

CAÑON CITY, CO

UNIFIED DEVELOPMENT CODE

Adopted August 16, 2021



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17.01.010 Title for Citation

This Title 17 shall be known, cited, and referred to as the “Unified Development Code” of the City of Cañon City, Colorado except as referred to herein, where it shall be known as “this UDC” or “this Title”.

17.01.020 Statutory Authority – Purpose of Provisions

- A. Pursuant to the authority granted to the City by Article X, § 6 of the Colorado Constitution, the Charter of the City of Cañon City, Article 23 of Title 31, Colorado Revised Statutes, 1973 as amended, Article 20 of Title 29, Colorado Revised Statute, Articles 65 through 68, Title 24, and other applicable statutes, the City enacts this Title for the purpose of promoting the health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City and to implement policies and action as called for in the Comprehensive Plat and other adopted City ordinances, regulations, policies and plans by:
1. Lessening congestion in the streets and roads,
 2. Securing safety from fire and other dangers, including natural hazards,
 3. Providing adequate access to light and air,
 4. Classifying land uses,
 5. Providing for the distribution of land development and utilization,
 6. Avoiding undue congestion of population,
 7. Promoting coordinated and sound development,
 8. Providing for higher quality site and land planning, to conserve open space, and to promote more efficient and attractive use of open space,
 9. Establishing, regulating, restricting, and limiting uses; providing for the gradual elimination of nonconforming uses, buildings, and structures, and eliminating uses to which such structures are devoted when the use is discontinued, or the structure is destroyed or damaged in major part,
 10. Eliminating structures or uses on or along any storm or floodwater runoff channel or basin as provided by law or otherwise at risk for flooding,

11. Facilitating the adequate provision of transportation, multi-mobility, water, schools, parks, sewerage, and other public requirements, and
12. Other means in accordance with the Cañon City Comprehensive Plan (master plan) and the zoning map adopted as a part of this UDC.

17.01.030 Interpretation

- A. The provisions of this UDC shall be minimum requirements for the promotion of public health, safety, comfort, convenience, prosperity, and general welfare.
- B. Whenever there is conflict between this Title and other ordinances or regulations, as determined by the City Administrator, the stricter standard shall apply.
- C. Whenever two (2) or more conflicting standards in this UDC apply, the stricter standard shall apply.
- D. Nothing in this UDC shall be construed to render inoperative any restrictions established by covenants running with the land unless such restrictions are prohibited by or are less restrictive than the regulations of this UDC.

17.01.040 Applicability and Jurisdiction

- A. This UDC shall apply to all land, buildings, structures and uses within the corporate limits of the City. No building or structure will be used or occupied, constructed, reconstructed, extended, enlarged or altered without compliance with this Title.
- B. No subdivision of property shall create a lot of record or occur without compliance with this Title.
- C. No permit, certificate, license or approval for any use that is subject to this Title shall be issued or granted by any department, agency, City official or city employee without compliance with this Title.
- D. Any permit, certificate, license, or approval issued in violation of the Title, or the land use and development regulations in effect at the time of issuance of said permit, certificate, or approval, is void.

17.01.050 Process Vesting

- A. Once an application for approval of any process contained within this chapter has been certified to be complete, it shall be reviewed according to the process, procedures, and standards contained in this UDC and fees set forth in the City's fee schedule at the time of determination, provided that such application has not been abandoned. Any subsequent amendments to these regulations adopted by the City that become effective after the date of the determination of completeness shall not apply to applications pending approval at the time of the adoption of the changes unless the City and the applicant agree in writing to follow the revised process or the application has been abandoned.

17.01.060 General Application Provisions

- A. **Application Fees.** Every application must be accompanied by a fee in such amount as established by City Council by resolution. All costs associated with application review shall be the responsibility of the applicant.
- B. **Application Requirements.** Applications for approvals in this UDC shall include the information detailed in the UDC Application Requirements and as is reasonably required by the Zoning Administrator.
- C. **Incomplete Applications.** Applications that do not include the information detailed in the UDC Application Requirements, or that are not accompanied by required fees, will not be processed. No further processing of the application will occur until the deficiencies are corrected. Applications will be processed when determined to be complete by the Zoning Administrator.

Chapter 17.02 Establishment of Districts

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17.02.010 Zoning Districts – Established

In order to implement the provisions of this title, the City establishes the following districts:

A. **Basic Districts.**

1. **Residential.**

- a. R-L – Rural Living
- b. R-1 – Low Density
- c. R-1A – Low Density, Small-Lot
- d. R-2 – Medium Density
- e. R-3 – High Density
- f. MH-1 – Mobile Home Park
- g. MH-2 – Mobile Home Subdivision

2. **Commercial.**

- a. NC – Neighborhood Commercial
- b. GC – General Commercial
- c. CB – Central Business

3. **Office and Industrial.**

- a. BP – Business Park
- b. I – Industrial

4. **Special.**

- a. OPR – Open Space, Parks, and Recreation
- b. PDL – Planned Development Legacy

B. Riverfront Districts.

1. RF-MU – Riverfront Mixed-Use
2. RF-R – Riverfront Residential

C. Planned Districts.

1. PD – Planned Development
2. PDO – Planned Development Overlay

17.02.020 Zoning Districts – Map and Boundaries

- A. The location and boundaries of the districts designated in this chapter are established as shown on the official zoning map.
- B. The zoning map and all the notations on the zoning map are made a part of this UDC. The copy of the zoning map, containing the districts designated at the time of the adoption of this UDC shall be maintained by the City. Amendments to the zoning map shall be made in accordance with this UDC.
- C. Unless otherwise specified, district boundaries are lot lines or the centerline of streets, alleys, railroad rights-of-way, centerline of streams of water, or such lines extended.

17.02.030 Zoning Districts – Purpose and Intent**A. Basic Districts.****1. Residential.**

- a. **R-L – Rural Living.** The R-L District is intended to provide and preserve areas with limited agricultural uses with appropriate single-family residences and accessory uses, located in a manner that provides separation from business and industrial uses.
- b. **R-1 – Low Density.** The R-1 District is intended to provide and preserve areas primarily for single-family residential development and other necessary and compatible uses, such as accessory dwelling units.
- c. **R-1A – Low Density, Small-Lot.** The R-1A District is intended to provide and preserve areas for single-family homes and accessory structures, such as accessory dwelling units, on small lots and to provide for the development of residential subdivisions of small lots, where homes may or may not have one (1) exterior wall on a side property line (zero [0] lot line) and where residents may share common open space.
- d. **R-2 – Medium Density.** The R-2 District is intended to provide and preserve areas primarily for single-family and duplex residential development and other necessary and compatible uses, such as accessory dwelling units.
- e. **R-3 – High Density.** The R-3 District is intended to provide and preserve areas primarily intended for multifamily residential developments, including, but not limited to, townhomes, condominiums, apartments and other types and forms of dwelling units.
- f. **MH-1 – Mobile Home Park.** The MH-1 District is intended to provide and preserve areas for mobile homes and single-family dwellings in a traditional mobile home park setting where lots are leased or individually owned, creating a low-density, quiet, single-family environment.
- g. **MH-2 – Mobile Home Subdivision.** The MH-2 District is intended to provide and preserve areas for residential subdivisions where mobile homes, manufactured homes, and/or modular homes are placed on individually owned lots.

2. Commercial.

- a. **NC – Neighborhood Commercial.** The NC District is intended to provide and preserve areas that offer access to goods and services that residents and the general public need on a day-to-day basis in proximity to residential neighborhoods without negatively impacting quality of life due to noise, traffic, and other issues related to high-intensity commercial uses.
- b. **GC – General Commercial.** The GC District is intended to provide and preserve areas along highly visible and accessible road corridors that provide for a broad range of auto-oriented retail, wholesale, and service uses. The scale and access requirements of uses in this district mean they shall not be compatibly integrated within the Neighborhood Commercial or Central Business Districts.
- c. **CB – Central Business.** The CB District is intended to foster the continued economic vitality of Cañon City's historic downtown and to provide and preserve a central setting for pedestrian-oriented mixed-use development as well as cultural amenities.

3. Office and Industrial.

- a. **BP – Business Park.** The BP District is intended to provide and preserve areas for master-planned office environments in a campus- or park-like setting.
- b. **I – Industrial.** The I District is intended to provide and preserve areas for industry, processing, assemblage, limited fabrication, and light manufacturing primarily conducted indoors. This district also accommodates attendant services and certain complementary and supporting uses.

4. Special.

- a. **OPR – Open Space, Parks, and Recreation.** The OPR District is intended to provide and preserve areas designated for public and semi-public uses for the conservation of open space, the preservation of environmentally sensitive areas, and the creation and regulation of land for active and passive recreational uses and facilities and limited commercial activities where appropriate. The OPR District also may provide areas for various City-owned facilities and public utilities.

B. Riverfront Districts.

1. Riverfront.

- a. **RF-MU – Riverfront Mixed-Use.** The RF-MU District is intended to provide for a strong urban presence along the north side of the Arkansas River within the core of Cañon City, maximize the development potential of key sections of the City's riverfront, impart strategic guidance to support exceptional development practices, allow for flexibility and creativity in mixed-use development, and provide for public access to an expanded riverwalk along the riverfront in a manner that complements development.
- b. **RF-R – Riverfront Residential.** The RF-R District is intended to provide for a strong urban presence along the north side of the Arkansas River within the core of Cañon City, maximize the development potential of key sections of the City's riverfront, impart strategic guidance to support exceptional development practices, accommodate a variety of higher intensity residential building types for riverfront living, and provide for a transition from the RF-MU District and other non-residential uses to residential and/or agricultural uses.

C. Planned Districts.

1. **PD – Planned Development.** The purpose of the PD District is to accommodate, on sites twenty (20) acres or more in size, innovative approaches to development that align with the City's Comprehensive Plan but do not generally conform to the requirements of the City's Basic and Riverfront districts.
2. **PDO – Planned Development Overlay.** The purpose of the PDO District is to accommodate, on sites less than twenty (20) acres in size, innovative approaches to development that align with the City's Comprehensive Plan and which generally conform to the requirements of the property's underlying district but require deviations to achieve a higher level of design and amenity.

Chapter 17.03 Basic District Specific Standards

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17.03.010 Bulk and Dimensional Standards

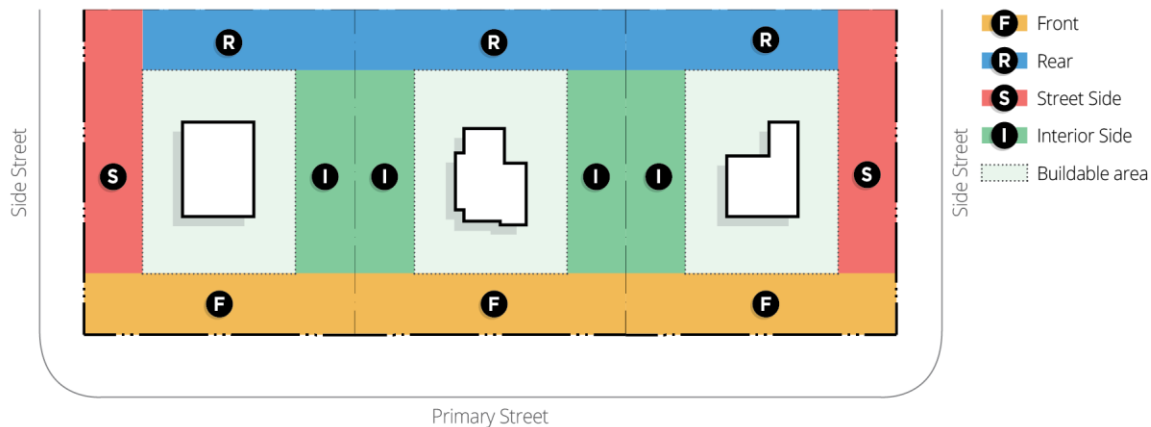
- A. Table 17.03.010.A: Residential District Bulk and Dimensional Standards addresses the requirements applicable to the development or use of a lot in a standard residential district.

Table 17.03.010.A: Residential District Bulk and Dimensional Standards							
Standard	District						
	R-L	R-1	R-1A	R-2	R-3	MH-1 ⁽¹⁾	MH-2
<i>Lot Standards (Minimum)</i>							
Lot Area (sq ft)	15,000	6,000	3,500	5,000	5,000	6,000	6,000
Lot Area / DU (sq ft) ⁽²⁾	n/a	n/a	n/a	n/a	1,000	n/a	n/a
Lot Width (ft) ⁽⁵⁾	100	60	40	45	45 ⁽⁴⁾	60	60
<i>Setbacks</i>							
Front (ft)	15	25	15	25	25	25	20
Street Side (ft)	15	10	10	10	10	10	10
Interior Side (ft)	10	5	10 ⁽³⁾	5	5	5	5
Rear (ft)	20	25	25	25	25	25	20
<i>Building Standards (Maximum)</i>							
Height (ft)	35	40	40	45	45	40	30
Building Coverage (%)	n/a	45	60	45	45	45	45
<i>Notes</i>							
(1) Standards shall apply to any residential use not located in a mobile home park. Standards for mobile home parks shall be as detailed in Section 17.05.020(D).							
(2) Standard shall apply for buildings with more than two (2) dwellings.							
(3) The combined interior side setback for any two adjacent lots shall equal ten (10) feet, in any combination, from zero (0) feet for one lot and ten (10) feet for the other, to five (5) feet for each lot. In any case, no two adjacent principal structures on separate lots shall have a combined side setback dimension of less than ten (10) feet.							
(4) Ten (10) additional feet of lot width shall be required per each dwelling unit over two (2), up to one-hundred (100) feet.							
(5) All lots shall provide access to a public right of way as provided in Section 17.03.030 (A)							

- B. Table 17.03.010.B: Nonresidential District Bulk and Dimensional Standards addresses the requirements applicable to the development or use of a lot in a standard nonresidential district.

Table 17.03.010.B: Nonresidential District Bulk and Dimensional Standards						
Standard	District					
	NC	GC	CB	BP	I	OPR
<i>Lot Standards (Minimum)</i>						
Lot Area (sq ft)	n/a	n/a	n/a	n/a	10,000	n/a
Lot Width (ft) ⁽⁵⁾	40	40	40	40	100	40
<i>Setbacks (Minimum unless otherwise stated)</i>						
Front (ft)	25	0 ⁽¹⁾	0	40	10 ⁽⁴⁾	
Front, maximum (ft)	25	25 ⁽²⁾	0	n/a	n/a	
Street Side (ft)	10	0 ⁽¹⁾	0	40	25	
Street Side, maximum (ft)	10	25 ⁽²⁾	25	n/a	n/a	
Interior Side (ft)	5	0 ⁽¹⁾	0	20	10 ⁽⁴⁾	
Rear (ft)	25	5 ⁽¹⁾	0	20	10 ⁽⁴⁾	
<i>Building Standards (Maximum)</i>						
Height (ft)	45	100 ⁽¹⁾	50 ⁽³⁾	45	100	
Building Coverage (%)	45	75 ⁽¹⁾	100	45	75	
<i>Building Standards (Minimum)</i>						
Height (ft)	n/a	n/a	30	n/a	n/a	
<i>Notes</i>						
(1) If abutting a residential district, the standard shall be as established for the residential district.						
(2) The Zoning Administrator may approve additional setbacks for general commercial, service, or entertainment uses over fifty-thousand (50,000) square feet in area if an outlot building(s) which meets the established standards is proposed to be located on-site.						
(3) Between 3rd and 8th Streets, any building situated on any lot that is adjacent to Main Street shall not exceed three (3) stories. Four (4) or more stories may be authorized through the Special Review Use process.						
(4) If adjacent to residential use(s), the standard shall be twenty-five (25) feet plus two (2) feet per story over one (1) story. If adjacent to commercial use(s) standard shall be fifteen (15) feet.						
(5) All lots shall provide access to a public right of way as provided in Section 17.03.030 (A)						

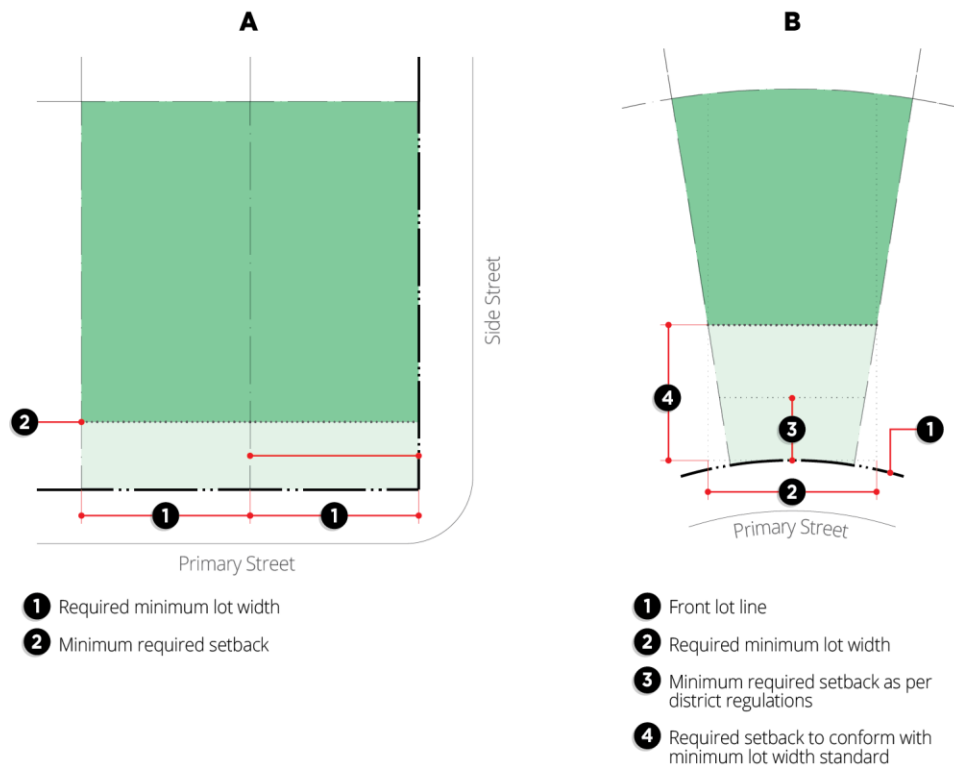
Figure 3.1: Required Setback Locations



17.03.020 Calculating Bulk and Dimensional Standards

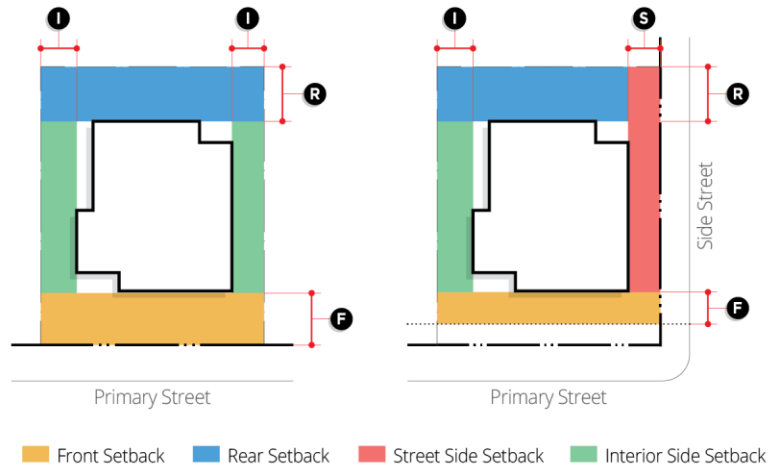
- A. **Lot Width.** Minimum lot width shall be measured at the property line.
- B. **Lot Width for Lots that Abut a Cul-de-Sac.** The lot width of all lots that abut a cul-de-sac may be reduced by a maximum of fifty (50) percent of the required lot width for the district in which it is located, as measured from the property line. The required lot width for the district shall be met at the front setback line.

Figure 3.2: Calculating Lot Width



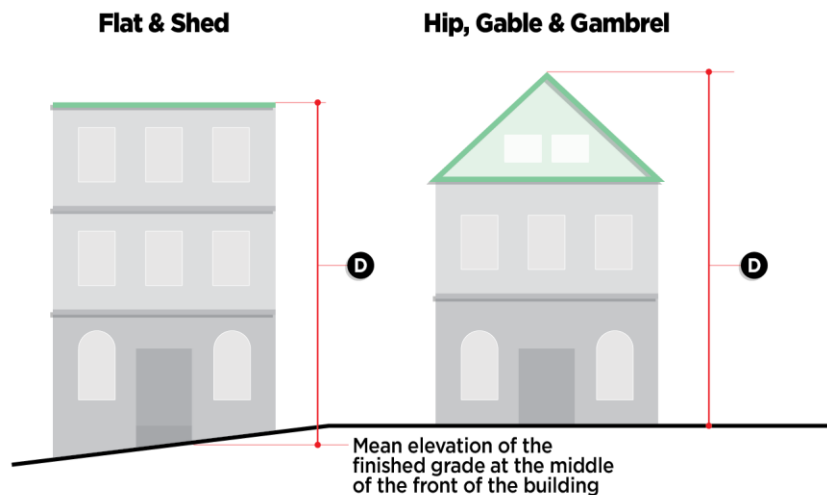
- C. **Setbacks.** A required setback shall be measured by the shortest distance between the applicable lot line and nearest point of the principal use, building, or any required yards or fences, except any building features specified in Section 17.03.030(C), which shall not be subject to required setbacks.

Figure 3.3: Calculating Setbacks



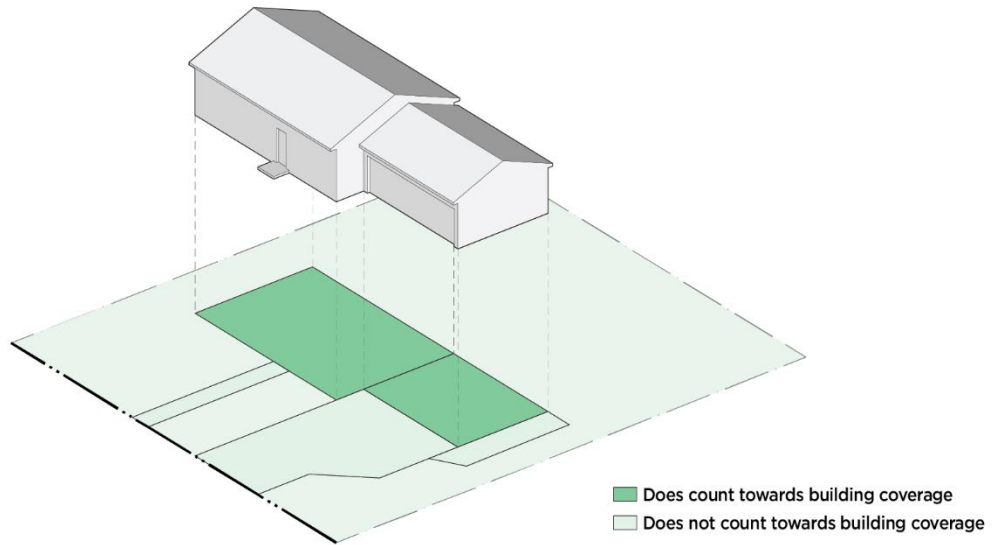
- D. **Building Height.** Building height shall be the vertical distance measured from the mean elevation of the finished lot grade along the front setback of the structure to the highest elevation of the roof.

Figure 3.4: Calculating Building Height



- E. **Building Coverage.** Building coverage shall be that portion of the lot occupied by the principal building and accessory buildings requiring a building permit. Unenclosed portions of buildings or lots shall not count toward building coverage.

Figure 3.5: Calculating Building Coverage



17.03.030 Bulk and Dimensional Standard Supplementary Provisions

- A. **Access to Street.** All lots shall abut a public right-of-way, other than an alley, for a width of at least forty (40) feet in nonresidential Basic and Riverfront Districts and at least twenty-five (25) feet in residential Basic and Riverfront districts. This requirement shall not apply to lots that abut a private road within a planned development.
- B. **Maintenance of Minimum Requirements.** No bulk or dimensional standard, or required off-street parking or loading area shall be reduced in area, dimension, or size below the minimum required by this UDC, nor shall any portion of a lot, or off-street parking or loading area which is required for one (1) use be used to meet the requirements of this UDC for another use, unless otherwise permitted in this UDC.
- C. **Encroachments into Required Setbacks.** Every part of a required setback shall be open and unobstructed from finished grade upward, except as specified below:
1. Architectural projections, including roofs covering porches, window sills, belt courses, cornices, eaves, flues, chimneys, and ornamental features may project a maximum of three (3) feet into required setbacks, provided that they do not obstruct the light and ventilation of adjacent buildings and such projections are set back at least three (3) feet from an adjacent side or rear lot line, and twenty (20) feet from any front lot line.
 2. Terraces, patios, uncovered decks, and ornamental features, which have no structural element more than three (3) feet above or below the adjacent ground level, may project ten (10) feet into a required setback. However, all such projections shall be set back at least three (3) feet from an adjacent side or rear lot line, and twenty (20) feet from any front lot line.
 3. Fire escapes, fireproof outside stairways, egress window wells, and balconies may project a maximum of three (3) feet into a required setback, provided that they do not obstruct the light and ventilation of adjacent buildings and such projections are set back at least three (3) feet from an adjacent side or rear lot line, and twenty (20) feet from any front lot line.
 4. Temporary ADA ramps may extend into a required front or rear setback provided that the ramp is setback at least three (3) feet from the side property line(s).
- D. **Building Height Limit Exceptions.** The following type of structures or structural parts are not subject to the building height limitations of this UDC: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flag poles, radio and television towers, masts, aerials, cooling towers, elevator shafts, ranch and farm accessory uses, and other similar vertical projections, except Wireless Service Facilities (WSFs), as approved by the Zoning Administrator as an Administrative Exception as detailed in Section 17.10.020(E).
- E. **Buildings on the Same Lot.**
1. Except in the case of commercial self-storage facilities and storage warehouses that are built to include more than one (1) building, as provided in Section 17.03.020.G.2 below or as part of an approved Planned Unit Development, only one (1) principal building shall be permitted on any lot.
 2. The establishment or use of additional principal buildings in the R3 – High Density, CB - Central Business, GC - General Commercial, or I Industrial Districts may be approved as a conditional use by the Zoning Administrator according to the policies and procedures set forth in Section 17.10.020, conditional use permit, and subject to the following conditions and limitations:
 - a. Any additional principal buildings and uses shall, collectively, comply with all requirements of the district, and may require site plan approval as requested by the Zoning Administrator,
 - b. All buildings shall remain in common ownership,

- c. An off-street parking area adequate to accommodate the needs of the users of all principal buildings and uses, according to the requirements of Section 17.06.010, Off-Street Parking and Loading, of this UDC shall be provided, and
- d. All signage for all buildings and uses shall conform to the provisions and limitations of Chapter 7, Sign Standards, of this UDC.

17.03.040 Permitted, Conditional, Special Review, and Temporary Uses

A. The following key shall be used in the interpretation of Table 17.03.040.B and Table 17.03.040.C below.

1. **Permitted Uses.** Uses which are marked as "P" in the tables shall be allowed subject to all applicable regulations of this UDC.
2. **Conditional Uses.** Uses which are marked as "C" in the tables shall be allowed upon the approval of a conditional use permit, as detailed in Section 17.10.020 of this UDC.
3. **Special Review Uses.** Uses which are marked as "S" in the tables shall be allowed upon the approval of a special review use permit, as detailed in Section 17.10.040 of this UDC.
4. **Temporary Uses.** Uses which are marked as "T" in the tables shall be allowed upon the approval of a temporary use permit, as detailed in Section 17.10.020 of this UDC.
5. **Prohibited Uses.** A blank space in the tables indicates that a use type is not allowed in the respective district unless it is otherwise expressly allowed by other regulations of this UDC.
6. **Uses Not Listed.** If a proposed use is not listed in the tables, the Zoning Administrator, through the administrative exception process detailed in Section 17.10.020, shall determine if the use is substantially similar to a use listed in the tables. If it is, the use shall be treated in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
7. **Additional Regulation.** If a use has use specific standards they are referenced in this column. Use specific standards shall apply to permitted, conditional, and special review uses.

- B. **Table 17.03.040.B: Permitted, Conditional, and Special Review Uses in Residential Districts** addresses the allowed uses in standard residential districts.

Table 17.03.040.B Permitted, Conditional, and Special Review Uses in Residential Districts								
Use	Additional Regulation	District						
		R-L	R-1	R-1A	R-2	R-3	MH-1	MH-2
<i>Agricultural Uses</i>								
Community garden	17.05.010.A	P	P	P	P	P	P	P
Cultivation, less than one acre		P	P		P	P		P
Cultivation, one acre or more		C	S	S	S	S		P
Orchard		P	P		P	P		P
Grazing		P			P	P		P
Greenhouse/ nursery, commercial		P	S		S			
Greenhouse/nursery, private		P	P		P	P		
Livestock	17.05.010.B	P	P		P	P		
<i>Residential Uses</i>								
Children's group home/Foster care home		P	P	P	P	P		
Children's home/Residential childcare facility		S	S	S	S	P		
Group home	17.05.020.A	P	P	P	P	P	P	P
Manufactured home	17.05.020.B	P	P	P	P	P	P	P
Marijuana cultivation for personal use	17.05.020.C	P	P	P	P	P	P	P
Mobile home	17.05.020.C						P	P
Mobile home park	17.05.020.D						P	
Modular home		P	P	P	P	P	P	P
Multifamily dwelling, building						P		
Multifamily dwelling, complex	17.05.020.E					P		
Senior housing, independent						P		
Single-family dwelling		P	P	P	P	P	P	P
Two-family dwelling					P	P		
<i>Commercial Retail Use</i>								
General retail, less than 10,000 sq ft	17.05.030.A					S	S	S
<i>Commercial Service Uses</i>								
Animal boarding	17.05.040.C	C						
Animal hospital		S						
Child care center		S	S	S	S	S		S
Child care, family		P	P	P	P	P	P	P
General service, less than 10,000 sq ft	17.05.040.D					S	S	S
Kennels	17.05.040.F	C						
<i>Industrial Uses</i>								
Artisan Manufacturing	17.05.060.A	C						
<i>Lodging Uses</i>								
Bed and breakfast	17.05.070.A	C	C	C	C	P		
Boarding or rooming house	17.05.070.B	C	C	C	C	P		
<i>Medical Uses</i>								
Medical and dental clinic					S	S		
Hospital		S	S	S	S	S		
<i>Office Uses</i>								

Table 17.03.040.B Permitted, Conditional, and Special Review Uses in Residential Districts								
Use	Additional Regulation	District						
		R-L	R-1	R-1A	R-2	R-3	MH-1	MH-2
Mobile home sales office							C	C
Professional offices						S		S
<i>Public/ Institutional Uses</i>								
Place of assembly		P	P	P	P	P	P	P
Place of worship		P	P	P	P	P	P	P
Governmental uses, indoor		C	C	C	C	C		C
Governmental uses, outdoor		S	S	S	S	S		S
Cemetery		S	S	S				
Elementary and secondary schools, colleges and universities		S	S	S	S	S		S
<i>Recreational Uses</i>								
Rafting takeout facility	17.05.110.A	S	S	S	S	S	S	S
Recreational facility;		S	S	S	S	S		S
Recreational vehicle (RV) park						S	S	
<i>Vehicle-Related Use</i>								
Vehicle Parking Facilities		C	C	C	C	C	C	C
<i>Utility, Infrastructure, & Related Uses</i>								
Utility distribution elements		P	P	P	P	P	P	P
Wireless service facilities	17.05.130.A	C	P	P	P	P	P	P
<i>Accessory Uses</i>								
Accessory building	17.05.140.A	P	P	P	P	P	P	P
Accessory dwelling unit	17.05.140.B	C	C		C	C		
Accessory structures	17.05.140.C	P	P	P	P	P	P	P
Backyard chickens	17.05.140.D	P	P	P	P			
Beekeeping	17.05.140.E	P	P	P	P			
Exotic animal keeping	17.05.140.G	C	C	C	C	C	C	C
Home based business	17.05.140.H	P	P	P	P	P	P	P
Solar energy collection system, ground mounted	17.05.140.N	P	P	P	P	P	P	P
Solar energy collection system, roof mounted	17.05.140.O	P	P	P	P	P	P	P
<i>Temporary Uses</i>								
Farm stand	17.05.150.A	P	P		P			
Food cart or truck	17.05.150.C	T	T	T	T	T		
Mobile home and recreational vehicle, temporary use	17.05.150.D	T	T	T	T	T		
Portable outdoor storage device	17.05.150.F	P	P	P	P	P		
Special events		T	T	T	T	T	T	T
Yard sales	17.05.150.H	P	P	P	P	P	P	P

- C. **Table 17.03.040.C: Permitted, Conditional, and Special Review Uses in Nonresidential Districts** addresses the allowed uses in standard nonresidential districts.

Table 17.03.040.C: Permitted, Conditional, and Special Review Uses in Nonresidential Districts							
Uses	Additional Regulation	District					
		NC	GC	CB	BP	I	OPR
Agricultural Uses							
Greenhouse/nursery, commercial			P				
Community Marijuana Cultivation Facility						S	
Residential Uses							
Marijuana cultivation for personal use	17.05.020.C	P	P	P	P	P	P
Multi-unit dwellings, above ground floor as a part of mixed use		C		P			
Multifamily dwellings, building			P	S			
Multifamily dwellings, complex	17.05.020.E		P				
Senior housing, dependent			S				
Senior housing, independent			S	P			
Shelter			S			S	
Single-family dwelling, existing only				P			
Single-family dwelling, new			P				
Two-family dwelling, existing only			P				
Commercial Retail Use							
General retail, less than 10,000 sq ft	17.05.030.A	P	P	P	C	C	
General retail, 10,000 sq ft or greater	17.05.030.B		P	C	S	S	
Pawn shop/Second-hand store			S				
Wholesale outlets and services			P			P	
Commercial Service Uses							
Amusement and entertainment facility, indoor, less than 10,000 sq ft	17.05.040.A	P	P	P			
Amusement and entertainment facility, indoor, 10,000 sq ft or greater	17.05.040.B		P	C			
Amusement and entertainment facility, outdoor			S	S			
Animal boarding	17.05.040.C		C			C	
Animal hospital						C	
Childcare center			P	P		C	
Financial institution			P	P			
General service, less than 10,000 sq ft	17.05.040.D	P	P	P		P	
General service, greater than 10,000 sq ft or greater	17.05.040.E		P	C		P	
Kennels	17.05.040.F		C			C	
Mortuary and funeral home			S				
Pet crematory			S			S	
Sexually oriented business	17.05.040.G		P			P	
Training Facilities, Type I			P	C		C	
Training facilities, Type II			P				
Eating and Drinking Uses							
Bakery/Café		P	P	P	P		
Bars, Taverns, Brew Pub			P	P		P	
Brewery/winery/distillery, tasting room		P	P	P		P	

Table 17.03.040.C: Permitted, Conditional, and Special Review Uses in Nonresidential Districts							
Uses	Additional Regulation	District					
		NC	GC	CB	BP	I	OPR
Microbrewery		P	P	P			
Restaurant, delivery/carry out only		P	P		P	P	
Restaurant, sit down		P	P	P	C		
Industrial Uses							
Artisan manufacturing	17.05.060.A	C	P	S	S	P	
Blacksmiths						P	
Brewery, distillery, winery or other alcoholic beverage manufacturing						P	
Bulk fuel dealers						P	
Cold storage locker			P			P	
Construction materials and hardware sales			P			P	
Dry cleaning and laundry			P			P	
Fleet and/or equipment maintenance facilities						P	
General research facilities						P	
Light industry						P	
Maintenance facilities							P
Materials recovery facility: type 1	17.05.060.B					P	
Materials recovery facility: type 2	17.05.060.C					S	
Oil or gas wells							S
Personal/mini storage						P	
Structural steel fabrication						P	
Tire recapping and retreading						P	
Warehouse, distribution and storage facilities			S			P	
Waste transfer facilities						S	
Welding and machine shops						P	
Lodging Uses							
Bed and breakfast	17.05.070.A		C	C			
Boarding or rooming house	17.05.070.B		C	C			
Hotel			P	P			
Motel			S				
Medical Uses							
Medical and dental clinic		P	P				
Medical and dental clinic, above ground floor as a part of mixed use				P			
Medical marijuana facility, licensed	17.05.080.A		P			P	
Hospital			S				
Hospital heliport			S				
Office Uses							
Business park	17.05.090.A				P		
Mobile home sales office	17.05.090.B		C				
Professional offices		P	P		P	P	
Professional offices, above ground floor as a part of mixed use				P			
Public/Institutional Uses							

Table 17.03.040.C: Permitted, Conditional, and Special Review Uses in Nonresidential Districts							
Uses	Additional Regulation	District					
		NC	GC	CB	BP	I	OPR
Cemetery							S
Place of assembly			P	S			
Place of worship			P	S			
Governmental uses, indoor			P	P		P	P
Governmental uses, outdoor						P	P
Elementary and Secondary Schools, Colleges and Universities			S	S			
Vocational and business school			P	S		S	
Recreational Uses							
Shelters/pavilions							P
Hard or soft surface pedestrian or equestrian trails							P
Rafting takeout facility	17.05.110.A		S	S		S	S
Recreational facility			S	S			S
Riparian habitat							P
Wildlife habitat							P
Wildlife observation decks and platforms							P
Vehicle-Related Uses							
Answering and dispatch service			P				
Ambulance and taxi service			P			P	
Automobile body shop						P	
Car wash			P			P	
Gasoline station	17.05.120.A		P			P	
Sales of motorcycles, all-terrain vehicles (ATVs), snowmobiles and personal watercraft			P				
Recreational vehicle (RV) park			S			S	
Storage, sales, repair or rental, motor vehicles, mobile homes, recreational vehicles and equipment, farm and construction vehicles and equipment			P			P	
Vehicle parking facilities		S	P	S	C	P	C
Utility, Infrastructure, & Related Uses							
Public utility installations, including overhead transmission lines and substations.							C
Rail services and facilities			S			S	
Utility distribution elements		P	P	P	P	P	P
Water storage reservoirs and tanks							P
Water treatment, transmission and distribution lines and facilities							P
Wireless service facilities	17.05.130.A	P	P	P	P	P	P
Accessory Uses							
Accessory buildings	17.05.140.A	P	P	P	P	P	P
Accessory structures	17.05.140.C	P	P	P	P	P	P
Backyard chickens	17.05.140.D		C			C	
Drive through	17.05.140.F		S				
Hospital heliport			S				
Outdoor activity/operation, permanent	17.05.140.I		S			S	

Table 17.03.040.C: Permitted, Conditional, and Special Review Uses in Nonresidential Districts							
Uses	Additional Regulation	District					
		NC	GC	CB	BP	I	OPR
Outdoor dining	17.05.140.J	P	P	P			
Outdoor retail sales, permanent	17.05.140.K		S				
Outdoor storage, permanent	17.05.140.L		S			P	
Public restrooms							P
Recyclables and donations collection station			C			P	
Solar energy collection system, canopy	17.05.140.M	P	P	P	P	P	P
Solar energy collection system, ground mounted	17.05.140.N	P	P	P	P	P	P
Solar energy collection system, roof mounted	17.05.140.O	P	P	P	P	P	P
<i>Temporary Uses</i>							
Farm stand	17.05.150.A	T				T	
Farmers' market	17.05.150.B	T	T	T			T
Flea market	17.05.150.B		T	T			
Food cart or truck	17.05.150.C		T	T	T	T	T
Outdoor activity/operation, temporary		T	T	T	T	T	T
Outdoor retail sales, temporary	17.05.150.E	T	T	T	T	T	
Outdoor storage, temporary			T			T	T
Seasonal sales	17.05.150.G	T	T	T	T		
Special events		T	T	T	T	T	T
Yard sales	17.05.150.H		T	T		T	

