



City of Littleton

Littleton Center
2255 West Berry Avenue
Littleton, CO 80120

Meeting Agenda

Planning Board

Monday, February 29, 2016

7:00 PM

Community Room

Study Session

1. Study Session Topics

- a. Joint study session and discussion on zoning code project with Littleton Zoning Ordinance Steering Committee

Attachments: Littleton Land Use 1- 16 Draft

- b. Staff updates and other project updates



City of Littleton

Littleton Center
2255 West Berry Avenue
Littleton, CO 80120

Staff Communication

File #: ID# 16-29, **Version:** 1



LITTLETON, COLORADO

Zoning Revisions | January 2016

Permitted Use Table, Use-specific Standards, and Use-related Definitions

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PART 1: PERMITTED USE TABLE

A. Applicability

All land uses available in all zone districts within the City of Littleton are summarized in the Permitted Use Table in Subsection C below. No land use shall occur on any property in the city unless that land use is:

1. Listed as a P, C, V, A, or T use in the Permitted Use Table; or
2. Permitted as a legal nonconforming use of property as described in Section _____ of this Development Code.

B. Abbreviations¹

The abbreviations used in the Permitted Use Table are listed below.

1. Permitted uses

A “P” indicates that the land use is allowed by right in that zoning district, subject to compliance with the use-specific standards listed in the right-hand column of the Permitted Use Table and all other applicable requirements of the Code. All uses permitted by right in a zoning district are also permitted as an accessory use in that zoning district.

2. Conditional Uses

A “C” indicates that the land use is allowed in that zoning district upon approval of a Conditional Use by the Planning Board as described in Title 10, Chapter 8 and compliance with any use-specific standards referenced in the right hand column of the Permitted Use Table and with all other applicable requirements of the Code. Each land use that was permitted as a use by right when it was established, but that is now listed as a C use in the Permitted Use Table, shall be deemed to have already obtained Conditional Use Permit, and the City will issue a Conditional use Permit at the request of the property owner.

3. Conditional After Long-term Vacancy

A “V” indicates that the land use may be approved as a Conditional Use by the Planning Board as described in Title 10, Chapter 8, but only if it is to occupy an existing building or structure that the applicant documents has been vacant for a period of 5 consecutive years, and that it complies with any use-specific standards listed in the right-hand column of the Permitted Use Table and with all other applicable requirements of the Code. Each land use that was permitted by right when it was established, but that is now listed as a “V” use in

¹ The current abbreviations H (for Home Occupations), O (for Planned Development Overlay), R (for some types of multi-family residential), S (for uses by special permit, primarily related to some forms of indoor entertainment and recreation), and PS (for some forms of micro-breweries and wine-tasting retail uses) are no longer used. Home occupations are a form of accessory use listed in the Permitted Use Table, and the existing standards have been converted to Use-specific standards. Uses permitted through a planned development approval process are not generally included in a Permitted Use Table, since they are negotiated on a case-by-case basis. The conditions that attached to the R designation are now in the Use-specific standards for the multi-family dwelling use category, the conditions attached to the designations are now part of the Use-specific standards for the Indoor recreation and entertainment use category, and the conditions attached to the PS designation are now part of the Use-specific standards for breweries and distilleries..

the Permitted Use Table, will be deemed to have already obtained Conditional Use approval, and the City will issue a permit at the request of the property owner.

4. Accessory Uses

An “A” indicates that the land use is allowed in that zoning district only if it is incidental and subordinate to a “P” use or an approved “S” or “V” use in that zoning district, and meets the definition of an accessory use in Section _____ [Part 3 of this document], provided that it complies with any use-specific standards listed in the right-hand column of the Permitted Use Table and with all other applicable requirements of this Code. The Administrator shall determine whether a use is incidental and subordinate based on the amount of pedestrian or vehicle activity related to other uses on the site, the area of the site or building occupied by each use on the site, and the level of impact on surrounding properties generated by each use on the site. Any use listed as a “P” use in a Primary Zoning District may also be conducted as an accessory use in that district.

5. Temporary Uses

A “T” indicates that the land use is allowed in that zoning district only at those times or at those periods indicated, and subject to any other requirements, listed in the use-specific standards for that use in the right-hand column of the Permitted Use Table and with all other applicable requirements of the Code. Permits for listed temporary uses may be approved by the Director of Community Development for a specified period of time, or a recurring period of time, but the temporary use approval shall not be valid for a period exceeding one year. Any use permitted in the zone district as a permitted, approved conditional, or accessory use is also permitted as a temporary use.

6. Prohibited uses

A blank cell in the use table indicates that the land use is prohibited in that zoning district. In addition, any use that is not listed in the Permitted Use Table is prohibited in all zoning districts, unless the Administrator determines that it is substantially similar to a listed use.

C. Other Use-related Requirements

1. Use-specific Standards

When a land use is listed as a P, C, V, A, or T use in the Permitted Use Table, and the right hand column of the table lists a Use-specific standard for that use, the land use must comply with the Use-specific standards regardless of whether it is a P, C, V, A, or T use, unless the Planning Board approves a modification of the Use-specific standard through the Conditional Use process listed in Title 10, Chapter 8. The cross-referenced Use-specific standards appear immediately following the Permitted Use Table. Some use-specific standards apply to entire categories of uses and are listed in the gray shaded headings for those use categories; others apply to individual uses unless a variance is obtained pursuant to Chapter 740, Article VII Improvement Location Permits.

2. Conditions for Uses in the OS Zone District²

² Current 10-8-2(O). This material normally appears in Code chapter describing the zone district, and should be moved to that section when the City revises individual zone district standards.

All uses in the Permitted Use Table listed as conditional uses in the OS district shall comply with the following standards, in addition to the general criteria for approval of conditional uses by the Planning Board.

- 2.1. The conditional use proposed shall comply with the intent statement of Subsection 10-2-24(A)
- 2.2. The conditional use shall be designated as a use included on the master plan for park or open space site for which the use is proposed.
- 2.3. The location of such a facility will not create a negative impact on existing or proposed adjacent development.
- 2.4. Visual impact and glare shall be minimized, and noise shall conform to the standards of Section 7-3-6.
- 2.5. The facility shall provide adequate exterior lighting and other security measures.
- 2.6. Hours of operation and other restrictions, including curfews established by Section 6-4-181, shall be posted.
- 2.7. Parking and access for patrons and spectators shall be designed to minimize use of local residential streets.

3. Unlisted Uses

When a proposed land use is not explicitly listed in the Permitted Use Table, the Director of Community Development shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. All such interpretations shall be made available to the public through the Littleton City web site and shall be binding on future decisions of the City until the Director makes a different interpretation and that new interpretation is posted on the city web site.

4. All Licenses and Permits Required

For all uses listed in the Permitted Use Table, if the City of Littleton, State of Colorado, federal government, or other governmental authority requires that the owner or operator obtain a business license or other permit or license to engage in the activity, the owner or operator must obtain each required license, permit, or approval in order to engage in the activity, and must each required license, permit, or approval in effect at all times that the activity is conducted, and failure to do so is a violation of this Code.³

5. Overlay District Provisions Govern

When a property is located within the boundaries of an overlay district, the provisions for that overlay district prevail over those in the zoning district. If a use is prohibited in the zoning district where the property is located, but is a permitted use in an overlay district applicable to the same property, then the use is allowed on that property. On the other hand, if a use is listed as a permitted use in the zoning district where the property is located but is listed as a conditional use in an overlay zoning district applicable to the same property, then the use is a conditional use for that property. If a property is located in more

³ New provision. Requiring all applicable licenses and permits simplifies City administration by removing the need to regulate the same issues reviewed by licensing authorities.

than one overlay district, then the most restrictive use provision in those overlay zoning districts shall apply to the property.

D. Permitted Use Table

PERMITTED USE TABLE ⁴																								
Use Type	Residential										Mixed Use ⁵					Special Purpose ⁶					Use-Specific Standards ¹⁴			
	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5	MH ⁷	B-P	T	B-1	B-2	B-3	CA	STP ⁸	I-P ⁹	I-1 ¹⁰		I-2 ¹¹	CEM ¹²	OS ¹³
RESIDENTIAL																								
Household Living																								
Dwelling, single-family detached	P	P	P	P	P	P	P	P	P	P			P				P							
Dwelling, single-family attached ¹⁵	P	P	P	P	P	P	P	P	P	P			P				P							
Dwelling, cottage infill development ¹⁶							C	C	C	C			P											A.
Dwelling, co-housing development ¹⁷							C	C	C	C			P											PART 2: B.
Dwelling, multi-family ¹⁸									P	P		P	P	P ¹⁹	P ²⁰	P	P							PART 2: C. ²¹
Manufactured home ²²										P														PART 2: D. ²³

⁴ All "V" uses in the Table are new; other changes are described in footnotes.

⁵ Retitled from "Commercial and Business" because these districts should permit residential uses. Any districts the city determines should not contain residential uses should be moved to the "Special Purpose" category.

⁶ Retitled from "Other Non-residential."

⁷ Mobile Home District is subject to provisions found in Chapter 4 of the Building Regulation section (Title 4) of the City Code.

⁸ Moved from current "Business and Commercial" category.

⁹ All facilities in I-P District are subject to performance standards found in sections 10-4-6: Noise, Vibrations, and Emissions, and 10-4-7 Outdoor Storage and Waste Disposal. We think the standards in 10-4-6 should apply to all development in the city (as they do in most new codes).

¹⁰ All facilities in I-1 District are subject to performance standards found in sections 10-4-6: Noise, Vibrations, and Emissions, and 10-4-7 Outdoor Storage and Waste Disposal.

¹¹ All facilities in I-2 District are subject to performance standards found in sections 10-4-6: Noise, Vibrations, and Emissions, and 10-4-7 Outdoor Storage and Waste Disposal.

¹² 10-2-25(B) has "Offices necessary to administer the land uses, grounds maintenance, or storage of equipment or vaults." as an accessory use, but no such use is indicated in Land Use Table.

¹³ 10-2-24: OS Parks/Open Space District is not included in the Land Use Table found in the City Code.

¹⁴ New column added to serve as cross reference for Use-specific Standards.

¹⁵ Includes current "Two/three-family residence" and "Townhouse" use categories. In the A-1, R-S, R-L, R-E, R-1, R-2, R-3, and R-3X districts, "Townhouse" and "Two/three-family residences" are only permitted pursuant to Chapter 9 Planned Development Overlay. New Use-specific Standards incorporate Chapter 9 regulations and requirements.

¹⁶ New use.

¹⁷ New use.

¹⁸ Includes current "Apartments" and "Dwelling units located in the same structure as a nonresidential use and which meet the requirements of section 10-4-12 of this title" use categories.

¹⁹ Use-specific Standard apply to residential dwellings located in same building as nonresidential uses in B1 and B2 districts.

²⁰ Use-specific Standard apply to residential dwellings located in same building as nonresidential uses in B1 and B2 districts.

²¹ Current Sec. 10-4-12 standards for residential units located in B-1 and B-2 districts have been moved here.

PERMITTED USE TABLE ⁴																									
Use Type	Residential										Mixed Use ⁵						Special Purpose ⁶						Use-Specific Standards ¹⁴		
	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5	MH ⁷	B-P	T	B-1	B-2	B-3	CA	STP ⁸	I-P ⁹	I-1 ¹⁰	I-2 ¹¹	CEM ¹²		OS ¹³	
Group Living ²⁴																									
Group home, small ²⁵	P	P	P	P	P	P	P	P	P	P		P	P				P								PART 2: E. ²⁶
Group home, large ²⁷										P ²⁸			P	P	P	P	P								PART 2: E.
Monastery or convent ²⁹										P															
Nursing home or assisted living ³⁰										P			P	P	P	P	P								
Sorority or fraternity house										P							P								
PUBLIC, INSTITUTIONAL, and CIVIC																									
Community and Cultural																									
Child or adult care center ³¹	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C		C ³²		PART 2: F. ³³
Club or lodge ³⁴												P	P	P	P	P	P	V	V	V					
Community correctional facility ³⁵															C ³⁶	C				C	C				PART 2: G. ³⁷
Library, museum, or art gallery ³⁸												P	P	P	P	P	P	P							
Public service facility ³⁹	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Educational and Religious																									
College or university ⁴⁰										P							P	V	V	V					
Elementary or secondary school	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C				F.
Other religious facilities ⁴¹	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C				F, PART 2: H.
Places of worship ⁴²	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P				PART 2: H.
Other																									

²² Current "Mobile homes." Both "Manufactured home," and "Mobile home" are defined in the City Code. "Manufactured home" is in the Flood Plain Regulations (10-6-2), as well as Zoning Regulations (10-1-2). The definition for "Mobile home" is in the Mobile Homes and Mobile Home Parks Chapter (4-4-1), and the Zoning Regulations (10-1-2). All definitions are similar, but none exactly the same. New use definitions have been created.

²³ Building regulations for mobile homes and travel trailers. Current 4-4-19 and 4-4-20 through 4-4-23.

²⁴ Current "Group home for children" use not carried over as obsolete. It addressed foster care, which is governed by state placement systems and is now covered in household living.

²⁵ New use category that covers, either portions or all of current "Group homes for handicapped," "Group homes for elderly," "Group homes for children," and "Foster care homes" use categories. New Definition meets FHAA standards as well as Colorado state statute standards. New Use-specific Standards provide relevant size limits for each different group home type. Current Section 10-14-2 provision requiring a permit from Council for any group home for the elderly was not carried over; the requirement is very unusual and potentially in conflict with the FHAA.

²⁶ Current Use-specific Standard for original "Group homes for elderly" in 10-14 were revised to apply to all types of Group Homes and to comply with state and federal law.

²⁷ New use category. Includes current and "Independent living" use categories.

²⁸ Current "Group homes for children" use category allowed only in R5 district.

²⁹ Moved from current "Institutional residence, care or confinement facilities".

³⁰ Includes current "Skilled nursing facility" and "Nursing home/congregate housing" and use categories.

³¹ Use and definition revised to include care of elderly or handicapped adults.

³² Childcare facilities are a conditional use in the OS District per 10-2-24(B)6.

³³ Current USS 10-8-2(B)

³⁴ Renamed from "social/fraternal clubs and lodges, union halls, and similar facilities."

³⁵ Exclusion of county jail from this use is now in use definition rather than title of use.

³⁶ 10-8-2(J) States, "permitted with conditions in the B-3, I-1, I-2 zone districts," however, the 10-3-2: Land Use Table indicates it is permitted as a conditional use in the B-2 district as well.

³⁷ Current USS 10-8-2(J)

³⁸ Retitled from "Library, reading room (private)."

³⁹ Added as P use in STP district.

⁴⁰ Definition states schools are teaching curricula and granting degrees recognized by the State of Colorado.

⁴¹ Retitled current "Church facilities." This may need a different title – I think it means other church affiliated buildings, such as daycare, fellowship halls, etc. Current USS 10-4-2.

⁴² Retitled current "Churches." Current USS 10-4-2.

PERMITTED USE TABLE ⁴																									
Use Type	Residential										Mixed Use ⁵						Special Purpose ⁶						Use-Specific Standards ¹⁴		
	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5	MH ⁷	B-P	T	B-1	B-2	B-3	CA	STP ⁸	I-P ⁹	I-1 ¹⁰	I-2 ¹¹	CEM ¹²		OS ¹³	
Cemetery																							P		
Crematorium ⁴³													C										C		PART 2: I. ⁴⁴
Detoxification center ⁴⁵														P	P	P									
Hospital ⁴⁶														P	P	P	P								
Mortuary ⁴⁷													P										C		
Park, trail, or open space ⁴⁸	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					P	
COMMERCIAL																									
Agriculture and Animal Related																									
Agriculture ⁴⁹	P	P	P																						
Animal boarding or care, general ⁵⁰														C	C	P				P	P				J.
Animal clinic, small animals ⁵¹	P	P	P									V	P	P	P	P	P	V	P	P	P				K.
Beekeeping ⁵²	P	P	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P ⁵³		PART 2: K.
Commercial stable ⁵⁴	P	P	P																						
Plant or tree nursery	P	P	P																						
Urban agriculture ⁵⁵	P	P	P	C	C	C	C	C	P	P	P	C	C	C	C	C	C	C	C				C		PART 2: M.
Food, Beverage, and Lodging ⁵⁶																									
Bar or tavern ⁵⁷														P	P	P	P		P	P	P				PART 2: N.
Bed and breakfast ⁵⁸	C							C	C	C															PART 2: O.
Brewpub ⁵⁹														P	P		P								PART 2: P.

⁴³ Added as C use in CEM district.

⁴⁴ Current USS 10-8-2(N).

⁴⁵ Is this a residential use or an outpatient facility?

⁴⁶ Renamed from "Medical and dental outpatient facilities and hospitals." P use deleted from B-P because intent was for medical offices, which are still permitted.

⁴⁷ Added as C use in CEM district.

⁴⁸ New use.

⁴⁹ Replaces current "Raising of crops (limited to the use and consumption by occupants of premises)" and "Raising of livestock (other than horses) or fish (Not including furbearing animals raised for pelts, hog ranches, commercial feedlots, agricultural processing industry or farms for the disposal of garbage or other waste." Majority of language found in current titles moved to definition.

⁵⁰ Current USS 10-4-15; 10-8-2(P). This use is now distinguished from small animal clinics by the fact that it includes larger animals.

⁵¹ Combined following to create new use category "Treatment and boarding of small animals within enclosed structure" "Treatment of small animals and boarding only for treatment purposes", "Outpatient treatment of small animals", "Treatment and boarding of large animals (such as horses, cattle and other farm animals) and small animals outside enclosed structure" and kennel portion of "Kennels and pet animal boarding and raising revised to include horses". Use-specific Standards now contain (a) Limitation of outdoor facilities to certain mixed use and non-residential districts (per current Code), (b) prohibition on boarding in T district, and (c) limitation on boarding in B1 other than for purpose of treatment.

⁵² If this is never a primary use, always accessory, we should move it to that part of the table.

