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Sec. 16-1-10. Short title.

This Chapter shall be known as and may be cited and referred to as the "Town of Alma Zoning Ordinance." (Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-1-20. Purpose.

This Chapter is drawn in accordance with the Town's Comprehensive Plan and designed to promote the health and general welfare of the citizens of the Town, as well as visitors to the Town; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to ensure compatibility between the residential and commercial uses within the Town; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to promote energy conservation and the use of solar energy; to lessen congestion in the streets; and to ensure that citizens and visitors alike are safe from fire, floodwaters and other dangers. This Chapter is drawn with consideration, among other things, of the character of each zone district and its particular suitability for specific uses and with due recognition of the importance of conserving the value of buildings and property and encouraging the most appropriate uses of land throughout the Town.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-1-30. Authority.

This Chapter is adopted pursuant to the authority of Section 31-23-101, et seq., C.R.S.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-1-40. Jurisdiction.

The provisions of this Chapter shall be effective within the corporate boundaries of the Town.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-1-50. Relationship to existing zoning regulations.

To the extent that the provisions of this Chapter are the same in substance as the previously adopted provisions that they replace in the Town's zoning ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. Any situation that did not

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constitute a lawful, nonconforming situation under a previously adopted zoning ordinance does not achieve lawful nonconforming status under this Chapter merely by the repeal of the previously adopted ordinances.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-1-60. Relationship to Comprehensive Plan and other adopted plans.

It is the intent of the Board of Trustees that this Chapter implement the policies adopted by the Board of Trustees as reflected in the Comprehensive Plan and other related plans and planning documents. However, neither this Chapter nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-1-70. Application of regulations.

Except as hereinafter provided:

- (1) No building or structure shall be erected, no existing building or structure shall be moved, altered or extended, and no land, building or structure shall be used for any purpose or for any manner other than as provided for in this Chapter.
- (2) No building or structure shall be erected, nor shall any existing building or structure be moved, altered or extended, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the dimensional regulations, district development standards and supplementary regulations or other provisions hereinafter provided in this Chapter.
- (3) No yard, setback, frontage or other open space on one (1) lot shall be considered as providing a yard, setback, frontage or open space for a building on any other lot for the purpose of complying with the provisions of this Chapter.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-1-80. Operation.

- (a) In the application and interpretation of this Chapter, the provisions of this Chapter shall be held to be the minimum requirements. Where regulations for any overlay, zone district or specific regulations of a particular zone district or general regulations of this Chapter differ for a specific condition, the more restrictive shall apply, except as approved and documented within a PUD.
- (b) This Chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or with existing provisions of private agreements. Where this Chapter imposes a lesser restriction than that imposed by such existing provisions of law, contract or deed, the provisions of such law, contract or deed shall control.
- (c) The Town Attorney shall be charged with the clarification of the intent of all provisions of this Chapter.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-1-90. Definitions and terms.

- (a) Words used in the present tense include the future; words in the singular include the plural; and words in the plural number include the singular. The term building includes structure; use includes arranged,

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designed or intended to be used; occupied includes arranged, designed or intended to be occupied; and shall be mandatory and not directory. The word person includes a corporation, partnership or other entity capable of owning, leasing, developing or managing property.

(b) The following words and phrases, when used in this Chapter, shall have the following meanings:

Accessory use means an activity incidental to and located on the same premises as a principal use conducted by the same person or his or her agent.

Adult arcade means an establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors or similar machines or other image-producing machines, for viewing by five (5) or fewer persons each, are used to show films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store or adult video store means:

- a. A commercial establishment which (1) devotes a significant or substantial portion of its stock-in-trade or interior floor space to, (2) receives a significant or substantial portion of its revenues from, or (3) 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, videocassettes, slides or other visual representations, which are characterized by the depiction of specified sexual activities or specified anatomical areas.
- b. 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 bookstore, adult novelty store or adult video store. 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 Subparagraph a. above are otherwise met.

Adult cabaret means a nightclub, bar, restaurant or other commercial establishment which regularly features:

- a. Persons who appear nude or in a state of nudity; or
- b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

Adult motel means a motel, hotel or similar commercial establishment which:

- a. Offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified anatomical areas or specified sexual activities, and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television;
- b. Offers a sleeping room for a period of time less than ten (10) hours; or
- c. Allows a tenant or occupant to sub-rent a sleeping room for a time period of less than (10) hours.

Adult motion picture theater means a commercial establishment where films, motion pictures, videocassettes, slides or similar photographic reproductions depicting or describing specified anatomical areas or specified sexual activities are regularly shown for any form of consideration.

Adult theater means a theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

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Alley means a public right-of-way within a block upon which the rear of building lots generally abut; its use is for secondary access to the lot and for service purposes.

Alteration means any act or process which changes one (1) or more of the exterior architectural features of any structure.

Amusements means an establishment or enterprise for the purpose of amusing or entertaining persons, including but not limited to museums, bowling alleys, pool halls, arcades, dance halls, puppet shows, theaters, cinemas, concerts, stage shows, roller and ice skating rinks, sport facilities and recreational facilities, whether such establishments are indoor or outdoor, for profit or not for profit, or in conjunction with another use on the premises. However, amusements shall not include devices for amusement and entertainment, such as jukeboxes, pool tables, coin-operated games, pinball machines or television and radio, where such devices are clearly incidental and subordinate to the principal use of the premises.

Arterial street means any state or federal numbered highway, or any other street having a right-of-way width greater than sixty (60) feet.

Basement means that portion of a building as defined in the latest edition of the building code as adopted by the Town in Chapter 18 of this Code.

Board of Adjustment or BOA means the members of the Board of Trustees sitting as the Board of Adjustment.

Board of Trustees means the Board of Trustees of the Town of Alma, Colorado.

Boarding house means a building, other than a hotel or motel, where, for compensation, for periods of thirty (30) days or more, lodging, meals or both are provided for three (3) or more persons who are not parents or children of the primary occupants.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building height means the vertical distance measured from the average existing grade of the four (4) corners of an existing or proposed building or structure to the highest point of the roof ridge, parapet wall, flashing, church steeple or attached ceremonial feature. Existing grade shall be the grade prior to any cuts or fills, as verified by a topographic survey certified by a registered land surveyor or, if requested by the Town, by analysis of core samples of soils taken at such corners. Chimneys not exceeding twelve (12) square feet on the largest face shall be permitted to extend up to three (3) feet above the maximum building height.

Bulk storage means exposed outside storage of sand, lumber, coal or other bulk materials and bulk storage of liquids in tanks (except underground as an accessory use).

Channel means a natural or artificial watercourse or drainage way of perceptible extent with definite bed and banks to confine and conduct continuously or periodically flowing water.

Commercial accommodations mean a building or group of buildings containing guest units providing transient accommodations to the general public for compensation and as an accessory use not more than a single dwelling unit. Commercial accommodations includes hotel, motel, tourist home, boarding house, lodging house, bed and breakfast units and dormitories.

Commercial vehicles mean vehicles of more than five (5) tons of capacity.

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

Corner lot means a lot which occupies the interior angle at the intersection of two (2) streets which make an angle of less than one hundred thirty-five (135) degrees with each other and either or both of said streets provide primary access to the property.

Day care home means a facility licensed by the County or the State which is maintained for a whole or part of a day for the care of more than two (2) children under the age of sixteen (16) years

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not related to the owner, operator or manager thereof, which facility is operated with or without compensation for such care.

Development means any man-made change to improved or unimproved real estate, including but not limited to construction, demolition, renovation, rehabilitation, mining, dredging, filling, grading, paving, excavation or drilling operations.

Drainage way means a natural or artificial land surface depression with or without perceptively defined beds and banks to which surface runoff gravitates and collectively forms a flow of water continuously or intermittently in a definite direction.

Dwelling means a detached building designed for or occupied by one (1) or more families.

Dwelling unit means a building or portion of a building intended as living quarters for a single family, having a single set of kitchen facilities (a stove plus either or both a refrigerator and sink) not shared with any other unit; or quarters for up to six (6) persons in a lodging house, dormitory, congregate dwelling or similar group dwelling.

Exterior architectural feature means the architectural style, design, general arrangement and components of all the outer surfaces of a structure or improvement, including but not limited to the color, texture, materials, type and style of all windows, doors, lights, signs and other fixtures appurtenant to the structure or improvement.

Family means a group of persons related by blood, marriage or adoption, or by the relationship of guardian, ward or foster family who may not necessarily be related by blood or marriage, or a group of not more than three (3) unrelated persons living together in a dwelling unit, living together as a single household unit, except that a family shall not include more than one (1) individual, or two (2) individuals related by marriage, required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S.

Flood means a rise in stream flow above the normal which results in water flowing or standing beyond the banks of the channel.

Flood profile means a graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to a location along a stream or river.

Floodplain means the land adjacent to a body of water which has been or may hereafter be covered by floodwater.

Floor area means the area included within the surrounding exterior walls of a building, exclusive of courts.

Floor area ratio means the relationship of floor area to total lot area expressed as an arithmetic ratio.

Front lot line means the property line dividing a lot from a street. On a corner lot, only the shorter street frontage shall be considered a front lot line.

Front yard means a yard extending the full width of the lot or parcel, the depth of which is measured in the least horizontal distance between the front lot line and the nearest wall of the principal building, such distance referred to as the front yard setback.

Garage means a building designed and used for the housing of not more than three (3) motor vehicles.

Grade means the lowest point of elevation of the finished surface of the ground within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Gross floor area means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, any space where the floor-to-ceiling height is less than six (6) feet, or any area more than fifty percent (50%) below grade.

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Group quarters means a home designated by a court, the County Welfare Department or the State to accommodate, for compensation, from five (5) to ten (10) children under the age of sixteen (16), or from three (3) to ten (10) persons of any age, except that such a home shall not include more than one (1) individual who is required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S.

Guest house means an accessory structure on the same lot as a single-family dwelling, containing a single dwelling unit for occasional occupancy by guests of the residents of the principal dwelling.

Guest unit means a room or suite of rooms without cooking facilities, suitable for separate occupancy in a motel, hotel, lodging house or similar establishment. If containing a stove plus either or both a kitchen sink and a refrigerator, it shall be considered as a dwelling unit.

Habitable floor area means heated areas meeting all health and building code requirements for daily use in living, eating, cooking and sleeping, but excluding garages and basements.

Habitable space means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

Hotel and motel mean any building or portion thereof, containing six (6) or more guestrooms used, designed to be used, let or hired out for occupancy by persons on more or less a temporary basis.

Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment.

Kennel means facilities for the harboring and/or care of more than three (3) dogs three (3) months old or older, whether commercially operated or not.

Landscaping means the preservation of the existing trees, shrubs, grass and decorative materials on a lot, tract or parcel of land or the rearrangement thereof, or the modification thereof by planting or installing more or different trees, shrubs, grass or decorative materials.

Lot means a continuous parcel of land undivided in its ownership, available to be used, developed or built upon as a unit.

Lot area means the horizontal area of a lot exclusive of any area in a street or recorded way open to public use.

Mobile home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to the required facilities, not including recreational vehicles or travel trailers.

Mobile home park means a single parcel of land which has been planned and approved for the placement of mobile homes for nontransient use.

Nonconforming building means any legally existing building which does not conform to the applicable regulations of this Chapter for the zone district in which such nonconforming building is located, either at the effective date of the ordinance codified herein or as a result of subsequent amendments which may be incorporated into this Chapter.

Nonconforming lot means a legally created lot not conforming to current lot areas or width requirements resulting from subsequent adoption or amendment of such requirements.

Nonconforming use means any legally existing use, whether within a building or on a tract of land, which does not conform to the use regulations of this Chapter for the zone district in which such nonconforming use is located, either at the effective date of the ordinance codified herein or as a result of subsequent amendments which may be incorporated into this Chapter.

Nude model studio means any place where a person, who appears in a state of nudity or displays specified anatomical areas, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other means. The definition of nude model studio does not apply to: (a) a college, junior college or university supported entirely or partly by taxation; (b) a private college or university which maintains and operates educational

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programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or (c) a business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing and where, in order to participate in a class, a student must enroll at least three (3) days in advance of class and where no more than one (1) model is on the premises at any one (1) time.

Nudity or state of nudity means:

- a. The appearance of the human bare buttock, anus, male genitals, female genitals or the areola or nipple of the female breast; or
- b. A state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Open space means that portion of the net site not covered by buildings, parking areas, driveways or other impervious surfaces, which is devoted to the purpose of outdoor living spaces for the residents, and may include lawn areas, walkways, sitting areas, courtyards and outdoor recreation facilities and landscaped areas. Recreation buildings, gazebos, private patios or other private open space, tennis courts, swimming pools or other meaningful recreation facilities common to the residents shall be considered open space.

Owner means a person, corporation or other legal entity recorded as such on the records of the County Clerk and Recorder, including any duly authorized agent of the owner or a person having a vested or contingent interest in the property in question.

Parcel means a lot or series of contiguous lots held in common ownership under a single conveyance.

Planned Unit Development (PUD) means an area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, residential, commercial, educational, recreational or industrial uses or any combination of the foregoing, the plan for which may not correspond in lot size, bulk or type of use, density, lot coverage, open space or other restriction to the existing land use regulations.

Principal use means a use by right which is permitted anywhere within the particular zone district in which it is identified.

Property means real property, including improvements thereon.

Rear building line means the outermost portion of a building facing the rear lot line of a lot, including porches, balconies, decks more than thirty (30) inches above grade and signs, except such signs permitted to extend beyond the building line, and except the eaves of any building.

Rear lot line means the property line of a lot opposite the front lot line.

Rear yard means a yard extending the full width of the lot or parcel, the depth of which is measured in the least horizontal distance between the rear lot line and the nearest wall of the principal building, such distance being referred to as the rear yard setback.

Recreational vehicle means a structure designed for use as a temporary dwelling or sleeping accommodation for travel, recreation and vacation uses, including but not limited to travel trailers, self-contained travel trailers, pickup campers, tent trailers and motorized homes.

Sexual encounter establishment means a business or commercial establishment that, as one (1) of its primary business purposes, offers, for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one (1) or more of the persons is in a state of nudity. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms for rent.

Sexually oriented business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or nude model studio. The definition of a sexually oriented business shall not include

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an establishment where a medical practitioner, psychologist, psychiatrist or similar person licensed by the State engages in medically approved and recognized sexual therapy.

Side lot line means any property line other than a front or rear lot line.

Side yard means a yard extending from the front yard to the rear yard, the width of which is measured in the least horizontal distance between the side lot line and the nearest wall of the principal building, such distance referred to as the side yard setback.

Sight distance triangle means, on corner lots and where streets, alleys or driveways intersect each other, a triangle measured from the point of intersection of the flow lines abutting streets and/or alleys and driveways a certain distance along each such flow line.

Special use is a use which may be allowed in the zone district indicated subject to any applicable regulations if it can be demonstrated that the location and the site proposed for the use are appropriate, facilitating the use in a manner which supports the purposes of the zone district and which is compatible with the surrounding area. Additional uses which are not listed, but which are consistent with the purpose and objectives of the zone district and are similar in character and level of impacts as the identified permitted and special review uses for the zone district, may also be permitted subject to special review. A special use requires the issuance of a special use permit by the Board of Trustees after public hearing.

Specified anatomical areas includes any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities includes any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breast;
- b. Sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, sodomy, sadomasochism or bestiality;
- c. Masturbation, actual or simulated;
- d. Human genitals in a state of sexual stimulation, arousal or tumescence; and
- e. Excretory functions as part of or in connection with any of the activities set forth in Subparagraphs a. through d. above.

Street means any public or private thoroughfare which affords a principal means of access to abutting property, including public rights-of-way, highways, roads and avenues.

Structure means anything constructed or erected, the use of which requires location on or in the ground, including buildings, mobile homes, billboards, swimming pools or the like, or part thereof.

Use means the purpose for which land or premises or a structure thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

Yard means an open space other than a court, not in an alley or street, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Chapter.

(Ord. 2003-3 §1; Ord. 2005-4 §§1, 2; Ord. 2011-18 §1)

Division 2 Administration

[Sec. 16-1-210. Administration generally.](#)

[Sec. 16-1-220. Building Inspector.](#)

[Sec. 16-1-230. Board of Adjustment.](#)

Sec. 16-1-210. Administration generally.