Chapter 17.04 Riverfront Districts Specific Standards

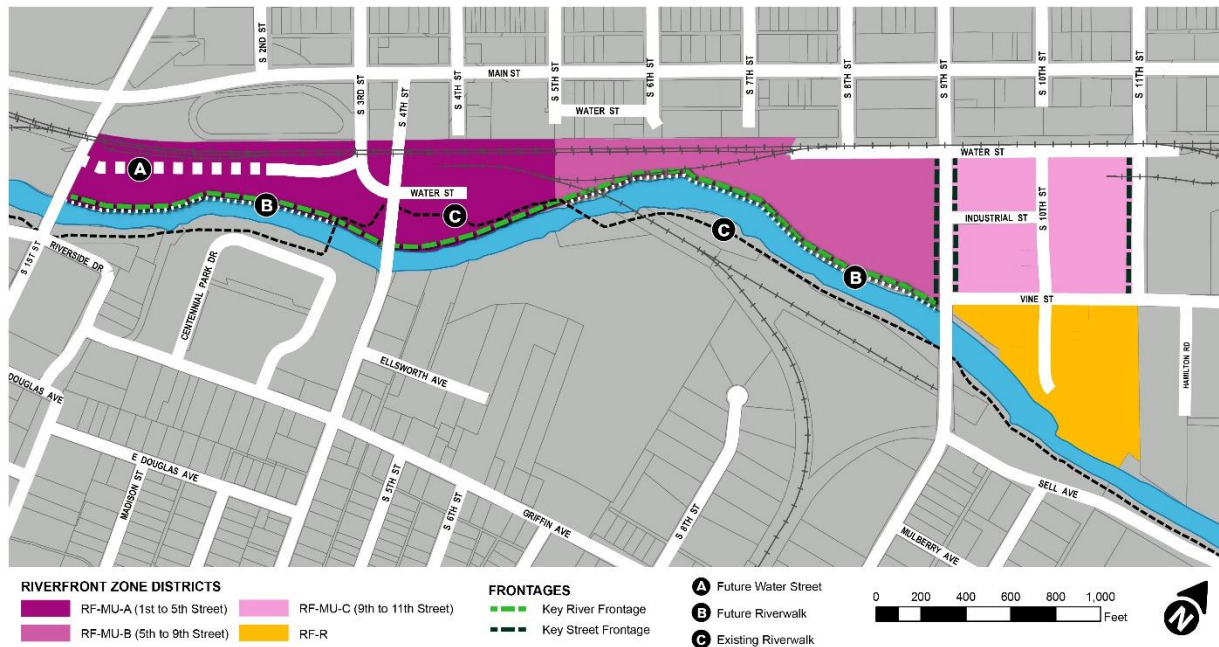
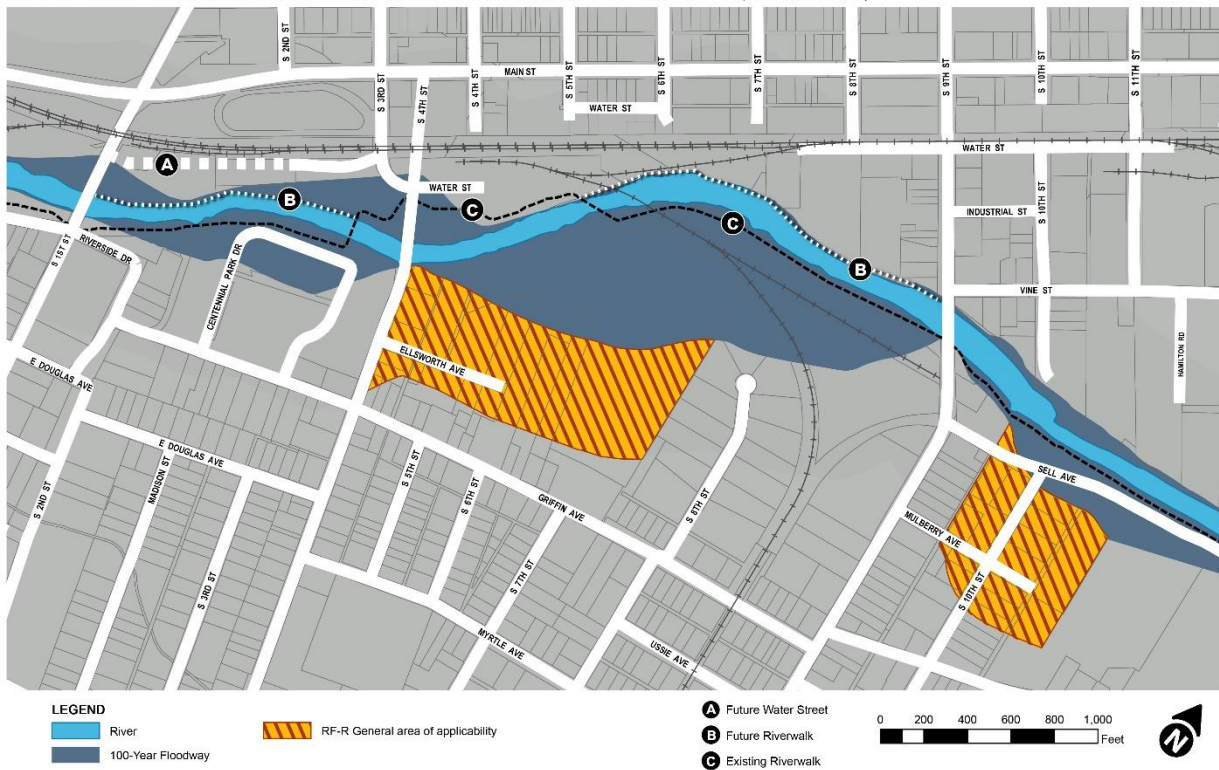
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17.04.010 Applicability

- A. **General Location Within City Limits.** The Riverfront Districts are intended to be utilized generally as follows:
1. Riverfront Mixed-Use (RF-MU): between 1st and 11th streets on the north side of the Arkansas River and south of the railroad tracks.
 2. Riverfront Residential (RF-R): between 1st and 11th streets on the south side of the Arkansas River, within five hundred (500) feet of the edge of floodway and excluding existing in-use commercial or industrial property near 9th Street.
- B. **Framework Plan.** The Framework Plan provides guidance on general areas for application of the RF-MU and RF-R Districts. The Framework Plan also identifies key frontages for parcels and where sub-areas, depending on context and as established in Section 17.04.020, are accommodated.
- C. **Applicability of Other Provisions of Title 17.** Unless otherwise expressly stated in this chapter, for matters not addressed in this chapter, applicable provisions of Title 17 shall apply. In the event of a conflict between this chapter and other provisions of Title 17, the provisions of this chapter shall control.

RIVERFRONT ZONE DISTRICT REGULATING PLAN - City of Cañon City

METTAURBANDESIGN

**RIVERFRONT ZONE DISTRICT FRAMEWORK PLAN FOR RESIDENTIAL - City of Cañon City**

17.04.020 General Riverfront District Standards

- A. **Application Submittal Requirements.** In addition to the elements required as part of a building permit application, the following shall be submitted.
1. A full product sample board of all site and building materials shall be submitted as part of site/building permit applications.
 2. A building mock-up is required as part of the building permit process.
- B. **Design Guidelines.** The following design guidelines are encouraged to be employed in any Riverfront District.
1. A strong sense of three hundred sixty (360) degree architecture should be employed.
 2. Human scale design, particularly at the ground floor levels of buildings should be employed.
 3. Regional materials and colors such as buff sandstone and ashlar patterns should be utilized.
 4. Buildings and sites should be designed to LEED or other energy efficient/sustainable design parameters.
 5. Large blank expanses of façade without fenestration / variation / articulation should be avoided. Similarly, over articulation should be avoided.
 6. A high saturation level in exterior material colors should be utilized to exude richness and counter the “washing out” impact that can occur with the Colorado sun.
- C. **Parking.** This section shall only apply to the Riverfront Districts. If a parking requirement is not otherwise addressed in this section, the standards in Section 17.06.010 shall apply. If there is conflict between this section and Section 17.06.010, the standards in this section shall govern.
1. **Purpose.**
 - a. To allow for efficient parking ratios, offsite parking, shared parking, and other creative parking solutions within the riverfront area.
 - b. To minimize the visual impact of off-street parking areas.
 2. **General Regulations.**
 - a. The long-term parking or storage of boats, recreational vehicles, semi-tractors, semi-trailers, and/or construction vehicles and equipment is prohibited, except during periods of permitted construction activity and/or deliveries.
 - b. Circulation within a parking lot shall be designed to be as efficient as possible. The number of curb cuts/access points to a street shall be limited.
 - c. Drive aisles with only one (1) inlet/outlet shall provide “back outs” for end spaces.
 - d. A stacked or tandem parking arrangement, where one (1) vehicle is parked directly behind another, shall be allowed only for a structure containing two (2) or more dwelling units and the tandem spaces shall be allocated to one (1) unit.
 - e. All required parking spaces, excluding those for single-family units, duplexes and rowhomes, shall be paved with concrete or asphalt unless an alternative surface is approved by the Public Works Director and shall be outlined by white or yellow stripes not less than four (4) inches wide and painted on the surface area. When an acceptable alternative surface is used, parking spaces shall be delineated by an alternative material or bumper guards/wheel stops, as approved by the Public Works Director.

3. **Minimum Off-Street Parking Spaces Required by Use.** The minimum number of required parking spaces per use shall be as established in Table 17.04.020.C.3.

Table 17.04.020.C.3: Minimum Off-Street Parking Requirements by Use				
Minimum Off-Street Parking	District			
	RF-MU-A	RF-MU-B	RF-MU-C	RF-R
<i>Dwelling, single-family</i>	N/A	N/A	N/A	2
<i>Dwelling, two-family or rowhome</i>	N/A	N/A	N/A	1
<i>Dwelling, multifamily studio</i>	0	N/A	N/A	0
<i>Dwelling, multifamily 1 bedroom</i>	1	N/A	N/A	1
<i>Dwelling, multifamily 2 bedroom</i>	1	N/A	N/A	1
<i>Dwelling, multifamily 3 + bedrooms</i>	2	N/A	N/A	2
<i>Accessory dwelling unit</i>	N/A	N/A	N/A	0
<i>Bed and breakfast (Section 17.20.031)</i>	N/A	N/A	1/room	N/A
<i>Boarding or rooming house (Section 17.20.034)</i>	N/A	1/room	1/room	N/A
<i>Childcare center</i>	1/500 sq ft	1/500 sq ft	1/500 sq ft	N/A
<i>Conference and meeting facilities</i>	1/6 seats of rated capacity	1/6 seats of rated capacity	1/6 seats of rated capacity	N/A
<i>Eating and drinking establishments</i>	1/200 sq ft	1/200 sq ft	1/200 sq ft	N/A
<i>Fitness center</i>	1/300 sq ft	1/300 sq ft	1/300 sq ft	N/A
<i>Hotels</i>	1/room	1/room	1/room	N/A
<i>Kennel</i>	N/A	1/500 sq ft	1/500 sq ft	N/A
<i>Light industry, limited</i>	N/A	2/3 employees	2/3 employees	N/A
<i>Personal services, limited</i>	1/500 sq ft	1/400 sq ft	1/400 sq ft	N/A
<i>Professional offices, financial, insurance, real estate, banks</i>	1/500 sq ft	1/400 sq ft	1/400 sq ft	N/A
<i>Retail</i>	1/700 sq ft	1/500 sq ft	1/500 sq ft	N/A
<i>Medical and dental clinic</i>	1/500 sq ft	1/400 sq ft	1/300 sq ft	N/A
<i>Trade or repair shop, limited</i>	N/A	1/400 sq ft	1/400 sq ft	N/A
<i>Training facilities, type I or II</i>	N/A	1/6 seats of rated capacity	1/6 seats of rated capacity	N/A
<i>Vocational and business school</i>	N/A	1/4 seats	1/4 seats	N/A

4. **Parking Credits.**

- a. **On-Street Parking Credit.** On-street parking may be counted towards the total parking spaces required pursuant to Section 17.06.010(E).
- b. **Off-Site Parking Credit.** The following off-site parking credits are permitted in the RF-MU District:
 - i. **Amount.** This off-site parking credit shall account for no greater than the following percentage of total required spaces.
 - a) RF-MU-A: Up to seventy-five (75) percent.
 - b) RF-MU-B and -C: Up to fifty (50) percent.

- c) **Distance.** Off-site parking ownership or current lease of parking spaces within a one thousand (1,000) foot radius of the site dedicated to the use during its hours of operation shall be considered towards parking requirement.
 - ii. Off-site dedicated parking spaces shall be established through a lease/shared parking agreement, if not owned by the same owner. An off-site shared parking agreement shall not be transferrable from one owner/use to another without the City's approval. The shared parking agreement shall be for a minimum of five (5) years.
- 5. **Parking Reductions.**
 - a. **Shared Parking.** Shared parking shall comply with Section 17.06.010(E)(2).
 - b. **Affordable Multifamily Provided.** A fifty (50) percent reduction in required parking is permitted for deed restricted multi-family affordable units for households that make less than or equal to eighty (80) percent of the area median income within the RF-MU-B and C sub-areas. The reduction is to be calculated only for the required parking of the deed restricted affordable units.
 - c. **Bike Racks Provided.** For every eight (8) bike racks provided for mixed-use or multifamily development over the minimum bike racks required, one (1) parking space may be reduced.
 - d. **Car Share Provided.** For every one (1) car share vehicle provided per parcel, a reduction of three (3) parking spaces may occur. The car share parking shall be available twenty-four (24) hours a day/seven (7) days a week to the designated tenants within the parcel. A parking spot shall be reserved and clearly signed for such use. Car share can provide for a reduction up to thirty-five percent (35%) of the required parking.
- 6. **Internal Landscaping.**
 - a. All off-street parking areas which serve twenty (20) vehicles or more shall be provided with landscape islands within the parking lot totaling not less than five (5) percent of the surfaced area.
 - b. The minimum size of each landscape island shall be one hundred seventy (170) square feet.
 - c. Landscape islands shall consist of trees, shrubs and other low water plantings.
 - d. Any landscape island less than one hundred seventy (170) square feet shall not count towards the requirement.
 - e. One (1) deciduous canopy tree shall be provided for every twelve (12) parking spaces.
 - f. Deciduous canopy trees shall be evenly distributed throughout the parking lot. Structurally covered or underground motor vehicle parking spaces are not included in calculating the required number and location of canopy trees.
- 7. **Bicycle Parking.**
 - a. Multifamily dwellings shall be required to provide one (1) bicycle rack per every three (3) units.
 - b. Nonresidential uses shall be required to provide one (1) bicycle rack per every eight (8) vehicular parking spaces.

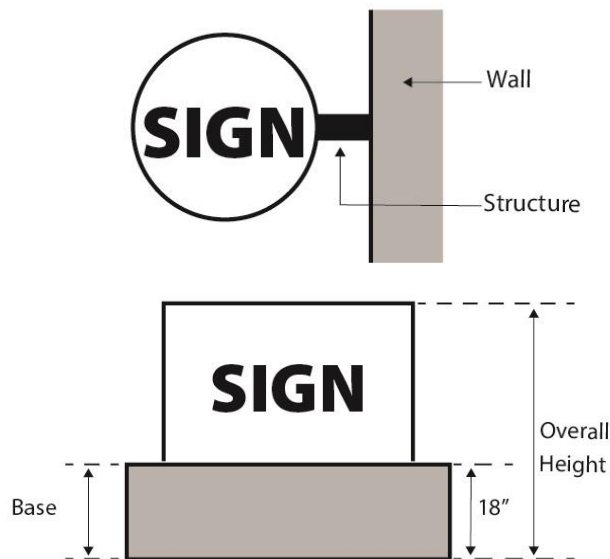
D. **Signs.**1. **Purpose.**

- a. The purpose of this section is to promote public health, safety, and welfare by:
 - i. Providing sign regulations in the riverfront area that support the creation of a unique sense of place and character within the City;
 - ii. Regulating the number, location, size, type, illumination, and other physical characteristics of signs within the riverfront area; and
 - iii. Supporting the City's strategic priorities of economic development and improving the built environment while providing for effective means of communication consistent with constitutional guarantees.
- b. It is not the purpose or intent of this section to regulate the message displayed on any sign. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign.

2. **Applicability.** This subsection shall only apply to the Riverfront Districts. Except as expressly stated in this section, the regulations in Section 17.06.010(C)(1) shall not apply to the Riverfront Districts governed by this chapter.

3. **Rules of Measurement.** The area of a sign shall be measured in conformance with the regulations identified in this section.

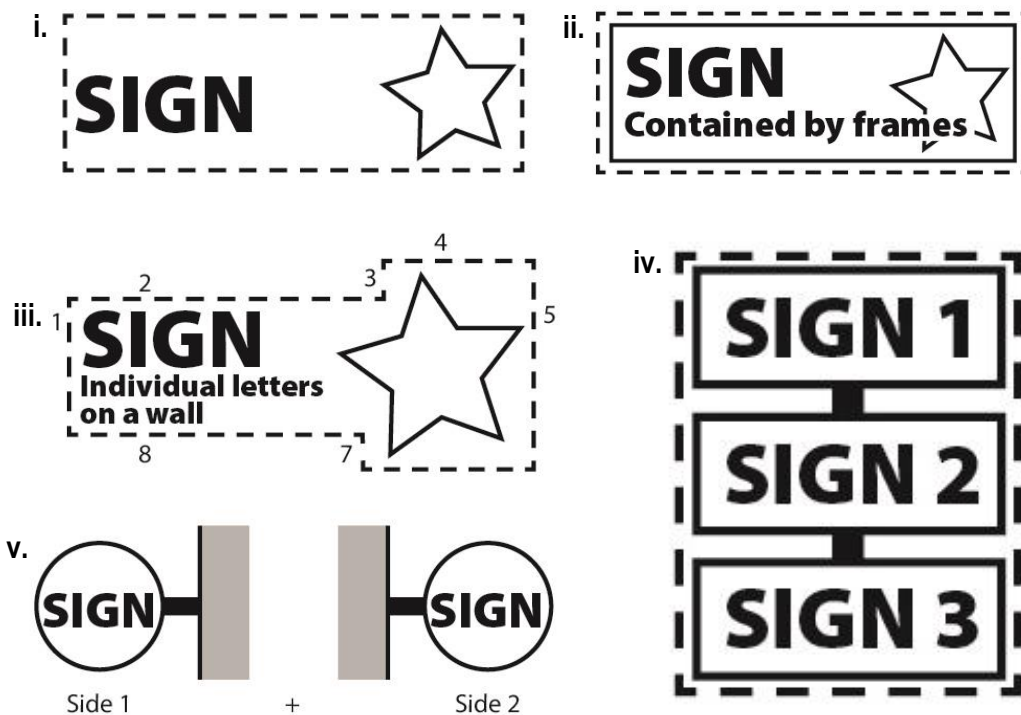
- a. **Determination of Sign Area.** The following methods shall be used to determine the sign area of a sign:
 - i. **Wall Sign, Projecting Sign, and Directional Signs.** Structural elements used to attach the sign that do not contribute to the display will not be counted towards the calculation of sign area.
 - ii. **Monument Sign.** The portion of the base of a monument sign that is eighteen (18) inches or less shall not be counted towards the calculation of sign area. The base shall be included in overall height of the monument sign.

Figure 4.1: Determination of Sign Area

- b. **Calculation of Sign Area.** The following methods shall be used to determine what constitutes one (1) sign and to calculate the total square footage of any sign:

- i. Each area of a sign that can be enclosed by a line or an imaginary line shall be considered one (1) sign. Each side of a two-sided sign shall be used to calculate the maximum allowed sign area.
- ii. The area of measurement of a sign contained within a cabinet or frame shall include the total area of the cabinet or frame.
- iii. The area of measurement of a sign that displays individual letters on a wall, awning, or canopy or as pan channel letters shall be determined by encompassing all the letters in a geometric form of no more than eight (8) rectilinear lines at right angles to each other.
- iv. The total surface area of multiple unit signs includes the vertical and horizontal spacing between signs.
- v. The sign area of each sign face of monument, directional, projecting, and yard signs that have two (2) faces shall be measured to calculate the maximum allowed sign area.

Figure 4.2: Calculation of Sign Area



- c. **Calculation of Total Number of Signs.** The following should be used to determine the number of permanent signs being proposed on a lot:
 - i. Monument and Projecting signs shall be counted as one (1) sign.
 - ii. Directional signs shall not be included in the total number of signs.
 - iii. Any sign within twelve (12) inches of the interior of a window shall be considered a sign and counted towards the total allowed number of signs and towards the maximum area of sign allowed.
- 4. **Permanent Sign Standards.**
 - a. **Awning Sign.**
 - i. **Maximum Area and/or Dimensions.** Signs shall not exceed six (6) square feet per awning.
 - ii. **Maximum Number.** Up to two (2) awning signs shall be allowed per business.
 - iii. **Maximum Height.** Sign bands on the vertical valance shall be no greater than eight (8) inches in height.
 - iv. **Other Conditions.**
 - a) Graphics and/or letters on both the vertical valance and a sloped part of an awning shall count as one (1) sign.
 - b) No polyester awnings are allowed.
 - c) Signs shall be professionally applied to awnings.
 - d) Signs shall not be illuminated.
 - b. **Directional Sign.**
 - i. **Maximum Area and/or Dimensions.** No greater than three (3) square feet per side.
 - ii. **Maximum Number.**
 - a) No more than one (1) directional sign per driveway entrance to a lot.
 - b) No more than three (3) per lot.
 - iii. **Maximum Height.** No more than three (3) feet above grade.
 - iv. **Other Conditions.**
 - a) Shall not impede the vision triangle.
 - b) Shall be internally illuminated only.
 - c. **Monument Sign.**
 - i. **Maximum Area and/or Dimensions.**
 - a) Commercial use or mixed-use: Twenty (20) square feet.
 - b) Residential use: Four (4) square feet.
 - ii. **Maximum Number.** One (1) per lot.
 - iii. **Maximum Height.** Six (6) feet.

- iv. **Other Conditions.**
 - a) Only allowed in the RF-MU-C area
 - b) Only two (2) sided monument signs are allowed.
 - c) Shall be externally illuminated only.
- d. **Projecting Sign.**
 - i. **Maximum Area and/or Dimensions.**
 - a) Shall not exceed four (4) feet in width.
 - b) Shall not exceed four (4) feet in height.
 - c) Notwithstanding the maximum width or height allowed above, the sign shall not exceed six (6) square feet in area per side.
 - ii. **Maximum Number.** One (1) per building entry on the primary frontage.
 - iii. **Height.**
 - a) Minimum height above grade (clearance) is seven (7) feet six (6) inches. The minimum height shall be measured to the bottom of the projecting sign.
 - b) Maximum height above grade is twelve (12) feet. The height shall be measured to the top of the projecting sign.
 - iv. **Other Conditions.**
 - a) Shall comply with other applicable regulations if projecting into a right-of-way.
 - b) Only two-sided projecting signs allowed.
 - c) For multi-tenant buildings projecting signs shall be no less than twenty-five (25) feet apart and be placed consistently at each entrance on a primary façade.
 - d) Shall be externally illuminated only.
- e. **Wall Sign.**
 - i. **Maximum Area and/or Dimensions.**
 - a) Upper level: The maximum wall sign area for each lot shall not exceed one-half (0.5) square foot of sign area for each linear foot of primary street frontage of the building.
 - b) Ground level: The maximum wall sign area shall be one-third (0.3) square foot of sign area for each linear foot of storefront.
 - ii. **Maximum Number.**
 - a) Upper level: No more than two (2) wall signs per building.
 - b) Ground level: One (1) per storefront.
 - iii. **Maximum Height.**

- a) Upper level: No taller than the roof plane of the building. (i.e. does not include parapet, nor the roof plane of any rooftop access)
 - b) Ground level: No taller than the ground level of the building.
- iv. **Other Conditions.** Shall be externally illuminated only.
- f. **Window Sign.**
 - i. **Maximum Area and/or Dimensions.** Shall not exceed fifteen (15) percent of the storefront glazing in which the sign is placed.
 - ii. **Maximum Number.** Up to three (3) per storefront glazing.
 - iii. **Maximum Height.** Anywhere within the storefront glazing.
 - iv. **Other Conditions.**
 - a) Only vinyl professionally manufactured window signs are permitted and shall be applied solely to the storefront glazing.
 - b) No painted on window signs are allowed.
 - c) Shall not be illuminated.
- g. **Mural.**
 - i. **Maximum Area and/or Dimensions.** Forty (40) percent of wall may be covered.
 - ii. **Maximum Number.** One (1) per lot.
 - iii. **Maximum Height.** The height of the wall
 - iv. **Other Conditions.**
 - a) Not allowed on key frontage, primary frontage, or a street front, if the street is opposite a key frontage.
 - b) Shall not be illuminated.
 - c) If proposed to be on a designed historic structure, shall be approved by the Historic Preservation Commission.
 - d) Permits may only be issued to an arts district, a governmental entity involved in a public art project, a special district, or other registered neighborhood organization.

17.04.020.D.4: Permanent Sign Standards					
Maximum Area and/or Dimensions		Maximum Number	Maximum Height	Other Conditions	Permit Required
Awning Sign	Signs shall not exceed six (6) square feet per awning.	Up to two (2) awning signs per business.	Sign bands on the vertical valance shall be no greater than eight (8) inches in height.	Graphics and/or letters on both the vertical valance and a sloped part of an awning shall count as one sign.	Yes
				No polyester awnings are allowed.	
				Signs shall be professionally applied to awning.	
				Shall not be illuminated.	
Directional Sign	No sign shall be greater than three (3) square feet per side.	No more than one (1) directional sign per driveway entrance to a lot.	No sign shall have a height greater than three (3) feet above grade.	Directional signs shall not impede the vision triangle.	Yes
		No more than three (3) per lot.		Shall be internally illuminated only.	
Monument Sign	Commercial use or mixed-use: Twenty (20) square feet.	One (1) per lot.	Six (6) feet.	Only allowed in the RF-MU-C area	Yes
	Residential use: Four (4) square feet.			Only two (2) sided monument signs are allowed.	
				Shall be externally illuminated only.	
Projecting Sign	Shall not exceed four (4) feet in width.	One (1) per building entry on the primary frontage.	Minimum height above grade (clearance) is seven (7) feet six (6) inches. The minimum height shall be measured to the bottom of the projecting sign.	Shall comply with other applicable regulations if projecting into a right-of-way.	Yes
	Shall not exceed four (4) feet in height.		Maximum height above grade is twelve (12) feet. The height shall be measured to the top of the projecting sign.	Only two (2)sided projecting signs allowed.	
	Notwithstanding the maximum width or height allowed above, the sign shall not exceed six (6) square feet in area per side.			For multi-tenant buildings projecting signs shall:	
				Be no less than twenty-five (25) feet apart.	
				Be placed consistently at each entrance on a primary façade.	
Shall be externally illuminated only.					
Wall Sign	Upper level: The maximum wall sign area for each lot shall not exceed five (5) square foot of sign area for each linear foot of primary street frontage of the building.	Upper level: No more than two (2) wall signs per building.	Upper level: No taller than the roof plane of the building. (i.e. does not include parapet, nor the roof plane of any rooftop access)	Shall be externally illuminated only.	Yes
	Ground level: The maximum wall sign area shall be thirty (30) square feet of sign area for each linear foot of storefront.	Ground level: One (1) per storefront.	Ground level: No taller than the ground level of the building.		

17.04.020.D.4: Permanent Sign Standards					
	Maximum Area and/or Dimensions	Maximum Number	Maximum Height	Other Conditions	Permit Required
Window Sign	Shall not exceed fifteen (15) percent of the storefront glazing in which the sign is placed.	Up to three (3) per storefront glazing.	Anywhere within the storefront glazing.	Only vinyl professionally manufactured window signs are permitted and shall be applied solely to the storefront glazing.	Yes
				No painted on window signs are allowed.	
				Shall not be illuminated.	
Mural	Forty (40) percent of wall may be covered.	One (1) per lot.	The height of the wall	Not allowed on key frontage, primary frontage, or a street front, if the street is opposite a key frontage.	Yes
				Shall not be illuminated.	
				If proposed to be on a designed historic structure, shall be approved by the Historic Preservation Commission.	
				Permits may only be issued to an arts district, a governmental entity involved in a public art project, a special district, or other registered neighborhood organization.	

5. Portable Sign Standards.**a. Flag.****i. Maximum Area and/or Dimensions.**

- a) When hung from a building: Three (3) feet by five (5) feet.
- b) When hung from a pole mounted to the ground: Five (5) feet by seven (7) feet.

ii. Maximum Number.

- a) In single use lots: Up to two (2) flags allowed per lot.
- b) In multi-tenant buildings on a lot: One (1) flag allowed per storefront.

iii. Maximum Height.

- a) When hung from a building: at or below the tallest point on a building.
- b) When hung from a pole mounted to the ground in
 - (I) RF-MU District no taller than the tallest point on the building, or no more than thirty-five (35) feet, whichever is lower.
 - (II) In the RF-R District, no taller than fifteen (15) feet.

iv. Other Conditions.

- a) Flags shall be affixed to permanent flagpoles, whether or not such flagpole is freestanding or attached to a building.
- b) A minimum pedestrian clearance of seven (7) feet six (6) inches shall be maintained for any flag hanging above a sidewalk or walkway.
- c) Shall be externally illuminated only.

b. Sandwich Board.**i. Maximum Area and/or Dimensions.** Six (6) square feet per frame.**ii. Maximum Number.** One (1) per business.**iii. Maximum Height.** Four (4) feet.**iv. Other Conditions.**

- a) If in the public right-of-way, shall be placed within an amenity zone or placed to maintain a minimum forty-eight (48) inches pedestrian clear zone.
- b) Sandwich boards shall not be within two (2) feet of the face of a curb of a street.
- c) Sandwich boards shall be placed within the storefront width of the business in a multi-tenant building, or within fifteen (15) feet of the front door of a business, whichever is more restrictive.
- d) Shall only be displayed during hours of operation.
- e) Shall be constructed and placed to withstand normal weather conditions.

f) Shall not be illuminated.

17.04.020.D.5: Portable Sign Standards					
Maximum Area and/or Dimensions		Maximum Number	Maximum Height	Other Conditions	Permit Required
Flag	When hung from a building: Three (3) feet by five (5) feet.	In single use lots: Up to two (2) flags allowed per lot.	When hung from a building: At or below the tallest point on a building.	Flags shall be affixed to permanent flagpoles, whether or not such flagpole is freestanding or attached to a building.	No
	When hung from a pole mounted to the ground: five (5) feet by seven (7) feet.	In multi-tenant buildings on a lot: One (1) flag allowed per storefront.	When hung from a pole mounted to the ground:	A minimum pedestrian clearance of seven (7) feet six (6) inches shall be maintained for any flag hanging above a sidewalk or walkway.	
			RF-MU: No taller than the tallest point on the building, or no more than thirty-five (35) feet, whichever is lower.	Shall be externally illuminated only.	
			RF-R: No taller than fifteen (15) feet.		
Sandwich Board	Six (6) square feet per frame.		Four (4) feet.	If in the public right- of- way, shall be placed within an amenity zone or placed to maintain a minimum forty-eight (48) inches pedestrian clear zone.	No
				Sandwich boards shall not be within two (2) feet of the face of a curb of a street.	
				Sandwich boards shall be placed within the storefront width of the business in a multi-tenant building, or within fifteen (15) feet of the front door of a business, whichever is more restrictive.	
				Shall only be displayed during hours of operation.	
				Shall be constructed and placed to withstand normal weather conditions.	
				Shall not be illuminated.	

6. Temporary Sign Standards.

a. Feather Flag Sign.

- i. **Maximum Area and/or Dimensions.** Eight (8) feet by two (2) feet
- ii. **Maximum Number.**
 - a) On lots with a single use, one (1) per lot.
 - b) On lots with multi-tenant buildings, one per (1) ground level storefront.
- iii. **Maximum Height.** Eight (8) feet in height.
- iv. **Other Conditions.**
 - a) Are only allowed to be displayed during hours of operation.
 - b) Shall be located within fifteen (15) feet of the entrance to the storefront located on the same lot.
 - c) If in the public right-of-way shall be placed within an amenity zone or placed to maintain a minimum pedestrian clear zone of forty-eight (48) inches.
 - d) Are allowed for no more than fourteen (14) consecutive days and no more than five (5) times in a calendar year.
 - e) Shall not be placed within two (2) feet from face of curb.
 - f) Shall not impede vision triangle.
 - g) Shall not be illuminated.

b. Flagging, Streamers, and Pennants.

- i. **Maximum Area and/or Dimensions.**
 - a) On lots with a single use, no more than two (2) times the linear feet of the primary building.
 - b) On lots with multi-tenant buildings, no more than two (2) times the linear feet of the storefront.
- ii. **Maximum Number.** None
- iii. **Maximum Height.** No taller than the storefront.
- iv. **Other Conditions.**
 - a) Allowed for no more than fourteen (14) consecutive days and no more than five (5) times in a calendar year.
 - b) Shall be located within ten (10) feet of the storefront.
 - c) Shall be confined to the storefront width of the applicable store in a multi-tenant building.
 - d) Shall not be illuminated.

c. Flexible Banner Sign.

- i. **Maximum Area and/or Dimensions.** Twenty (20) square feet total for all signs.
- ii. **Maximum Number.** One (1) per business.

- iii. **Maximum Height.**
 - a) Fence mounted: No taller than fence.
 - b) Ground mounted: Four (4) feet.
 - c) Wall mounted: Eight (8) feet.
- iv. **Other Conditions.**
 - a) Allowed for no more than fourteen (14) consecutive days and no more than five (5) times in a calendar year.
 - b) Flexible banner signs may be approved to be utilized continuously for more than fourteen (14) days if approved as part of a floodplain, grading, or building permit. The sign shall be removed within fourteen (14) days of the issuance of a Certificate of Occupancy.
 - c) Shall not be illuminated.
 - d) Shall be securely anchored into the ground or secured in a portable base designed for such function.
- d. **Inflatable Sign.** Inflatable signs, as detailed below, shall not be erected or otherwise displayed, without the issuance of a permit as detailed in Section 17.10.020(F).
 - i. **Maximum Area and/or Dimensions** No more than one hundred forty-four (144) cubic feet.
 - ii. **Maximum Number.** One (1) per lot or storefront.
 - iii. **Maximum Height.** Twelve (12) feet in height.
 - iv. **Other Conditions.**
 - a) Allowed only during hours of operation.
 - b) No electrical cords shall cross a pedestrian passageway.
 - c) Allowed for no more than fourteen (14) consecutive days and no more than five (5) times in a calendar year.
 - d) The location be approved as part of the sign permit.
 - e) Shall not be illuminated.
- e. **Rigid Banner Sign.** Rigid banner signs, as detailed below, shall not be erected or otherwise displayed, without the issuance of a permit as detailed in Section 17.10.020(F).
 - i. **Maximum Area and/or Dimensions.** twenty-four (24) square feet total for all signs.
 - ii. **Maximum Number.** One (1) per street front.
 - iii. **Maximum Height.**
 - a) Freestanding eight (8) feet in height.
 - b) Fence mounted no taller than the fence.
 - c) Wall mounted within the ground level.
 - iv. **Other Conditions.**

- a) If freestanding, sign posts shall have a structure made from wood, PVC, or metal that is durable.
- b) If not freestanding, shall be properly secured to a fence or wall.
- c) Allowed for no more than fourteen (14) consecutive days and no more than five (5) times in a calendar year.
- d) Rigid banner signs may be approved to be utilized continuously for more than fourteen (14) days if approved as part of a floodplain, grading or building permit. The sign shall be removed within fourteen (14) days of the issuance of a Certificate of Occupancy.

f. **Yard Sign.**

i. **Maximum Area and/or Dimensions.**

- a) Commercial uses or mixed-uses: Thirty-two (32) square feet.
- b) Residential uses: Twenty-four (24) square feet.

ii. **Maximum Number.**

- a) Commercial uses or mixed uses: One (1) yard sign per lot or storefront of a multi-tenant building.
- b) Residential uses: No maximum provided the total area is not exceeded.

iii. **Maximum Height.**

- a) Commercial uses or mixed-uses: Eight (8) feet.
- b) Residential uses: Four (4) feet in height.

iv. **Other Conditions.**

- a) Prohibited in the public right-of-way.
- b) Shall be placed at least eighteen (18) inches from the lot side of a sidewalk if freestanding.
- c) Shall not impede vision triangle.
- d) Allowed for no more than sixty (60) consecutive days prior to an election but shall be removed ten (10) days after the conclusion of an election.
- e) Allowed during the period of time when a property is for sale or lease but shall be removed three (3) days after the sale or lease of property.

17.04.020.D.6: Temporary Sign Standards						
	Maximum Area and/or Dimensions	Maximum Number*	Maximum Height	Other Conditions	Permit Required	
Feather Flag Sign	Eight (8) feet by two (2) feet	In single use lots: One (1) per lot.	Eight (8) feet	Are only allowed to be displayed during hours of operation.	No	
		In multi-tenant buildings on a lot: One (1) per ground level storefront.		Shall be located within fifteen (15) feet of the entrance to the storefront located on the same lot.		
				If in the public right- of-way shall be placed within an amenity zone or placed to maintain a minimum forty-eight (48) inches pedestrian clear zone.		
				Are allowed for no more than consecutive fourteen (14) days and no more than five (5) times in a calendar year.		
				Shall not be placed within two (2) feet from face of curb.		
				Shall not impede vision triangle.		
				Shall not be illuminated.		
				Flagging, Streamers and Pennants		In single use lots: No more than two (2) times the linear feet of building.
In multi-tenant buildings on a lot: No more than two (2) times the linear feet of a storefront.	Shall be located within ten (10) feet of the storefront.					
	Shall be confined to the storefront width of the applicable store in a multi-tenant building.					
	Shall not be illuminated.					
Flexible Banner Sign	Twenty (20) square feet total for all signs.	One (1) per business.	Fence mounted: No taller than fence.	Allowed for no more than consecutive fourteen (14) days and no more than five (5) times in a calendar year.	Yes	
			Ground mounted: Four (4) feet.	Flexible banner signs may be approved to be utilized continuously for more than fourteen (14) days if approved as part of a floodplain, grading or building permit. The sign shall be removed within fourteen (14) days of the issuance of Certificate of Occupancy.		
						Shall not be illuminated.

17.04.020.D.6: Temporary Sign Standards					
	Maximum Area and/or Dimensions	Maximum Number*	Maximum Height	Other Conditions	Permit Required
			Wall mounted: Eight (8) feet.	Shall be securely anchored into the ground or secured in a portable base designed for such function.	
Inflatable Sign	No more than one hundred forty-four (144) cubic feet.	One (1) per lot or storefront.	Twelve (12) feet.	Allowed only during hours of operation.	Yes
				No electrical cords shall cross a pedestrian passage way.	
				Allowed for no more than fourteen (14) consecutive days and no more than five (5) times in a calendar year.	
				Location to be approved as part of sign permit.	
				Shall not be illuminated.	
Rigid Banner Sign	Twenty-four (24) square feet total for all signs.	One (1) per street front.	Freestanding: Eight (8) feet.	If freestanding, sign posts shall have a structure made from wood, PVC, or metal that is durable.	Yes
			Fence mounted: No taller than fence.	If not freestanding, shall be properly secured to fence or wall.	
			Wall mounted: Within the ground level.	Allowed for no more than consecutive fourteen (14) days and no more than five (5) times in a calendar year.	
				Rigid banner signs may be approved to be utilized continuously for more than fourteen (14) days if approved as part of a floodplain, grading or building permit. The sign shall be removed within fourteen (14) days of the issuance of a Certificate of Occupancy.	
Yard Sign	Commercial use or mixed-use: Thirty-two (32) square feet.	Commercial use or mixed: One (1) sign per lot or storefront in a multi-tenant building.	Commercial use or mixed: Freestanding: Eight (8) feet Wall Mounted: Within storefront	Prohibited in the public right-of-way.	No
	Residential use: Twenty-four (24) square feet.	Residential use: No maximum provided the total area is not exceeded.	Residential use: Four (4) feet	Shall be placed at least eighteen (18) inches from the lot side of a sidewalk if freestanding.	
				Shall not impede vision triangle.	

