

Amended July 2011

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ARTICLE I. IN GENERAL

Sec. 1-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use or structure shall mean one which is clearly incidental and secondary to the permitted use, customarily a part thereof, and which does not change the character thereof, including, but not limited to, garage, guesthouse, greenhouse or toolshed.

Alley shall mean a minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

Animal hospital shall mean a veterinary hospital where animals are brought for medical and surgical treatment and may be held during the time of such treatment.

Apartment shall mean a room or group of rooms used as a dwelling for a one-family unit which does its cooking therein.

Apartment building shall mean a building or portion thereof used or intended to be used as a home for three or more families or households living independently of each other and individually equipped for preparation of food.

Balcony shall mean an outdoor extension of the main structure open to the elements.

Board of Adjustment shall mean the Board of Adjustment of the Town.

Breezeway shall mean a covered passage, one story in height, connecting a main structure and an accessory structure.

Building shall mean any structure built for the support, shelter or enclosure of persons, chattels or movable property of any kind and which is affixed to the land.

Building height shall mean the vertical distance measured from the average elevation of

the finished grade along the front of the building to the highest point of the building.

Building inspector shall mean the Town Mayor or his/her duly authorized representative.

Business or professional office shall mean the office of an engineer, dentist, doctor, attorney, real estate broker, insurance broker, architect or other similar professional person and any office used primarily for accounting, correspondence, research, editing or administration.

Café, restaurant or cafeteria shall mean a commercial eating establishment where snacks or meals are vended for consumption indoors on the premises.

Camping unit shall mean any self-propelled or towed vehicle, motorized or otherwise (but excluding those defined as mobile homes which affix to permanent or semi permanent foundations), and which are designed and used for travel, recreation and short-term working or living facilities.

Canopy shall mean a permanent shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

Clinic shall mean offices for one or more physicians, surgeons, dentists or other practitioners of the healing arts.

Club shall mean any membership organization, including a lodge catering exclusively to members and their guests and whose facilities are limited to meeting, eating and recreational uses and, further, whose activities are not conducted principally for monetary gain.

Commercial amusement shall mean any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity, where tickets are sold or fees collected at the gates of the activity. Commercial amusements include carnivals, expositions, miniature golf courses, driving ranges, arcades, fairs, exhibitions, athletic contests, rodeos, tent shows, ferris wheels, children's rides, roller coaster, skating rinks, ice rinks, traveling shows,

bowling alleys, pool parlors and similar enterprises.

Commercial use, highway-oriented shall mean a commercial use which is intended primarily to serve the commercial retail needs of the motorist, including, but not limited to, gasoline service stations, motels and restaurants.

Common property shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites in planned unit development or other described land area.

Court shall mean an open, unoccupied space bounded on more than two sides by the walls of the building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanently open space.

Day care center or nursery shall mean a place where five or more children are kept for care between the hours of 6:00 a.m. to 12:00 midnight for compensation.

Density shall mean the number of dwelling units per gross acre of land devoted to housing and related open space.

Dependent mobile home shall mean any camping unit as herein defined and any mobile home which does not have an approved toilet and bathtub or shower.

District or zone shall mean an area or areas for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

Drive-in eating establishment shall mean any structure and premises specifically designed for the preparation and dispensing of food and meals for consumption either indoors or in a vehicle parked on the premises or taken away for consumption at other places.

Dwelling, manufactured home, shall mean a single-family dwelling which:

(a) Is partially or entirely manufactured in a factory;

(b) Is not less than 24 feet in width and 36 feet in length;

(c) Is designed for and placed upon an engineered permanent foundation;

(d) Has brick, wood, or cosmetically equivalent exterior siding on all exterior walls which provides a consistent continuous façade from the bottom of the soffit (top wall of section) downward to grade, and has a pitched roof; and

(e) Is not manufactured before ten years prior to its on-site placement in the Town and is a pre-constructed complete building unit or combination of pre-constructed complete building units with a minimum of 2 x 4 exterior wall construction without motor power designed and commonly used for single-family, residential occupancy by persons, in either temporary or permanent locations, which unit or units are manufactured in a factory or at a location other than the residential site of the completed home and which unit or units are not licensed as a recreational vehicle pursuant to the National Manufactured Housing Construction and Safety Standards Act including all regulations enacted pursuant thereto, including any local modifications that are expressly allowed by federal law. Said homes shall be placed on permanent engineered foundations with continuous perimeter support similar to site-built homes.

Dwelling, mobile home shall mean a detached, single-family dwelling unit with all the following characteristics:

(a) Designated as a detached single-family dwelling unit for long-term occupancy and containing sleeping accommodation, a flush toilet, a tub or shower bath and kitchen facilities, and has plumbing, sewer and electrical connections provided for attachment to outside systems;

(b) Designed to be transported after fabrication on its own wheels, on flatbeds, other trailers or detachable wheels;

(c) Arrives at the site where it is to be occupied as a complete dwelling and is ready for occupancy except for minor and incidental unpacking and assembly operation, location on foundation supports or jacks, underpinned, connections to utilities and the like;

(d) It not less than 14 feet in width and 32 feet in length, excluding towing gears and bumpers;

(e) Is without motive power;

(f) Is manufactured ten years or less, prior to its on-site placement in the Town with a minimum of 2 x 4 exterior wall construction and pursuant to the National Manufactured Housing Construction and Safety Standards Act, including all regulations enacted pursuant thereto and any local modifications that are expressly allowed by federal law; is transportable in one or more sections, which is 14 feet or more in width and is 32 feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling when connected to required utilities, includes plumbing, heating, air conditioning, and electrical systems contained therein and designed for transportation after fabrication on streets or highways on its own chassis and wheels, which arrives at the site where it is to be occupied, complete and ready for occupancy other than for minor and incidental unpacking and assembly operation, and location on temporary or permanent foundations and connection to utilities.

(g) Complies with Town ordinance modifications as authorized by state or federal law.

Dwelling, multi-unit or multi-family shall mean a building used by more than two families living independently of each other in separate dwelling units but not including hotels, motels or resorts.

Dwelling, one-unit shall mean a detached principal building designed for or occupied as a dwelling exclusively by one family as an independent living unit.

Dwelling, two-unit shall mean a detached principal building designed for or occupied by two families living independently of each other in separate but attached dwelling units, but not including mobile homes.

Dwelling unit shall mean one room or rooms connected together constituting a separate independent housekeeping establishment for owner occupancy or rental or lease on a monthly or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure, and served by not more than one gas meter and one electric meter.

Employees shall mean all persons, including proprietors, working on the premises during the largest shift at peak season.

Family shall mean a single individual living upon the premises as a separate, independent housekeeping unit; or a collective body of persons living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth or marriage; or a group of not more than three unrelated persons living together upon the premises as a single housekeeping unit. Single persons of 18 years of age or older not living with parents or legal guardians are considered to be unrelated to each other.

Fence or wall shall mean a freestanding structure of metal, masonry, composition, or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level used for confinement, screening or partition purposes.

Frontage shall mean that portion of a lot, parcel, tract or block abutting upon a street measured by an extension of the side lot lines intersecting the street.

Garage, private shall mean an enclosed building for parking only of motor vehicles belonging to the occupant of the same building.

Garage, public shall mean a building other than a private or parking garage used for the care or repair of vehicles or where such vehicles are kept for remuneration, hire or sale.

Gasoline service station shall mean a building or premises on or in which the principal use is the retail sale of gasoline, oil or other fuel

for motor vehicles, which may include, as an incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, facilities for repairs for motor vehicles or rental operations, but may not include liquefied petroleum gas distribution facilities.

Grade (ground level) shall mean the average of the finished ground level at the center of all walls of the building or at the center of the structure.

Guesthouse shall mean an accessory structure which is physically detached from a principal dwelling, not to be used as a rental unit, serviced through the same utility meters or connections as the principal use, and intended for occupancy only by guests of the family residing in the principal dwelling.

Guestroom shall mean a room in a hotel, apartment, motel or tourist home offered to the public for compensation and which room is used only for transient occupancy.

Hedge shall mean a fence or boundary formed by a dense row of shrubs or low trees.

Home occupation shall mean an occupation carried on in the dwelling or accessory building by members of the family occupying the dwelling, provided the residence character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

Homeowner's association shall mean an incorporated, nonprofit organization operating under recorded land agreements through which each lot and/or homeowner in a planned unit development or other described land area is automatically a member, and through which each lot is automatically subject to charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and the charge, if unpaid, becomes a lien against the property.

Hotel shall mean a building used or intended to be used as living quarters for transient guests, but not excluding permanent guests, and may include a café, drugstore, clothes pressing shop,

barbershop or other service facilities for the guests for compensation.

Independent mobile home shall mean a mobile home that has an approved toilet and bathtub or shower.

Junk or salvage shall mean scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc and all other scrap metals and their alloys, bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane parts and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, and all other products subject to being dismantled or recycled.

Junkyard or salvage yard shall mean any lot, parcel or tract used for the storage, keeping, sale or abandonment of junk and/or for the dismantling, demolition or abandonment of automobiles or other junk or parts thereof.

Kennel shall mean a lot or building in which four or more dogs or cats are kept with the primary purpose of commercial board, propagation or sale.

Lot shall mean a subdivision of a block or other parcel of land intended as a unit for the transfer of ownership or for development of at least sufficient size to meet minimum requirements for use, coverage and area, and to provide required yard and other open spaces. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of the following, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter:

- (a) A single lot of record.
- (b) A portion of a lot of record.
- (c) A combination of complete lots of record; complete lots of record and portions of lots of record; or portions of lots of record.
- (d) A Parcel of land described by metes and bounds.

Lot area shall mean the total horizontal area within the lot lines of a lot.

Lot, corner shall mean a lot abutting upon two or more streets at their intersection or upon two parts of the same street, and where, in either case, the interior angle formed by the intersection of street lines does not exceed 135 degrees.

Lot coverage shall mean the percent of the total lot area available for bulk or buildings.

Lot depth shall mean the average horizontal distance between front and rear lot lines.

Lot, double-frontage shall mean a lot which runs through a block from street to street, and which has two nonintersecting sides abutting on two or more streets.

Lot, interior shall mean a lot other than a corner lot.

Lot line, front shall mean the property line dividing a lot from the right-of-way of the street. For a corner lot, the shortest street right-of-way line shall be considered the front line.

Lot line, rear shall mean the property line opposite the front lot line, except on a double-frontage lot.

Lot line, side shall mean any lot line other than a front or rear lot line.

Lot of record shall mean a lot, which is part of a subdivision, the plat of which has been recorded in the office of the county clerk, or a parcel of land, the deed for which was recorded in the office of the county clerk prior to passage of this ordinance.

Lot width shall mean the distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth of the established building setback line provided that no residential lot line shall measure less than 50 feet.

Master plan shall mean the master plan for the Town which has been officially adopted to provide long-range development policies for the Town and which includes, among other things, the plan for land use, circulation and public facilities.

Mobile home park shall mean any area under single management and ownership upon which two or more mobile homes, occupied or intended to be occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

Mobile home space shall mean a plot of ground within a mobile home park designed for the accommodation of one mobile home.

Motel shall mean a hotel which usually is arranged in such a manner that individual guestrooms are directly accessible from an automobile parking area.

Nonconforming mobile home or mobile home park shall mean any mobile home or mobile home park which is not in compliance with these regulations.

Nonconforming structure or use shall mean a lawful existing structure or use at the time these regulations or any amendments thereto become effective which does not conform to the requirements of the zone district in which it is located.

Off-street loading space shall mean a space located outside of a public street or alley for the discharge of passengers or a space directly accessible to the building it serves for bulk pickup and deliveries of delivery vehicles.

Off-street parking area shall mean any parking area located wholly within the limits of one or more lots.

Open space shall mean an area devoted to the enhancement of light, air and aesthetic qualities of a neighborhood. It will also be devoted to landscaped vegetation, and no buildings or structures will be permitted, unless for purposes of maintaining and/or enhancing the open space or relatively unnoticeable from the adjoining streets or walkways.

Parking space shall mean a rectangular area containing not less than 200 square feet with maneuvering and access space required for an automobile to park within the rectangle.

Patio shall mean a surface area open to the elements.

Permitted use shall mean a use specifically allowed in one or more of the various zone districts without the necessity of obtaining a use permit.

Person shall mean any individual, firm, partnership, corporation, joint venture, company or association.

Personal service shop shall mean an establishment for the purpose of supplying limited personal services, such as, but not limited to, barber, shoe, boot, or beauty shops.

Planned unit development shall mean a project of a single owner or a group of owners acting jointly, involving a related group of residences or businesses, or industries and associated uses, planned as a single entity and therefore subject to development and regulation as one land use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract and is designed to provide variety and diversity through the variance of normal zoning and subdivision standards so the maximum long-range benefits can be gained and the unique features of the development or site are preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing. A preliminary plat and a final plat must be submitted and processed through the subdivision procedures as provided in the Town of Blanca's Subdivision Regulations.

Planning Commission shall mean the officially appointed planning and zoning commission of the Town.

Porch shall mean a building or part of the main building which is covered but is open to the elements.

Premises shall mean part or all of any lot, parcel or tract, or part or all of any building or structure or group of buildings or structures located thereon.

Principal structure shall mean the principal structure which fulfills the purpose for which the building plot was intended.

Private utility shall mean any utility other than a governmentally owned and operated utility including telephone, electric, gas and other privately owned and operated utilities.

Property line shall mean the boundary of any lot, parcel or tract, as the same is described in the conveyance to the owner, and does not include the streets or alleys upon which the lot, parcel or tract may abut.