⁵³ Per 10-2-24(B)5 Beekeeping is a permitted use in OS District. Current USS 10-4-14

⁵⁴ City Code does not include a definition of "Stable," however, traditional/widely used definition includes same uses found in 6-2-1 definition of "Kennel," with difference being "Stable" definitions specify uses for horses, mules, and ponies. Current "Raising of horses" use category moved to Accessory and Temporary Uses section of this document. Definition also includes language related to riding academies, horse training facilities, and animal boarding and raising facilities.

⁵⁵ New use.

⁵⁶ The current "Tourist Home" use was not carried over, but is replaced by "Bed and Breakfast" as a primary use, and by "Rooming or Boarding" as an accessory use.

⁵⁷ No definition for "bar" or "tavern" in City Code. New definition created. USS current 3-2-20.

⁵⁸ New use.

⁵⁹ Retitled from "Brewery, distillery, and winery with tasting/retails sales room." Now simply a Permitted use with Use-specific Standards as currently found in 10-4-16. Definition includes current use title "Brewery, distillery and winery with tasting/retail

PERMITTED USE TABLE ⁴																									
Use Type	Residential										Mixed Use ⁵						Special Purpose ⁶						Use-Specific Standards ¹⁴		
	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5	MH ⁷	B-P	T	B-1	B-2	B-3	CA	STP ⁸	I-P ⁹	I-1 ¹⁰	I-2 ¹¹	CEM ¹²		OS ¹³	
Campground and travel trailer park ⁶⁰											P														D. ⁶¹
Hotel ⁶²														P	P	P	P								
Nightclub ⁶³																P	P		P	P	P				
Restaurant ⁶⁴												V	P	P	P	P	P		A	A	A	A		C ⁶⁵	PART 2: Q. ⁶⁶
Office																									
Office, large ⁶⁷														P	P	P	P		A	P	P	P	A ⁶⁸		R.
Office, small ⁶⁹										P		P	P	P	P	P	P		A	A	A	A	A ⁷⁰		R.
Temporary labor hall																				P	P				S. PART 2: R. ⁷¹
Trade or vocational school ⁷²	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		V	C	C	C			
Retail Sales and Personal Service																									
Adult retail sales ⁷³																				P	P				T. ⁷⁴
General personal services, large ⁷⁵															P	P	P			P	P	P			R.
General personal services, small												V	V	P	P	P	P		V	P	P	P			R.
General retail sales, large ⁷⁶																P	P	P		P	P	P			R.

sales room.” Moved from current “Manufacturing, Including processing, creating, repairing, renovating, painting, cleaning, and assembly of goods, merchandise, and equipment” section. Current USS 3-2-20. There is a current definition for “Tasting/Retail Sales Room,” but we are not sure how it fits into this mix.

⁶⁰ Moved from “Miscellaneous Uses.”

⁶¹ Building regulations for mobile homes and travel trailers. Current USS 4-4-19; 4-4-20; 4-4-21; 4-4-22; 4-4-23.

⁶² Moved from current “Residential” use category. “Hotel” is now a defined use in City Code.

⁶³ Consider whether you want this use to be subject to the same spacing requirements as bar or tavern.

⁶⁴ Combined “Service within enclosed area under roof without drive-through facility,” “Service within enclosed area under roof with drive-through facility,” “Takeout and delivery,” and “Automotive curbside service.” Changed from P to A use in the I-P, I-1, and I-3 districts. Added as A use in STP district.

⁶⁵ Per 10-2-24(B)6 “Restaurant (sit down type only)” are a permitted conditional use in the OS District.

⁶⁶ New Use-specific Standards restrict drive-throughs or curbside service to B-2 and B-3 districts.

⁶⁷ Intended to include activities covered by current use types “Medical, dental, or other health related offices: Buildings in excess of 10,000 square feet,” “Administrative and executive; business and professional; and general offices,” “Medical and dental outpatient facilities and hospitals,” and “General research and development.” Consider whether these larger offices should be P or C in the I-1 and I-2 districts; some cities want to preserve their industrial lands and limit these to commercial districts.

⁶⁸ New Accessory use per language found in 10-2-25(B).

⁶⁹ Intended to include activities covered by existing use types of “Medical, dental, or other health related offices: Individual offices,” “Medical, dental, or other health related offices: Buildings of not more than 10,000 square feet,” “Administrative and executive; business and professional; and general offices,” “Studios for professional work,” and “Medical and dental outpatient facilities and hospitals.” New definition will include language re: use examples and size limit.

⁷⁰ New Accessory use per language found in 10-2-25(B).

⁷¹ Restriction on where Industrial Temporary Labor Halls may be located from the business regulations of the City Code. Current USS 3-18-3.

⁷² Moved from current Institutions section.

⁷³ Retitled from “Adult bookstore, novelty store, video store” to cover more types of retail sales, but permitted in same zone districts as adult entertainment. Some studies show that adult retail has fewer secondary impacts than adult entertainment; you may want to consider whether this use should be allowed in more districts in the future.

⁷⁴ Current USS 3-14-3.

⁷⁵ New category that includes “Cleaning/laundry operations, within enclosed structure, serving general public” and similar uses. Consider whether these larger offices should be P or C in the I-1 and I-2 districts; some cities want to preserve their industrial lands and limit these to commercial districts.

⁷⁶ Retitled current “General merchandise” and now includes the “Pharmacies” use. Consolidation extends pharmacy use into industrial districts. This category has been split into two categories for better control of scale. Large retail is no longer permitted

PERMITTED USE TABLE ⁴																									
Use Type	Residential										Mixed Use ⁵					Special Purpose ⁶						Use-Specific Standards ¹⁴			
	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5	MH ⁷	P-B-P	P-T	P-B-1	P-B-2	P-B-3	CA	STP ⁸	I-P ⁹	I-1 ¹⁰	I-2 ¹¹		CEM ¹²	A-OS ¹³	
General retail sales, small ⁷⁷												P	P	P	P	P	P	V	P	P	P		A ⁷⁸	R.	
Open air market																				C	C			U. ⁷⁹	
Pawnshop															P	P									
Tattoo parlor ⁸⁰															C	C	C			P	P				
Studios for arts instruction ⁸¹							C	C	C			P	P	P	P	P	P							V. ⁸²	
Recreation and Entertainment																									
Adult entertainment ⁸³																				P	P			T. ⁸⁴	
Off-track betting																C	C			C	C			W. ⁸⁵	
Recreation/entertainment, indoor ⁸⁶													V	V	P	P	P							W.	
Recreation/entertainment, outdoor ⁸⁷															C	C	C							Y.	
Storage and Wholesale																									
Mini-warehousing																P			P	P	P			Z. ⁸⁸	
Outdoor storage																P			P	P	P			AA. ⁸⁹	
Wholesale sales and distribution														A	A	P	A		P	P	P			BB. ⁹⁰	
Vehicle Related																									
Ambulance service ⁹¹													C	C	P	P	P	C	P	P	P				
Automobile parking garage or lot ⁹²				C	C	C	C	C	C	C		C	C	C	C	C								CC.	
Automobile sales, rental, or leasing ⁹³															P	P			P	P	P			DD.	

in B-1. Not permitted in OS district, since current text shows that this is intended to be a smaller use. Do you want big retail to be a C use in CA zone to promote smaller scale walkable urbanism?

⁷⁷ New category; small retail changed from P to A use in I-1, I-1 and I-2 districts, and added as a P use in B-P and T (pharmacies are already permitted in those district, where they can serve convenience needs of nearby residential districts.

⁷⁸ Per 10-2-24(B)6 "Retail and service uses accessory to a use permitted in the OS zone district which are located on the same parcel." are conditional uses in the OS District.

⁷⁹ Current USS 10-8-2(L)

⁸⁰ Feb. 17, 2015, added this as a C use in the B-2, B-3, and CA districts.

⁸¹ Retitled from "Studios for instruction of fine arts and martial arts"

⁸² Current USS 10-8-2(Q).

⁸³ Includes all adult entertainment uses listed in definitions expect adult bookstore, which is now treated differently because of potentially different secondary impacts.

⁸⁴ Restriction on where Adult Entertainment Establishments may be located, from the Business Regulations section of the City Code. Current USS 3-14-3.

⁸⁵ Restriction on where Off-track Betting Facilities may be located, from the Business Regulations section of the City Code. Current USS 3-17-3.

⁸⁶ Combined current "Bowling alleys, ice skating and roller skating," "Movie theater/theaters," "Teen club," and "amusements, not included in 11.11," and "Health/recreation clubs." Reference to current Conditional Use requirements are now Use-specific Standards. Current USS 10-8-2(E); 10-8-2(I); 10-8-2(K)

⁸⁷ Combined current "Activity conducted primarily outside enclosed structure" and "Circuses/carnivals." Current USS 10-8-2(F); 10-8-2(K).

⁸⁸ Current USS 10-4-8.

⁸⁹ Current USS 10-4-7

⁹⁰ Current USS 10-4-4(B)

⁹¹ Combined current "Ambulance facilities" and "Ambulance service." Current permitted use for "Ambulance facilities" only in B2, B3, Ca, IP, I1, and I2. "Ambulance service" conditional use only in T, B1, B2, B3, CA, STP.

⁹² Combined with "Off-site commercial employee/customer parking on residential zoned property." Current USS 10-8-2(H); 10-9-5(G). Although listed as a P use in some of the current business districts, the procedure for approval shows that this is really treated as a conditional use in all zone districts where it is permitted.

PERMITTED USE TABLE ⁴																									
Use Type	Residential											Mixed Use ⁵					Special Purpose ⁶					Use-Specific Standards ¹⁴			
	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5	MH ⁷	B-P	T	B-1	B-2	B-3	CA	STP ⁸	I-P ⁹	I-1 ¹⁰	I-2 ¹¹		CEM ¹²	OS ¹³	
Automobile service station ⁹⁴																									EE.
Heavy vehicle and equipment services ⁹⁵																						P			
Light vehicle and equipment repair and service ⁹⁶														P	P	P	P		P	P	P				
INDUSTRIAL																									
General																									
Artisan fabrication and sale ⁹⁷														V	P	P	P	V	P	P	P				
Brewery, distillery, or winery ⁹⁸																P				P	P				
Commercial laundry ⁹⁹																P			P	P	P				
Heavy manufacturing ¹⁰⁰																					P				FF.
Light manufacturing ¹⁰¹																		V	V	P	P				
Solid waste incinerator or landfill ¹⁰²																						C			FF.
Solid waste recovery or recycling facility ¹⁰³																						C			
Utility and Communications																									
Telecommunications antenna support structure ¹⁰⁴	C	C	C						C	C		C	C	C	C	C	C		P	P	P				HH.
Towers, other ¹⁰⁵	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	PART 2: II.
Utility installations, large ¹⁰⁶	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				PART 2: JJ.

⁹³ Combination of "Sales of automobiles by licensed dealers," "Sales of new automobiles," and "Sales, leasing, rental or pawning of used motor vehicles." All were Permitted uses in same districts, with the exception of "Sales, leasing, rental or pawning of used motor vehicles" in the B2 district, where it was a Conditional use. The associated requirements and conditions for this situation have become Use-specific Standards. Current USS 10-8-2(M).

⁹⁴ Combination of "Sales of gasoline" and "Services related to cleaning (e.g., car washes), mechanical (e.g. engine, steering, drive train, tires, brakes) and body repair." Current uses are P in same zones. New definition to include language covering uses listed in original Use Categories, as well as convenience store use. Definition will limit this to minor repairs.

⁹⁵ New use. Definition will clarify that this includes sales, leasing, storage and repairs.

⁹⁶ Combined current "Sales of automotive parts, not including wrecking yard operations" and "Services related to the installation of accessories including car stereos, window tinting, etc., and not including services related to mechanical, electrical or body repair." The definition clarifies that this includes both major and minor repairs, while the auto service station only includes minor repairs. Current uses are Permitted in same districts. New definition includes language from current Use Category titles.

⁹⁷ Retitled from current "Assembly or fabrication for sale on premises only" and combined with "Assembly of prefabricated parts" and "Fabrication by stamping, cutting or otherwise shaping processed materials into useful products" Consolidation extends this to the B-2 district.

⁹⁸ We normally treat this as heavy manufacturing, but you allow it in a much wider range of districts, so we have kept it separate. Please advise if it needs to be kept separate from Heavy Manufacturing in light of how we addressed the brewpub use.

⁹⁹ Renamed from "Commercial cleaning/laundry operations."

¹⁰⁰ Retitled from current "Refining or initial processing of basic raw materials other than products related to mining or quarrying operations, petroleum and chemicals, alcohol distillation excepting distilleries, animal products or by-products, wood, rubber, metal, and gases excepting nitrogen and oxygen and similar products."

¹⁰¹ Everything that is not in "Heavy Manufacturing."

¹⁰² Current USS 10-8-2(G).

¹⁰³ New use.

¹⁰⁴ Combined "Antenna support structure" and "Alternative tower structure within 2,000 foot separation requirement (Subsection 10-4-11(B)4 of this title)." Current USS 10-4-11(A); 10-4-11(B)4; 10-8-2 (C).

¹⁰⁵ New use. Definition includes radio and television transmission and wind generators. Current USS 10-8-2(C)

PERMITTED USE TABLE ⁴																								
Use Type	Residential											Mixed Use ⁵					Special Purpose ⁶					Use-Specific Standards ¹⁴		
	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5	MH ⁷	B-P	T	B-1	B-2	B-3	CA	STP ⁸	I-P ⁹	I-1 ¹⁰	I-2 ¹¹		CEM ¹²	OS ¹³
Utility installations, small ¹⁰⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	
ACCESSORY and TEMPORARY USES ¹⁰⁸																								
Cafeteria, for on-site employees ¹⁰⁹												A	A	A	A	A	A	A	A	A	A			
Farm stand or farmer's market ¹¹⁰	A	A	A									A	A	A	A	A	A	A						
Garage or yard sale	T	T	T	T	T	T	T	T	T	T	T		T				T							PART 2: KK.
Home child or adult care ¹¹¹	A	A	A	A	A	A	A	A	A	A	A		A				A							PART 2: LL.
Home occupations	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A							MM.
Pigeon keeping ¹¹²	A	A	A	A	A	A	A																	NN.
Raising of chickens ¹¹³	A	A	A	A	A	A	A																	OO.
Raising of garden crops ¹¹⁴	A	A	A	A	A	A	A	A	A	A	A		A				A							
Raising of horses ¹¹⁵	A	A	A	A																				PP.
Recycling collection point ¹¹⁶												A	A	A	A	A		A	A	A	A			
Renewable energy equipment ¹¹⁷	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Rooming or boarding ¹¹⁸	A	A	A	A	A	A	A	A	A	A	A		A				A							RR.
Satellite communications dish	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				
Short term home rental ¹¹⁹	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A							SS.
Telecommunications antenna, co-located ¹²⁰	A	A	A						A	A		A	A	A	A	A	A		A	A	A			HH.
Temporary concrete batch plant ¹²¹	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			TT.
Temporary construction building, office or yard ¹²²	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	UU.
Temporary real estate sales/leasing office ¹²³	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			VV.
Temporary retail sales or service ¹²⁴	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			VV.

¹⁰⁶ Retitled from current "Utility installations per subsection 10-28-2(A) of this title." Current USS 10-8-2(A). Please confirm whether these are P or C uses. Most cities make larger facilities C uses, but the existing text says that utilities shall be approved if they meet these conditions, which would make them P uses subject to USS.

¹⁰⁷ Now includes "ancillary utility structure. Consolidation extends the use to OS district, where it is changed to a C use. We interpret the 10-8-2(A) standards to mean smaller facilities are permitted without conditions.

¹⁰⁸ "Air supported membrane structures" use was not carried over. This is a type of structure, not a use.

¹⁰⁹ Added as an A use in the B-1, B-2, and B-3 districts.

¹¹⁰ New use.

¹¹¹ Moved from "Institutions" and is now an Accessory Use with Use-specific Standards. Current USS 10-4-5(B). Use and definition expanded to include care of elderly adults.

¹¹² Moved from current "Services and enterprises related to animals" Use Category. Current USS 10-4-4(B)2.6

¹¹³ Moved from current "Services and enterprises related to animals" Use Category. Added as A use in A-1, R-S, and R-L districts, but Use-specific Standards aimed at more suburban and urban districts do not apply in those 3 districts. Current USS 10-4-4(B)2.5.

¹¹⁴ Moved from current "Raising Crops" Use Category.

¹¹⁵ Added as A use to A-1, R-S, and R-L districts, but Use-specific Standards aimed at more suburban and urban districts do not apply in those 3 districts. Current USS 10-4-4(B)2.

¹¹⁶ New use.

¹¹⁷ New use. Let us know if you also want these uses included as primary (rather than accessory) uses of land in some districts.

¹¹⁸ Moved from original "Residential" Use Category. Current USS 10-4-4(B)4.

¹¹⁹ New use to address VRBO or AirBnB type rentals.

¹²⁰ Current USS 10-4-11(A).

¹²¹ Moved from current "Miscellaneous Uses" Use Category. Current USS 10-4-10(A)1

¹²² Moved from current "Miscellaneous Uses" Use Category. Current USS 10-4-10(A)2

¹²³ Moved from current "Miscellaneous Uses" Use Category. Current USS 10-4-10(A)3.

¹²⁴ Listed in 10-4-10(A)5 but not included in the Land Use Table found in the City Code. Current USS 10-4-10(A)5

3. Co-housing projects must be organized as condominium developments meeting all requirements of state law, and individual lots or portions of the project may not be subdivided for sale.
4. Zone district lot requirements and setback requirements shall apply to the project site as a whole, but not to individual co-housing dwelling sites.
5. Each project site shall maintain a vegetated buffer at least 10 ft. wide, meeting the requirements of Section _____ (cross-reference to intensive buffer standard in Landscaping and Screening) along each side and rear lot line, and no portion of any primary or accessory structure may be located in that buffer area.
6. The minimum on-site parking requirement is 1 vehicle space per co-housing unit.
7. Each applicant shall submit a development plan identifying individual co-housing dwelling sites, streets, parking areas, storm drainage facilities, common areas and facilities, and any other features required to be identified by Colorado condominium law. The Development Plan shall be subject to approval by Council prior to development, and shall be binding upon all development once approved.