This Article describes the individuals and commissions responsible for administering this Chapter, enforcement and application procedures and submittal requirements, and establishes and prescribes the basic duties and operating procedures of the administrative entities responsible for administering and enforcing this Chapter.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-1-220. Building Inspector.

There is hereby established the office of the Building Inspector. The Building Inspector shall inspect plans, structures and site improvements for compliance with the provisions of this Chapter, issue permits for building construction and site improvements, conditional use permits, sign permits and certificates of occupancy, and perform other duties as set forth in this Chapter. In meeting the responsibilities of the above duties, the Building Inspector may solicit the assistance of other Town officials, other agencies or consultants as deemed necessary.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-1-230. Board of Adjustment.

- (a) The individual members of the Board of Trustees are hereby appointed as the Board of Adjustment. The BOA shall elect from its membership a Chairperson, Vice Chairperson and such officers as it may deem necessary at its first meeting during each calendar year. The Town Clerk shall be responsible for recording and keeping of the minutes of the meetings.
- (b) The BOA shall have the following powers:
 - (1) To hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official of the Town or the Board of Trustees charged with the enforcement of this Chapter. The BOA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made in the premises and, to that end, has all the power of the official from whom the appeal is taken.
 - (2) To vary or modify the application of this Chapter relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of this Chapter is observed, public safety and welfare secured and substantial justice done, when the strict application of this Chapter will deprive a property of the privileges enjoyed by other property of the same zoning classification in the same zone district because of special circumstances applicable to a property, including its size, shape, topography, location or surrounding.
- (c) The BOA shall not have the power to change this Chapter or to change the Zoning Map of the Town.
- (d) The concurring vote of five (5) members of the BOA shall be necessary to reverse any order, requirement, decision or determination of any Town administrative official, or to decide in favor of the applicant any matter upon which it is required to pass, or to grant any application for a variance.
- (e) Meetings may be called by the Chairperson by giving written notice forty-eight (48) hours prior to the commencement of the meeting to all BOA members, the Mayor, the Building Inspector, the applicant or appellant and all persons filing a written protest or statement of opposition prior to the issuance of

notice. All meetings shall be posted and open to the public. The BOA shall keep minutes of its proceedings, showing the vote of each member upon each question or, if a member is absent or fails to vote, such fact shall be indicated. The BOA shall keep records of its findings and official actions, which shall be filed as soon as practicable in the Town Hall and which shall be open to public inspection. The concurring vote of three (3) members of the BOA shall be necessary for a motion of the BOA to be approved or denied.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 2 Zone Districts

[Sec. 16-2-10. Establishment of districts.](#)

[Sec. 16-2-20. Establishment of overlay districts.](#)

[Sec. 16-2-30. Relationship to past zone districts.](#)

[Sec. 16-2-40. Conflict between sections.](#)

[Sec. 16-2-50. Zoning map.](#)

Sec. 16-2-10. Establishment of districts.

To carry out the purpose and intent of this Chapter, the following zone districts are hereby created:

- (1) R, Residential District.
- (2) C, Commercial District.
- (3) MU, Mixed Use District.
- (4) LI, Light Industrial District.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-2-20. Establishment of overlay districts.

The following overlay districts are applicable to each zone district. The overlay districts are as follows:

- (1) FPO, Floodplain Overlay District.
- (2) PUD, Planned Unit Development.
- (3) HO, Historic Overlay District.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-2-30. Relationship to past zone districts.

This Chapter shall render certain specific zone districts obsolete. These obsolete zone districts shall be adjusted to bring the previous terminology into conformance with this Chapter. These adjustments are as follows:

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Obsolete District	New Zone District
R-1 Residential	R Residential
R-2 Residential	R Residential
R-3 Residential	R Residential
R-T Residential Trailer	R Residential
B Business	C Commercial
R-B Restricted Business	C Commercial
C-1 Commercial One	C Commercial
C-2 Commercial Two	C Commercial
FC Flood Control	FPO Floodplain Overlay
PUD Planned Unit Development	PUD Planned Unit Development
H Historical	HO Historic Overlay
P Parks	No longer applicable
A-1 Agricultural	No longer applicable
EPD Environmental Preservation	No longer applicable

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-2-40. Conflict between sections.

In case of a conflict in the regulations of different sections of this Chapter, the more restrictive regulation shall apply. For example, where regulations in an overlay district are applicable and are more restrictive than those within the zone district, the regulations of the overlay district shall apply, except where specifically listed within the final document of an approved PUD.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-2-50. Zoning map.

- (a) Incorporation of map.
 - (1) The location and boundaries of the zone districts established by this Chapter are shown upon the zoning map of the Town. The zoning map, together with all data shown thereon and all amendments thereto, is by reference made part of this Chapter.
 - (2) The zoning map shall be identified by the signature of the Mayor and attested by the Town Clerk and shall bear the seal of the Town and the date of adoption.
 - (3) A copy of the zoning map shall be located in the office of the Town Clerk and shall be available for inspection at the Town Hall.
- (b) Zone district boundaries. Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, lot lines, right-of-way lines or extensions thereof. In property where a zone district boundary divides a lot or parcel, the location of such boundary, unless indicated by legal description with distance and bearing or other dimensions, shall be determined by the scale of the zoning map. Where a zone district boundary coincides with a right-of-way line and said right-of-way line is abandoned, the zone district boundary shall then follow the centerline of the former right-of-way. Land not part of a public, railroad or utility right-of-way and which is not indicated as being in any zone district shall be considered to be included in the most restricted adjacent zone district even when such district is separated from the land in question by a public, railroad or utility right-of-way.
- (c) Boundary clarification.
 - (1) In the event that a zone district boundary is unclear or is disputed, the Building Inspector shall determine the intent and actual location of the zone district boundary.
 - (2) Any appeal of the determination of the zone district boundary made by the Building Inspector shall be heard by the BOA in accordance with the procedures outlined in Section 16-17-60 of this Chapter.
- (d) Amendments to map. Changes in the boundaries of any zone district shall be made only upon amendment to this Chapter and shall promptly be entered on the zoning map, with an entry on the map giving the number of the amending ordinance and the date, with the signature of the Mayor, attested by the signature of the Town Clerk.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 3 Residential (R) District

[Sec. 16-3-10. District characteristics.](#)

[Sec. 16-3-20. Purpose and objectives.](#)

[Sec. 16-3-30. Use regulations.](#)

[Sec. 16-3-40. Uses permitted through PUD.](#)

[Sec. 16-3-50. Dimensional regulations.](#)

[Sec. 16-3-60. District development standards.](#)

[Sec. 16-3-70. Density requirements.](#)

Sec. 16-3-10. District characteristics.

The R Residential District shall replace the existing R-1, R-2, R-3 and R-T zone districts, as those districts are defined in the Town of Alma Zoning Ordinance No. 1974-5, dated May 7, 1974.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-3-20. Purpose and objectives.

The purpose of the R District is to promote the continuance of single-family neighborhoods and preserve the character and appearance of the existing residences and neighborhoods, and to allow for low- and medium-density single- and multi-family residences and manufactured homes. The objectives of the R District are to:

- (1) Retain residential areas as quiet, clean and safe residential neighborhoods.
- (2) Allow for limited home-based businesses, to help provide homeowners with additional economic means for maintaining permanent residency.
- (3) Allow for residential development that may be located away from existing and potential activity centers.
- (4) Retain the natural beauty of the rural mountain areas and a feeling of openness, by ensuring that residences are located, sited and designed to be nonobtrusive and blend in with existing natural features.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-3-30. Use regulations.

(a) Principal uses.

- (1) One (1) single-family dwelling unit.
- (2) Neighborhood playground, park or common area.
- (3) Church.
- (4) Public library.
- (5) State-accredited public or private school.
- (6) Museum.
- (7) Recreational area, including golf courses, if at least seventy-five (75) acres.
- (8) State-licensed child day care facility.

(b) Accessory uses.

- (1) Uses which are customarily incidental to any of the permitted principal uses and are located on the same lot or on an adjacent lot.
- (2) Home-based businesses which occupy less than thirty-five percent (35%) of the gross floor area on the lot and which have no exterior indication of nonresidential activity. The business owner or operator must reside and maintain primary residency within the principal single-family dwelling unit on the lot. A home-based business shall be conducted by family members residing in the home. No more than one (1) nonfamily member may be employed in the home-based business. No activity or storage related to the home-based business shall be allowed outside. Customer or client visits and deliveries to the home-based business shall be limited to the hours of 8:00 a.m. to 8:00 p.m.

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(c) Special uses.

- (1) A state-licensed group home for the developmentally disabled, the mentally ill or the aged, as these terms are defined by Section 31-23-303, C.R.S., may be permitted if it serves not more than eight (8) developmentally disabled persons or eight (8) mentally ill persons, at least one (1) appropriate staff person resides and maintains primary residency within the group home and the group home is not located within seven hundred fifty (750) feet of another such group home.
- (2) An owner-occupied or nonprofit group home for the aged, as these terms are defined by Section 31-23-303, C.R.S., may be permitted if it serves no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another such group home and the owner or operator resides and maintains primary residency within the group home.
- (3) A home-based business which occupies greater than or equal to thirty-five percent (35%) of the gross floor area on the lot and/or has some limited external indication of nonresidential activity may be permitted if the business owner or operator resides and maintains primary residency within the principal single-family dwelling unit on the lot and there are not any unacceptable adverse impacts on neighboring uses.
- (4) Lodging accommodations on a nightly or weekly rental basis; provided, however, that such lodging accommodations shall consist of a single-family home available for nightly or weekly rental.

(Ord. 2003-3 §1; Ord. 2008-2; Ord. 2011-18 §1)

Sec. 16-3-40. Uses permitted through PUD.

The following uses shall be permitted in the R District through the PUD process:

- (1) Duplexes and multi-family dwelling units.
- (2) Single-family manufactured homes.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-3-50. Dimensional regulations.

(a) Lot area and width requirements.

- (1) Minimum lot area: Seven thousand five hundred (7,500) square feet.
- (2) Minimum lot width: Seventy-five (75) feet.
- (3) Minimum lot frontage: Seventy-five (75) feet.

(b) Minimum setbacks.

- (1) Front and rear yard: Front and rear setbacks are flexible, provided that the sum of the front and rear setbacks, when added together, shall total not less than fifty (50) feet, and neither setback shall, under any circumstances, be less than ten (10) feet.
- (2) Side yard: Ten (10) feet, each side.

(c) Maximum height: Thirty (30) feet.

(d) Minimum finished floor area: six hundred (600) square feet.

(e) Maximum lot coverage: In no event shall the square footage of all structures on any residential lot, including overhangs, gables, eaves, porches, covered decks and other similar roofed or covered extensions of such principal structure, exceed one-third (1/3) of the total square footage on the lot.

(f) Where setback requirements dictate a smaller structure, the setback requirements shall prevail.

(Ord. 2003-3 §1; Ord. 2006-2; Ord. 2011-18 §1)

Sec. 16-3-60. District development standards.

All development shall be serviced by municipal or district water and sanitation systems.

(Ord. 2003-3 §1; Ord. 2006-2; Ord. 2011-18 §1)

Sec. 16-3-70. Density requirements.

Density shall not exceed fifteen (15) dwelling units per acre of net land area. However, this requirement may be waived by the Board of Trustees upon submission and approval of a detailed plan including dwelling unit type and location, minimum lot area, lot width and yard size.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 4 Historic Overlay (HO) District

[Sec. 16-4-10. District characteristics and boundary.](#)

[Sec. 16-4-20. Purpose and objectives.](#)

[Sec. 16-4-30. District development standards.](#)

[Sec. 16-4-40. Architectural review.](#)

Sec. 16-4-10. District characteristics and boundary.

(a) The Historic Overlay (HO) District shall replace the existing Historical zone district, as that zone district is defined in the Town of Alma Zoning Ordinance No. 1974-5, dated May 7, 1974.

(b) The HO District shall overlay the entire Town.

(Ord. 2003-3 §1; Ord. 2005-2 §1; Ord. 2011-18 §1)

Sec. 16-4-20. Purpose and objectives.

The purpose of the HO District is to ensure that new development is consistent with the historic appearance and character of the existing residences and neighborhoods.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-4-30. District development standards.

Development shall be located, sited and designed to be nonobtrusive, blend in with the existing natural environment and minimize disruption to existing terrain, vegetation, drainage patterns, natural slopes and any distinctive natural features.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-4-40. Architectural review.

All development in the HO District shall be subject to architectural review pursuant to Article 13 of this Chapter. In performing the architectural review, the Architectural Committee and the Planning Commission shall consider, in addition to those criteria set forth in Subsection 16-13-30(b) of this Chapter, the compatibility of the proposed development with the historic character of the Town and, specifically, the neighborhood surrounding the proposed development.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 5 Commercial (C) District

[Sec. 16-5-10. District characteristics.](#)

[Sec. 16-5-20. Purpose and objectives.](#)

[Sec. 16-5-30. Use regulations.](#)

[Sec. 16-5-40. Dimensional regulations.](#)

[Sec. 16-5-50. District development standards.](#)

Sec. 16-5-10. District characteristics.

The Commercial (C) District shall be established in those areas which are highly visible from major roadways and have easy and safe access.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-5-20. Purpose and objectives.

The purpose of the C District is to encourage a broad range of commercial services for visitors and residents, which are conveniently accessible by automobile, and which are designed to complement each other in character, scale and proximity. The objectives of the C District are to:

- (1) Accommodate retail sales, services and entertainment facilities which are oriented to serving a majority of the needs of residents and visitors and which generate substantial volumes of traffic.
- (2) Encourage well-planned, attractive clusters or groupings of development that complement existing historic features.
- (3) Encourage a mix of complementary commercial uses that share ingress and egress and clustered on-site parking and that are linked by attractive pedestrian corridors and plazas.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-5-30. Use regulations.

- (a) Permitted principal uses are any of the following uses, provided that the gross floor area of a single building or structure containing the use does not exceed thirty thousand (30,000) square feet:

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- (1) Retail and service establishments.
 - (2) Automobile service stations (not to include vehicle storage).
 - (3) Lodging accommodations.
 - (4) Restaurants.
 - (5) Indoor recreation and amusement facilities.
 - (6) Bars and lounges.
 - (7) Offices.
 - (8) Parks and common areas.
 - (9) Transportation facilities.
 - (10) Post offices.
 - (11) Banks.
 - (12) Newspaper and printing businesses.
 - (13) Community buildings, libraries, museums, aquariums and art galleries.
 - (14) Mortuaries.
 - (15) One (1) single-family dwelling unit, provided that, as to any construction occurring on or after January 1, 2005, no less than fifty percent (50%) of the gross floor area of the structure or building shall be used for nonresidential purposes. Reconstruction of single-family dwelling units existing on January 1, 2005, shall, however, be permitted.
 - (16) Medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturing.
- (b) Permitted accessory uses: Uses which are customarily incidental to any of the permitted principal uses and are located on the same lot:
- (1) Fire stations.
 - (2) Governmental storage buildings.
 - (3) Telephone or electric substations.
 - (4) Owner-occupied residences.

(Ord. 2003-3 §1; Ord. 2004-7 §1; Ord. 2010-3 §1; Ord. 2011-18 §1)

Sec. 16-5-40. Dimensional regulations.

- (a) Lot area and width requirements.
- (1) Minimum lot area: none.
 - (2) Minimum lot width: twenty-five (25) feet.
 - (3) Minimum lot frontage: twenty-five (25) feet.
- (b) Minimum setbacks.
- (1) Front yard: none.
 - (2) Side yard: ten (10) feet, unless the building is constructed of masonry or fireproof materials, in which case there shall be no minimum side setback.
 - (3) Rear yard: ten (10) feet.

(c) Maximum height: thirty (30) feet.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-5-50. District development standards.