Public hearing shall mean a meeting called by a public body for which the public notice has been given and which is held in a place in which the general public may attend to hear issues and express their concerns.

Retail shall mean sale to the ultimate consumer for direct consumption and/or use and not for resale.

Right-of-way, public shall mean all street, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel.

Salvage yard: See Junkyard.

Screening shall mean decorative fencing, evergreen hedges or earth berms maintained for the purpose of concealing from view the area behind the screening. When fencing is used for screening, it shall be not less than 6 feet in height.

Service building shall mean a building housing toilet and bathing facilities for men and women, with laundry facilities and such other facilities as may be required by this ordinance and other regulations.

Setback line shall mean a line or lines designating the area outside of which buildings may not be erected.

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

(a) Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations.

(b) Merchandise, pictures or models or products or models of products or services incorporated in a window display.

(c) Time and temperature devices not related to a product.

(d) National, state, religious, fraternal, professional and civic symbols or crests.

(e) Works of art which in no way identify a product.

(f) Scoreboards located on athletic fields.

If for any reason it cannot be readily determined whether or not an object is a sign, the Town Clerk shall make such determination.

Site-specific development plan shall mean a plan that has been submitted to a local government by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels or property. Such plan may be in the form of, but need not be limited to, any of the following plans or approvals: A planned unit development plan, a subdivision plat, a specially planned area, a planned building group, a general submission plan, a preliminary or general development plan, a conditional or special use plan, a development agreement, or any other land use approval designation as may be utilized by the Town. What constitutes a site specific development plan under this definition that would trigger a vested property right shall be finally determined by Ordinance 10 of the Town of Blanca or upon an agreement entered into by the Town and the landowner, and the document that triggers such vesting shall be so identified at the time of its approval.

(a) "**Site specific development plan**" shall not include a variance, a preliminary plan as defined in Section 30-28-101 (6), C.R.S., or any of the following:

(1) A sketch plan as defined in Section 30-28-101 (8), C.R.S.;

(2) A final architectural plan;

(3) Public utility filings; or

(4) Final construction drawings and related documents specifying materials and methods for construction of improvements.

(b) "**Vested property right**," means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development.

Special review use shall mean a use, which, although not permitted outright in a particular district, may be permitted by the Town Board upon recommendation by the planning and zoning commission in accordance with the standards and procedures of this chapter.

Street shall mean the entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and placement of utilities.

Street, arterial shall mean any street serving major traffic movements which is designed primarily as a traffic carrier between cities, or between various sections of the Town, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function.

Street, collector shall mean any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

Street, cul-de-sac shall mean a street having one end open to vehicular traffic and having one end closed and terminated by a turnaround.

Street, dead-end shall mean a street, other than a cul-de-sac, having only one outlet.

Street, frontage shall mean a local street lying parallel to and adjoining an arterial street or freeway right-of-way, which provides access to abutting properties and protection from through traffic.

Street, half shall mean a street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the ultimate and intended street width.

Street, local shall mean any street designated primarily to provide access to abutting property.

Structural alteration shall mean any change to the supporting members of a structure, including foundations, bearings walls or partitions, columns, beams, girders or any structural change in the roof.

Structure shall mean anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Townhouse or rowhouse shall mean one of a group of no less than three nor more than 12 attached dwelling units, each dwelling unit located on a separate lot. No single group shall exceed 240 feet in length.

Travel trailer shall mean a vehicular portable structure built on a chassis designed to be towed by a standard automobile and designed to be used as a temporary living facility for travel and recreational purposes, having a body width not exceeding 8 feet and a length not exceeding 28 feet, but not necessarily having all sanitary facilities within the trailer.

Use shall mean the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Use, principal shall mean the main use of land or structures as distinguished from a subordinate or accessory use.

Variance shall mean a minimum easing of the terms of this chapter, where such easing will not be contrary to the public interest or to the interest and purposes of this chapter, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship, and the condition or situation is not of so general or recurrent a nature as to make reasonable and practical the formulation of an amendment containing a general regulation for such condition or situation.

Vested property right shall mean the right to undertake and complete the development and use of property under the terms and conditions of the site specific development plan.

Vision clearance area shall mean a triangular area on a lot at the intersection of two streets, or a street and a railroad, two sides of

which are lot lines measured from the corner intersection of the lot lines to a distance specified in the regulations contained in this ordinance concerning "vision clearance". The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines and intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

Yard shall mean a redefined open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this chapter.

Yard, front shall mean the yard between the side lot lines measured horizontally at right angles to the front lot line to the nearest point of the principal structure.

Yard, rear shall mean the yard extending between side lot lines and measured horizontally at right angles to the rear lot line, from the rear lot line to the nearest point of the principal structure.

Yard, side shall mean the yard between a building and the side lot line, measured horizontally at right angles to the side lot line, from the side lot line to the nearest point of the main building.

Sec. 1-2. Title.

The regulations codified in this chapter shall be cited as the Zoning Regulations of the Town of Blanca.

Sec. 1-3. Authority.

This chapter is authorized by C.R.S. §31-23-301 et seq. as amended, and is declared to be in accordance with all provisions of these statutes.

Sec. 1-4. Purpose.

(a) Pursuant to the authority conferred by C.R.S. § 31-23-301 et seq., this chapter is adopted for the purpose of promoting the health, safety, morals and welfare of the present and future inhabitants of the Town by regulating and restricting the height, number of stories, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, courts, and other open spaces; the density of

population; and the location and use of buildings, structures, and land for trade, industry, residence and other purposes.

(b) This chapter is adopted for the purpose of promoting coordinated and sound development; encouraging innovation in residential development or renewal, so that housing demands may be met by a greater variety of types and design of housing units; providing for higher quality in site and land planning; conserving open space; and providing more efficient and attractive use of open space.

(c) In implementing these purposes, the Town shall work to achieve a coordinated adjusted and harmonious development of the Town and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic; the promotion of safety from fire, floodwaters and other dangers; adequate provision for light and air; the promotion of healthful and convenient distribution of population; the promotion of good civic design and arrangement; wise and efficient expenditure of public funds; and the adequate provision of public utilities and other public requirements.

Sec. 1-5. Interpretation.

(a) The provisions of this chapter may be regarded as the minimum requirements for the promotion of public health, safety, comfort, convenience, prosperity and general welfare.

(b) This chapter is not intended to interfere with or abrogate or annul any easements, covenants or agreements between parties; provided, however, that wherever this ordinance proposes a greater restriction upon use of land or buildings, upon the location or height or buildings or structures that are imposed or required by other laws, ordinances, resolutions, regulations or easements, covenants or agreements between parties, the provisions of this chapter shall govern.

(c) *Notice of approval.* Each map, plat or site plan or other document constituting a site

specific development plan shall contain the following language; "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24 C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected and stating that a vested property right has been created shall be published once, not more than 14 days after approval of the site specific development plan, in a newspaper of general circulation within the Town.

(d) *Payment of costs.* In addition to any and all other fees and charges imposed by this section, the applicant for approval of a site specific development plan shall pay all costs occasioned to the Town as a result of the site specific development plan review, including publication of notices, public hearing and review costs.

(e) *Other provisions unaffected.* Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other provisions of the subdivision regulations or zoning regulations of the Town pertaining to the development and use of property.

(f) *Limitations.* Nothing in this section is intended to create any vested property right, but only to implement the provisions of C.R.S. §24-68-101 et. seq., as amended.

Sec. 1-6. Penalty.

The owner or owners of any building or buildings or premises, or part thereof, where anything in violation of this chapter exists or is placed or maintained and any architect, builder, or contractor who assists in the commission of any such violation; and all persons who violate or maintain any violation of any or the provisions of this chapter, or who fail to comply therewith or with any requirements thereof, or who build in violation of any statement of plan submitted and approved thereunder, are, for each and every day of violation or noncompliance, guilty of a violation of this chapter and, upon conviction thereof, shall be punishable as provided in the "General Penalty Section" of the Town ordinances and the Blanca Town Code.

Secs. 1-7 - 20. Reserved.

ARTICLE II. BOARD OF ADJUSTMENT

Sec. 1-21. Established.

The Board of Adjustment is established.

Sec. 1-22. Members - Appointment.

(a) The Board of Adjustment shall consist of five members and a nonvoting secretary who shall be appointed by the Town Board.

(b) Not more than two members of the Board of Adjustment may be current members of the Planning and Zoning Commission.

Sec. 1-23. Same - Term; filling vacancy.

(a) Appointments to the Board of Adjustment shall be for a period of three (3) years, except when vacancies occur prior to the expiration of a regular term they shall be filled in the same manner as regular appointments but shall serve only until the expiration of the term in which the vacancy occurred.

(b) In addition to the regular members of the Board of Adjustment, the Town Board may appoint two alternate members for staggered three (3) year terms.

(c) In the event that any regular member is temporarily unable to act owing to absence from the Town, illness, interest in a case before the Board of Adjustment or any other cause, his/her place may be taken during such temporary disability by an alternate member who shall enjoy full voting privileges.

Sec. 1-24. Same - Removal for cause.

The Town Board shall have the power to remove any member of the Board of Adjustment for cause after official public hearing in which the member shall have the right to counsel and to confront hostile witnesses.

Sec. 1-25. Chairman.

Members of the Board of Adjustment shall elect from among their members a chairman to serve for a term of one year.

Sec. 1-26. Vote to revoke official order.

The concurring vote of four members of the Board of Adjustment shall be necessary to revoke any order, requirement decision or determination of any administrative official charged with the enforcement of this chapter or to decide in favor of the applicant any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.

Sec. 1-27. Rules adoption; meetings.

(a) The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter, which rules shall also provide for meetings of the Board.

(b) All meetings of the Board of Adjustment shall be open to the public.

Sec. 1-28. Oaths, witnesses.

The chairman of the Board of Adjustment or, in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena.

Sec. 1-29. Records.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each decision, or, if absent or failing to vote, indicating such fact, all of which shall be a public record and immediately filed in the office of the Town Clerk.

Sec. 1-30. Powers.

The Board of Adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, decision or refusal made by an administrative official or agency based on or made in the enforcement of this chapter. The Board may reverse or affirm, wholly or partly, or

may modify the order, requirement, decision or determination appealed from.

(b) To grant or deny variances from the provisions of this chapter when the strict application of the regulations codified in this chapter would result in peculiar and exceptional and undue hardship upon the owner of the property. The Board may authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, provided relief may be granted without substantially impairing the intent and purpose of this chapter. In granting any variance, the Board of Adjustment may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter. In granting or denying variances the Board shall consider the following criteria and standards:

(1) Whether there are unique physical circumstances or conditions, such as exceptional irregularity, narrowness or shallowness of a piece of property at the time of the ordinance codified in this chapter, or whether there are exceptional topographic or other physical conditions or other extraordinary and exceptional situations or conditions peculiar to the affected property.

(2) Whether the unusual circumstances or conditions exist throughout the neighborhood or district in which the property is located.

(3) Whether the hardship has been created by the applicant.

(4) Whether the grant of the requested variance will cause a significant hazard, annoyance or inconvenience to the owners or occupants of nearby property, significantly change the character of the neighborhood or reduce the value of nearby property, impose any significant cost burden upon the Town or create any significant obstacle to implementation of the zoning plan evidenced by this chapter or by any master plan of the Town.

(5) Whether the variance, if granted, will alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair

the appropriate use or development of adjacent property.

(c) To hear and decide such other special questions not inconsistent with these regulations codified in this chapter, upon which the Board is authorized by resolution of the Town.

(d) To hear and decide whether a specific use is expressly permitted in a use group as specified in Article V, division 2.

(e) To decide questions concerning the interpretation of this chapter where any ambiguity or conflict exists or concerning the application of this chapter to specific property, where any ambiguity might exist.

Sec. 1-31. Appeals - Time limit.

(a) Appeals to the Board of Adjustment may be taken by any person aggrieved by any administrative decision based upon or made in the course of the administration or enforcement of the provisions of this chapter. Appeals to the Board of Adjustment may also be taken by any officer, department, board or bureau of the Town or the Town officer or agency based on or made in the course of the administration or enforcement of the provisions of this chapter.

(b) The time within which such an appeal must be made, and the form or other procedure relating thereto, shall be as specified in the rules or procedure adopted by the Board of Adjustment and in the absence of specific rules, the rules of procedure of these regulations are incorporated by reference.

State law reference - Similar provisions, C.R.S. §31-23-307(3).

Sec. 1-32. Same - Effect on proceedings.

An appeal stays all proceedings and furtherance of the action appealed from, unless the officer from whom the appeal was taken certifies to the Board of Adjustment after the notice of appeal which was filed with him/her that, by reason of fact stated in the certificate, the stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, other than by restraining order which may be granted by the Board of Adjustment or by a court of record on

application, on notice to the officer from whom the appeal was taken and on due cause shown.

Sec. 1-33. Hearing, notice.

The Board of Adjustment shall hold a hearing within thirty (30) days of the appeal, give due notice thereof to the parties in the manner prescribed by its rules, and decide the same within a reasonable time. Upon hearing, any party may appeal in person or by agent or attorney.

Sec. 1-34. Court review.

(a) Any person applying to the courts for a review of any decision made under the terms of this chapter shall apply for review within thirty (30) days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings.

(b) The application for review shall be in the nature of certiorari under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(c) The Town or Board of Adjustment shall be entitled to appeal any decision of the District Court under Rule 106 proceedings.

Sec. 1-35 through 1-60 Reserved.

ARTICLE III. ADMINISTRATION AND ENFORCEMENT

Sec. 1-61. Responsibilities of Planning Commission.