C. Dwelling, Multi-family¹²⁹

Residential dwelling units may be located in the same structure as nonresidential uses in the B-1 and B-2 districts provided the following conditions have been met:

1. The residential use shall not occupy the ground floor of the structure.¹³⁰
2. No commercial activity, except for permitted home occupations, shall be conducted in the area of the structure designated for residential use.

D. Manufactured Home or Travel Trailer¹³¹

1. Location, Parking, and Occupancy¹³²
 - 1.1. No manufactured home or mobile home shall be parked or occupied on any private property other than in a licensed manufactured home park, travel trailer park, or manufactured home or travel trailer sales lot.
 - 1.2. No manufactured home, mobile home, or travel trailer shall be occupied in a park unless the mobile home or travel trailer is situated on a designated space.
 - 1.3. No travel trailer shall be occupied on a travel trailer space for more 180 days in any calendar year.

¹²⁹ Current 10-4-12. Requirement that all structures comply with building codes, that the development comply with minimum lot area standards, and that parking meet code requirements for both residential and nonresidential parking were deleted as unnecessary.

¹³⁰ Revised from current requirement that residential uses not occupy more than 50% of gross floor area of structure.

¹³¹ Current 4-4-20 through 4-4-23 reorganized and reworded for clarity. Provisions of 4-4-21(E) requiring registration of a manufactured home on a residential lot within 90 days after adoption of 1971 ordinance was deleted as obsolete (registrations either did or did not occur). The detailed standards for "Fuel Storage and Connections" addressing construction of liquefied petroleum gas facilities and connections in current 4-4-19 were deleted. These would usually appear in engineering or public safety standards rather than the zoning ordinance. These are very old provisions; we suggest you check whether you have any LPG powered manufactured homes and if not then delete these provisions altogether.

¹³² Revised to cover both manufactured homes (HUD compliant) and mobile homes.

- 1.4. No manufactured home or mobile home shall be permitted in any park or portion of a park licensed for travel trailers for more than five (5) days.
- 1.5. Jacks or stabilizers must be placed under the frame of the manufactured home, mobile home, or travel trailer (excluding campers mounted on trucks and buses) springs while the home is parked for occupancy.
- 1.6. Parking of manufactured home, mobile home, or travel trailer in public roadside parks shall be in accordance with posted signs and instructions in such parking areas.
2. Additions¹³³

No additions shall be built onto or become a part of any manufactured home or mobile home except the following, each of which shall require a building permit:

 - 2.1. Cabanas, patios or porches;
 - 2.2. Skirting that includes approved vents as required by Section 4-4-19; and
 - 2.3. Fireplaces that have a manufacturer's certification for manufactured home installation and that provide outside combustion air into the firebox. For purposes of this Section, the term "fireplace" shall include all wood and coal burning or other appliance that use combustion air within a firebox as well as conventional fireplaces and zero clearance fireplaces.
3. Storage
 - 3.1. Each manufactured home or mobile home space shall be provided with not less than 100 cubic feet of storage space, which may be provided within individual units located on each manufactured home or mobile home space or in a central building. All such storage units and buildings shall be of one-hour fire resistant construction.¹³⁴
 - 3.2. No storage shall be permitted underneath any manufactured home, mobile home or travel trailer.

E. Group Home, Large or Small¹³⁵

1. No Small Group Home shall be located with 750 feet of another Small Group Home.¹³⁶

¹³³ Current 4-4-22 reworded for clarity. Text prohibiting harborage for rodents and fire hazards were deleted as obsolete, since both rodents and fire hazards are nuisances barred by other provisions of the Code. Most newer codes require skirting (i.e. it is not an option) and we recommend you require that unless it will create numerous nonconformities.

¹³⁴ Limitation that storage space in a central building serve no more than 4 spaces deleted as obsolete. We recommend that the 1 hour fire rating be replaced by a requirement for a building permit.

¹³⁵ Consolidates and reorganizes content of Chapter 10-14 (Group Homes for the elderly) to align with FHAA and state law, and to reflect consolidation of narrowly defined group living uses into "group home, small" and "group home, large". Requirement for a Council permit for each group home for the elderly was deleted as unnecessary given the Use-specific Standards and potentially in conflict with federal and/or state law. Provisions of 10-14 regarding publication and posting of notice and hearing criteria not carried over, since a conditional use permit hearing is no longer required. Criteria related to change of ownership of the facility, manner in which services are provided, prohibition on administrative activities in the facility, location near transportation lines and convenience shopping, restriction to owner-occupied and non-profit facilities, demonstration of skill and ability, requirement for an annual report were not carried over as outdated or generally covered by state licensing reviews. Materials prohibiting any change in the facility without another City Council permit were not carried over as unnecessary; modifications to group homes should be covered by the same rules applicable to changes to other types of permits and approvals.

¹³⁶ Current provision for elderly group homes extended to apply to all small group homes.

2. A Group Home constructed after [effective date] shall not be of an architectural design or substantially inconsistent with the character of the surrounding neighborhood, based on the Director's review of the scale, form, and location of the group home on the site, and shall comply with all applicable design guidelines adopted by the Planning Board.¹³⁷
3. No Small Group Home shall have residents needing skilled or intermediate care.¹³⁸
4. No group home shall be reconfigured, or otherwise altered, to provide for more than one kitchen or cooking facility.¹³⁹
5. No person associated with the ownership or operation of the group home shall have been convicted of a felony or of any violation of a license to operate any type of group home or residential facility providing care or services to its residents in the past 5 years.¹⁴⁰
6. The proposed owner or operator of the group home shall submit an application to the City containing all information necessary to verify compliance with the standards in subsection 1 through 5 above.¹⁴¹

F. Child or Adult Care Centers; Elementary or Secondary Schools; Other Religious Facilities¹⁴²

1. Open play areas shall be screened or otherwise buffered to minimize noise and negative visual impacts on or from adjacent properties.
2. Adjacent public streets shall have adequate capacity to safely carry any additional vehicular traffic which may be generated by the facility.

G. Community Correctional Facility¹⁴³

1. No privately owned or operated community correctional facility can be approved or allowed to continue operating without a contract or agreement to provide services to a judicial district, a correctional department of a unit of local government, the state, or federal government.
2. No property containing a community correctional facility shall be located within 500 of any school, preschool, child or adult care center, playground, park that includes playground equipment or from any property zoned for residential use, measured from property line to property line.¹⁴⁴

¹³⁷ Reworded for clarity and to add objective standards to guide Director's decision.

¹³⁸ Current provision for elderly group homes extended to apply to all small group homes. This should not apply to Large Group Homes, because assisted living facilities and nursing homes are permitted in the same zoning districts and they are allowed to provide these types of care.

¹³⁹ Current provision for elderly group homes extended to apply to all group homes.

¹⁴⁰ New criteria enabling the City to verify the quality of care or services likely to be provided without the need for a conditional use permit hearing. Replaces much vaguer "good moral character" standard in current Code.

¹⁴¹ The list of application materials is very dated and has not been carried over. In general, these requirements are excessive given the minor impacts that these facilities create and the fact that most are licensed by the state. These kinds of application material should be located in an administrative manual or on the City's web site.

¹⁴² Current 10-8-2(B). Requirements for play area separation from traffic and for drop-off/pick-up areas deleted because those are covered by state licensing standards. Now applies to elementary/secondary schools, not just private schools.

¹⁴³ Current 10-8-2(J).

¹⁴⁴ Revised to include new use names.

3. No facility located in compliance with Subsection 2 above shall be in violation of this Code if one of the land uses listed in Subsection 2 later locates within 500 feet of the facility.¹⁴⁵
4. Full time supervision of the residents housed in the facility must be provided on-site.
5. The facility must be designed and constructed to be compatible in building form and outward appearance with the adjacent uses and buildings. Designs of a new facility or proposed changes to an existing structure shall be submitted with the required application materials and shall include, at a minimum: building elevations, proposed building materials and colors, a landscaping plan and any plans for fencing or other enclosure materials.
6. In addition to those provisions for termination or abatement of violations as specified in Subsection 10-8-3(D) and Section 10-1-4, a conditional use or renewal will be approved for a period up to 5 calendar years unless complaints are received concerning the operation of the facility or ownership of the facility changes. No later than 45 days prior to the expiration of the conditional use, or prior to the change in ownership of the facility, the operator of the facility shall request a public hearing before the planning board for the purpose of determining whether the facility shall be granted a renewal. The renewal shall be issued upon finding that the facility is in compliance with this Code and has operated within all conditions previously established.¹⁴⁶

H. Place of Worship and Other Religious Facility¹⁴⁷

All facilities that are located in a residential zone district or adjoin a residential use or zone district shall meet the following standards:

1. All facilities shall be set back at least 25 from each public right-of-way and at least 20 feet from each side and rear lot line.
2. The maximum building height shall be the height limit for the zone district in which the facility is located, except that steeples, or spires, or other vertical projections not designed for human occupancy are exempt from that height limit and may be constructed to the height approved on the final SDP.
3. All requirements of this Code, including but not limited to site design (Section 10-4-1), parking (Section 10-4-9), and landscaping (Chapter 5 of this title), and SDP (Chapter 7 of this title), shall apply to places of worship and other religious facilities.

I. Crematorium¹⁴⁸

1. The facility must be located upon the same lot or parcel as a cemetery or mortuary.
2. The incineration unit shall be a minimum of 20 feet from any lot or property line. No variance shall be allowed from this minimum distance.
3. Emissions, ash or odors shall be controlled as provided in Title 7, Chapter 3 of this Code, Sections 10-4-6 and 10-4-7 of this Title and any federal or state statutes or regulations to

¹⁴⁵ New provision.

¹⁴⁶ Condition that the facility not have violated the intent of the Code was deleted, because violations of intent are very hard to establish or enforce.

¹⁴⁷ Current 10-4-2. We think Subsection 3 is unnecessary, since no part of the Code says they are exempt; however, we left it in for now in case your city attorney wants it in to shut off arguments that these facilities are only subject to explicitly stated standards.

¹⁴⁸ Current 10-8-2(N). Requirement that the facility be used only for incineration was deleted as unnecessary.

minimize impacts on adjacent properties and the surrounding neighborhood. The Planning Board may require installation of monitoring devices to ensure compliance with this Section.

4. The outward appearance of the facility must be designed and constructed to be similar in building form, scale, and appearance to adjacent on-site and offsite buildings. Chimneys, smokestacks and vents must be designed with or screened by similar exterior materials to those used on the building in which the crematoria unit is located. Designs of a new facility or proposed changes to an existing structure shall be submitted with the required application materials and shall include, at a minimum: building elevations, proposed building materials and colors, a landscaping plan and any plans for fencing or other enclosure materials.
5. Any smokestacks, vents or chimneys shall not exceed 30 feet above finished grade of the lot or parcel or 9 above the finished roofline, whichever is less.

J. Animal Boarding or Care, General¹⁴⁹

1. The facility and the operation of the facility shall meet or exceed the minimum guidelines for operation of this type of facility established under the pet animal care and facilities act, Colorado Revised Statutes 35-80-101 through 117.
2. The facility shall comply with the Section 10-8-3.¹⁵⁰
3. Animal boarding and care facilities shall not open before six thirty o'clock (6:30) A.M. and shall close no later than nine o'clock (9:00) P.M.
4. Picking up and dropping off of animals shall be limited to six thirty o'clock (6:30) A.M. to nine o'clock (9:00) P.M.¹⁵¹
5. No animals shall be allowed outdoors before six thirty o'clock (6:30) A.M., and no more than three (3) animals at a time shall be allowed outdoors after eight o'clock (8:00) P.M. until closing.
6. Dogs boarded overnight shall be housed in individual indoor secured kennels when staff is not present.¹⁵²
7. Outdoor areas where animals will be allowed must be a minimum of 20 feet from any property line abutting a residential use.
8. A perimeter fence must be provided for all outdoor areas where animals will be allowed. The perimeter fencing must include either (1) a single fence 8 feet tall, or two fences between 6-8 feet in height, with one fence set inside the other fence and with a separation of 3-6 feet between fences.
9. A site development plan in accordance with Chapter 7 of this Title or a sketch plan in accordance with Chapter 8 of this Title is required.¹⁵³

¹⁴⁹ Current 10-4-15, reworded and reorganized for clarity, and with changes as noted. Provision requiring filing a plan of operation and avoiding nuisances deleted as unnecessary;

¹⁵⁰ Moved from current 10-8-2 and reworded as a standard rather than a required finding. Requirement for compliance with intent was not carried over as difficult to administer due to vagueness of intent statements.

¹⁵¹ Revised to apply to all animals, not just dogs.

¹⁵² This is an issue normally addressed by state or local animal control laws or regulations, and we recommend it be removed from the Code.

¹⁵³ This type of application requirement should appear on the City's web site – not in the Code.

K. Animal Clinic, Small Animals¹⁵⁴

1. In the T district, no overnight boarding of animals is permitted.
2. In the B-1 district, overnight boarding of animals is permitted only in connection with medical treatment of the animal.
3. In the A-1, R-S, and R-L zone districts, all activities must take place indoors, and no outside animal exercise or other areas are permitted.

L. Beekeeping¹⁵⁵

1. It shall be unlawful to keep any colony on a multi-family lot or to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated.

Parcel Size or Dimensions	Maximum Number of Colonies
Less than ½ acre	4
½ to 1 acre	6
Larger than 1 acre	8
If all hives are 200 ft. or more from all property lines	No limit, regardless of parcel size

2. For each 2 colonies authorized under Subsection 7 above, the parcel may also contain one nucleus colony in a hive structure not exceeding one standard nine and five-eighths inch ($9\frac{5}{8}$ ") depth 10-frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date it is acquired.
3. All hives shall be located at least 5 feet from any adjoining property with the back of the hive facing the nearest adjoining property.
4. If ant colony is situated within 25 of a property line of a developed public or private property, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 in height consisting of a solid wall or fence parallel to the property line and extending ten 10 beyond the colony in each direction so that all bees are forced to fly at an elevation of at least 6 above the ground level of the property lines.
5. All bee colonies shall be kept in hives with removable combs, which shall be kept in sound and usable condition.
6. Each property owner or beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contact. The water shall be maintained so as not to become stagnant.
7. Each property owner or beekeeper shall ensure that no bee comb or other materials that might encourage robbing (i.e. the pilfering of honey from a weak colony by other honeybees

¹⁵⁴ Consolidates existing restrictions on these facilities.

¹⁵⁵ From current 10-4-14 with changes as noted. Definitions have been moved to Definitions section of Zoning Chapter of City Code.

or insects) are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

8. If a colony exhibits usually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to obtain a new queen bee for the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.
9. The keeping by any person of bee colonies in the city not in strict compliance with this section is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed by the City.

M. Urban Agriculture¹⁵⁶

1. The maximum size of this use is three contiguous acres.
2. Hoop houses, coldframes, and equipment storage structures are permitted, but shall not exceed 8 feet in height, shall not be located within 5 feet of any property line or 10 feet from any property line where the adjacent property is in a residential zone district or occupied by a residential use, and all structures shall, collectively, not cover more than 25 percent of the site area.
3. Sales of vegetable and food produce grown on the premises is permitted, provided that the owner or seller has obtained all required business licenses to do so.
4. No outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.
5. If food is to be grown in native soil (not clean imported soil), each applicant shall test the property for lead content in the soil before beginning planting or cultivation. At least 5 individual samples shall be taken from different portions of the site, and the total lead content in all 5 samples shall be lower than the standards those standards for lead in soil used to grow consumables established by the Colorado Department of Health and the federal Environmental Protection Agency.
6. If food is to be grown in native soil (not clean imported soil), and the City's records show that the property may have been used for any use other than residential or agricultural use in the past, then each applicant shall test the property for arsenic, cadmium, mercury, molybdenum, Nickel, selenium, and zinc in the soil using USEPA 3050B, 3051 or a comparable method before beginning planting or cultivation. At least 5 individual samples shall be taken from different portions of the site, and the results of those tests shall show that the level of each of the listed chemicals is lower than the standards those standards for lead in soil used to grow consumables established by the Colorado Department of Health and the federal Environmental Protection Agency.

N. Bar or Tavern¹⁵⁷

¹⁵⁶ New standards.

¹⁵⁷ Current 3-2-20, with changes as noted.

1. Notwithstanding any provision of the Colorado Revised Statutes to the contrary:
 - 1.1. No beer or wine license may be issued in the CA zone district unless the location of the facility to be licensed is at least 300 feet from any elementary or secondary school.¹⁵⁸
 - 1.2. No facility located in compliance with Subsection 1.1 above shall be in violation of this Code if one of the land uses listed in Subsection 1.1 later locates within 300 feet of the facility.
 - 1.3. No minimum distance from vocational schools and colleges shall be required for application for the issuance of a hotel and restaurant liquor license.

O. Bed and Breakfast¹⁵⁹

1. The facility must provide 1 parking space, in addition to those required for a single-family detached residence, for each rentable bedroom.
2. Food and beverages may only be served to lodgers in the facility unless a temporary use permit has been obtained for a special event.

P. Brewpub¹⁶⁰

1. The tasting/retail sales room must be oriented toward the public façade, which is established by the building's address. Within a shopping center this area must be oriented toward a common space where the public can access the building.¹⁶¹
2. Within the CA zone district the maximum gross floor area of the manufacturing establishment cannot exceed 6,000 square feet, unless approved as a conditional use per Chapter 8 of this Title.

Q. Restaurant

1. In the OS district, only sit-down restaurants are permitted.¹⁶²
2. Drive-through and curbside service facilities are only permitted in the B-2 and B-3 districts.

R. Office, General Personal Services, and General Retail, Small or Large

1. Drive-through and curbside service facilities are only permitted in the B-2 and B-3 districts.

S. Temporary Labor Halls¹⁶³

1. No facility may be operated within 500 feet of:
 - 1.1. A place of worship or other religious facility;
 - 1.2. A school;
 - 1.3. A public park (not including trails);

¹⁵⁸ "Public or parochial school" replaced by "elementary or secondary school" to match use table titles.