17.04.020.D.6: Temporary Sign Standards				
Maximum Area and/or Dimensions	Maximum Number*	Maximum Height	Other Conditions	Permit Required
			Allowed for no more than sixty (60) consecutive days prior to an election and shall be removed ten (10) days after the conclusion of an election.	
			Allowed during the period of a property is for sale or lease, and shall be removed from a lot three (3) days after the sale or lease of property.	

7. Sign Standards by District.

- a. **Permitted Signs by District.** The sign types permitted in each Riverfront District shall be as detailed in Table 17.04.020.D.7.

Table 17.04.020.D.7: Permitted Signs by District				
Sign Type	District			
	RF-MU-A	RF-MU-B	RF-MU-C	RF-R
<i>Permanent Signs</i>				
Awning Sign	P	P	P	
Directional Sign	P	P	P	
Monument Sign			P	P
Projecting Sign	P	P	P	
Wall Sign	P	P	P	P
Window Sign	P	P	P	P
<i>Portable Signs</i>				
Flag	P	P	P	P
Sandwich Board	P	P	P	
<i>Temporary Signs</i>				
Feather Flag Sign	P	P	P	P
Flagging, Streamers, and Pennants	P	P	P	
Flexible Banner Sign	P	P	P	P
Inflatable Sign	P	P	P	
Rigid Banner Sign	P	P	P	
Yard Sign	P	P	P	P

b. RF-MU District Permanent Signs Standards.

i. Maximum Area.

- The maximum sign area in square feet allowed for a lot shall not exceed one and one quarter (1.25) times the linear square footage of the primary frontage of the building.
- In buildings with multi-tenant ground level storefronts, the maximum sign area in square feet allowed shall not be more than one and one quarter (1.25) linear feet per storefront. The total signage for the building shall not exceed one and one half (1.5) linear feet.
- If a business has no street footage on the ground level in a multi-tenant building, the maximum sign area of the lot may be increased by one quarter (0.25) times the linear footage of that businesses' storefront.

ii. Maximum Number.

- Each lot may have up to six (6) signs.
- Each lot with a multi-tenant building is allowed three (3) upper-level wall and/or monument signs (complying with other regulations) plus four (4) signs per tenant storefront, of which one shall not be larger than three (3) square feet. Tenant inclusion in a monument sign shall not be counted towards the maximum number of signs or maximum sign area for a tenant.

iii. Illumination.

- a) Of those sign types allowed to be illuminated, the sign shall not flash, blink, or fluctuate.
- b) Only external indirect illumination is allowed, except for directional signs.
- c) Signs which are externally illuminated shall be downlit only.
- d) Illumination shall not go beyond the property limits of the property.
- iv. **General Conditions.**
 - a) All permanent signs require a permit.
 - b) Permanent signs shall not be on more than three (3) elevations of a building.
- c. **RF-R District Permanent Sign Standards.**
 - i. **Maximum Area.** Shall not exceed four (4) square feet in size per lot.
 - ii. **Maximum Number.** Each lot may have one (1) sign.
 - iii. **Illumination.** Illumination shall not be allowed.
 - iv. **General Conditions.**
 - a) Signs shall be placed no closer than two (2) feet from the back side of a sidewalk.
 - b) Signs shall not to impede any vision triangle.
- d. **Prohibited Signs.**
 - i. RF-MU District Prohibited Signs.
 - a) Roof signs
 - b) Off premises signs
 - c) Signs painted on a fence
 - d) Flashing, blinking, or fluctuating signs
 - e) Electronic message signs on vehicles
 - f) Any other signs not explicitly allowed
 - ii. RF-R District Prohibited Signs.
 - a) Awning signs
 - b) Directional signs
 - c) Projecting signs
 - d) Sandwich board signs
 - e) Flexible banner signs
 - f) Inflatable signs
 - g) Rigid banner signs

- h) Roof signs
- i) Off premises signs
- j) Signs painted on a building or fence
- k) Murals
- l) Flashing, blinking, or fluctuating signs
- m) Electronic message signs on vehicles
- n) Any other signs not explicitly allowed

8. General Sign Regulations for all Riverfront Districts.

a. Maintenance.

- i. Every sign shall be maintained in good condition at all times. A sign in good condition shall meet the following criteria:
 - a) Signs shall be rust free.
 - b) Plastic, acrylic, and other similar materials shall not be broken, cracked, torn or faded.
 - c) Banners, awnings, flags, and feather flags shall not be torn, faded or in disrepair.
 - d) All lighting, where permitted, shall be functional and no exposed light sources are permitted unless approved with the permit.
- ii. The City shall have the authority to inspect signs to ensure adequate maintenance and compliance with this section.
- iii. If upon inspection, staff determines a sign to be in violation of this section or a safety hazard, the staff may order the sign to be maintained or removed by the owner.

b. Nonconforming Signs.

- i. **Continuance.** Subject to the termination hereinafter provided, any nonconforming sign may be continued in operation and be maintained after the effective date of this UDC or any amendment thereto; provided, however, that no such sign shall be modified in any manner that increases the nonconformity of such sign.
- ii. **Termination.** Termination of a nonconforming sign shall take place upon:
 - a) Structural change to any nonconforming sign.
 - b) Structural alteration to prolong the life of the sign, except to meet safety requirements.
 - c) Alteration or expansion in any manner which increases the degree of nonconformity.
 - d) Damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the value of the sign structure prior to being damaged.
 - e) Any violation of this section shall terminate immediately the right to maintain such sign.
- c. Official signs, danger signs, emergency signs and legal notices may be placed by responsible persons upon approval of the City Administrator.

- d. No sign shall be erected, constructed, maintained, or altered within the City in violation of the Code of Cañon City, including but not limited to this section.
 - e. Proper vision clearance shall be provided at all times.
 - f. No sign of any type shall be erected or placed so as to obstruct any necessary egress in case of fire.
 - g. All exterior signs shall be designed and constructed to resist the wind effects determined in accordance with applicable requirements of the duly adopted International Building Code.
9. **Applicability of Chapter 7.** The following sections of Chapter 7 are applicable to the signs within the RF-MU and RF-R Districts to the extent no conflict exists between this section and the following sections:
- a. 17.07.040
 - b. 17.07.100(E)

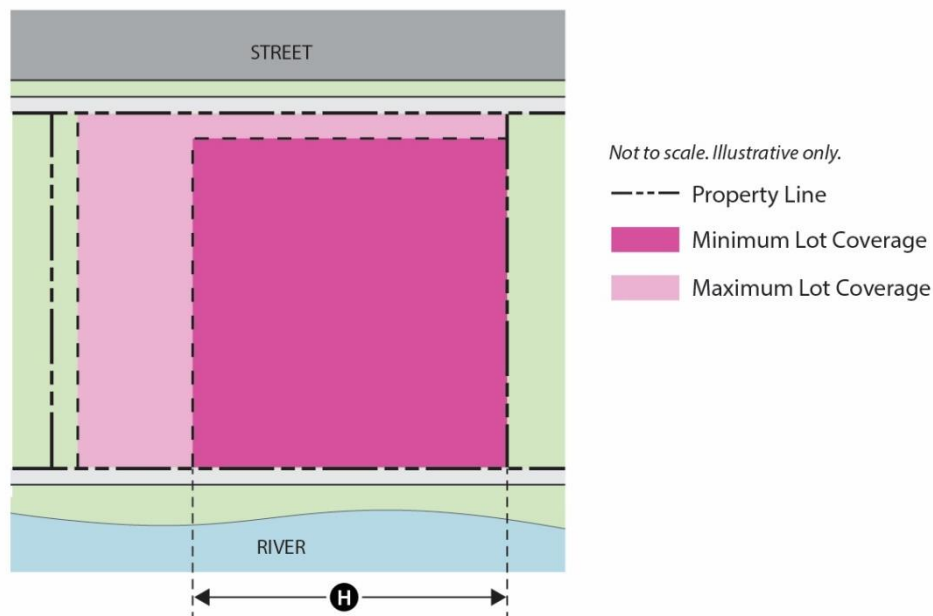
17.04.030 RF-MU – Riverfront Mixed Use District Specific Standards

A. Bulk and Dimensional Standards.

1. **Lot Standards.** Required lot standards shall be as established Table 17.04.030.A.1 and illustrated in Figure 4.3.

Table 17.04.030.A.1: RF-MU Lot Standards				
Figure Reference	Lot Standards	District		
		RF-MU-A	RF-MU-B	RF-MU-C
		1st to 5th Streets	5th to 11th Streets	9th to 11th Streets
	Lot Size (min)	25,000 sq ft	18,000 sq ft	20,000 sq ft
	Lot Width, River Frontage (min)	350 ft	150 ft	N/A
	Lot Width, Street Frontage (min)	350 ft	110 ft	110 ft
Figure 4.1	Lot Coverage (min/max)	60% / 90 %	60% / 80 %	60% / 80%

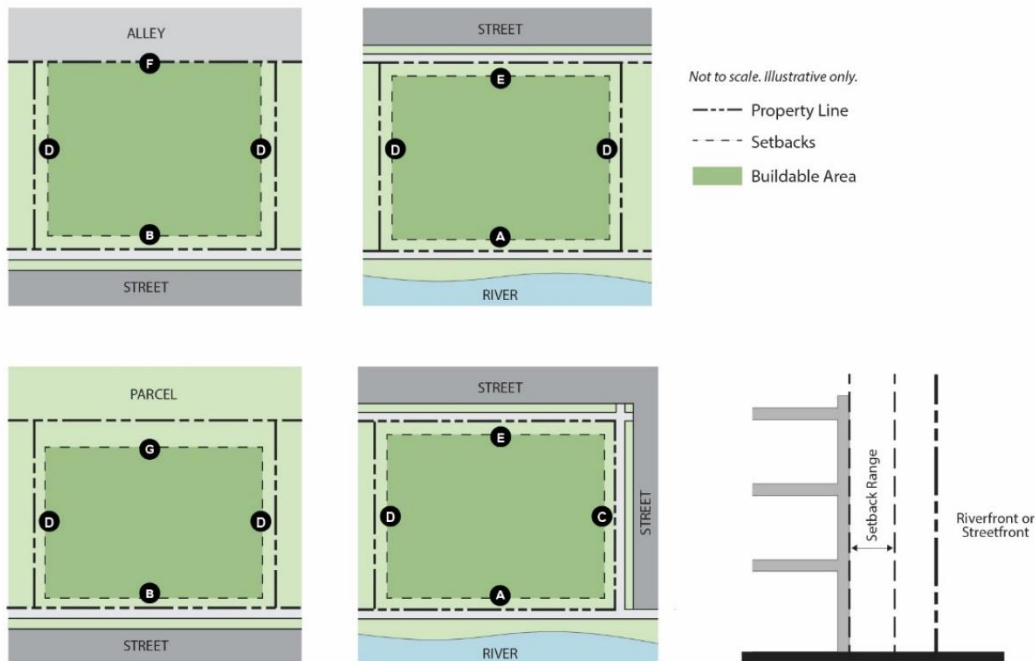
Figure 4.3: RF-MU Lot Coverage



2. **Setbacks.** Required setbacks shall be as established in Table 17.04.030.A.2 and illustrated in Figure 4.4.

Table 17.04.030.A.2: RF-MU Setback Requirements				
Figure Reference	Setbacks	District		
		RF-MU-A	RF-MU-B	RF-MU-C
		1st to 5th Streets	5th to 11th Streets	9th to 11th Streets
Figure 4.2 (A)	Riverfront (min/max) ¹	5ft/10ft	5ft /10ft	N/A
Figure 4.2 (B)	Streetfront (min/max)	N/A	0 ft / 18ft	0 ft / 18ft
Figure 4.2 (C)	Side setback on a street	0 ft	0 ft	0 ft
Figure 4.2 (D)	Side setback interior, abutting residential district (min)	N/A	15 ft	15 ft
Figure 4.2 (D)	Side setback interior, abutting commercial district (min)	0 ft	0 ft	0 ft
Figure 4.2 (E)	Street if abutting riverfront and street if opposite riverfront (max)	0 ft	0 ft	N/A
Figure 4.2 (F)	Alley/lane (min)	0 ft	0 ft	0 ft
Figure 4.2 (G)	Rear, abutting residential district (min)	N/A	15 ft	15 ft
Figure 4.2 (G)	Rear, abutting commercial district (min)	0 ft	0 ft	0 ft
Figure 4.2 (H)	Riverfront buildout (min), if parcel abuts river ^{2,3}	65%	65%	N/A
Notes:				
1 To be measured from any required riverwalk easement.				
2 Pursuant to Section 17.10.020(E) of the Code, an administrative exception to these limits may be granted, up to five (5) percent for landscaping and screening.				
3 If property contains a designated historic structure, buildout may be reduced to forty five (45) percent to retain a view corridor from the river to the historic structure.				

Figure 4.4: RF-MU General Setback



3. **Building Height.** Required building heights shall be as established in Table 17.04.030.A.3 and illustrated in Figure 4.5.

- a. **Calculating Building Height.** As illustrated in Figure 4.6, the maximum height shall be determined by measuring the average ground elevation of the river front (or other street or alley frontage) and opposite street edge of property, or at street front edge of property if no river frontage.

Table 17.04.030.A.3: RF-MU Building Height				
Figure Reference	Building Height	District		
		RF-MU-A	RF-MU-B	RF-MU-C
		1st to 5th Streets	5th to 11th Streets	9th to 11th Streets
Figure 4.6	Height (min/max) (Measured to Top of Parapet)	24 ft / 70 ft	24 ft / 70 ft	24 ft / 70 ft
Figure 4.6	Height Increase for Rooftop Deck Access	<= 10% of floorplate, not taller than 79 ft, and not within 10 ft of river front or street front edge of building		
Figure 4.5	Rules of Measurement to Determine Maximum Building Height	Maximum height will be determined by measuring the average ground elevation of river front (or other street or alley frontage) and opposite street edge of property, or at street front edge of property if no river frontage.		

Figure 4.5: RF-MU Building Heights

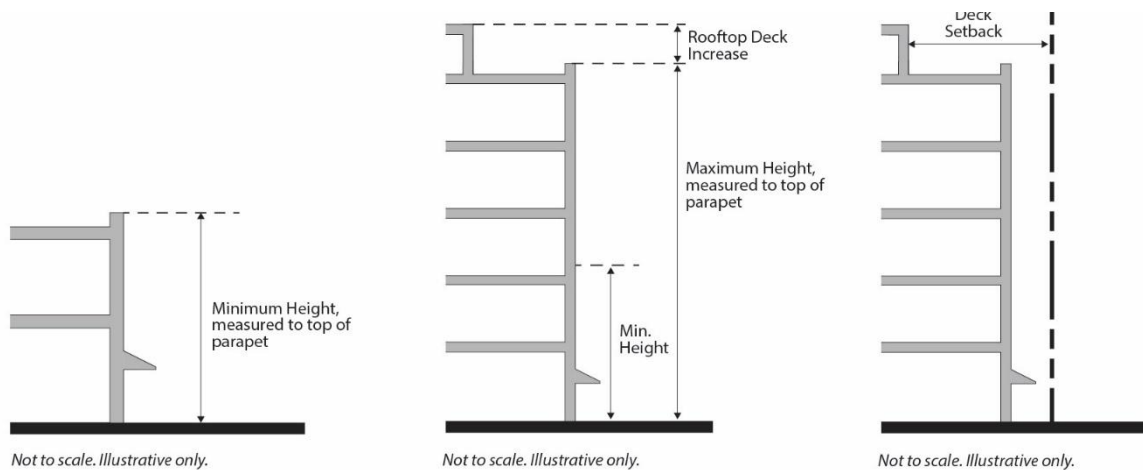
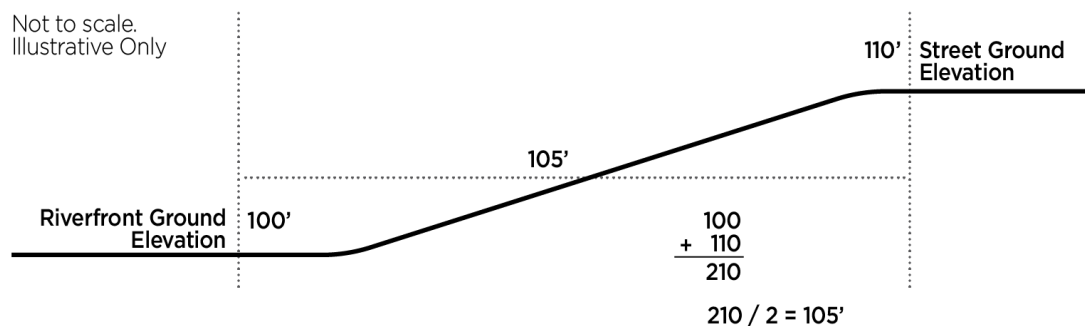


Figure 4.6: RF-MU Calculating Building Height



4. **Building Footprint.** Required building footprints shall be as established in Figure 4.7 and Figure 4.8.

Figure 4.7: RF-MU Minimum Building Footprint

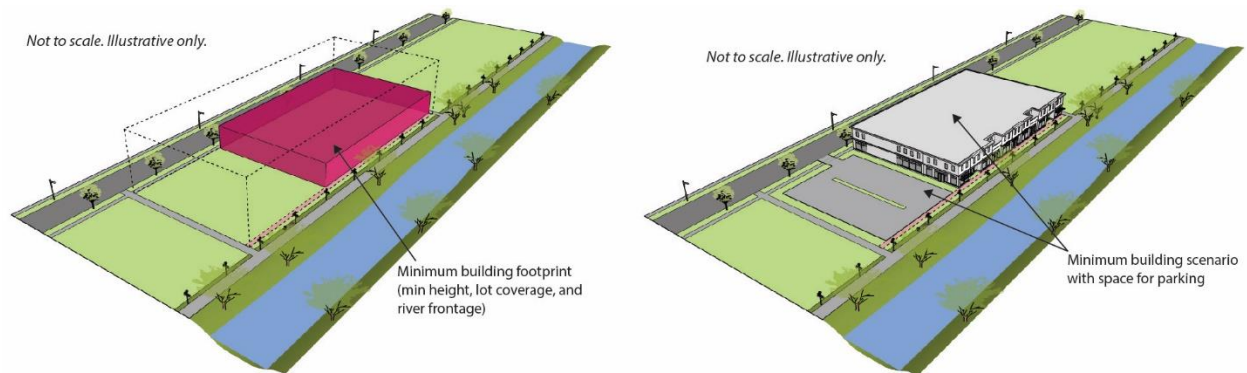
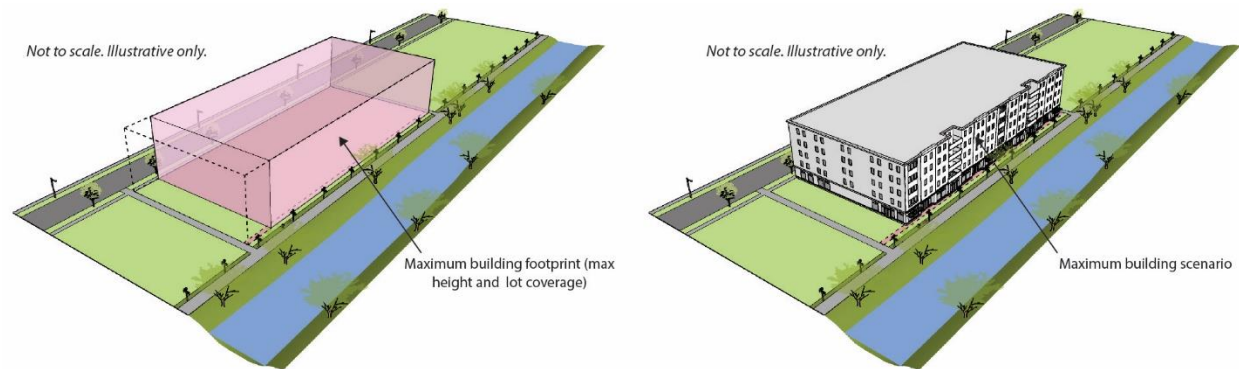


Figure 4.8: RF-MU Maximum Building Footprint



- B. **Uses.** Table 17.04.030.B details the uses that are allowed in the RF-MU District per subarea. The following key shall be used in the interpretation of Table 17.04.030.B.
1. **Permitted Uses.** Uses which are marked as “P” in the table shall be allowed subject to all applicable regulations of this UDC.
 2. **Conditional Uses.** Uses which are marked as “C” in the table shall be allowed only after the issuance of a conditional use permit as detailed in Section 17.10.020(D) of this UDC.
 3. **Special Review Uses.** Uses which are marked as “S” in the table shall be allowed only after the issuance of a special review use permit as detailed in Section 17.10.040 of this UDC.
 4. **Prohibited Uses.** A blank space in the table indicates that a use type is not allowed in the respective subarea.
 5. **Uses Not Listed.** If a proposed use is not listed in the table, the Zoning Administrator shall determine if the use is substantially similar to a use listed in the table. If it is, they shall treat the use in the same manner as the “similar” use. If not, the use shall be regarded as prohibited.
 6. **Additional Regulation.** If a use has use specific standards, as detailed in Chapter 17.05 of this UDC, they are referenced in this column. Use specific standards shall apply to permitted, conditional, and special review uses.

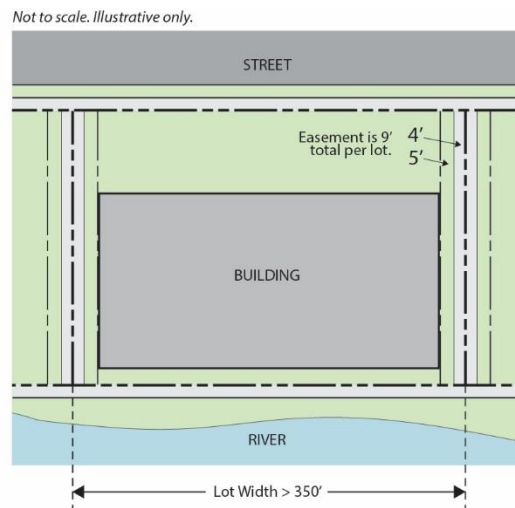
Table 17.04.030.B: Permitted, Conditional, and Special Review Uses in RF-MU Subareas				
Uses	Additional Regulation	District		
		RF-MU-A	RF-MU-B	RF-MU-C
		1st to 5th Streets	5th to 11th Streets	9th to 11th Streets
Bed and breakfast	17.05.070.A			C
Boarding or rooming house	17.05.070.B		C	C
Childcare center ¹		C	P	P
Conference/meeting facilities ¹		C	C	P
City, county, state and federal facilities, uses and buildings			S	S
Dwelling, multifamily		P (AGF)	P (AGFR)	P
Eating and drinking establishments		P	P	P
Financial institution		P (AGF)	P	P
Fitness center			P	P
Food cart or truck	17.05.150.C	P	P	P
Hotels		P	P	P
Kennel, limited				C
Light industry, less than 25 employees			C	C
Medical and dental clinic		P (AGF)	P	P
Medical marijuana facility, licensed	17.05.080.A		P	P
More than one principal building per lot		C	C	C
Personal services, limited		P (AGF)	P	P
Professional offices		P (AGF)	P	P
Rafting takeout facility		S	S	
Retail		P	P	P
Special events	17.05.150.G	P	P	P
Structure accessory				P
Structured parking garage ²		P	P	P
Surface parking lot ³		C	C	C

Table 17.04.030.B: Permitted, Conditional, and Special Review Uses in RF-MU Subareas				
Uses	Additional Regulation	District		
		RF-MU-A	RF-MU-B	RF-MU-C
		1st to 5th Streets	5th to 11th Streets	9th to 11th Streets
Trade or repair shop, limited		C	P	P
Training facilities, type I			P	P
Training facilities, type II			P	P
Use, accessory		P	P	P
Utility services, limited		P	P	P
Vocational and business school			S	S
Wireless service facilities	17.05.130.A	P	P	P
Notes:				
AGF = Above ground floor only.				
AGFR = Above ground floor only along riverfront abutting 5th to 9th Streets.				
1 Childcare center and conference/meeting facilities only as an accessory use to a principal use in RF-MU-A.				
2 Structured parking garages are allowed as a principal or accessory use in all RF-MU Districts.				
3 Surface parking lots are only allowed as an accessory use to a principal use in all RF-MU Districts.				

C. Easements.

1. **River Front Easement.** For every property that abuts the Arkansas River, the owner, at the time of rezoning to the RF-MU District, shall grant an easement to the City of a width that is adequate and necessary for the purposes of public access to the river, the construction and maintenance of a public river walk path, and the maintenance and repair, and associated activities, of the riparian areas adjacent to the river.
2. **Side Setback Easement.** As illustrated in Figure 9, every property that exceeds three-hundred fifty (350) feet of river frontage, the owner, at the time of rezoning to a Riverfront District, shall grant to the City a side setback easement on each side of the property of a width that is adequate and necessary for the purpose of providing public access between the river front and streets, as well as for access to the river walk for maintenance and repair of the river walk path along the river and other areas adjacent to the river.

Figure 9: RF-MU Side Setback Easement

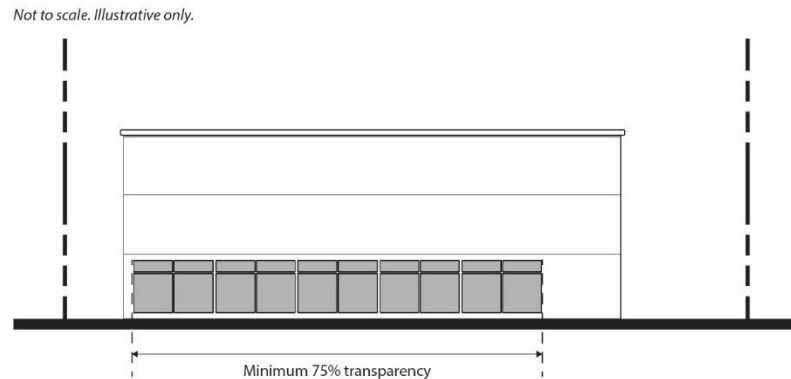


D. Design Standards.

1. **Ground Floor Transparency.**

- a. As illustrated in Figure 4.10, a minimum of seventy-five (75) percent of the ground floor of key frontages, shall be transparent. If a building has less than eighty (80) percent lot frontage build out, then transparency may be lowered to sixty-five (65) percent.
- b. A minimum of sixty-five (65) percent of the ground floor of building frontages, not identified as key frontages shall be transparent.

Figure 4.10: RF-MU Ground Floor Transparency



2. Materials.

a. Key Frontage Building Materials.

- I. Ground floor elevations shall include the primary building material, integrally colored concrete masonry units (CMU), only.
- II. Upper floor elevations may include secondary building materials such as exterior insulation finishing systems (EIFS) or stucco.
- III. Storefront glazing systems shall be clear low-e glass with black, bronze, grey, or clear anodized frames.
- IV. Frames of awnings shall match storefront glazing.

b. Other Frontage Materials.

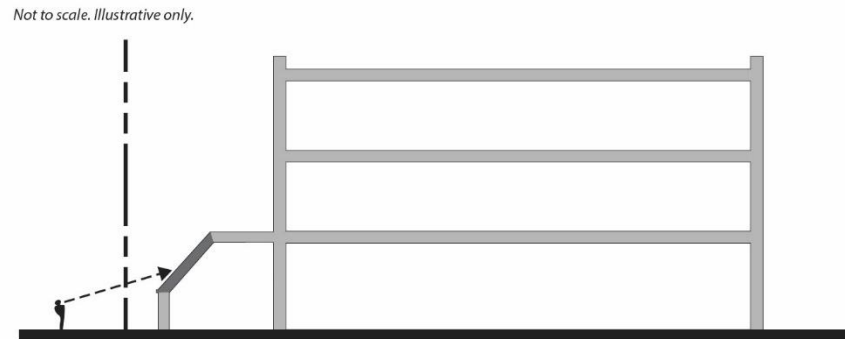
- I. Shall include the primary building material, integrally colored concrete masonry units (CMU), for a minimum of thirty-six (36) inches from ground level.
- II. May include secondary building materials such as exterior insulation finishing systems (EIFS) or stucco, above thirty-six (36) inches from ground level.
- III. Shall utilize the same frame color utilized on key frontages.
- IV. Frames of awnings shall match storefront glazing.

c. Prohibited Materials. The following building materials are prohibited on any exposed surface:

- I. Smooth-faced CMU.
- II. Faux wood finish on CMU or on poured concrete.

- d. **Roof Materials.** As illustrated in Figure 4.11, any roof materials visible from the adjacent river walk, street, or alley level view of a pedestrian (e.g. a shed roof that is on a shorter portion of a taller building with flat roof and parapet wall) shall be shingled or of metal roofing, no rolled roofing permitted.

Figure 4.11: Roofing Visible from Adjacent View of a Pedestrian



3. **Service Entrances.**

- a. No service entrance shall be located on a key frontage.
- b. A service entrance may be located on a non-key frontage but shall be architecturally integrated into the design of the building, enclosed to the fullest extent possible, and designed to minimize impact to pedestrians.

4. **Structured Parking.**

a. **Ground Floor.**

- I. Key frontage: Ground floor structured parking shall comprise of no more than thirty-five (35) percent of the minimum frontage.
- II. Street frontage (other than key frontage): No more than sixty-five (65) percent of the building frontage on the street.
- III. The ground-floor elevation facing any frontage shall be between twenty-five (25) percent to fifty (50) percent transparent to eliminate both blank walls from the riverwalk/street and fully exposed parking.

- b. **Upper Floors.** Upper floor elevation(s) of structured parking facing any frontage shall be designed to be a maximum of fifty (50) percent transparent.

5. **Projections.**

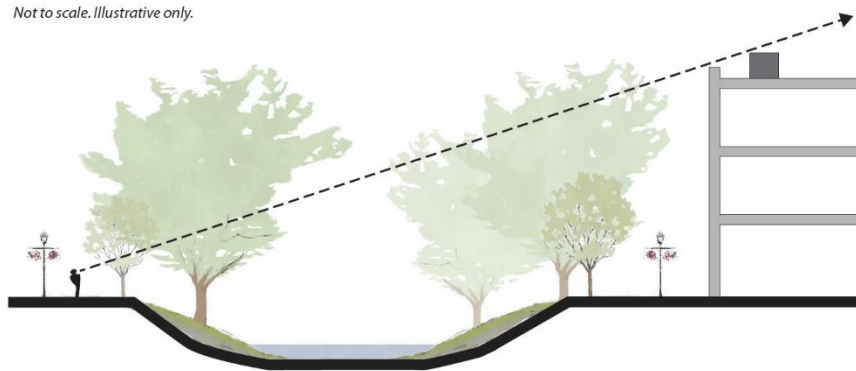
- a. Upper floor balconies facing any frontage may project onto a street, lane, or side setback easement as long as the projection does not extend beyond the property line. Projections into a river front easement are prohibited.

Other.

- b. Internal roof drains shall be required.

- c. All rooftop appurtenances shall be screened from pedestrian view from an adjacent riverwalk, street, or alley. As illustrated in Figure 4.12, rooftop appurtenances shall also be screened from view from any riverwalk on the opposite bank of the river directly across from the site.

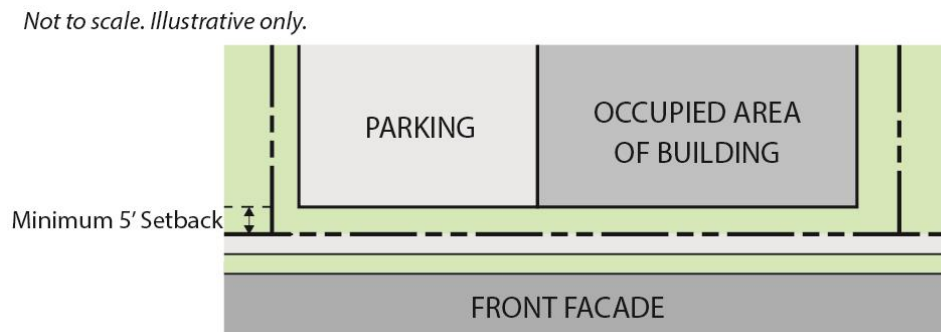
Figure 4.12: Rooftop Appurtenance Screening



E. General Site Standards.

1. Shared curb cuts shall be utilized between properties wherever feasible.
2. Drop-off bays shall be permitted for hotels only and shall be designed to have minimal impact to the public realm.
3. As illustrated in Figure 4.13, ground level or above grade structured parking shall be a minimum of five (5) feet from a street or river front façade.

Figure 4.13: Ground Level Structured Parking Setback

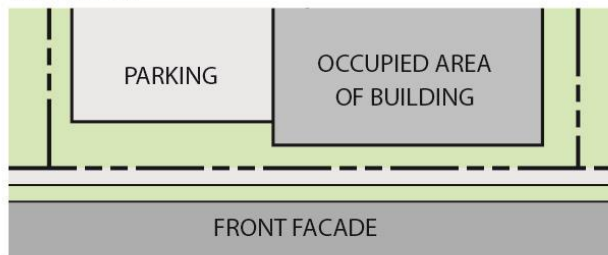


4. As illustrated in Figure 4.14, ground level structured parking shall not extend beyond the front façade of the occupied portion of a building on a street front.

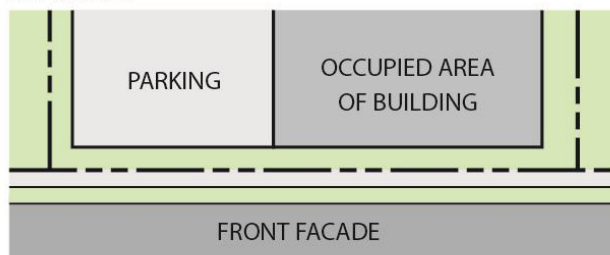
Figure 4.14: Ground Level Structured Parking Alignment

Not to scale. Illustrative only.

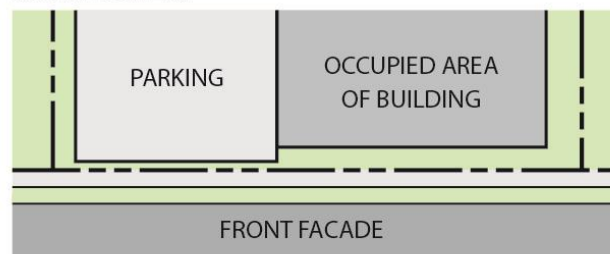
ALLOWED:



ALLOWED:



NOT ALLOWED:



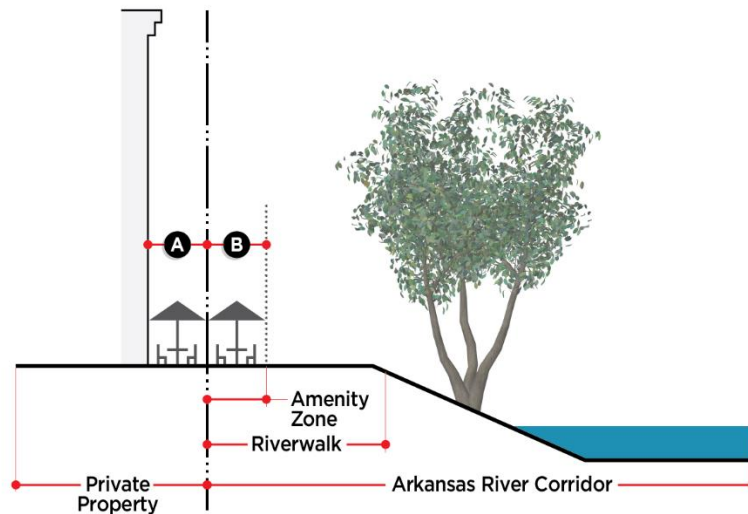
5. Access/loading shall not be from a key frontage per the Framework Plan.
6. Storage units shall be prohibited except during construction.

7. Outdoor Cafés.

- a. Only durable metal or composite exterior furnishings and fencing/railings are permitted in colors to match the building storefront or in black.
- b. No plastic or fiberglass materials are prohibited.
- c. Outdoor café furnishings shall be designed/secured in a manner able to withstand strong winds.
- d. Umbrellas as part of outside cafés shall not obstruct any pedestrian way and shall not contain any signage.
- e. Outdoor gas line fed fire pits shall be contained on the private property.
- f. Outdoor café encroachments, as illustrated in Figure 4.15, shall comply with Table 17.04.030.E.7.

Table 17.04.030.E.7: RF-MU Outdoor Café Encroachments				
Figure Reference	Outdoor Cafe Encroachments	District		
		MU-A	MU-B	MU-C
		1st to 5th Streets	5th to 11th Streets	9th to 11th Streets
Figure 4.15 (A)	On Private Property	Allowed in front and side setback, not abutting residential		
Figure 4.15 (B)	In Riverwalk (Within Amenity Zone if One Exists)	Allowed with Sidewalk Café Permit		N/A
	In Street Right-of-Way	Allowed with Sidewalk Café Permit		

Figure 4.15: Outdoor Cafe Encroachments - Riverwalk Context



F. Landscaping, Fencing, and Screening.**1. Trees.**

- a. **Street Trees.** One (1) deciduous tree with a minimum caliper of two (2) inches at the time of planting shall be planted per every thirty-five (35) feet of street frontage.
- b. **Side Setback Easement Trees.** One (1) deciduous tree with a minimum caliper of two (2) inches at the time of planting shall be planted per every thirty-five (35) feet of side setback easement.
- c. **Parking Areas.** Trees shall be planted in parking areas per Section 17.04.020(C)(6).

2. Pervious Surfaces.

- a. Any area that is not within the building footprint, parking lot footprint, walkways, or paved support areas such as trash enclosure or detention facilities shall be surfaced with a pervious material, such as but not limited to pervious concrete, porous asphalt, brick/stone pavers, engineered turf pavers, or live plant material.
- b. A minimum of fifty (50) percent of the pervious surface of a site shall be planted and maintained with live plant material.
- c. Irrigation shall be installed to ensure longevity of turf/live plant material.
- d. A variety of plant materials shall be employed to provide year-round interest.
- e. Drought tolerant and native plant material shall be used to the greatest extent possible.

3. Fencing.**a. Fence Materials.**

- I. Solid masonry or metal fence materials which match the building storefront are permitted.
- II. Wood or plain faced CMU fence materials are prohibited.

- b. Fences may be no more than forty-two (42) inches high, excluding fences utilized for trash enclosure screening.

