983)

17.36.140 Walls to be fire-resistant.

The outside walls on all buildings constructed in the D, E and F districts shall be of masonry or equally fire-resistant material and shall have a fire wall extending at least two feet above the roof. (Ord. 309 Art. 2 §8(16), 1983)

Chapter 17.40

NONCONFORMING USES

Sections:

- 17.40.010 Continuation of existing uses.
- 17.40.020 Change of use.
- 17.40.030 Restoration of damaged or destroyed buildings.
- 17.40.040 Discontinued use.
- 17.40.050 Subject to penalties.

17.40.010 Continuation of existing uses.

The lawful use of land existing on March 7, 1983, although such use does not conform to the provisions of this title, may be continued, but if the nonconforming use is discontinued, any future use of the land shall be in conformity with the provisions of this title. (Ord. 309 Art. 2 §9(1), 1983)

17.40.020 Change of use.

Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, the use shall not thereafter be changed to a less restricted use. (Ord. 309 Art. 2 §9(2), 1983)

17.40.030 Restoration of damaged or destroyed buildings.

When a building, the use of which does not conform to the use regulations of this title, is damaged by fire, explosion, flood, act of God or a public enemy to the extent

of more than seventy-five percent of its fair value, it shall not be restored except in conformity with the regulations of the district in which it is situated. (Ord. 309 Art. 2 §9(3), 1983)

17.40.040 Discontinued use.

If a nonconforming use of land or of a building or structure is discontinued, or its normal operation stopped for a period of twelve months, the use of the land or of the building or structure shall thereafter conform to a use permitted in the district in which it is located. (Ord. 309 Art. 2 §9(4), 1983)

17.40.050 Subject to penalties.

Any use of land or of a building or structure which is nonconforming under the existing zoning ordinance on March 7, 1983, shall be a nonconforming use under this chapter, and is subject to the penalties provided in Chapter 17.56. (Ord. 309 Art. 2 §9(5), 1983)

Chapter 17.44

BOARD OF ADJUSTMENT

Sections:

- 17.44.010 Established.
- 17.44.020 Organization.
- 17.44.030 Powers and duties.
- 17.44.040 Consistency of interpretations.
- 17.44.050 Elimination of authority to grant use variance or modification.
- 17.44.060 Continuation of appeal and review functions.

17.44.010 Established.

A. A board of adjustment is established, the members of which shall be appointed by the mayor and the board of trustees. "Board," when used in this chapter, means the board of adjustment.

B. The board shall consist of five members, each to be appointed for a term of three years, and until their successors are duly appointed and qualified, except that of the board first appointed, two members shall be appointed

for a term of three years, two members shall be appointed for a term of two years, and one member for a term of one year.

C. The members of the board shall be resident real property taxpayers of the town. The board members shall elect or appoint a chairman each year, at their first meeting after January 1 of the year. (Ord. 309 Art. 3(1), 1983)

17.44.020 Organization.

A. The board shall adopt its own rules of procedure and shall keep a record of its proceedings showing the action of the board and vote of each question considered. The presence of three members is necessary to constitute a quorum. Three votes are required to pass motions.

B. All meetings of the board shall be held at the call of the chairman, and shall be open to the public. (Ord. 309 Art. 3(2, 3), 1983)

17.44.030 Powers and duties.

The board has jurisdiction upon its own motion or by appeal made to it; shall hear and decide appeals from and review any order, requirements, decision or determination made by any administrative official charged with the enforcement of this title or any amendment to it. It shall also hear and decide all matters referred to it, or upon which it is required to pass under this title, and shall perform duties as prescribed by state statutes. (Ord. 309 Art. 3(4), 1983)

17.44.040 Consistency of interpretations.

All actions, interpretations and decisions by the board shall be consistent with the intent and purpose of this title to promote public health, safety, morals and general welfare. (Ord. 309 Art. 3(5), 1983)

17.44.050 Elimination of authority to grant use variance or modification.

Pursuant to C.R.S. § 31-23-307, the town board eliminates the board of adjustment's authority to grant use variances or use modifications. Upon the effective date of the ordinance codified in this section, the authority to grant use variances and/or use modifications shall be transferred to the governing body of the town and such matters shall be acted upon by such body at regular or special

meetings in the same manner that the governing body acts on other business. (Ord. 335 (part), 1986)

17.44.060 Continuation of appeal and review functions.

The board of adjustment shall continue to hear and decide appeals from and review any order, requirements, decision or determination made by the building inspector or any other administrative officer charged with the enforcement of the town's zoning or building ordinances. The board of adjustment shall, however, no longer have the power to vary or modify the application of the provisions of such ordinances insofar as such provisions relate to the use, construction or alteration of the buildings or structures, or the use of land. (Ord. 335 (part), 1986)

Chapter 17.48

ZONING OF ANNEXED TERRITORY

Sections:

17.48.010 Classification.

17.48.010 Classification.

Upon annexation of additional territory to the town, after April 6, 1983, the territory shall be temporarily classified as A district, and shall be subject to the regulations therein provided for such district, until such time as the board of trustees amend the zoning district map covering the territory annexed. (Ord. 309 Art. 7, 1983)

Chapter 17.52

AMENDMENTS

Sections:

17.52.010 Permitted.

17.52.010 Permitted.

The regulations in this title and the boundaries of districts may from time to time be amended, supplemented, changed, modified or repealed by the board of trustees in accordance with the provisions of law. (Ord. 309 Art. 6, 1983)

Chapter 17.54

ZONING CHANGE APPLICATION AND DEPOSIT

Sections:

- 17.54.010 Application-Contents.
- 17.54.020 Deposit.
- 17.54.030 Recovery in event of insufficient deposit.