It is the responsibility of the Planning Commission to review all applications for zone changes in this chapter and special review uses, as prescribed by law and this title, and to recommend action to the Town Board. The Planning Commission has no authority to approve variances from the zoning regulations and, if within the province of article II, the request shall be sent forward to the Board of Adjustment for hearing.

Sec. 1-62. Responsibility of Town Clerk.

The Town Clerk is charged with the interpretation of this Chapter and the Town Marshall is charged with its enforcement. Appeals from a decision of the Town Clerk shall be presented to the Town Clerk who shall

forward the appeal with all pertinent information to the Board of Adjustment for hearing.

Sec. 1-63. Responsibility of Board of Adjustment.

The Board of Adjustment shall hear and decide all questions on appeal from decisions of the Town Clerk and all other questions as provided in Article II.

Sec. 1-64. Responsibility of Town Board.

The Town Board has responsibility for changes in the zoning map and changes in this chapter. The Town Board shall not hear complaints of or decide questions of interpretation or enforcement that are reserved for the Board of Adjustment. The Town Board also has the responsibility for appointing the planning commission and the Board of Adjustment.

Sec. 1-65. Town Clerk as administrator.

(a) The Town Clerk is designated to administer this chapter and the Town Marshall shall enforce the same.

(b) The Town Marshall or his/her designee, shall have the power to make inspections of buildings and premises to carry out the duties of the enforcement of this chapter, subject to the special provisions where stipulated in this chapter.

(c) Issuance of building permits and certificates of occupancy requires approval by the Town Clerk prior to issuance. Permit fees shall be established by Resolution of the Town Board of Trustees.

(d) The Town Clerk, under no circumstances, is permitted to grant an exception to the actual meaning of any clause, order or regulation contained in this chapter to any person making application to construct, move, alter or use either building, structure or land.

(e) The Town Clerk under no circumstances is permitted to make changes in this chapter or to vary the terms of this chapter in carrying out his/her duties as Town Clerk.

Sec. 1-66. Building Permit - Required.

It shall be unlawful to begin the excavation for the construction, moving, alteration or repair, except as exempted in the building code, until the Town Clerk has issued for such work a building permit, in accordance with the requirements of this chapter and the building code. Permit fees shall be waived on sidewalks installed on Town property.

Sec. 1-67. Same - Application.

(a) Every application for a building permit for construction, moving, alteration or change in the type of use or type of occupancy shall be accompanied by a written statement and plans, or plots, drawn to scale, showing the following in sufficient detail to enable the Town Clerk to ascertain whether the proposed work or use is in compliance with the provisions of this chapter.

(b) All such material is required in duplicate form and shall include:

(1) The actual shape, location and dimensions of the lot or building plot on the ground.

(2) The shape, size and location of all buildings, or other structures, to be erected, altered or moved and of any other buildings, or other structures, already on the plot.

(3) The existing and intended use of the plot and all structures upon it.

(4) Such information concerning the plot or adjoining lots or other matters as may be essential for determining whether the provisions of this chapter and other ordinances are being observed.

Sec. 1-68. Same - Issuance.

If the proposed construction, moving, alteration, or use of the land, as set forth in the application for a building permit under this article, is in conformity with the provisions of this chapter, the Town Clerk shall approve issuance of the building permit.

Sec. 1-69. Not a waiver.

Issuance of a building permit shall in no case be construed as waiving any provision of this chapter or any other Town ordinance.

Sec. 1-70. Same - Compliance required.

The Town Clerk shall approve issuance of a building permit when the imposed conditions of this chapter are complied with by the applicant, regardless of the effect of such a permit on contracts, such as deed covenants, deed restrictions or private agreements.

Sec. 1-71. Same - Disapproval.

If any application for a building permit is not approved by the Town Clerk the cause for such disapproval shall be stated in writing.

Sec. 1-72. Same - Plan approval.

Plans submitted with an application for a building permit shall be reviewed and approved by the Town Clerk.

Sec. 1-73. Same - Unplatted land.

There shall be no building permit issued on a plot which does not consist of a platted lot or lots duly approved and recorded, except that on five acres or more where the use of the land is entirely for agricultural purposes, a building permit shall be issued.

Sec. 1-74. Same - Temporary.

(a) The Town Clerk shall approve temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property and for construction signs.

(b) Temporary buildings or signs shall be removed prior to issuance of the certificate of occupancy.

Sec. 1-75. Same - Time limit for variance or special review use.

A building permit for a special review use or for a use involving variance shall be void after six months from the day of issuance if no substantial construction has taken place.

Sec. 1-76 Certificate of occupancy required, contents.

(a) No building or structure authorized by a building permit shall be occupied and no change in occupancy of a building, part of a building or land shall be made until after the Town Clerk has issued a certificate of occupancy therefore.

(b) The certificate of occupancy shall not only state the information as required under the building code, but shall also state that the occupancy authorized has been approved by the Town Clerk as being in compliance with this chapter.

(c) Occupancy other than that authorized in the certificate of occupancy is unlawful.

Sec. 1-77. Same - Application, issuance, record on file.

(a) A certificate of occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such buildings has been completed in conformity with the provisions of the regulations codified in this chapter.

(b) A record of all certificates shall be kept on file in the office of the Town Clerk.

(c) Copies shall be furnished on request to any persons having a property or tenancy interest in the building affected.

Sec. 1-78. Use permit - Issuance, requirements not exempt.

(a) A use permit is a document recognizing the approval of a special review use or a variance as these terms are defined in his chapter.

(b) The issuance of a use permit may be prerequisite to the issuance of a building permit or certificate of occupancy, but shall not alleviate the requirement for a building permit or certificate of occupancy where this requirement would otherwise exist.

Sec. 1-79. Same - When required, time limitation.

A use permit is required for all special review uses and for all variances. A use permit may have a specified time limitation attached and may impose conditions other than those which are specifically set forth in this chapter.

Sec. 1-80. Same - Special review uses and variances.

The Town Clerk shall issue use permits for approved special review uses and variances.

Sec. 1-81. Same - Compliance required for completion, cancellation.

Following the issuance of a use permit, the Town Clerk shall ensure that if the development is undertaken, it is completed in compliance with the permit. However, if a use permit has not been used within six (6) months after the date granted, the permit is automatically cancelled, which fact shall be noted over the signature of the Town Clerk or his/her duly authorized representative on the file copies of the permit, and the owner shall be so notified in writing.

Sec. 1-82. Violations.

If the Town Clerk finds, or if any person files with him/her a complaint alleging, that any of the provisions of this chapter are being violated, he/she shall cause the violation to be investigated and, when necessary, give written notice to the person responsible to cease such violation forthwith.

Sec. 1-83 - 1-100. Reserved.

ARTICLE IV. AMENDMENTS

Sec. 1-101. Authorization.

(a) An amendment to the text of this chapter may be initiated by the Town Board or by the Planning Commission, pursuant to procedures established for amending an ordinance of the Town.

(b) An amendment to the zoning map of this chapter may be initiated by the Town Board or by the Planning Commission, or by application of an owner of a property affected thereby within the Town or his/her authorized agent, which application shall be considered only

at the regularly scheduled meetings of the town Planning Commission, and which amendment may be considered and enacted pursuant to the procedures described in this article.

Sec. 1-102. Zoning map - Application, fee.

(a) An application for an amendment of the zoning map shall be made on a form provided by the Town.

(b) The application must be accompanied by a minimum nonrefundable review and processing fee which is on file in the office of the Town Clerk. The applicant shall also pay actual costs in excess of the established fee, which are incurred by the Town relative to review and processing of the amendment.

Sec. 1-103. Same - Recommendation of commission.

(a) The Planning Commission shall within thirty (30) days of receipt of the application for an amendment to the zoning map, unless a longer time is necessary for consideration of the application for reasons specifically stated by the Planning Commission, recommend either approval, approval with modifications, or disapproval of the application to the Town Board.

(b) The recommendation of the Planning Commission shall be transmitted to the Town Board and the applicant.

Sec. 1-104. Same - Hearing, notice, time limit.

(a) The Town Board shall hold a public hearing on all proposed zoning map amendments after receiving the written report of recommendations from the Planning Commission.

(b) A notice of the hearing shall be published in a newspaper of general circulation within the Town at least fifteen (15) days prior to the hearing date.

(c) A written notice of the hearing shall be sent by certified mail, at least fifteen (15) days prior to the hearing date, to property owners within 300 feet of the property in question, as such ownership is available in the Town Clerk's office.

(d) The Town Board, within thirty (30) days of the public hearing, shall approve, approve with modifications, or disapprove the application. The decision of the Town Board shall be transmitted to the Planning Commission and to the applicant.

Sec. 1-105 Same - Exemption.

When the zoning district map is in any way to be changed or amended incidental to or as a part of a general revision of this chapter, whether the revision is made by repeal of the existing zoning ordinance and enactment of a new zoning ordinance, or otherwise, the notice by mailing designated in section 1-104 shall not be required.

Sec. 1-106. Same - Additional street right-of-way, screening.

In granting an amendment to the zoning map, upon application by a property owner or his authorized agent, the Town Board may require the dedication of additional street rights-of-way where an officially adopted street plan indicates a need for increased width or where the nature of the proposed development warrants increased street width. The Board may require permanent screen strips or other devices to minimize conflict with residential land use.

Sec. 1-107. Court review of decisions.

(a) Any person applying to the courts for a review of any decision made under the terms of this article shall apply for review within thirty (30) days after the date of decision and is required to pay the cost of preparing a transcript of proceedings.

(b) The application for review shall be in the nature of certiorari under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(c) The Town is entitled to appeal any decision of the district court under Rule 106 proceedings.

Sec. 1-108. Records.

The Town Clerk shall maintain a record of amendments to the text and map of this chapter in a form convenient for the use of the public.

Sec. 1-109. Rezoning policy.

(a) For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the rezoning of land is to be discouraged.

(b) Rezoning should only be considered if:

(1) The land to be rezoned was zoned in error, and as presently zoned is inconsistent to the policies and goals of the Town’s comprehensive plan.

(2) The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area.

(3) The proposed rezoning is necessary in order to provide land for a community related use which was not anticipated at the time of the adoption of the Town’s master plan, and if such rezoning will be consistent with the policies and goals of the master plan.

(4) The area for which rezoning is requested is of such a nature and so located that the proposed zone change will not adversely affect existing or anticipated uses or property values in the vicinity, and the proposed zone change will not result in land uses that are incompatible with the Town’s comprehensive plan.

Sec. 1-110. Minimum size of parcel.

No amendment changing the zoning classification of any lot, parcel or tract of land shall be adopted unless such lot, parcel or tract has 150 feet of frontage on a public street, or has a minimum of one acre of area, or abuts on a lot, parcel or tract of land that has the same zoning classification as that which is proposed for the property which is the subject of the proposed amendments.

Sec. 1-111. Annexed territory.

(a) Zoning of land in the process of annexation may be done in accordance with the procedure and notice requirements of this Chapter and the Colorado Revised Statutes. The proposed zoning amendment shall not be passed on final reading prior to the date when the

annexation ordinance is passed on final reading, but the ordinance annexing the property can also zone the property. If the zoning process is commenced prior to the effective date of the annexation ordinance, the legal protest area for rezoning shall be determined solely on geographic location, irrespective of whether the land in such legal protest area is within or without, or partly within and partly without, the Town limits.

(b) Any area annexed shall be brought under the provisions of this chapter and the map thereunder within ninety (90) days from the effective date of the annexation ordinance, irrespective of any legal review, which may be instituted challenging the annexation. During the ninety (90) day period, or such portion thereof as is required to zone the territory, the Town shall refuse to issue any building permit for any portion or all of the newly annexed area.

Secs. 1-112—1-130. Reserved.

ARTICLE V. ZONING DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 1-131. Zoning districts.

In order to implement the provisions of this chapter, the Town establishes the following basic zoning districts:

(a) **Rural (RU).** The rural (RU) district is comprised of areas, which are primarily in a natural state or areas utilized for growing of crops and plant materials or where similar farming activities are practiced.

(b) **Residential low density (RL).** The Residential low density (RL) district is comprised of areas which provide for residential development of one dwelling units in the community plus certain open space areas where similar residential development appears likely to occur.

(c) **Residential medium-density (RM).** The residential medium-density (RM) district is comprised of areas, which are primarily used for or permit medium-density multifamily development.

(d) **Commercial (C).** The commercial business (C) district is comprised of areas to provide a full range of retail sales and services as well as highway-oriented commercial uses.

(e) **Industrial (I).** The industrial (I) district is comprised of areas, which provide for non-offensive types of manufacturing, processing and warehousing activities.

(f) **Mobile Home (MH).** The mobile home district provides for mobile home lots and residential development.

Secs. 1-132 - 1-150. Reserved.

DIVISION 2. RURAL (RU) DISTRICT

Sec. 1-151. Purpose.

The rural (RU) district is comprised of areas which are primarily in a natural state or areas utilized for growing of crops and plant materials, or where similar farming activities are practiced.

Sec. 1-152. Permitted uses.

Permitted uses in the RU district shall be as follows:

(a) Agricultural or commercial crop or animal production, not including feedlots; dog kennels must be located 660 feet or further from any residential district.

(b) Cemeteries.

Sec. 1-153. Special review uses.

Special review uses in the RU district shall be as follows:

(a) Utility installations, such as electric substations, electric generating stations, telephone exchanges, gas regulators, major transmission lines, and irrigation ditch rights-of-way; not including utility offices, repair storage or production facilities. Primary structures, such as electric substations.

(b) Recreational and social facilities, such as parks, playfields, playgrounds.

(c) Community-wide sewage treatment plants, water supply and treatment plant, and solid waste disposal sites and facilities.