4. Screening.

- a. **Trash Enclosure Screening.** Solid masonry or metal trash enclosures with metal gates are required to fully screen trash receptacles. Enclosures shall include metal gates for screening and to secure the area. Enclosures shall be designed in the color/material palette of the principal structure. Trash enclosure screening shall not include smooth faced CMU, EIFS, or stucco.

b. Parking Areas.**I. Surface Parking Lots.**

- i. Shall be screened from rights-of-way, riverwalk, or adjacent properties by use of evergreen shrubs or low walls with seventy-five (75) percent opacity.
- ii. Low screen walls shall be forty-two (42) inches tall and shall not be of wood, plastic/plastic composite, or smooth-faced CMU.
- iii. Shrubs shall be a minimum five (5) gallon container at time of planting.
- iv. Parking lot screening shall not impede vision triangles created at egress points from lots.

II. Ground Level Parking Structures.

- i. Shall be screened by use of evergreen shrubs. One (1) evergreen shrub shall be planted every three (3) feet on center, spaced linearly to create a hedge row.
- ii. Shrubs shall be a minimum five (5) gallon container at time of planting.
- iii. Dead plant material shall be replaced in a timely manner.

5. Lighting.

- a. Site and building lighting shall be minimized to the extent necessary to meet safety purposes.
- b. Lighting shall not be aimed nor spill onto adjacent properties.
- c. Automatic switching controls that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device shall be provided.
- d. Full cut-off fixtures are required.
- e. The following are prohibited:
 - I. Low pressure sodium and mercury vapor light sources.
 - II. Neon.
 - III. Exposed light source.
 - IV. Uplighting.
- f. Freestanding outdoor lighting fixtures shall:
 - I. Only be permitted for parking lots or drop off areas.
 - II. Not be taller than twenty-four (24) feet, or not be taller than sixteen (16) feet within fifty (50) feet of a residential district or on the rooftop of a parking structure.

17.04.040 RF-R – Riverfront Residential District Specific Standards

The following lot standards, building placement, building height, easements, and related information for the RF-R District is primarily relayed in tables and figures. Utilize the reference to the left of a table as a guide to the visual representation of the regulations via figures. All figures are for illustrative purposes only.

A. Bulk and Dimensional Standards.

1. **Lot Standards.** Required lot standards shall be as established Table 17.04.040.A.1 and illustrated in Figure 4.16.

Table 17.04.040.A.1: RF-R Lot Standards		
Figure Reference	Lot Standards	District
		RF-R
<i>Lot Size (min / max)</i>		
	Dwelling, single-family	2,300 sq ft / 3,600 sq ft
	Dwelling, two-family or rowhome	N/A / 3,000 sq ft per dwelling
	Dwelling, multifamily	10,000 sq ft / 22,000 sq ft
<i>Lot Width (min / max)¹</i>		
Figure 4.16	Dwelling single-family	30 ft / 40 ft
Figure 4.16	Dwelling, two-family or rowhome	16 ft / 30 ft per dwelling
	Dwelling, multifamily	90 ft / 200 ft
<i>Lot Coverage (max)</i>		
Figure 4.16	Dwelling, single-family	70%
Figure 4.16	Dwelling, two-family or rowhome	80% per lot
	Dwelling, multifamily	65%
<i>Notes:</i>		
1 Corner lot width, or two family or rowhome interior end unit, may be increased by five (5%) feet, maximum area to increase proportionate to the additional width.		

Figure 4.16: RF-R Building Placement Configurations



2. **Setbacks.** Required setbacks shall be as established in Table 17.04.040.A.2 and illustrated in Figure 4.17, and Figure 4.18.

Table 17.04.040.A.2: RF-R Setback Requirements		
Figure Reference	Setbacks	District
		RF-R
Streetfront (min / max)		
Figure 4.17 A	Dwelling, single-family, two-family or rowhome	10 ft / 14 ft
Figure 4.17 A	Dwelling, multifamily	14 ft / 18 ft
Courtfront (min / max)		
Figure 4.17 B	Dwelling, single-family, two-family or rowhome	8 ft / 12 ft
Figure 4.17 B	Dwelling, multifamily	10 ft / 14 ft
Side Interior (min)		
Figure 4.17 C	Dwelling, single family, two-family or rowhome end	5 ft
Figure 4.17 C	Dwelling, two-family or rowhome attached	0 ft
Figure 4.17 C	Dwelling, multifamily	10 ft
Side Street (min)		
Figure 4.17 D	Dwelling, single family, two-family or rowhome	5 ft
Figure 4.17 D	Dwelling, multifamily	10 ft
Figure 4.17 E	Rear/alley/lane (min)	5 ft
Riverfront (min) from edge of floodway		
Figure 4.18 F	Dwelling, single family, two-family or rowhome	5 ft
Figure 4.18 F	Dwelling, multifamily	10 ft

Figure 4.17: RF-R General Setbacks

Not to scale. Illustrative only.

--- Parcel Line ■ Buildable Area
- - - Setback

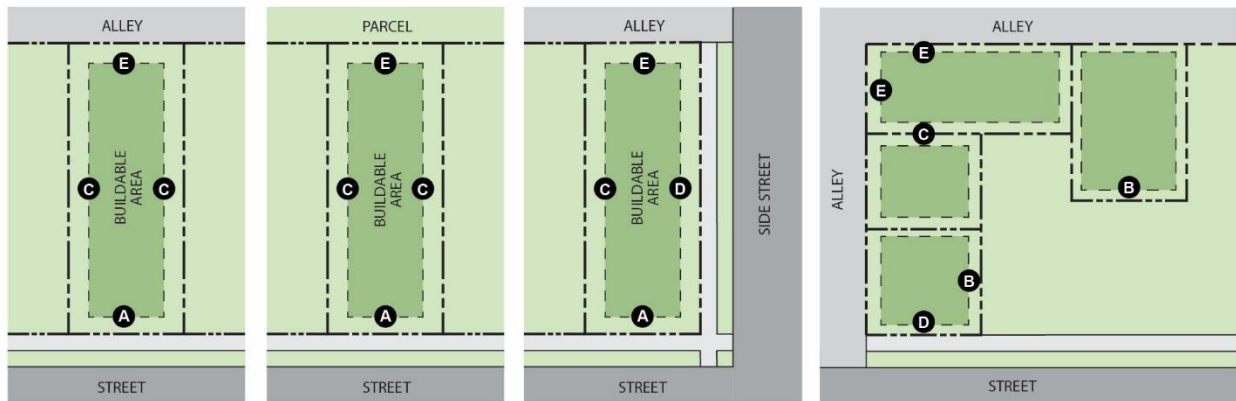
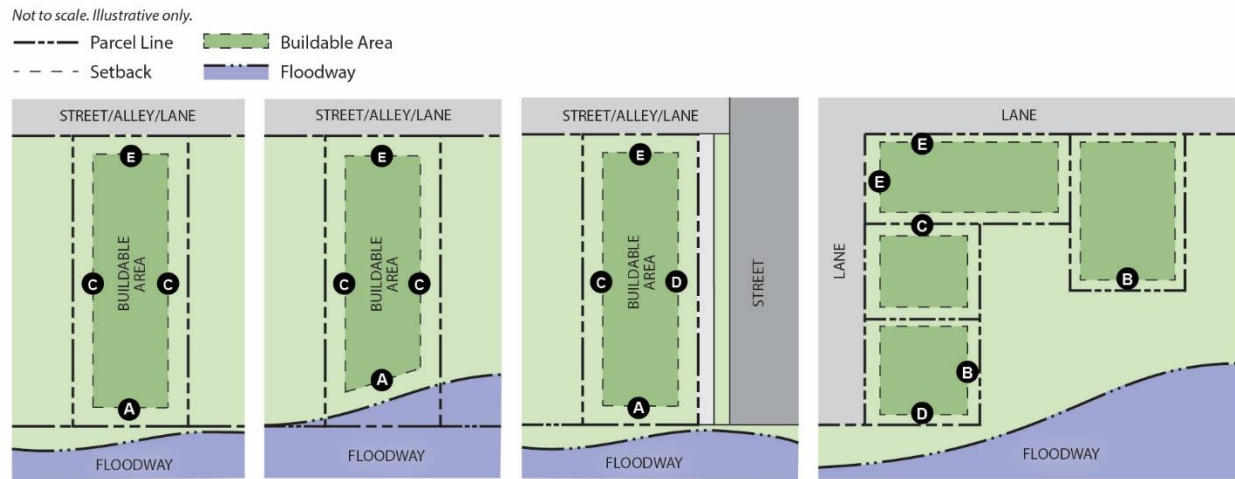
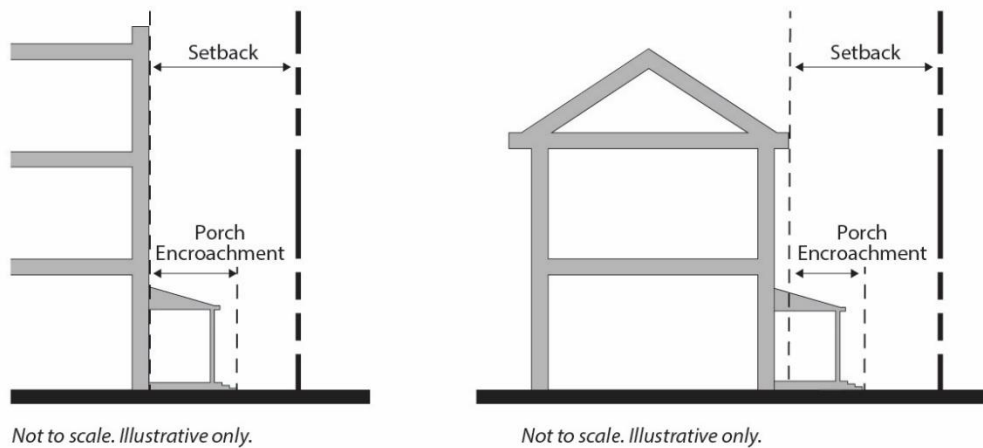


Figure 18: RF-R Floodway Setbacks

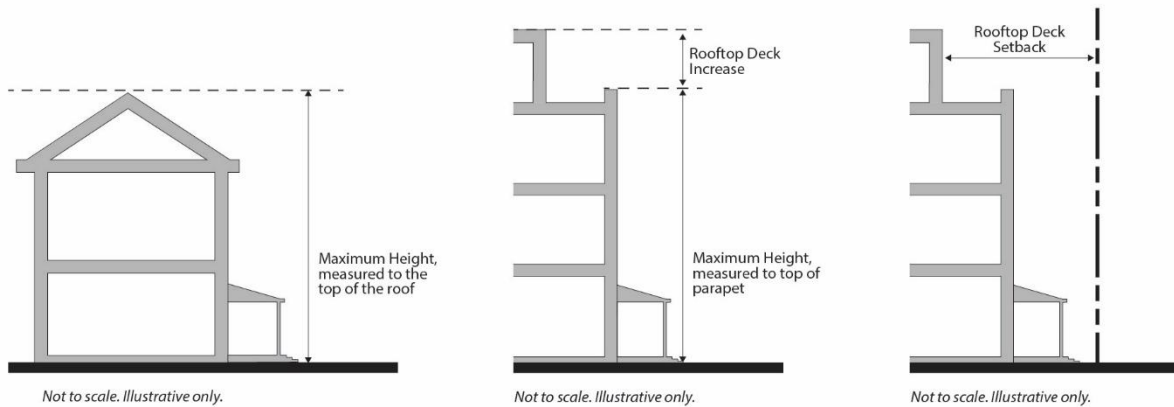
3. **Setback Encroachment.** As illustrated in Figure 4.19, porches, patios, and stoops are permitted to encroach into required setbacks a maximum of four (4) feet.

Figure 4.19: RF-R Setback Encroachment

4. **Building Height.** Required building heights shall be as established in Table 17.04.040.A.3 and illustrated in Figure 4.20.

Table 17.04.040.A.3: RF-R Building Height		
Figure Reference	Building Height	District
		RF-R
Figure 4.20	Maximum	37 ft
Figure 4.20	Height Increase for Enclosed Rooftop Access	$\leq 20\%$ of floorplate area, not taller than 43 ft, and not be closer than 20 ft from a street setback.

Figure 4.20: RF-R Building Height



B. **Uses.** Table 17.04.040.B details the uses that are allowed in the RF-R District. The following key shall be used in the interpretation of Table 17.04.040.B.

1. **Permitted Uses.** Uses which are marked as “P” in the table shall be allowed subject to all applicable regulations of this UDC.
2. **Conditional Uses.** Uses which are marked as “C” in the table shall be allowed only after the issuance of a conditional use permit pursuant to Section 17.10.020 of this UDC.
3. **Special Review Uses.** Uses which are marked as “S” in the table shall be allowed only after the issuance of a special review use permit pursuant to Section 17.10.040 of this UDC.
4. **Prohibited Uses.** A blank space in the table indicates that a use type is not allowed in the respective subarea.
5. **Uses Not Listed.** If a proposed use is not listed in the table, the Zoning Administrator shall determine if the use is substantially similar to a use listed in the table. If it is, they shall treat the use in the same manner as the “similar” use. If not, the use shall be regarded as prohibited.
6. **Additional Regulation.** If a use has use specific standards, as detailed in Chapter 17.05 of this UDC, they are referenced in this column. Use specific standards shall apply to permitted, conditional, and special review uses.

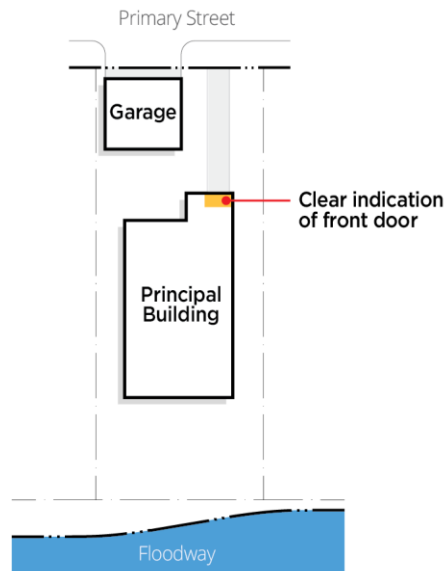
Table 17.04.040.B: Permitted, Conditional, and Special Review Uses in RF-R		
Uses	Additional Regulation	District RF-R
Accessory dwelling unit ¹		C
Accessory structure		P
Accessory use		P
Bed and breakfast	17.05.070.A	C
Boarding or rooming house	17.05.070.B	C
Dwelling, single-family		P
Dwelling, two-Family		P
Dwelling, rowhome		P
Dwelling, multifamily ²		P
Childcare, family		P
Food cart or truck	17.05.150.C	P
Home based business	17.05.140.H	P
More than one principal building per lot		C
Utility services, limited		P
Special events	17.05.150.G	P
Vehicle parking lot and garage accessory to the principal use		P
Wireless service facilities	17.05.130.A	P
Yard sales	17.05.150.H	P
Notes:		
1 Single-Family dwelling lot only, max. size of dwelling unit is fifteen (15) percent of total lot area		
2 No more than twenty-five (25) percent of units in a multifamily development shall have three or more bedrooms.		

C. Design Standards.

1. No outside storage shall be visible from the riverwalk or a street.
2. Ground floor living spaces shall be raised a minimum of eighteen (18) inches above grade to provide a transition from the public realm to the private realm.

D. General Site Standards.

1. As illustrated in Figure 4.21, a lot which provides access to a garage or other parking in the front setback shall provide a clear indication from a street or lane where the front door to a housing unit is located.

Figure 4.21: Residential Front Door Visibility**E. Landscaping, Fencing, and Screening.****1. Trees.**

- a. **Street Trees.** One (1) deciduous tree shall be planted per every thirty-five (35) feet of street frontage.
- b. **Per Lot.**
 - I. Dwelling, single-family, two-family, townhome: One (1) deciduous tree shall be planted per lot.
 - II. Dwelling, multifamily: One (1) deciduous tree shall be planted per five (5) units.

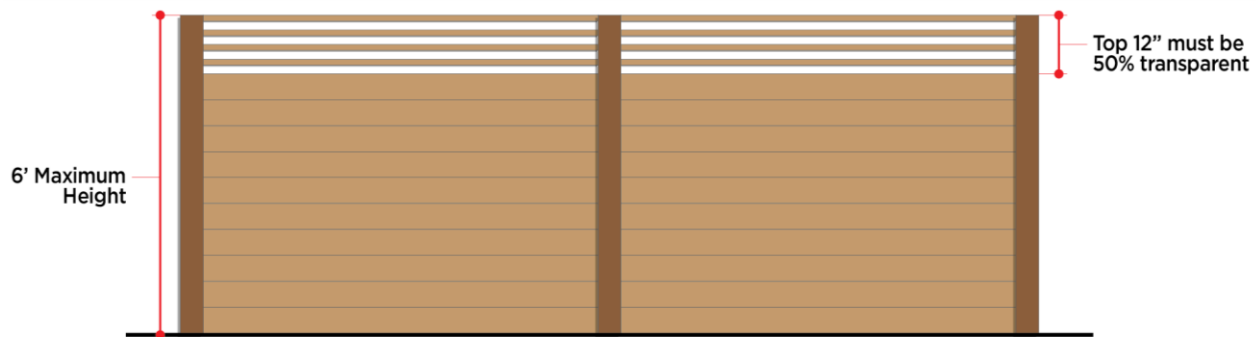
2. Pervious Surfaces.

- a. A minimum of sixty (60) percent of the front setback shall be planted and maintained with live plant material.
- b. A variety of plant materials shall be employed to provide year-round interest.
- c. Drought tolerant and native plant material shall be used to the greatest extent possible.

3. Fencing.

- a. As illustrated in Figure 4.22, fences with a maximum height of seventy-two (72) inches shall be permitted in a front setback along a street or a lane if the opposite side of the property is abutting the floodway with no vehicular access, and vehicular access is from the street or lane.
- b. As illustrated in Figure 4.22, the top twelve (12) inches of a fence shall be fifty (50) percent transparent.
- c. Fences shall be set back eighteen (18) inches from the property line.
- d. Fencing and landscaping shall meet vision triangle requirements.

Figure 4.22: RF-R Fences



4. **Screening.** Multifamily shall meet the screening requirements for structured parking as detailed in Section 17.04.030(F)(4)(b)(II).

F. Lighting.

1. Site and building lighting shall be minimized to the extent necessary to meet safety purposes.
2. Lighting shall not be aimed nor spill onto adjacent properties.
3. Automatic switching controls that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device shall be provided.
4. Full cut-off fixtures are required.
5. The following light sources are permitted:
 - a. Incandescent.
 - b. LED.
 - c. Lighting sources permitted in the RF-MU District may be approved by the Zoning Administrator at the time of site plan review for multifamily buildings over twelve (12) units in size.
6. The following are prohibited:
 - a. Neon.
 - b. Pole mounted lighting over eight (8) feet in height.

Chapter 17.05 Use Specific Standards

17.05.010. Agricultural Use Specific Standards.....	1
17.05.020. Residential Use Specific Standards.....	2
17.05.030. Commercial Retail Use Specific Standards	11
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17.05.010. Agricultural Use Specific Standards

A. Community Garden.

1. The name and contact information of the responsible person or organization shall be clearly posted and maintained for the duration of the existence of the Community Garden.
2. Accessory structures shall be limited in gross floor area to ten (10) percent of the of the lot used for the Community Garden, shall have a maximum height of twelve (12) feet including any pitched roof, and shall be limited to the following accessory structure types:
 - a. Storage Sheds,
 - b. Hoop Houses,
 - c. Cold Frames.
3. All compost and/or organic matter on the site shall:
 - a. Not cover more than ten (10) percent of the total area of the property,
 - b. Be screened from view from adjacent property and the public right-of-way,
 - c. Be managed to prevent the harborage or habitation of rodents and pests,

- d. Be maintained to prevent odors, and
- e. Be located to prevent leachate from flowing onto adjacent property or into natural or human-made storm channels.
- 4. The site shall be designed and maintained to prevent water from irrigation and/or other activities and/or fertilizer from draining onto adjacent property.
- 5. Trash areas shall be provided and screened from view from adjacent property and the public right-of-way.

B. Livestock.

- 1. Livestock may be kept in the R-1, R-2, and R-3 Districts only on a contiguous tract of land which is in excess of one (1) acre in area. Livestock may be kept in the R-L District only on a contiguous tract of land which is in excess of fifteen thousand (15,000) square feet. Such area shall be controlled by the owner of such livestock through ownership or by lease or similar agreement.
- 2. No more than one (1) hoofed animal shall be kept per half (0.5) acre of land provided in the R-1, R-2 and R-3 Districts. No more than one (1) hoofed animal shall be kept per every fifteen-thousand (15,000) square feet of land provided in the R-L District, and, thereafter, every portion of land that calculates into more than one-half (0.5) animal unit allowed on the property will be considered as one (1) for determining the total number of animals permitted in the R-L District only.
- 3. All manure, bedding, spillage, and leftovers from feedings shall be removed and disposed of to prevent fly and rodent propagation or odor.
- 4. Fencing of the lot where livestock is kept must be constructed and maintained so that the animals are kept twenty-five (25) feet from a residence on an adjoining lot. Where animals and livestock are restricted to a smaller portion of the total lot area by the corral, pen, sty, or any other type of enclosure, said enclosure shall be located the furthest reasonable distance possible from any residence on any adjoining lot taking into account the surrounding adjacent uses and the size and shape of the lot on which the enclosure is situated. All fencing must be constructed and maintained in a manner that prevents the enclosed animals from damaging crops, structures or objects on any adjoining lot.
- 5. The keeping or sheltering of livestock shall be conducted in a manner that does not constitute a nuisance or health hazard under any ordinance of the City or applicable law of the state.

17.05.020. Residential Use Specific Standards

- A. **Group Home.** Group homes for the aged, developmentally disabled, and/or behavioral or mental health disorders, shall be regulated in accordance with Colorado law.
- B. **Manufactured Home.**
 - 1. **Minimum Dimensions.** All manufactured homes shall not be less than twenty-four (24) feet wide and thirty-six (36) feet long.
 - 2. **Required Foundation.** Manufactured homes shall be installed on an engineered permanent foundation.
 - 3. **Materials and Design.** Manufactured homes shall feature brick, wood, or cosmetically equivalent exterior siding and a pitched roof.
 - 4. **External Standards.** All manufactured homes shall be certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq., shall meet any applicable standards of the Canon City Building Code, and shall be built for the Colorado climate and snow loads according to the Department of Housing and Urban Development standards established under the provisions of 42 U.S.C. 5401, et seq.

C. Marijuana Cultivation for Personal Use.**1. Intent, Authority, Applicability, and Interpretation.**

- a. **Intent.** This Section is intended to apply to the growing of medical and recreational marijuana in residential structures.
- b. **Authority.** The City's authority to adopt this Section is found in Articles XVIII, Sections 14 and 16 of the Colorado Constitution, the Local Government Land Use Control Enabling Act, Section 29-20-101, C.R.S.; Section 31-23-101, C.R.S. (municipal zoning powers); Sections 31-15-103, 31-15-401, C.R.S. (municipal police powers); Section 31-15-501, C.R.S. (municipal authority to regulate businesses); and the Home Rule Charter of the City of Cañon City.
- c. **Applicability.** This Section shall apply to all property within the City.
- d. **Interpretation.** Nothing in this Section shall be interpreted to permit the establishment or operation of any retail marijuana or medical marijuana businesses, as defined under the Colorado Marijuana Code (Title 44, Article 10 of the Colorado Revised Statutes), as may be amended, unless such businesses are expressly permitted by the City of Cañon City Municipal Code.

2. Prohibitions with Respect to Cultivation of Marijuana.

- a. Any person who is twenty-one (21) years of age or older may possess, cultivate, or process no more than six (6) marijuana plants for personal use, with no more than three (3) plants being mature, in a residential structure subject to the limitations in this Section.
- b. Any person who is eighteen (18) years of age and a patient or caregiver may cultivate, or possess, no more than twelve (12) marijuana plants for medical use, with no more than six (6) plants being mature, in a residential structure subject to the requirements in this Section.
- c. Any cultivation allowed under this section may only occur in a secured area, located in a residential structure that is the person's primary residence, or associated with the person's primary residence in the case of allowed accessory structures, or a residential structure that is the primary residence of another person, or associated with that other person's primary residence, and used with the written permission of that owner.
- d. The secured area in a detached single-family dwelling shall not exceed one hundred (100) square feet and a height of ten (10) feet.
- e. A detached accessory structure with a secured area must be located at least twenty (20) feet from any neighboring residential dwelling unit. The detached accessory structure may not greater than one hundred (100) square feet in area or more than ten (10) feet in height.
- f. The secured area within an attached or detached garage shall not be greater than one hundred (100) square feet.
- g. No kitchen, bathroom, or primary bedrooms within a detached single-family dwelling may be used for cultivation.
- h. No marijuana cultivation shall be conducted openly or publicly.
- i. No marijuana produced under this section shall be made available for sale.
- j. Any secured area within a garage or accessory structure, including all walls, doors, and the roof, shall be constructed with a firewall assembly of green board meeting the minimum building code requirements for residential structures and include material strong enough to prevent entry except through an open door.
- k. All high-intensity discharge (HID) lighting, including, but not limited to, Mercury-vapor lamps, Metal-halide (MH) lamps, Ceramic MH lamps, Sodium-vapor lamps, high-pressure Sodium (HPS) lamps and Xenon short-arc lamps,

are prohibited with respect to the indoor cultivation of marijuana unless the electrical system to which such lamps are connected has been inspected and approved by a qualified State electrical inspector. Thereafter, as a condition to the continued use of HID lighting, the Cañon City Area Fire Protection District shall be invited by the person, no less often than once annually, to inspect such electrical system and associated HID lighting to determine whether such system and lighting are set up and operated in a manner that takes into account the reasonable safety needs of first responders in the event of a fire. The dates and outcomes of such inspections shall be documented in writing by the Cañon City Area Fire Protection District and made available to the person and the City.

- l. No marijuana cultivation activity shall result in the emission of any gas, vapors, odors, smoke, dust, heat or glare that is noticeable at or beyond the property line of the structure at which the cultivation occurs. Sufficient measures and means of preventing the escape of such substances from a structure must be provided at all times. In the event that any gas, vapors, odors, smoke, dust, heat or glare or other substances exit a structure, the owner of the subject premises shall be liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition.
- m. The owner shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state, and local laws and regulations. In the event there is a lessee of the subject premises, the owner and the lessee shall be jointly and severally liable for such conditions.
- n. Other provisions of this chapter notwithstanding, a permit issued by the City (for which no fee shall be charged) is required for an accessory structure used for growing marijuana.
- o. It is unlawful for any person to use compressed, flammable gas as a solvent in the extraction of THC or other cannabinoid in any structure used or intended for use as a residence or any accessory structure associated with a structured used or intended for use as a residence.
- p. It is unlawful to cultivate marijuana in any structure without complying with applicable building and fire codes, applicable plumbing and electrical codes, and all applicable setbacks, bulk and other zoning requirements for the district within which the cultivation occurs, including, but not limited to, those specifying maximum lot coverage and height requirements.
- q. It is unlawful for any person to store chemicals used for cultivation inside of the habitable areas of a residence.
- r. It is unlawful for any person to conduct or permit the conduct of any marijuana cultivation activity that adversely affects the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, noxious odors, traffic, vibration, or other similar impacts.
- s. It is unlawful for any person to conduct any marijuana cultivation or processing activity in a manner that involves the use or storage of chemicals, products, wastes or processes in a manner that is hazardous to the health or safety of nearby residents or to the health and safety of the occupants of the place where such marijuana is cultivated or processed.

3. Penalties.

- a. Any person who violates any provision of this section is guilty of a misdemeanor and upon conviction thereof shall be punished by a mandatory minimum fine that shall not be less than five hundred (500) dollars nor more than the maximum fine provided for at Section 1.28.010 of the City of Cañon City Municipal Code.
- b. Every day, or portion thereof, any nuisance exists or continues, shall constitute a separate offense. In determining whether to impose a fine in an amount greater than the mandatory minimum provided for in subsection a, the court shall take into account, whenever applicable, the number of marijuana plants being grown that are in excess of the number of plants, if any, that the convicted violator is authorized to cultivate under the provisions of this section and/or the area within which such plants are grown is in excess of one hundred (100) square feet. Fines in excess of the mandatory minimum are recommended when such violations involve plant counts and grow areas that exceed the maximum number of plants and maximum grow areas permitted under this section

D. Mobile Home.

1. **Minimum Dimensions.** Mobile homes shall be eight (8) body feet or more in width and is thirty-two (32) body feet or more in length.
2. **Required Chassis and Services.** Mobile homes shall be built on a permanent chassis without a permanent foundation when connected to required utilities and including the plumbing, heating, air-conditioning and electrical systems contained therein.

E. Mobile Home Park.

1. Design Standards for Mobile Home Parks.

- a. **Mobile Home Rental Spaces.** Rental spaces within a mobile home park shall be clearly delineated and shall include a rental pad for the placement of a single-wide or double-wide mobile home or a tiny home, and areas for required parking spaces, walkways, patios and open yard area. Rental spaces shall be designed as single-wide or double-wide spaces. All mobile home rental spaces shall be equipped with hookups for utilities to include domestic water, sanitary sewer, electricity, natural gas, telephone, broadband, and cable television (optional). At least one (1) outside water spigot shall be provided on each rental space.
- b. **Mobile Home Rental Pads.** A rental pad shall be provided on each mobile home rental space. Rental pads shall be of sufficient size to accommodate the maximum length and width of the mobile home or tiny home to be placed upon it and shall be so located within the rental space to allow compliance with all setback requirements, especially in relation to the placement of porches, decks, carports, garages or other additions. Surfacing of the rental pad shall be a minimum of either:
 - I. Twelve (12) inches of gravel compacted to ninety-five (95) percent standard proctor density,
 - II. Eight (8) inches of compacted gravel under two (2) inches of asphalt mat, or
 - III. Five (5) inches of concrete on compacted native material.

The use of asphalt or concrete as the surfacing material shall require the approval of the Public Works Director. The cost of providing compaction tests shall be payable by the applicant. The rental pad shall be constructed in conformance with the approved grading plan. The hookups for utilities (domestic water, sanitary sewer, electricity, natural gas shall be permanently installed within the rental pad area to facilitate an orderly connect/disconnect of the utilities to/from the mobile home unit.

- c. **Bulk and Dimensional Standards.** The bulk and dimensional standards for Mobile Home Parks shall be as detailed in Table 17.05.020.B.1.c.

Table 17.05.020.B.1.c: Mobile Home Park Bulk and Dimensional Standards	
Standard	Requirement
<i>Minimum rental space area</i>	
Single-wide mobile home	4,000 sq ft
Double-wide mobile home	5,200 sq ft
<i>Minimum rental space width</i>	
Single-wide mobile home	40 ft
Double-wide mobile home	55 ft
<i>Maximum rental space coverage</i>	
Single-wide and double-wide mobile home	45%
<i>Minimum setback, all parks established prior to 12/31/91</i>	
Abutting interior roadway	10 ft
Abutting public right-of-way	15 ft
Abutting property line other than public right-of-way, Principal structure	10 ft
Abutting property line other than public right-of-way, Accessory structure	5 ft
Separation between all structures on adjoining spaces, side and rear	10 ft
<i>Minimum setback, all parks established after 12/31/91</i>	
Abutting interior roadway	15 ft
Abutting public right-of-way	25 ft
Abutting property line other than public right-of-way, Principal structure	25 ft
Abutting property line other than public right-of-way, Accessory structure	5 ft
<i>All parks established after 12/31/91 but before 12/31/97</i>	
Separation between all structures on adjoining spaces, both side and rear	10 ft
<i>All parks established after 12/31/97</i>	
Setbacks from interior side and rear space lines not abutting roadway, public right-of-way or property line	5 ft

d. **Streets, Roadways and Parking Areas.**

- I. Improvements to abutting public rights-of-way and neighboring off-site rights-of-way shall be as required during the review process for the mobile home park. These improvements may include, but not be limited to, street surfacing, sidewalks, curb and gutter, water mains, sewer mains, and drainage structures. Interior streets within the mobile home park shall be considered private streets and shall have at least two (2) direct access points to an abutting public right-of-way. Parks with more than fifty (50) rental spaces shall have one (1) or more additional access points to an abutting public right-of-way. The following street widths and associated off-street parking space requirements shall be provided for any interior street:
 - i. Parking both sides: Thirty-six (36) feet (one [1] off-street parking space per rental space),
 - ii. Parking one (1) side: Thirty (30) feet (two [2] off-street parking spaces per rental space),
 - iii. No on-street parking: Twenty-four (24) feet (two [2] off-street parking spaces per rental space, plus one [1] space per two [2] rental spaces for visitors).
- II. Parking spaces within a mobile home park shall meet the standards as set forth in Section 17.06.010(C), Dimensional standards, of this UDC. The surface of interior streets and parking spaces shall comply with the surfacing requirements as set forth in Subsection 17.06.010(C)(2) of this UDC.

- e. **Storage Areas.** Recreational vehicle and equipment storage space shall be provided at the rate of one hundred (100) square feet per mobile home rental space and in such a manner as to not distract from the orderly appearance of the residential atmosphere.

- f. **Sidewalks.** Sidewalks, a minimum width of five (5) feet, shall be provided adjacent to all interior streets. The sidewalk may be so constructed as to provide a curb alongside the street surfacing or may be placed adjacent to a standard curb and gutter. Sidewalks shall be constructed of concrete, four (4) inches minimum thickness, over a four (4) inch thick compacted granular material base.
- g. **Water System.** Water main improvements in abutting public rights-of-way shall be as required during the review process for the mobile home park and shall be installed in compliance with applicable City specifications. A master meter generally located in the public right-of-way at the property line shall serve the water system inside the mobile home park. In situations where a six (6) inch water main is installed to serve fire hydrants located within the park, a smaller private water main may be connected to the six (6) inch fire main to provide the domestic water to the mobile home rental spaces. A master meter shall be installed where the smaller main is connected to the larger main. Private meters for the individual services are optional but may be used only after obtaining City Council approval.
- h. **Sanitary Sewer System.** Sanitary sewer service must be connected to a Sanitation District public sewer main. The interior sewer system to serve each mobile home rental space shall be approved by the Sanitation District.
- i. **Stormwater Management.** A stormwater management plan shall be prepared by a registered professional engineer to address the stormwater runoff from the mobile home park. In most cases, an on-site stormwater detention facility will be required. An overlot grading plan must be submitted to show that each rental pad will be adequately drained.
- j. **Floodplain.** For purposes of applying applicable floodplain development regulations the Public Works Director shall review and approve all applications for new or modified mobile home parks.
- k. **Area Lighting.** Lighting shall be provided with a minimum of 0.3 footcandles on all driveways and walks. Streetlights shall be provided as required during the review process.
- l. **Addressing.** Each mobile home park shall have a designated street address, which shall appear on the sign identifying the park (see Section 17.07.050, Permanent Sign Types). Within the park, each mobile home rental space shall be clearly identified with space numbers placed on or adjacent to the manufactured home. Such numbers shall be not less than two and one-half (2.5) inches in height and shall be so marked as to be distinctly and easily read from the abutting street.
- m. **Refuse Disposal.** The storage, collection, and disposal of refuse in a mobile home park shall be so conducted as to control odors, rodents, insects, accidents, fire hazards, air pollution, or other nuisance conditions.
 - I. Durable, washable, and nonabsorbent metal or plastic containers with tight-fitting lids shall be provided at each mobile home rental space or at a central storage area conveniently located not more than two hundred (200) feet from any mobile home rental space. Refuse containers shall be provided at a rate of at least one (1) thirty (30) gallon (four (4) cubic feet) container for each mobile home rental space or an equivalent storage capacity in centralized storage facilities. Any such centralized facility shall be screened from the public view in accordance with the standards set forth in Section 17.06.040.
 - II. The number of containers used and the frequency of collection shall be sufficient to prevent overfilled containers. Refuse shall be routinely collected and removed from the premises not less than once weekly. Refuse shall be disposed of at a lawful disposal site in accordance with the requirements of the Colorado Solid Waste Disposal Sites and Facilities Act.
- 2. **Extensions, Additions or Modifications to Existing Parks.** Existing parks shall meet all current standards prior to any extension of, additions to and/or modifications to the park except for any modification which does not result in a violation of this UDC.
- 3. **Licensing, Management, and Operation.**

- a. **Licensing Requirements.** No person shall operate or maintain within the City any mobile home park without first securing from the City Clerk a license for the same according to the provisions set forth in Chapter 5.34, Mobile Home Parks, of the City of Cañon City Municipal Code.
- b. **Management and Operation.**
 - I. Each mobile home park shall be under the direct management of the owner or lessee, or their agent or representative. Such person shall operate the park from an office located on the grounds, in which office shall be maintained all registration records and in which there shall be displayed the license for such mobile home park.
 - II. It shall be the duty of the manager of each mobile home park:
 - i. To prohibit the placing or storage of unsightly materials or vehicles of any kind on the premises,
 - ii. To provide a registration book and keep a complete record of the names and addresses of the occupants of each mobile home admitted to the park and the mobile home serial number, and shall furnish copies thereof to the Chief of Police upon demand, and the same shall be subject to inspection by any State, County, City Police or Code Enforcement Officer,
 - iii. To take such other measures as may be deemed necessary by the City Council to preserve the health, comfort, and safety of all persons in the park and of the general public.
- c. **Inspection Authority — License Revocation.** All officers of the City shall have access to each mobile home park at all reasonable times to inspect the same and ascertain whether the standards of this UDC are being complied with. If any person operating a mobile home park shall fail to maintain the same in a safe and sanitary condition, or maintains and operates it contrary to the requirements and regulations set forth in the ordinances of the City, or contrary to the requirements and regulations herein set forth, it shall be the duty of the City Administrator, with approval of the City Council, to revoke such mobile home park license.

4. **Standards for Mobile Home Installation and Placement.**

- a. Mobile home park owners and managers shall notify the City prior to any mobile home placement within their park. A Mobile Home Skirting Permit shall be obtained prior to, or upon delivery of, any mobile home.
- b. The owner of a mobile home shall request a placement inspection at the time of the installation of the mobile home, and a skirting inspection within sixty (60) days of the placement of the unit and shall be responsible for compliance with all other applicable City, state and county laws, codes and regulations.
- c. All mobile homes shall be installed and anchored in accordance with applicable state law.
- d. The frame, axles, wheels, crawl space, under-home storage area, and utility connections of all mobile homes shall be concealed from view by skirting. Skirting shall be of durable all-weather construction as manufactured specifically for the purpose of covering the under-carriage area of the mobile home; or as required by the FHA-VA agencies when that type of financing is in place; or as approved by the Code Enforcement Officer as equal to or better than the above. All skirting shall provide adequate ventilation.
- e. All applications for new or modified mobile homes shall comply with the City's floodplain regulations, as applicable.

5. Replacement Mobile Homes.

- a. Except as provided in paragraph b below, no replacement mobile home shall be moved onto any space within a mobile home park unless such mobile home is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. Section 5401 et seq and rules promulgated thereunder.
- b. A mobile home that was lawfully established as a dwelling unit within the City on or before July 15, 1998, and which has remained in the City and continuously been used as a dwelling unit at all times thereafter shall be exempt from the requirements of paragraph (a) and may be relocated to a lot within a mobile home park if such relocation can be accomplished in compliance with all other applicable laws, rules and regulations.
- c. All applications for replacement mobile homes shall comply with the City's floodplain regulations, as applicable.

F. Multifamily Dwelling, Complex.

1. The façades of buildings in multifamily dwelling complexes shall be improved as detailed below.

a. Primary Façade.