¹⁵⁹ New provisions: Please review these; there is a lot of variety in how cities want to regulate this use.

¹⁶⁰ Current 10-4-16, with changes as noted. This section is titled "Brewery, Winery, Distillery" but the content shows that it is intended for smaller, public-serving facilities.

¹⁶¹ We think this standard is unnecessary and recommend it be deleted.

¹⁶² Per 10-2-24(B)6.

¹⁶³ Current 3-18-3. Wording revised to match current use names.

- 1.4. A residential zone district or a residential use; or
- 1.5. A day care facility, unless operated primarily for the employees of the temporary labor hall.
2. No facility located in compliance with Subsection 1 shall be in violation of this Code if one of the land uses listed in Subsection later locates within 500 feet of the facility.

T. Adult Entertainment or Adult Retail Sales¹⁶⁴

1. An adult entertainment or adult retail sales use shall not be operated within 500 feet of:
 - 1.1. A place of worship or other religious facility;
 - 1.2. A school or child or adult care center;¹⁶⁵
 - 1.3. A public park (not including trails);
 - 1.4. A massage parlor licensed under provisions of the city code; or
 - 1.5. A community correctional facility or the county jail.
2. An adult entertainment or adult retail sales use shall not be operated within 1,000 of another adult entertainment use, adult retail sales use, or a massage parlor as defined by section 12-48.5-103 Colorado Revised Statutes.
3. Separation distances in Subsections 1 and 2 above shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult retail sales or adult entertainment use is located.¹⁶⁶
4. It shall be unlawful to cause or permit the operation or maintenance of more than one adult entertainment or adult retail sales use in the same building, structure or portion of a building or structure.
5. Any adult entertainment or adult retail sales use lawfully operating on the effective date of this chapter¹⁶⁷ that is in violation of Subsections 1 through 4 above will be permitted to continue for a period 6 months from that date. However, the zoning administrator may grant an extension of time during which a use in violation of Subsections 1 through 4 will be permitted to continue upon a showing that the owner of the business has not had a reasonable time to recover the initial financial investment in the business. No such extension of time shall be for a period greater than that reasonably necessary for the owner of the business to recover his/her initial financial investment in the business. A use in violation of Subsections 1 through 4 may continue during such extended period, unless the use is sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Any use subject to this Subsection 5 shall not be enlarged, extended or altered except that the business may be brought into compliance with this Code. If 2 or more adult entertainment or adult retail sales uses are within 1,000 of one another and otherwise in a permissible location, the adult entertainment or adult retail sales use that was first established and continually operating at its location will be deemed to be in compliance

¹⁶⁴ Current 3-14-3. Wording revised to match current use names.

¹⁶⁵ Expanded to include adult care.

¹⁶⁶ Wording clarified. Clarify that this is the intent; wording was very unclear.

¹⁶⁷ We need the effective date of the original adoption of these regulations to insert here.

with Subsections 1 through 4, and the later established business(es) will be deemed to be in violation of Subsections 1 through 4 of this section.¹⁶⁸

6. An adult entertainment or adult retail sales use lawfully operating is not rendered a nonconforming use by the later location of any of those listed in Subsection 1 above within 500 of the adult entertainment or adult retail sales use. However, if the adult entertainment or adult retail sales ceases operation for a period of one hundred eighty (180) days or more regardless of any intent to resume operation, it may not recommence operation in that location.¹⁶⁹
7. An application for an adult entertainment or adult retail sales use shall approved, denied, or approved with conditions consistent with the provisions of this Code within 45 days after the applicant submits a complete application for that use. If the decision is appealed to the Board of Adjustment pursuant to Section _____, the Board shall make a decision on that appeal within 45 days after the appeal and all supporting documents identifying the grounds for the appeal have been filed with the City.¹⁷⁰

U. Open Air Market¹⁷¹

1. Visual impact and glare shall be minimized; and noise shall conform to the standards of Section 7-3-6.
2. Hours of operation and other restrictions, including curfews established by Section 6-4-181, shall be posted.
3. The operator shall employ physical and security measures to ensure that adjacent properties are adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.
4. Vehicular traffic shall not have a significant impact on adjacent residential neighborhoods.

V. Studio for Arts Instruction¹⁷²

1. In the R-3, R-3X, and R-4 zone districts, this use is only permitted if the Planning Board finds that the following conditions are met:
 - 1.1. The use is conducted within a nonresidential structure that was constructed for a place of worship, other religious facility, or school.
 - 1.2. The use and site complies with the off street parking requirements specified in Section 10-4-9.
 - 1.3. Exterior lighting is fully shielded and complies with the requirements of Chapter 15 of this Title.¹⁷³

¹⁶⁸ These types of amortization provisions are fairly rare, and we suspect the periods of time mentioned in the text have passed. Is this being enforced? Do you want to keep it in the Code.

¹⁶⁹ We think the second sentence is unnecessary; it just restates nonconformity. Does it need to stay?

¹⁷⁰ New provision based on the recent decisions in *City of Littleton v ZJ Gifts D-4 541 US 774 (2004)*; *JAM Rest. Inc. v City of Longmont*, 140 P.3d 192 (Colo. App. 2006).

¹⁷¹ Current 10-8-2(L).

¹⁷² Current 10-8-2(Q), with changes as noted. Standard that traffic be acceptable was deleted because it will always be met if the facility is a former church or school. Wording revised to match new use names.

1.4. All signage complies with section 4-3-2-3.

W. Off-Track Betting Facility¹⁷⁴

1. Approval and Termination

- 1.1. This use shall not be constructed, reconstructed, enlarged, relocated or otherwise established without City Council as provided in Section 3-17-4 of this Chapter.
- 1.2. All applicable requirements of this Code shall be met and are deemed the minimum required. The Council shall impose such other conditions and limitations as it, in its sole discretion, may determine to be necessary to fulfill the purpose and intent of this Code as stated in Section 3-17-2 of this Chapter.
- 1.3. Any one of the following shall terminate the right of a person to operate an off-track betting facility:
 - a. Failure to initiate operation of the facility within 12 months from the date approved by the Council. Upon request of the applicant, the Council may grant a 6 month extension, but shall not grant more than 2 such extensions;
 - b. Discontinuance of off-track betting for a period of at least 12 months;
 - c. Violation of, or failure to comply with any provision of this Chapter or condition of the permit shall be grounds for the suspension or revocation of the permit. In addition, and notwithstanding said penalties, the penalties and remedies contained in Sections 1-4-1 and 10-1-4 of this Code may be applied to violations of any provision of this Subsection _____;
 - d. Failure to timely renew its permit in accordance with Subsection 1.5 below.
- 1.4. Unless a phased development plan is approved with the application, once any portion of the facility is utilized for off-track betting, all specifications and conditions pertaining to the license become immediately effective.
- 1.5. The process for reinstatement of any off-track betting permit which has been terminated under the terms of Subsection 1.3 above, shall be the same as for original approval; provided, that no off-track betting permit which has been revoked shall be reinstated for one year following the effective date of revocation.
- 1.6. All off-track betting permits shall be valid for one year from the date issued unless terminated pursuant to Subsection 1.3 above. If a renewal of the permit is desired, the permittee shall, at least 60 days preceding the date of the expiration of its permit request renewal of its permit on forms supplied by the City. Those forms shall, at a minimum, require the permittee to address whether or not the criteria set forth in Section 3-17-2 have continued to be met, and by what means. The forms shall also require the permittee to report all disturbances and police responses to its premises that have occurred during the preceding year.

2. Show Cause Hearings

¹⁷³ Are conditions 3 and 4 necessary; don't all uses have to comply with lighting and signage regulations?

¹⁷⁴ Current 3-17-3, reorganized and reworded for clarity.

- 2.1. Whenever a written complaint is filed by the staff with the Council charging any permittee for off-track betting facilities with a violation of any law or of any of the rules or regulations in this Code, the Council shall cause to be determined by investigation or otherwise the probable truth of such charges.
- 2.2. If it shall appear from that investigation or shall otherwise come to the attention of the Council that there is probable cause to believe that a permittee has violated any such law, rule or regulation, the Council shall issue and cause to be served upon such permittee a notice of hearing and order to show cause why his or her permit should not be suspended or revoked.
- 2.3. A hearing shall be held at a place and time designated by the Council on the day stated in the notice, or upon such other day as may be set for good cause shown. Evidence in support of the charges shall be given first, followed by cross-examination of those testifying. The permittee, in person or by counsel, shall then be permitted to give evidence in defense and in explanation, and shall be allowed to give evidence and statements in mitigation of the charges. In the event the permittee is found to have committed the violation charged, or any other violation, evidence and statements in aggravation of the offense shall also be permitted.
- 2.4. If the evidence presented at the hearing does not support the charges stated in the notice and order served upon the permittee, but standing alone establishes the guilt of the permittee of a violation of some other law, rule or regulation, the permittee shall be permitted to give evidence and statements in defense, explanation and mitigation if then prepared to do so. If such evidence is not then available, but can be obtained by the permittee, the permittee shall state the substance thereof and upon his or her request the hearing may be recessed for not more than 10 days, and shall then continue under the same procedure as though no recess had occurred.
- 2.5. In the event the permittee is found not to have violated any law, rule or regulation, the charges against him or her will be dismissed. If the permittee is found to have violated some law, rule or regulation, his or her permit may be suspended, revoked or renewed.
- 2.6. Every permittee whose permit has been suspended by the Council shall post two (2) notices in conspicuous places, one on the exterior and one on the interior of his premises, for the duration of the suspension. The notices shall be of a size, and shall contain such content, as the City determines adequate to inform the public of the actions taken by Council.¹⁷⁵ Advertising or posting signs to the effect that the premises has been closed or business suspended for any reason other than by order of the Council, shall be deemed a violation of this subsection.
- 2.7. In all cases where a hearing is held regarding the potential suspension, revocation or nonrenewal of any permit issued, the Council shall consider the following factors in mitigation or aggravation:
 - a. Seriousness of the violation(s) (affront to the public);
 - b. Corrective actions(s) taken (if any);

¹⁷⁵ Details of the sign to be posted have not been carried over; those types of administrative details should be in an administrative document or on the City's web site, not in the Code.

- c. Prior violations and offenses at the permittee's premises and effectiveness of any prior corrective action;
- d. Prior violations and offenses by the permittee or his or her employees;
- e. Violation as a repeated course of conduct or as a single event;
- f. Likelihood of recurrence;
- g. All circumstances surrounding the violations;
- h. Willfulness of the violation(s);
- i. Hardship on the permittee for the sanction proposed;
- j. Length of time the permit has been held by this permittee;
- k. Previous sanctions imposed against his or her permit; and
- l. Other factors making the situation with respect to the permittee or premises unique.

3. Location and Quality

- 3.1. This use shall not be located within 500, measured from property line to property line, of any residential district, schools, place of worship, other religious facility, parks, playgrounds or other areas in which minors regularly travel or congregate.
- 3.2. Adjacent public streets shall have adequate capacity to safely and efficiently carry any additional vehicular traffic which may be generated by the facility.
- 3.3. No loudspeakers or other sound equipment, or other verbal presentation, shall be permitted which can be heard beyond the interior of the facility.
- 3.4. The operator shall provide for adequate exterior lighting and other security measures to ensure that any adjacent properties are adequately protected from any negative impacts including, but not limited to, litter, loitering and noise.
- 3.5. Visual impact and glare shall be minimized, and noise shall conform to the standards of Section 7-3-6.
- 3.6. Traffic into residential areas shall be restricted.
- 3.7. The outward appearance of the facility must be designed and constructed to be compatible in building form and appearance with adjacent uses and buildings. Designs of a new facility or proposed changes to an existing structure shall be submitted with the required application materials and shall include, at a minimum: building elevations, proposed building materials and colors, a landscaping plan and any plans for fencing or other enclosure materials.
- 3.8. Off-track betting facilities shall, to the maximum extent possible, be oriented to minimize any harmful effect the use may have on any adjacent property or use.

X. Recreation/Entertainment, Indoor¹⁷⁶

¹⁷⁶ Current 10-8-2(E), with changes as noted.

1. Indoor amusement uses may only occupy more than 50 percent of the gross floor area of the establishment if the following conditions are met:¹⁷⁷
 - 1.1. The facility complies with the hours of operation and other restrictions, including curfews established by section 6-4-181 of this code, and posts a notice of those hours of operation and restrictions inside the facility and near the main entrance door.
 - 1.2. The facility is designed and operated to ensure that adjacent properties are adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.
 - 1.3. Visual impact and glare shall be minimized, and noise shall conform to the standards of Section 7-3-6.¹⁷⁸
2. Teen club uses area shall comply with the following standards.¹⁷⁹
 - 2.1. Hours of operation and other restrictions, including curfews established by section 6-4-181 of this code
 - 2.2. Adjacent properties shall be adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.
 - 2.3. Visual impact and glare shall be minimized, and noise shall conform to the standards of Section 7-3-6.
 - 2.4. The facility shall provide adequate exterior lighting and other security measures.
3. Circuses and carnivals are only permitted in the B-3 and CA zone districts, and shall comply with the following standards:
 - 3.1. A license shall be obtained as required under Title 3, Chapter 3 of this Code; and
 - 3.2. The license shall be for a period not to exceed 16 days.¹⁸⁰

Y. Recreation/Entertainment, Outdoor¹⁸¹

1. Hours of operation and other restrictions, including curfews established by Section 6-4-181, shall be posted.
2. Adjacent properties shall be adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.
3. Visual impact and glare shall be minimized, and noise shall conform to the standards of Section 7-3-6.
4. The facility shall provide adequate exterior lighting and other security measures.¹⁸²

Z. Mini-Warehousing¹⁸³

¹⁷⁷ Standards extended from B-2 and B-3 to CA. Confirm that you want indoor amusement uses in CA.

¹⁷⁸ Replaces general statement about lighting, for consistency. Is this necessary– don't all uses need to comply with this.

¹⁷⁹ Standards extended from B-2 and B-3 to CA. Confirm that you want teen club uses in CA.

¹⁸⁰ Text revised to confirm that since a license for a limited time period is required, a conditional use permit is not required.

Confirm that this is what you want – or do you want to keep the CUP or a temporary use permit, because you want a hearing on this.

¹⁸¹ Current 10-8-2(F), with changes as noted.

¹⁸² Standards extended to apply to all districts where the use is permitted.

¹⁸³ Current 10-4-8.

1. Lot Requirements

- 1.1. Limited to a maximum lot area of 3 acres in B-3 districts and 5 acres in I-P, I-1 or I-2 districts. Maximum lot area in planned development districts shall be set by the general PD plan.
- 1.2. Lot coverage of all structures shall not exceed 35 percent of the total lot area.¹⁸⁴
- 1.3. Building height shall not exceed 12 feet, unless otherwise established by an approved general PD plan or PDO plan or a Conditional Use Permit is obtained.¹⁸⁵

2. Access, Circulation and Loading¹⁸⁶

- 2.1. Public access shall be restricted to a single location along a public street. The public access shall be equipped with a gate that shall be closed during the hours when the business is closed, and the access point shall be fully visible from the manager's office. At least one additional emergency access point, which shall be closed to the public, shall be provided. The emergency access shall be equipped with a knockdown type fence or similar barrier acceptable to the City's fire and police departments.
- 2.2. All drives with loading lanes shall be not less than 30 feet wide. Drives without loading lanes shall be not less than 20 feet wide and shall be posted to prohibit parking or loading.
- 2.3. Marked loading lanes shall be provided to give direct access to the structure in which storage units are located. Loading lanes shall be clearly marked for the exclusive use of the lessees of the storage units and shall not be used for the temporary or permanent storage of any item. Loading lanes shall be a minimum of 9 in width.

3. Landscaping, Fencing and Lighting

- 3.1. In B-3 and I-P districts, landscaping and unobstructed open space shall comply with requirements for those districts.
- 3.2. As a minimum, facilities in I-1 and I-2 districts shall provide a 10 wide landscaped area adjacent to all abutting street rights of way. Any boundary of a site that adjoins or faces a residential district shall be buffered by a landscaped area of not less than 10 feet wide and shall be provided with a solid 6 foot screen fence.¹⁸⁷
- 3.3. Sites shall be fully enclosed to provide maximum security against theft or vandalism. Such enclosure may include fencing, structural walls, other means of enclosure or any combination approved on the final SDP.
- 3.4. Adequate lighting shall be provided in conformance with Chapter 15 of this Title.¹⁸⁸
- 3.5. Storage of flammable liquids, gases or other flammable materials, including, but not limited to, paint, motor oil and gasoline; all explosives, including, but not limited to, dynamite, ammunition and fireworks; and noxious chemicals, including, but not limited

¹⁸⁴ We recommend deleting this standard and allowing circulation, parking, and landscaping to determine lot coverage.

¹⁸⁵ Standards 2 and 3 assume that these will be single story structures, when some of the newer/nicer ones use more attractive multi-story designs. We recommend these standards be deleted.

¹⁸⁶ On-site parking standards were deleted as unnecessary.

¹⁸⁷ Vague standard requiring screening when adjoining "higher" zone districts was deleted as too vague to enforce. Screening adjacent to residential districts is still required.

¹⁸⁸ Again, we feel this is not necessary; all uses need to meet these standards.

to, common garden and insect sprays is prohibited, unlawful and shall be a criminal offense. This prohibition specifically includes motor oil and gasoline contained in any internal combustion engine or vehicle; any liquid or gas that is contained under pressure; and any of the potentially dangerous chemical compounds commonly associated with maintenance and repair activities.

- 3.6. The exterior of structures and grounds shall be maintained in a neat, clean and orderly manner. At least 1 closed dumpster type trash container for each 50 storage units and spaces shall be provided. Such containers shall be evenly distributed throughout the site in easily accessible and convenient locations.
- 3.7. Signage shall be limited to establishment identification and directional purposes only, and shall comply with the provisions of Title 4, Chapter 3 of this Code.¹⁸⁹
- 3.8. A full time manager shall be responsible for the operation of the facility. Such manager may be "live in" on-site, provided that a permanent residence that meets all City requirements for residential occupancy.
- 3.9. The lessee of any storage unit or space shall be provided with a written document that shall, at a minimum, contain clear statements of all limitations and prohibitions of these regulations. The operator shall require that the lessee acknowledge that he or she has been advised of the limitations and prohibitions of these regulations.
- 3.10. A copy of the regulations shall be conveniently displayed on the premises.
- 3.11. It shall be the joint responsibility of the owner and the manager to ensure that the lessees comply with all applicable provisions of these regulations.