- (a) All development shall be designed so that, for the given location, egress points, grading and other elements of the development satisfy the requirements set forth below to the greatest extent practicable:
 - (1) Reduce the number of access points onto an arterial or collector street;
 - (2) Minimize adverse impacts on any existing or planned residential uses;
 - (3) Improve pedestrian or vehicle safety within the site and egress from it; and
 - (4) Reduce the visual intrusion of parking areas, screened storage areas and similar accessory areas and structures.
- (b) All development, including buildings, walls and fences, shall be so sited to:
 - (1) Complement existing development in scale and location;
 - (2) Provide an adequate system of sidewalks or an off-road system of pedestrian and bicycle trails of greater than four (4) feet in width; and
 - (3) Create pocket parks or green spaces that are accessible to the public and at a minimum provide seating and landscaping.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 6 Mixed Use (MU) District

[Sec. 16-6-10. District characteristics.](#)

[Sec. 16-6-20. Purpose and objectives.](#)

[Sec. 16-6-30. Use regulations.](#)

[Sec. 16-6-40. Dimensional regulations.](#)

[Sec. 16-6-50. District development standards.](#)

Sec. 16-6-10. District characteristics.

The Mixed Use (MU) District is intended for and may be established in those areas which are accessible by arterial or collector streets.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-6-20. Purpose and objectives.

The purpose of the MU District is to allow for various scales of development in areas where a mix of residential, commercial and/or institutional uses may be appropriate, providing needed services and amenities for both residents and visitors and encouraging the development of uses requiring large tracts of

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relatively flat land and adequate transportation access to locate in these areas. The objectives of the MU District are to:

- (1) Encourage clustered housing with a variety of housing types.
- (2) Accommodate and promote the development of uses which serve County residents and help to diversify the area's economic base and expand employment opportunities.
- (3) Allow for the development of architectural and building styles which, while they should be sensitive to the naturally scenic, mountain environment in which they are built, need not reflect the historic character of development called for in zone districts which are in visual proximity of the historic core areas.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-6-30. Use regulations.

- (a) Permitted principal uses are any of the following uses, provided that the gross floor area of a single building or structure containing the use does not exceed thirty thousand (30,000) square feet:
 - (1) Single-family, duplex and multi-family dwelling units, with a maximum density of twenty (20) units per acre; provided, however, that all duplex and multi-family development shall require PUD approval.
 - (2) Large-scale, area-wide uses which may include a school, church, hospital, convention center or recreation facility.
 - (3) Trade services.
 - (4) Utility infrastructure and offices.
 - (5) Offices.
 - (6) Retail and service establishments.
 - (7) Lodging accommodations.
 - (8) Neighborhood and community parks.
 - (9) Outdoor recreational facilities.
 - (10) Indoor recreation and amusement facilities.
 - (11) Area-wide transportation and parking facilities.
 - (12) Restaurants.
 - (13) Medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturing.
- (b) Permitted accessory uses are uses which are customarily incidental to any of the principal uses and are located on the same lot.

(Ord. 2003-3 §1; Ord. 2010-3 §2; Ord. 2011-18 §1)

Sec. 16-6-40. Dimensional regulations.

- (a) Lot area and width requirements.
 - (1) Minimum lot area: seven thousand five hundred (7,500) square feet.
 - (2) Minimum lot width: twenty-five (25) feet.

- (b) Minimum setbacks.
 - (1) Front yard: twenty-five (25) feet.
 - (2) Side yard: fifteen (15) feet.
 - (3) Rear yard: fifteen (15) feet.
- (c) Maximum height: thirty (30) feet.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-6-50. District development standards.

All development shall be designed so that, for the given location, egress points, grading and other elements of the development satisfy the requirements set forth below to the greatest extent practicable:

- (1) Reduce disruption to the existing terrain, vegetation or other natural site features.
- (2) Decrease the amount of development on slopes of greater than eight percent (8%).
- (3) Minimize adverse impacts on any existing or planned residential uses.
- (4) Improve pedestrian or vehicle safety within the site and egress from it.
- (5) Reduce the visual intrusion of parking areas, screened storage areas and similar accessory areas and structures.
- (6) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 7 Light Industrial (LI) District

[Sec. 16-7-10. District characteristics.](#)

[Sec. 16-7-20. Purpose and objectives.](#)

[Sec. 16-7-30. Use regulations.](#)

[Sec. 16-7-40. Dimensional regulations.](#)

[Sec. 16-7-50. District development standards.](#)

Sec. 16-7-10. District characteristics.

The Light Industrial (LI) District may be established in those areas that are appropriate for industrial locations, having access to major streets and a low likelihood of conflict with other uses, as well as a low potential for adverse impacts on the overall visual image of key areas, including entryways into the Town.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-7-20. Purpose and objectives.

The purpose of the LI District is to accommodate a range of industrial activities that are of limited intensity, such as research and development institutions, warehousing, wholesaling and small-scale production, fabrication, assembly or processing activities, to help provide a diversified employment base for the community. The objectives of the LI District are to allow for light industrial uses that may serve and provide jobs for the Town and the surrounding area, in a manner which minimizes adverse impacts on adjacent uses and the community.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-7-30. Use regulations.

- (a) Permitted principal uses are any of the following uses, provided that outside storage and activity areas, other than employee and visitor parking or loading areas, do not exceed fifteen percent (15%) of the lot area:
 - (1) Repair and trade services.
 - (2) Warehouse and wholesale activities, excluding explosives or any materials that are classified as toxic or hazardous under state and federal law.
 - (3) Utility infrastructure and offices.
 - (4) Research and development facilities.
 - (5) Commercial laundries and dry cleaning facilities.
 - (6) Printing or publishing facilities.
 - (7) Vocational training centers, schools.
 - (8) Production, fabrication or assembly activities.
 - (9) Retail sales of products produced by the primary light industrial use.
 - (10) Sexually oriented businesses, subject to Subsection (d) below.
 - (11) Pawnshops.
 - (12) Medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturing.
- (b) Permitted accessory uses are uses which are customarily incidental to any of the principal uses and are located on the same lot subject to the restrictions on outside activities cited above for the permitted principal uses.
- (c) Special review uses.
 - (1) Any of the permitted uses requiring an outside storage or activity area that is equal to or greater than fifteen percent (15%) of the lot area may be permitted if such outside uses will not have an adverse impact on existing uses in the area, including but not limited to safety, noise, odor, light or visual impacts.
 - (2) A storage or warehouse facility for materials or equipment, such as explosives or any materials that are classified as toxic or hazardous under state and federal law, may be permitted if such a use demonstrates continuing compliance with state and federal requirements and will not have an adverse impact on existing uses in the area, including but not limited to safety, noise, odor, light or visual impacts.
- (d) Specific regulations for sexually oriented businesses.

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- (1) Sexually oriented businesses shall be located a minimum of one thousand five hundred (1,500) feet from any:
 - a. Area zoned for residential use;
 - b. Single-family, two-family or multi-family dwelling;
 - c. Church, public park or library;
 - d. State-licensed day care facility (child or adult);
 - e. School or educational facility serving persons age eighteen (18) or younger; or
 - f. Any other sexually oriented business.
- (2) The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior wall of each business. The distance between any sexually oriented business and any church, school, public park, dwelling unit (single or multiple) or residential district shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the sexually oriented business is conducted to the nearest property line of the premises of a church, school or dwelling unit (single or multiple) or the nearest boundary of an affected public park or residential district.
- (3) Sexually explicit advertisements or other promotional displays for sexually oriented businesses that are harmful to minors shall not be visible to minors from pedestrian ways, walkways or other public areas.
- (4) Sexually oriented businesses are not permitted as an industrial use in a PUD.
- (5) Sexually oriented businesses and pawnshops are not permitted in any zone district other than the LI District.

(Ord. 2003-3 §1; Ord. 2010-3 §3; Ord. 2011-18 §1)

Sec. 16-7-40. Dimensional regulations.

- (a) Lot area and width requirements.
 - (1) Minimum lot area: four thousand (4,000) square feet.
 - (2) Minimum width: forty (40) feet.
- (b) Minimum setbacks.
 - (1) Front yard: twenty-five (25) feet.
 - (2) Side yard: ten (10) feet.
 - (3) Rear yard: twenty (20) feet.
- (c) Maximum height: thirty (30) feet.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-7-50. District development standards.

All development shall be designed so that for the given location, egress points, grading and other elements of the development satisfy the requirements set forth below to the greatest extent practicable:

- (1) Reduce disruption to the existing terrain, vegetation or other natural site features;
- (2) Minimize adverse impacts on residential uses in the area;

- (3) Improve vehicle safety within the site and egress from it;
- (4) Reduce the visual intrusion of parking areas, screened storage areas and similar accessory areas and structures; and
- (5) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 8 Floodplain Overlay (FPO) District

[Sec. 16-8-10. General purpose.](#)

[Sec. 16-8-20. Regulations.](#)

Sec. 16-8-10. General purpose.

The Floodplain Overlay (FPO) District is created to protect the general health, safety and welfare of area residents and property owners by promoting wise use of the floodplain.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-8-20. Regulations.

The Board of Trustees shall, by resolution, adopt regulations applicable to construction and development in the FPO District.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 9 Planned Unit Development (PUD) District

[Sec. 16-9-10. General purpose.](#)

[Sec. 16-9-20. General regulations.](#)

[Sec. 16-9-30. Permitted uses.](#)

[Sec. 16-9-40. Development standards.](#)

[Sec. 16-9-50. Development schedule; completion in stages; time limits.](#)

[Sec. 16-9-60. Plan enforcement and modifications.](#)

Sec. 16-9-10. General purpose.

The Planned Unit Development (PUD) District is intended to facilitate the achievement of the purposes and objectives of this Chapter, the Comprehensive Plan and other plans adopted by the Town when the applicant can demonstrate that flexibility from the provisions of the existing zone will result in higher quality development and when one (1) or more of the following purposes can be achieved:

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- (1) The provision of necessary commercial, recreational and educational facilities conveniently located to housing.
- (2) The provision of well-located, clean, safe and pleasant light industrial sites involving a minimum of strain on transportation facilities.
- (3) The encouragement of innovations in residential, commercial and light industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings.
- (4) The encouragement of a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economics may inure to the benefit of those who need homes.
- (5) A lessening of the burden of traffic on streets and highways.
- (6) Conservation of the value of the land.
- (7) Preservation of the site's natural characteristics.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-9-20. General regulations.

- (a) Applications for PUD zoning may be made for land located in any zone district.
- (b) No PUD shall be approved unless it is found by the Board of Trustees to be in general conformity with the Comprehensive Plan.
- (c) The Board of Trustees may approve a proposed PUD overlay designation upon a finding that it will implement the purposes of this Chapter and will meet the purposes, standards and requirements set forth in this Article.
- (d) The approved PUD zoning and the approved PUD plan, along with all exhibits, are inseparable, and a PUD shall not be established without the approval of the related PUD plan.
- (e) Minimum land area. The minimum size of a parcel of land that may comprise a PUD is any lot or parcel of record within the Town.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-9-30. Permitted uses.

In general, all permitted and special review uses in any zone district may be allowed in a PUD, subject to the provisions of this Chapter.

- (1) Internal compatibility of design elements. A proposed PUD shall be considered from the point of view of the relationship and compatibility of the individual elements of the plan, and no PUD shall be approved which contains incompatible elements.
- (2) Uses specified.
 - a. Subsequent to approval of a PUD, uses allowed within a PUD shall be limited to those specifically listed or to those in the underlying zone district.
 - b. Uses shall be indicated in the PUD ordinance and on the PUD plan and shall use the symbols indicated in the sections of the zone districts.
 - c. The Board of Trustees may limit PUDs with a net area of less than one (1) acre to the uses and densities allowed in the zone district on which the proposed PUD is located or to those

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densities or uses allowed in any zone district immediately adjacent to the proposed PUD site.

- (3) Common open space; area required. Twenty-five percent (25%) of the total area within the boundary of any PUD shall be devoted to usable and accessible common open space; provided, however, that the Board of Trustees may reduce such requirement if it finds that such decrease is warranted by the design of and the amenities and features incorporated into the plan and that the needs of the occupants of the PUD for common open space can be met in the proposed PUD and the surrounding area.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-9-40. Development standards.

- (a) At the time of zoning a PUD, the Board of Trustees may modify the specifications, standards or requirements of this Chapter (including but not limited to setbacks, yard requirements, street graphics, parking and landscape requirements and supplementary regulations) when development standards contained in the proposed PUD specifically establish different specifications, standards and requirements applicable to uses in that PUD.
- (b) Unless specifically modified by development standards approved by the Board of Trustees as a part of the ordinance creating the PUD, uses within a PUD shall comply with the development standards and occupancy restrictions applicable to the underlying zone district.
- (c) Site plan criteria; requirements generally. The PUD shall meet the following criteria unless the applicant can demonstrate that one (1) or more of them is not applicable or that another practical solution has been otherwise achieved:
 - (1) The PUD shall have an appropriate relationship to the surrounding area, without having unreasonable adverse effects on the surrounding area.
 - (2) The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire protection is maintained and provisions for using and maintaining such streets are imposed upon the private users and approved by the Board of Trustees. Bicycle traffic shall be provided for if appropriate for the land use.
 - (3) In a multi-lot PUD, the averaging of lot areas shall be permitted to provide flexibility in design and to relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with usable common open areas shall be permitted to encourage provision for and access to common open areas and to save street and utility construction and maintenance costs.
 - (4) The PUD shall provide common open space adequate in terms of location, area and type of the common open space and in terms of the uses permitted in the PUD. The PUD shall strive for optimum preservation of the natural features of the terrain.
 - (5) The PUD shall provide for a variety in housing types and densities, other facilities and common open space.
 - (6) The PUD shall provide adequate privacy between dwelling units.
 - (7) The PUD shall provide pedestrian ways adequate in terms of safety, separation, convenience, access to points of destination and attractiveness.
 - (8) The maximum height of buildings may be increased above the maximum permitted for like buildings in other zone districts in relation to the following characteristics of the proposed building:
 - a. Its geographic location;

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- b. Unreasonable adverse visual effects on adjacent sites or other areas in the vicinity;
 - c. Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view;
 - d. Influence on the general vicinity, with regard to extreme contrast, vistas and open space;
 - e. Uses within the proposed building; and
 - f. Fire protection needs.
- (d) Common open space; maintenance requirements.
- (1) The common open space of a PUD may be owned and maintained by the property owners within the PUD or by an organization chosen therefrom or thereby.
 - (2) If the organization established to own and maintain open space or any successor organization shall at any time after establishment of the PUD fail to maintain the common open space in reasonable order and condition in accordance with the plan, the Board of Trustees may serve written notice upon such organization or upon the residents of the PUD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon, which shall be held within fourteen (14) days of the notice. At such hearing, the Board of Trustees may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured.
 - (3) If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said thirty (30) days or any extension granted, the Board of Trustees, to preserve the taxable values of the properties within the PUD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space except when the same has been voluntarily dedicated to the public by the owners. Before the end of the year, the Board of Trustees shall, upon its initiative or upon the written request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing before the Board of Trustees, upon notice to such organization or to the residents of the PUD, at which hearing such organization or the residents of the PUD shall show cause why such maintenance by the Board of Trustees shall not, at the election of the Board of Trustees, continue for a succeeding year.
 - (4) If the Board of Trustees determines that such organization is ready and able to maintain the common open space in reasonable condition, the Board of Trustees shall cease to maintain such common open space at the end of said year.
 - (5) If the Board of Trustees determines that such organization is not ready and able to maintain the common open space in a reasonable condition, the Board of Trustees may, in its discretion, continue to maintain the common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The cost of such maintenance by the Board of Trustees shall include actual cost, plus overhead, plus twenty-five percent (25%), and shall be paid by the owners of properties within the PUD that have a right of enjoyment of the common open space, and any unpaid assessments shall become a tax lien on said properties. The Board of Trustees shall file a notice of such lien in the office of the County Clerk and Recorder upon the properties affected by such lien within the PUD and shall certify such unpaid assessments to the Board of County Commissioners and the County Treasurer for collection, enforcement and remittance in the manner provided by law for the collection, enforcement and remittance of general property taxes.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-9-50. Development schedule; completion in stages; time limits.

- (a) The applicant must begin development of the PUD within one (1) year from the time of its final approval; provided, however, that the PUD may be developed in stages. The applicant must complete the development of each stage and of the PUD as a whole in substantial compliance with the development schedule approved by the Board of Trustees.
- (b) If the applicant does not comply with the time limits imposed by Subsection (a) above, the Board of Trustees shall review the PUD and may revoke approval for the uncompleted portion of the PUD, require that the PUD be amended or extend the time for completion of the PUD.
- (c) Each stage within a PUD shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to a subsequent stage will not have a substantial adverse impact on the PUD or its surroundings.
- (d) If a PUD contains residential and nonresidential uses, the nonresidential uses may only be constructed in advance of residential uses if the Board of Trustees finds that such phasing is consistent with sound principles or ordered development and will have no substantial adverse effect on the quality or character of the PUD.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-9-60. Plan enforcement and modifications.