(d) Campgrounds, gun clubs and shooting ranges.

(e) Airports

(f) Extractive industries, subject to requirements on screening, grade of excavation and vehicular access, and located 660 feet or further from schools and residential uses.

(g) Automobile parking lots.

(h) Radio, television and microwave transmitting, receiving or relay stations or towers.

(i) Housing for seasonal farm labor.

(j) Medical and dental clinics.

Sec. 1-154. Lot size.

(a) Minimum lot length 140 feet.

(b) Minimum lot width, 25 feet.

(c) Utility facilities are excepted as noted in Section 18-356.

Sec. 1-155. Setback requirements.

Setback requirements in the RU district shall be as follows:

(a) Minimum front setback, 30 feet.

(b) Minimum side setback from a street right-of-way, 30 feet.

(c) Minimum side setback from an interior lot line, 20 feet.

(d) Minimum rear setback for principal uses, 25 feet.

(e) Minimum rear setback for accessory uses, ten feet.

Sec. 1-156. Lot coverage.

- (a) The total coverage of all buildings in the RU district shall not occupy more than 20 percent of the lot area.
- (b) Utility facilities are excepted as noted in section 1-356.

Sec. 1-157. Building height.

The maximum height of buildings in the RU district shall be 45 feet.

Secs. 1-158 - 1-175. Reserved.

DIVISION 3. RESIDENTIAL LOW-DENSITY (RL) DISTRICT

Sec. 1-176. Purpose.

The residential low-density (RL) district is comprised of areas, which provide for residential development of one-unit dwelling areas in the community, plus certain open spaces areas where similar residential development appears likely to occur.

Sec. 1-177. Permitted uses.

Permitted uses in the RL district shall be as follows:

- (a) One-unit dwellings.
- (b) Accessory buildings and uses.
- (c) Manufactured homes.
- (d) Mobile Homes - provided they are placed on a permanent engineered perimeter foundation with permanent engineered supporting structures conforming to the second type of permanent foundation cited in the "Installation Handbook Colorado Division of Housing" 05/18/01 update referring to HUD's "Permanent Foundation Guide for Manufactured Housing" designs.

Sec. 1-178. Special review uses.

Special review uses in the (RL) district shall be as follows:

(a) Public and private schools, hospitals, rest homes, nursing and convalescent homes and retirement homes.

(b) Children's homes, nurseries and day care centers.

(c) Utility installations, such as electric substations, sewer lift stations, telephone exchanges, gas regulators, major transmission lines and irrigation ditch rights-of-way; not including utility offices, repair, storage or production facilities. Primary structures, such as electric substations, sewer lift stations, etc., must be located more than 100 feet from residential units.

(d) Churches, chapels, temples and synagogues, mortuaries and funeral chapels.

(e) Recreational and social facilities, such as parks, playfields, playgrounds, tennis clubs, swimming clubs and golf courses.

(f) Town, special districts, county, state and federal facilities, uses and buildings.

(g) Personal services, retailing goods serving only residents of an area in which these uses are located, if part of a residential planned unit development.

(h) Medical and dental clinics.

(i) Art studios/galleries

Sec. 1-179. Lot Size.

Lot size requirements in the RL district shall be as follows:

(a) Minimum lot area, 7,000 square feet north of 9th Street and 3,500 square feet south of 9th Street.

(b) Minimum lot length 140 feet.

(c) Minimum lot width, 50 feet north of 9th Street and minimum of 25 feet south of 9th Street.

(d) All lots facing a cul-de-sac turn around or curve on a minor loop street shall

have a minimum lot width of 50 feet of paved, surfaced street frontage and not less than 50 feet width at all points of measurement within the lot.

- (e) Minimum lot area per dwelling unit, 14,000 square feet.

Sec. 1-180. Setback Requirements.

- (a) Minimum front setback, 25 feet.
- (b) Minimum side setback from a street right-of-way, 25 feet.
- (c) Minimum side setback from an interior lot line, five feet.
- (d) Minimum rear setback for principal uses, 25 feet.
- (e) Minimum rear setback for accessory uses, five feet.

Sec. 1-181. Lot Coverage.

The total coverage of all buildings in the RL district shall not occupy more than 40 percent of the lot area.

Sec. 1-182. Building height.

The maximum height for all uses in the district shall be 35 feet.

Secs. 1-183 - 1-200. Reserved.

DIVISION 4. RESIDENTIAL MEDIUM-DENSITY (RM) DISTRICT

Sec. 1-201. Purpose.

The residential medium-density (RM) district is comprised of areas, which are primarily used for or permit medium-density multifamily development.

Sec. 1-202. Permitted uses.

Permitted uses in the RM district shall be as follows:

- (a) One-unit and two unit dwellings.

- (b) Boardinghouses and lodging houses.
- (c) Accessory buildings and uses.
- (d) Manufactured homes.
- (e) Multi-unit dwellings.
- (f) Mobile Homes - provided they are placed on a permanent engineered perimeter foundation with permanent engineered supporting structures conforming to the second type of permanent foundation cited in the "Installation Handbook Colorado Division of Housing" 05/18/01 update referring to HUD's "Permanent Foundation Guide for Manufactured Housing" designs.

Sec. 1-203. Special review uses.

Special review uses in the RM district shall be as follows:

- (a) Public and private schools, hospitals, rest homes, nursing homes and retirement homes.
- (b) Children's homes, nurseries and day care centers.
- (c) Utility installations, such as electric substation, sewer lift stations, storage or production facilities. Primary structures, such as electric substations, etc., must be located more than 100 feet from residential units.
- (d) Churches, chapels, temples and synagogues, mortuaries and funeral chapels.
- (e) Recreational and social facilities, such as parks, playfields, playgrounds, tennis clubs, swimming clubs and golf courses.
- (f) Town, special districts, county, state and federal facilities, uses and buildings.
- (g) Personal services, retailing goods serving only residents of an area in which these uses are located, if part of a residential planned unit development.
- (h) Medical and dental clinics.

Sec. 1-204. Lot Size.

Lot size requirements in the RM district shall be as follows:

- (a) Minimum lot area, 7,000 square feet.
- (b) Minimum lot width, 50 feet.
- (c) All lots facing a cul-de-sac turn around or curve on a minor loop street shall have a minimum lot width of 50 feet of paved, surfaced street frontage and not less than 50 feet width at all points of measurement within the lot.

(d) Minimum lot area per dwelling unit, 14,000 square feet (7,000 square feet per dwelling unit for duplexes).

Sec. 1-205. Setback Requirements.

In the RM district, setback requirements shall be as follow:

- (a) Minimum front setback, 25 feet.
- (b) Minimum side setback from a street right-of-way, 25 feet.
- (c) Minimum side setback from an interior lot line, five feet, if any side yard is provided. Side yards must be provided unless structures utilize common walls and individual units and the land on which they are located are to be sold, as is commonly the case in townhouse developments.
- (d) Minimum rear setback for principal uses, 25 feet.
- (e) Minimum rear setback for accessory uses, five feet.

Sec. 1-206. Lot Coverage.

The total coverage of all buildings in the RM district shall not occupy more than 40 percent of the lot area.

Sec. 1-207. Building height.

The maximum height for all uses in the RM district shall be 35 feet.

Secs. 1-208 - 18-250. Reserved.

DIVISION 5. COMMERCIAL (C) DISTRICT

Sec. 1-251. Purpose.

The commercial district is comprised of areas to provide a full range of retail sales and services.

Sec. 1-252. Permitted uses.

Permitted uses in the commercial district shall be as follows:

- (a) Medical and dental clinics.
- (b) Professional offices.
- (c) Financial institutions.
- (d) Membership clubs.
- (e) Multiunit dwellings, boardinghouses and lodging houses.
- (f) Churches, chapels, temples and synagogues.
- (g) Hotels, motels, including restaurants and other incidental vocational, business and private schools.
- (h) Vocational, business and private schools.
- (i) Automobile parking lots and parking garages.
- (j) Personal services including, but not limited to, barbershops and beauty shops, dry-cleaning outlets, self-service laundries, shoe repair shops and similar service activities.
- (k) Indoor eating and drinking establishments.
- (l) Indoor amusement and entertainment establishments .
- (m) Indoor retail establishments.

- (n) Establishments for a wide variety of commercial uses including but not limited to cleaning and laundry plants, furniture and appliance repair, lumber dealers, building equipment and wholesaling services.
- (o) Parks, playfields playgrounds.
- (p) Accessory buildings and uses.
- (q) Outdoor sales and repair.
- (r) Hospitals.
- (s) Gasoline service stations.
- (t) Mobile home, automobile, boat, truck or trailer storage, sales, repair and rental.
- (u) Drive-in eating and drinking establishments.
- (v) Miniature golf courses, outdoor amusement and entertainment establishments.
- (w) Utility uses, including utility offices, repair, storage or production facilities. Primary structures, such as electric substations, telephone exchanges, gas regulator and major transmission lines, must be located more than 100 feet from residential units.
- (x) Animal hospital and/or animal clinic.

Sec. 1-253. Special review uses.

Special review uses in the commercial district shall be as follows:

- (a) One unit dwelling.
- (b) Manufactured homes.

Sec. 1-254. Lot size.

Lot size requirements in the C district shall be as follows:

- (a) Minimum lot width: north of 6th Street, 50 feet; 25 feet south of 6th Street (including block 88).

- (b) Minimum lot area: north of 6th Street, 7,000 sq ft; south of 6th Street (including Block 88): 3,500 sq ft.

- (c) Minimum lot area per dwelling unit, 14,000 square feet.

- (d) Planning Commission shall review all setbacks, with approval of Town Board.

Sec. 1-255. Setback requirements.

Setback requirements in the C district shall be as follows:

- (a) Minimum front setback, none.
- (b) Minimum side setback from a street right-of-way, none.
- (c) Minimum side setback from an interior lot line, none.
- (d) Minimum rear setback, none.

Secs. 1-256. Lot coverage.

The total coverage of all buildings in the C district may occupy 100 percent of the lot area.

Secs. 1-257. Building height.

The maximum height for buildings in the CB district shall be 35 feet.

Secs. 1-258 - 1-300. Reserved.

DIVISION 6. INDUSTRIAL (I) DISTRICT

Sec. 1-301. Purpose.

The industrial (I) district is composed of areas, which provide for non-offensive types of manufacturing, processing, and warehousing activities.

Sec. 1-302. Permitted uses.

Permitted uses in the I district shall be as follows:

- (a) Facilities for the manufacturing, fabrication, processing or assembly of product;

provided that no effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property line.

(b) All other facilities for the manufacturing, fabrication, processing or assembly of products; provided that such facilities are not detrimental to the public health, safety or general welfare, and provided that the following performance standards are met:

(1) **Smoke.** No operation shall be conducted unless it conforms to the standards established by the state department of public health's rules and regulations pertaining to smoke emission.

(2) **Particulate matter.** No operation shall be conducted unless it conforms to the standards established by the state department of health's rules and regulations pertaining to emission of particulate matter.

(3) **Dust, odor, gas, fumes, glare or vibration.** No operation shall be conducted unless it conforms to the standards established by the state department of public health's rules and regulations pertaining to emission of dust, odor, gas, fumes, glare or vibration.

(4) **Radiation hazards and electrical disturbances.** No operation shall be conducted unless it conforms to the standards established by the state department of public health's rules and regulations pertaining to radiation control.

(5) **Noise.** No operation shall be conducted unless it conforms to the standards established by the state department of public health's rules and regulations pertaining to noise.

(c) Administrative and executive offices related to industrial activity.

(d) Vocational schools.

(e) Indoor eating and drinking establishments on the same lot as, and incidental to, any use allowed by right or special review.

(f) Automobile parking lots and parking garages.

(g) Sales, service and storage of mobile homes, campers, boats, bicycles, motor vehicles,

motorized equipment, and accessories for such vehicles, but not including salvage junkyards.

(h) Commercial uses (excluding retail stores) including, but not limited to, the following: lumberyards, nursery stock production and sales, yard equipment and supply dealers, firewood operations, building contractors and equipment, transportation centers, service garages, trucking services, disposal truck storage, warehouses, wholesale operations, household equipment and appliance repair, rental establishments, carwashes, bulk cleaning and laundry plants, cold storage lockers, and printing services; provided adequate safeguards are taken to protect adjoining properties from objectionable or harmful substances, conditions or operations.

(i) All commercial uses permitted in the commercial district.

(j) Assessory buildings and uses.

Sec. 1-303. Special review uses.

Special review uses in the I district shall be as follows:

(a) Agricultural or commercial crop or animal production, excluding commercial feedlots; dog kennels must be located 660 feet or further from any residential district.

(b) Salvage yards.

(c) Animal hospitals and kennels; dog kennels must be located 660 feet or further from any residential district.

(d) Outdoor amusement and entertainment establishments.

(e) Utility uses, including utility offices, repair, storage or production facilities. Primary structures, such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines, must be located more than 100 feet from residential districts.

(f) Sewage treatment plants and solid waste disposal sites and facilities incidental to an industrial use.

(g) Extractive industries, subject to requirements on screening, grade of excavation,

vehicular access and located 660 feet or further from schools and residential areas.

- (h) Airports.

Sec. 1-304. Setback requirements.

Setback requirements in the I district shall be as follows:

- (a) Minimum front setback, 25 feet.
- (b) Minimum side setback from a street right-of-way, 25 feet.
- (c) Minimum side setback from an interior lot line, ten feet, if any side yard is provided. Side yards must be provided, unless structures utilize common walls, and the individual units and the land on which they are located are to be sold individually.
- (d) Minimum rear setback for principal uses, 20 feet.
- (e) Minimum rear setback for accessory uses, five feet.