AA. Outdoor Storage; Heavy Vehicle and Equipment Services¹⁹⁰

1. All outdoor storage, and all heavy vehicle and equipment services, including but not limited to facilities for building materials, raw materials, equipment, scrap, trash and products shall be enclosed by fences, walls and/or landscaping that fully conceal such facilities from adjacent properties, as viewed from ground level.
2. No materials or wastes shall be deposited upon a lot in a form or manner that they may be moved off the lot by natural causes or forces.
3. All materials or wastes that might cause fumes or dust, that constitute a fire hazard, or that may be edible or otherwise attractive to rodents or insects, shall be stored outside in closed containers only.
4. No toxic, corrosive, flammable or explosive liquids, fuel, solids or gases shall be stored in bulk aboveground, except as provided in the fire code adopted in Title 5, Chapter 2 of this Code.
5. Storage of fuel directly connected to heating devices or appliances located on the same lot shall be governed by the fire code adopted in Title 5, Chapter 2 of this Code.

BB. Wholesale Sales and Distribution¹⁹¹

¹⁸⁹ We recommend deleting the text referring to establishment identification and directional signs as unnecessary content-based regulation.

¹⁹⁰ Current 10-4-7. Standards extended to new heavy vehicle services use.

¹⁹¹ Current 10-4-4.

1. In the CA zone district, items sold at retail are permitted to be sold at wholesale; provided, that if wholesale sales are operated in the primary structure, it shall not occupy more than 50 percent of the gross floor area of the primary structure; and if operated outside the primary structure, shall not occupy more than 50 percent of the lot area.

CC. Automobile Parking Garage or Lot¹⁹²

1. Primary Use Parking in the Residential and T Districts
In residential zone districts or the T district where this use is listed as a Conditional use in the Permitted Use Table, it must meet the following standards:
 - 1.1. Only a surface parking lot (not a parking garage) is permitted;¹⁹³
 - 1.2. The parking lot must be located adjacent to B-P, T, B-1, B-2, B-3 or CA zone district;
 - 1.3. Parking shall be limited to applicant's customers and employees;
 - 1.4. Traffic into residential areas shall be restricted;
 - 1.5. Parking shall be screened from surrounding residential areas and adjacent public streets; and
 - 1.6. Sign limiting use of the parking lot to customer and employee parking, shall be placed on the site.
2. Primary Use Parking in the B-1, B-2, B-3 and C-A Districts
In the B-1, B-2, B-3 and C-A districts, this use must meet the following standards:¹⁹⁴
 - 2.1. The proposed use is compatible with existing and permitted uses of adjacent properties and will not result in the destruction of existing structures in any historic district or area;
 - 2.2. Access and increased traffic in adjacent residential neighborhoods generated by the use shall not have a significant detrimental impact on the neighborhood;
 - 2.3. The use will be adequately screened from adjacent streets and abutting uses, and shall comply with all applicable requirements for parking lots in Section 10-5-7 and in the City's landscape manual;
 - 2.4. All outdoor lighting shall comply with Chapter 15 of this Title. A lighting plan shall be submitted for approval with the site development plan.¹⁹⁵
 - 2.5. In the case of a parking garage, architectural design of the building and building features including, but not limited to, building height, facades, fenestration, retaining walls and fences, shall be compatible with the form, shape, and detailing of adjacent structures, especially those structures designated, or there is a proposal pending for designation, as having notable character or qualities of architectural and/or historical significance;
 - 2.6. The applicant shall provide written certification from the Director of Community Development that the proposed site, or existing structures on the site, is not currently

¹⁹² Combines standards from current 10-8-2-(H) and 10-9-5(G).

¹⁹³ New provision to carry out intent of current regulations.

¹⁹⁴ Requirements for PDO overlay zoning approval and compatibility determination were deleted as unnecessary. This is now treated as a conditional use permit.

¹⁹⁵ We think this standard is unnecessary, and the submittal requirements should not appear in the Code.

designated, and there are no pending proposals for designation, as an area having notable character or qualities of architectural and/or historical significance; or

- 2.7. If the proposed site is an area designated as having notable character or qualities of architectural and/or historical significance, the application for a conditional use permit contains a copy of a certificate of appropriateness obtained pursuant to Section 4-6-13 that allows alteration or demolition of the site.

DD. Automobile Sales, Rental, or Leasing¹⁹⁶

1. In the B-2 zone district, the sale, leasing, renting, or pawning of used motor vehicles is permitted subject to the following conditions:
 - 1.1. A minimum lot size of three (3) acres is required.
 - 1.2. No outdoor display ramps shall be permitted.
 - 1.3. Any lights used to illuminate the premises shall be arranged to reflect light away from any public right of way and away from any adjoining residentially zoned or used property.
 - 1.4. Noise shall conform to the standards of Subsection 7-3-5(K) of this Code regarding amplified sound.¹⁹⁷

EE. Automobile Service Station¹⁹⁸

1. In the B-2, B-3, and CA zone districts, no outdoor storage of vehicles awaiting repairs or awaiting pickup following repairs for a period longer than 48 hours is permitted.
2. Only vehicles that are awaiting service or pickup following service may be stored on the property; the use does not include sales or storage of other vehicles as an accessory use.
3. Each side and rear lot line of the property shall be landscaped as required by Section _____ and the City's landscaping manual, and shall include an opaque fence between 6-8 feet tall along the property line. This requirement may not be met with chain link fences with inserts.

FF. Heavy Manufacturing¹⁹⁹

1. Any establishment or facility that uses chemicals, materials or procedures that create a risk of explosion, fire, or accident such that the City's adopted building code contains additional safety or security requirements for the storage of materials or the rooms or places where the activity takes places, or where the City's adopted regulations will require pre-treatment of solid or liquid waste because of risks to public health, public safety, or the environment, shall require the issuance of a conditional use permit.

GG. Solid Waste Incinerator or Landfill²⁰⁰

¹⁹⁶ Current 10-8-2(M) with changes as noted. Expanded to include rental and leasing, because many establishments engage in more than one of these activities, and the land use impacts are similar.

¹⁹⁷ Again, we think conditions 3 and 4 are unnecessary and should be deleted; all uses need to comply with lighting and noise standards.

¹⁹⁸ New standards included in many newer codes.

¹⁹⁹ New standard included in many newer codes.

²⁰⁰ Current 10-8-2(G).

This use and similar use, including but not limited to waste transfer stations, shall comply with the following standards:

1. The use shall not have an adverse impact on water resources.
2. The use shall be fully screened from adjacent properties and public ways.
3. Noise and odors shall be controlled as provided in Title 7, Chapter 3 and Sections 10-4-6 and 10-4-7 to minimize impacts on adjacent properties and the surrounding neighborhood.
4. Adequate and appropriate pest control(s) shall be required.
5. Transport of materials to and from site shall be clean and safe and shall not pass through residential neighborhoods except for routine collection service.
6. Hours of operation shall be reasonably restricted if the use is located adjacent to residential property.

HH. Telecommunications Facilities²⁰¹

All telecommunications facilities, including both primary and accessory uses, structures, and equipment, and including but not limited to Commercial Mobile Radio Service (CMRS) uses, structures and equipment, shall comply with the following standards.

1. Facilities Located or Collocated on Existing Structures
 - 1.1. Telecommunications facilities that are supported entirely by a roof or wall of an existing nonresidential, mixed use, or multi-family²⁰² structure are allowed as a permitted accessory use in any zone district. A telecommunications facility may also be located as an accessory use on a multiple dwelling unit structure containing 8 or more dwelling units that is at least thirty 35 in height. Antennas, ancillary utility structures, and associated transmission equipment shall be a neutral color that is identical to, or closely compatible with, the color of the supporting structure. Antennas shall not extend more than 15 beyond the highest point of the supporting structure.
 - 1.2. No antenna support structure owner or lessee or employee thereof shall act to exclude or attempt to exclude any other telecommunications provider from the same location. An antenna support structure owner or lessee or employee thereof shall cooperate in good faith to achieve collocation of antennas with other telecommunications facility providers.
 - 1.3. The City shall administratively approve any application for collocation of any telecommunications facility that will not create a “significant change” to the existing structure, as defined in 47 C.F.R. § 1.40001(7).²⁰³
 - 1.4. The City will make a decision on applications for collocation of antennas on an existing telecommunications facility or installation of antennas on an existing non-telecommunications structure within 90 days after receipt of a complete application.²⁰⁴

²⁰¹ Current 10-4-11, with changes as noted. Wording revised and reordered for clarity. All references to “CMRS” have been revised to “Telecommunications” to make the code more easily understandable to citizens. We made no changes to these standards except to conform to recent federal rules and decisions.

²⁰² Provision extended to mixed use structures.

²⁰³ New provision to comply with recent federal rule.

²⁰⁴ New provision to comply with federal advisory rule.

2. Antenna Support Structures²⁰⁵

- 2.1. Before any request for the construction of a new antenna support structure is approved, and where technologically feasible, collocation of antennas on existing antenna support structures shall be required. Where any party seeking access to an existing antenna support structure is unable to satisfactorily contract for collocation, the parties shall appoint an arbitrator for purposes of providing, by contract, for the terms, conditions, and costs which are to be associated with the collocation. In those situations where the parties cannot agree on an arbitrator, one shall, upon the request of the parties, be appointed by the city attorney. All costs of arbitration shall be at the sole expense of the parties. The decision of the arbitrator shall be final and shall be binding on the parties.
- 2.2. An applicant for a new antenna support structure shall demonstrate that it has contacted the owners of all suitable structures within a 500 radius of the proposed facility, and was denied permission to locate its telecommunications facility on those structures.
- 2.3. Antenna support structures that are proposed to be located in any OS, A-1, R-S, R-L, R-4, R-5, B-P, T, B-1, B-2, B-3, CA, STP, CEM, or any PD zone district (except PD-R single-family) or that are proposed to be located within 250 feet of any R-E, R-1, R-2, R-3, R-3X, or PD-R zone district shall require as a conditional use.
- 2.4. The Department of Community Development may approve an application for proposed antenna support structures where the antennas of 2 or more telecommunications service providers will be located, based on the criteria applicable to conditional uses and the standards set forth in this section.
- 2.5. Community development may approve the installation of a proposed antenna support structure facility located on public property, based on the criteria applicable to conditional uses and the standards set forth in this section.
- 2.6. Excepting those antenna support structures permitted in the I-P, I-I, or I-2 zone districts, an antenna support structure shall not be permitted within a distance of 500 feet from an existing antenna support structure, except those facilities that are designed as alternative tower structures and that receive Planning Board approval as a conditional use.
- 2.7. The maximum permitted height of any antenna support structure shall be 60 feet for the first telecommunications service provider whose antennas are located on the structure, plus 20 feet for each additional provider's antennas, to a maximum height of 100 feet.
- 2.8. New antenna support structures shall be constructed to accommodate reasonably anticipated future collocated carriers.
- 2.9. An applicant for a new antenna support structure shall notify all telecommunications service providers licensed to offer service in the city that an application has been submitted. Notice shall include the address of the proposed facility.

²⁰⁵ There seems to be no difference in the treatment of "antenna support structures" and "alternative towers" except that the latter has a 2000 foot separation requirement in its title. It seems unusual to require separation for the less visible of these two uses. Does the 2000 foot separation requirement apply to all types of towers?

- 2.10. The City will make a decision on applications for erection of a new antenna support structure within 150 days after receipt of a complete application.²⁰⁶
3. Site Development Plan (SDP) Requirement
- 3.1. Applications for telecommunications facilities that include an ancillary utility structure shall require approval of an SDP. Applications may also be referred to the Planning Board for review under the procedures established for conditional uses where unique environmental or aesthetic considerations exist that may affect the application.
- 3.2. Any decision to deny a request to place, construct, or modify personal wireless service telecommunications facilities shall be in writing and supported by substantial evidence contained in a written record.
4. Site Development Plan Standards
- An SDP (see Chapter 7 of this Title) shall be required for all parcels upon which any antenna support structure is proposed to be installed. In addition to all applicable zone district standards, the following standards shall apply:
- 4.1. Telecommunications antennas attached to an antenna support structure may exceed the permissible height of the antenna support structure by no more than 15 feet.
- 4.2. Telecommunications facilities shall not occupy a leased parcel of more than 2,500 square feet of the total land area of the site on which they are located, except that where a freestanding telecommunications facility supports antennas of 2 or more providers, an additional 300 square feet of land area for each additional provider may be occupied.
- 4.3. Telecommunications facilities shall be landscaped and/or visually screened from adjacent residential properties and public rights of way. The exterior finish and color of Telecommunications facilities shall be compatible with adjacent development. Specific requirements for screening, landscaping, and/or exterior building finish shall be determined by the Department of Community Development for each application. Such requirements shall be based upon aesthetic considerations such as, but not limited to, preservation of views, compatibility with existing surrounding vegetation and development, and proximity of the proposed facility to residential properties and public rights of way. It is not the intent of this subsection to require the total screening of antenna support structures.
- 4.4. Ancillary utility structures shall meet the required minimum building setbacks. Antenna support structures that are not self-supporting shall be separated from any existing building except ancillary utility structures, by a distance not less than 25 percent of the antenna support structure's height. Antenna support structures shall meet the required minimum setbacks and separations unless specifically requested otherwise in a conditional use application and approved by the Planning Board.
5. Abandonment
- 5.1. Whenever a telecommunications service provider notifies the federal communications commission that a site is to be removed from service, the provider shall promptly provide a copy of that notice to the City Manager. Telecommunications facilities that

²⁰⁶ New provision to comply with federal advisory rule.

are not in use for cellular purposes or that are deemed abandoned under Subsection 5.2 below for a period of 6 consecutive months, shall be removed by the facility owner within 90 days after the end of the 6 month period. Upon removal, the site shall be revegetated to substantially the condition it was in prior to the existence of the telecommunications facility pursuant to a site plan approved by the city.

- 5.2. Without limiting the generality of Subsection 5.2 above, Telecommunications facilities shall be deemed abandoned if one or more of the following conditions exist:
 - a. Power service is intentionally disconnected, unless such disconnection is for the temporary purpose of maintenance or repair;
 - b. Any or all of the equipment required for transmission has been intentionally removed by the owner or lessee from the site; and/or
 - c. The affected telecommunications facility owner has lost ownership, lease rights, or other legal authority to use the property for purposes of operating a telecommunications facility.
- 5.3. Prior to any determination of abandonment by the City, the City shall notify the telecommunications facility owner in writing of its intent to declare the facilities abandoned. The telecommunications facility owner shall be entitled to respond within 30 calendar days after its receipt of such notice stating reasons why the determination of abandonment should not be made. A decision concerning the matter of abandonment shall be made by the Director of Community Development based upon the written response of the telecommunications facility owner within 15 days from its receipt of the owner's reasons. A Decision that the telecommunications facility has been abandoned shall be subject to appeal to the Planning Board in accordance with the provisions contained in Subsection 5.4 below.
- 5.4. The owner of a telecommunications facility that has been determined by the Director of Community Development to be abandoned may request a hearing before the Planning Board within 30 days after receipt of notice of the decision from the City. The Planning Board shall conduct a hearing concerning the matter of abandonment within 30 calendar days after its receipt of the owner's written request. A decision by the Planning Board that the telecommunications facility has been abandoned shall be final, shall direct the owner to remove the facility in conformance with Subsection 5.1 above, and shall be subject to judicial review under rule 106(a)(4), CRCP.
- 5.5. If the owner fails to remove the abandoned CMRS facility within the time specified in Subsection 5.1 above, the City is hereby authorized to remove or cause the removal of the abandoned telecommunications facility without any liability for trespass and all costs incurred by the City, including an administrative cost equal to 25 percent of all direct costs, shall be charged as a lien against such real property and the owners thereof.
- 5.6. If the amount specified in Subsection 5.5 above is not paid within 30 calendar days, the City shall have the right to seek collection of any amount due, plus statutory interest and any and all costs of collection, including, but not limited to, its attorney fees, through institution of an action at law or in equity.
- 5.7. If the telecommunications facility owner intends to abandon or cease use of a facility, he or she shall immediately notify the Director of Community Development in writing of such intent or cessation of usage. The owner shall thereafter have 90 days in which to

remove the facility, and if he or she fails to remove the facility, then Subsections 5.5 and 5.6 above shall control.

II. Towers, Other²⁰⁷

This use shall comply with the following standards.

1. The setback of the tower from any property line shall be at least equal to the height of the structure plus 10 feet. Height shall be measured from ground level to the top of the highest attachment or, in the case of wind generators, the largest rotary blade when vertical.
2. The drawings and specifications for the structure and footings shall bear the seal of a registered engineer competent in structural design.
3. The maximum noise level permitted for any wind generator shall be as specified in Section 7-3-6.

JJ. Utility Installation, Large²⁰⁸

Facilities for this use that occupy more than 1,000 square feet of gross land area or gross floor area shall comply with the following standards:

1. The location of such a facility will not create a negative impact on existing or proposed adjacent development.
2. Facilities must be screened from general public view.
3. Performance standards of Chapter 4 of this Title shall be met.

KK. Garage or Yard Sale²⁰⁹

1. Garage sales are permitted only one time per calendar year per residence, and may last no longer than 48 hours.

LL. Home Child or Adult Care²¹⁰

This use must meet the following conditions unless the provider is only caring for children from one family other than the provider's own, in which case there are no restrictions:

1. Children for which care is being provided shall be 16 years of age or younger.
2. For purposes of establishing the number of children permitted, only those children of the operator who are 12 years of age or less shall be considered.
3. Full time care may be provided for not more than 2 additional children between the end of school in the spring and resumption of classes in the fall if the operator is licensed by the state for such care.

MM. Home Occupations²¹¹

²⁰⁷ Current 10-8-2(C).