- (a) The provisions of the PUD plan relating to the use of land and the location of the common open space shall run in favor of the Town and shall be enforceable in law or equity by the Town without limitation on any powers or regulation otherwise granted by law.
- (b) All those provisions of the plan authorized to be enforced by the Town may be modified, removed or released by the Town subject to the following:
 - (1) No modification, removal or release of the provisions of the plan by the Town shall affect the rights of the residents, occupants and owners of the PUD to maintain and enforce those provisions by law or in equity.
 - (2) No substantial modification, removal or release of the provisions of a PUD plan by the Town shall be permitted except upon a finding by the Board of Trustees, following a hearing upon notice as required, that the modification, removal or release is consistent with the efficient development and preservation of the entire PUD, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the PUD or the public interest and is not granted solely to confer a special benefit upon any person.
- (c) Residents and owners of the PUD may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the Town to enforce the provisions of the plan.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 10 General Lot Requirements

[Sec. 16-10-10. Spacing requirements.](#)

[Sec. 16-10-20. Setback requirements.](#)

[Sec. 16-10-30. Utilities.](#)

Sec. 16-10-10. Spacing requirements.

- (a) Every building shall be located and maintained on a lot as defined in this Chapter.
- (b) No lot shall be divided to contain more dwellings than are permitted by the regulations of the zone district in which it is located.
- (c) No space needed to meet the width, yard, area, open space, lot coverage, parking or other requirements of this Chapter for a lot or building may be sold or leased away from such lot or building.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-10-20. Setback requirements.

- (a) Setbacks from water. No structures or soil disruption shall be located closer than twenty-five feet (25') from the top of the banks of all lakes, wetlands, ponds, rivers, and perennial or intermittent streams. The setback requirements shall also apply to all channels draining twenty (20) acres or more. Exceptions to this setback requirement may be allowed when acceptable measures to either isolate the body of water or otherwise prevent the increase of unfiltered runoff and sediments in excess of historic rates are submitted to and approved by the Public Works Director.
- (b) When a vacant lot is bordered on two (2) sides by previously constructed buildings both of which do not meet the required front yard setback applicable to the district, the required front yard setback for the vacant lot shall be established as the average front yard setback of the two (2) existing adjacent buildings. Where a vacant lot is bordered on only one (1) side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the average front yard setback of the adjacent building and the minimum required front yard setback for the district.
- (c) If a lot is not rectangular in shape and a building is constructed so that one (1) side of the building is parallel to an adjacent street or right-of-way, the setback between the building line and that lot line which is not parallel to the building line may be calculated as the average of the nearest and farthest distances between the building corners and the lot line, except that the minimum setback at any point shall not be less than three (3) feet.

(Ord. 2003-3 §1; Ord. 2011-18 §1; Ord. 2015-02, §1)

Sec. 16-10-30. Utilities.

All new transmission and distribution lines shall be placed underground unless the Board of Trustees authorizes in writing overhead installation. Such authorization shall be granted if the Board of Trustees finds at a hearing that overhead installation is necessary, no reasonable alternative to overhead lines exists and overhead installation will meet the purposes of this Chapter.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 11 Recreational Vehicles, Mobile Homes and Manufactured Homes

[Sec. 16-11-10. Recreational vehicles and mobile homes.](#)

[Sec. 16-11-20. Manufactured homes.](#)

Sec. 16-11-10. Recreational vehicles and mobile homes.

No recreational vehicle, camper, motor home, trailer or similar vehicle shall be used for a dwelling unit, accessory building, home occupation or other use permitted in the zone district except when located in an approved mobile home park or in a campground provided for within this Chapter. No business shall be conducted within such parked or stored equipment unless the Building Inspector has given prior approval.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-11-20. Manufactured homes.

To be eligible for a certificate of occupancy, all modular structures and manufactured homes shall:

- (1) Be partly or entirely commercially manufactured in a factory;
- (2) Be not less than twenty-four (24) feet wide nor less than thirty-six (36) feet long;
- (3) Be installed on a permanent foundation which has been certified by a professional engineer licensed by the State;
- (4) Have wood, brick or equivalent siding and a pitched or gabled roof;
- (5) Be certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. § 5401, et seq., as amended; and
- (6) Meet or exceed, on an equivalent performance engineering basis, the standards established by the building code and the dangerous buildings code as adopted by the Town.
 - a. In determining the engineering basis, normal engineering calculations for testing following commonly accepted engineering practices, all components and subsystems of a manufactured home must meet or exceed health, safety and functional requirements to the same extent as other single-family dwellings as outlined in the building code as adopted by the Town.
 - b. As an equivalent performance engineering standard for manufactured homes, snow loads shall meet the requirements outlined in the building code as adopted by the Town.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 12 Parking

[Sec. 16-12-10. Required off-street parking spaces.](#)

[Sec. 16-12-20. Driveways.](#)

Sec. 16-12-10. Required off-street parking spaces.

- (a) Within the Town, all uses shall provide for off-street parking in accordance with the following minimums:
 - (1) Single-family dwellings: A minimum of two (2) spaces per dwelling unit, plus one (1) additional space for each bedroom in excess of two (2) bedrooms. Parking spaces within garages and carports shall be included in calculating the number of off-street parking spaces.
 - (2) Multiple-family dwellings, including apartments and condominiums:

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- a. With one (1) bedroom or less: one (1) space per dwelling unit.
 - b. With two (2) bedrooms: one and one-half (1½) spaces per dwelling unit.
 - c. With three (3) or more bedrooms: two (2) spaces per dwelling unit.
- (3) Dormitories, bunkhouses and similar group sleeping quarters: one (1) space for every three (3) beds.
 - (4) Hotels, motels, lodges and studio units: three (3) spaces for every four (4) units, plus one (1) parking space for every three (3) employees.
 - (5) Rest homes, hospitals: one (1) space per bed.
 - (6) Offices (professional and nonprofessional), including real estate and condominium rental offices: one (1) space per four hundred (400) square feet of gross floor area.
 - (7) Retail sales: one (1) parking space for every four hundred (400) square feet of gross floor area, excluding areas devoted exclusively to storage and building maintenance.
 - (8) Auditoriums, churches and theaters: one (1) space per four (4) seats if fixed seating, or one (1) space per fifty (50) square feet of floor room in the seating area.
 - (9) Places of manufacturing, processing, assembling or similar industrial use: one (1) space per four hundred (400) square feet of gross floor area, exclusive of rest rooms and building maintenance areas, provided that such parking lot shall occupy space provided to satisfy loading area requirements.
 - (10) Uses not listed or described in one (1) of the above categories: The Board of Trustees shall determine the off-street parking requirements.
 - (11) Restaurants and bars: one (1) space per sixty (60) feet of floor area of the building, exclusive of kitchens, rest rooms, storage and building maintenance areas.
- (b) For purposes of this Chapter, the term parking space shall mean an all-weather surfaced area not in a public street or alley, having a minimum width of ten (10) feet and a minimum length of twenty (20) feet.
 - (c) Additional apron or peripheral parking may be required by the Board of Trustees in its sole discretion, if the Board finds that such additional parking is necessary.
 - (d) In addition to those parking requirements listed above, one (1) parking space for every three (3) employees in a particular building shall be provided and designated for those employees.

(Ord. 2003-3 §1; Ord. 2004-6 §1; Ord. 2006-1; Ord. 2011-18 §1)

Sec. 16-12-20. Driveways.

The measured grade of a driveway shall not exceed eight percent (8%).

(Ord. 2006-3; Ord. 2011-18 §1)

ARTICLE 13 Architectural Review

[Sec. 16-13-10. Purpose.](#)

[Sec. 16-13-20. Applicability.](#)

[Sec. 16-13-30. Procedure.](#)

[Sec. 16-13-40. Architectural Committee.](#)

Sec. 16-13-10. Purpose.

The purpose of this Article is to protect the prosperity of the Town and land values within the Town by preserving the unique architectural character of the Town and its neighborhoods.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-13-20. Applicability.

The review set forth in this Article shall be required for all new residential and commercial construction in the Town.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-13-30. Procedure.

- (a) Before approval of any new residential or commercial building, the Planning Commission shall hold a public hearing to determine whether the character of the proposed construction is in harmony with the established exterior architectural appeal of structures already located in the neighborhood, as well as approved plans for the neighborhood.
- (b) The Planning Commission in each case shall consider the effect of the proposed construction on the health, safety, morals and general welfare of the Town, keeping particularly in mind the unique character of certain existing structures in the Town. At a minimum, the Planning Commission shall consider the following criteria:
 - (1) Architectural compatibility.
 - (2) Proposed density.
 - (3) Relation to existing and future open space.
 - (4) Vehicular and pedestrian access.
 - (5) Bulk of the proposed building or structure in relation to surrounding buildings and land.
- (c) Prior to approving any construction, the Planning Commission shall request comments from the Architectural Committee, owners of property abutting the proposed construction and any representative homeowners' or building association. These comments shall not be binding, but shall be given careful attention by the Planning Commission.
- (d) After the public hearing, the Planning Commission shall issue its decision.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-13-40. Architectural Committee.

- (a) The Architectural Committee shall consist of the Board of Trustees unless and until the Board of Trustees appoints a separate committee.

- (b) The Architectural Committee shall meet as necessary at the regularly scheduled Board of Trustees meetings. The Town Clerk shall keep complete minutes and records of all meetings and shall have custody of all Committee records.
- (c) The Architectural Committee shall review exterior design plans of all proposed new residential and commercial buildings and shall consider the criteria set forth in Subsection 16-13-30(b) above.

(Ord. 2003-3 §1; Ord. 2004-3 §1; Ord. 2011-18 §1)

ARTICLE 14 Landscaping

[Sec. 16-14-10. Landscaping generally.](#)

[Sec. 16-14-20. General requirements.](#)

[Sec. 16-14-30. Maintenance.](#)

[Sec. 16-14-40. Screening.](#)

Sec. 16-14-10. Landscaping generally.

This Article establishes minimum standards for landscaping and site design. The Town encourages developers and landowners to exceed these minimums whenever possible.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-14-20. General requirements.

- (a) Minimum percent of net site area required to be landscaped, exclusive of street right-of-way and any required parking lot landscaping, shall be as follows:
 - (1) Residential districts: forty percent (40%).
 - (2) Commercial and mixed use districts: fifteen percent (15%).
 - (3) Light industrial districts: five percent (5%).
- (b) Undeveloped areas. Any part of a site not used for buildings, parking, driveways or sidewalks shall be landscaped. All undeveloped building areas within partially developed commercial or industrial uses shall be landscaped with a ground cover to control dust and erosion.
- (c) Obstructions. No walls, buildings or other obstructions to view shall be placed in the sight distance triangle. Trees may be located within the triangle, provided that they are pruned high enough to permit unobstructed vision.
- (d) Native vegetation, or low-water-usage vegetation on water-conserving design precepts, shall be used whenever possible per the design standards for the Town.
- (e) Landscaped areas adjacent to streets, vehicular parking and access areas shall be protected to minimize damage to landscaping by vehicular traffic.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-14-30. Maintenance.

- (a) All landscaping shall be reasonably maintained, and any plant material shall be replaced within thirty (30) days of its demise or by an agreed-upon date if seasonal conditions prohibit replacement within the thirty-day time requirement. Failure to maintain landscaping shall be a violation of this Chapter, and applicable penalties may be imposed.
- (b) The maintenance of landscaping in the public right-of-way in all zone districts shall be the responsibility of the adjacent property owner, whether an individual, corporation or homeowner's association.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-14-40. Screening.

- (a) Height. All trash or refuse collection areas shall be enclosed by a six-foot-high solid wood fence or masonry wall, styled to match the material of adjacent walls or the main building on the site. No materials stored within an outdoor storage area or behind a screening fence, wall or structure shall be stacked or stored in a manner in which they exceed the height of the walls, fence or structure.
- (b) Materials. Screening walls, fences or structures shall be constructed from durable materials which are architecturally compatible with the primary building on the site, suited to the Town's climate.
- (c) Colors. Screening devices shall blend into the landscaping, and muted earth tones shall be used as opposed to bright colors.
- (d) Maintenance. All walls, fences or structures shall be maintained in good condition.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 15 Signs and Outdoor Commercial Advertising Devices

[Sec. 16-15-10. Purpose.](#)

[Sec. 16-15-20. Definitions.](#)

[Sec. 16-15-30. Administrative provisions.](#)

[Sec. 16-15-40. Sign permits.](#)

[Sec. 16-15-50. Residential \(R\) District regulations.](#)

[Sec. 16-15-60. Mixed Use \(MU\) District regulations.](#)

[Sec. 16-15-70. Commercial \(C\) and Light Industrial \(LI\) Districts regulations.](#)

[Sec. 16-15-80. General regulations applicable to all zone districts.](#)

[Sec. 16-15-90. Prohibited signs.](#)

[Sec. 16-15-100. Signs in PUD Districts.](#)

[Sec. 16-15-110. Appeals and variances.](#)

[Sec. 16-15-120. Nonconforming signs and outdoor commercial advertising devices.](#)

Sec. 16-15-10. Purpose.

- (a) The purpose of this Article is to create a comprehensive and balanced system of signs to facilitate and encourage innovative signs which will aid in the easy and pleasant communication between people and their environment and avoid the visual clutter that is potentially harmful to vehicular traffic and pedestrian safety, property values, business opportunities and community appearance.
- (b) To accomplish these purposes, it is the intent of this Article to encourage and authorize the use of signs which will:
 - (1) Be compatible with their surroundings;
 - (2) Be appropriate to the activity that displays them;
 - (3) Be expressive to the identity of individual activities and to the community as a whole;
 - (4) Encourage signs which are legible in their surroundings, conserve the architectural characteristics of the buildings upon which they appear, are aesthetically consistent and appropriate to the activities identified and are expressive of both the architecture of the building which the sign serves and the individuality of the owner of the building; and
 - (5) Be of high-quality, durable materials.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-15-20. Definitions.

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

Animated sign means any sign or part of a sign which changes physical position by any movement, or which gives the illusion of such change of physical position.

Awning means a movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted against the face of the supporting building.

Billboard means a flat surface, either freestanding, wall-mounted or a wall itself, on which signs are posted advertising a business, product or service not available on the premises.

Canopy means a roof-like structure which serves the purpose of protecting vehicles and pedestrians and which may be freestanding or attached to a building, is provided with supports and is open on three (3) sides if attached and on all sides if freestanding.

Community event posters means a temporary poster which advertises a community-related activity or event conducted by a governmental, fraternal, religious or nonprofit organization.

Distance of projection means the distance from the exterior wall surface of the building to the outer extremity of a sign structure attached to the building.

Grade means the average elevation of the ground at the base of the sign.

Identification sign means a sign which establishes the identity of an occupant by listing his or her name or professional title, which establishes the identity of a building or building complex by name or symbol only or which indicates street address and name, and which does not identify commercial or industrial uses or a commodity or service offered on the premises.

Illumination means light sources which shall be indirect, low-intensity and minimum glare only, and shall not be lit from below. Halo illumination may be allowed, provided that no lighting or tubing is exposed. Internally lit signs are prohibited.

Instructional sign means a sign with instructions relating to the permitted use on the lot on which the sign is located, including such signs as "rest rooms," "no smoking," "no solicitors," "entrance" and similar signs.

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Joint identification sign means a sign which serves as a common or collective identification to two (2) or more businesses or industrial uses located within the same building or which share a common wall, or for two (2) or more businesses or industrial buildings located within a jointly used area, which buildings are in close proximity to one another. Such signs may contain a general identification for shopping centers, industrial parks, office centers and similar developments, and may contain a directory to individual uses as an integral but clearly secondary part of the sign.

Maintenance means the replacing, repairing or repainting of a portion of a sign or sign structure, and watering, weeding, mowing, trimming and similar activities on any landscaped area in which the sign is located.

Marquee means a rigid, roof-like structure attached to a wall or walls of a building or structure and supported entirely by the building or structure.