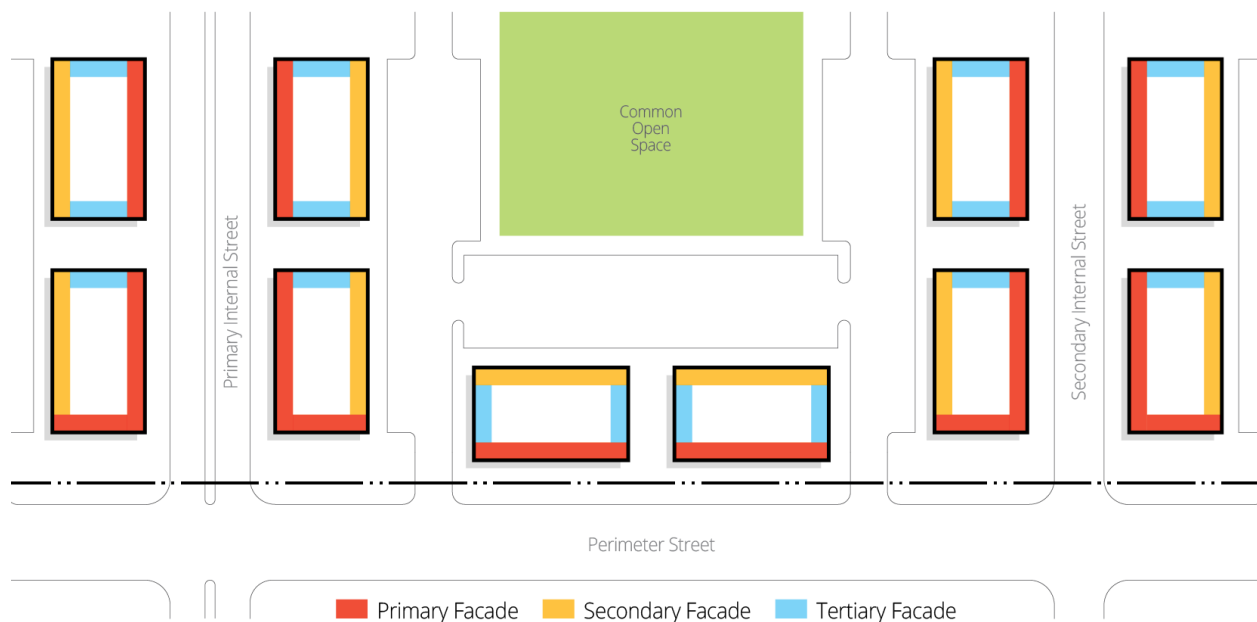
- I. The primary façade shall include the primary building entrance and shall be oriented towards the following (listed in priority order). Primary façades shall not be oriented towards off-street parking lots, garages, or carports.
 - i. Perimeter streets,
 - ii. Primary internal streets,
 - iii. Parks or other common open space, or
 - iv. Secondary internal streets.
- II. Building materials of primary façades shall be masonry, stone veneer systems, or stucco on the first level. Precast panels with stamped or inlaid brick texture, EIFS acrylic finishes, or quik-brik concrete masonry units may be utilized above the first level. However, in no instance shall the finish of the non-natural materials utilized mimic or match the texture of the natural materials utilized. A maximum of three building materials may be used on a primary façade. When two (2) or more building materials are used on a façade, the material used on the first level shall be visually heavier than the material used above the first level to give a sense of support and grounding. For example, masonry on the first level and EIFS acrylic stucco above.
- III. In order to provide for primary façade articulation, primary façades shall step back a maximum of two (2) feet and shall step forward a maximum of one (1) foot from the build-to-line for a minimum of forty (40) percent and maximum of seventy (70) percent of the primary façade.

b. Secondary Façade.

- I. The secondary façade shall be any façade not including the primary building entrance that is oriented towards the following:
 - i. Perimeter streets,
 - ii. Primary internal streets,
 - iii. Parks or other common open space, or
 - iv. Secondary internal streets.

- II. Building materials of secondary façades shall be a combination of masonry, stone veneer systems, stucco, precast panels with stamped or inlaid brick texture, EIFS acrylic finishes, or quik-brik concrete masonry units. Natural materials shall consist of a minimum of forty (40) percent of the façade. In no instance shall the finish of the non-natural materials utilized mimic or match the texture of the natural materials utilized. The type and design of materials utilized on the secondary façade shall complement those utilized on the primary façade.
 - III. In order to provide for secondary façade articulation, secondary façades shall step back a maximum of two (2) feet and shall step forward a maximum of one (1) foot from the build-to-line for a minimum of thirty (30) percent and maximum of seventy (70) percent of the secondary façade. Articulation of the secondary façade shall be complementary to the articulation of the primary façade.
- c. **Tertiary Façade.**
- I. The tertiary façade shall be any façade not considered a primary or secondary façade.
 - II. Building materials of tertiary façades may consist wholly of precast panels with stamped or inlaid brick texture, EIFS acrylic finishes, or quik-brik concrete masonry units, however, a combination of non-natural and natural materials is encouraged. The type and design of materials utilized on the tertiary façade shall complement those utilized on the primary and secondary façades.

Figure 5.1: Multifamily Complex Façade Locations



- 2. Parking shall be integrated into the overall site design to minimize visual impact, reduce the loss of trees, and be visually concealed from public rights-of-way.
- 3. Buildings shall be arranged and site circulation shall be designed to create a sense of a public realm by framing and defining open spaces, street frontages, and amenities.
- 4. Buildings and other site improvements shall be clustered to maximize contiguous areas that can be dedicated to stormwater management.

5. Building orientation shall reinforce site circulation patterns, open space patterns, and connections to other buildings on site.
6. Pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.

17.05.030. Commercial Retail Use Specific Standards

A. General Retail, less than 10,000 square feet.

1. The main entrance shall be oriented towards the primary street.
2. All off-street parking, as required in Section 17.06.010 of this UDC, shall be located in the rear and/or interior side setback. Off-street parking located in the interior side setback shall be set back a minimum of one (1) foot from the front elevation of the primary building.
3. A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the Public Works Director due to site-specific constraints.
4. Pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
5. Exterior building materials shall be time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.
6. Buildings shall be similar in mass and character to abutting residential properties including roof pitch, eaves, building materials, windows, and colors, when applicable.

B. General Retail, 10,000 square feet or greater.

1. All off-street parking, as required in Section 17.06.010 of this UDC, is encouraged to be located in the rear and/or interior side setback. Any portion of an off-street parking area located in the front or street side setback shall meet the requirements for Type B interior and perimeter parking lot landscaping.
2. Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every twenty-five (25) feet.
3. Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.
4. Curb cuts and site vehicular access shall be minimized in frequency, allowed movement, and width. Curb cuts shall not dominate the site plan or property and street frontage subject to the approval of the Public Works Director.
5. Pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
6. Exterior building materials shall be time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

17.05.040. Commercial Service Use Specific Standards

A. Amusement and Entertainment Facility, less than 10,000 square feet.

1. The main entrance shall be oriented towards the primary street.
2. All off-street parking, as required in Section 17.06.010 of this UDC, shall be located in the rear and/or interior side setback. Off-street parking located in the interior side setback shall be set back a minimum of one (1) foot from the front elevation of the primary building.
3. A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the Public Works Director due to site specific constraints.
4. Pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
5. Exterior building materials shall be time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.
6. Buildings shall be similar in mass and character to abutting properties including roof pitch, eaves, building materials, windows, and colors.

B. Amusement and Entertainment Facility, 10,000 square feet or greater.

1. All off-street parking, as required in Section 17.06.010 of this UDC, is encouraged to be located in the rear and/or interior side setback. Any portion of an off-street parking area located in the front or street side setback shall meet the requirements for Type B interior and perimeter parking lot landscaping.
2. Façades greater than one-hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every twenty-five (25) feet.
3. Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.
4. Curb cuts and site vehicular access shall be minimized in frequency, allowed movement, and width. Curb cuts shall not dominate the site plan or property and street frontage subject to the approval of the Public Works Director.
5. Pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
6. Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

C. Animal Boarding.

1. Every animal boarding facility shall, at all times, be licensed in accordance with state law.
2. Such facilities shall be maintained with regular and frequent cleaning to minimize the possibility of unhealthy or unsafe conditions. All manure, bedding, spillage and leftovers from feedings shall be removed and disposed of to prevent fly and rodent propagation or odor.
3. Any structure used for the boarding of animals shall be located at least twenty (20) feet from any side or rear property line.
4. Outdoor exercise areas shall not be located within three hundred (300) feet of a residential property.
5. Outdoor exercise areas shall be fully enclosed with a fence or wall with a minimum height of six (6) feet.
6. The hours of operation for outdoor areas shall be limited daily from 7:00 a.m. to 7:00 p.m.
7. The boarding of animals shall, to the extent applicable, comply with the terms, conditions and limitations that apply to the keeping of livestock, as set forth in Section 17.05.010 (B) of this UDC.
8. The boarding of animals shall be conducted in a manner that does not constitute a nuisance or health hazard under any ordinance of the City or applicable law of the state.

D. General Service, less than 10,000 square feet.

1. The main entrance shall be oriented towards the primary street.
2. All off-street parking, as required in Section 17.06.010 of this UDC, shall be located in the rear and/or interior side setback. Off-street parking located in the interior side setback shall be set back a minimum of one (1) foot from the front elevation of the primary building.
3. A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the Public Works Director due to site-specific constraints.
4. Pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
5. Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.
6. Buildings shall be similar in mass and character to abutting properties including roof pitch, eaves, building materials, windows, and colors.

E. General Service, 10,000 square feet or greater.

1. All off-street parking, as required in Section 17.06.010 of this UDC, is encouraged to be located in the rear and/or interior side setback. Any portion of an off-street parking area located in the front or street side setback shall meet the requirements for Type B interior and perimeter parking lot landscaping.
2. Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every twenty-five (25) feet.
3. Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.
4. Curb cuts and site vehicular access shall be minimized in frequency, allowed movement, and width. Curb cuts shall not dominate the site plan or property and street frontage subject to the approval of the Public Works Director.

5. Pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
6. Exterior building materials shall be time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

F. Kennels.

1. Every kennel shall, at all times, be licensed in accordance with state law.
2. Any kennel established within the City limits shall also be licensed pursuant to the requirements and provisions of Section 6.08.040 of the City of Cañon City Municipal Code.
3. All structures used to house animals, including dog runs and outdoor exercise areas, shall meet a minimum twenty-five (25) foot setback from all property lines.
4. Any outdoor area where animals are confined shall be fenced to prevent the animals from escaping.
5. Any outdoor area where animals are confined shall be graded and surfaced to provide proper drainage of stormwater and to prevent runoff from entering nearby ditches or other watercourses or neighboring property.
6. All animal waste shall be properly disposed of on at least a daily basis to prevent offensive odors, minimize disease hazards, and prevent vermin infestation.
7. The hours of operation for outdoor areas shall be limited daily from 7:00 a.m. to 7:00 p.m.

- G. Sexually Oriented Business.** All sexually oriented businesses shall be subject to the requirements and restrictions set forth in Chapter 5.42 of the City of Cañon City Municipal Code, and applicable provisions of Colorado law.

17.05.050. Eating and Drinking Use Specific Standards

RESERVE

17.05.060. Industrial Use Specific Standards

A. Artisan Manufacturing.

1. Gross floor area shall not exceed ten thousand (10,000) square feet.
2. Outdoor storage and/or outdoor operations or activities shall be prohibited.
3. Retail sales of goods manufactured on-site shall be permitted in nonresidential districts but shall be limited to twenty-five (25) percent of the total area of the building.
4. A maximum of one (1) residential unit shall be permitted but shall be limited to twenty-five (25) percent of the total area of the building.

B. Materials Recovery Facility: Type 1.

1. All recyclable commodities shall be of the clean, single- or dual-stream type so long as the commodities are not processed as part of a mixed waste stream.
2. Clean commodities shall have been separated from municipal solid waste before arriving at the recovery facility.
3. All recyclable commodities, pre- and post-processing, shall be stored within an enclosed building.

C. Materials Recovery Facility: Type 2. Any type of materials recovery that is not Type 1 shall be considered Type 2 and shall be required to be reviewed and approved through the special review use process.**17.05.070. Lodging Use Specific Standards****A. Bed and Breakfast.**

1. Off-street parking shall be provided at the rate of one (1) parking space for the dwelling owner and/or operator and one (1) parking space for each lodging room.
2. Off-street parking areas shall be designed to provide safe ingress and egress.
3. Off-street parking areas shall not be located in the front setback or closer to the front property line than the front elevation of the primary building.
4. In residential districts, landscaping and screening shall be provided to maintain the residential character of the building and preserve the right of neighboring residents to enjoy a peaceful occupancy of their homes.
5. Any outdoor lighting shall be full cut-off fixtures to minimize light shining onto adjacent properties.
6. All signage shall comply with applicable provisions of Chapter 17.07, Signs, of this UDC.
7. The property used for a bed and breakfast facility shall also serve as the primary residence of the owner or manager. The owner or manager may reside in either the principal or accessory dwelling.
8. Bed and breakfast facilities in residential districts may have no more than two (2) on-duty employees at any given time who do not reside in the bed and breakfast residence.
9. One (1) individual or group of guests shall not reside in a bed and breakfast for more than thirty (30) days in any calendar year.

B. Boarding or Rooming House.

1. Off-street parking shall be provided at the rate of one (1) parking space for each lodging room, plus one (1) parking space for each on-duty employee.
2. Meals shall be prepared and served only to residents in a common eating area.
3. No individual kitchen facilities shall be provided in the lodging rooms.
4. One (1) individual or group of guests may reside in the boarding or rooming house for no more than thirty (30) days.

17.05.080. Medical Use Specific Standards**A. Medical Marijuana Facility, Licensed.**

1. A licensed medical marijuana facility, in addition to being subject to the general requirements and restrictions applicable within such district, shall be subject to the requirements and restrictions set forth in Chapter 5.56 of the City of Cañon City Municipal Code, and applicable provisions of Colorado law.
2. Nothing in this section shall permit or be construed to permit any act, activity, or omission that is illegal under Colorado law.

17.05.090. Office Use Specific Standards

A. Business Park.

1. The façades of buildings in business parks shall be improved as detailed below.
 - a. **Primary Façade.**
 - I. The primary façade shall include the primary building entrance and shall be oriented towards the following (listed in priority order). Primary façades shall not be oriented towards off-street parking lots, garages, or carports.
 - i. Perimeter streets,
 - ii. Primary internal streets,
 - iii. Parks or other common open space, or
 - iv. Secondary internal streets.
 - II. Building materials of primary façades shall be masonry, stone veneer systems, or stucco on the first level. Precast panels with stamped or inlaid brick texture, EIFS acrylic finishes, or quik-brik concrete masonry units may be utilized above the first level. However, in no instance shall the finish of the non-natural materials utilized mimic or match the texture of the natural materials utilized. A maximum of three building materials may be used on a primary façade.
 - i. When two (2) or more building materials are used on a façade, the material used on the first level shall be visually heavier than the material used above the first level to give a sense of support and grounding. For example, masonry on the first level and EIFS acrylic stucco above.
 - III. In order to provide for primary façade articulation, primary façades shall step back a maximum of two (2) feet and shall step forward a maximum of one (1) foot from the build-to-line for a minimum of forty (40) percent and maximum of seventy (70) percent of the primary façade.
 - b. **Secondary Façade.**
 - I. The secondary façade shall be any façade not including the primary building entrance that is oriented towards the following:
 - i. Perimeter streets,
 - ii. Primary internal streets,
 - iii. Parks or other common open space, or
 - iv. Secondary internal streets.
 - II. Building materials of secondary facades shall be a combination of masonry, stone veneer systems, stucco, precast panels with stamped or inlaid brick texture, EIFS acrylic finishes, or quik-brik concrete masonry units. Natural materials shall consist of a minimum of forty (40) percent of the façade. In no instance shall the finish

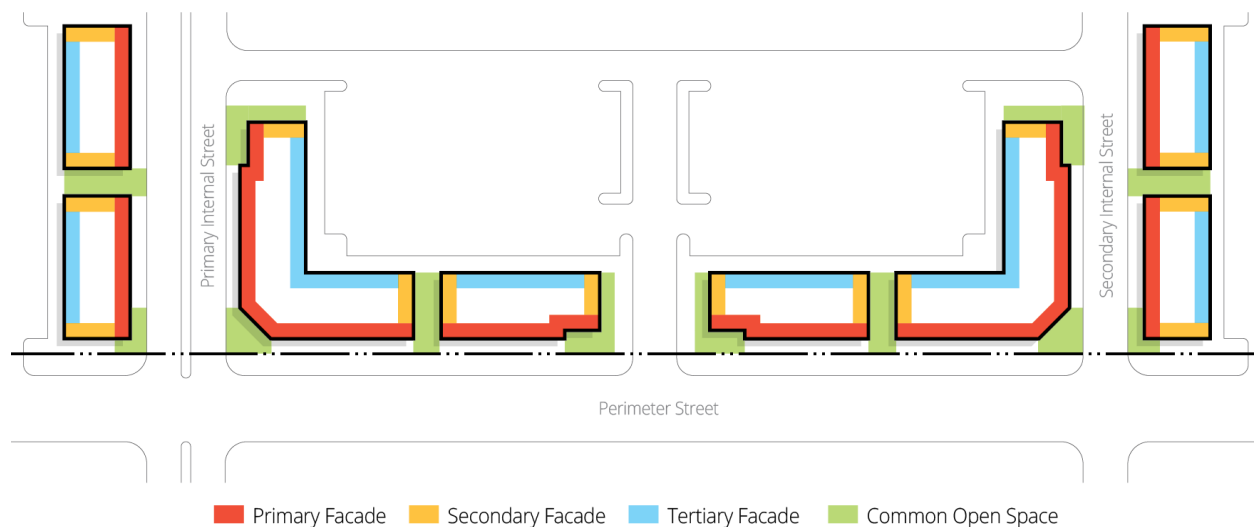
of the non-natural materials utilized mimic or match the texture of the natural materials utilized. The type and design of materials utilized on the secondary façade shall complement those utilized on the primary façade.

- III. In order to provide for secondary façade articulation, secondary façades shall step back a maximum of two (2) feet and shall step forward a maximum of one (1) foot from the build-to-line for a minimum of thirty (30) percent and maximum of seventy (70) percent of the secondary façade. Articulation of the secondary façade shall be complementary to the articulation of the primary façade.

c. Tertiary Façade.

- I. The tertiary façade shall be any façade not considered a primary or secondary façade.
- II. Building materials of tertiary façades may consist wholly of precast panels with stamped or inlaid brick texture, EIFS acrylic finishes, or quik-brik concrete masonry units, however, a combination of non-natural and natural materials is encouraged. The type and design of materials utilized on the tertiary façade shall complement those utilized on the primary and secondary façades.

Figure 5.2: Business Park Façade Locations



2. Parking shall be integrated into the overall site design to minimize visual impact, reduce the loss of trees, and be visually concealed from public rights-of-way.
3. Buildings shall be arranged, and site circulation shall be designed to create a sense of a public realm by framing and defining open spaces, street frontages, and amenities.
4. Buildings and other site improvements shall be clustered to maximize contiguous areas that may be dedicated to stormwater management.
5. Building orientation shall reinforce site circulation patterns, open space patterns, and connections to other buildings on site.
6. Curb cuts and site vehicular access shall be minimized in frequency, allowed movement, and width. Curb cuts shall not dominate the site plan or property and street frontage subject to the approval of the Public Works Director.
7. Pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.

B. Mobile Home Sales Office.**1. Time Limits.**

- a. No mobile home sales office shall be operated for a period that is longer than two (2) years, beginning on the date the mobile home sales office is approved as a special review use.
- b. Notwithstanding the foregoing, any mobile home sales office use authorized hereunder will terminate earlier than the expiration date of the two (2) year period if the mobile home park or mobile home subdivision in which such use was authorized is a minimum of ninety (90) percent occupied on a date that is earlier than the expiration date. In the case of a mobile home park, ninety (90) percent occupancy will be achieved when at least ninety (90) percent of the available spaces in the park are occupied by mobile homes which are occupied by residents. In the case of a mobile home subdivision, ninety (90) percent occupancy will be achieved when at least ninety (90) percent of the lots platted in the subdivision are occupied by mobile homes which are occupied by residents.

2. **Number of Model Homes.** The owner of a mobile home park or subdivision may establish, maintain, offer for sale or permit others to establish, maintain and offer for sale model mobile homes within such owner's park or subdivision. The number of model homes within a mobile home park or subdivision, including any mobile home used as a sales office, shall not exceed ten (10) percent of the total number of spaces or lots in the park or subdivision. Model homes are mobile homes set up in the park or subdivision which are offered for sale and location only in the park or subdivision.

3. **Location of Sales Office.** A mobile home sales office may be established either in a model mobile home or in a permitted accessory building located within the park or subdivision.

4. **Compliance with All Applicable Codes and Regulations.** Any mobile home used as either a mobile home sales office or a model home shall be installed in complete accordance with the requirements of Section 17.05.020(D)(4), Standards for Mobile Home Installation and Placement, and shall be connected to all utilities before it may be used for such purpose. A mobile home skirting permit shall be obtained prior to, or upon establishment of any mobile home. Any applicable setbacks or separation standards established for the mobile home park or subdivision shall be met when placing any mobile home. The owner shall also be responsible for compliance with all other applicable City, County and State laws, codes and regulations. No model home shall be established in any mobile home park or subdivision, and no mobile home sales office shall be open for business of any sort, until all infrastructure improvements required to be established within such mobile home park or subdivision have first been constructed and approved by the Public Works Director and, where appropriate, dedicated to and accepted by the City.

5. **Accessibility.** Any structure used as a mobile home sales office, whether it is an accessory building or a model mobile home, shall meet the standards for accessibility, as set forth in the most current version of the International Building Code adopted by the City.

6. **Hours of Operation.** In order to protect the peaceable enjoyment of the residents of the park or subdivision, the hours of operation of any mobile home sales office within any park or subdivision shall be limited to 8 a.m. to 8 p.m.

7. **Limitation on Location of Mobile Homes After Sale.** Any approval of a mobile home sales office within a mobile home park or mobile home subdivision shall be for the limited purpose of permitting a means for the owner to fill available spaces or lots within a new park or new subdivision where the sales office is located. It is unlawful for any person, who occupies, uses, or conducts business in a mobile home sales office, or who is authorized to occupy, use, or conduct business in a mobile home sales office, to sell, offer for sale, or to take or receive orders for the sale or purchase of any mobile home, including but not limited to model mobile homes, that will be delivered or placed anywhere other than in the mobile home park or mobile home subdivision where the mobile home sales office is located. For purposes of this section, "person" means and includes, but is not limited to, owners of mobile home parks and subdivisions and their employees, agents, licensees, and invitees.

8. The Zoning Administrator is authorized to issue orders for the immediate closure of any mobile home sales office that is or was used or otherwise operated in violation of this section or that is being used by any person who has violated

this section. It is unlawful for any person to continue operating or to allow the continued operation of a mobile home sales office following the Zoning Administrator's issuance of an order pursuant to this section. The owner of any mobile home park or mobile home subdivision who is affected by any such order shall have the right to a hearing before the Board of Adjustment, if such hearing is requested in writing within ten (10) days following the date the Zoning Administrator's order was served upon such owner. Service shall be in any manner permitted by the Colorado Rules of Civil Procedure. Any hearing requested pursuant to this section shall be conducted at a regular or special meeting of the Board of Adjustment. The sole issue at any hearing conducted pursuant to this subsection shall be whether the restrictions of this section were violated. It shall not be a defense that the owner of the mobile home park or mobile home subdivision did not know or was otherwise unaware that the requirements of this section had been or was being violated. Following any such hearing, the Board of Adjustment may direct the Zoning Administrator to rescind the closure order only if the applicant has proven by a preponderance of the evidence presented at the hearing that a violation of this section did not occur or is satisfied that a subsequent violation is not likely to occur.

9. **Signs.** The following signs shall be permitted in conjunction with the lawful operation of a mobile homes sales office within a mobile home park or subdivision:
 - a. **Mobile Home Sales Office.** One (1) sign, not exceeding ten (10) square feet in area and five (5) feet in height and mounted on the wall of the structure or within ten (10) feet of the structure and at least five (5) feet from any interior roadway.
 - b. **Model Mobile Homes.** One (1) sign per model unit, not exceeding five (5) square feet in area and five (5) feet in height and mounted on the wall of the structure or within ten (10) feet of the structure and at least five (5) feet from any interior roadway.
 - c. No sign shall be permitted in any mobile home park or mobile home subdivision which is found to create a vision clearance obstruction in violation of Section 17.06.060, Vision clearance.
10. No owner of a new mobile home park or mobile home subdivision shall have a right to open, use, authorize the use of, or otherwise operate a mobile home sales office within that owner's park or subdivision unless and until such owner has been permitted to do so pursuant to this section.
11. Nothing in this section shall be construed to authorize any owner of any mobile home park to establish a mobile home sales office or place mobile homes within a new mobile home park until such mobile home park is authorized to open by the Zoning Administrator in accordance with all other applicable requirements of this UDC.

17.05.100. Public/Institutional Use Specific Standards.

RESERVE

17.05.110. Recreational Use Specific Standards

- A. **Rafting Takeout Facility.** Rafting takeout facilities may be approved as a special review use only as detailed in Section 17.10.040 of this UDC.

17.05.120. Vehicle-Related Use Specific Standards

- A. **Gasoline Station.**
 1. All fuel pumps shall be set back a minimum of twenty-five (25) feet from the street right-of-way and side or rear lot lines.
 2. All fuel pump canopies shall be located a minimum of twenty (20) feet from the street right-of-way and side or rear lot lines.

3. All fuel pumps and fuel pump canopies shall be located a minimum of fifty (50) feet from any residential district boundary line.
4. Fuel pump canopies shall maintain a uniform and consistent roofline with the building to which the fuel pump canopy is associated. The Zoning Administrator may approve additional fuel pump canopy height to accommodate fuel pump canopies that serve commercial vehicles; however, in no instance shall a fuel pump canopy exceed seventeen (17) feet in height.
5. Fuel pump canopies shall be lit with only fully recessed lighting.
6. Curb cuts and site vehicular access shall be minimized in frequency, allowed movement, and width. Curb cuts shall not dominate the site plan or property and street frontage subject to the approval of the Public Works Director.

17.05.130. Utility, Infrastructure, and Related Use Specific Standards

A. Wireless Service Facilities.

1. **Purpose.** The purposes of this section are to allow the location of wireless service facilities ("WSF") in the City while protecting the public health, safety, and general welfare of the community; to act on applications for the location of WSFs within a reasonable period of time; to encourage co-location of WSFs; and to prevent unreasonable discrimination among providers of functionally equivalent services.
2. **Standards for All Wireless Service Facilities (WSF).**
 - a. **Applicability.** The standards contained in this section apply to all applications for WSFs. Applicants shall also comply with any other applicable provisions of the City of Cañon City Municipal Code as determined by the City.
 - b. **Co-Location.** The City encourages co-location of WSFs when feasible to minimize the number of WSF sites. To further the goal of co-location:
 - I. No WSF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the City, the owner or operator shall provide evidence explaining why co-location is not possible at a particular facility or site; and
 - II. If a telecommunications competitor attempts to co-locate a WSF on an existing or approved WSF or location, and the parties cannot reach an agreement, the City may require a third-party technical study to be completed at the expense of either or both parties to determine the feasibility of co-location.
 - c. Consent given to a telecommunications provider or broadband provider to erect or construct any poles, or to locate or collocate communications and WSF on vertical structures in a right-of-way, does not extend to the collocation of new facilities or to the erection or construction of new poles in a right-of-way not specifically referenced in the grant of consent.
 - d. **Permitted Zoning Districts.** WSFs shall be considered a permitted use in all zoning districts subject to administrative review and determination as provided in Section 17.10.020.
 - e. **Compliance with FCC Standards.** All WSFs shall meet the current standards and regulations of the FCC and any other agency of the federal government with the authority to regulate WSFs. Upon a request by the City at any time, WSF owners and operators shall verify that:
 - I. The WSF complies with the current FCC regulations prohibiting localized interference with reception of television and radio broadcasts; and
 - II. The WSF complies with the current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields.

- III. By adopting this section, the City is not attempting to regulate radio frequency power densities or electromagnetic fields, which are controlled by the FCC.
 - f. **Abandonment.** If the WSF ceases operation for any reason for one hundred eighty (180) consecutive days:
 - I. The owner or operator shall remove the WSF; and
 - II. Any permit issued for operation of a WSF shall expire.
 - g. **Height Limit.** Notwithstanding any other height limitations in this section, in no case shall a WSF located on property owned by the City or in any public right-of-way exceed forty (40) feet in height.
3. **Freestanding WSFs.**
- a. **Minimum Setbacks for Freestanding WSFs.** A freestanding WSF shall meet the minimum setback requirements for buildings and structures of the underlying district. A freestanding WSF shall be set back either subject to the minimum setback requirements of the underlying district or by one (1) foot of distance for each foot of height of the WSF, whichever is greater. A freestanding WSF may not be located within two hundred (200) feet of any existing principal residential structure or the banks of the Arkansas River.
 - b. **Maximum Height for Freestanding WSFs.** A freestanding WSF, including antennae, shall not exceed the maximum structure height limit in the district in which the facility is located. In no case shall a freestanding WSF, including its appurtenances, exceed one hundred (100) feet in height.
 - c. **Design Standards for Freestanding WSFs.** A freestanding WSF shall meet the following design standards to minimize impacts:
 - I. The facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area.
 - II. Existing land forms, vegetation, and structures shall be used to screen the facility from view and blend in the facility with the surrounding environment.
 - III. Existing vegetation shall be preserved or enhanced.
 - IV. The total area of any equipment storage shelters shall not exceed four hundred (400) square feet for each WSF.
 - V. Equipment storage shelters shall be grouped as closely together as technically possible.
 - VI. No equipment storage shelter shall exceed fifteen (15) feet in height.
 - VII. All freestanding WSFs shall accommodate co-location of facilities unless co-location is technically unfeasible as set forth in Section 17.45.030(B).
 - VIII. All applicable landscape regulations shall be observed. A landscape plan prepared by a professional landscape architect may be required by the Zoning Administrator to demonstrate that such landscape appropriately shields the base and security fencing from view if the base of the facility is otherwise visible from adjacent rights-of-way.
 - IX. Any equipment that could be dangerous to persons or wildlife shall be adequately covered or fenced.
 - X. The applicant shall provide evidence that the facility is being constructed by a licensed wireless carrier.
 - XI. No lighting of a facility or accessory facility shall be permitted.

4. **Building Roof- or Wall-Mounted WSFs.**

- a. A building wall-mounted WSF shall adhere to the following design standards to minimize impacts:
 - I. The facility shall be screened from view and/or colored to match the building or structure to which it is attached.
 - II. The mounting of antennae shall be as flush to the building wall as possible, and in no case shall the antennae extend more than three (3) feet out from the building wall.
 - III. The facility shall not extend above the highest point of the roof of the building.
- b. A building roof-mounted WSF shall adhere to the following design standards to minimize impacts:
 - I. A building roof-mounted WSF, including antennae, shall be the shorter of:
 - i. Twenty (20) feet taller than the building to which it is attached or
 - ii. One-hundred (100) feet.
 - II. The facility shall be screened from view and/or colored to match the building or structure to which it is attached.
 - III. The facility shall be set back such that it is not visible from ground level on adjacent rights-of-way or residential uses or districts at a distance of one hundred (100) feet or less.
 - IV. The diameter of a microwave dish antenna shall not exceed four (4) feet.
- c. Accessory equipment for a building roof or wall-mounted WSF shall be placed inside the building if feasible. All equipment storage shelters shall be grouped as closely as technically possible, and the total area of all accessory equipment, including storage shelters, shall not exceed four hundred (400) square feet per WSF.

5. **Small Cell Facilities.**

- a. A telecommunications provider or broadband provider may locate or collocate small cell facilities or small cell networks on light poles, light standards, traffic signals, or utility poles in the right-of-way owned by the City, subject to the following:
 - I. A small cell facility or a small cell network shall not be located or mounted on an apparatus, pole, or signal with tolling collection or enforcement equipment attached.
 - II. The construction, installation, operation, and maintenance of a small cell facility shall comply with applicable federal and state law and the provisions of this chapter. If upon inspection, the City concludes that a wireless service facility fails to comply with such laws and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the small cell facility, the owner shall have thirty (30) days from the date of the notice to bring such facility into compliance. Upon good cause shown by the owner, the City may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such facility into compliance within said time period, the City may remove such facility at owner's expense or prohibit future, noncompliant use of the light pole, light standard, traffic signal or utility.
- b. **Micro wireless facilities.** No application or permit shall be required for the installation, placement, operation, maintenance, or replacement of micro wireless facilities that are suspended on cable operator-owned cables or lines that are strung between existing utility poles in compliance with the national safety code, subject to the following:
 - I. The City may require a permit for installation, placement, operation, maintenance, or replacement of micro wireless facilities where the installation, placement, operation, maintenance, or replacement of micro wireless facilities does any of the following, upon determination of the City:

- i. Involves working within a highway travel lane or requires the closure of a highway travel lane,
- ii. Disturbs the pavement or a shoulder, roadway, or ditch line,
- iii. Includes placement on limited access rights-of-way, or
- iv. Requires any specific precautions to ensure the safety of the traveling public; the protection of public infrastructure; or the operation of public infrastructure; and such activities either were not authorized in, or will be conducted in a time, place, or manner that is inconsistent with, the approval terms of the existing permit for the facility or structure upon which the micro wireless facility is attached.

17.05.140. Accessory Use Specific Standards

A. Accessory Building.

1. One (1) accessory building shall be permitted per lot.
2. Subject to the other limitations in this subsection, on lots ten-thousand (10,000) square feet or less, an accessory building shall be no more than seven-hundred (700) square feet or seventy-five (75) percent of the gross floor area of the principal building, whichever is less.
3. Subject to the other limitations in this subsection, on lots greater than ten-thousand (10,000) square feet, an accessory building shall be a maximum of one-thousand (1,000) square feet or seventy-five (75) percent of the gross floor area of the primary building, whichever is less.
4. An accessory building shall be located either:
 - a. Completely within the required rear setback and a minimum of five (5) feet from lot lines, except for detached Accessory Dwelling Units as regulated in 17.05.140 (B)(2) or
 - b. Completely within the buildable area of the lot and to the interior side or rear of the principal building.
5. An accessory building shall be located a minimum of ten (10) feet from the primary building unless it is constructed with a one (1) hour fire rating in which case the minimum separation from the primary building shall be five (5) feet.

Figure 5.3: Accessory Building Permitted Locations



B. Accessory Dwelling Unit.

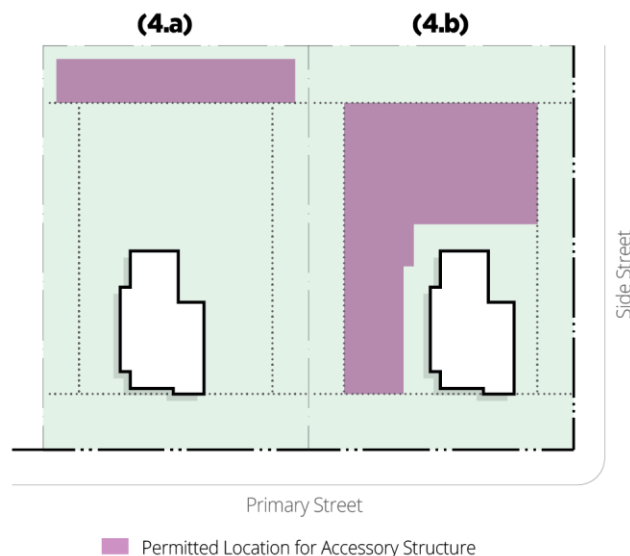
1. **Compliance with District Regulations.** Except as set forth in Subsection 3 below, the accessory dwelling unit (ADU) shall comply with all bulk and design requirements set forth in Section 17.03.010 for the district in which the ADU will be located.
2. **Setbacks.** An ADU shall comply with the setback requirements for the principal dwelling unit, with the exception that when the subject lot is adjacent to an alley, a detached ADU is not subject to the rear setback.
3. **Minimum Lot Size.** The minimum size of a lot on which an ADU may be established shall be the minimum lot size for the district in which the ADU will be located.
4. **Unit Size Requirements.** Each ADU shall be at least three hundred fifty (350) square feet. The maximum size of an ADU shall be ten (10) percent of the lot area, to a maximum of one thousand (1,000) square feet, unless the ADU is a detached ADU, in which case the provisions of 17.05.140 (A)(2) and (3) may further limit the size of the ADU. All areas within a structure, including interior storage areas, closets, living areas, bathrooms, and interior and exterior walls shall be included in the calculation of floor area of a structure.
5. **Occupancy.** The owner of property within an R-L and R-1 District containing an ADU shall reside in either the ADU or the principal dwelling unit on the lot for a minimum of six (6) months each calendar year.
6. **Parking Requirement.** Each ADU shall be provided at least one (1) off-street parking space, in addition to those parking spaces required for the principal dwelling unit.
7. **Number of Pets.** The occupants of an ADU may keep up to two (2) household pets that are commonly let outdoors for exercise or elimination. The total number of household pets commonly let outdoors for exercise or elimination kept on any property containing a principal dwelling unit and an ADU may number no more than four (4).
8. **Special Building and Design Standards.** An ADU shall comply with the following building and design standards:
 - a. An ADU shall be designed to architecturally complement the principal dwelling unit in terms of quality of building materials, roof forms, the design and placement of windows, and other architectural features.
 - b. A recreational vehicle or travel trailer may not be used as an ADU in any configuration.
 - c. Only one (1) entrance shall be located on the front façade of the principal dwelling unit. Entrances to accessory dwelling units shall be located on the interior side or rear façade.
 - d. Both the principal dwelling unit and the accessory dwelling unit shall be served by either one (1) common driveway connecting the accessory dwelling unit to a public or private road or one (1) non-common driveway, provided the ADU may be accessed from the rear via an adjacent alleyway.
 - e. The ADU shall be sited, to the maximum extent possible, to maintain the privacy of residents in the principal dwelling unit and dwelling units on adjoining lots by the use of landscape screening, fencing, window placement, and orientation of access.
9. **Public Health.**
 - a. New ADUs shall comply with all applicable Code provisions; including but not limited to all building, occupancy and other secondary codes adopted by the City for the protection of public health, safety and welfare, and all applicable electrical and plumbing code requirements adopted by the State of Colorado.
 - b. Existing ADUs shall comply with current code requirements for:
 - I. Dwelling unit separation,

- II. Smoke alarm and carbon monoxide detector requirements, and
 - III. Electrical and plumbing.,
 - c. Every ADU shall have an exterior entrance separate from the principal dwelling unit.
 - d. Every ADU shall contain a cooking appliance, sink and refrigerator/freezer, sleeping area and sanitary facility separate from the principal dwelling unit.
 - e. Prior to issuance of a building permit or certificate of occupancy for an ADU, the owner shall provide proof that the water and sanitary sewer facilities are adequate for the size of the unit and the projected number of residents.
 - f. Only one (1) water tap/meter and one (1) sewer tap shall be allowed to serve the combined principal dwelling unit and ADU. Evidence of payment of all outstanding water and sewer tap fees shall be required.
10. **Ownership.** The ownership of the ADU may not be legally severed from the ownership of the associated lot and any other structures on such lot. Any attempt to create a separate ownership of the ADU shall be invalid.