²⁰⁸ Current 10-8-2(A).

²⁰⁹ Current 10-4-4(B)5. Limitation to single-family detached dwellings and duplexes was removed.

²¹⁰ Current with changes as noted. Expanded to include adult care. Conditions for outdoor play area and drop-off/pick-up area were deleted, as these are considered by the state in its licensing procedure.

²¹¹ Current 10-4-5 reordered and reworded for clarity, and with changes as noted. Revised to delete reference to residential districts, since these should also be permitted in residential uses in mixed-use districts.

The activities listed in Subsection 1 are permitted as home occupations, and each such use shall comply with all conditions and requirements for the zone district in which the activity is located and the standards contained in Subsection 2 below.

1. Home Occupations Permitted²¹²

- 1.1. Office of any type, provided merchandise is not displayed, exchanged or sold directly from the premises.
- 1.2. Studio for arts instruction or tutoring for groups of not more than 4 persons at a time.
- 1.3. Any other activity that:
 - a. Does not involve motor vehicle or equipment sales or repair; and
 - b. Does not create odors, fumes, or glare visible at the property line; and
 - c. Does not involve the delivery of a service or good that is not permitted as a permitted use in any zone district.

2. Standards

The following standards apply to all home occupations in all zone districts.

- 2.1. One or more home occupations may operate in each dwelling unit;
- 2.2. The uses shall be operated entirely within the principal structure or any permitted accessory structure on the site,²¹³ and only by its permanent residents;
- 2.3. The uses shall not generate more than 15 round trips of customer or delivery traffic per day.²¹⁴
- 2.4. Parking shall be restricted to existing on street and onsite parking associated with the principal structures. Not more than 4 vehicles shall be parked at the location at any one time as the result of operating home occupations.
- 2.5. Retail or wholesale sales of supplies or products are not permitted unless sales are commonly related to a non-retail service provided at the location of the home occupation or delivery of the supplies or products is by mail order;
- 2.6. No external evidence of such operations, such as signage, is allowed and the use shall not alter the external appearance of the dwelling unit;²¹⁵
- 2.7. The area of the primary structure to be used for the home occupation, including any storage of materials or products, shall not exceed 20 percent of the total floor area of the primary structure, including the attached garage and basement. This limit does not apply to the conduct of home occupations in permitted accessory structures.
- 2.8. The performance standards specified in Sections 10-4-6 and 10-4-7 shall apply.

NN. Pigeon Keeping²¹⁶

²¹² Specific list of uses (dressmaking, laundering) was deleted as very outdated and the list was broadened using general categories focused on the impacts of the use.

²¹³ Expanded to allow home occupations conducted in garages and sheds, which is common.

²¹⁴ Vague traffic standard replaced by objective one already in the current code.

²¹⁵ Expanded to clarify that external appearance may not be altered. Many cities allow a 1 sq. ft. sign in mixed-use areas. Consider whether you want to allow that.

1. The use shall only be permitted as accessory to a single-family residential use.
2. A maximum of 100 pigeons may be kept on any parcel of land.
3. The pigeons must be provided with a covered predator resistant loft that is properly ventilated and designed to be easily accessed, cleaned and maintained. The loft must have a minimum of 1 square foot of floor space per pigeon, and must be set back from all lot lines as required for other accessory structures in the zone district.
4. All pigeon feed shall be stored in such containers as to protect against intrusion by rodents and other vermin.
5. All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition. At no time shall pigeons be allowed to perch or linger on the buildings or property of individuals other than the owner of the pigeons.

OO. Raising of Chickens²¹⁷

When conducted in the R-E, R-1, R-2, or R-3 zone districts, this use shall comply with the following standards.

1. The use shall only be permitted as accessory to a single-family residential use.
2. A maximum of not more than 4 chicken hens are permitted. Roosters are prohibited.
3. The chicken hens must be provided with a covered predator resistant chicken house that is properly ventilated and designed to be easily accessed, cleaned and maintained. The chicken house must have a minimum of 2 square feet of floor space per bird with an attached outdoor enclosure. The outdoor enclosure must have a minimum of 10 square feet per bird.
4. Neither the chicken house nor the outdoor enclosure may be located less than 15 feet from any abutting property line.
5. The chicken hens may not be killed by or at the direction of the owner or keeper, except pursuant to lawful order of an appropriate state, county, or city official, or for the purpose of euthanasia when surrendered to a licensed veterinarian or the Humane Society for such purpose, or as otherwise expressly permitted by law.
6. Odor, dust, waste, and drainage must be controlled so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses.

PP. Raising of Horses²¹⁸

1. A minimum of 25,000 square feet of lot area is required for each horse in the R-E district.

QQ. Renewable Energy Equipment²¹⁹

²¹⁶ Current 10-4-4(B)2.6. Requirement for a letter of affiliation with a state or nationally recognized racing or homing pigeon association or federation was deleted. Requirement that pigeons not be released until 4 hours after feeding was deleted as almost unenforceable.

²¹⁷ Current 10-4-4(B)2.5.

²¹⁸ Current 10-4-4(B)2. It seems strange that this would apply only in the R-E district and not in the more urban or more rural districts. Please confirm.

²¹⁹ New provisions for new use.

1. Ground mounted solar energy panels may be located only in side or rear yards, and not within 5 feet of side or rear property lines.
2. Roof-mounted solar energy panels may extend through the maximum building height in the zone district by up to 18 inches.
3. Wind energy equipment may be located only in side or rear yards, and not within 10 feet of the property line.
4. Wind energy equipment is subject to the maximum height limit for primary structures in all zone districts except the I-2 district, where wind energy equipment may exceed the maximum building height by up to 30 feet after approval of a conditional use permit.

RR. Rooming/Boarding²²⁰

1. As accessory to residential occupancy of a dwelling, a maximum of not more than 2 roomers and/or boarders are permitted.
2. The use shall not have a separate outside entrance.
3. No separate kitchen facilities, including stoves, refrigerators or ovens, shall be allowed or maintained for the benefit of roomers/boarders.

SS. Short Term Home Rental²²¹

1. This use is only permitted as accessory to a residential dwelling.
2. The property owner shall continue to use the dwelling as his or her primary residence.
3. The property owner shall obtain a business license from the City prior to commencing this use.

TT. Temporary Concrete Batch Plant²²²

1. This use shall be located within 1,000 feet of the construction site for which the concrete is to be used.

UU. Temporary Construction Building, Office or Yard²²³

1. This use shall be located within the development where the construction is to take place.
2. The building or office, and all materials or equipment in the yard, must be removed within 60 days following the issuance of a certificate of occupancy for the last structure in the development.

VV. Temporary Real Estate Sales/Leasing Office²²⁴

1. The structure must be a manufactured building designed for office use and inspected and approved by the building inspector.

²²⁰ Current 10-4-4(B)4.

²²¹ New standards for new use.

²²² Current 10-4-1(A)1.

²²³ Current 10-4-1(A)2. Standard 2 is new.

²²⁴ Current 10-4-1(A)3. Standard 3 is new.

2. The office shall be located within the development where the sales are to take place.
3. The office building must be removed within 60 days following the sale of the last structure in the development.

WW. Temporary Retail Sales or Service²²⁵

1. This use may only be operated on an undeveloped site or on an open space or parking lot of a developed site.
2. If the applicant is not the property owner, the applicant shall present written evidence that the property owner has granted permission for the use.
3. The use shall comply with all provisions of Subsection _____ (Temporary Activities, Other).
4. Occasional sales, exempted from the city's sales tax collection requirements by Subsection 3-9-3-2(A)19 of this Code, are exempted from these provisions and may be operated in a business or industrial zone district or as an accessory use located on the premises permanently occupied by the seller.

XX. Temporary Activity or Structure, Other²²⁶

1. The site will not be occupied for more than 6 months during a period of 12 consecutive months.
2. Any temporary or portable structure used for such sales or services shall meet the applicable provisions of Title 4 of this Code.
3. Customer parking on the site shall be provided if the Director determines it is necessary to prevent traffic congestion or parking in surrounding residential or mixed use areas, and if required shall be on an improved surface.²²⁷
4. The temporary activities shall not be conducted within the required minimum setback areas or within unobstructed open space areas adjacent to public rights-of-way.
5. Adequate sanitary facilities for customers and employees shall be provided, either by means of the facilities existing by virtue of the existing use on the site or by facilities provided by the person who proposes to operate the temporary use.
6. Storage areas and trash containers shall be screened from view from adjacent residential property and public rights-of-way.
7. If the Director of Community Development determines that there is a risk that the temporary activity may result in any damage to public improvements, the Director may require that a cash bond shall be deposited with the City by the operator of the proposed temporary use in the amount of \$2,500.00. The bond shall be for the purpose of ensuring the prompt repair, by the operator, of any damage to public improvements, including, but not limited to, streets, sidewalks, curbs, gutters and landscaping that may occur as a result

²²⁵ Current 10-4-1(A)5. Standard 2 is new. Provision that the use be permitted in the district was deleted; the primary purpose of this use is to allow sales for limited periods of time in districts where retail sales are not permitted. Some provisions covered through cross-reference to requirements for other temporary uses to reduce repetition. The provisions of current 10-4-1(A)5 (for retail sales) and 10-4-1(A)4 (for other activities) were very repetitive and seemed inconsistent (some of the provisions that should apply to other uses were applied to retail sales and vice versa. Please confirm this is correct.

²²⁶ Current 10-4-1(A)1 and (A)4.

²²⁷ Provision allowing Director to require parking, and criteria for the decision, added.

of the operation of the temporary use. The cash bond may be applied if the operator fails to promptly repair damage to adjacent property caused by the temporary use, or to remove debris, litter, trash, mud or dirt permitted to remain on the site or on public property by the operator of such temporary use for any unreasonable amount of time. The bond shall be released or returned to the operator upon certification by the zoning official that all of the requirements of this code have been met.²²⁸

PART 3: Use-Related Definitions²²⁹

Accessory Use or Structure²³⁰

A use or structure that is:

1. Clearly incidental to, and commonly associated with, the primary permitted use or primary structure on the lot;
2. Operated and maintained under the same ownership or occupant of the premises and is located on the same lot as the primary permitted use;
3. Does not include structures or structural features inconsistent with the primary structure;
4. Does not include residential occupancy;²³¹ and
5. If operated partially or entirely within any primary structure, does not occupy more than 50 percent of the gross floor area of that structure. If operated outside the primary structure, does not occupy more than 50 percent of the area of the lot.

Adult Entertainment²³²

An adult arcade, adult cabaret, adult motel, adult motion picture theater, adult theater, or an adult model studio, as those terms are defined below. The definition “Adult Entertainment” shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

Adult Arcade

Any place to which the public is permitted or invited, in which coin-operated, token-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are distinguished or

²²⁸ Revised to allow the Director to make this determination; the current text requires the bond in each case.

²²⁹ This section includes definitions of uses listed in the Permitted Use Table, as well as definitions of other terms used in the use definitions or useful in understanding them, but does not include all definitions in the existing Code. Unless otherwise indicated in a Footnote, definitions come from current 10-1-2 of City Code. The following definitions were deleted as unnecessary or confusing because of their use in varied contexts: Assembly; Bee; Congregate Care; Existing Manufactured Home Park; Expansion of Existing Manufactured Home Park; Food Service Establishment; Foster Family Care home; Commercial Parking Garage; Private Garage; Independent Living Facility; Manufacture; Manufactured Home Park or Subdivision; Martial Arts; Multi-family Residential Development; New Manufactured Home Park; Nonresidential Development; Commercial Parking Lot; Publicly Owned Treatment Works; Recreational Trailer or Mobile Home; Skilled Nursing Facility; Tasting/Retail Sales Room; Tobacco Business; Tourist Home; Wastewater Treatment System, Wastewater System, Wastewater Utility.

²³⁰ Current 10-4-4.

²³¹ Consider whether you need to keep this condition; watchmen’s quarters and ADUs would not comply.

²³² Combination of current definitions “Adult Arcade,” “Adult Business,” “Adult Cabaret,” “Adult Motel,” “Adult Motion Picture Theater,” “Adult Theater,” and “Nude Model Studio” from current 3-14-2 of City Code. Nude model studio renamed to adult model studio.

characterized by their emphasis upon matters exhibiting "specified sexual activities" or "specified anatomical areas."

Adult Cabaret

A nightclub, bar, restaurant, or similar commercial establishment that regularly features persons who appear in nude or semi-nude; or live performances characterized by the exposure of specified anatomical areas; or films, motion pictures, videocassettes, slides or other photographic reproductions characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas".

Adult Model Studio

A commercial establishment that regularly features a person(s) appearing nude or semi-nude to be observed, sketched, drawn, painted, sculptured, or photographed by other persons who pay money or any form of consideration, but shall not include a school or educational institution licensed by the State of Colorado or a college, junior college or university supported entirely or in part by public taxation; a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Adult Motel

A hotel, motel, or similar commercial establishment, that offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way that advertises the availability of this type of photographic reproductions; and either (a) offers a sleeping room for rent for less than 10 hours, or (b) allows a tenant or occupant of a sleeping room to sublease or sublet the room for less than 10 hours.

Adult Motion Picture Theater

A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Theater

A theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear nude or semi-nude, or live performances characterized by the exposure of "specified anatomical areas".

Adult Retail Sales²³³

A commercial establishment that (a) devotes a significant or substantial portion of its stock-in-trade or interior floor space to; (b) receives a significant or substantial portion of its revenues from; or (c) devotes a significant or substantial portion of its advertising expenditures to the promotion of: the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, other visual representations, or retail goods which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult retail establishment. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of this definition are otherwise met.

²³³ Retitled from current "Adult Bookstore, Adult Novelty Store, or Adult Video Store" to cover the widening range of these products on the market.

Agriculture²³⁴

The raising of food and feed crops and products, and including tree and vine products, animal husbandry including beekeeping, dairying, poultry, and pasturage, but excluding other uses such as abattoirs, commercial feedlots, and stockyards. This uses includes the ordinary accessory uses and structures for preparing, treating, and storing agricultural products, equipment and machinery, but does not include fat rendering, meatpacking, or tanning, cutting curing, cleaning or storing of green hides or skins, slaughtering or meatpacking of animals not raised on the premises, poultry dressing of animals not raised on the premises.

Agriculture, Urban²³⁵

The raising, keeping or production of fruit, vegetable, flower, and other crops, poultry, bees and small livestock; composting; and the processing of those agricultural products, on sites of three acres or less, and including but not limited to community gardens and market gardens. This use excludes other uses such as abattoirs, commercial feedlots, and stockyards, and does not include the raising of animals on the premises unless otherwise authorized by this Code. This uses includes the ordinary accessory uses and structures for preparing, treating, and storing agricultural products, equipment and machinery, but does not include fat rendering, meatpacking, or tanning, cutting curing, cleaning or storing of green hides or skins, slaughtering or meatpacking of animals, poultry dressing of animals not raised on the premises.

Ambulance Service²³⁶

Services provided by a licensed ambulance provider in the ground or air transportation of a sick or injured person in a specially designed and equipped vehicle as defined above, which includes a trained ambulance attendant who is licensed or certified as required by state law.

Animal Boarding or Care, General²³⁷

A facility that is licensed by the State of Colorado and that is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, and boarding of large animals (such as horses, cattle, and other farm animals) and small animals, and that may include secured outdoor areas. The facility may offer veterinary care, grooming, training, retail sales of pet supplies, day care and overnight boarding for animals permitted to be kept in the city. This use includes a kennel, but does not include a Commercial Stable, Beekeeping, or any other use listed separately in the Permitted Use Table.

Animal Clinic, Small Animals²³⁸

A facility that is licensed by the State of Colorado and that is maintained by of for the use of a licensed professional engaged in practicing veterinary medicine, dentistry, or surgery for companion animals where all services are performed or provided indoors. This use is limited to the treatment of companion animals such as dogs and cats, not farm animals or livestock. This use does not include a Commercial

²³⁴ New definition for new use that replaces current "Raising of crops (limited to the use and consumption by occupants of premises)" and "Raising of livestock (other than horses or fish (Not including furbearing animals raised for pelts, hog ranches, commercial feedlots, agricultural processing industry or farms for the disposal of garbage or other waste.)"

²³⁵ New definition for new use.

²³⁶ New definition for existing use.

²³⁷ Definition revised to include animals larger than dogs and cats and to distinguish from other listed uses. Replaces large animal portion of "Treatment and boarding of large animals (such as horses, cattle and other farm animals) and small animals outside an enclosed structure".

²³⁸ New definition for combined current uses, "Treatment and boarding of large animals (such as horses, cattle and other farm animals) and small animals outside an enclosed structure," "Treatment and boarding of small animals within enclosed structure," "Treatment of small animals and boarding only for treatment purposes," and "Outpatient treatment of small animals."

Stable, Beekeeping, or any other use listed separately in the Permitted Use Table. Animals shall not be bred, sold or let for hire from this facility. This use shall not include rescue shelters, impounded canines or fostering.

Antenna (or Telecommunications Antenna)

A transmitting and/or receiving device used in telecommunications that radiates or captures radio signals.

Antenna Support Structure

A conventional or monopole mast, guyed tower or similar upright structure, designed to withstand extreme lateral forces, which is primarily intended for supporting commercial mobile radio service (CMRS) antennas, and any ancillary utility structures. This use includes an Alternate Tower Structure, as defined below.

Alternative Tower Structure²³⁹

A manmade tree, clock tower, bell tower, telephone or power pole, light standard, electric transmission tower, or similar structure which is capable of being used as an alternative to conventional or monopole masts for the mounting of antennas that is compatible with its natural setting and surrounding structures, and which camouflages or conceals the presence of antennas. This definition includes any antenna or antennas attached to the alternative tower structure.

Apiary²⁴⁰

A place where one or more beehives are kept.

Artisan Fabrication and Sale²⁴¹

Application, teaching, making, or fabrication of crafts or products by an artist, artisan or craftsperson either by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes typically not permitted in non-industrial zoning districts such as welding and sculpting.

Automobile Parking Garage or Lots

The principal use of a parcel of land for the parking of automobiles specifically not including ancillary off street parking required in Section 10-4-9.