Menu board means a sign used to display the types and/or prices of foods for sale in restaurants and uses selling refreshments and/or food as a primary business.

Off-premises sign means a billboard or general outdoor advertising device which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the property upon which the sign is located.

On-premises sign means a sign which advertises goods, services, facilities or events available on the premises upon which the sign is located.

Parking and private traffic directional sign means a sign which gives parking or traffic directions into, from or within a lot.

Roof line means the highest point on any building where an exterior wall encloses usable floor area, excluding floor area provided for housing mechanical equipment. The term roof line shall also include the highest point on any parapet wall required by the building code as adopted by the Town.

Sign means an object or device or any part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, place, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, logos, fixtures, colors, motion, illumination or projected images. Signs do not include the following:

- a. Flags of any fraternal, religious, corporate or civic organization, if flown in conjunction with the American and State flags, and limited to fifteen (15) square feet per flag and twenty-five (25) feet in height.
- b. Merchandise, pictures or models of products or services incorporated in a window display.
- c. Governmental, religious, fraternal or civic logos or crests.
- d. Works of art which in no way identify a product, service or business.
- e. Scoreboards located on athletic fields which in no way identify a product, service or business.
- f. Temporary decoration or displays customarily associated with national, local or religious celebration, and not exceeding sixty-four (64) square feet.

Sign face or display surface means the surface of a sign upon, against or through which the message is displayed or illustrated. The sign face includes any architectural embellishment or background material or color forming an integral part of the display or used to differentiate the sign from its surroundings.

Sign height. The height of any sign shall be the distance between the top-most portion of the sign or the structure supporting the sign or any architectural embellishments to the sign, and the average grade level at the base of the sign or sign support.

Sign measurement means the area of a sign which is the smallest possible rectangle or rectangles enclosing the extreme limits of the display surface. For signs involving individual letters or symbols placed flat against a building, or which are supported by individual standards or are otherwise

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freestanding, the area of the sign shall be that of the smallest possible rectangle or rectangles enclosing all the letters or symbols used to convey the message of the sign, and shall include the open space between the letters or symbols and the entire display surface. If a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that for signs with two (2) identical faces, placed back to back and separated by no more than eighteen (18) inches, or placed at an angle of less than ninety (90) degrees, only one (1) face shall be used in determining the total sign area. Low-profile, detached signs which consist of more than two (2) faces shall have only two (2) faces counted in determining sign areas, provided that no more than two (2) faces are visible from any one (1) point.

Sign structure means any supports, uprights, braces or framework of the sign, excluding the sign face.

Sign types.

- a. Canopy means a sign painted on or affixed to a canopy, or suspended from a canopy over a private walkway.
- b. Detached means a sign supported by poles, uprights or any sign located on the ground, provided that no part of the sign is attached to any part of a building. A low-profile or ground sign is a detached sign which is less than eight (8) feet in height and is placed in a landscaped setting. A freestanding sign is a detached sign with a display surface which is at least eight (8) feet above grade.
- c. Marquee means a sign attached to, painted on or extending from a marquee.
- d. Portable means a detached sign which is not located in the ground but is attached to a trailer or is otherwise capable of relocation.
- e. Projecting object (blade sign) means a sign which is supported by a wall, and the faces of which project at an approximate angle of ninety (90) degrees from that wall.
- f. Roof means a sign erected upon or extending above the roof line of a building or structure.
- g. Wall means a sign attached to or painted on a wall of a building, the display surface of the sign being parallel to the wall of the building to which the sign is attached. A mansard roof may be considered a wall.
- h. Window means a sign which is applied or attached to a window, or located within one (1) foot of the interior of the window and is visible from the exterior of the building. Small temporary placards placed in or affixed to windows which announce the events of nonprofit groups are not considered signs.

Special event signs means signs that announce and/or give directions to yard or garage sales, and includes similar signs for the events of nonprofit groups.

Store front means the boundary line of a private lot or parcel of land that coincides with the right-of-way of a public street or alleyway.

Temporary signs means signs that are placed for a specified length of time and may include community event posters, construction signs, development signs, grand opening signs, political signs, real estate signs and special event signs.

Wall art means a sign that provides historical implication that adds to the visual character of the community, located on the side walls of a building and not referencing the actual name or the use contained within the building.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-15-30. Administrative provisions.

- (a) General. No sign shall be erected or continued unless it is in full compliance with this Chapter and all applicable laws of the Town and the State. The general provisions of this Section shall apply to all signs, except as modified or otherwise provided for by the specific requirements for any special sign or by the specific provisions of any zone district. Unless specifically permitted by another section of this Article, it shall be unlawful for any person to erect, alter, construct, reconstruct or remove any sign without first obtaining a permit from the Town.
- (b) If for any reason it cannot be readily determined whether or not an object is a sign, the Building Inspector shall make such determination.
- (c) All signs shall meet the applicable design, construction and related standards specified in the building code as adopted by the Town. All electrical work shall be performed by an electrician licensed by the State, under a valid electrical permit issued by the State Electrical Board.
- (d) Every sign shall be maintained in good structural condition, and required landscaping shall also be maintained through regular mowing, watering, weeding, replacement and pruning. The Building Inspector shall inspect and have the authority to order the repainting, alteration, removal or general upgrading of the condition of any sign or its surrounding landscaping which constitutes a hazard or violates the stated purposes of this Article through dilapidation or inadequate maintenance.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-15-40. Sign permits.

- (a) Installation, display, alteration, reconstruction or removal of any sign in any zone district requires a sign permit unless specifically allowed without a permit by this Article.
- (b) The owner or his or her authorized representative may apply for a sign permit for signs that identify the business or for signs providing information regarding the services of the business being advertised. The application for a sign permit shall be made on permit application forms provided by the Planning Department and submitted to the Town Clerk.
- (c) Plans shall be submitted with the permit application that provide information regarding the proposed sign. The information on the plans shall include the following:
 - (1) The address of the project.
 - (2) The name of the contractor manufacturing and/or installing the sign.
 - (3) The elevation and dimensions of the building.
 - (4) The proposed location of the sign, including the measurements above grade and measurements locating the sign.
 - (5) The size and type of the proposed sign.
 - (6) The content of the sign, including wording, colors and artwork.
- (d) No permit shall be issued until the applicable permit fee has been paid in full. Permit fees shall be as set forth in the Annual Fee Resolution adopted by the Board of Trustees and shall not be refundable or transferable.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-15-50. Residential (R) District regulations.

- (a) Permits shall be required for the following signs in the R District:

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- (1) Bulletin boards.
- (2) Church signs.
- (b) Permits shall not be required for the following signs:
 - (1) Community event posters.
 - (2) Flags fifteen (15) square feet or less in size.
 - (3) Monument signs.
 - (4) Public signs.
 - (5) Seasonal decorations.
 - (6) Special event signs.
 - (7) Street address and identification signs.
 - (8) Subdivision signs.
 - (9) Temporary signs shall be limited to the following:
 - a. Political signs.
 - b. Real estate signs that do not exceed six (6) square feet in size.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-15-60. Mixed Use (MU) District regulations.

- (a) Permits shall be required for the following signs in the MU District:
 - (1) Apartment complex identification signs.
 - (2) Bulletin boards.
 - (3) Church signs.
 - (4) Flags larger than fifteen (15) square feet in size.
 - (5) Projecting object signs.
 - (6) Temporary signs, including:
 - a. Contractor signs.
 - b. Development signs.
 - c. Real estate signs larger than six (6) square feet in size.
 - (7) Wall art.
- (b) Permits shall not be required for the following signs:
 - (1) Community event posters.
 - (2) Flags fifteen (15) square feet or less in size.
 - (3) Interior signs.
 - (4) Instructional signs.
 - (5) Monument signs.
 - (6) Parking and private traffic directional signs.
 - (7) Temporary political signs.

- (8) Public signs.
- (9) Holiday/seasonal decorations.
- (10) Special event signs.
- (11) Street address and identification signs.
- (12) Subdivision signs.
- (13) Temporary real estate signs.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-15-70. Commercial (C) and Light Industrial (LI) Districts regulations.

(a) In the C and LI Districts, the following signs shall require permits:

- (1) Bulletin boards.
- (2) Flags larger than fifteen (15) square feet in size.
- (3) Individual detached signs.
- (4) Joint identification detached signs.
- (5) Projecting object signs.
- (6) Temporary signs shall be limited to the following:
 - a. Banners.
 - b. Contractor signs.
 - c. Development signs.
 - d. Grand opening signs.
- (7) Wall art.
- (8) Wall signs.

(b) The following signs shall not require permits:

- (1) Community event posters.
- (2) Flags fifteen (15) square feet or less in size.
- (3) Instructional signs.
- (4) Interior signs.
- (5) Menu board signs.
- (6) Monument signs.
- (7) Parking and private traffic directional signs.
- (8) Temporary political signs.
- (9) Public signs.
- (10) Seasonal decorations.
- (11) Special event signs.
- (12) Street address and identification signs.
- (13) Temporary real estate signs.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-15-80. General regulations applicable to all zone districts.

- (a) Only one (1) community event poster per event or activity is permitted to be placed upon a property, and all community event posters shall be removed within three (3) days following the conclusion of the community-related event or activity.
- (b) Flags fifteen (15) square feet or less in size identifying fraternal, religious, corporate or civic organizations shall:
 - (1) Be flown in conjunction with the American and State flags.
 - (2) Be limited to no more than three (3) flags for each fifty (50) lineal feet of property frontage, or not more than one (1) flag for each twenty (20) lineal feet of property frontage.
 - (3) Not exceed twenty-five (25) feet in height.
- (c) Holiday/seasonal decorations shall only be illuminated during the holiday season, which begins on November 15 and continues to February 1 of the following year, and shall not be placed in or on glazing required for natural light by the adopted building code.
- (d) Instructional signs shall:
 - (1) Not exceed two (2) square feet per face or six (6) feet in height above grade.
 - (2) Be limited to wall, projecting, window or detached-type placement.
 - (3) Be limited to one (1) sign per message.
- (e) Memorial or commemorative signs shall be cut into a masonry surface, inlaid as part of a building or mounted flat against the wall of the building, not exceeding six (6) square feet per face or six (6) feet in height above grade, and may or may not be indirectly illuminated.
- (f) Menu board signs shall:
 - (1) Be a maximum of four (4) square feet.
 - (2) Be mounted to and parallel with the wall to which it is attached.
 - (3) Be enclosed behind glass or Plexiglas and in a frame which is compatible in design and materials of the building.
 - (4) Be mounted on a flat wall surface which is larger than the dimensions of the menu board providing a complete background for the board.
 - (5) Be lighted by a low-wattage light not to exceed thirty (30) watts, so that the source of lighting is not directly visible.
- (g) Parking and private traffic directional signs shall be placed no closer than five (5) feet to a property line, shall not exceed an area larger than four (4) square feet and shall not exceed a height of three (3) feet measured from the roadway or sidewalk to the bottom edge of the sign.
- (h) Public signs required or specifically authorized for a public purpose by the Town or by any statute or ordinance may be of any type, number, area, height, location or illumination as authorized.
- (i) Special event signs shall:
 - (1) Be no larger than four (4) square feet in area.
 - (2) Be placed no more than one (1) day before and shall be removed no later than one (1) day after the event which they advertise.
 - (3) Not be placed in or extend into any public right-of-way.

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- (4) Not be placed so as to block any traffic sign, to interfere with the free movement of traffic or to interfere with the vision of motorists, bicyclists or pedestrians.
- (5) Not be painted or glued onto any structure or vehicle.
- (j) Street address and identification signs shall include only the name or professional title of the occupant, name of the building, address of the premises or hours of operation.
- (k) Subdivision signs, identifying the entrance and the name of a particular subdivision, shall:
 - (1) Be approved by the Board of Trustees as a part of the comprehensive sign plan during the site plan review process for the project.
 - (2) Not exceed eight (8) feet in height.
 - (3) Not be placed in any position that obstructs the view of pedestrian or vehicular traffic.
 - (4) Be landscaped with materials that will be compatible and harmonious with the surrounding terrain within the subdivision.
- (l) Temporary political signs shall:
 - (1) Not exceed six (6) square feet per face in area.
 - (2) Not exceed eight (8) feet in height above grade.
 - (3) Not be illuminated.
 - (4) Not exceed two (2) signs per street frontage.
 - (5) Not be placed closer than three (3) feet to the front or side property line or street line, or within a fifteen-foot sight distance triangle on corner lots.
 - (6) Not be erected more than ninety (90) days preceding an election.
 - (7) Be removed within fifteen (15) days following an election.
- (m) Temporary real estate signs shall:
 - (1) Not exceed six (6) square feet.
 - (2) Be wall- or detached-type placement signs.
 - (3) If detached, not exceed eight (8) feet in height above grade.
 - (4) If a wall sign, not extend above the roof line on one-story buildings, or above the second floor window sill on multi-story buildings.
 - (5) Not be illuminated.
 - (6) Not be placed so as to obstruct the vision of motorists, bicyclists or pedestrians.
 - (7) Be removed within seven (7) days after the date of closing or rental of the property for which the sign was placed.
- (n) Apartment complex signs shall:
 - (1) Be limited to sixteen (16) square feet per face for double-faced signs or thirty-two (32) square feet for single-faced signs.
 - (2) Be no more than six (6) feet in height.
 - (3) Be of the detached-type placement.
 - (4) Be limited to one (1) sign per street frontage abutting the complex.
 - (5) Be located in a landscaped setting approved by the Building Inspector, which setting shall be part of the approved landscape plan for the apartment complex.
 - (6) Be set back at least five (5) feet from any public right-of-way.

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- (7) Not be placed within fifteen (15) feet of a sight distance triangle.
- (o) Awnings shall comply with the currently adopted edition of the building code, and a building permit and building permit fee for such awnings shall be required.
- (p) Bulletin boards shall:
 - (1) Be located on the premises of a public, religious or charitable institution.
 - (2) Not exceed six (6) square feet per face or eight (8) feet in height.
 - (3) Not be placed so as to obstruct the vision of motorists, bicyclists or pedestrians.
- (q) Church signs identifying the name and denomination of a church shall:
 - (1) Be limited to one (1) wall sign, the letters of which shall not exceed twelve (12) inches in height, and one (1) detached sign, limited to six (6) square feet per face and eight (8) feet in height.
 - (2) Not be placed so as to obstruct the vision of motorists, bicyclists or pedestrians.
- (r) Contractor signs announcing construction on a property shall:
 - (1) Contain the name of the contractor and date of completion.
 - (2) Be displayed only on the property to which they pertain.
 - (3) Not exceed thirty-two (32) square feet per face.
 - (4) Be limited to one (1) sign for each street frontage of the property.
 - (5) Not be illuminated.
 - (6) Be displayed for a period of not more than six (6) calendar months and not be renewed for more than four (4) successive periods at the same location.
- (s) Flags larger than fifteen (15) square feet in size identifying fraternal, religious, corporate or civic organizations shall:
 - (1) Be flown in conjunction with the American and State flags.
 - (2) Be limited to not more than three (3) flags for each property.
 - (3) Be placed within a twenty-foot radius of each other.
 - (4) Not exceed twenty-five (25) feet in height.
 - (5) Not exceed thirty-two (32) square feet in size.
- (t) Grand opening signs (signs announcing the official opening of a new business) shall:
 - (1) Be placed only for a period of time commencing sixty (60) days prior to the initial occupancy of a building or any portion thereof and ending fifteen (15) days after such occupancy.
 - (2) Be limited to one (1) such sign per street frontage.
- (u) Projecting object signs for first-story uses with building frontage shall:
 - (1) Be limited to a logo or to an object symbolizing or identifying merchandise or services provided within the building.
 - (2) Be limited to not more than one (1) per distinguishable store front.
 - (3) Be limited in area to one (1) square foot per each six (6) linear feet of building frontage, measured along a street right-of-way or developed pedestrian right-of-way. No projecting object sign shall exceed four (4) feet in height, four (4) feet in width and one (1) foot in thickness.
 - (4) Not be lighted, other than during regular business hours.
- (v) Temporary banners shall:
 - (1) Be removed within thirty (30) days after installation.