C. Accessory Structure.

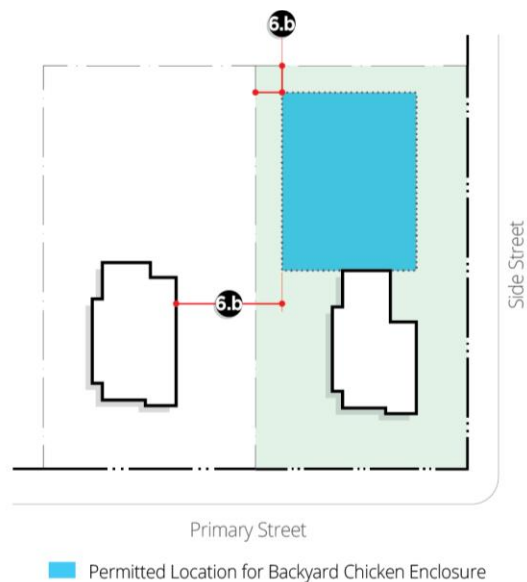
- 1. An accessory structure shall not exceed two hundred (200) square feet.
- 2. An accessory structure shall not have a permanent foundation.
- 3. An accessory structure shall have a maximum height of twelve (12) feet.
- 4. An accessory structure shall be located either:
 - a. Completely within the required rear setback and a minimum of five (5) feet from rear lot lines, or
 - b. Completely within the buildable area of the lot and to the interior side or rear of the principal building.

Figure 5.4: Accessory Structure Permitted Locations



D. Backyard Chickens.

1. No more than eight (8) chickens shall be allowed on any property, unless the property meets the minimum area requirement for livestock, according to Section 17.05.010(B) of this UDC.
2. The ownership and keeping of roosters over six (6) months old is prohibited.
3. Chickens shall be provided with a covered enclosure that is predator-resistant, properly ventilated, and easily accessed for cleaning and maintenance, and that provides not less than four (4) square feet per chicken.
4. During daylight hours, chickens shall be provided access to an outside enclosure that is adequately fenced to prevent the escape of the chicken hens and to provide protection from predators. The outside enclosure shall provide a minimum of ten (10) square feet of permeable space per chicken and may be either attached to the covered enclosure or portable. A fully fenced backyard may be deemed to meet this requirement.
5. All chickens shall be placed in the covered enclosure between the hours of dusk and dawn to provide protection from predators and to minimize noise.
6. Setbacks.
 - a. Any enclosure for backyard chickens shall be located in the backyard of the property, measured from the rear wall of the residential dwelling. The Zoning Administrator may allow exceptions to this requirement in cases of lots having unusual site dimensions, terrain limitations, or other unique characteristics.
 - b. A covered enclosure shall be located a minimum of eight (8) feet from any abutting property line and shall be a minimum of thirty (30) feet from any residential dwelling on any adjoining lot.
7. The covered enclosure shall be cleaned so that odors due to excessive dirt, waste, excrement, or old feed do not become a nuisance, safety hazard, or health problem to adjoining property or uses.
8. The on-site slaughtering of backyard chickens is prohibited.

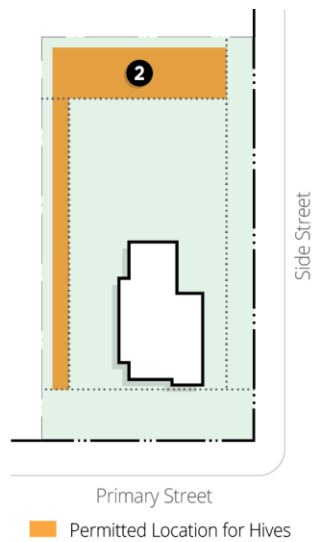
Figure 5.5: Backyard Chicken Enclosure Permitted Location

E. Beekeeping.

1. **Hives.** All bee colonies shall be kept in hives with removable combs, which shall be kept in sound and usable condition.
2. **Setbacks.** All hives shall be located in a side or rear setback only, and at least five (5) feet from any adjoining property, with the back of the hive facing the nearest adjoining property. Hives are prohibited in front and street side yards.
3. **Colony Densities.**
 - a. It is unlawful to keep more than the following number of colonies on any tract within the City, based upon the size or configuration of the tract on which the apiary is situated:
 - I. One-quarter (1/4) acre or less tract size: Two (2) colonies.
 - II. More than one-quarter (1/4) acre but less than one-half (1/2) acre tract size: Four (4) colonies.
 - III. More than one-half (1/2) acre but less than one (1) acre tract size: Six (6) colonies.
 - IV. One (1) acre or larger tract size: Eight (8) colonies.
 - V. Regardless of tract size, where all hives are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies that may be permitted.
 - b. For each two (2) colonies authorized under colony densities, there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths (9.625) inch depth ten (10) frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date it is acquired.
4. **Fencing of Flyways.** In each instance in which any colony is situated within twenty-five (25) feet of a property line of a developed public or private tract, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a hedge, solid wall, or fence parallel to the property line and extending ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.
5. **Water.** Each owner or beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, water spigots, pet water bowls, birdbaths or other water sources where they may cause human, bird, or domestic pet contact. The water shall be maintained so as not to become stagnant.
6. **Maintenance.** Each owner or beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
7. **Queens.** In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to re-queen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics.
8. **Prohibited.** The keeping by any person of bee colonies in the City not in strict compliance with this section is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the

beekeeper, is unlawful and may be summarily destroyed or removed from the City by the Code Enforcement Officer or Animal Control Officer.

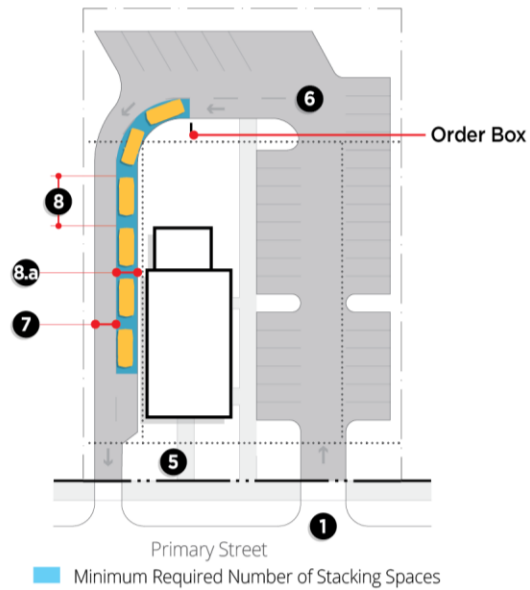
Figure 5.6: Hive Permitted Location



F. Drive Through.

1. Curb cuts and site vehicular access shall be minimized in frequency, allowed movement, and width. Curb cuts shall not dominate the site plan or property and street frontage subject to the approval of the Public Works Director.
2. Drive throughs shall be permitted a maximum of four (4) accessory signs with a combined maximum area of one hundred (100) square feet. Each accessory sign shall not exceed sixty (60) square feet in area and ten (10) feet in height. Accessory signs may utilize electronic message boards for one hundred (100) percent of the permitted accessory sign area and shall follow all regulations of Section 17.07.070(B) of this UDC.
3. Any speaker or intercom associated with a drive-through shall not be audible beyond the boundaries of the property.
4. Drive-through canopies shall maintain a uniform and consistent roofline with the building to which the drive-through is associated.
5. Stacking spaces and lanes for drive through stations shall not impede on- and off-street traffic movement, are not to cross or pass through off-street parking areas or drive aisles, and are not to impede pedestrian access to a public entrance of a building.
6. Drive-through lanes are to be separated from off-street parking areas. Individual lanes are to be striped, marked, or otherwise distinctly delineated.
7. Drive-through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet.
8. Stacking lanes shall have a minimum depth of twenty (20) feet per stacking space and the following minimum lane widths:
 - a. One (1) lane: Twelve (12) feet,
 - b. Two (2) or more lanes: Ten (10) feet per lane.
9. Drive-through facilities shall be required to provide a minimum number of stacking spaces as detailed in Table 17.05.140.F.8.

Table 17.05.140.F.8: Drive Through Stacking Requirements		
Use	Minimum Stack	Measured From
<i>Automated teller machine</i>	2 per machine	teller machine
<i>Bank teller lane</i>	2 per lane	teller or window
<i>Restaurant</i>	6 per order box	order box
<i>Carwash stall, automatic</i>	5 per stall	stall entrance
<i>Carwash stall, manual</i>	2 per stall	stall entrance
<i>Oil change shop</i>	2 per service bay	service bay entrance
<i>Pharmacy</i>	4 per lane	machine or window
<i>Other</i>	at the discretion of the City Council	

Figure 5.7: Drive Through Requirements

G. Exotic Animal Keeping.

1. The keeping or sheltering of exotic animals shall not constitute a nuisance or health hazard under any ordinance of the City, or under any statute or case law of the state.
2. A conditional use permit for an exotic animal may be denied or revoked by the Zoning Administrator or designee if:
 - a. The permit holder is convicted of a violation of Subsection II of this section.
 - b. The applicant or permit holder fails to first obtain, and to keep in effect at all times during which the exotic animal is being kept, all applicable state and federal licenses or permits that may be required to keep the animal.
 - c. The applicant is found to have made any materially false or misleading statement in the application or has concealed relevant information.
 - d. The applicant has obtained the exotic animal through illegal means.
 - e. The applicant is not qualified to possess an exotic animal, does not have adequate facilities to keep the animal, or proposes to keep the animal in an unsuitable location.
3. No use of the property or structure(s) thereon resulting from the issuing of this conditional use permit shall convey any right to future permits.
4. It shall be unlawful for any person to own, have custody of, sell, or traffic in any poisonous or dangerous animal.
5. It shall be unlawful for any person to keep any wildlife as a pet.
6. Nothing herein shall prohibit the keeping of wildlife by any person or organization holding a valid license for educational live possession, falconry, scientific collection, or wildlife rehabilitation from the Colorado Division of Wildlife, so long as such licensee also complies with all applicable City of Cañon City Municipal Code requirements.

H. Home Based Business.

1. Home based businesses shall be clearly secondary to the use of the dwelling and shall not occupy more than twenty (20) percent of the total floor area of the main building or, if located in an accessory building, shall not occupy more than ten (10) percent of the total lot area.
2. Home based businesses shall be operated entirely from an enclosed structure with no exterior storage or display of materials, equipment, or products.
3. No additional sign area, beyond what is permitted in Section 17.07.020 of this UDC shall be granted to home based businesses.
4. No mechanical equipment shall be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes.
5. No toxic, explosive, flammable, combustible, corrosive, etiologic, licensable or technologically enhanced radioactive materials, or other restricted materials shall be used or stored on the site except those which are necessarily, customarily, or ordinarily used for household or leisure purposes.
6. No alteration of the residential appearance of the premises shall occur, including the creation of a separate entrance for the home based business.
7. No process shall be used which is hazardous to public health, safety, morals, or welfare.
8. Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence.
9. The home based business shall not displace or impede use of required parking spaces.
10. The home based business shall not be conducted in a manner that constitutes a nuisance or health hazard under any ordinance of the City, or under any statute or case law of the state.

I. Outdoor Activity/Operation, Permanent.

1. Any property with permanent outdoor activity or operations shall have a minimum lot size of five (5) acres.
2. Outdoor activities and operations shall be conducted between the hours of 7:00 a.m. and 9:00 p.m.
3. Outdoor activities and operations shall be located to the rear or interior side of the principal building on the lot.
4. Outdoor activities and operations shall be prohibited in front or street side setbacks.
5. Outdoor activities and operations shall be setback a minimum of fifty (50) feet from all property lines when adjacent properties are in the NC or BP Districts.
6. Outdoor activities and operations shall be setback a minimum of one hundred (100) feet from all property lines when adjacent properties are in the R-L, R-1, R-1A, R-2, R-3, MH-1, MH-2, RF-MU, RF-R, or CB Districts.
7. A solid wall constructed from materials identical to those used on the exterior of the principal building and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen those portions of permanent outdoor activity and operations areas visible from an existing or proposed arterial or collector roadway or a property in the R-L, R-1, R-1A, R-2, R-3, MH-1, MH-2, RF-MU, RF-R, CB, NC, or BP Districts.
8. Curb cuts and site vehicular access shall be minimized in frequency, allowed movement, and width. Curb cuts shall not dominate the site plan or property and street frontage subject to the approval of the Public Works Director.

J. Outdoor Dining.

1. Outdoor dining areas shall be located on an approved hard paved surface.
2. Outdoor dining areas shall not be located in a required parking space. However, parking spaces in excess of the minimum requirement for the use may be permanently converted for outdoor dining.
3. Outdoor dining areas shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five (5) feet.
4. A fence, landscape hedge, or wall with a height of four (4) feet shall be utilized to segregate the outdoor dining area.
5. Use of outdoor dining areas shall be limited to the posted operational hours of the associated eating and drinking use.

K. Outdoor Retail Sales, Permanent.

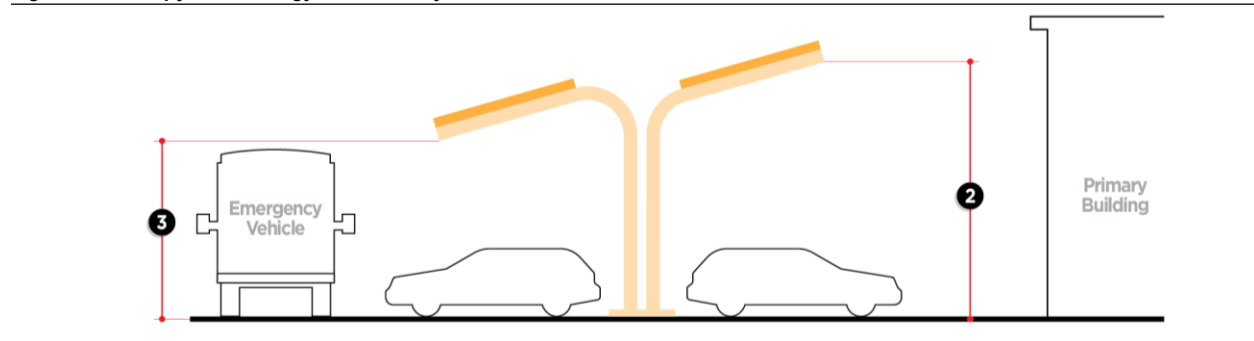
1. Only those goods and materials associated with the existing on-site use may be displayed or sold.
2. Permanent outdoor retail sales areas shall not be located within any required setback or parking area.
3. Permanent outdoor retail sales areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor retail sales areas shall be prohibited.
4. Permanent outdoor display or sales areas shall not exceed ten (10) percent of the gross floor area of the principal building on the property unless approved as a specific use.
5. Curb cuts and site vehicular access shall be minimized in frequency, allowed movement, and width. Curb cuts shall not dominate the site plan or property and street frontage subject to the approval of the Public Works Director.

L. Outdoor Storage, Permanent.

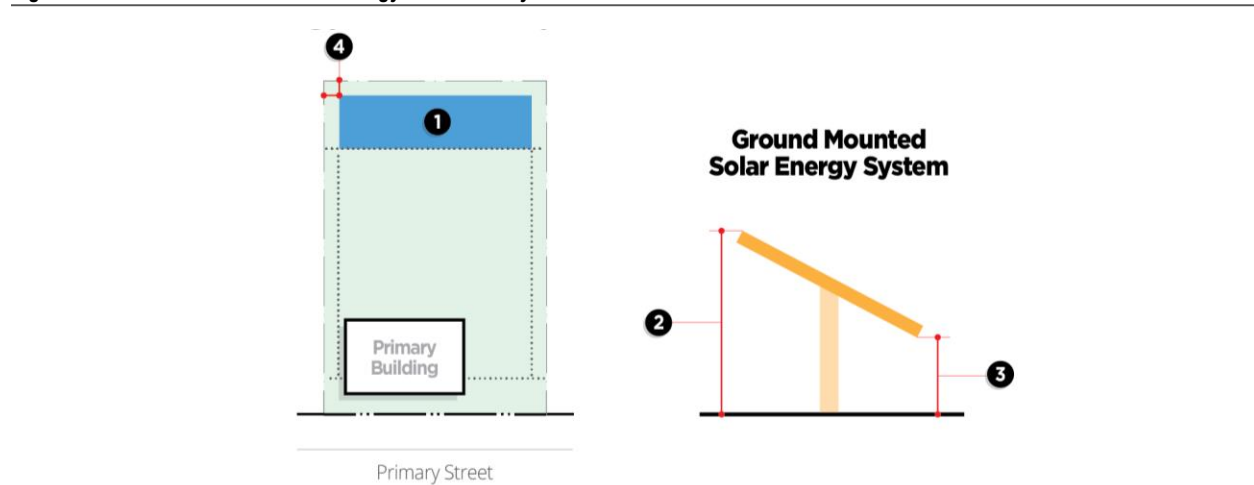
1. Permanent outdoor storage areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor storage areas shall be prohibited.
2. A solid wall constructed from materials identical to those used on the exterior of the principal building and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen those portions of permanent outdoor storage areas visible from an existing or proposed arterial or collector roadway or a property in the R-L, R-1, R-1A, R-2, R-3, MH-1, MH-2, RF-MU, RF-R, CB, NC, or BP Districts.

M. Solar Energy Collection System, Canopy.

1. Canopy solar energy collection systems are permitted over any parking area.
2. The height of canopy solar energy collection systems shall not exceed the height of the primary building that the parking area serves.
3. The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

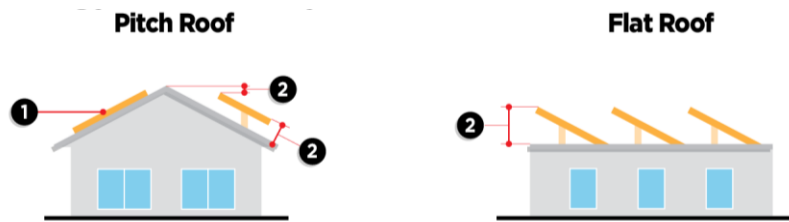
Figure 5.8: Canopy Solar Energy Collection System**N. Solar Energy Collection System, Ground-Mounted.**

1. Ground-mounted solar energy collection systems shall be permitted in the rear setback only.
2. The maximum height of ground-mounted solar energy collection systems shall be five (5) feet in height, measured from the grade at the base of the pole to the highest edge of the system.
3. Minimum clearance between the lowest point of the system and the surface on which the system is mounted shall be twelve (12) inches.
4. All parts of the freestanding system shall be set back ten (10) feet from the side and rear lot lines and shall not be located in a public utility easement.

Figure 5.9: Ground Mounted Solar Energy Collection System**O. Solar Energy Collection System, Roof-Mounted.**

1. Roof-mounted solar energy collection systems may be located on any roof face of principal or accessory buildings. Systems should be flush mounted when possible.
2. Systems on residential structures shall not extend beyond twelve (12) inches parallel to the roof surface of a pitched roof or flat roof. Systems on nonresidential structures shall not extend beyond thirty-six (36) inches parallel to the roof surface of a pitched roof or flat roof. Systems on all structures shall not extend above the highest peak of a pitched roof. Height is measured from the roof surface on which the system is mounted to the highest edge of the system.
3. All materials used for racking, mounts, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

Figure 5.10: Roof Mounted Solar Energy Collection System



17.05.150. Temporary Use Specific Standards

A. Farm Stand.

1. Agricultural products sold shall have been raised on the land on which the stand is located.
2. The farm stand shall not exceed three hundred (300) square feet in area or ten (10) feet in height.
3. The farm stand shall be setback a minimum of ten (10) feet from any public right-of-way.
4. Signs on farm stands shall be limited to two (2) unlit signs, which may be wall-mounted or freestanding. No sign shall exceed thirty-two (32) square feet in area and eight (8) feet in height. Signs shall be located a minimum of ten (10) feet from any public right-of-way and at least five (5) feet from any interior lot line.
5. The area of the farm stand shall be kept clear of litter, debris, spoiled fruits or vegetables, garden waste, and material from cider operations at all times.
6. Any lighting used shall be indirect and shielded to avoid light intrusion onto adjacent residential properties.

B. Farmers' Market and Flea Market.

1. Off-street parking shall be provided at the rate of one and one-half (1.5) spaces per vendor stall unless the farmers' market is located in an area adjacent to public parking that is adequate to accommodate the needs of the farmers' market in addition to the needs of the general public.
2. A plan shall be in place for the disposal of trash and other debris.
3. The owner/operator of a farmers' market shall obtain and maintain all required City, county, and state sales tax or other business licenses at all times.

C. Food Carts or Trucks.

1. A stand-alone food cart or truck whether motorized or non-motorized may be set up on a regular, semi-regular, or one-time basis in the NC, GC, CB, BP, and I Districts and in the R-L, R-1, R-1A, R-2, and R-3 Districts through the issuance of a temporary use permit subject to the following criteria:
 - a. The owner or operator of the food cart or truck shall obtain and maintain all required licenses at all times, including but not limited to, any license required by the Colorado Department of Public Health and Environment.
 - b. The temporary use permit shall be displayed to the public in a visible location on the food cart or truck.
 - c. Operations shall not be located in a driveway or drive aisle.
 - d. Operations shall not obstruct parking lot circulation or block access to a public street, alley, or sidewalk.
 - e. The operation of the food cart or truck shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five (5) feet or causes damage to any improvements within the public right-of-way.
 - f. Operations of any food cart or truck shall be at least one hundred (100) feet from any eating and drinking establishment lawfully existing at the time the permit or renewal permit was issued and is open for business unless written permission is granted by the eating or drinking establishment located within that distance.
 - g. No food cart or truck shall be set up on any privately owned lot or parcel without written permission of the owner.
 - h. Trash receptacles shall be provided, and the owner/operator shall be responsible for keeping the area surrounding the food cart or truck clear of any litter and properly cleaned.
 - i. Signs, except for a-frame/sandwich board signs shall be permanently affixed to or painted on the food cart or truck. Each food cart or truck may have one (1) sandwich board sign which may not be located in any right-of-way or impede pedestrian or vehicular traffic and shall be within twenty-five (25) feet of the food cart or truck.
 - j. Canopies, umbrellas, and outdoor tables and chairs shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five (5) feet or creates a visual obstruction to traffic.
 - k. Food carts or trucks may locate on the same lot or parcel so long as each vendor has the property owner's written permission and all other provisions contained herein may be met.
 - l. No food cart or truck shall be located within fifty (50) feet of the established outer boundary of any City-permitted or licensed event where the sale of merchandise and food has been allowed, unless it is part of the event.
 - m. When not in operation, a food cart or truck shall be stored on private property.
 - n. If located in a City right-of-way:

- i. No merchandise shall be offered, displayed or sold and no customers served except from the sidewalk,
 - ii. Only non-motorized carts may be located on sidewalks,
 - iii. Carts or trucks shall be located at least twenty-five (25) feet from any intersection (measured from the edge of sidewalk to the cart or truck) and fifteen (15) feet from any driveway,
 - iv. In the CB District, food carts or trucks may locate on side numbered streets as long as all other requirements are satisfied,
 - v. In the CB District, food carts or trucks may locate on Main Street between 2nd and 8th Streets if:
 - a) Invited to by a Main Street merchant,
 - b) Written consent from adjacent restaurants and/or bars is received and provided to the City,
 - c) Restricted to three (3) days per block, per week, and
 - d) Located in no more than three (3) on-street parking spaces. Said parking spaces may be reserved the morning of the arrival of the food cart or truck but shall not be reserved or occupied for more than twenty-four (24) hours.
 - vi. Food carts or trucks shall comply with all traffic and parking ordinances of the City, as they may be amended,
 - o. Any location in a City right-of-way, including sidewalks, may be subject to temporary suspension or revocation without cause, but for reasons that may include construction, repairs, maintenance or emergencies as determined by the City.
 - p. In residential districts, a food cart or truck may locate on Fremont RE-1 School District property and Cañon City Area Recreation and Park District property with written permission from the owner. Food carts or trucks may also locate in the right-of-way adjacent to Fremont RE-1 School District property, Cañon City Area Recreation and Park District property and City park property.
2. These permit requirements do not apply to food carts or trucks that are:
 - a. Part of a City-permitted event, or
 - b. For a private, catered event occurring on private property (private parties, reunions, weddings and the like) in any district.
 3. A street closure permit may be required in order to locate on any city street or right-of-way where the provisions contained herein cannot be met. Food carts or trucks may not cater private events from either the sidewalk or road right-of-way without an approved street closure permit.
 4. The provisions of this section shall not apply to any minor-operated business.

D. Mobile Home and Recreational Vehicle, Temporary Use.

1. The use shall only be approved if an active building permit exists on the site.

E. Outdoor Retail Sales, Temporary.

1. Only those goods and materials associated with the existing on-site use may be displayed or sold.
2. Temporary outdoor retail sales shall be permitted for a period not to exceed ninety (90) days per calendar year.
3. Temporary outdoor retail sales areas shall occur:
 - a. On the sidewalk area at the foundation of the principal building, not including a five (5) foot wide pedestrian walkway.
 - b. In a portion of the parking lot, which shall not exceed twenty (20) percent of the parking spaces required for the operation of the primary use, or two thousand (2,000) square feet, whichever is less.

F. Portable Outdoor Storage Device.

1. One (1) portable outdoor storage device shall be permitted per lot.
2. A site drawing shall be submitted showing the location on the property where the unit will be placed, the size of the unit, and the distance to all applicable property lines and all other buildings and structures.
3. No portable outdoor storage device shall be greater than twenty (20) feet in length, eight (8) feet in width, or eight (8) feet in height.
4. The portable outdoor storage device shall not encroach on City property, City right-of-way, neighboring property, or sidewalk. The unit shall be sited on an approved hard paved surface between the front property line and the rear building line of the principal building. The visual distance between the portable outdoor storage device and the interior side setback property line is four (4) feet or upon the approval by the Zoning Administrator and as agreed upon by written consent by the neighboring property owner.
5. Temporary portable outdoor storage units may be placed for no more than thirty (30) days in any consecutive twelve (12) month period. Extensions beyond the thirty (30) day limit may be granted by the Zoning Administrator.

G. Seasonal Sales.

1. Seasonal sales shall include the outdoor display or sale of seasonal merchandise not otherwise associated with the principal use of the lot such as holiday tree, firework, or pumpkin sales.
2. Seasonal sales shall be permitted for a period not to exceed forty-two (42) days per calendar year.
3. Seasonal sales areas may utilize a maximum of twenty (20) percent of the parking spaces required for the operation of the principal use or two thousand (2,000) square feet, whichever is less.
4. Seasonal sales areas shall not block pedestrian walkways in a manner which reduces the width of that walkway to less than five (5) feet.

H. Yard Sales.

1. Individuals shall only be allowed to conduct a yard sale from their primary place of residence.
2. Private or public organizations shall only be allowed to conduct a yard sale from or on a residential premise if prior written permission to conduct such yard sale has been granted from the owner of the residential premise.
3. A maximum of three (3) yard sales shall be allowed per residential premises in any calendar year.
4. The maximum allowed duration of any yard sale shall not exceed two (2) consecutive days.
5. Yard sale hours of operation shall be limited to between seven (7) a.m. and six (6) p.m.
6. No goods offered for sale or items used to display goods offered for sales shall be placed or stored within a public right-of-way or upon the real property of any person who is not conducting the yard sale without such person's prior written consent.
7. Persons selling goods pursuant to an order or process of a court of competent jurisdiction shall not be held to the provisions of this section.
8. Persons acting in accordance with their powers and duties as public officials shall not be held to the provisions of this section.
9. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number shall not be held to the provisions of this section.

Chapter 17.06 Development Standards

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17.06.010 Off-Street Parking and Loading

A. General Requirements.

1. Off-street parking shall be provided and maintained according to the requirements of this chapter. The number, size, location, and layout of required off-street parking shall be brought into compliance with this chapter when:
 - a. A new structure is erected, or
 - b. An existing structure is enlarged.
2. It is the responsibility of the owner of a use or property to obtain an access permit from the Colorado Department of Transportation whenever a parking lot has direct access to/from a state highway or as otherwise required by the State Highway Access Code before a building permit is issued by the City.
3. No building permit shall be issued by the City until plans are presented that show an area within the property that is for exclusive use as off-street parking and loading space when required per this section.
4. Parking spaces required under this chapter shall be improved as required and made available for the use occupying the structure or property before a Certificate of Occupancy will be issued by the Building Official.
5. Once a parking space has been constructed according to the requirements of this chapter said parking space can be eliminated only if its removal will not result in fewer parking spaces than required by this chapter for the existing use of the structure or property.

B. Exemptions from Off-Street Parking Requirements.

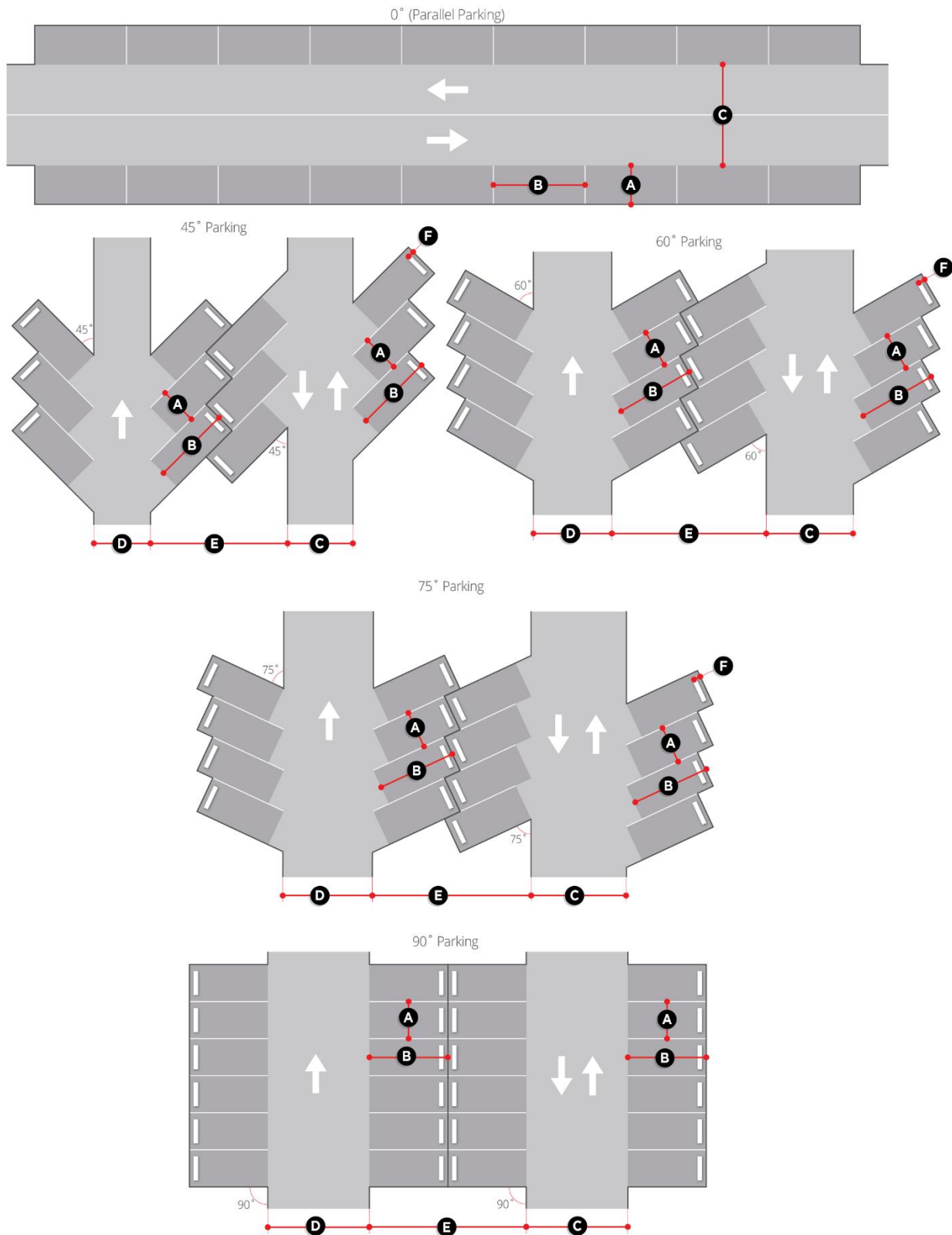
1. Nonresidential uses of any structure or property in the Central Business (CB) District shall be exempt from these parking requirements.
 - a. Parking for historic structures/properties and their use shall be exempt from the requirements of this chapter for new additions or expansions to historic structures/properties which shall be required to provide off-street parking in accordance with this chapter.

C. Parking Lot Layout Standards.

1. **Dimensional Requirements of Parking Spaces and Maneuvering Lanes.**

- a. **Standard Parking Spaces.** Standard parking spaces, including interlocking standard parking spaces, shall comply with the minimum dimensional and layout requirements specified in Table 17.06.010(C)(1) and as generally illustrated in Figure 6.1. Parking arrangements may include any aisle configuration however, the City encourages the use of ninety (90) degree parking spaces within parking lots to reduce the unused surface area that otherwise occurs in seventy-five (75) degree, sixty (60) degree, or forty-five (45) degree parking spaces. Forty-five (45) degree parking spaces are the least efficient spaces.

Table 17.06.010(C)(1) Standard Parking Space Dimensional Requirements						
Parking Angle (degrees)	Figure Reference					
	A	B	C	D	E	F
	Space Width	Space Depth	Aisle Width (2-Way)	Aisle Width (1-Way)	Depth of Interlocking Spaces	Overhang
0	8'	22'	18'	12'	n/a	n/a
45	8.5'	17'	18'	12'	28.25'	1.5'
60	8.5'	18'	18'	16'	32'	1.5'
75	8.5'	18.5'	22'	20'	35'	1.5'
90	8.5'	18'	24'	24'	36'	n/a

Figure 6.1: Dimensional Requirements of Parking Spaces and Maneuvering Lanes

b. **Compact Vehicle Spaces.**

- I. Compact parking spaces shall comply with the minimum dimensional requirements specified in Table 17.06.010(C)(2).
- II. In parking areas containing more than ten (10) spaces, up to twenty (20) percent of the spaces exceeding the first ten (10) spaces may be designed for compact vehicles.
- III. Compact parking spaces shall be labeled for such purposes.

Table 17.06.010(C)(2) Compact Parking Space Dimensional Requirements						
Parking Angle (degrees)	Figure Reference					
	A	B	C	D	E	F
	Space Width	Space Depth	Aisle Width (2-Way)	Aisle Width (1-Way)	Depth of Interlocking Spaces	Overhang
0	7.5'	18'	18'	12'	n/a	n/a
45	7.5'	15.5'	18'	12'	28.25'	1.5'
60	7.5'	16.25'	18'	16'	32'	1.5'
75	7.5'	16.5'	22'	20'	35'	1.5'
90	7.5'	15.5'	24'	24'	36'	n/a

c. **ADA Compliant Spaces.** ADA Compliant parking spaces shall comply with the dimensional requirements established in the Americans with Disabilities Act as amended.

2. Except as otherwise set forth herein, or as otherwise approved by the City Council, the surface of all parking lots, parking spaces, drive aisles and maneuvering areas shall be paved with asphalt or concrete. Alternative surfaces that create a porous parking lot surface and reduce the total impervious ground cover and/or on-site natural containment, filtering and infiltration may be approved by the Public Works Director upon the applicant providing evidence that the alternative surface will be durable, dustless and/or environmentally appropriate for the size and scale of the area in which it is used. The Public Works Director may grant credit toward the property owner/use's requirement for stormwater best management practices (BMPs) or stormwater utility fees when such alternative reduces or eliminates stormwater runoff.
3. Where public access to a required parking lot/space is not paved at the time of parking construction the lot/space may remain gravel; however, it must be paved within six (6) months of the time that any point of public access is paved, unless an alternative surface treatment has been approved by the Public Works Director or an alternative time frame for paving has been approved by the City Council, as part of the overall parking lot plan.
4. All required parking spaces (excluding those for single-family and duplex units) shall be outlined by white or yellow stripes not less than four (4) inches wide and painted on the surface area. Where existing parking spaces are not paved, or an acceptable alternative surface is used an alternative material or bumper guards/wheel stops approved by the Public Works Director shall be used to delineate the parking spaces.
5. Except for parking to serve residential uses or wherever vision clearance is required, all parking and loading areas adjacent to or within residential districts or uses shall provide a sight-obscuring fence six (6) feet tall along the property boundary with such residential use or district.
6. Where parking lot lighting atop a pole within or at the edge of a parking lot is provided the type of light fixture and its orientation shall not allow light to shine, create glare, or trespass into a residential district or onto any adjacent residential property.

7. Except for residential dwelling units, parking spaces shall be located and served by a driveway so that their use does not require backing movements into or other maneuvering within a street right-of-way other than an alley.
8. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrians and vehicular traffic within the property. The traffic pattern, ingress and egress shall be reviewed and approved by the Public Works Director.

D. Number of Off-Street Parking Spaces Required per Use.

1. All uses shall provide at least the minimum number of off-street parking spaces as detailed in Table 17.06.010(D).
2. When square feet are specified in Table 17.06.010(D) the area measured shall be the primary interior floor area of the structure(s) on the property within which the use operates, which shall exclude stairwells, restrooms, elevator shafts, hallways, ornamental balconies, space occupied by heating, air conditioning or other utility equipment, and interior area devoted to parking or loading.
3. The number of employees of a new or expanding business shall be estimated in a manner reflecting realistic needs, considering factors such as number of shifts, employees per shift, and parking space turnover rates of the existing or comparable business. The Zoning Administrator shall determine number of employees from an examination of employment information presented by the use or owner of the property.
4. In the event several uses occupy a structure or property simultaneously, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately based on the proportional area devoted to each separate use.
5. A stacked or tandem parking arrangement, where one (1) vehicle is parked directly behind another vehicle which must be removed before the front vehicle can exit its space, shall be allowed only for a structure containing one (1), two (2), or three (3) residential dwelling units.
6. The Zoning Administrator shall determine the number of off-street parking spaces required for uses not specifically listed including in Table 17.06.010(D) following an assessment of comparable uses and associated parking requirements.