Sec. 1-305. Lot coverage.

The total coverage of all buildings in the I district shall not occupy more than 60 percent of the lot area.

Sec. 1-306. Building height.

The maximum height of buildings in the I district shall be 35 feet.

Secs. 1-307 - 1-330. Reserved.

**DIVISION 7. MOBILE HOME (MH)
DISTRICT**

Sec. 1-331. Purposes.

The mobile home (MH) district provides for individual mobile home lots and residential development.

Sec. 1-332. Permitted uses.

Permitted uses in the MH district shall be as follows:

- (a) Mobile homes.
- (b) One-unit dwellings and two-unit dwellings.
- (c) Accessory buildings and uses.
- (d) Manufactured homes.

Sec. 1-333. Special review uses.

Special review uses in the MH district shall be as follows:

- (a) Public and private schools, hospitals, rest homes, nursing and convalescent homes and retirement homes.
- (b) Children's homes, nurseries and day care center.
- (c) Utility installations such as electric substations, sewer lifts stations, telephone exchanges, gas regulators, major transmission lines and irrigation ditch rights-of-way (not including utility offices, repair, storage or production facilities). Primary structures such as electric substations, sewer lift stations, etc., must be located more than 100 feet from residential units.
- (d) Churches, chapels, temples, synagogues, mortuaries and funeral chapels.
- (e) Recreational and social facilities (parks, playfields, playgrounds, tennis clubs, swimming clubs and golf courses).

Sec. 1-334. Lot Size.

The lot size requirements in the MH district shall be as follows:

- (a) Minimum lot area, 7,000 feet.
- (b) Minimum lot width, 50 feet.
- (c) Minimum lot area per dwelling unit, 14,000 square feet.

Sec. 1-335. Setback requirements.

Setback requirements in the MH district shall be as follows:

- (a) Minimum front setback, 25 feet
- (b) Minimum side setback from a street right-of-way, 25 feet.
- (c) Minimum side setback from an interior lot line, fifteen feet.
- (d) Minimum rear setback for principal uses, ten feet.
- (e) Minimum rear setback for accessory uses, five feet.

Sec. 1-336. Lot Coverage.

The total coverage of all building shall not occupy more than 35 percent of the lot area.

Sec. 1-337. Height of buildings.

Maximum height for all uses shall be 35 feet.

Sec. 1-338. Supplementary provisions.

- (a) The crawl space beneath mobile homes shall be enclosed by skirting within 90 days after location on site. The skirting shall be, or shall be equal to skirting manufactured for that purpose.
- (b) All mobile homes shall be installed in accordance with Colorado Division of Housing standards for installation of manufactured homes and factory built housing.
- (c) Based on water supply and sewer limitations mobile home parks shall not be allowed in the Town of Blanca.

Sec 1-339 - 1-350 Reserved.

ARTICLE VI. SUPPLEMENTARY REGULATIONS

Sec. 1-351. District boundaries.

Wherever possible, district boundaries shall be the centerlines of streets, alleys, railroad rights-of-way or such lines extended.

Sec. 1-352. Permitted uses and special review uses in same building.

Permitted uses and special review uses may be located in the same building.

Sec 1-353. Accessory use provisions.

Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this chapter, and shall also comply with the following limitations:

(a) No part of any accessory building shall be located closer than ten feet to any principal structure, unless it is attached to, or forms a part of, the principal structure.

(b) Accessory buildings on corner lots shall be set back from the side street a distance not less than that required for the principal building.

(c) Accessory structures and uses shall otherwise comply with the bulk regulations applicable in the district in which they are located.

Sec. 1-354. Temporary uses permitted.

The following uses of land are permitted in each zoning district, unless restricted to particular zoning districts, subject to the specific regulations and time limits, which follow, and to the other applicable regulations of the district in which the use is permitted:

(a) Christmas tree sales in any district, for a period not to exceed 60 days; display of Christmas trees need not comply with the yard and setback requirements of these regulations; provided, that no tree shall be displayed within 30 feet of the intersection of the right-of-way line of any two streets.

(b) Contractors' office quarters and equipment sheds accessory to a construction project, to continue only during the duration of the project.

(c) Real estate offices incidental to a new housing development to continue only until the sale or lease of all lots on the development, but not exceeding one year and subject to renewal under the discretion of the Town Board.

Sec. 1-355. Maintenance of minimum requirements.

No lot area setback, or other open space, or required off street parking or loading area existing on or after the effective date of the ordinance codified in this chapter shall be reduced in area, dimension, or size below the minimum required by this chapter, nor shall any lot area, yard or other open space or off-street parking or loading area which is required by this chapter for one use be used as the lot area, yard, or other open space or off-street parking or loading area requirement for any other use.

Sec. 1-356. Exceptions -Utility installation.

The minimum lot size and coverage requirements of RU district shall not apply to utility installations, such as electric substations, electric generating stations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines, not including utility offices repair, storage or production facilities.

Sec. 1-357. Exceptions-Setback requirements.

The following exceptions to the front setback requirements for a dwelling is authorized for a lot in any district:

(a) If there are dwellings on both abutting lots with front setbacks of less than the required depth for the district, the front setback for the lot need not exceed the average front setback of the abutting dwellings.

(b) If there is a dwelling on one abutting lot with a front setback of less than the required depth for the district, the front setback for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front setback depth.

Sec. 1-358. Same-Building height limitations.

The following types of structures or structural parts are not subject to the building height limitations of this chapter: chimneys, storage tanks, water towers, church spires, belfries, domes, public monuments, fire and hose towers, observation towers, transmission towers, utility poles, flagpoles, radio and television towers, masts, aerials, cooling towers, elevator shafts, grain elevators, ranch and farm accessory uses, silos, outdoor movie screens and other similar projections.

Sec. 1-359. Projections from buildings.

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may project not more than three feet into a required setback or into required open space as established by coverage standards.

Sec. 1-360. Vision clearance.

(a) The vision clearance area shall contain no plantings, walls, structures or temporary or permanent obstructions between 2 ½ feet and eight feet in height, except for trees or signs where no foliage or sign itself exists between 2 ½ and eight feet. The height shall be measured from the top of the curb or existing grade.

(b) Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance area:

(1) In a residential district, the minimum distance shall be 30 feet. At alley intersections in a residential district, the minimum distance shall be ten feet.

(2) In all other districts, except the areas designated as commercial and industrial, the minimum distance shall be 15 feet or, at intersections including an alley, ten feet, except that when the angle of intersection between streets is less than 30 degrees, the distance shall be 25 feet.

Sec. 1-361. Screening.

(a) All exterior business and industrial activity areas, including, but not limited to, parking areas, service areas and outdoor storage areas, shall be screened by means of plant materials, earth mounding, architectural screens or siting so as to provide visual and aural separation between these elements and adjacent residential property whether existing or proposed.

(b) Salvage junkyards shall be screened with no less than eight-foot-high opaque solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas.

(c) All extractive industries shall be screened by means of plant materials, earth mounding, or solid fencing no less than eight feet in height to provide visual and aural separation between such use and adjacent areas.

Sec. 1-362. Home occupations.

Home occupations shall be allowed as provided for and shall be governed by the following regulations:

(a) Home occupations must be clearly secondary to the use of the building and shall not occupy more than 25 percent of the total floor area of the main building and shall not occupy more than ten percent of total lot area.

(b) Home occupations shall be operated entirely from an enclosed structure with no exterior storage of materials or equipment.

(c) There shall be no visible evidence of the operation, and it shall not change the residential character thereof.

(d) The operation shall not generate objectionable traffic, substantially increase traffic or result in increased on street parking in the area.

(e) The operation shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

Sec. 1- 363. Drive-in facilities.

(a) Any use permitted in a zoning district which intends to conduct a portion or all of its business with persons desiring to remain in their automobiles, or which allows products to be consumed on the premises outside the principal building, and which is not subject to special review use provisions of article VIII, or is not part of a planned unit development under article IX, must submit a site plan to be reviewed and approved by the Planning Commission.

(b) In reviewing and approving the site plan for such a use, the Planning Commission must be satisfied that the traffic circulation on and adjacent to the site conforms to the following criteria:

(1) Traffic circulation shall be arranged so that internal pedestrian and vehicular movements are compatible and traffic hazards are minimized.

(2) Traffic circulation, ingress and egress shall be arranged so as to minimize hazardous or adverse effects on adjacent sites and streets.)

Sec. 1-364. Extractive industries, salvage junkyards, kennels and animal hospitals.

Extractive industries, salvage junkyards, kennels and animal hospitals shall be located a minimum of 660 feet from any residential district.

Sec. 1-365. Group residences.

In districts where permitted, the densities for the following uses shall be computed as follows:

(a) Accommodations for two occupants in any roominghouse, fraternity, sorority or dormitory shall be considered to be one dwelling unit.

(b) Three rooming units in any hotel or motel shall be considered to be one dwelling unit.

(c) Six occupants in any residential institution, such as a nursing home, retirement home, convalescent home, rest home or children's home, shall be considered to be one dwelling unit.

Sec. 1-366. Renting of rooms.

The renting of rooms to one person, not a member of the family residing in the same one-unit dwelling, may be permitted as an accessory use, provided the total number of unrelated persons, including roomers in any one dwellings unit, shall not exceed three.

Sec. 1-367. Location of manufactured homes; compliance with standards.

Architectural compatibility with adjacent development shall be provide through the use of similar colors, building materials, design details, massing, scale or architectural style, including

such structural featural style, including structural features as porches, alcoves, bay windows, broken roof pitch lines, wood trim, shutters, and other exterior decorative features.

Sec. 1-368 - 1-410. Reserved.

ARTICLE VII. SPECIAL REVIEW USES

Sec. 1-411. Purposes.

Although each zone district is primarily intended for a predominant type of use, such as dwellings in residential districts, there are a number of uses which may or may not be appropriate in a particular district, depending upon, for example, the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effect. These factors may dictate that the circumstances of development should be individually reviewed. It is the purpose of this article to provide review of such uses so that the community is assured that they are compatible with their locations and surrounding land uses and will further the purposes of this chapter.

Sec. 1-412. Application, information.

(a) An application for approval of a special review use may be filed by a person having an interest in the property for which the special review use is requested and shall be made on a form provided by the Town.

(b) The application must include:

(1) A nonrefundable processing fee in an amount which is on file in the office of the Town clerk which shall be submitted with the application. If the Town Board decides a public hearing is necessary, another processing fee shall be submitted in an amount which is on file in the office of the Town clerk.

(2) A complete site plan showing the major details of the proposed development consisting of the following: Location of buildings and structures, off-street parking areas, off-street loading areas, service and refuse areas, means of ingress and egress, amount of traffic generated, major landscaping or screening proposals, signs, pedestrian areas, and pertinent dimensions.

(3) A time schedule for development and completion.

(4) Such other information as the Planning Commission requires.

(5) Any other information the applicant believes will support his application.

Sec. 1-413. Notice

Written notice that a special review use application has been filed and that it may be reviewed during regular office hours of the Town Hall will be sent to owners of property within 300 feet of the property in question. If the Planning Commission decides to hold a public meeting, such owners will also be sent written notice of the date, time and place of the public meeting.

Sec. 1-414. Public meeting; recommendation.

(a) Within 30 days after the Planning Commission receives a completed application, the Planning Commission may, at its discretion, hold a public meeting to consider the application.

(b) The Planning Commission shall, within 30 days of the public meeting, unless a longer time is necessary for consideration of the application for reasons specifically stated by the Planning Commission, either recommend approval of the application, in whole or in part, with or without modifications and conditions, or recommend disapproval of the of the application to the Town Board.

(c) The recommendation of the Planning Commission shall be transmitted to the Town Board and to the applicant.

Sec. 1-415. Public hearing.

(a) The Town Board may, at its discretion, hold a public hearing on any proposed special review use after receiving the written report of recommendations from the Planning Commission.

(b) A notice of the hearing shall be published in a newspaper of general circulation within the Town at 15 days prior to the hearing date.

(c) A written notice of the hearing will be sent by first-class mail, at least 15 days prior to the hearing date, to property owners within 300 feet of the property in question, as such ownership is available in the Town Clerk's office.

(d) The Town Board shall either approve the application, in whole or in part, with or without modifications and conditions, or disapprove the application. The decision of the Town Board shall be transmitted to the Planning Commission and to the applicant.

Sec. 1-416. Site plans.

All approved site plans for special review uses, including modifications and conditions, shall be certified by the Town Board and made a permanent part of the zoning map by reference.

Sec. 1-417. Review of decision, right to appeal.

(a) Any person applying to the courts for a review of any decision made under the terms of this article shall apply for review within 30 days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings.

(b) The application for review shall be in the nature of certiorari under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(c) The Town shall be entitled to appeal any decision of the District Court under Rule 106 proceedings.

Sec. 1-418. Application - Approval criteria.

No special review use application shall be approved unless it is found that the application:

(a) Complies with all requirements imposed by this article and with all applicable written rules.

(b) Is consistent with the objectives and purposes of section 1-411.

(c) Is designed to be compatible with surrounding land uses and the area of its location.

Sec. 1-419. Same - Imposed modifications and conditions.

In considering an application for a special review use, the Planning Commission and Town Board shall consider and may impose modifications or conditions concerning, by way of illustration and not limitation, the following development features, to the extent that such modifications or conditions are necessary to ensure compliance with the criteria of section 1-411:

(a) Size and location of site.

(b) Internal traffic circulation and access to adjoining public streets.

(c) Location and amount of off-street parking.

(d) Fencing, screening and landscaped separations including open space.