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- (2) Not exceed thirty-two (32) square feet in total area per property or use.
 - (3) Be limited to one (1) banner per property. However, a temporary banner may be removed and another may be installed in its place as many times as necessary during a thirty-day period.
 - (4) Be mounted a maximum height of sixteen (16) feet above the grade of the street.
- (w) Wall art shall:
- (1) Not be installed without first obtaining a sign permit.
 - (2) Be approved by the Board of Trustees prior to installation.
 - (3) Be placed only on the side wall of buildings.
 - (4) Not include a written or visual (object) reference to the actual name or the uses contained within the building.
- (x) All first-floor businesses with building frontage shall be permitted wall signs, provided that such signs meet the following criteria:
- (1) The contents shall be limited to identification by letter, numeral, logo or design of the name and type of business.
 - (2) Each business shall be allowed a minimum of one (1) thirty-two-square-foot sign per building side without regard to building frontage.
 - (3) No box-type wall signs which are mounted onto the face of the building shall be permitted unless the building was specifically designed with that type of signage integrated into the facade as a design element.
 - (4) Wall signs shall be placed on the wall so that no portion of the sign extends above the roof, and the sign shall not be attached in any way to a parapet wall.
- (y) Individual detached signs are permitted for those businesses in commercial zones which do not share a building, a common wall or common parking area with another business, except that if two (2) or more businesses share a building, a common wall or a joint parking area, individual detached signs shall not be permitted, and joint identification signs may be used. Such individual detached signs shall be subject to the following restrictions:
- (1) The contents shall be limited to identification by letter, numeral, logo or design of the name and type of business, products sold, services provided and other information pertinent to the business. A reader board with changeable copy may be included in the sign, provided that the area of the reader board shall count toward the maximum size allowed for the sign.
 - (2) Only one (1) detached sign per business is permitted.
 - (3) For all businesses, detached signs shall not exceed twenty-five (25) square feet per face and fifty (50) square feet per sign.
 - (4) For all businesses, detached signs shall not exceed fifteen (15) feet in height or the height of the building or structure that it serves, whichever is less.
 - (5) Detached signs shall be set back at least five (5) feet from any public right-of-way. No two (2) detached signs shall be closer together than twenty-five (25) feet.
 - (6) Detached signs of a low-profile, planter-type design which are not more than eight (8) feet in height and are designed to complement the design of the building on the premises may, with the approval of the Board of Trustees, exceed the maximum allowable square footage by up to twenty-five percent (25%).

(Ord. 2003-3 §1; Ord. 2004-2 §1; Ord. 2011-18 §1)

Sec. 16-15-90. Prohibited signs.

The following signs are prohibited and shall not be erected or maintained:

- (1) Animated signs and signs which are mechanically agitated or designed to move or make any motion whatever.
- (2) Signs exhibiting changing light effects or the moving or change of copy, except scoreboards and time and temperature signs, except that theater signs and marquees may utilize changeable copy to provide information directly related to current performances at such theater.
- (3) Signs which exhibit changing color effects, except barber poles or other nostalgic signs approved by the Building Inspector.
- (4) Signs which by their light or focus cause a nuisance by unduly disturbing the uses of surrounding property or by causing a traffic hazard.
- (5) Signs using any sound- or noise-making or transmitting device, with such sound device used separately for advertising purposes beyond the confines of a building or building lot.
- (6) Signs which block any window, doorway or any other opening required for proper ventilation, light or exit facilities as specified in the current edition of the building code as adopted by the Town.
- (7) Signs or posters on or projecting into any public right-of-way, except public signs.
- (8) Balloons exceeding three (3) cubic feet of air, pennants or wind-powered devices.
- (9) Roof signs.
- (10) Searchlights.
- (11) Strings of light bulbs, other than traditional holiday decorations.
- (12) Signs with the optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing copy.
- (13) Signs which project from the corners of buildings.
- (14) Off-premises advertising signs or billboards.
- (15) Internally lit signs.
- (16) Signs that are not permitted by this Article.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-15-100. Signs in PUD Districts.

Signs within PUD Districts are subject to review along with the entire PUD plan.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-15-110. Appeals and variances.

- (a) Appeals. Any order, requirement, decision or determination made by any official charged with the enforcement or administration of this Article may be appealed to the BOA.
- (b) Variances. The BOA may grant variances relating to the size, height, location, illumination, number and type of signs and other exceptions to the standards set forth in this Article. Such variances shall be granted on the basis of the criteria set forth in Section 16-17-60 of this Chapter, provided that such a variance does not violate the stated purposes of this Article. The BOA shall not grant a variance

which allows the construction or expansion of an off-premises sign or billboard, or otherwise relaxes the off-premises sign provision of this Article.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-15-120. Nonconforming signs and outdoor commercial advertising devices.

- (a) Any existing sign which has previously been granted a variance shall be considered conforming for the purpose of this Article.
- (b) Subject to the termination provisions below, a nonconforming sign may be continued and shall be maintained in good condition, but shall not be:
 - (1) Changed to another nonconforming sign.
 - (2) Structurally altered.
 - (3) Altered so as to increase the degree of nonconformity of the sign.
 - (4) Expanded.
 - (5) Reestablished after discontinuance for ninety (90) consecutive days of the use to which the sign pertained.
 - (6) Continued in use after a change of the business or activity to which the sign pertains.
 - (7) Reestablished after damage or destruction if the estimated cost of reconstruction exceeds fifty percent (50%) of its value established from the current assessed valuation as shown in the office of the County Assessor.
- (c) Nonconforming signs; amortization schedule.
 - (1) Any sign erected or constructed prior to the enactment of the initial ordinance codified herein, or any sign subject to the provisions of this Chapter by reason of annexation to the Town, which is a nonconforming sign as defined herein, shall be brought into conformance or removed at the conclusion of five (5) years from the date of the erection of the sign, or five (5) years from said effective date, whichever comes first, as follows: any existing individual sign which exceeds the maximum area or height limitations of this Article by ten percent (10%) or less, or the maximum setback requirements by ten percent (10%) or less, may be considered a conforming sign and need not be removed or altered. However, at the time such sign is to be replaced or renovated with work resulting in a cost of twenty-five percent (25%) or more of the replacement value of the sign, that sign shall be made to conform to all provisions of this Article.
 - (2) If the use of the property on which a nonconforming sign is located changes or if the use of the property expands by twenty-five percent (25%) or more, all signage on the property shall be brought into conformance with this Article.
 - (3) Abandonment of any sign for a continuous period of one hundred eighty (180) days shall terminate the right to maintain a nonconforming sign.
- (d) Any violation of the provisions of this Section shall immediately terminate the right to maintain a nonconforming sign.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 16 Enforcement

[Sec. 16-16-10. Violations.](#)

[Sec. 16-16-20. Persons liable.](#)

[Sec. 16-16-30. Remedies.](#)

[Sec. 16-16-40. Penalties.](#)

[Sec. 16-16-50. Permit revocation.](#)

Sec. 16-16-10. Violations.

It is unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or use any land in violation of any of the provisions of this Chapter or any amendment thereto. Any person, either as owner, lessee, occupant or otherwise, who violates any of the provisions of this Chapter or any amendment thereto, or who interferes in any manner with any person in the performance of a right or duty imposed upon him or her by the provisions of this Chapter, shall be guilty of a violation of this Chapter.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-16-20. Persons liable.

The owner, tenant or occupant of any building, land or part thereof, and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this Chapter, may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided. The owner or any person in possession of any property used in violation of this Chapter shall also be held responsible for any violation thereof, whether or not the owner or person in possession or any agent thereof committed the violation or has neglected to prevent the violation by another person.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-16-30. Remedies.

If any building or structure is erected, constructed or reconstructed, altered or repaired, converted or maintained, or if any building, structure or land is used in violation of this Chapter or other regulation made under authority conferred hereby, the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration or repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-16-40. Penalties.

Failure to comply with this Chapter shall constitute a civil infraction except as otherwise provided herein. Any person who is found guilty of or pleads guilty or nolo contendere to the commission of the civil infraction shall be subject to a fine of not more than four hundred ninety-nine dollars (\$499.00). For each day or portion thereof during which any violation continues, a person may be cited for a separate infraction. The penalties specified in this Chapter shall be cumulative and nothing shall be construed as either prohibiting or limiting the Town from pursuing such other remedies or penalties in an action at law or equity.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-16-50. Permit revocation.

A zoning, sign, special use, building, conditional use or other permit or any certificate of occupancy or certificate of appropriateness issued under the provisions and procedures of this Chapter may be revoked by an authorized representative of the Town if the permit recipient fails to develop, improve or maintain the property in accordance with the approved plans, the requirements of this Chapter or any additional requirements lawfully imposed by the Town.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 17 Application Procedures and Submittal Requirements

[Sec. 16-17-10. Procedures and submittal requirements.](#)

[Sec. 16-17-20. Site development standards and vested property rights.](#)

[Sec. 16-17-30. Special use permits.](#)

[Sec. 16-17-40. PUD procedures.](#)

[Sec. 16-17-50. Procedures for rezoning, amendments and special use permits.](#)

[Sec. 16-17-60. Variances and appeals.](#)

[Sec. 16-17-70. Nonconforming uses.](#)

[Sec. 16-17-80. Nonconforming structures.](#)

[Sec. 16-17-90. Notice of public hearings.](#)

[Sec. 16-17-100. Fees.](#)

Sec. 16-17-10. Procedures and submittal requirements.

This Article establishes and explains the processes, procedures, fees and submittal requirements for site plans, special use permits, historic and architectural review, Planned Unit Development, rezoning and amendments to this Chapter, variances, nonconforming uses, structures and lots, notice of public hearings and appeals, and site development standards and procedures for establishing vested rights. All applications shall be signed by the applicant and shall certify that the applicant has reviewed this Article and the application complies with the requirements of this Article.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-17-20. Site development standards and vested property rights.

- (a) These site development standards are intended to enhance and protect the area's natural, as well as man-made, environments. This Section also defines a site specific development plan to implement Article 68 of Title 24, C.R.S.
- (b) General requirements.
 - (1) Site development regulations shall apply to all areas within the Town that are:
 - a. Located within the following zone districts:
 - 1. MU - Mixed Use.

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2. C - Commercial.
 3. LI - Light Industrial.
 4. FPO - Floodplain Overlay.
- b. Located in the PUD District with the exception of those uses relating to a single-family detached type of development with less than four (4) residential units.
 - c. Located or to be located within any other zone district which is specifically made subject to this Chapter by the Board of Trustees.
- (2) No building permit for any use described in Paragraph (1) above shall be issued for the construction of any new building, structure or improvement to the site, or any alteration or reconstruction of or addition to any improvement, without first obtaining the approval of a site development plan for the proposed use. No application for a site plan shall be accepted until all of the real property that is the subject of the application has been platted as one (1) lot.
 - (3) No excavation permit for any use described in Paragraph (1) above shall be issued for any grading or earth movement of any type without first obtaining the approval of a site development plan for the proposed use.
 - (4) Unless specifically authorized by the Board of Trustees, no overlot grading, drainage work, parking lot construction or other site improvements will be allowed without first obtaining approval of a site development plan for the proposed use.
 - (5) The site development standards outlined by this Article apply throughout the zone districts and uses outlined in Paragraph (1) above. These standards are in addition to any other development or design standard which may otherwise be applicable to a particular property or specific area within the Town. In the case of any perceived conflict among applicable development standards, the more restrictive standard will apply.
 - (6) Consideration of a site development plan application by the Town may occur concurrently with any other land use approvals by the Town.
- (c) Application and site development plan submittal requirements.
 - (1) Each request for site development plan approval shall be accompanied by one (1) copy of the complete application form, one (1) copy of the proposed site development plan with related information, one (1) copy of the architectural renderings of any buildings or structures and the application fee, as set forth in the Annual Fee Resolution adopted by the Board of Trustees. Such plans shall be prepared by a qualified professional architect, land planner or engineer. If the plan is to serve as the site specific development plan for creation of a vested right, the plan shall be so marked.
 - (2) The application shall be submitted to the Town Clerk.
 - (3) The proposed site development plan shall be prepared by a qualified professional (architect, landscape architect, land planner or engineer) and drawn on one (1) or more sheets of paper measuring twenty-four (24) by thirty-six (36) inches with a minimum scale of one (1) inch equals fifty (50) feet. Each site development plan shall be signed by the applicant.
 - (4) The site development plan shall contain the following information:
 - a. Date of preparation.
 - b. North arrow with written and graphic scale.
 - c. Vicinity map showing the relationship of the site to the surrounding area within a one-half-mile radius.
 - d. Listings of the gross acreage, lot acreage and net acreage of each proposed use, as well as the number of dwelling units (when applicable) and the number of buildings and gross floor area (when applicable).

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- e. Listings of the number of all parking stalls, as well as indicating the number of compact car and handicap parking spaces.
 - f. The existing grading and drainage information on the site drawn at five-foot intervals and related to United States Geological Survey (USGS) datum, as well as finished grades and contours proposed by the applicant.
 - g. The size and location of all existing and proposed public and private utility and emergency easements or other rights-of-way.
 - h. The building envelope, size, setback dimensions and height of all proposed structures and all existing structures which are to be retained on the site.
 - i. Location, dimensions and names of adjacent streets and proposed internal streets showing center line radii and curb return radii. Location and dimensions of bike/pedestrian paths and walkways shall be shown.
 - j. The proposed layout of the parking lot, including location and dimensions of parking spaces, curb islands, internal planter strips, maneuvering aisles, location and dimension of on-site vendor delivery areas and access driveways with indication of direction of travel.
 - k. Location of all exterior lighting, signage and fencing used to divide properties and to screen mechanical equipment and trash receptacles.
 - l. The existence of any specific historic and physical features on the site, including drainage ways, lakes, buildings and structures. The site development plan must indicate which physical features will be retained. The location of adjacent properties and their physical features within fifty (50) feet of the property line shall be identified, including setback dimensions of adjacent structures.
 - m. The location of all existing trees greater than three-inch caliper and the trees that will be retained, the location and dimensions of landscaped areas, location and names of all proposed plant material and groundcover and the location of other pertinent landscape features.
 - n. A survey that is certified by a surveyor who is registered in the State.
 - o. Proof of ownership of the property.
 - p. A narrative statement describing the general proposal, the applicant's name, present zoning and the intended use of the property. Also included in this narrative should be the general development schedule and phasing plan when the project is not constructed at one (1) time. When applicable, a statement of maintenance responsibility shall be included in the narrative for all improvements shown on the site development plan.
- (d) Review procedures and requirements for approval.
- (1) Upon receipt of the application, the Town Clerk shall review the package and indicate any deficiency found in the application. Once the application is found to be complete, the review procedure shall begin. The Town Clerk shall notify the applicant if the package is complete or if additional documentation is required.
 - (2) The Building Inspector shall have sixty (60) days after the application is found to be complete to review the proposal and make comment on the technical merits of the package. This review includes compliance with all ordinances, including setbacks, building heights, parking and landscape requirements. The Building Inspector may contact the applicant, if necessary, during the review period to discuss any modification that may be required. Minor modifications (up to twenty-five percent [25%] of the gross site area) are allowed throughout the entire review process. Major modifications as recommended by the Building Inspector may require the submittal of a new application with the proposed changes. After the review, the Building Inspector shall have five (5) working days to prepare a recommendation to the Board of Trustees.