Table 17.06.010(D) Minimum Number of Off-Street Parking Spaces Required per Use	
Use	Minimum Parking Requirement
<i>Agricultural Uses</i>	
Community garden	n/a
Community marijuana cultivation facility	1/1,000 sq ft
Cultivation, less than one acre	n/a
Cultivation, one acre or more	
Grazing	
Greenhouse/nursery, commercial	1/1,000 sq ft
Greenhouse/nursery, private	n/a
Livestock	
Marijuana cultivation for personal use	
Orchard	n/a
<i>Residential Uses</i>	
Children's group home/foster care home	2/dwelling unit
Children's home/Residential child care facility	
Group home	1/3 residents + 1/staff

Table 17.06.010(D) Minimum Number of Off-Street Parking Spaces Required per Use	
Use	Minimum Parking Requirement
Manufactured home	2/dwelling unit
Mobile home	
Mobile home park	
Modular home	
Multifamily dwelling, building	1.5/dwelling unit
Multifamily dwelling, complex	
Multi-unit dwellings, above ground floor as a part of mixed use	
Senior housing, dependent	0.5/dwelling unit
Senior housing, independent	1.5/dwelling unit
Shelter	1/3 residents + 1/staff
Single-family dwelling	2/dwelling unit
Single-family dwelling, existing only	
Single-family dwelling, new	
Two-family dwelling	
Two-family dwelling, existing only	
Commercial Retail Use	
General retail, less than 10,000 sq. ft.	1/300 sq ft
General retail, 10,000 sq ft or greater	
Pawn shop/second hand store	
Wholesale outlets and services	
Commercial Service Uses	
Animal boarding	1/400 sq ft
Amusement and entertainment facility, indoor, 10,000 sq ft or greater	1/300 sq ft
Amusement and entertainment facility, indoor, less than 10,000 sq ft	
Amusement and entertainment facility, outdoor	1/300 sqft of indoor area
Animal hospital	1/400 sq ft
Child care center	2/staff
Child care, family	
Financial institution	1/300 sq ft
General service, 10,000 sq ft or greater	
General service, less than 10,000 sq. ft.	
Kennels	1/400 sq ft
Mortuary and funeral home	1/300 sq ft
Pet crematory	
Sexually oriented business	
Training facilities, Type I	
Training facilities, Type II	
Eating and Drinking Uses	
Bakery/café	1/100 sq ft
Bars and taverns	
Brewery/winery/distillery, tasting room	

Table 17.06.010(D) Minimum Number of Off-Street Parking Spaces Required per Use	
Use	Minimum Parking Requirement
Microbrewery	
Restaurant, delivery/carry out only	
Restaurant, sit down	
Industrial Uses	
Artisan manufacturing	1/400 sq ft
Blacksmiths	1/300 sq ft of office area + 1/1,000 sq ft of additional area
Brewery, distillery, winery or other alcoholic beverage manufacturing	
Bulk fuel dealers	
Cold storage locker	
Construction materials and hardware sales	
Dry cleaning and laundry	
Fleet and/or equipment maintenance facilities	
General research facilities	
Light industry	
Maintenance facilities	
Materials recovery facility: type 1	
Materials recovery facility: type 2	
Oil or gas wells	1/300 sq ft of office area
Personal/mini storage	0.5/storage unit
Structural steel fabrication	1/300 sq ft of office area + 1/1,000 sq ft of additional area
Tire recapping and retreading	
Warehouse, distribution and storage facilities	
Waste transfer facilities	
Welding and machine shops	
Lodging Uses	
Bed and breakfast	1/guest room + 1/staff
Boarding or rooming house	
Hotel	
Motel	
Medical Uses	
Medical and dental clinic	1/300 sq ft
Medical and dental clinic, above ground floor as a part of mixed use	
Medical marijuana facility, licensed	
Hospital	.5/bed + 1/staff
Hospital heliport	n/a
Office Uses	
Business park	1/300 sq ft
Mobile home sales office	
Professional offices	
Professional offices, above ground floor as a part of mixed use	
Public/ Institutional Uses	

Table 17.06.010(D) Minimum Number of Off-Street Parking Spaces Required per Use	
Use	Minimum Parking Requirement
Cemetery	1/1,000 sq ft
Colleges and universities	1/3 seats in classroom + 1/staff
Elementary schools	3/classroom + 1/administrative staff
Secondary schools	1/3 seats in classroom + 1/staff
Governmental uses, indoor	As determined by Planning Commission
Governmental uses, outdoor	
Place of assembly	1/4 seats of rated capacity
Place of worship	
Vocational and business school	1/3 seats in classroom + 1/staff
Recreational Uses	
Shelters/pavilions	As determined by the Zoning Administrator for Permitted and Conditional Uses and through the permitting process for Special Review Uses
Hard or soft surface pedestrian or equestrian trails	
Rafting takeout facility	
Recreational facility	
Recreational vehicle (RV) park	
Wildlife observation decks and platforms	
Vehicle Related Use	
Ambulance and taxi service	1/300 sq ft
Answering and dispatch service	
Automobile body shop	1/staff + 1/stall
Car wash	
Gasoline station	1/staff + 1/pump
Recreational vehicle (RV) park	1/RV parking pad
Sales of motorcycles, all-terrain vehicles (ATVs), snowmobiles and personal watercraft	1/1,000 sq ft
Storage, sales, repair or rental, motor vehicles, mobile homes, recreational vehicles and equipment, farm and construction vehicles and equipment	
Vehicle parking facilities	n/a
Utility, Infrastructure, & Related Uses	
Public utility installations, including overhead transmission lines and substations.	As determined by the Zoning Administrator for Permitted and Conditional Uses and through the permitting process for Special Review Uses
Rail services and facilities	
Utility distribution elements	
Water storage reservoirs and tanks	
Water treatment, transmission and distribution lines and facilities	
Wireless service facilities	

E. Alternative Parking Arrangements, Credits, and Reductions to Requirements.

1. **On-Street Parking Allowance and Credit.** On-street parking spaces located immediately abutting a property, entirely within the extension of the side lot lines into the roadway and not within any required vision clearance triangle at any intersection or access drive, may be counted on a one-for-one basis toward meeting the off-street parking requirement of this chapter; provided however, that the owner of the use or property requiring the off-street parking shall construct the parking space to the dimensions and surface required for off-street parking in this chapter along with curb and gutter and a sidewalk where they do not exist, unless exempted by the Public Works Director, to provide pedestrian access to the use. Where streets have been designated as "No Parking" by the City, no credit for on-street parking shall be available.
2. **Shared Parking Arrangements and Reduction of Requirement.** In all districts, where shared parking can be provided among a mix of land uses located in the same structure or in adjacent structures, or on the same property or on adjacent properties, and the multiple uses or activities are not conducted during the same hours, or the hours of peak parking demand vary among the uses, approval for such joint use of parking spaces shall be granted as follows:
 - a. Subject to the conditions in Subsection(2)(c), up to fifty (50) percent of the parking spaces required for the predominant use in the structure or on the property may be shared with other uses of the structure or property. The specific percentage shall depend on the capacity of the available parking to meet the actual needs of the various uses. The predominant use shall be the use that requires the most parking spaces at any time. The Zoning Administrator shall approve the amount of parking to be reduced when the uses involved are permitted or conditional uses as detailed in Section 17.03.040. City Council shall approve the amount of parking to be reduced when the uses involved are special review uses as detailed in Section 17.03.040.
 - b. The Zoning Administrator, subject to the condition in Subsection(2)(c), may allow up to seventy-five (75) percent of the parking spaces required for uses such as theaters, auditoriums, gymnasiums, bowling alleys, nightclubs, movie theaters, and other predominantly evening uses, and places of worship and other uses operating predominately on the weekend to be shared with uses such as banks, offices, restaurants, schools, professional and commercial services and similar predominantly daytime uses. The specific percentage shall depend on the capacity of the available parking to meet the actual needs of the various uses.
 - c. The owners of the multiple uses or properties shall provide prior to approval:
 - I. Adequate provisions ensuring that the existing uses will not require parking during the same hours, and
 - II. An agreement in a form approved by the City Attorney.
3. **Unique Conditions and Reduction of Requirement.** A reduction in the off-street parking requirement for a particular use or grouping of uses may be approved when, through proper study and analysis provided by the owner of the use(s) or property, it is determined that travel demand management practices (i.e., carpooling, installation of bike racks, adjusting hours of operation) or other unique operating characteristics of the business do not require the minimum number of parking spaces otherwise required under this chapter. The Planning Commission shall be responsible for approving the parking reduction for any permitted or conditional use as specified in Section 17.03.040. City Council shall be responsible for approving the parking reduction for any special review use as specified in Section 17.03.040.
4. **Bicycle Parking and Credit.**
 - a. Any use which provides bicycle parking beyond the minimum requirement as detailed in Section 17.06.010(G) may be granted a credit toward one (1) required parking space for every four (4) additional bicycle parking spaces.
5. **Motorcycle and Scooter Parking and Credit.**

- a. Any use that provides parking for motorcycles and scooters, facilitating at least four (4) motorcycle/scooter parking spaces, shall be granted credit toward two (2) parking spaces for every four (4) motorcycle/scooter parking spaces provided.
- b. Motorcycle and scooter parking spaces shall measure at least four (4) feet in width by eight (8) feet in length and shall be signed appropriately for such use.

F. Pedestrian Circulation Standards.

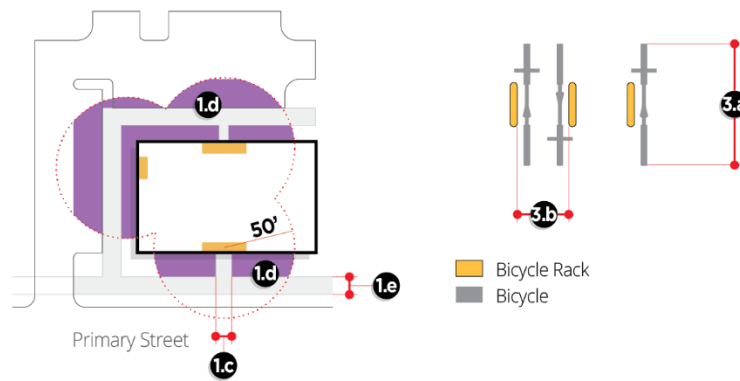
- 1. Off-street parking areas shall include on-site pedestrian circulation systems to ensure the safety of pedestrians, bicyclists, and motorists.
- 2. The on-site pedestrian circulation system shall comply with all ADA standards.
- 3. The on-site pedestrian circulation system shall be marked and must connect all buildings on the site to one another and provide connections to the required vehicle and bicycle parking spaces.
- 4. The on-site pedestrian circulation system must connect building entrances to adjacent public rights-of-way along direct routes that do not require significant out-of-direction travel.
- 5. The on-site pedestrian circulation system shall provide at least one (1) connection to adjacent properties along a shared street frontage. Connections must provide access to existing walkways on adjacent properties, or to the likely future location of walkways on those properties. The Zoning Administrator may waive this requirement for any permitted or conditional use or City Council may waive the requirement for any special review use upon determining that no walkway exists, a future walkway is unlikely to exist, or such connection would create a safety hazard.

G. Bicycle Parking.

- 1. **Location.**
 - a. Required bicycle parking shall be provided on the same lot as the use for which it is intended to serve.
 - b. Bicycle racks shall be adequately lit and located such that they are highly visible from the street and/or building entrance(s) from where bicyclists approach.
 - c. The location of bicycle parking shall not conflict with pedestrian and/or vehicle circulation.
 - d. Bicycle parking shall be sited within fifty (50) feet of a building's main entrance. If provided indoors, bicycle parking shall be located within a common area designated for secure bicycle storage.
 - e. Bicycle parking adjacent to a pedestrian walkway shall be sited to ensure that a minimum five (5) foot walkway clearance is maintained.
 - f. The Zoning Administrator is authorized to enter into a license agreement with owners and tenants to allow bicycle parking to be established in the public right-of-way at locations deemed safe and appropriate for such purposes by the City Administrator or designee.
- 2. **Design Criteria.** All bicycle parking facilities shall be designed in accordance with standards established by the National Association of City Transportation Officials.
- 3. **Dimensional Standards.**
 - a. Each bicycle parking space shall be a minimum of six (6) feet in length.
 - b. Bicycle racks shall be located at least three (3) feet in all directions from any obstruction, including but not limited to other bicycle racks, walls, doors, posts, columns, or landscaping.

- c. A minimum vertical clearance of seven (7) feet shall be maintained above all bicycle parking facilities.
4. **Off-Street Bicycle Parking Requirements.**
- a. **Exemption.** The bicycle parking requirements of this section shall apply to all uses other than the following:
 - I. All vehicle-related uses,
 - II. Single-family and two-family uses,
 - b. When the required amount of bicycle parking is two (2) spaces or less, the use shall provide a minimum of two (2) spaces in a bicycle parking area.
 - c. Unless otherwise specified herein, the number of required bicycle parking spaces shall be equal to five (5) percent of required vehicle parking spaces, up to ten (10) bicycle parking spaces.

Figure 6.2: Bicycle Parking Location and Dimensional Standards



H. Off-Street Loading Requirements.

1. **Purpose.** The purpose of this section is to prevent congestion of public rights-of-way and private lots to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
2. **Applicability.** With the exception of the CB District, buildings or structures to be built or substantially altered to increase its fair market value by more than fifty (50) percent that receive and distribute material or merchandise by truck shall provide and maintain at all times off-street loading berths in sufficient number and size for merchandise, materials, or supplies. Discontinuance of loading berths by a previous use shall not relieve the owner or new use of providing one or more berths if required by a new use.
3. **Location.** All loading berths shall be located twenty-five (25) feet or more from the intersection of two (2) street right-of-way lines. Loading berths shall not be located within any required front yard or corner yard setback area and shall be oriented away from the primary road. All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way, off-street parking area, or pedestrian circulation area.
4. **Size of Off-Street Loading Area.** Adequate space for standing, turning, loading, and unloading services shall be provided in a manner that does not interfere with required off-street parking areas, pedestrian circulation areas, and the public use of streets or alleys.
5. **Access to Off-Street Loading Area.** Each loading berth shall be located to facilitate access to a public street or alley and shall not interfere with other vehicular or pedestrian traffic and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way. Users of shared loading areas are encouraged to coordinate loading activities to minimize off-site impacts.
6. **Surfacing and Marking.** All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner that indicates the loading areas.
7. **Use of Off-Street Loading Areas.** The use of all off-street loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.
8. **Lighting.** Lighting used to illuminate an off-street loading area, if any, shall meet all requirements for outdoor lighting as detailed in Section 17.06. 070.
9. **Required Loading Spaces.** The number of loading spaces provided shall be determined by the applicant and shall provide for adequate space for standing, turning, loading, and unloading services. These spaces shall be provided in a manner that does not interfere with required off-street parking areas, pedestrian circulation areas, and the public use of streets or alleys.

I. Outdoor Parking and Storage of Goods, Recreational Vehicles, Recreational Equipment, and Utility Trailers.

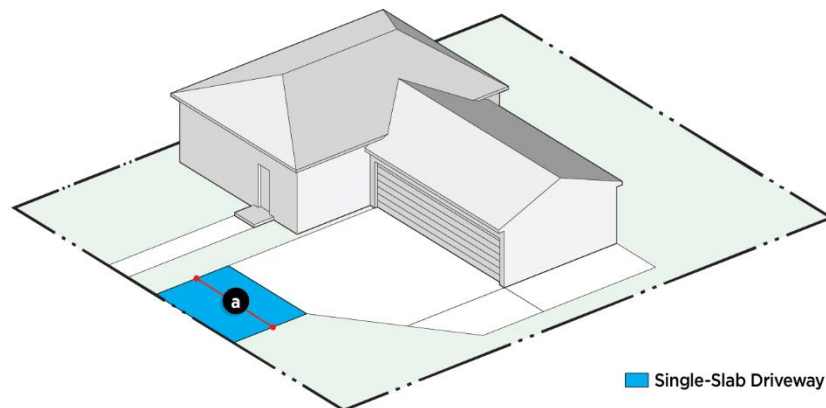
1. Except as otherwise allowed in this UDC, required parking spaces shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
2. Recreational vehicles, recreational equipment, and/or utility trailers shall be parked or stored:
 - a. On private property,
 - b. On a hard paved surface,
 - c. In interior side or rear yards only, and
 - d. Outside of vision clearance areas.

3. Recreational vehicles shall not be used for dwelling or sleeping purposes unless such vehicle is parked within a commercial RV park or trailer park, except for short periods of time, such as during the visit of friends or relatives. In that case, such use shall not extend longer than two (2) weeks, and only then when proper health and safety precautions are taken.

17.06.020 Driveways

- A. **Single-Family and Two-Family Driveway Standards.** A single slab or ribbon driveway from the property line to legal, on-site parking shall be provided and shall be in conformance with the following criteria.
 1. **Limit of One.** One (1) single slab or ribbon driveway and one (1) curb cut shall be permitted per every seventy-five (75) feet of frontage of a single-family or two-family residential lot. A maximum of two (2) curb cuts may be allowed per parcel. New residential parcels taking access from collector or arterial streets shall share driveways in order to protect public safety by limiting curb cuts.
 2. **Single-Slab Driveway Design Standards.**
 - a. Single-slab driveways shall not exceed twenty (20) feet in width at the property line. Single-slab driveways shall be surfaced with concrete including decorative concrete, patterned concrete, and exposed aggregate concrete; porous asphalt; concrete pavers paving blocks; gravel; or other materials approved by the Public Works Director.

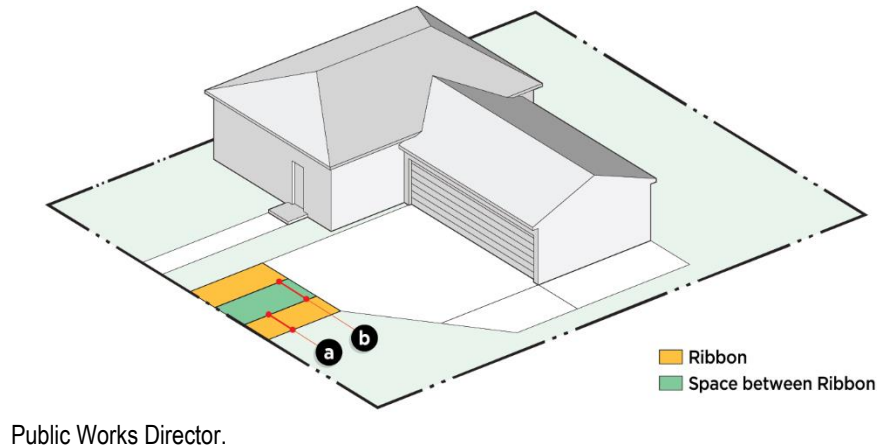
Figure 6.3: Single-Slab Driveway Design Standards



3. Ribbon Driveway Design Standards.

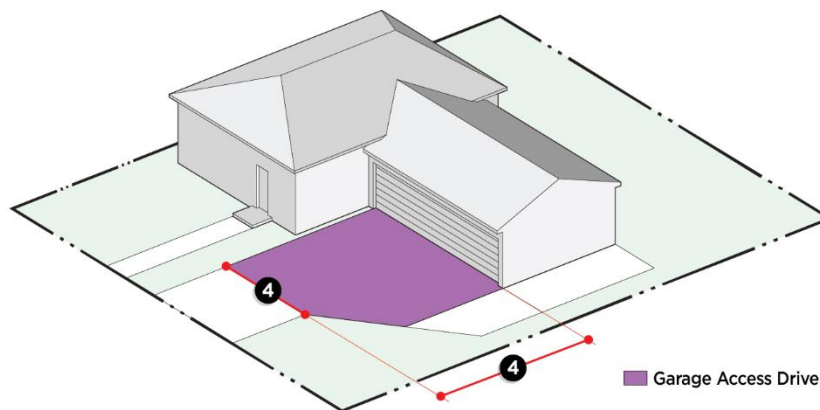
- a. Ribbons shall be a minimum of two (2) feet wide and a maximum of three (3) feet wide.
- b. Ribbons shall be a minimum of three (3) feet apart measured from their nearest edges. The space between ribbons shall be planted in turf grass or other ground cover used in the front yard.
- c. Ribbons shall be surfaced with concrete including decorative concrete, patterned concrete, and exposed aggregate concrete; porous asphalt; concrete pavers paving blocks; gravel; or other materials approved by the

Figure 6.4: Ribbon Driveway Design Standards



4. **Garage Access Drive.** A garage access drive, the width of the garage, as measured from the garage door(s) plus an additional three (3) feet on either side of the garage door(s), is permitted to extend for a distance of twenty (20) feet from the garage doors before tapering, within ten (10) feet, back to the maximum driveway width.

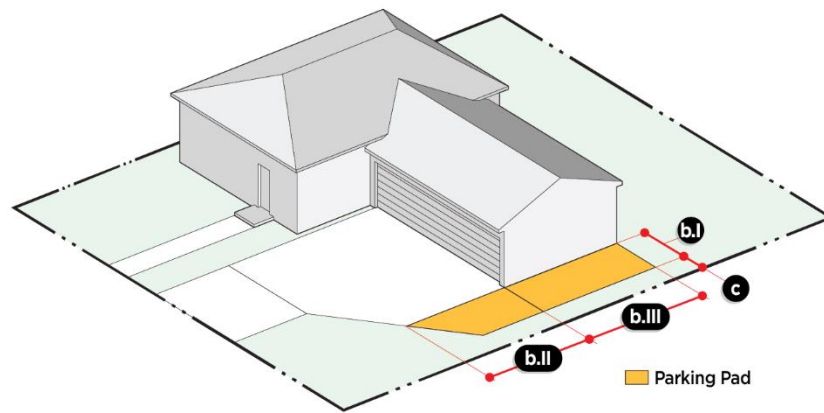
Figure 6.5: Garage Access Drive Design Standards



5. Parking Pad.

- a. **Limit of One.** A single-family or two-family driveway may be extended to include one (1) parking pad.
- b. **Configuration.**
 - I. A parking pad shall be a maximum of ten (10) feet in width.
 - II. The portion of the parking pad adjacent to the driveway shall have a maximum length of twenty (20) feet, as measured from the front façade line of the garage. A minimum seven (7) foot taper shall be included in the twenty (20) foot maximum.
 - III. The portion of the parking pad adjacent to the garage shall have a maximum length equal to the depth of the garage, as measured from the front façade line of the garage.
- c. **Location.** The parking pad shall be set back a minimum of five (5) feet from any side property line.

Figure 6.6: Parking Pad Design Standards



B. Multifamily and Nonresidential Driveway Standards.

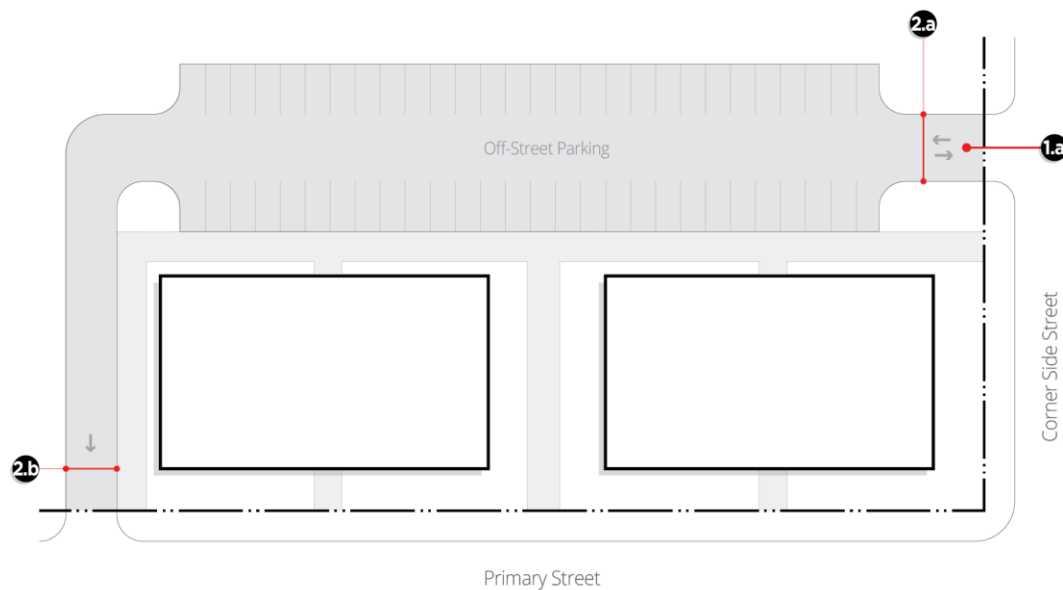
1. Location.

- a. Where an off-street parking area of a lot abuts an alley or a corner side street, access to the off-street parking area shall be obtained from a driveway off the alley or corner side street.
- b. No lot can have multiple driveways for purposes of vehicular ingress and egress without a minimum of three hundred (300) foot separation between such curb cuts along a street.

2. Driveway Design Standards.

- a. Two-way driveways for multifamily and nonresidential uses shall be a minimum of twenty (20) feet and a maximum of thirty-six (36) feet at the property line.
- b. One-way driveways for multifamily and nonresidential uses shall be a minimum of sixteen (16) feet and a maximum of twenty (20) feet at the property line.
- c. Driveways for multifamily and nonresidential uses shall be surfaced with an asphaltic concrete or portland cement pavement.

Figure 6.7: Multifamily and Nonresidential Driveway Standards



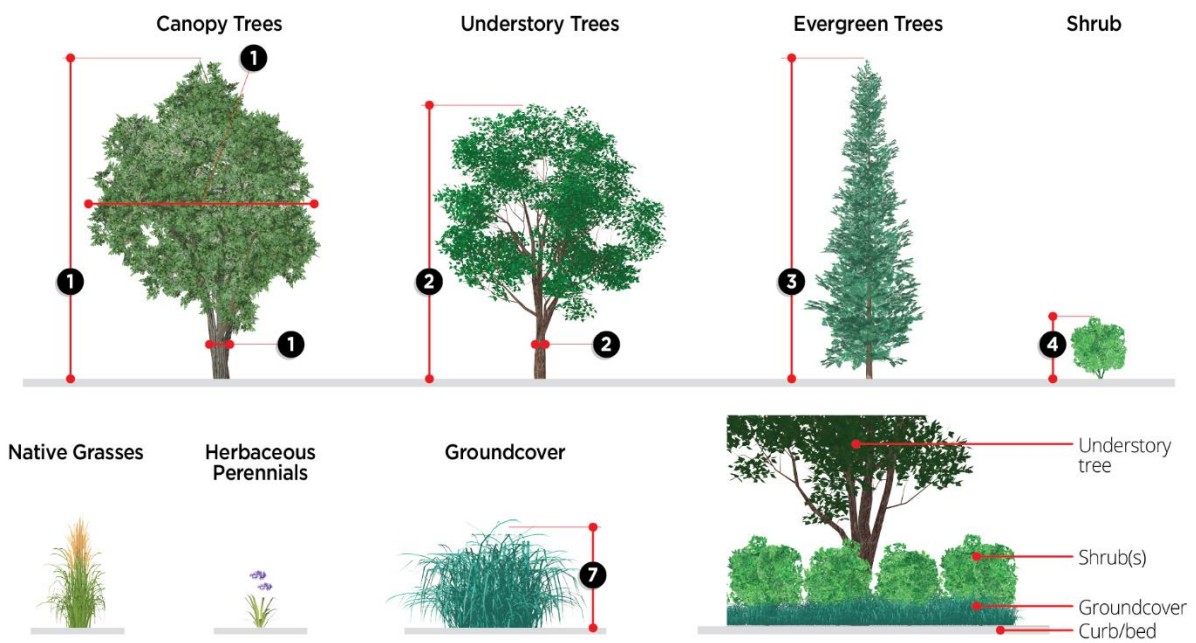
17.06.030 Landscape

Landscape improvements required by this section shall apply to all nonresidential, mixed use, and multifamily development and consist of living plants in a combination of trees, shrubs, native grasses and/or groundcover. Unless otherwise stated in this section, all size specifications for plant materials shall be based upon the time of planting. When caliper is specified for tree planting, the caliper of the tree trunk shall be measured at six (6) inches above the soil level. Any plant materials used to meet the requirements of this section shall not include any plant material identified as a List A, List B, or List C Noxious Weed Species by the Colorado Department of Agriculture.

A. Planting Types.

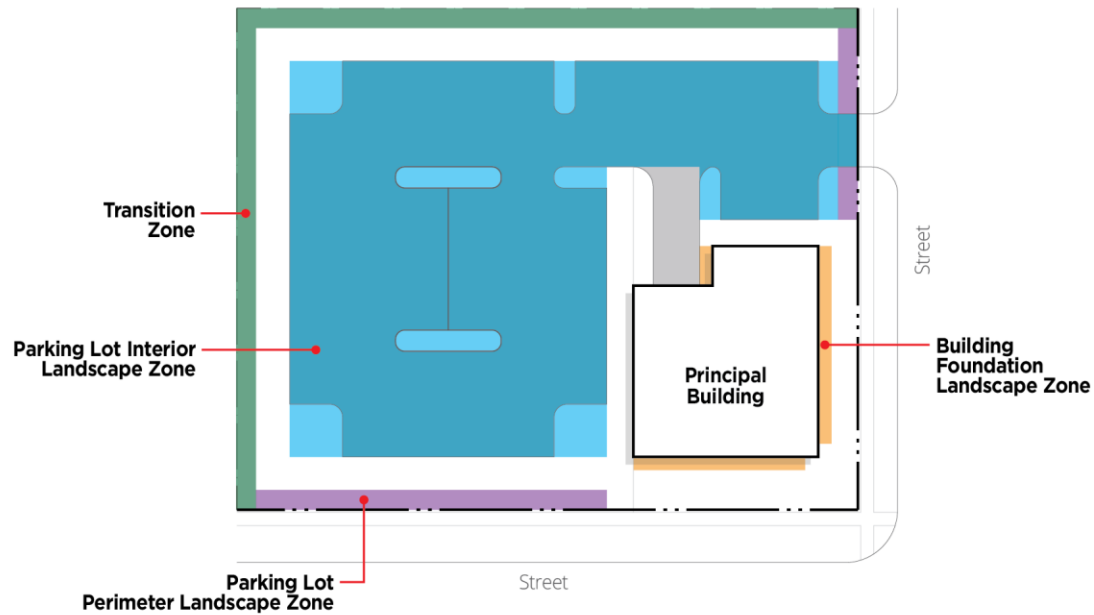
1. **Canopy Trees.** A woody plant (deciduous or evergreen) having not less than a two and one-half (2.5) inch caliper with single central axis which typically reaches a mature height of not less than forty (40) feet and a mature spread of not less than fifteen (15) feet.
2. **Understory Trees.** A woody plant having not less than a one and one-half (1.5) inch caliper, or six (6) feet tall for multiple stem species, that normally attains a mature height of at least fifteen (15) feet.
3. **Evergreen Trees.** A tree having foliage that persists and remains green throughout the year and has a height of not less than six (6) feet at installation and maturing to a height of not less than twenty (20) feet.
4. **Shrub.** A woody plant (deciduous or evergreen) of low to medium height characterized by multiple stems continuous from its base and having a height of not less than two (2) feet.
5. **Native Grasses.** Grasses that are native to, or adapted to, the State of Colorado, not including noxious weeds.
6. **Herbaceous Perennials.** Plants with non-woody stems whose above-ground growth largely or totally dies back during winter months but whose underground plant parts (roots, bulbs, etc.) survive.
7. **Groundcover.** Herbaceous plants, other than turf grass, or prostrate shrubs normally reaching an average maximum height of eighteen (18) inches at maturity.

Figure 6.8: Planting Types



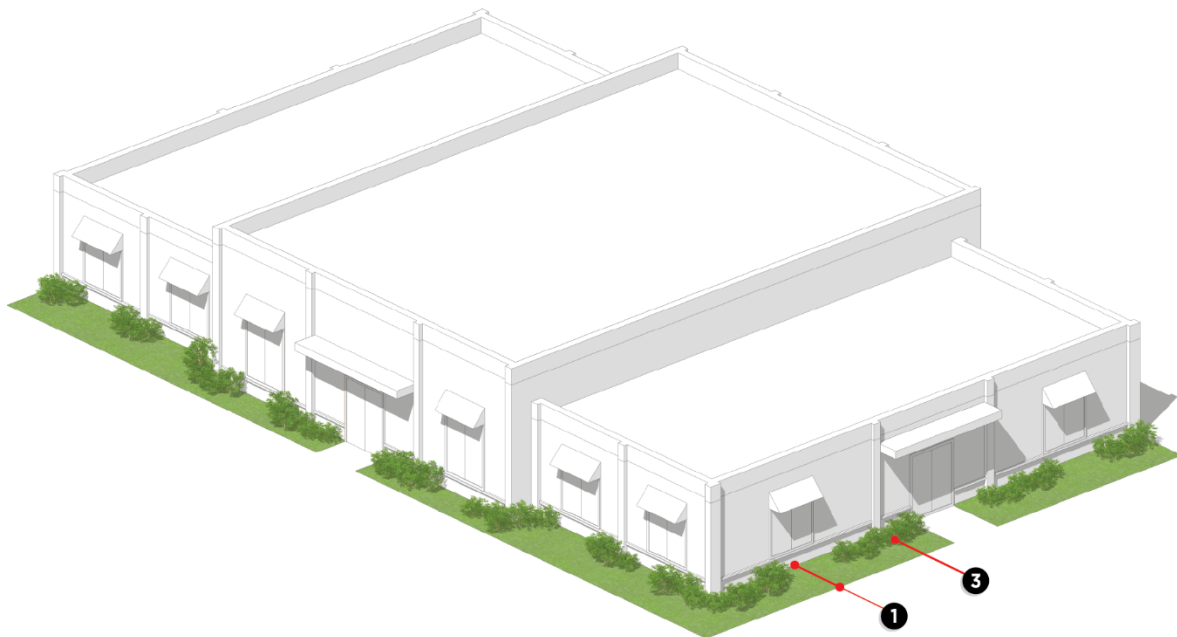
- B. **Required Landscape Zones.** Figure 6.9 illustrates the location of the required landscape zones as detailed in the following sections. The Zoning Administrator may approve up to a twenty-five (25) percent reduction in the overall required amount of landscape material for properties in the I District which are not visible from properties in commercial or residential districts or from major thoroughfares.

Figure 6.9: Required Landscape Zones



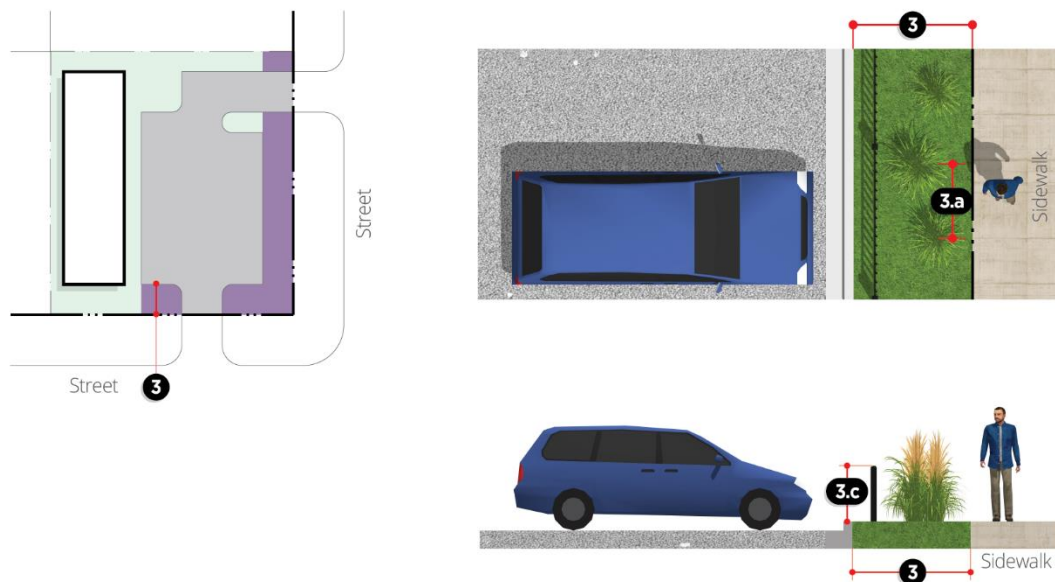
- C. **Building Foundation Landscape Zone.** All nonresidential, mixed use, and multifamily development where a front yard setback is required, with the exception of food processing facilities regulated by the FDA, shall include landscape located at the building foundation as required by this section. Landscape required by this section shall be in addition to landscape required under other sections of this UDC. It is the objective of this section to provide a softening effect at the base of buildings.
1. Applicable development is required to maintain a building foundation area at front and exterior side yards of seven (7) feet at a minimum.
 2. Foundation plantings shall be designed to supplement buffer yard plantings to frame important views, while visually softening long expanses of walls.
 3. Foundation plantings shall be installed across eighty (80) percent of the length of the façade of the building, except where walkways and driveways are located.
 4. Foundation plantings may include trees, shrubs, native grasses, and groundcover.
 5. Where the area between the building and parking lot or street curb is entirely paved for pedestrian use, landscaping may consist of canopy trees planted in structural soils beneath tree grates or permeable pavement, at the rate of one (1) tree per fifty (50) linear feet of building facade. Minimum structural soil volume shall be six-hundred (600) cubic feet.
 6. Above-ground stormwater planter boxes along building facades may be substituted for foundation plantings.

Figure 6.10: Building Foundation Landscape Zone



- D. **Parking Area Perimeter Landscape Zone.** Landscape required by this section shall be in addition to landscape required under other sections of this UDC. It is the objective of this section to provide screening between off-street parking areas and rights-of-way, and to provide for the integration of stormwater management with required landscaping.
1. **Location.** All off-street parking areas which abut a public or private right-of-way, excluding alleys, shall include landscape and trees as required by this section located between the back of curb of the off-street parking area and the right-of-way.
 2. **Applicability.** The parking lot perimeter landscape regulations of this section apply to the following:
 - a. The construction or installation of any new off-street parking area; and
 - b. The expansion of any existing off-street parking area, in which case the requirements of this section apply only to the expanded area.
 3. **Requirements.** Perimeter landscape shall be established along the edge of the off-street parking area and have a minimum width of seven (7) feet as measured from the back of curb of the off-street parking area, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.
 - a. One (1) shrub or native grasses the height of which shall not be less than three (3) feet nor greater than five (5) feet, shall be planted for every three (3) feet of landscape area length.
 - b. Landscaped areas outside of shrubs/native grasses and tree masses shall be planted in live groundcover.
 - c. A low masonry wall or fence the height of which provides effective screening to a maximum height of three (3) feet may be used in conjunction with required landscaping as detailed above. Plant materials shall be installed between the sidewalk and the fence or wall to provide a softening effect.

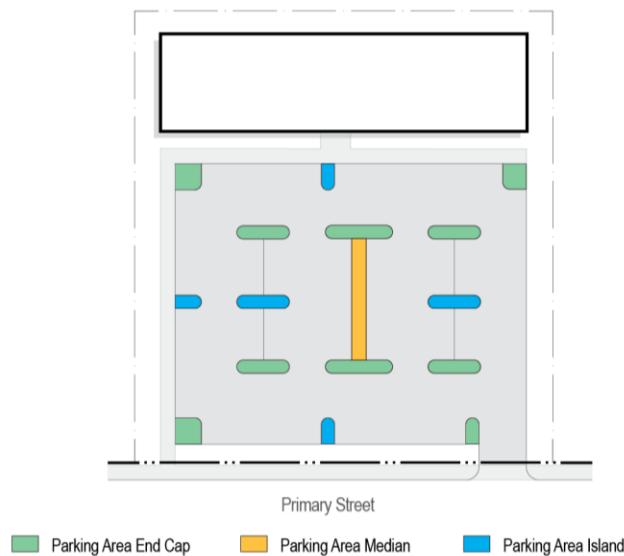
Figure 6.11: Parking Area Perimeter Landscape Zone



- E. **Parking Area Interior Landscape Zone.** All off-street parking areas shall include landscape and trees located within the off-street parking area as required by this section. Trees and landscape required by this section shall be in addition to trees and landscape required under other sections of this UDC. It is the objective of this section to provide shade within parking areas, break up large expanses of parking area pavement, support stormwater management where appropriate, improve the appearance of parking lots as viewed from rights-of-way, and provide a safe pedestrian environment.
1. **Applicability.** The parking area interior landscape zone regulations of this section apply to the following:
 - a. The construction or installation of any new off-street parking lot containing fifteen (15) or more parking spaces; and
 - b. The expansion of any existing off-street parking area if the expansion would result in fifteen (15) or more new parking spaces, in which case the requirements of this section apply only to the expanded area.
 2. **Requirements.** For off-street parking areas consisting of fifteen (15) or more continuous spaces, interior parking area landscape as described in this section shall be required. Off-street parking areas consisting of fewer than fifteen (15) continuous spaces that are located in front, exterior side, or interior side yards shall be required to terminate all rows of parking with a landscape area, as approved by the Zoning Administrator. Off-street parking areas consisting of fewer than fifteen (15) continuous spaces that are located in rear yards shall be exempt from parking area interior landscape zone requirements.