Automobile Sales, Rental or Leasing²⁴²

A lot, tract, or site where the primary use is the sale, rental, or leasing of two or more new or used automobiles. All automobiles offered for sale shall be mechanically operable and shall not be wrecked or similarly damaged. The business shall be operated out of a primary structure meeting all requirements of this Code and the City's adopted building codes.

Automobile Service Station

A commercial enterprise providing where the primary activity is the sales of motor vehicle fuels for automobiles and other light vehicles and equipment. This use shall include the provision of electric vehicle charging stations and/or liquefied natural gas or other automobile and light vehicle fuels.

²³⁹ Because it appears that alternative tower structures are not regulated significantly differently from other antenna support structures, we have combined these definitions.

²⁴⁰ From current 10-4-14.

²⁴¹ New definition for new use.

²⁴² New definition for new use that is a combination of current uses, "Sales of automobiles by licensed dealers," "Sales of new automobiles," and "Sales, leasing, rental or pawning of used motor vehicles."

Accessory uses may include the sale of food, drink, and convenience goods and the performing of minor vehicle repairs such as mechanical repairs such as oil changes, lubrication, engine tune-ups, tire repairs, and muffler, shock absorber, or brake replacement, or similar repairs typically performed in less than 4 hours. This use does not include an automotive body shop engaged in in bodywork, painting, bodywork, any use included in the definition of Light Vehicle Repairs and Servicing, or a facility regularly engaged in the purchase and sale of automobiles and light vehicles.²⁴³

Bar or Tavern²⁴⁴

An establishment in which beer, wine, or liquor is sold by the drink to the general public and where food or packaged liquors may be served or sold as accessory to the primary use. This definition shall not include dancing or entertainment facilities or a brewpub.

Bed And Breakfast²⁴⁵

An establishment operated in a private residence or portion of a private resident, that provides temporary accommodations to overnight guests for a fee and that is occupied by the operator of such establishment.

Beekeeper²⁴⁶

Any person who owns or maintains a bee colony.

Beekeeping²⁴⁷

The act of managing and maintaining Honey Bees in a Hive or Hives.

Brewery, Distillery, or Winery²⁴⁸

An establishment where malt liquors, fermented malt beverages, wine, vinous liquors, spirituous liquors, or other alcoholic beverages are manufactured.

Brewpub

A brewery, distillery or winery that contains a tasting or retail sales room located in the same building as the manufacturing facility, and where food may be served or sold as accessory to the primary use.

Campground or Travel Trailer Park²⁴⁹

Any tract of land used or designed to accommodate temporary occupancy for recreational purposes including tents, camping or travel trailers, motor homes or other recreational equipment that includes living accommodations, and that areas generally retain the natural, open character of the land.

Cemetery

The use of property for the interment of human remains, whether above or below ground, along with all accessory structures which are commonly and reasonably associated with such use.

Child or Adult Care Center

²⁴³ Definition expanded and clarified. Electric vehicle and alternative fuels are now included, convenience sales are now included, and repairs are limited to minor work.

²⁴⁴ New definition for current use.

²⁴⁵ New definition for current use. Please confirm that you want to require the owner of the property to reside on it. Some cities allow this as a business where that is not true (i.e. they hire a manager).

²⁴⁶ From current 10-4-14.

²⁴⁷ New definition for current use.

²⁴⁸ Current definition of brewery expanded to cover all three uses.

²⁴⁹ Wording expanded and clarified.

Any facility operated to provide full or part time care for any number of children or adults that are elderly, handicapped, or disabled, in other than a residence, or that is staffed by persons who are not full time residents on site. This use does not include home child or adult care or child or adult care that is provided by an employer on the same premises as the business and solely for the benefit of the employees of that business.²⁵⁰

Club or Lodge²⁵¹

Private organizations of persons for special purposes, social/fraternal gatherings and events, or for the promulgation of sports, arts, literature, politics, or other common goals, interests, or activities. A private club or lodge is characterized by membership qualifications, dues, or regular meetings, excluding clubs operated for profit and places of worship. This use includes union halls and similar uses.

College or University²⁵²

A permanent facility for the purpose of undergraduate and graduate instruction. The institution may be privately or publicly funded and may also include on-campus dormitories for enrolled students.

Collocation

The siting of 2 or more telecommunication antenna arrays of similar or different technologies on the same antenna support structure, and that is designed to allow appropriate separation of antennas to eliminate radio frequency interference between telecommunications service providers.

Colony²⁵³

In connection with beekeeping, a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

Commercial Laundry²⁵⁴

An establishment engaged in dry-cleaning, laundry, and linen services for the public or for businesses or institutions. This use includes pressing, repair, and dry-cleaning primarily for pick-up from and distribution to customers located off-site.

Commercial Mobile Radio Service (CMRS)

Low power wireless telecommunication services including, but not limited to, cellular, enhanced specialized mobile radio (ESMR), paging and personal communication systems, and point to point microwave.

Commercial Stable²⁵⁵

Any place where horses, mules, or ponies are hired, bred, shown or boarded on a commercial basis. To include, but not limited to riding academies and horse training facilities.

Community Correctional Facility

A facility that provides confinement for offenders who have been placed in a community corrections or work release program by judicial action, or by the correctional department of a unit of local government or the state or federal government. This definition includes, but is not limited to, halfway houses and

²⁵⁰ Please confirm that you want to keep the last sentence. Many cities treat employer run accessory childcare uses the same as others. Excluding them from this definition (among other things) means lack of a license is not a Code violation.

²⁵¹ New definition for current use.

²⁵² New definition for current use.

²⁵³ From current 10-4-14.

²⁵⁴ New Definition.

²⁵⁵ New definition for new use that is combination of current uses, "Kennels and pet animal boarding and raising," "Raising horses."

work release quarters which are intended to provide programs and services to aid such offenders in obtaining and holding regular employment, and participating in vocational training programs and academic courses. This use does not include the county jail or any other general correctional institution.²⁵⁶

Correctional Institution

A permanent structure, publicly or privately owned and operated, intended solely for the detention, safekeeping and confinement of prisoners directed to the facility by judicial action, or by persons awaiting judicial hearing.

Crematorium²⁵⁷

A facility containing furnaces for the reduction of dead bodies to ashes by incineration.

Detoxification Center²⁵⁸

Any facility, premises or part of a premises, to which persons who are under the influence of alcohol or drugs are taken or to which facility or premises any person voluntarily or by court order enters for purposes of "drying out" or detoxification of such person's blood from drugs or alcohol.

Dwelling, Co-Housing Development²⁵⁹

A residential development that combines individual owned dwelling units with smaller or partial kitchens and a larger community kitchen and dining room intended for communal use on a regular basis, and that may also provide other facilities for communal use and interaction, and in which residents agree to share in the provision of regular communal services such as cooking meals or providing child care.

Dwelling, Cottage Infill Development²⁶⁰

A residential development option available for small parcels of urban infill land, designed to accommodate small groups of small residential dwellings, and in which lots are permitted to be smaller than otherwise required in the zone districts and private streets area permitted to serve the development, in order to promote urban infill development.

Dwelling, Multi-Family²⁶¹

Any building structurally divided into 2 or more separate dwelling units, each of which is occupied by only one family unless otherwise required by state or federal law.

Dwelling, Single-Family Detached²⁶²

A detached principal structure, other than a manufactured home or mobile home, designed and used as a single residential dwelling unit, each of which is occupied by only one family, unless otherwise provided for in state or federal law. This use includes a factory built structure that is built in

²⁵⁶ Reference to jail moved here from title of use.

²⁵⁷ New definition for current use.

²⁵⁸ This sounds like a residential facility. If it is, it should move to the "Group Living" section of the Use Table.

²⁵⁹ New definition.

²⁶⁰ New definition.

²⁶¹ Now tied to definition of family, which includes the "no more than 3 unrelated occupancy limit". Text on sex offender occupancy limits now appears only in the definition of family to avoid repetition.

²⁶² Definition now includes current definition of "manufactured housing". Reference to manufactured homes added because the text now distinguishes between manufactured homes and mobile homes. Text on sex offender occupancy limits now appears only in the definition of family to avoid repetition. The exclusion of manufactured homes is unusual. The better practice is to include HUD-compliant mobile homes in the definition of single-family detached homes and then require that the form or shape of those units match any design standards applicable to stick-built homes in the same district.

conformance with the "Federal Manufactured Home Construction Safety Standards", is transportable in one or more sections, and is built on a permanent foundation, that is not constructed with a permanent hitch and does not have wheels or axles permanently attached to its body or frame.

Dwelling, Single-Family Attached²⁶³

Two or more single-family dwelling units, each with its own outside entrance, that are joined together by a common party wall or connecting permanent structures such as breezeways, carports or garages, whether located on one lot or on adjoining lots, each of which is designed and used as a single residential dwelling that is occupied by only one family unless otherwise required by state or federal law.

Dwelling Unit²⁶⁴

One or more rooms connected together but structurally divided from other structures or from all other rooms in the same structure and providing residence for a family living together as a single housekeeping unit.

Elderly

Those persons 60 years of age or older.

Elementary or Secondary School²⁶⁵

Public, private, charter, or parochial schools providing education from kindergarten through 12th grade, or some of those years, with curriculum equivalent to that of a public elementary or high school, and related facilities such as including gymnasiums, stadiums, and dormitories if located on the campus.

Establishment

In regard to an adult entertainment or adult retail sales use, means and includes any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business into an adult entertainment or adult retail sales use;
3. The addition of an adult entertainment or adult retail sales use to any other existing adult entertainment or adult retail sales use; or
4. The relocation of an adult entertainment or adult retail sales use.

Fabrication

The cutting, shaping and forming of bulk processed materials into parts for assembly.

Family²⁶⁶

Any number of persons related by blood, marriage or adoption, living together and normally, but not always, consisting of 2 parents and their children; or persons living together for the purpose of guardian, ward or foster family who may or may not be related by blood or marriage to the head of the household; or a group of not more than 3 unrelated individuals living together in a dwelling unit. A family shall not include more than one unrelated individual over the age of 12 years who is required to

²⁶³ New definition. We included the sex offender language for consistency, although we don't think it belongs here.

²⁶⁴ Text on sex offender occupancy limits now appears only in the definition of family to avoid repetition. The second sentence, on sex offenders, in each of these definitions, should not be in the definition. These are definitions of who can occupy the dwelling, and should be included in the definition of a Household or Family or in the City's occupancy code.

²⁶⁵ New definition for current use.

²⁶⁶ Text on sex offender occupancy appears here to avoid repetition. We recommend replacing this term with "household" throughout the use regulations, but probably need to discuss that with the City Attorney first.

register as a sex offender under the provisions of Colorado Revised Statutes section 18-3-412.5, as amended, nor shall this section apply to any child required to register as a sex offender under said statute who is placed pursuant to section 19-1-103(51.3), Colorado Revised Statutes in a foster care home certified or licensed pursuant to article 6 of title 26, Colorado Revised Statutes. Provided however, that this section shall not require a resident to leave the home upon becoming 12 years of age, nor shall this section apply to any child required to register as a sex offender under said statute who is placed pursuant to section 19-1-103(51.3), Colorado Revised Statutes in a foster care home certified or licensed pursuant to article 6 of title 26, Colorado Revised Statutes.

Farm Stand or Farmer's Market²⁶⁷

A form of accessory retail use that includes an accessory structure or land used for the sale, by the owner or his family or tenant, or by others with the permission of the property owner, of agricultural or horticultural produce, or merchandise principally produced on that farm, but may include produce grown on other farms and accessory products, and does not change the character of the premises.

Fence

A structure designed or intended to constitute an enclosure or barrier, either physical or visual, including a wall or a planter not exceeding twenty four inches (24") in width, or other similar structure.

Flea Market

See definition of Open Air Market.

Garage or Yard Sale²⁶⁸

A periodic sale of personal property conducted on a residential property or the residential portion of a mixed use property.

General Personal Service

An establishment that is engaged in the provision of informational, instructional, personal improvement, personal care, and similar services. Examples include but are not limited to; catering establishments, custom dressmaking, film processing, optical and optician services, service and repair establishments, sun tan centers, bicycle rental, laundry and dry-cleaning drop-off centers, and small craft rental. This use includes the following:

General Personal Service, Large

A facility in which all general personal services uses combined include more than 15,000 square feet of gross floor area.

General Personal Service, Small

A facility in which all general personal services uses combined do not include more than 15,000 square feet of gross floor area.

General Retail Sales²⁶⁹

A commercial enterprise that sells goods directly to the consumer for consumption by the consumer and not for resale, where such goods are available for immediate purchase and removal from the premises by the consumer, and that does not meet the definition of any other retail use listed in the Permitted Use Table. This use includes the following:

²⁶⁷ New definition for new use.

²⁶⁸ Definition revised and broadened to include mixed use areas.

²⁶⁹ New definition.

General Retail Sales, Large

A facility in which all general retail sales uses combined include more than 15,000 square feet of gross floor area.

General Retail Sales, Small

A facility in which all general retail sales uses combined do not include no more than 15,000 square feet of gross floor area.

Group Home, Large²⁷⁰

A residential facility in which personal service, personal assistance, personal care and/or protective care are provided to more than 8 unrelated individuals. This use includes but is not limited to facilities for persons of 55 years of age and older, and facilities for individuals whose rights to live together are protected by the federal Fair Housing Act Amendments of 1988 as amended and interpreted by the courts. This use does not include a nursing home or assisted living facility or any other group residential use listed separately in the Permitted Use Table.

Group Home, Small²⁷¹

A residential facility in which personal service, personal assistance, personal care and/or protective care are provided to not more than 8 unrelated individuals. This use includes but is not limited to facilities for persons of 55 years of age and older, and facilities for individuals whose rights to live together in small groups in small facilities similar in size to those in the surround neighborhood are protected by the State of Colorado or the federal Fair Housing Act Amendments of 1988 as amended and interpreted by the courts. This use does not include a nursing home or assisted living facility or any other group residential use listed separately in the Permitted Use Table.

Handicap²⁷²

A physical or mental impairment that substantially limits one or more of a person's major life activities, as further defined in the federal Fair Housing Act Amendments of 1988, as amended and interpreted by the courts.

Heavy Manufacturing²⁷³

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, frequency of deliveries by heavy trucks or rail cars, or that do not meet the definition of "light manufacturing," and any use where the area occupied by outdoor storage of goods and materials exceeds 25 percent of the floor area of all buildings on the lot. Examples include but are not limited to: refining or processing of raw materials using chemicals; mining and quarrying; battery manufacture; production or processing of animal products or byproducts; bottling works; production of dairy products; foundry casting; and plastic products manufacturing. This use does not include any use listed separately in the Permitted Use Table.

Hive²⁷⁴

²⁷⁰ New definition for new use. Replaces current definitions of "Group Home for Children," "Group Home for Persons with Handicaps," and "Group Home for the Elderly."

²⁷¹ New definition for new use.

²⁷² Definition revised for clarity.

²⁷³ New definition for use retitled from current "Refining or initial processing of basic raw materials other than products related to mining or quarrying operations, petroleum and chemicals, alcohol distillation excepting distilleries, animal products or by-products, wood, rubber, metal, and gases excepting nitrogen and oxygen and similar products."

²⁷⁴ From current 10-4-14.

A structure intended for the housing of one bee colony that does not exceed 12 cubic feet in size.

Home Child or Adult Care²⁷⁵

Care of children or the elderly that is operated as an accessory use to a residential dwelling unit and that is staffed only by full time residents of the premises. Home child or adult care is limited to the full or part time care of not more than 6 children and elderly adults, including children of the operator, and not more than 2 additional children for before and after school care.

Home Occupation²⁷⁶

A business that is operated as an accessory use to a residential dwelling unit, that is carried on solely by residents of that residential dwelling unit, that is clearly incidental and secondary to the primary use for residential purposes and that does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital²⁷⁷

An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including related facilities such as laboratories, out-patient facilities, training facilities, central service facilities, and staff offices.

Hotel²⁷⁸

A building or portion of a building containing 4 or more individual rooms or suites of rooms offered for transient sleeping accommodations for periods of 29 days or less and providing customary lodging services to guests, such as furnishing and upkeep of furniture and linens, concierge services, and communication and fitness facilities. This use includes motels but does not include Tourist Homes or any use listed separately in the Permitted Use Table.

Household Pet

Any domesticated animal commonly kept at a place of residence, not including livestock (except ducks as allowed under Subsection 10-4-4(B)3, mink, chinchilla or other commercial furbearing animals. Household pets include dogs, domestic cats, ducks, canaries, parrots, hamsters, guinea pigs and similar rodents, fish, reptiles and other species normally sold at a local pet shop. The term "household pet" does not include any species capable of inflicting substantial physical harm to man.

Kennel²⁷⁹

A place where dogs or cats are born, bred, raised, boarded, fed, or sold for any valuable consideration. This use does not include a household that sells only the offspring of a female dog or female cat maintained solely as a family pet.

Library, Museum, or Art Gallery²⁸⁰

A facility containing collections of books, manuscripts, and similar materials for study and reading, or exhibiting works of science or art or objects in one or more of the arts and sciences.

Light Manufacturing²⁸¹

²⁷⁵ Definition clarified and expanded to include language permitting home child and adult care facilities only as accessory use. Definition expanded to include adult care.

²⁷⁶ Definition clarified and expanded to include language permitting Home Occupation uses only as Accessory Use.

²⁷⁷ New definition for current use.

²⁷⁸ New definition for current use.

²⁷⁹ From current 6-2-1.

²⁸⁰ Retitled from current "Library, reading room (private)." Current 6-9-6 definition expanded to include works of art, and does not restrict operation to "by the City of Littleton, Colorado, or on behalf of the City of Littleton, Colorado."

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials does not exceed 25 percent of the floor area of all buildings on the lot. This use does not include any use listed separately in the Permitted Use Table.