(e) Building bulk and location.

(f) Signs and lighting.

(g) Noise, vibration, air pollution and other environmental influences.

Sec. 1-420. Modification after approval.

No approved special review use may be substantially modified, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to initial approval of a special review use.

Sec. 1-421. Preexisting.

Any approved special review use which existed prior to the effective date of the ordinance codified in this chapter shall continue to be an approved special review use, unless modified as noted in section 1-420.

Sec. 1-422. Termination.

Any approved special review use will automatically terminate unless, completed in accordance with the approved applicant timetable.

Sec. 1-423. - 1-444. Reserved.

ARTICLE VIII. NONCONFORMING USES, SIGNS, ETC.

Sec. 1-445. Continuation.

Subject to the provisions of this article, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended. The extension of a nonconforming use to a portion of a structure which is under construction for the nonconforming use at that time of adoption of the ordinance codified in this chapter is not an extension of a nonconforming use. Provided however, that existing nonconforming residences in the Commercial Zoning District at the time of enactment of these Regulations shall only be subject to the same regulations as respective residential structures in the Residential Low Density (RL), Residential Medium Density (RM) and Mobile Home (MH) Districts.

Sec. 1-446. Alteration.

A structure conforming as to use but nonconforming as to height, setback or coverage may be altered or extended, provided the alteration or extension does not result in a violation of this chapter. Provided however, that this section shall not apply to existing nonconforming residences in the Commercial Zoning District at the time of enactment of these Regulations; such existing nonconforming residences in the Commercial Zoning District shall only be subject to the same regulations as respective residential structures in the Residential Low Density (RL), Residential Medium Density (RM) and Mobile Home (MH) Districts.

Sec. 1-447. Discontinuance.

(a) If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall be for a conforming use.

(b) If a nonconforming use not involving a structure is discontinued for a period of six

months, further use of the property shall be for a conforming use.

Sec. 1-448. Change.

If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the district and, after change, it shall not be changed back again to a nonconforming use.

Sec. 1-449. Destruction; restoration.

(a) If a nonconforming structure or a structure containing a nonconforming use is destroyed by fire, flood, wind, explosion or act of God to an extent exceeding 50 percent of its appraised value for tax purposes, exclusive of its foundations, a future structure or use on the property shall conform to the provisions of this chapter.

(b) If destruction is determined to be less than 50 percent, restoration must be started within 12 months of the calamity and completed within 24 months of initiating restoration.

Sec. 1-450 Completion of work.

Nothing contained in this chapter shall require any change in the plans, construction, alteration, or designated use of a building for which a building permit has been issued and construction work has commenced prior to the adoption of the ordinance codified in this chapter, except that if the designated use will be nonconforming, it shall, for the purposes of section 1-447, be a discontinued use if not in operation within two years of the date of the issuance of the building permit.

Sec. 1-451. Screening.

A use which is nonconforming with respect to provision for screening shall provide screening within a period of three years from the date of adoption of the ordinance codified in this chapter.

Sec. 1-452. District changes.

Whenever the boundaries of a district are changed so as to transfer an area from one district to another district of a different

classification, sections 1-445 through 1-451 shall also apply to any nonconforming uses existing therein.

Sec. 1-453 - 1-475 Reserved.

ARTICLE IX. PLANNED UNIT DEVELOPMENT

Sec. 1-476. Purpose.

In accordance with C.R.S. § 31-23-101 et seq. and C.R.S. § 24-67-101 et seq., and in order that the public health, safety, morals, integrity and general welfare may be furthered in an era of increasing urbanization and growing demand for housing of all types and design, this article is designed to implement the following purposes:

(a) Provide for necessary commercial, recreational, and educational facilities conveniently located to such housing.

(b) Provide for well-located, clean, safe and pleasant industrial sites involving a minimum of strain on transportation facilities.

(c) Ensure that the provisions of the zoning laws which direct the uniform treatment of dwelling type, bulk, density and open space within each zoning district will not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of the zoning laws.

(d) Encourage innovation in residential, commercial and 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 the buildings.

(e) Encourage a more efficient use of land and of public services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may ensure to the benefit of those who need homes.

(f) Lessen the burden of traffic of streets and highways.

(g) Encourage the building of new towns incorporating the best features of modern design.

(h) Conserve the value of the land.

(i) Provide a procedure which can relate the type, design and layout of residential, commercial, and industrial development to the particular site, thereby encouraging the preservation of the site's natural characteristics.

(j) Encourage integrated planning in order to achieve the purposes designated in this section.

Sec. 1-477. Scope.

(a) Application for a planned unit development may be made for land located in any zoning district except the rural (RU) district.

(b) The yard and bulk requirements stated in article V, shall not apply to planned unit developments, except minimum lot area will be utilized in determining density as provided for in section 1-479. In specific cases, the off-street parking requirements stated article X may be reduced. These requirements shall be controlled by the criteria and standards of this article and as shown on the approved planned development plan.

Sec. 1-478. Types designated.

(a) The following types of planned unit developments may be established by overlaying a PUD development plan over the applicable existing zoning district or districts. The overlays are as follows:

(1) Planned residential development over RL, RM and MH.

(2) Planned commercial development over C.

(3) Planned industrial development over I.

(b) A zoning change is not required; however, the area included in each approved planned unit development shall be indicated on the zoning map.

Sec. 1-479. Planned residential development (PUDR).

It is the intent of this chapter that any residential property may be developed as PUDR (planned residential development). Within a PUDR, the following uses and densities will be permitted subject to the approval of the Town Board.

(a) Uses permitted by right or permitted by special review in the underlying residential district or districts.

(b) Commercial uses, subject to the following requirements:

The centers, including parking, shall be included as an integral part of the PUDR and shall not occupy more than 1½ percent of the total area of the PUDR. Commercial uses in any one development stage shall not be open to use prior to the completion of 50 percent of the dwelling units in that stage and issuance of the certificates of occupancy for that 50 percent.

(c) The total number of units permitted in a PUDR shall be determined by dividing the gross residential acreage (the total acreage less land to be dedicated for public use, including streets, parks, schools and greenbelts) by the minimum lot area per dwelling unit requirements of the underlying district or districts as stated in article V, or as approved by the Town Board, as provided for in section 1-482. If the amount of land to be dedicated exceeds the requirements stipulated in the Town of Blanca Subdivision Regulations, the amount of land in excess shall be included in gross residential acreage.

Sec. 1-480. Planned commercial development (PUDC).

The PUDC (planned commercial development) is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional and commercial uses and to provide areas large enough to establish harmonious relationships between structures, people and the automobiles through the use of well-planned parking, access, pedestrian walkways, courtyards, malls and open spaces. Any commercial zoned area may be developed as a PUDC. Uses permitted by right or by special use review in the underlying zoning district are permitted in the PUDC.

(a) Except as stated in section 1-477, all requirements applicable to the C district are applicable to the commercial center in the PUDC.

(b) The commercial centers shall be limited to categories reasonably necessary to efficiently serve residents of the planned unit development in which it is located.

Sec. 1-481. Planned industrial development (PUDI).

The PUDI (planned industrial development) is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well-planned parking and access, landscaped open areas, and harmonious relationships between structures. Any industrial zoned area may be developed as PUDI. Uses permitted by right or by special review in the underlying zoning district are permitted in the PUDI.

Sec. 1-482. Standards.

The following provisions apply to all planned unit developments:

(a) The number of off-street parking spaces in each planned unit development must not be less than the requirements as stated in article X, except that the Town Board may increase or decrease the required number of off-street parking spaces in consideration of the following factors:

(1) Probable number of cars owned by occupants of dwellings in the planned unit development.

(2) Parking needs of any nondwelling uses.

(3) Varying time periods of use, and whatever joint use of common parking areas is proposed.

Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the Town Board shall obtain assurance that the nature of the occupancy will not change.

(b) The minimum lot area per dwelling unit requirements, as stated in article V, applies to the planned unit development, except that the Town Board may reduce the requirements up to 25 percent if common and/or dedicated open space exceeds the public sites and dedication requirements of the Town of Blanca Subdivision Regulations, or if exceptional amenities and/or other improvements warrant an increase in density and the reduction would not be detrimental to the character of the PUD or surrounding area.

(c) All other requirements applicable to the underlying zoning district or districts shall apply.

(d) The Town Board must be satisfied that the final development plan has met with each of the following criteria or can demonstrate that one or more of them is not applicable and that a practical solution consistent with public interest has been achieved for each of these elements:

(1) There is an appropriate relationship to the surrounding area.

(2) Circulation in terms of internal street circulation system is designed for the type of traffic generated, safety, separation from living areas, convenience, access, and noise and exhaust control. Proper circulation in parking areas in terms of safety, convenience, separation and screening.

(3) Consideration for low and moderate income housing.

(4) Functional open space in terms of optimum preservation of natural features, including trees and drainage areas, recreation, views, density relief, convenience of function.

(5) Variety in terms of housing types, densities, facilities and open space.

(6) Privacy in terms of needs of individuals, families and neighbors.

(7) Pedestrian and bicycle traffic in terms of safety, separation, convenience, access points of destination and attractiveness.

(8) Building types in terms of appropriateness to density, site relationship and bulk.

(9) Building design in terms of orientation, spacing, materials, color and texture, storage, signs and lighting.

(10) Landscaping of total site in terms of purpose, such as screening, ornamental types used and materials used, if any, maintenance, suitability and effect on the neighborhood.

(e) It is the intent of this title that subdivision review under the Town of Blanca Subdivision Regulations is carried out simultaneously with the review of a planned unit development under this article.

(f) The requirements of both this article and those of the Town of Blanca Subdivision Regulations apply to all planned unit developments. All actions of the Town Board pertaining to planned unit developments shall be based upon a recommendation by the Planning Commission.

Sec. 1-483. Preapplication conference.

A preapplication conference shall be held with the Town Clerk in order for the applicant to become acquainted with the planned unit development procedures and related Town requirements and to obtain copies of any guidelines or ordinance interpretations.

Sec. 1-484. Application – Submission.

(a) An applicant shall make application for the approval of the planned unit development to the Planning Commission. The applicant shall accompany his application with a preliminary development plan as specified in this article.

(b) The preliminary development plan must include both a preliminary development plan map and a written statement.

(c) The preliminary development plan map must contain the following information:

(1) The existing topographic character of the land at a contour interval of two feet. Spot elevations may be required if land is too flat for contours.

(2) Proposed land uses and their respective acreage.

(3) The type and character of proposed development and, if applicable, the proposed number of dwelling units per gross residential acre.

(4) The location of proposed streets.

(5) The location and size of proposed public and semipublic uses, both dedicated and other.

(6) The 100-year floodplain and floodway, if applicable.

(7) The location of existing utility facilities and recorded easements.

(d) The written statement to accompany the preliminary development plan map must contain the following information:

(1) An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.

(2) A statement of the present ownership and legal description of all the land included within the planned unit development.

(3) A general indication of the expected schedule of development.

(e) The applicant may submit any other information or exhibits he deems pertinent in evaluation of the proposed planned unit development. The planned and zoning commission may request additional information which it deems necessary for adequate review and evaluation.

(f) Accompanying the application will be a nonrefundable filing fee in the amount which is on file in the office of the Town Clerk. The fee satisfies the requirements of the Town of Blanca Subdivision Regulations.

Sec. 1-485. Same - Review, recommendation.

(a) The Planning Commission shall, within 60 days of receipt of the application, unless a longer time is necessary for consideration of the application for reasons specifically stated by the

Planning Commission, recommend either approval, approval with modifications and conditions, or disapproval of the application to the Town Board.

(b) The recommendation of the Planning Commission shall be transmitted to the Town Board and to the applicant.

Sec. 1-486. Same - Public hearing.

(a) The Town Board shall hold a public hearing on all planned unit development applications after receiving the written report of recommendations from the Planning Commission.

(b) A notice of the hearing shall be published in a newspaper of general circulation within the Town at least 15 days prior to the hearing date.

(c) A written notice of the hearing shall be sent by certified mail, at least 15 days prior to the hearing date, to property owners within 300 feet of the property in question, as such ownership is available in the Town Clerk's office.

(d) The Town Board shall, within 60 days of the public hearing, approve, approve with modifications or disapprove the application. The decision of the Town Board shall be transmitted to the Planning Commission and to the applicant.

Sec. 1-487. Same - Approval; building permit issuance.

(a) Approval of the application shall constitute approval of the preliminary development plan and shall be valid for one year.

(b) A one-year extension of approval time may be applied for in writing to the Planning Commission.

(c) All or any portion of an approved preliminary development plan may be submitted for final development plan purposes.

(d) In the case of partial submission, the approval of the remaining portion of the preliminary development plan shall automatically gain an extension of one year before another phase of the plan must be submitted in final form.

(e) No building permits may be issued on land within the planned unit development until the final development plan for subject land has been approved by the Town Board.

Sec. 1-488. Final development plan - Submission.

The final development plan which may reflect the entire preliminary development plan, or any logical part thereof, must be submitted within one year following approval of the preliminary development plan, unless written request is made for an extension of one year and approved by the Planning Commission.

Sec. 1-489. Same - Specifications.

(a) The final development plan shall be prepared at a scale of not less than one inch equals 200 feet and shall be submitted with sufficient detail to evaluate the building design and other features of the planned unit.

(b) In addition, the final development plan will conform in all respects to the contents, supplementary information and procedure requirements of the Town of Blanca Subdivision Regulations. In such cases where this chapter conflicts with the Town of Blanca Subdivision Regulations, the provisions of this chapter shall apply.

(c) The final development plan must contain insofar as applicable, the following minimum information in graphic or written form:

(1) The existing topographic character of the land at a contour interval of two feet. Spot elevations may be required if land is too flat for contours.