17.54.010 Application-Contents.

Each application to the town board to amend, supplement, or change the boundaries of any zoning district or to change the classification of an existing district must be made in writing and shall contain at a minimum the following information:

- A. Name of applicant or applicants;
- B. The legal description of the property in question;
- C. The names of the owners of the property in question;
- D. The current zoning classification of the property in question and the proposed classification;
- E. A short statement as to why the proposed amendment or change would be desirable. (Ord. 331 §1, 1986)

17.54.020 Deposit.

Each application shall be accompanied by a deposit in the amount of fifty dollars, made payable to the town, which deposit shall be used to defray the costs associated with the publication and public hearing on the application. (Ord. 331 §2, 1986)

17.54.030 Recovery in event of insufficient deposit.

In the event the deposit is insufficient to pay for all of the town's expenses associated with the publication and public hearing on such application, the board of trustees may recover any balance from the applicant or applicants. (Ord. 331 §3, 1986)

Chapter 17.56

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.56.010 Building inspector-Right of entry.

- 17.56.020 Building inspector-Stop orders.
- 17.56.030 Building inspector-Building permit.
- 17.56.040 Abatement of nuisance.
- 17.56.050 Violation-Penalty.

17.56.010 Building inspector-Right of entry.

The provisions of this title shall be enforced by the building inspector. The building inspector or any duly authorized person has the right to enter upon any premises at any reasonable time for the purpose of making the inspections necessary to carry out his duties in the enforcement of this title. (Ord. 309 Art. 4(1), 1983)

17.56.020 Building inspector-Stop orders.

Whenever any building work is being done contrary to provisions of this title, the building inspector may order the work stopped by notice in writing served on any person engaged in doing or causing the work to be done, and any such person shall forthwith stop such work until authorized by the building inspector to proceed with the work. (Ord. 309 Art. 4(2), 1983)

17.56.030 Building inspector-Building permit.

Any application for a building permit shall be made to the building inspector and a building permit shall be obtained before work is begun for alterations on any kind of building or structure, regardless of size, cost or purpose. (Ord. 309 Art. 4(3), 1983)

17.56.040 Abatement of nuisance.

Any buildings erected, raised, converted, or land or premises used in violation of any provision of this title or the requirements thereof, is a common nuisance, and such common nuisance may be abated in such manner as nuisances are now or hereafter may be abated under existing law. (Ord. 309 Art. 8 §2, 1983)

17.56.050 Violation-Penalty.

A. Any person, firm or corporation that violates, disobeys, omits, neglects or refuses to comply with, or resists any of the provisions of this chapter shall be fined not less than ten dollars nor more than three hundred dollars for each offense. Each day that a violation is permitted to exist constitutes a separate offense.

B. It shall be the duty of the building inspector to enforce the provisions of this title and to bring to the attention of the proper enforcement officers of the town any violations thereof, and when required for the proper enforcement of this title, it shall be the duty of the building inspector to make and file with the police magistrate a written complaint against any such violator. (Ord. 309 Art. 8 §1, 1983)

Chapter 17.60

SALE OF TOWN PROPERTY

Sections:

17.60.010 Advertising for bids.

17.60.010 Advertising for bids.

A. The town shall comply with the following procedure prior to finalizing the sale of any nonresidential and nonindustrially zoned real property or any titled personal property owned by the town.

1. The board shall first pass a motion to offer the subject property for sale by the taking of bids.

2. The property shall then be adequately described and advertised for sale by open or sealed bids at the town's option with all bids being due by a date certain but, in no event, due sooner than ten calendar days after the date of the first publication of the notice or advertisement for sale by bid.

3. The notice of sale by bid shall be published twice in a local newspaper and shall describe the property for sale and specify the date, place and manner for submission of bids.

4. With each contemplated sale the town shall reserve the right to reject any and all bids.

5. In the event no bids are received by the date specified in the published notice or, if received, rejected by the board, then the board may proceed to sell the property upon whatever terms and conditions the board may determine at a regular or special meeting without the necessity of going through the advertising and bidding procedure again unless more than twelve months have elapsed since the last date for bids in which case the advertising for bid procedure shall be repeated.

B. This procedure shall not be mandatory for the sale of any real estate zoned as residential or industrial as of the date of the ordinance codified in this section.

C. This procedure shall not be mandatory for the sale of untitled items of personal property.

D. This procedure may be waived for the sale of titled personal property if the board determines that the probable value of the property does not warrant the time and expense involved in the publication and bidding processes.

E. This section applies only to property sold by the town. It specifically does not apply to property traded for whatever reason nor to property traded in towards the purchase of different property. (Ord. 366, 1995; Ord. 360, 1993)