Light Vehicle and Equipment Repair and Service²⁸²

A facility that performs major repairs, major servicing, bodywork, or painting on light vehicles, including but not limited to automobiles, pickup trucks, motorcycles, boats and watercraft, recreational vehicles, travel trailers, all-terrain vehicles, and similar vehicles not used for construction or heavy transportation services. This use does not include an Automobile Service Station. Major repairs generally include repairs that require the removal or replacement of major component parts of the vehicle, including but not limited to motors, transmissions, axels, driveshafts, and radiators.

Livestock

Animals commonly associated with agricultural use such as, but not limited to, horses, cows, sheep, goats, pigs, chickens, ducks, geese, turkeys and other poultry.

Manufactured Home²⁸³

A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities for occupancy, that was constructed after June 15, 1976, and that meets the construction standards of the federal Department of Housing and Urban Development. The term "manufactured home" does not include a recreational vehicle, a travel trailer, or a mobile home.

Manufactured Home Park²⁸⁴

A plot of ground occupied or intended for occupancy by 2 or more manufactured homes or mobile homes that are occupied for regular dwelling or sleeping purposes, regardless of whether or not a charge is made for the use of such accommodations.

Mast, Conventional

An upright structure made of wood, lattice metal or other material, typically guyed by cables and primarily intended for supporting antennas.

Mast, Monopole

An upright, single spire structure made of metal or fiberglass, which is self-supporting and designed to withstand extreme lateral forces, and which is primarily intended for supporting cellular telecommunications antennas.

Mini-Warehouse²⁸⁵

A building containing individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies. No occupancy of storage units; retail or wholesale sales; auto repair; auto or furniture painting and refinishing; electrical equipment or

²⁸¹ New definition for new use.

²⁸² New definition

²⁸³ From current 10-6-2, revised to clarify that this use meets the HUD safety standards, but does not include "Mobile homes" that do not meet those standards.

²⁸⁴ From current 4-4-1. Currently "Mobile Home Park."

²⁸⁵ New definition for current use.

electronic repair or assembly; or any other like repair, refinishing, or assembly by any person is permitted. Accessory uses may include office space and living quarters incidental to the management and operation of the facility.

Mixed Use Development²⁸⁶

Development that combines residential development and nonresidential development on the same real property.

Mobile Home²⁸⁷

A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities for occupancy, that was constructed on or before June 15, 1976, and that does not meet the construction standards of the federal Department of Housing and Urban Development. The term "mobile home" does not include a recreational vehicle, a travel trailer, or a manufactured home.

Monastery or Convent²⁸⁸

A structure used for the purpose of housing persons on a permanent basis who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition the terms convent and monastery are interchangeable and shall have the same meaning. Assembly for worship services may be conducted in conjunction with the convent use but only for the residents of the monastery or convent.

Mortuary²⁸⁹

An establishment in which the dead are prepared for burial or cremation, the body may be viewed, and funeral services are sometimes held.

Motor Vehicle²⁹⁰

Any vehicle or device in, upon, or by which any person or property is or may be transported or drawn upon a public highway. Motor vehicles include but are not limited to automobiles, motorcycles, pickup trucks, trucks, truck-trailers, semi-trailers, trailers, busses, trailers, recreational vehicles, travel trailers, snowmobiles, minibikes, go-karts, and any other vehicle that is self-propelled. This use does not include devices moved by human power or used exclusively upon stationary rails or tracks.

Nightclub²⁹¹

An establishment that dispenses liquor and meals in which music, dancing, or entertainment is provided. This use does not include an adult cabaret or adult nightclub.

Nursing Home or Assisted Living²⁹²

A residential facility for more than 8 elderly and/or handicapped persons that provides living and sleeping facilities, shared food preparation service and major dining areas and common recreation, social and service facilities, and that may also provide domestic care, semi-skilled or skilled nursing care,

²⁸⁶ From current 11-7-2.

²⁸⁷ Definition in 4-4-1 revised to clarify that this is a non-HUD compliant home. Consider whether you want to permit these anywhere in the city (which usually depends on whether you have any now). If you do not want to permit the in the existing manufactured home parks or elsewhere, we can define this use and then remove references to it in the text.

²⁸⁸ New definition for current use.

²⁸⁹ New definition for current use.

²⁹⁰ Combines definitions from current 3-9-1-2, 7-3-3, and 9-1-8. References to aircraft and mobile homes were deleted.

²⁹¹ New definition for current use.

²⁹² New definition, combining current uses "Skilled nursing facility" and "Nursing home/congregate housing" and integrates a second definition of "Assisted Living Facility."

staff-supervised meals, housekeeping, personal care, and/or medication supervision for the exclusive use of its residents. This use includes a facility that specializes in the care of residents with Alzheimer's or other forms of dementia.

Off Track Betting Facility²⁹³

A facility that is in the business of accepting wagers on horseraces or dog races at locations other than the place where the race is run, and that is licensed by the State of Colorado to conduct that activity.

Office²⁹⁴

An establishment providing executive, business, management, administrative, or professional services, including medical or dental services, but not involving the regular sale of merchandise, as a primary use of the property. This use does not include office areas accessory to another permitted or approved conditional use. This use includes the following:

Office, Large

A facility in which all office uses combined include more than 15,000 square feet of gross floor area.

Office, Small

A facility in which all office uses combined do not include more than 15,000 square feet of gross floor area.

Open Air Market

Any sale or distribution of commercial goods, ordinarily conducted by several persons who are temporary occupants of the premises on which such sale takes place, and which is held outside of a permanently enclosed structure; also known as a "flea market".

Other Religious Facility²⁹⁵

Any facility that is located on the same lot as a place of worship, but that is not used for the primary purpose of regular religious services, meetings, church school or related activities. Church facilities include, but are not limited to, full time general education schools, child or adult care centers, daycare centers, bingo parlors, gymnasiums and reception or banquet halls.

Outdoor Storage

The storage of supplies, materials and equipment in other than a fully enclosed structure.

Pawn Shop²⁹⁶

An establishment where money is loaned on the security of personal property pledged in the keeping of the business owner or operator. Accessory uses include the retail sales of primarily used items after the property securing the loan becomes the property of the business owner or operator.

Park, Trail, or Open Space

²⁹³ New definition for current use.

²⁹⁴ New definition for an existing use. Includes uses in current "Administrative and executive; business and professional; and general offices," Studios for professional work," and "Medical and dental outpatient facilities and hospitals." One category of medical offices was previously limited to 10,000 sq. ft.

²⁹⁵ Retitled from current "Church facilities." Reference to parsonage was dropped because many parsonages are now sprinkled throughout residential neighborhoods rather than adjacent to the place of worship.

²⁹⁶ New definition for current use. Reference to parsonage was dropped because many parsonages are now sprinkled throughout residential neighborhoods rather than adjacent to the place of worship.

A parcel of land dedicated, designated or reserved for public use and enjoyment, and that contains improvements for active and/or passive recreation purposes including but not limited to arboretums, gardens, play fields, trails, recreation centers and supervised recreational activities.

Pigeon

For the purposes of this section, "pigeon" includes all varieties and breeds of domesticated flying and sporting pigeons; and "loft" includes all quarters in which pigeons are housed.

Place of Worship²⁹⁷

A building and accessory buildings and uses, where persons regularly assemble for religious worship, meetings, church school and other activities, and which is maintained and controlled by a religious body organized for the purposes of worship.

Planned Development (or PD)

A zone district granted for a parcel of land originally owned by a single owner or entity involving a unified site design for all elements of the development including, but not limited to: residential, commercial, industrial and mixed uses; public and private open spaces; and transportation patterns.

Planned Development Overlay (or PDO)

A zoning overlay district that contains special standards to allow a more flexible site design and development than is possible under traditional zone district regulations, while retaining the permitted land uses and the overall density/intensity of those districts.

Plant or Tree Nursery²⁹⁸

An establishment, including a building, part of a building, or open space, for the growth, display and/or sale of plants, trees, and other materials used in indoor or outdoor planting for retail sales and incidental wholesale trade.

Principal Structure

A structure that contains or is intended to contain a principal use.

Primary Use (or Principal Use)²⁹⁹

The predominant use of the property, generally the use that occupies or takes place in the largest amount of gross floor area or land area, and that is not incidental or subordinate to any other use of the property. In addition to amount of space occupied or used, the primary use may be determined by considering areas generating the greatest sales or rental volume of materials or services offered; prominence of on-site display or advertisement of materials or services offered; type of materials or services offered; amount of stock or inventory; hours of operation devoted to a particular sales or service activity; occupation of inhabitants or employees; and/or the purpose or attraction of the occupation.

Public Service Facility³⁰⁰

A public service improvement or structure developed by or for a public agency that is not listed separately in the Permitted Use Table.

Recreation or Entertainment, Indoor³⁰¹

²⁹⁷ Retitled from current "Church."

²⁹⁸ New definition for current use.

²⁹⁹ Revised and simplified definition.

³⁰⁰ New definition for new use.

A facility providing entertainment or recreation activities where all activities take place within enclosed structures, but not including a conference center. This use includes but is not limited to: teen clubs, theaters, bowling alleys, nightclubs, game centers, gymnasiums, health and fitness clubs, martial arts studios, yoga studios, climbing wall centers, and indoor amusement games (including but not limited to foosball, pinball, electronic/video games, virtual reality games), and other coin operated amusements .

Recreation or Entertainment, Outdoor³⁰²

A facility providing entertainment or recreation activities where majority of activities take place outside enclosed structures. This use includes but is not limited to go-kart tracks, skateboard and roller skating rinks, miniature golf courses, driving ranges, tennis courts and swimming pools.

Recreational Vehicle³⁰³

A self-propelled wheeled or tracked vehicle primarily designed to be operated for recreational purposes on land, or on land and water, and that may be capable of being on surfaces other than roads or highways. This definition shall include, but is not limited to motorcycles, motor bikes, motor scooters, motor bicycles, trail bikes, mini-bikes, dune buggies, go-carts, snowmobiles and all-terrain vehicles.

Recycling Collection Point³⁰⁴

An accessory use including containers or enclosures for the collection of recyclable materials for onward transfer to a solid waste recovery or recycling facility.

Renewable Energy Equipment³⁰⁵

Accessory structures and equipment used to generate electric power or heat from solar, wind, or geothermal energy, primarily for on-site consumption, with incidental sales to public utilities permitted.

Restaurant³⁰⁶

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

Retail Marijuana Cultivation Facility³⁰⁷

An entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers. This use is prohibited in all zoning districts.

Retail Marijuana Establishment³⁰⁸

A retail marijuana store, a retail marijuana cultivation facility, a retail marijuana product manufacturing facility, or a retail marijuana testing facility. This use is prohibited in all zoning districts.

Retail Marijuana Product Manufacturing Facility³⁰⁹

³⁰¹ New definition.

³⁰² New definition including elements of current use titles.

³⁰³ Current 9-1-8.

³⁰⁴ New definition for new use.

³⁰⁵ New definition for new use.

³⁰⁶ New definition for new use that combines current uses, "Service within enclosed area under roof without drive-thru facility," "Service within enclosed area under roof with drive-thru facility," "Takeout and delivery," and "Automotive curbside service."

³⁰⁷ From current 3-21-1. We listed the retail marijuana uses because they are land uses, and then noted that they are prohibited. Let us know if you would rather have them not listed in the development code.

³⁰⁸ From current 3-21-1.

³⁰⁹ From current 3-21-1.

An entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers. This use is prohibited in all zoning districts.

Retail Marijuana Store³¹⁰

An entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers. This use is prohibited in all zoning districts.

Retail Marijuana Testing Facility³¹¹

An entity licensed to analyze and certify the safety and potency of marijuana. This use is prohibited in all zoning districts.

Rooming or Boarding³¹²

The act of renting one or more rooms in a residential structure, but not the entire residential structure, for occupancy, with or without meals, for compensation, while the owner of the property is also residing in the property, as an accessory use of the residential property.

Satellite Communications Dish

A device, commonly parabolic in shape, used for the purpose of capturing any communications signals, including television, transmitted via satellite.

Semi-Trailer³¹³

A wheeled vehicle, without motive power, that is designed to be used in conjunction with a truck tractor so that some part of its own weight and that of its cargo rests upon or is carried by such truck tractor, and is generally and commonly used to carry and transport property over the public highways.

Short Term Home Rental³¹⁴

The rental of a residential dwelling intended for permanent occupancy to a person(s) who is not the owner or general resident of the property for a period of 30 days or less, for occupancy while the property owner or general resident is not occupying the property. This use does not include a bed and breakfast or activities meeting the definition of rooming and boarding.

Site Development Plan (or SDP)

A detailed site plan that is required to be submitted prior to the issuance of a building permit for any new structures to be located in any zone district, except single-family dwellings.

Solid Waste Recovery or Recycling Facility³¹⁵

Any use of real property for the transfer, storage, separation and other processing or recycling of waste materials in bulk. Waste materials include, but are not limited to, newspaper, glass, aluminum and appliances, but shall not include scrap motor vehicles or any part thereof. This use does not include a solid waste incinerator or landfill.

Solid Waste Incinerator or Landfill³¹⁶

³¹⁰ From current 3-21-1.

³¹¹ From current 3-21-1.

³¹² Revised definition describes the act of rooming or boarding, not a rooming/boarding house.

³¹³ From current 9-1-6.

³¹⁴ New definition for new use.

³¹⁵ Retitled to include recycling.

³¹⁶ New definition for current use, "Solid waste landfill."

A permanent facility operated for the purpose of disposing of solid waste through burning or through disposal on the land in compliance with all state and federal laws.

Sorority or Fraternity House³¹⁷

A building, rented, occupied or owned by a national or local chapter of an organized college fraternity or sorority that is officially recognized by a college, university, or other educational institution.

Studio for Arts Instruction

A facility in which instructors teach small groups of students in the fine arts. For purposes of this definition, the fine arts include art form developed primarily for aesthetics and/or concept rather than practical application. The fine arts commonly include the visual art and performing art forms, such as painting, sculpture, collage/assemblage, calligraphy, music, dance, theater, photography, and printmaking.

Tattoo Parlor³¹⁸

A facility where permanent marks, scars, or designs are made on the skin by a process of pricking and ingrainings an indelible pigment or by raising scars; or in which other bodily decorations, such as piercing, are provided. This use includes a body arts studio.

Telecommunication Service³¹⁹

Low power wireless telecommunication services including, but not limited to, cellular, enhanced specialized mobile radio (ESMR), paging and personal communication systems, and point to point microwave.

Telecommunication Facility³²⁰

An unmanned facility which consists of equipment for the reception, switching and transmission of wireless telephone or data communications. Such facility may include elevated transmitting and receiving antennas, radio frequency transmission equipment and interconnection equipment. Facility types include: (a) roof and/or building mounted facilities; (b) antenna support structures; (c) collocated facilities; and (d) ancillary utility structures.

Temporary Concrete Batch Plant³²¹

A non-permanent manufacturing facility for the production of concrete for a specific construction project.

Temporary Construction Building, Office, or Yard³²²

A facility or area used as a temporary field construction office, temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct buildings, structures or infrastructure.

Temporary Labor Hall³²³

³¹⁷ New definition for current use.

³¹⁸ New definition for current use.

³¹⁹ Retitled definition (renamed from CMRS service).

³²⁰ Retitled definition (renamed from CMRS facility).

³²¹ New definition for current use.

³²² New definition for current use.

³²³ From current 3-18-2. Renamed from "Industrial Temporary Labor Halls".

Any real property or structures used for the registration of, or congregation of industrial temporary laborers, and in or at which laborers remain on or about the premises for purposes of obtaining or being transported to a job or job site.

Temporary Laborer³²⁴

A nonclerical workers who is generally hired to do physical labor that does not require advanced educational prerequisites, and that is generally performed and paid for on a daily or hourly basis and not on a fixed or predictable schedule.

Temporary Retail Sales or Service³²⁵

Any permitted retail and service use that is operated only for a temporary period of time stated in the temporary use permit issued by the City, which may not exceed more than six (6) months in any twelve (12) month period.

Towers, Other³²⁶

A tower structure, other than an antenna support structure or alternate tower structure, that includes but is not limited to radio transmission towers, wind energy generators, and similar structures.

Trade or Vocational School³²⁷

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.

Travel Trailer³²⁸

A portable structure built on a single chassis, not exceeding 40 feet in length, designed to be used for temporary dwelling or sleeping quarters for travel, recreational and vacation purposes, that is not self-propelled but designed to be towed by an automobile or truck. For purposes of these regulations the term "travel trailer" shall be construed to include automobile vehicles adapted for use as such temporary dwelling and sleeping purposes, and units constructed to be placed on trucks for use for such purposes.

Trailer³²⁹

Any wheeled vehicle, without motive power, that is designed to be drawn by a truck or motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

Utility Installation, Large³³⁰

A utility installation that generally occupies an area of more than 1,000 square feet of land area or provides a service to a large area of land or a large population. This use includes but is not limited to a telephone exchange, water reservoir, water treatment facility, wastewater treatment facility, wastewater utility, gas regulator stations³³¹, electric power generation plants (including solar, wind, biomass, and geothermal power plants) high tension electric power lines, electric substations and utility

³²⁴ From current 3-18-2. Renamed from "Industrial Temporary Laborers".

³²⁵ New definition.

³²⁶ New definition for new use, incorporating terms from existing use titles.

³²⁷ New definition for current use.

³²⁸ Combines current 4-4-1 with definition of recreational vehicle from current 11-7-2.

³²⁹ From current 9-1-6.

³³⁰ Includes language from current 10-8-2(A), and uses found in 7-5-2. Definition expanded to include renewable energy facilities.

³³¹ From current 7-5-2.

pumping stations, including water wells. This use does not include telecommunications facilities, antenna support structures, alternative tower structures, other towers, or local transmission and distribution lines or pipes.

Utility Installation, Small³³²

A subordinate utility facility or equipment used to provide public services or telecommunication services, generally including local transmission and distribution lines, wires, and utility boxes that are needed in order for public utility services to reach individual parcels. This use does not include antenna support structures, alternative tower structures, or other towers.

Wholesale Sales and Distribution

Sales by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale. This use does not include retail sale by wholesalers to users or customers for direct consumption as opposed to resale.

³³² New definition incorporating current definition of “Utility Structure, Ancillary”.