(2) The proposed land uses and their respective acreage.

(3) The location and size of all proposed buildings, structures, utilities and other improvements.

(4) The maximum height of all buildings may be stipulated as a general note; however, where significant views may be obscured by building heights, the maximum height of individual structures shall be indicated.

(5) The density and type of dwellings, if applicable.

(6) The location, number of lanes, median width, curb cuts, access control and proposed turning movement restrictions or arterial streets.

(7) The location of collector and local streets.

(8) The off-street parking and loading areas.

(9) The location, height and size of proposed signs, lighting and advertising devices.

(10) The areas to be dedicated to the Town or reserved as common park areas.

(11) The 100-year old floodplain and floodway, if applicable.

(12) A general landscaping plan at the time of submission, to be followed by a detailed landscaping plan once the plan has been approved showing the spacing, sizes and specific types of landscaping material.

(13) The location of existing utility facilities and recorded easements.

Sec. 1-490. Same - Related documents.

Copies of any special agreements, conveyances, restrictions or covenants which will govern the use, maintenance and continued protection of the planned unit and any of its common park areas must accompany the final development plan.

Sec. 1-491. Same - Additional information.

The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development. The Planning Commission may request additional information it deems necessary for adequate review and evaluation.

Sec. 1-492. Same - Review; recording.

(a) The Planning Commission shall review the final development plan to determine conformity with the preliminary development plan as approved by the Town Board. If the final plan is in conformity, it will be certified by the Planning Commission and forwarded on to the Town Board for final approval and certification.

(b) The final development plan shall be recorded following approval and certification as if it were a final subdivision plat.

Sec. 1-493. Same - Building permit and certificate of occupancy issuance.

(a) The Town Clerk shall issue building permits for buildings and structures in the area covered by an approved final development plan if the time limit established by the tentative development schedule has not passed, the plan has been recorded, and the buildings and structures are in conformity with the approved final development plan and with all other applicable ordinances and regulations.

(b) She shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan, if the completed building or structure conforms to the requirements of the approved final development plan and all other applicable ordinances and regulations.

(c) If the time limit established by the development schedule has passed, no building permits or certificates of occupancy shall be issued until the Planning Commission has reviewed the development plan and a new development schedule has been established.

Sec. 1-494. Same - Development schedule, compliance required, extension.

(a) From time to time the Planning Commission shall compare the actual development accomplished in the various planned unit developments with the approved development schedules.

(b) If the owner or owners of property in the planned unit developments have failed to meet the approved development schedule, proceedings may be initiated to revoke the approved final development plan.

(c) For good cause shown by the property owner, the Planning Commission may extend the limits of the development schedule.

Sec. 1-495. Same - Development of common open space.

The Town Board shall require adequate assurance that the common open space shown in the final development plan will be provided and developed.

Sec. 1-496. Same - Amendment procedure.

No changes may be made in the approved final development plan during the construction of the planned unit development, except upon application to the appropriate agency under the procedures provided below:

(a) Minor changes in the location, siting and height of buildings and structures and other minor changes may be authorized by the Planning Commission, if required by engineering or other circumstances not foreseen at the time the final plan was approved.

(b) No change authorized by this section may increase the overall outside dimensions of any building or structure by more than ten percent.

(c) All changes in use, density or in the outline development plan must be approved by the Town Board under the procedures authorized by this chapter for the amendment of the zoning map.

(d) All other changes in the arrangement of lots, blocks, and buildings, any changes in the provision of common open spaces and all other changes in the approved final development plan must be approved by the Town Board under the procedures authorized for final plan approval, unless they are shown to be required by changes in the development policy of the community, or by conditions that were unforeseen at the time of approval of the final development plan.

(e) Any changes which are approved for the final development plan must be recorded as amendments to the recorded copy of the final development plan.

Sec. 1-497. Certificate of completion - Issuance.

The Planning Commission shall issue a certificate certifying the completion of the planned unit development, and the Town Clerk shall note the issuance of the certificate on the approved final development plan.

Sec. 1-498. Same - To govern after issuance.

After the certificate of completion has been issued, the use of the land and the construction, modification or alternation of any buildings or structures within the planned development will be governed by the approved final development plan rather than by any other provisions of this chapter.

Sec. 1-499. Provisions to run in favor of Town.

To further the mutual interest of the residents, occupants and owners of a planned unit development and of the public in the preservation of the integrity of the final development plan, the provisions of the final development plan relating to the use of land and the location of common open space shall run in favor of the Town and shall be enforceable at law or in equity by the Town without limitation on any power or regulation otherwise granted by law.

State law reference – Similar provisions, C.R.S. § 24-67-106(1).

Sec. 1-500. Provisions to run in favor of residents.

All provisions of the final development plan shall run in favor of residents, occupants and owners of the planned unit development, but only to the extent expressly provided in the plan and in accordance with the terms of the final development plan, and, to that extent, the provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by residents, occupants or owners acting individually, jointly or through an organization designated in the plan to act on their behalf.

State law reference – Similar provisions, C.R.S. § 24-67-106(2).

Sec. 1-501. Changes restricted.

After the certificate of completion has been issued, no changes may be made in the approved final development plan, except upon application to the appropriate agency under the procedures provided below:

(a) Any extension, alteration or modification of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan.

(b) No change authorized by this section may increase the dimensions of any building or structure by more than ten percent.

(c) Any uses not authorized by the approved final development plan, but permitted in the planned unit development as a use by right under the provisions of this chapter or as a use permitted by a special review in the zone in which the planned development is located, may be added to the final development plan under the procedures as stated in the Town of Blanca Subdivision Regulations.

(d) A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan, unless an amendment to the final development plan is approved in accordance with this article.

(e) Changes in use of common open space may be authorized only by an amendment to the final development plan in accordance with this article.

(f) All other changes in the final development plan must be made by the Town Board under the procedures authorized by this chapter for the amendment of the zoning map.

(g) No changes may be made in the final development plan unless they are required for the continued successful functioning of the planned unit development or unless they are required by changes in conditions that have occurred since the final development plan was approved or by changes in the development policy of the Town.

Sec. 1-502. Approved changes not to be considered waiver.

No changes in the final development plan which are approved under this article are to be considered as a waiver of the covenants limiting the use of land, buildings, structures and improvements within the area of the planned unit development, and all rights to enforce these covenants against any changes permitted in this section are expressly reserved.

Sec. 1-503 - 1-525. Reserved.

ARTICLE X OFF-STREET PARKING AND LOADING

Sec. 1-526. Generally.

(a) The provisions and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner.

(b) No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this chapter.

(c) Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this chapter to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.

Sec. 1-527. Buildings and uses not designated.

Requirements for types of building and uses not specifically listed in this article shall be determined by the board of adjustment after a report and recommendation from the Planning Commission, based upon the requirements of comparable uses listed.

Sec. 1-528. Multiple uses in single structure or parcel.

If several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

Sec. 1-529. Joint use.

If approved by the Town Board, owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap; provided that satisfactory legal evidence is presented to the building inspector in the form of deed, leases or contracts to establish the joint use.

Sec. 1-530. Location restriction.

(a) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling.

(b) Other required parking spaces shall be located not farther than 300 feet from the building or use they are required to serve, measured in a straight line from the building.

Sec. 1-531. Use restriction.

Required parking spaces shall be available for the parking of operable passenger vehicles of residents, customers, patrons and employees only, and shall not be used for parking or storage of vehicles or materials used in conducting the business or use.

Sec. 1-532. Plan required, contents.

(a) A plan, drawn to scale, indicating how the off-street parking and loading requirements, excluding single-dwelling unit areas, are to be fulfilled shall accompany an application for a building permit.

(b) The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:

(1) Delineation of individual parking and loading spaces.

(2) Circulation area necessary to serve spaces.

(3) Access to streets and property to be served.

(4) Curb cuts.

(5) Dimensions, continuity and substance of screening.

(6) Grading, drainage, surfacing and subgrading details.

(7) Delineation of obstacles to parking and circulation in finished parking area.

(8) Specifications as to sign and bumper guards.

(9) Other pertinent details.

Sec. 1-533. Design requirements for parking lots.

Design requirements for parking lots shall be as follows:

(a) *Standing and maneuvering areas.* Areas used for standing and maneuvering of vehicles shall have durable surfaces maintained adequately for all-weather use.

(b) *Screening.* Except for parking to serve residential uses, parking and loading areas adjacent to or within residential districts or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection of screening between the uses, except where vision clearance is required.

(c) *Spaces along outer boundaries.* Parking spaces along the outer boundaries of a parking lot shall be contained by a curb or wheel stops at least four inches high and set back a minimum of four feet from the sidewalk or property line or shall be contained by the bumper rail set back a minimum of one foot from the sidewalk or property line.

(d) *Artificial lighting.* Artificial lighting which may be provided shall be so deflected as

not to create glare in any residential district, on any adjacent dwelling, or on any public rights-of-way.

(e) **Interior access lanes.** Interior access lanes shall be of sufficient width for all vehicle turning and maneuvering.

(f) **Location.** Except for dwellings, parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

(g) **Service drives.**

(1) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic; to provide maximum safety for pedestrians and vehicular traffic on the site.

(2) The number of service drives shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated.

(3) In the case of a corner lot, service drives shall be located not closer than 30 feet to the intersecting street line. The access to service drives from a street shall be located not closer than 15 feet to a side lot line, except that the common service drive to two adjacent properties may be provided at the common lot line.

(4) Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining the lines through points 30 feet from their intersection.

Sec. 1-534. Parking lots, completion time.

(a) Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the building inspector.

(b) An extension of time may be granted by the building inspector providing a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated

by the building inspector, provided the parking space is not required for immediate use.

(c) If the improvements are not completed within one year's time, the bond, or its equivalent, shall be forfeited and the improvements thenceforth constructed under the direction of the Town.

Sec. 1-535. General Parking Requirements.

(a) At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any district in the Town, off-street parking spaces shall be provided as required in this article. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this article.

(b) Where square feet are specified, the area measured shall be the floor area primary to the functioning of the particular use of property and shall exclude stairwells, elevator shafts, hallways, ornamental balconies, space occupied by heating, air conditioning or other utility equipment and space devoted to off-street parking or loading.

(c) The number of employees of a new or expanding business shall be estimated in a manner approved by the Planning Commission. The number of employees of an established business shall be determined from an examination of employment information presented by applicants.

(d) Uses in the area designated as the central business district shall be exempt from the requirements of this section and section 1-536.

Sec. 1-536. Parking requirements for specific uses.

Required off-street parking spaces for the following uses shall be as set forth in this section.

Use and Standard

(a) **Residential uses.**

(1) One-family dwellings and two-family dwellings (with separate driveways). Two spaces per dwelling unit (portions of driveways not located on public rights-of-way and with direct access to the street at all times, defined as usable off-street parking spaces).

(2) Multifamily dwellings containing three or more dwelling units. One and one-half spaces per dwelling unit.

(3) Residential hotel, rooming house or boardinghouse. Four spaces per five guest accommodations plus one additional space for owner.

(4) Housing restricted to aged, disabled, etc. One-half space per unit.

(5) Dormitories and other lodging facilities and rooms for unmarried students. A total number of spaces equal to 75 percent of the designed occupancy.

(b) ***Commercial residential uses.***

(1) Hotel and motel. One space per one guestroom plus one space per two employees plus one additional space for owner or manager.

(2) Club, lodge. Spaces to meet the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium etc.

(c) ***Institutions.***

(1) Nursing home, rest home, home for aged. One space per two beds for patients or residents.

(2) Hospital. Three spaces per two beds.

(d) ***Places of public assembly.***

(1) Church. One space per four seats.

(2) Library, reading room. One space per 400 feet of floor area plus one space per employee.

(3) Preschool nursery, day care school, kindergarten. Two spaces per employee.

(4) Elementary or intermediate school. One space per classroom plus one space per employee.

(5) High school. One space per employee plus one space for each three students or one space per three seats in the main auditorium.

(6) Vocational or commercial school. One space per two seats in classrooms plus one space per employee.

(7) Other auditoriums, meeting rooms. One space per three seats.

(e) ***Commercial amusements.***

(1) Stadium, arena, theater. One space per two seats.

(2) Bowling alley. Five spaces per alley plus one space per employee.

(3) Dancehall, skating rink. One space per 50 square feet of floor area plus one space per employee.

(f) ***Commercial.***

(1) Rental store, except as provided in subdivision b. of subsection (6) of this section. 1½ spaces per 300 square feet of patron serving area.

(2) Service or repair shop, retail store handling exclusively bulky merchandise, such as automobiles and furniture. 1½ spaces per 300 square feet of floor area.

(3) Offices, except medical and dental. 1½ spaces per 300 square feet of floor area plus one space per employee.

(4) Medical and dental clinic. Two spaces per 300 square feet of floor area plus one space per employee.

(5) Eating or drinking establishment. One space per two seats plus one space per employee.

(6) Mortuaries. One space per four seats.

(g) **Industrial.**

(1) Storage warehouse, manufacturing establishment, air, rail or trucking freight terminal. One space per employee.

(2) Wholesale establishment. One space per employee plus one space per 500 square feet of patron serving area.

Sec. 1-537. Loading.

(a) **Passengers.** A driveway designated for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

(b) **Merchandise, materials or supplies.** Building or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this chapter shall not be used for loading and unloading operations, except during periods of the day when not required to take care of parking needs.