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- (3) The Board of Trustees may deny the application, approve the application with or without conditions or continue the approval of the application for additional information.
- (e) Vested property rights. This Section defines a site specific development plan pursuant to Article 68, Title 24, C.R.S., for real property located within the Town.
 - (1) A site specific development plan means a PUD plan which is submitted to the Town by an owner of real property located within one (1) of the zone districts described herein, which describes with reasonable certainty the type and intensity of use for a specific parcel of real property as required by this Article. What constitutes a site specific development plan under this Section that would trigger a vested property right shall be finally determined by the Board of Trustees pursuant to this Article.
 - (2) If the applicant wishes the approval of the PUD plan to create vested property rights pursuant to Article 68 of Title 24, C.R.S., the plan shall include a statement that it is being submitted for designation as a site specific development plan. Failure to include such statement or to comply with any other condition of this Section shall result in no vested property rights being created by the approval or conditional approval of the PUD plan.
 - (3) If approved, the effective date of the approval shall be the effective date of the resolution approving the site specific development plan. The resolution of the Board of Trustees approving the site specific development plan and agreement shall be accompanied by any terms or conditions imposed on the site specific development plan.
 - (4) Each site specific development plan shall contain a statement as follows: "This plan constitutes a site specific development plan as defined in Section 24-68-101, et seq., C.R.S., and the Town of Alma Zoning Ordinance." A notice describing the type and intensity of use proposed, the specific parcel of property affected, the terms and conditions of any approval and stating that a vested property right pursuant to Article 68, Title 24, C.R.S., has been created shall be published by the landowner once, not more than fourteen (14) days after approval of the site specific development plan, in a newspaper of general circulation within the Town.
 - (5) A property right which is vested as provided herein shall be vested for a period of three (3) years from the date of approval of the site specific development plan upon compliance with all terms and conditions of such approval. This period shall not be extended by any amendment to the site specific development plan, unless expressly authorized in writing by the Town.
 - (6) Nothing herein shall be construed to limit the authority of the Town and a landowner to enter into a development agreement vesting property rights in the landowner. Such agreement shall be construed in accordance with the terms and conditions of said agreement and not limited or expanded by the provisions of this Chapter.
 - (7) No vested property rights may be created or site specific development plan approved except in compliance with the requirements of this Section.
 - (8) Approval of a site specific development plan shall not constitute an exemption from or waiver of any other requirements of the Town pertaining to the development and use of the property adopted or applicable before or after the approval of a site specific development plan.
 - (9) Nothing in this Section is intended to create a vested property right, but only to implement the provisions of Section 24-68-101, et seq., C.R.S. In the event of a repeal of said statute or a judicial determination invalidating or declaring unconstitutional part or all of said statute, portions of this Article regarding approval of site specific development plans or creation of vested property rights shall be deemed repealed and the provisions hereof no longer effective. In the event only a portion of said statute is declared void or unconstitutional, then the portion of this Chapter corresponding thereto shall be deemed repealed and no longer effective.
 - (10) Waiver or forfeiture of vested rights.
 - a. Failure to abide by any terms or conditions imposed by the Town on the approval of any site specific development plan shall constitute a forfeiture by the landowner of any vested right created by the plan unless otherwise specifically agreed by the Town in writing.

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- b. Any petition for annexation to the Town shall describe all vested property rights approved by any local government in effect at the time of the petition, if any, and be accompanied by all site specific development plans approved by any local government. Failure to so identify any previously approved vested property right and provide all approved site specific development plans shall constitute a waiver of the vested right created by any other local government upon annexation to the Town unless specifically provided otherwise in the ordinance of annexation adopted by the Town.
- c. The landowner shall be required to include with any plan submitted for approval as a site specific development plan notice of any natural or man-made hazards on or in the immediate vicinity of the subject property which are known to the landowner or could reasonably be discovered at the time of submission of the plan. In the event that a natural or man-made hazard on or in the immediate vicinity of the subject property is discovered subsequent to the approval of a site specific development plan, which hazard would impose a serious threat to the public health, safety and welfare, which hazard was not described in the plan submitted for approval as a site specific development plan and which hazard is not corrected by the landowner, the vested property right created by such site specific development plan shall be forfeited by the landowner.
- d. A site specific development plan submitted by a landowner and approved by the Town as provided herein forfeits any creation of, the landowner forfeits any creation of, and the landowner waives his or her right to claim, a vested right by a site specific development plan previously approved by the Town or any other local government for the property.
- e. Failure of the landowner to publish the notice required herein constitutes a waiver by the landowner of the vested right created by the approval of the site specific development plan.
- (f) The Building Inspector may approve minor modifications of an approved site plan. A minor modification includes cumulative modifications of up to five percent (5%) of the entire gross site area of an approved site plan. Major modifications as determined by the Building Inspector are subject to review by the Board of Trustees in the same manner as a new site plan under this Section.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-17-30. Special use permits.

- (a) Uses which require a special use permit are those which may be allowed in the zone district in which they are listed if it can be demonstrated that the use, in the proposed location, is compatible with the district characteristics, purposes, dimensional regulations and supplementary regulations for the zone district in which the use is proposed or the zoning purposes of the district, the particular site and the surrounding area.
- (b) Both the owner of the property on which the proposed use will be conducted and the operator of the use for which a special use permit is required, or their authorized representative, shall be party to the application for a special use permit.
- (c) The process for obtaining a special use permit is set forth in Section 16-17-50 below and shall be followed in the application for and processing of all requests for a special use permit when required by any zone district in which a proposed use will be located or other regulation of this Chapter.
- (d) A special use permit may be transferred to any other person to operate the same use per the same terms of the permit, but may not be transferred to any other property or building.
- (e) A special use permit shall remain in full force and effect as long as the use for which the permit is granted continues or for the term specified on the permit.
 - (1) The duration of a special use permit may be limited to a specific period of time if necessary to ensure that the proposed use will meet the purposes of this Chapter and for protection of the public health, safety and welfare.

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- (2) A special use permit shall automatically terminate without any further action by the Town under the following circumstances:
 - a. The use for which the permit was granted is not established at the approved location within a period of one (1) year from the date the permit was issued.
 - b. The use for which the permit was issued is discontinued for a period of one (1) year or longer.
 - c. The term for which the permit is issued has expired.
- (f) The Building Inspector may suspend a special use permit upon finding that the use, building or site for which the permit was issued violates any conditions of approval applied at the time the permit was issued, or that the use established is substantially different than that which was represented in the application.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-17-40. PUD procedures.

- (a) General provisions.
 - (1) A PUD constitutes an overlay zone to an existing zone district. The underlying zone district does not change.
 - (2) Each PUD application shall be reviewed and approved, disapproved or conditionally approved by the Board of Trustees.
- (b) Procedure. PUD applications shall be processed as a zone district amendment.
- (c) Occupancy or use restrictions prior to approval. Notwithstanding the rezoning of an overall area as a PUD, no portion thereof shall be used or occupied otherwise than as was permitted immediately prior to the approval of such rezoning until a final subdivision plat for said portion has been approved by the Board of Trustees.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-17-50. Procedures for rezoning, amendments and special use permits.

- (a) The Town may, from time to time, amend the number, shape or boundaries of any zone district, the uses permitted within a zone district, any regulation of or within a zone district or any other provision of this Chapter.
- (b) All territory annexed to the Town shall be zoned in accordance with the zoning classifications established by this Chapter and in accordance with the procedures in this Section for rezoning. All annexed land shall be zoned at the time of annexation as required by this Chapter.
- (c) Application.
 - (1) A request for an amendment to this Chapter, Zoning Map or special use permit may be presented to the Board of Trustees by persons owning real property within the Town or residents of the Town;
 - (2) Owners or residents requesting the addition of a land use into a zone district in which it is not enumerated in this Chapter, or persons appealing a determination of the Building Inspector regarding the classification of a use or pursuing a classification for which the determination of the Building Inspector has been appealed, may apply to the Board of Trustees for consideration of the proposed amendments to the zone district; or
 - (3) An amendment to this Chapter or a rezoning may be initiated by the Board of Trustees. Any owner or resident may suggest an amendment to the Board of Trustees.

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- (d) Procedure for special use permits and amending this Chapter or the Zoning Map. Amendments to this Chapter or to the Zoning Map or the procurement of a special use permit shall be processed in the following manner:
- (1) Submittal of application. The applicant must submit to the Town Clerk the materials necessary for the application to be heard by the Board of Trustees.
 - (2) A hearing shall be scheduled before the Board of Trustees.
 - (3) The Board of Trustees shall conduct a public hearing to consider the application. Notice of the hearing shall be given as provided in Section 16-17-90 of this Article. The Board of Trustees, at the public hearing and after review and discussion of the proposal, may approve the application without conditions, approve the application with conditions, indicating for the record what condition shall be attached to the proposal, or deny the application, indicating for the record the reason for the recommendation of denial.
 - (4) Before approving an application, the Board of Trustees shall find that the following criteria are satisfied:
 - a. A need exists for the proposal;
 - b. The proposal is in conformance with the goals and objectives of the Comprehensive Plan;
 - c. There has been an error in the original zoning (not applicable to special use permits); or
 - d. There have been significant changes in the area to warrant a zoning change (not applicable to special use permits);
 - e. Adequate circulation exists in the area of the proposal and traffic movement would not be significantly impeded by the development resulting from the proposal; and
 - f. Any additional cost for municipal-related services resulting from the proposal will not be incurred by the Town.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-17-60. Variances and appeals.

- (a) Appeals of decisions.
- (1) Who may apply. Appeals to the BOA may be made by any person aggrieved by the inability to obtain a building permit (except where inability to obtain a building permit is due to denial of a rezoning application by the Board of Trustees) or by the decision of any administrative officer in the Town in the course of the administration or enforcement of this Chapter. Appeals to the BOA may be made by any officer, department or board of the Town affected by the grant or refusal of a building permit or by other decision of the administrative officer or agency, in the course of administration or enforcement of this Chapter.
 - (2) Time limit. Appeals to the BOA must be made in writing and filed with the Town Clerk within ten (10) days of the action or decision appealed.
 - (3) Stay of proceedings. An appeal stays all proceedings and furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the BOA, after the notice of appeal is filed with him or her, that, because of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril of life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the BOA or a court of record on application and notice to the officer from whom the appeal is taken, on due cause shown.
- (b) Variances. Requests for relief from the regulations and development standards of this Chapter may be taken to the BOA when the strict application of this Chapter will deprive a property of the privileges

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enjoyed by other property of the same zoning classification in the same zone district because of special circumstances applicable to a property, including its size, shape, topography, location or surroundings.

- (c) Hearings. Hearings of the BOA shall commence no later than the next regularly scheduled meeting following the completion of the required notice procedure. The BOA may continue a hearing as may be necessary to obtain necessary information and make its decision.
- (d) Decision of the BOA.
 - (1) After a public hearing, the BOA may modify the application of the regulations or provisions of this Chapter relating to the construction or alteration of buildings or structures or uses of land if the BOA finds that all of the following exist:
 - a. Due to exceptional and extraordinary circumstances unique to the property or structure for which the variance is sought, the strict enforcement of the provisions of this Chapter would cause an unnecessary hardship to the applicant;
 - b. The circumstances causing the unnecessary hardship were not created by an owner or user of the property or by the applicant for the variance;
 - c. The hardship is not established on the basis of lack of knowledge of the restrictions upon constructing or altering a structure, by the purchasing of a property without knowledge of applicable restrictions, nor by showing that greater profit would result if the variance were granted;
 - d. The circumstances causing the unnecessary hardship are particular to the land or structure for which the variance is sought and do not apply generally to land and buildings in the zone district in which the property is located;
 - e. The variance requested is the minimum deviation from this Chapter necessary to allow the same and no greater use as that allowed of other land or structures in the same zone district;
 - f. The granting of the variance will not impair the appropriate use of adjacent conforming properties, will not impair an adequate supply of light and air, will not impair the view from adjacent property and will not substantially diminish or impair property values within the surrounding area;
 - g. The granting of the variance will be consistent with the spirit, purpose and intent of this Chapter and will not create a situation which alters the character of the area surrounding the property for which the variance is granted;
 - h. The granting of the variance will secure and in no way diminish the public safety and welfare, nor impair prevention of or increase risk of fire, flood, traffic congestion or other hazard;
 - i. The granting of the variance is necessary to cause substantial justice to be done; and
 - j. The granting of the variance will not allow uses or densities not permitted in the zone district in which it is granted, nor allow the expansion or establishment of a nonconforming use.
 - (2) In granting a variance, the BOA may prescribe any safeguard that it deems necessary to secure the objectives of the regulations or provisions to which the variance applies and may impose such conditions on the property for which the variance is sought as are consistent with the purposes of this Chapter. If such safeguards or conditions are imposed, the variance shall not become effective until the property owner and applicant agree to abide by such conditions.
- (e) Not transferable. Each variance shall apply specifically to the property or structure described in the approval and shall not be transferable to any other property or structure.
- (f) Duration. Unless limited by its terms, a variance shall remain in full force and effect as long as the use for which the variance is sought continues. However:
 - (1) Failure to apply for a building permit to carry out the work or failure to begin the use involved in the variance, within one (1) year from the date the variance was granted, shall constitute abandonment of the variance.

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- (2) Discontinuance of the use for which the variance was granted for a period of one (1) year or more shall constitute abandonment of the variance.
- (3) Upon abandonment, the variance shall automatically expire with no further action by the BOA.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-17-70. Nonconforming uses.

- (a) Any use of a building, sign or land lawfully existing at the time of the enactment of the initial ordinance codified herein which does not conform to the regulations of the zone district in which it is located or with the applicable development standards of this Chapter is a nonconforming use.
- (b) The continuance, modification, expansion, improvement or abandonment of all nonconforming uses shall strictly comply with the regulations set forth below in this Section, in addition to all other applicable regulations of this Chapter and the Town's building code.
- (c) The continuation of existing legal nonconforming uses shall be subject to the following conditions:
 - (1) If a legal nonconforming use exists as of the effective date of the initial ordinance codified herein, such use may be continued in accordance with the provisions of this Section.
 - (2) Mobile homes located in zone districts not permitting their use may continue to be used as a residential dwelling after said effective date, unless abandoned as a dwelling for a period of six (6) months or more.
- (d) The expansion of a use not permitted in the zone district in which it is located shall be subject to the following conditions:
 - (1) Any expansion of a nonconforming use shall meet the following criteria:
 - a. All expansion of the nonconforming use in a conforming structure shall be confined to and conducted wholly within the structure or portion thereof which is in existence as of said effective date.
 - b. The total cumulative area of all expansions of the nonconforming use occurring after said effective date, shall not increase the gross floor area of the nonconforming use by more than twenty percent (20%) above that in existence prior to said effective date, except for existing residential structures expanded within conforming setbacks not resulting in more units than permitted by the zone district in which such residential use is located.
 - c. All new site improvements necessitated by an expansion shall comply with the development standards of the zone district in which the use is located or governing the use, whichever is more restrictive.
 - (2) Expansion of a nonconforming use in a nonconforming structure shall not be permitted.
- (e) Change of a use not permitted in a zone district in which it is located to any use permitted in the applicable zone district is allowed if:
 - (1) The change does not create any additional nonconforming situations nor increase the extent of nonconformance.
 - (2) Any new improvements, other than maintenance of existing facilities, necessitated by the change in use conform with all applicable regulations of the zone district in which it is located. Existing site improvements which do not conform to the applicable regulations of the zone district are not required to be brought into compliance except as required in Paragraph (4) below or in other applicable parts of this Section.
 - (3) Any expansion involved with the change in use complies with the applicable regulations of this Section.

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- (4) New uses which require a special use permit shall be allowed only if all proposed and existing improvements, other than existing nonconforming structures, will comply with all applicable regulations and development standards of the zone district in which the use is located as specified in this Chapter.
- (f) Any use which is not allowed in the zone district in which it is located and which is discontinued for a period of six (6) months or more shall be deemed abandoned, and such nonconforming use shall not be renewed.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-17-80. Nonconforming structures.

- (a) All nonconforming structures shall comply with the provisions of the building code as adopted by the Town and with all other provisions of this Chapter not inconsistent herewith.
- (b) The continued use of any structure shall be subject to the following conditions:
 - (1) Continued use of a nonconforming structure is allowed if the structure is nonconforming as of the effective date of the initial ordinance codified herein.
 - (2) If use of a nonconforming structure is ancillary to the primary use on the site, changing the use in the nonconforming structure to any primary use allowed in the zone district would be considered an increase in intensity of the nonconformance and would not be permitted unless a variance was granted for the nonconforming structure.
- (c) Expansion by increasing the size of the exterior of a nonconforming structure is allowed if the expansion does not increase the extent or the intensity of nonconformance and does not expand or create a nonconforming use. Without limiting the foregoing:
 - (1) If the structure exceeds applicable lot coverage requirements, expansion shall not be allowed.
 - (2) If the structure is located on a lot which does not meet the minimum lot area required in the applicable zone district, expansion may be allowed if it can be accomplished in compliance with all other regulations of this Chapter applicable to the use, including but not limited to setback, lot coverage and site development standards.
 - (3) If the structure is located on a lot and encroaches in a required setback area, expansion of the structure may be allowed only to the extent that the expansion does not encroach into required setback or yard areas.
 - (4) If the structure's height is nonconforming, expansion is allowed if the expansion does not create any other nonconforming condition and if the newly constructed portion does not exceed applicable height limitations.
- (d) Alteration, repairs or replacement.
 - (1) Interior remodeling or any alteration wholly within a nonconforming structure shall be permitted if the external configuration of the structure is not changed, provided that such alteration does not create any nonconforming use or situations or increase the intensity of the nonconformance, and provided that all other applicable regulations of this Chapter are met.
 - (2) Ordinary repairs and maintenance of a nonconforming structure shall be allowed and are encouraged.
 - (3) Any nonconforming structure extensively damaged by sudden destruction beyond the control of the user or by fire may be reconstructed or replaced if such destruction does not exceed seventy percent (70%) of the total structure, as determined by the Building Inspector. Such reconstruction shall occur on the same lot and with the same external configuration, only if all other provisions of this Chapter are met and appropriate variances are granted regarding the external configuration of the structure. Prior to the granting of said variance, it shall be demonstrated that

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reconstructing the structure in accordance with the provisions of this Chapter would deprive the owner use of the property in a manner which is equitable to other uses in the same zone district.

- (4) The owner of any nonconforming structure may apply to the Board of Trustees for a nonconforming structure permit within one (1) year from said effective date. Issuance of a nonconforming structure permit will allow such owner, or such owner's successors and assigns, to rebuild the nonconforming structure in substantially the same size, shape, configuration and location, the provisions of Paragraph (d)(3) above notwithstanding. No nonconforming structure permit shall issue except upon a finding by the Board of Trustees that the issuance of such permit is consistent with the spirit, purpose and intent of this Chapter.
- (5) Alterations or remodeling of a nonconforming structure which changes the use of the nonconforming structure from an ancillary use to a use similar to the primary use shall not be permitted unless a variance is obtained for the structure.
- (e) Nonconforming site or lot. Any use in existence at the time of said effective date, on a lot which does not conform with the development standards of the zone district in which it is located shall be allowed to be continued, provided that the use is not discontinued for a period of six (6) months or more, in which case the use shall be deemed abandoned, and such use shall not be renewed except in conformance with all applicable Town regulations.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-17-90. Notice of public hearings.

- (a) All land use applications that require a public hearing before the Board of Trustees or the BOA shall be subject to these requirements, and no public hearing shall commence or testimony be taken until these procedures are met by the applicant.
- (b) General provisions.
 - (1) It shall be the responsibility of the applicant to meet these requirements prior to the established hearing date.
 - (2) The Board of Trustees or BOA may continue the hearing to a date certain and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be pursued by the applicant unless a period of six (6) weeks or more elapses between the hearing dates, before the same board. In situations where this time period has passed, the applicant shall only be required to publish the notice of public hearing provided for in Subsection (c) below.
 - (3) These public notice requirements apply to all land within the jurisdiction of the Town, as well as those parcels subject to the consideration of and petitioning for annexation to the Town boundaries.
- (c) At least fifteen (15) days prior to a public hearing, a notice shall be published at least one (1) time in the legal notice section of a general circulation newspaper within the Town. A publisher's affidavit shall be submitted to the Town Clerk prior to the hearing date to verify the publication of the required notice. The notice shall read as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that the (insert name of appropriate board) shall hold a public hearing concerning (type of application request), located on property described in Exhibit A and generally located at (distance and direction of nearest major intersection), pursuant to the Town of Alma Zoning Ordinance.

The public hearing is to be held on (date), 20____, at (time - a.m./p.m.), or as soon as possible thereafter, in the Alma Town Hall, or at such other time or place in the event the hearing is adjourned.

ALL INTERESTED PARTIES MAY ATTEND.

EXHIBIT A (Legal Description)

- (d) At least fifteen (15) days prior to a public hearing, a notice shall be posted on the property for which the land use application is made. These notices shall consist of at least one (1) sign facing each adjacent public right-of-way. In the case of a variance request, only one (1) sign shall be posted on site in the general vicinity the variance is being considered. These notices shall be in the form of signs measuring not less than twenty-four (24) inches by twenty-eight (28) inches, with lettering a minimum of one-half (½) inch high and on posts no less than four (4) feet above the ground. The notice shall read:

NOTICE OF PUBLIC HEARING

Notice is hereby given that the property upon which this sign is posted shall be considered at a public hearing for (type of application request) pursuant to the Town of Alma Zoning Ordinance. The public hearing is to be held before the (insert name of appropriate board) on (date), 20____, at (time - a.m./p.m.), or as soon as possible thereafter, in the Alma Town Hall.

- (e) Written notice of the public hearing shall also be mailed by first-class mail to the owners of all adjoining properties not less than fifteen (15) days prior to a public hearing where the mailing addresses of such adjoining owners are readily available.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-17-100. Fees.

- (a) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, conditional use permits, special use permits, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be established by resolution of the Board of Trustees.
- (b) The Town may bill applicants for any and all costs of professional or consulting services which the Town incurs as a result of an applicant or his or her project, including but not limited to legal, engineering or hydrological services.
- (c) The Town shall send the applicant a statement for the actual and administrative costs incurred by the Town for the services rendered by the Town. The applicant shall pay the Town the amount due on the statement within fifteen (15) days of the date of the issuance of such statement. In the event the applicant fails to pay the amount due on the statement within the time period specified above, the Town shall immediately stop the review process for the proposed development. The application will be deemed withdrawn if the statement is not paid in full within thirty (30) days of the date of the issuance of the statement.
 - (1) If the statement is not paid in full within thirty (30) days after issuance of the statement, in addition to the application being withdrawn, the Town shall impose interest on the amount due and outstanding at the rate of one and one-half percent (1.5%) per month from the date when due.
 - (2) In addition to the Town's remedies to stop the review process upon nonpayment of such statement and to impose penalty interest, the Town may also initiate an enforcement action against the applicant for nonpayment of such fees. Such enforcement action may be initiated either in the County District Court or the Municipal Court. In the event such collection action is determined in favor of the Town, the Town shall be awarded its attorneys' fees and court costs in addition to the unpaid fees as part of any judgment.
 - (3) The payment of fees of the costs of professional and consulting services under this Section shall be due and payable as set forth within this Section, regardless of whether the project is completed

and/or approved and/or regardless of whether the owner or applicant chooses to complete the Town's land review process under this Chapter and Chapter 17 of this Code.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 18 Commercial Mobile Radio Service Facilities

[Sec. 16-18-10. Purpose.](#)

[Sec. 16-18-20. Definitions.](#)

[Sec. 16-18-30. Applicability.](#)

[Sec. 16-18-40. Co-location.](#)

[Sec. 16-18-50. Compliance with FCC standards.](#)

[Sec. 16-18-60. Abandonment.](#)

[Sec. 16-18-70. Equipment storage shelters.](#)

[Sec. 16-18-80. Freestanding CMRS facilities.](#)

[Sec. 16-18-90. Building-mounted CMRS facilities.](#)

[Sec. 16-18-100. Pole-mounted CMRS facilities.](#)

[Sec. 16-18-110. Application and approval procedures.](#)

Sec. 16-18-10. Purpose.

The purposes of this Article are to:

- (1) Facilitate the provision of wireless telecommunications services throughout the Town;
- (2) Allow the location of commercial mobile radio service facilities ("CMRS facilities") in the Town subject to certain standards;
- (3) Act on applications for the location of CMRS facilities within a reasonable period of time;
- (4) Encourage co-location of CMRS facilities; and
- (5) Avoid unreasonable discrimination among providers of functionally equivalent services.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-18-20. Definitions.

As used in this Article, the following words and terms shall be defined as follows:

Accessory equipment for a CMRS facility means equipment, including buildings and structures, used to protect and enable radio switching equipment, back-up power, support structures and other devices incidental to a CMRS facility, but not including antennae.

Building roof-mounted CMRS facility means a CMRS facility that is mounted and supported entirely on the roof of a legally existing building or structure.

Building wall-mounted CMRS facility means a CMRS facility that is mounted and supported entirely on the wall of a legally existing building or structure.

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Co-location means the location of two (2) or more CMRS facilities on the same support structure. Two (2) or more separate facilities located on one (1) building shall not be considered co-location.

Commercial mobile radio service facility or CMRS facility means an unmanned facility consisting of antennae, accessory equipment and equipment storage shelters, and used for the reception, switching, transmission or receiving of wireless telecommunications operating at one thousand (1,000) watts or less effective radiated power, and using frequencies authorized by the Federal Communications Commission ("FCC"), including but not limited to paging, enhanced specialized mobile radio, personal communication systems, cellular telephone, point-to-point microwave signals and similar technologies.

Equipment storage shelter means buildings, storage shelters and cabinets used to house CMRS facility equipment.

Freestanding CMRS facility means a CMRS facility that consists of a stand-alone support structure, antennae and accessory equipment.

Microwave dish antenna means a disk-type antenna used to link communication sites together by wireless voice or data transmission.

Pole-mounted CMRS facility means a CMRS facility that is mounted and supported entirely on a legally existing traffic signal, utility pole, streetlight, flagpole, freestanding CMRS facility, electric or transmission line support tower or other similar structure.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-18-30. Applicability.

The standards and criteria contained in this Article shall apply to all applications for location of CMRS facilities in the Town.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-18-40. Co-location.

The Town encourages co-location of CMRS facilities when feasible to minimize the number of CMRS facility sites. To further the goal of co-location:

- (1) No CMRS facility owner or operator shall unfairly exclude a telecommunications competitor from using the same facility or location. Upon request by the Town, the owner or operator shall provide evidence explaining why co-location is not possible at a particular facility or site.
- (2) If a telecommunications competitor attempts to co-locate a CMRS facility on an existing or approved CMRS facility or location and the parties cannot reach an agreement, the Town may require a third-party technical study to be completed at the expense of both parties to determine the feasibility of co-location.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-18-50. Compliance with FCC standards.

A CMRS facility shall comply with the current FCC regulations prohibiting localized interference with reception of television and radio broadcasts and the current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-18-60. Abandonment.

If the CMRS facility ceases operation for any reason for one hundred eighty (180) consecutive days:

- (1) The owner or operator shall remove it, and, if the facility owner or operator fails to remove the facility, removal shall become the responsibility of the landowner.
- (2) Failure to timely remove an abandoned CMRS facility shall constitute a code violation.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-18-70. Equipment storage shelters.

Equipment storage shelters for CMRS facilities shall adhere to the following design standards to minimize impacts:

- (1) Equipment storage shelters located outside shall be screened from view by vegetation, fencing or comparable screening.
- (2) No equipment storage shelter shall exceed fifteen (15) feet in height.
- (3) The total area of all equipment storage shelters shall not exceed four hundred (400) square feet per facility.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-18-80. Freestanding CMRS facilities.

- (a) An application for administrative approval pursuant to Section 16-18-110 below shall be required prior to location of a freestanding CMRS facility in any zone district.
- (b) Minimum setback. A freestanding CMRS facility shall be set back from each property line one (1) foot of distance for every foot of facility height.
- (c) Maximum height. A freestanding CMRS facility, including antennae, shall not exceed the maximum structure height limit in the underlying zone district unless the administrative or other written approval specifically allows the facility to exceed that limit.
- (d) A freestanding CMRS facility shall meet the following design standards to minimize impacts:
 - (1) The facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area, subject to applicable Federal Aviation Administration ("FAA") regulations.
 - (2) Existing land forms, vegetation and structures shall be used to screen the facility from view and blend in the facility with the surrounding environment, where feasible.
 - (3) Existing vegetation shall be preserved or enhanced, where feasible.
 - (4) The facility shall not be lighted unless required by the FAA.
 - (5) All freestanding CMRS facilities shall accommodate co-location of facilities unless co-location is technically unfeasible.
 - (6) Any equipment that could be dangerous to persons or wildlife shall be adequately fenced.
 - (7) The diameter of a microwave dish antenna shall not exceed four (4) feet.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-18-90. Building-mounted CMRS facilities.

- (a) A building wall-mounted CMRS facility shall adhere to the following design standards to minimize impacts:
 - (1) The facility shall be screened from view and/or colored to match the building or structure to which it is attached.
 - (2) The mounting of antennae shall be as flush to the building wall as possible, and in no case shall the antennae extend more than three (3) feet out from the building wall.
 - (3) If the roof of the building is pitched, the facility shall not extend above the roof line of the building.
 - (4) If the roof of the building is flat, the facility shall not extend above the highest point of the building, including roof-mounted appurtenances.
- (b) A building roof-mounted CMRS facility shall adhere to the following design standards to minimize impacts:
 - (1) A building roof-mounted CMRS facility, including antennae, shall not extend more than fifteen (15) feet above the roof line of the building on which the facility is mounted. For purposes of this Section, roof line shall include parapets but not equipment or other facilities.
 - (2) The facility shall be screened from view and/or colored to match the building or structure to which it is attached.
 - (3) The diameter of a microwave dish antenna shall not exceed four (4) feet.
- (c) Accessory equipment for a building-mounted CMRS facility shall be placed inside the building if feasible.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-18-100. Pole-mounted CMRS facilities.

A pole-mounted CMRS facility shall adhere to the following design standards to minimize impacts:

- (1) The facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area.
- (2) The facility shall be colored to match the pole or structure to which it is attached.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-18-110. Application and approval procedures.

- (a) A CMRS facility applicant shall follow the application and approval procedures set forth in this Article, in lieu of any other application and approval procedures.
- (b) Administrative approval.
 - (1) An application to locate a CMRS facility in any zone district shall include the following:
 - a. A site plan on twenty-four-inch-by-thirty-six-inch sheets which includes the following:
 - 1. The location of all proposed and existing improvements on the property;
 - 2. A north arrow;

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3. Scale (written and graphic);
 4. Scaled building elevations, if applicable; and
 5. The legal description of the property.
- b. A title commitment or other proof of ownership of the property or, if the property is leased, a signed and notarized letter of authorization from the property owner.
 - c. Photographic simulations showing the proposed facility and the structure on which it will be mounted, if applicable.
 - d. An access plan and utility plan, if applicable.
 - e. A written, narrative statement describing in detail how the proposed CMRS facility will comply with each of the applicable design standards outlined in this Article.
- (2) Application submittal. An application for administrative review of a proposed CMRS facility location shall be submitted to the Town Clerk.
 - (3) Review. The Building Inspector shall consider whether the proposed facility meets the design standards set forth in this Article and ensure that the proposed facility conforms to the Town's technical criteria.
 - (4) Decision. The Building Inspector shall issue a written decision approving or denying the application. The Building Inspector may impose reasonable conditions of approval.
 - (5) Appeal. If the application is denied, the applicant may appeal the decision to the BOA.
- (c) Town-owned property. The Board of Trustees shall hold a public hearing to decide on any application to locate a CMRS facility on Town-owned property. At the public hearing, the Board of Trustees shall consider whether the proposed facility meets the design standards set forth in this Article and issue a written decision approving or denying the application. The Board of Trustees may impose reasonable conditions of approval.
 - (d) Application denial. A final decision by the Town to deny an application for a CMRS facility under this Article shall be in writing and supported by substantial evidence contained in a written record.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

ARTICLE 19 Supplemental Regulations

[Sec. 16-19-10. Group quarters for sex offenders.](#)

[Sec. 16-19-20. Height of fences.](#)

[Sec. 16-19-30. Vision triangle.](#)

Sec. 16-19-10. Group quarters for sex offenders.

No more than one (1) individual who is required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S., shall reside in group quarters located in a Residential (R) District.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-19-20. Height of fences.

- (a) Exemptions from height limitations. The height limitations of this Section do not apply to any fence enclosing part or all of a tennis court, swimming pool, playing field, park, recreation facility, electric substation, gas regulator station, sand and gravel excavation or noise-barrier fence approved by the Town Clerk.
- (b) Maximum height. The maximum height of any fence shall be eight (8) feet. Grade level for establishing fence or screen height shall be the average of grade measured three (3) feet from each side of the fence or screen.

(Ord. 2003-3 §1; Ord. 2011-18 §1)

Sec. 16-19-30. Vision triangle.

On corner lots, no shrub, tree, flower or other plant, fence or structure more than thirty-six (36) inches above the level of the flow line of the roadway or street shall be permitted within a triangle measured from the point of intersection of the flow lines of the intersecting streets or roadways a distance of twenty (20) feet along each such flow line.

(Ord. 2003-3 §1; Ord. 2011-18 §1)