Sec. 1-538. Storage and parking of mobile homes, camping units and commercial vehicles

Parking and operation restrictions of commercial (which for purpose of this section means a truck-trailer, or trailer exceeding 22' total length from bumper to bumper or a whole in excess of two tons weight and operated for the transportation of property) and other specified vehicles upon Town streets and rights of way:

(a) Commercial vehicles, railroad cars, truck trailers, tractor-trailers and semi-trailers, and similar units designed primarily for conveying commercial products shall only be allowed in commercial and industrial areas of the Town, upon the Town public streets and rights-of-way. Provided, however, truck trailers, semi and tractor trailers, delivery trucks, moving vans, and other trucks delivering commercial products shall be allowed to enter residential areas for the purpose of delivery or retrieval of commercial

products to specific residences in said areas as well as commercial vehicles necessarily utilizing the Town streets for the purpose of construction or contracting in a residential area zoned RL, RM, MH, within the Town.

(b) **Parking Restrictions** in residential, commercial and industrial zones: No person shall park any trailer, semi-trailer, tractor trailer or commercial vehicle upon any highway, street, alley, or public way or upon any public place otherwise ordinarily used for vehicular parking which is zoned RL, RM, or MH for more than one hour. No person shall park any such vehicle in any such area, which is zoned commercial or industrial for more than 72 hours. Movement of said vehicle from one location to another within the Town shall be no defense to this section. These provisions shall not apply to any such trailer, semi-trailer, tractor trailer or commercial vehicle which is in the process of being loaded or unloaded, or disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the disabled trailer, semi-trailer, tractor trailer or commercial trailer on that portion of the highway, alley, or public way or upon any public place ordinarily used for public parking. Neither shall such provision apply to any such trailer, semi-trailer, tractor trailer or commercial vehicle which is leased or owned by any permittee granted a permit for construction or repair work or by a public utility engaged in work for which no such permit is required or a vehicle leased or owned by any contractor hired by such permittee or public utility provided that the trailer, semi-trailer, tractor trailer or commercial vehicle is used in such construction or repair site or within 150' thereof as measured from the limits of the work area as specified in the permit and only during the period of actual construction or to any such trailer, semi-trailer, tractor trailer or commercial vehicle, which is leased or owned by a Town of Blanca department or contractor or vendor hired by such Town department for construction or repair work or by a sub-contractor thereof.

(c) Trucks carrying flammable liquids. No truck used for transportation of flammable gases or liquids shall be parked in the Town of Blanca, Colorado in excess of 30 minutes in residential areas. No driver, operator, or attendant shall leave unattended a truck during the loading or unloading of flammable liquids and gases. No truck used for the transportation

of flammable liquids shall be parked nearer than 25' to any residence or business building except when loading or unloading such flammable liquids or gases.

(d) Towing authorized. The Town of Blanca Police Department is authorized to remove and tow away or have removed and towed away by commercial towing service any vehicle, trailer, motor home, tractor-trailer, truck tractor, or other vehicle or trailer parked in violation of this section. Such vehicles, trailers, and motor homes so towed for illegal parking shall be stored in a safe place and shall be restored to the owner or operator of such vehicle upon payment of the towing and storage fees.

Sec. 1-539 Temporary Occupancy of Recreational Vehicles on private property.

(a) Definitions: For the purpose of this section, “camping trailer”, “fifth-wheel trailer”, “motor home”, “recreational park trailer”, “recreational vehicle”, “travel trailer” and “truck camper” shall have the same meanings as defined in CRS 24-32-902 and shall be collectively referred to as “recreational vehicles” or “RVs”.

(b) Utilization of private property by RV’s with owner’s permission: Property owners may utilize an RV as a guesthouse on their non-vacant property for up to 30 days during any one calendar year.

(c) Property Owners residing on their property in RV’s: Property owners may locate and reside in their own RV upon their vacant property for a total of 90 days in any calendar year. Such persons shall obtain a permit from the Town Clerk and pay an annual registration fee (as determined by resolution of the Town Board of Trustees). Such property must conform to square foot area dimensions for single family dwelling in the zoning code (14,000 sq ft). If water and sewer service is available to the property (without Town extension of water and sewer lines) a water and sewer tap must be provided, and the appropriate water and sewer lines must be installed so that the RV can be connected to the Town’s water and sewer system. The system must be designed to protect the Town’s water and sewer system when the RV is not connected. Monthly water/sewer and trash collection fees must be paid during the

entire length of stay. Where water and sewer service is not available, without extension of the system to the property, the property owner must furnish to the Town evidence that he or she is legally obtaining water and is legally disposing of grey and black water in accordance with the rules and regulations of the Colorado Department of Health and Environment; in such case, the owner shall nevertheless be responsible for trash collection fees.

(d) Property owners residing on their property in RV’s while constructing a dwelling: Property owners, who locate an RV on their property while building a dwelling on such property, must have water and sewer taps installed as provided in paragraph 3. Any necessary line extensions shall be installed and paid by the owner. Such persons shall likewise be responsible for monthly water/sewer and trash collection fees. A permit for residence must be obtained in the same manner provided in paragraph (3) at the time such owner procures a building permit from the Town. Such owners shall demonstrate significant progress in construction during the first thirty days of occupancy to continue eligibility of residence for the RV for purposes of the paragraph.

(e) No RV’s shall be permanently placed nor have any skirting installed for any purposes described in this section.

Reference: Ordinance No. 106 adopted September 6, 2006.

Secs. 1-540 - 560 Reserved.

ARTICLE XI. SIGNS

Sec.1-561. Applicability

General. Signs shall only be allowed as permitted by this Article. Permitted sign categories and sign characteristics are summarized in Table A and are fully described within this Article.

Sign Permit Required. It shall be unlawful to erect, place, construct, reconstruct, maintain or relocate a sign without first obtaining a sign permit from the Town Clerk.

Sec. 1-562. Prohibited Signs.

The following signs shall not be erected, placed, constructed, reconstructed, maintained or relocated within the Town of Blanca.

Signs With Flashing Lights. Signs with lights or illumination which flash, rotate, move, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electronic pulsations are not allowed, except historic signs with lights no larger than twenty-five (25) watts.

Signs With Moving Parts. Signs with visible moving, revolving rotating parts, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic or mechanical means, including automatic electronically controlled copy changes are not allowed.

Gas Filled Light Tubes. Gas-filled light tubes shall be allowed only when used for indirect illumination, in such a manner that light tubes are not exposed to public view. No signs with rear-lighted translucent panels will be allowed.

Sec. 1-563. Special Pennants and Banners.

Nothing in this Article shall be construed to prevent the erection of pennants and banners advertising a special civic event. Such pennants and banners may be erected two (2) weeks prior to the opening of the event advertised and shall be removed promptly upon its conclusion.

Sec. 1-564. Permitted Signs.

The types of signs which are allowed within the Town of Blanca shall meet the following limitations.

Freestanding Signs. A freestanding sign is any sign structurally separate from the building, being supported on itself or on a standard or legs. Freestanding signs shall be limited to one (1) sign per principal use, shall not be located higher than the principal building, shall be a minimum of eight feet (8') above grade when located adjacent to a pedestrian way and larger than two (2) square feet in area.

Projecting Signs. A projecting sign is any sign supported by a building wall and projecting therefrom. Projecting signs shall not be higher than the eave line or parapet wall of the principal building, shall be a minimum of eight feet (8') above grade when located adjacent to or projecting over a pedestrian way; and shall not extend more than four feet (4') from the building wall except where such a sign is an integral part of an approved canopy or awning.

Wall Signs. A wall sign is any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall. Wall signs shall not be higher than the eave line or parapet wall of the principal building, and no sign part, including cut-out letters, shall project more than six inches (6") from the building wall.

Sec. 1-565. Sign Categories and Size Limitations.

Permitted signs shall only be erected, placed, constructed, reconstructed, maintained or relocated according to the following limitations.

Business Identification Signs. Business identification signs are permitted in conjunction with permitted uses, except residences, provided such signs identify a business occupying the premises. The aggregate sign area permitted along any one street shall not exceed one (1) square foot of sign area for each three (3) feet of lot line frontage occupied by or projected from the building within which the principal use is conducted. Users fronting on an alley shall compute their sign area allowance by considering the alley as the lot line frontage. In no case shall the aggregate sign area for any one use on any one frontage exceed twenty (20) square feet. A total of two (2) signs is allowed per business per frontage. There may be a combination of two (2) of the following three (3) types of signs: freestanding, projecting and wall, including cut-out letter sign; subject to the following limitations:

Freestanding sign. One (1) per use, not to exceed ten (10) square feet in area.

Projecting sign. Shall not extend more than four feet (4') from the building wall except where such a sign is an integral part of an

approved canopy or awning, and no projecting sign shall exceed six (6) square feet in area where two (2) faces are visible or ten (10) square feet where only one (1) face is visible.

Wall sign. Shall not exceed ten (10) square feet on any one (1) building wall, exclusive of cut-out letters.

Office building registry. A wall sign or freestanding sign identifying included business offices, not to exceed one (1) square foot in area per office. Such sign shall be excluded from regular sign area limitations.

Historic sign. A wall sign identifying a structure of historic interest, not to exceed ten (10) square feet in area. Such sign shall be excluded from sign area limitations and be located only on historic buildings.

Residential Identification Signs. A freestanding or wall sign may be erected on the same lot with any dwelling identifying the occupant thereof or any home occupation pursued therein, not to exceed two (2) square feet per dwelling unit. Such a sign may be illuminated as prescribed in this Section only when it is identifying a home occupation of an emergency service nature, a multifamily dwelling complex or a mobile home park.

Institutional Identification Signs. Freestanding and wall signs may be erected on the same lot with any school, church or public building for administration; provided, that the aggregate sign area along one street shall not exceed one (1) square foot of sign area for each three feet (3') of frontage occupied by the building within which the principal use is conducted. In no case shall the aggregate sign area for one (1) use exceed twenty (20) square feet on any single frontage. In the case of institutional uses located in a residential zone district, illumination of signs shall be subject to approval of the Planning Commission.

Recreation Identification Signs. Freestanding or wall signs may be erected on the same lot with any recreation club or open-use recreation site, provided the aggregate sign area does not exceed twenty (20) square feet on any single frontage. In the case of such uses located in a residential district, illumination of signs shall be subject to the approval of the Planning Commission.

Directional Signs. A freestanding sign, non-illuminated and conforming to a standardized design, six inches by thirty inches (6" x 30") in size, directing persons to tourist and cultural facilities may be erected in any district on the public right-of-way.

For Sale/For Rent Signs. A freestanding or wall sign, non-illuminated, not to exceed six (6) square feet in area, when advertising sale of the premises, and not to exceed three (3) square feet when advertising rental of the premises, may be erected on any site.

Construction Signs. A freestanding non-illuminated sign not to exceed ten (10) square feet in area if single sided, and six (6) square feet in area if double sided, may be erected on a project site for purposes of identifying all contractors and/or describing a project. Only one construction sign may be permitted per street frontage.

Sec. 1-566. Sign Measurement.

All Signs Counted. The area allowed for signs in any category shall include all signs allowed, including window decals and signs identifying distinctive features and regional or national indications of approval of facilities.

Cut-Out Letter Signs. Cut-out letter signs shall be considered as wall signs and their aggregate area shall be credited toward allowable sign area at one-half (1/2) their measured area.

Sign Area. Sign area shall be the area of the smallest geometric figure which encompasses the sign facing, including copy, insignia, background and borders.

Sec. 1-567. Sign Location and Appearance Standards

Location on Same Site. Signs shall identify or advertise only interests conducted on the lot, unless the Planning Commission, upon request, makes a determination that an off-site sign, conforming to the regulations of the district in which the sign is located, is necessary to promote the interests of a use not occupying the same lot. All signs shall be maintained in good repair.

Compliance With Setback Requirements. Signs shall comply with the setback requirements of the zone district in which they are located and the principal use to which they apply, unless specifically excepted elsewhere in this Article.

Traffic Safety. No sign shall be located so that the safety of a moving vehicle will be impaired by obscuring the driver's vision or such that direct glare is caused on any public right-of-

way. The color or format of signs shall not resemble or conflict with traffic signs or signals.

Illumination. Illumination of signs shall be arranged in such a manner as to be reflected away from residential properties and motorists' vision.

Lettering Size Limit. No lettering on any sign, including cut-out letter signs, shall exceed eighteen inches (18") in height.

TABLE A
PERMITTED SIGNS AND SIGN CHARACTERISTICS

Sign Category	Sign Type Permitted	Maximum Number	Maximum Sign Area	Location	Illumination/Design
Residential Identification	Freestanding or Wall	1	2 square feet	On the same lot	Only to identify a home occupation of an emergency service nature, a multifamily dwelling complex or a mobile home park
Institutional Identification	Freestanding or Wall	No limit	1 square foot of sign area for each 3 feet of building frontage; not to exceed 20 square feet on any frontage	On the same lot	If located in a residential district, illumination is subject to approval by the Planning Commission
Recreation Club or Open-use Recreation Site Identification	Freestanding or Wall	No limit	Not to exceed 20 square feet on any frontage	On the same lot	If located in a residential district, illumination is subject to approval by the Planning Commission
Directional	Freestanding	No limit	6" by 30"	In the public right-of-way	May not be illuminated; must conform to a standardized design
For Sale/For Rent	Freestanding or Wall	1	For sale sign: 6 square feet; For rent sign: 3 square feet	On the same lot	May not be illuminated
Construction	Freestanding or wall	1/street frontage	10s.f. single sided 6s.f. double-sided	On the same lot	May not be illuminated
Business Identification	See Section 3-405.A	2	1 sq.ft. of sign area for each 3' of building frontage; not to exceed 20 sq.	On the same lot	May be illuminated

ft. on any frontage