3. **Amount.** The amount of required parking area interior landscape shall be determined by the yard in which the off-street parking area is located as detailed below.
 - a. **Off-Street Parking Areas in Front or Side of Primary Building.**
 - I. **Parking Area End Caps.** A parking area end cap shall be located at the end of any bay of parking bordered by a drive aisle, public or private street, or pedestrian circulation system.
 - II. **Parking Area Median Amount Requirement.** Parking area medians shall be placed between every third bay of parking.
 - III. **Parking Area Island Amount Requirement.** Parking area islands shall be located on parking bays which are not required to have parking area medians. Parking area islands shall be spaced not more than one-hundred thirty-five (135) feet or more than fifteen (15) continuous spaces apart.

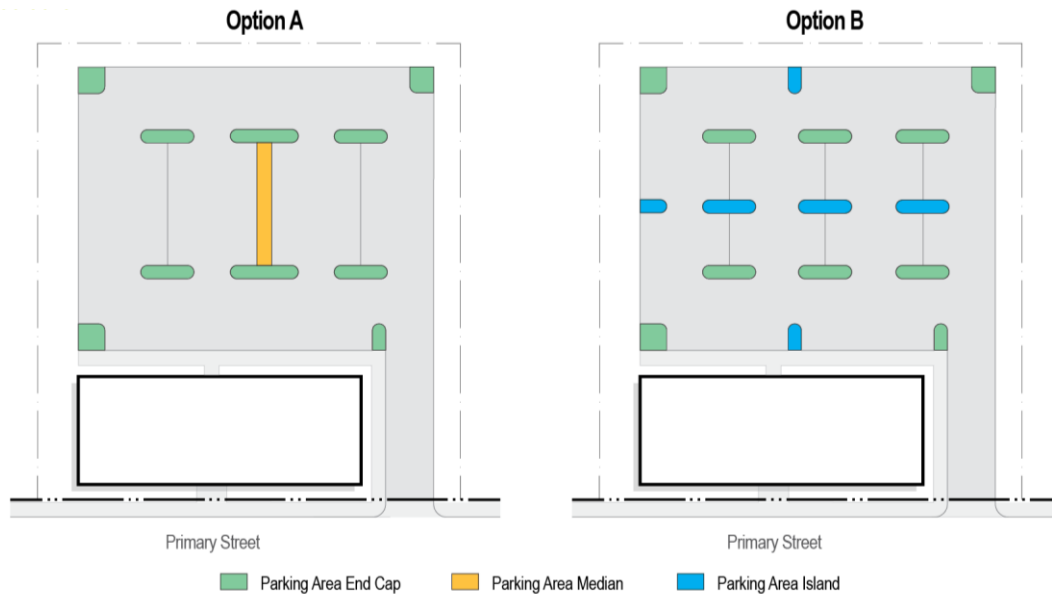
Figure 6.12: Interior Parking Lot Landscape Zone Requirements for Parking Areas Located in Front or Side of Primary Building



b. **Off-Street Parking Areas in Rear of Primary Building.**

- I. **Parking Area End Caps.** A parking area end cap shall be located at the end of any bay of parking bordered by a drive aisle, public or private street, or pedestrian circulation system.
- II. **Parking Area Median or Parking Area Island Amount Requirement.** The developer may choose to install either parking area medians or parking area islands. If the developer chooses to install parking area medians, they shall be placed between every third bay of parking. If the developer chooses to install parking area islands, they shall be located on parking bays which are not required to have parking area medians. Parking area islands shall be spaced not more than one-hundred thirty-five (135) feet or more than fifteen (15) continuous spaces apart.

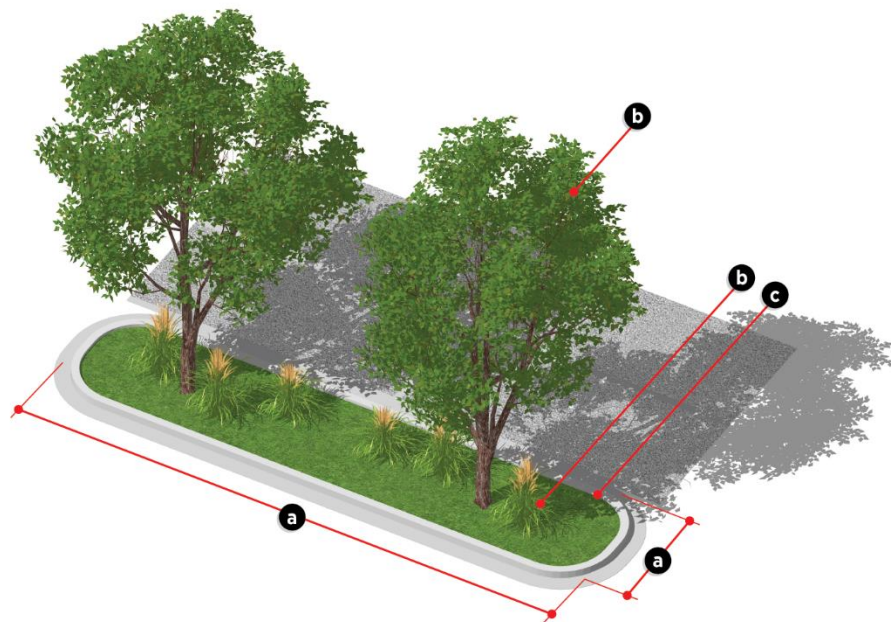
Figure 6.13: Interior Parking Lot Landscape Zone Requirements for Parking Areas Located in Rear of Primary Buildings



4. Parking Area End Cap Standards.

- a. **Size.** Parking area end caps shall be a minimum nine (9) feet wide by eighteen (18) feet long and shall have a minimum soil depth of thirty-six (36) inches. Double rows of parking shall provide parking area end caps opposite one another to form continuous single end cap.
- b. **Planting.** A minimum of one (1) canopy tree and three (3) shrubs or native grasses shall be provided for every parking area end cap. If the end cap extends the width of a double bay, then two (2) canopy trees shall be provided.
- c. **Design.** Parking area end caps shall be protected with concrete curbing or other suitable barriers approved by the Zoning Administrator. Such end caps shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials or proper stormwater management function.

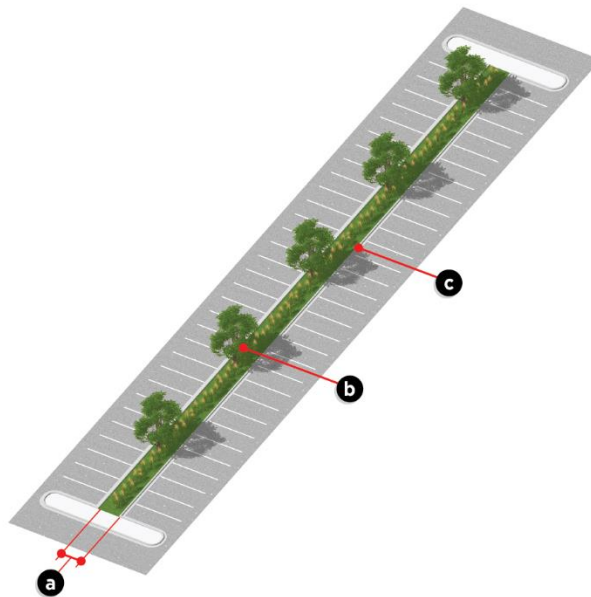
Figure 6.14: Parking Area End Cap Standards



5. Parking Area Median Standards.

- a. **Size.** Parking area medians shall have a minimum width of nine (9) feet and minimum soil depth of thirty-six (36) inches.
- b. **Planting.** A minimum of one (1) canopy tree and fifteen (15) shrubs or native grasses shall be planted for each fifty (50) linear feet of parking area median.
- c. **Design.** Parking area medians shall be protected with concrete curbing unless the parking area median is designed to be utilized for stormwater management in which case the perimeter shall be protect by wheel stops, or other suitable barriers approved by the Zoning Administrator. Such medians shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials and proper stormwater management function.

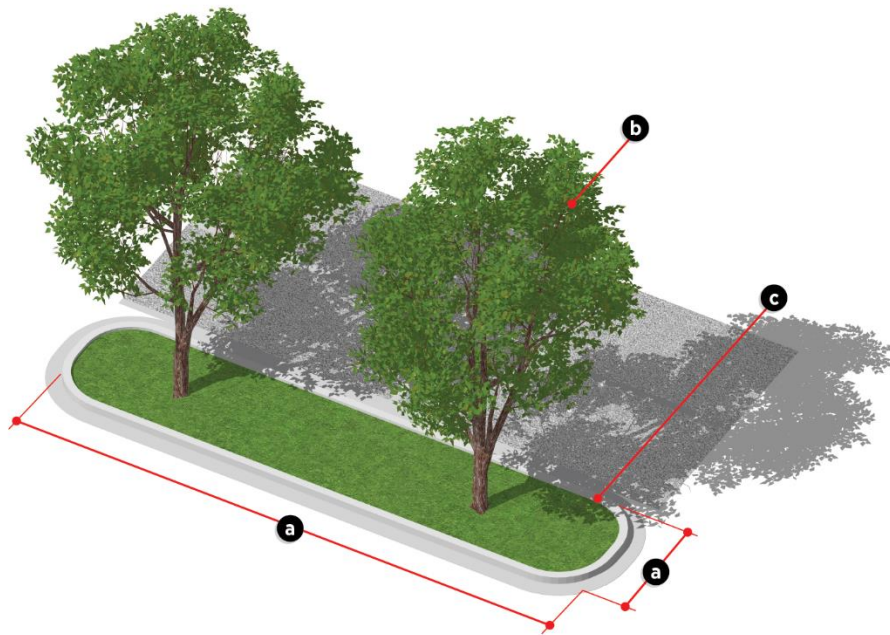
Figure 6.15: Parking Area Median Standards



6. Parking Area Island Standards.

- a. **Size.** Parking area islands shall be a minimum nine (9) feet wide by eighteen (18) feet long and shall have a minimum soil depth of thirty-six (36) inches. Double rows of parking shall provide parking area islands opposite one another to form continuous single islands.
- b. **Planting.** A minimum of one (1) canopy tree shall be provided for every parking area island. If the island extends the width of a double bay, then two (2) canopy trees shall be provided.
- c. **Design.** Parking area islands shall be protected with concrete curbing or other suitable barriers approved by the Zoning Administrator. Such islands shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials or proper stormwater management function.

Figure 6.16: Parking Area Island Standards



7. **Pedestrian Circulation Systems.** Pedestrian circulation systems, as required in the interior of off-street parking areas in Section 17.06.010(F) shall be located along parking area medians. The Zoning Administrator may waive or modify this requirement on determining that locating pedestrian circulation systems along parking area medians is impractical due to site conditions or undesirable because it would create unsafe conditions.
8. **Type of Landscape Material.** Except where areas are designed as vegetated stormwater management areas, canopy trees shall be the primary plant materials used in parking area islands and canopy trees and shrubs or native grasses shall be the primary plant materials used in parking area medians. Understory trees, evergreen trees, shrubs, native grasses, groundcover, and other plant materials may be used to supplement the required plantings but shall not create visibility concerns for automobiles and pedestrians. If medians or islands are designed as stormwater management areas, deviations from required plantings may be approved by the Zoning Administrator.
9. **Groundcover.** A minimum of seventy-five (75) percent of the surface area of every parking area island and median shall be planted with living groundcover.

F. **Transition Zone Landscape Requirements.** Transition zone landscape shall be required along interior property lines of all nonresidential, mixed use, and multifamily development. It is not expected that the transition area will totally screen such uses but rather will minimize land use conflicts and enhance aesthetics. Landscape required by this section shall be in addition to landscape required under other sections of this UDC.

1. **Applicability.** Transition zone landscaping is required as follows:

- a. The construction or installation of any new primary building or primary use; and
- b. The expansion of any existing primary building or primary use that results in an increase in gross floor area by more than five (5) percent or one thousand (1,000) square feet, whichever is greater. In the case of expansions that trigger compliance with transition zone requirements, transition zone landscaping is required only in proportion to the degree of expansion. The Zoning Administrator is authorized to allow the transition zone to be established adjacent to the area of expansion or to disperse transition zone landscaping along the entire site transition zone.

2. **Transition Zone Types.** Four (4) transition zone types are established in recognition of the different contexts that may exist, as shown in Table 17.06.030(F)(2). Transition zones may include a combination of elements including setback distances for separation, planting types, solid fencing, green walls, vegetated stormwater management areas, living groundcover, or turf.

Table 17.06.030(F)(2) Transition Zone Types					
	Specification	Type A	Type B	Type C	Type D
(a)	Minimum Zone Width (1)	5 feet	10 feet	15 feet	20 feet
(b)	Minimum Fence/Wall Height (2)	optional	optional	6 feet	6 feet
<i>Minimum Number of Landscape Elements per 100 Linear Feet</i>					
(c)	Understory Tree	optional	3	4	5
(d)	Canopy/Evergreen Tree	4	3	4	5
(e)	Shurbs/Native Grasses	optional	15	25	35
Notes:					
(1) Required yard setbacks may be utilized for transition zone landscape.					
(2) Fence or wall requirements may be satisfied by a solid evergreen or arborvitae hedge with a maximum height of six (6) feet, as approved by the Zoning Administrator.					

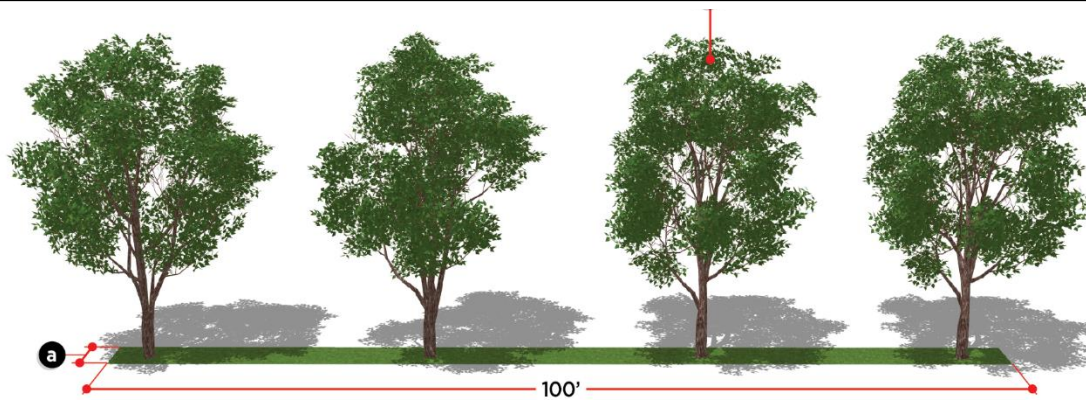
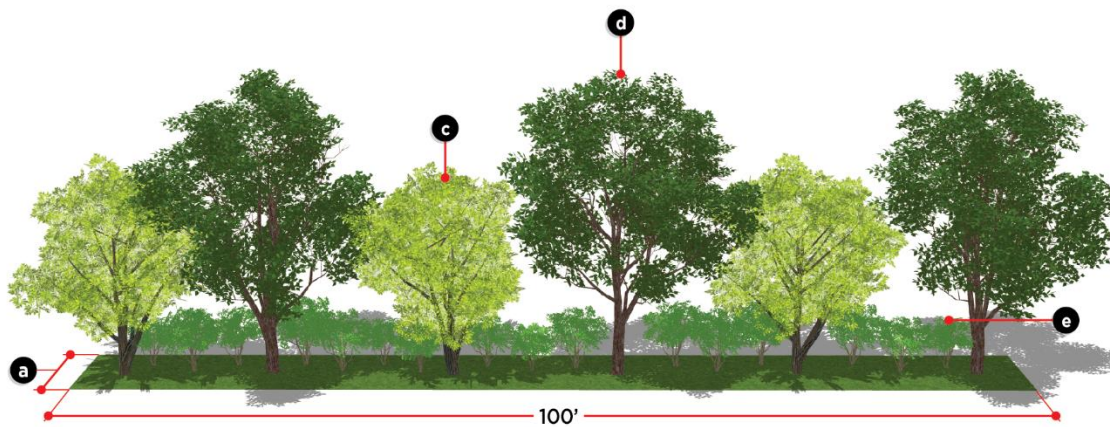
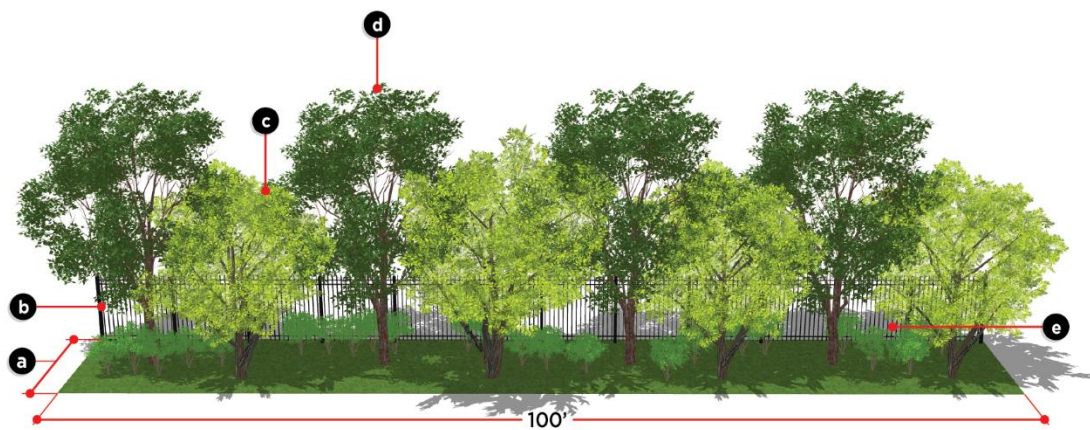
Figure 6.19: Transition Zone Type A**Figure 6.18: Transition Zone Type B****Figure 6.17: Transition Zone Type C**

Figure 6.20: Transition Zone Type D



3. **Application of Transition Zone Types.** Transition zones shall be provided based on Table 17.06.030(F)(3), except where adjacent uses are of a similar nature, scale, and intensity as determined by the Zoning Administrator. As per Table 17.06.030(F)(3), the type of required transition zone is dependent upon the land use type of the subject lot and the land use type of the adjacent lot(s).

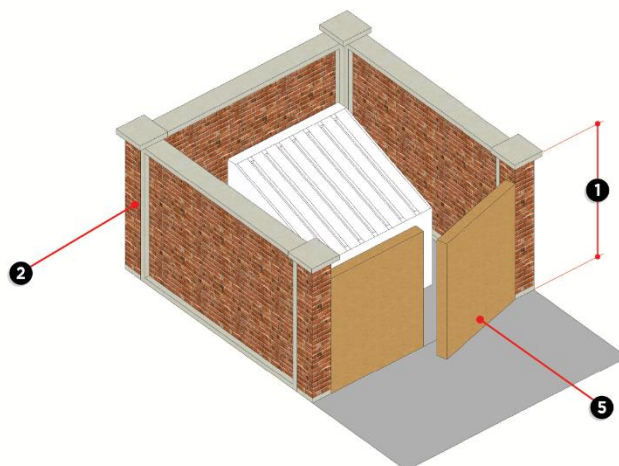
Table 16-6-3(F)(3) Application of Transition Zone Types											
Subject Lot Land Use	Adjacent Lot Land Use										
	Agricultural	Single-Family Residential	All Other Residential	Public/Institutional	Retail	Service/Medical/Office	Lodging	Eating/Drinking	Recreational	Vehicle Related	Industrial
Agricultural	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Single-Family Residential	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
All Other Residential	n/a	C	A	B	B	B	B	B	B	C	D
Public/Institutional	n/a	C	B	A	B	B	B	B	B	C	D
Retail	n/a	C	B	B	A	A	A	A	A	B	C
Service/Medical/Office	n/a	C	B	B	A	A	A	A	A	B	C
Lodging	n/a	C	B	B	A	A	A	A	A	B	C
Eating/Drinking	n/a	C	B	B	A	A	A	A	A	B	C
Recreational	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Vehicle Related	n/a	C	B	B	A	A	A	A	A	B	C
Industrial	n/a	D	D	D	D	D	D	D	D	D	D

- G. **Species Diversity Requirements.** The following species diversity requirements shall be required for all developments, unless otherwise approved by the Zoning Administrator in conjunction with approval of vegetated stormwater management areas.
1. A minimum of fifty (50) percent of the landscape elements utilized on a parcel that is less than one-half (0.5) acre shall be drought tolerant native species.
 2. A minimum of sixty (60) percent of the landscape elements utilized on a parcel that is between one-half (0.5) and five (5) acres shall be drought tolerant native species. Total landscape elements, excluding turf, shall not be comprised of more than thirty (30) percent of any single species or fifty (50) percent of any genus.
 3. A minimum of seventy-five (75) percent of the landscape elements utilized on a parcel that is greater than five (5) acres shall be drought tolerant native species. Total landscape elements, excluding turf, shall not be comprised of more than twenty (20) percent of any single species or twenty-five (25) percent of any genus.
- H. **Tree Preservation.** Preservation of existing high-quality trees within a new development or redevelopment site is highly encouraged. Preserved trees may fulfill a portion of the landscape requirements established in this section. Should the applicant propose to maintain existing high-quality trees to count toward satisfying certain landscape requirements of this UDC, the Zoning Administrator may, upon receipt of a tree preservation plan, waive certain landscape requirements if mature, high-quality trees on a lot are proposed to be preserved. If, upon inspection at the conclusion of the project, trees identified for preservation have been removed, damaged, or are otherwise in declining condition, all waived required landscape shall be installed.
- I. **Installation and Maintenance of Landscape Areas.**
1. Immediately upon planting, all landscape shall conform to the American Standard for Nurserymen, published by the American Association of Nurserymen, Inc., as revised from time to time.
 2. A landscape improvement agreement with a security, in the form of a letter of credit, or cash, in a form approved by the City Attorney and Zoning Administrator in an amount equal to twenty (20) percent of the total cost estimate of landscaping for the construction in January 1 dollars for the current year, shall be executed by the applicant for all required landscape improvements. Such agreement shall be executed prior to the issuance of any building permit. The security for landscaping improvements shall remain in place or be held by the City for a period of eighteen (18) months from the date of the last planting of the landscaping. At end of the eighteen (18) months, a letter of credit shall terminate or any cash held in escrow shall be returned to the applicant.
 3. Dead plant materials shall be replaced within sixty (60) days upon notification from the City, taking into consideration the season of the year, and shall have at least the same quantity and quality of landscape elements as initially approved. If the particular project is constructed in more than one (1) phase, the sixty (60) day timeframe shall apply to each individual phase.
 4. All landscape shall be maintained in a healthy, clean, and weed-free condition. The ground surface of landscape areas shall be covered with either turf and/or other types of pervious groundcover or mulch.

17.06.040 Screening

- A. **Trash and Recycling Receptacles.** The following requirements shall apply to all nonresidential, mixed use, and multifamily development.
1. Trash and recycling receptacles shall be screened on three (3) sides with a solid, opaque material with a minimum height of six (6) feet and a maximum height of eight (8) feet. The use of materials that are not solid, such as slats in chain-link, shall only be used to meet this requirement in the Industrial District.
 2. Materials used for screening shall complement the architecture of the primary building.
 3. Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.
 4. If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
 5. Enclosure openings shall be gated with an opaque material and shall not be directly visible from a public right-of-way and/or adjoining residential areas.
 6. Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed by a service truck or person authorized to place refuse in the enclosure.
 7. Owners shall be responsible for ensuring that trash and recycling receptacles be placed in the enclosure at all times other than when it is being emptied by a service truck.
 8. Access drives shall be constructed of material and thickness to accommodate truck loading. Year-round accessibility to the enclosure area for service trucks shall be maintained by the owner or tenant.
 9. Enclosures shall be of an adequate size to accommodate expected containers. It is recommended that the enclosure be designed to be expandable to accommodate future additional containers.
 10. Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by use of barrier curbing, reinforced masonry walls, bollards, or other similar means.
 11. Trash and recycling receptacle enclosures shall not occupy area used for required parking spaces.

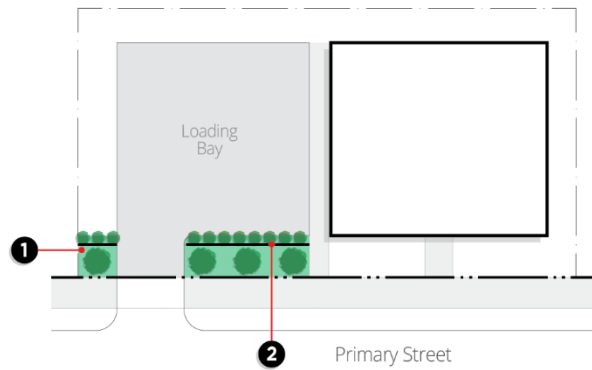
Figure 6.21: Trash and Recycling Receptacle Screening Standards



- B. **Loading Docks and Truck-Parking Areas.** The following requirements shall apply to all nonresidential, mixed use, and multifamily development and shall be equally effective throughout the year.

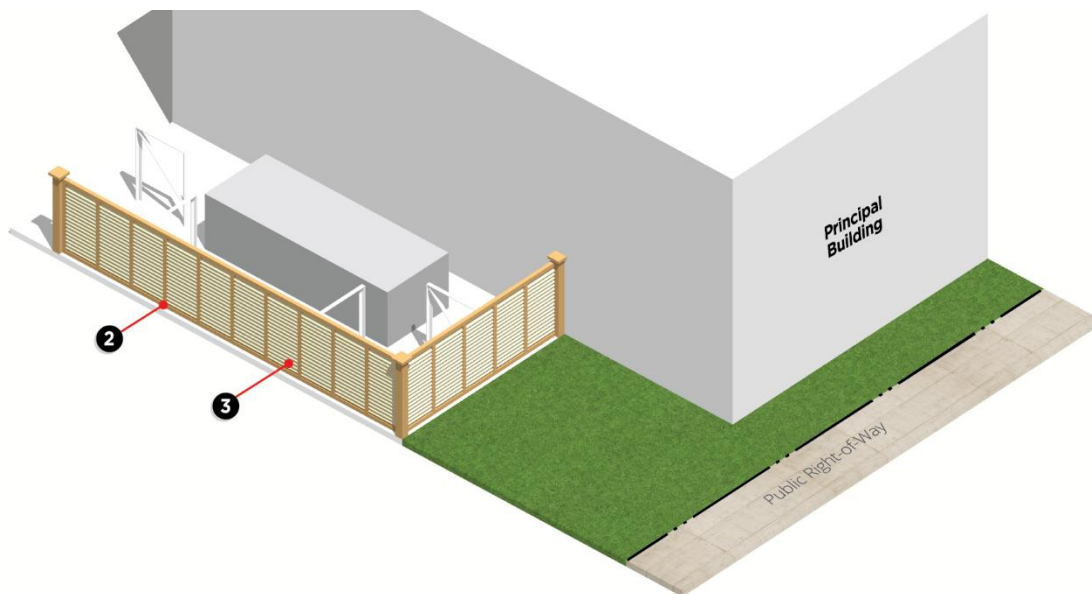
1. Loading docks and truck-parking areas that are visible from any public right of property in a residential district shall be completely screened from public view.
2. Materials used for screening shall be opaque masonry walls, wood fence, landscape hedging, berming, or a combination thereof.
3. The height of screening materials shall not exceed eight (8) feet.

Figure 6.22: Loading Dock and Truck-Parking Area Screening Standards



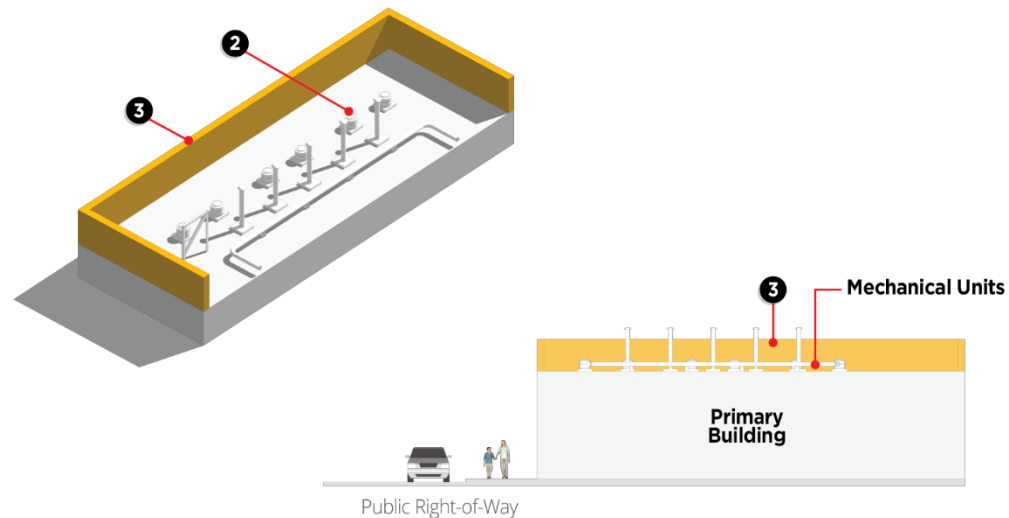
- C. **Ground/Wall Mounted Mechanical Units.** The following requirements shall apply to all ground-mounted and wall-mounted mechanical units, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, storage silos, tanks etc., and any related utility structures and equipment.
1. Locating mechanical units within the principal building is strongly encouraged in order to minimize exterior visual impacts. Ground/wall mounted mechanical units are prohibited within the front or exterior side yard, regardless of whether screening is provided, unless operationally necessary and approved by the Zoning Administrator.
 2. Ground/wall mounted mechanical units that are visible from any public right-of-way or adjacent property in a residential district shall be screened from public view.
 3. Materials used for screening shall be designed to be architecturally integrated with the building and established so that the area or element being screened is no more than twenty (20) percent visible through the screen.
 4. Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.

Figure 6.23: Ground/Wall Mounted Mechanical Unit Screening Standards



- D. **Roof Mounted Mechanical Units.** The following requirements shall apply to all roof mounted mechanical units, including but not limited to air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment which service nonresidential, mixed use, or multifamily developments.
1. Locating mechanical units within the principal building is strongly encouraged in order to minimize exterior visual impacts.
 2. Roof mounted mechanical units that are visible from any public right-of-way or adjacent property in a residential district shall be completely screened from public view.
 3. Materials used for screening shall be architecturally integrated with the building in the form of a parapet wall and shall be continuous, permanent, and sound attenuating.
 4. Screening shall be required when new equipment is installed and shall be provided around both new and existing roof mounted mechanical units in order to provide visual continuity. Normal maintenance of roof mounted mechanical units shall not trigger the screening requirements.
 5. Additional screening may be required due to topographic differences in the adjoining properties.

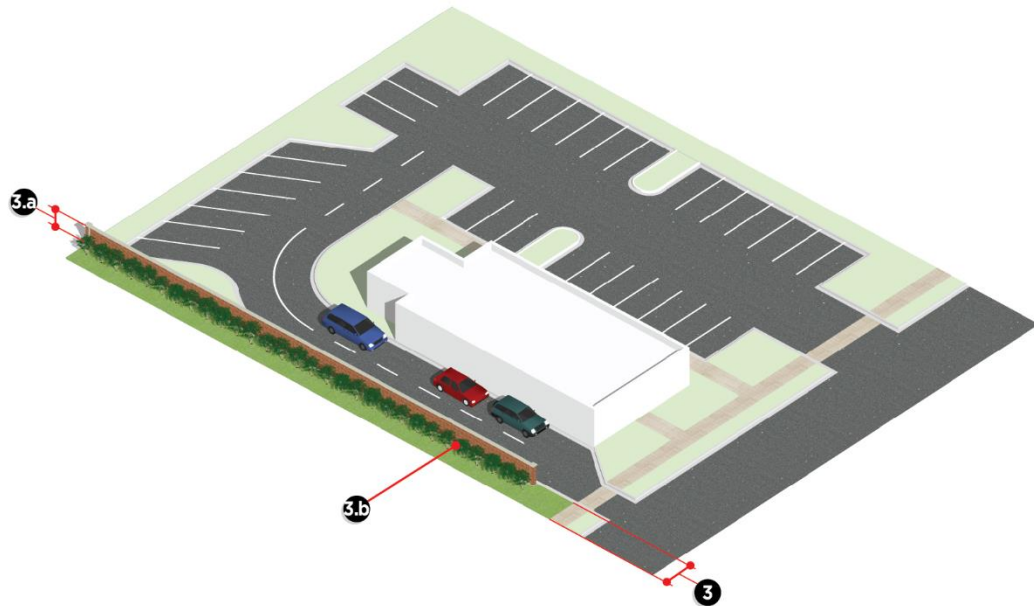
Figure 6.24: Roof Mounted Mechanical Unit Screening Standards



E. **Drive Throughs.** The following requirements shall apply to all drive throughs regardless of the use to which it is accessory.

1. Drive aisles of drive throughs must be effectively screened from view at the edges of sites adjacent to property in a residential district to minimize the impact of exterior site lighting, headlight glare and any menu boards and intercom systems.
2. Screening must be approved during the specific use permitting process.
3. The screening area shall be a minimum of six (6) feet in width and must consist of:
 - a. An opaque masonry wall or wood fence with a minimum height of four (4) feet and a maximum height of six (6) feet; and
 - b. Shrubs or native grasses installed every three (3) feet along the exterior of the wall or fence to provide a softening effect.

Figure 6.25: Drive Through Screening Standards

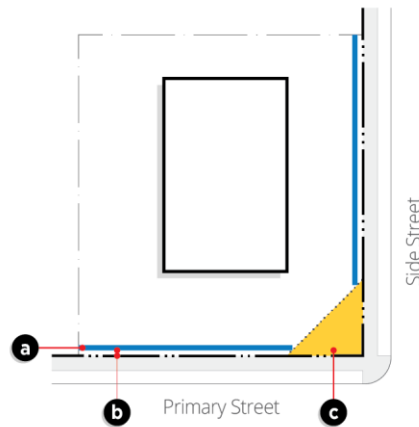


17.06.050 Fences, Walls, and Hedges

A. General Provisions.

1. **Location.** All fences allowed in this section shall be located:
 - a. Wholly within property lines,
 - b. A minimum of one (1) foot from any right-of-way,
 - c. Outside of a vision clearance area as detailed in Section 17.06.060,
 - d. A minimum of eighteen (18) inches from an underground utility access structure; drainage structure; telephone, electric, cable television or gas pedestal or in any manner that would interfere with the maintenance for these utilities,
 - e. In a manner which does not block access to underground utility access structures or fire hydrants,
 - f. A minimum of two (2) inches above finished grade if located in a drainage swale or a drainage easement, and
 - g. In a manner which does not inhibit the function of stormwater drainage structures.

Figure 6.26: General Fence Location Standards



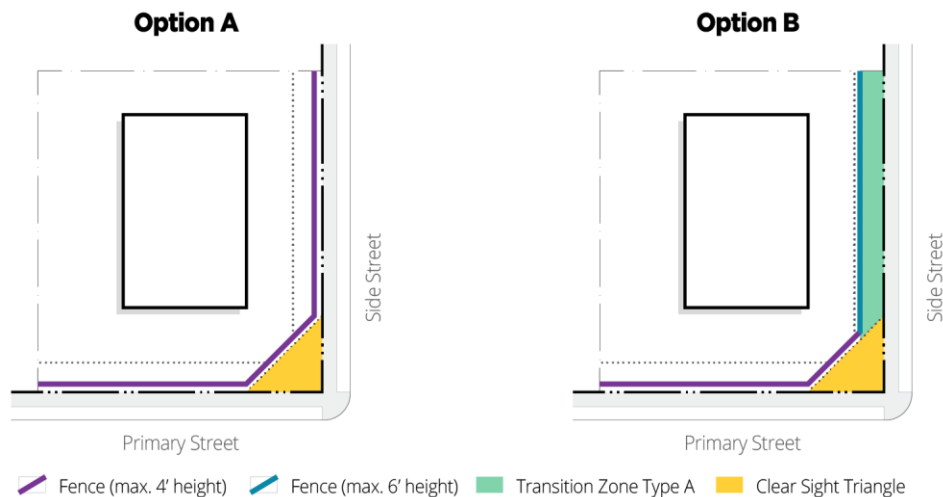
2. **Construction Standards.** Fences shall be designed and constructed to resist a horizontal wind pressure of not less than thirty-five (35) pounds per square foot, in addition to all other forces to which they may be subjected. Fences that are leaning at an angle of fifteen (15) degrees or greater are considered dangerous and shall be in violation of this UDC.

- B. **Fences on Lots with Single-Family or Two-Family Uses.** Fences on lots with single-family or two-family uses shall meet the requirements established below. Razor wire, or makeshift materials such as plywood or tarpaulin shall be prohibited on lots with single-family or two-family uses. All fences shall be erected so that the posts and all other supporting members face inward toward the owner's property.

1. **Fences in Front and/or Street Side Yards.**

- a. **Height.** Fences in front and/or street side yards shall not exceed four (4) feet in height. Fences in street side yards may have a maximum height of six (6) feet if located a minimum of ten (10) feet from the property line and improved with a landscape area between the fence and right-of-way including the landscape elements required for a Transition Zone Type A as detailed in Table 17.06.030(F)(2).
- b. **Materials.** Fences in front yards and/or street side yards shall be of non-sight barrier construction and have a maximum opacity of fifty (50) percent. Fence materials utilized in front yards and/or street side yards shall complement fence materials utilized in other yards. Permitted fence materials in front yards and/or street side yards shall be only those materials which are designed and intended for use in fence installations and shall be limited to:
 - I. Vegetation,
 - II. Wood, chemically treated or naturally resistant to decay,
 - III. Wood Composites,
 - IV. Aluminum,
 - V. Vinyl/PVC, and
 - VI. Wrought Iron.

Figure 6.27: Fences on Lots with Single-Family or Two-Family Uses in Front and/or Street Side Yard Standards



2. **Fences in Interior Side and Rear Yards.**

- a. **Height.** The maximum height of a fence in interior side yards and rear yards shall be six (6) feet.
- b. **Materials.** Fence materials utilized in interior side yards and rear yards shall complement fence materials utilized in other yards. Permitted fence materials in interior side yards and rear yards shall be only those materials which are designed and intended for use in fence installations and shall be limited to:
 - I. Masonry,
 - II. Wood, chemically treated or naturally resistant to decay,
 - III. Wood Composites,
 - IV. Aluminum,
 - V. Vinyl/PVC,
 - VI. Wrought Iron,
 - VII. Coated Chain Link without inserts, and
 - VIII. As approved by the Zoning Administrator.
- c. **Location.** Fences in interior side yards and rear yards shall be located no closer to the front yard than the established front face of the principal building on the lot or the principal building on the adjacent lot.

C. **Fences on Lots with Nonresidential, Mixed Use, or Multifamily Uses.** Fences and walls erected on lots with nonresidential, mixed use, or multifamily uses shall be reviewed and may be approved by the Public Works Director only if they have determined that the structure will not create a visual clearance or traffic hazard and is in compliance with the following standards.

1. **Height.** The maximum height of fences on a lot with nonresidential, mixed use, or multifamily uses shall not exceed eight (8) feet.
2. **Location.** Fences on lots with nonresidential, mixed use, or multifamily uses shall be located in rear and interior side yards only, with the exception of fences on lots in the I District where fences may be located in exterior side, interior side, and rear yards only but shall be located no closer to the front yard than the established front face of the principal building on the lot or the principal building on the adjacent lot.
3. **Materials.** Permitted fence materials on lots with nonresidential, mixed use, or multifamily uses shall be only those materials which are designed and intended for use in fence installations and shall be limited to:
 - a. Masonry,
 - b. Wood, chemically treated or naturally resistant to decay,
 - c. Wood Composites,
 - d. Aluminum,
 - e. Vinyl/PVC,
 - f. Wrought Iron,
 - g. Coated Chain Link without inserts, and
 - h. As approved by the Zoning Administrator.

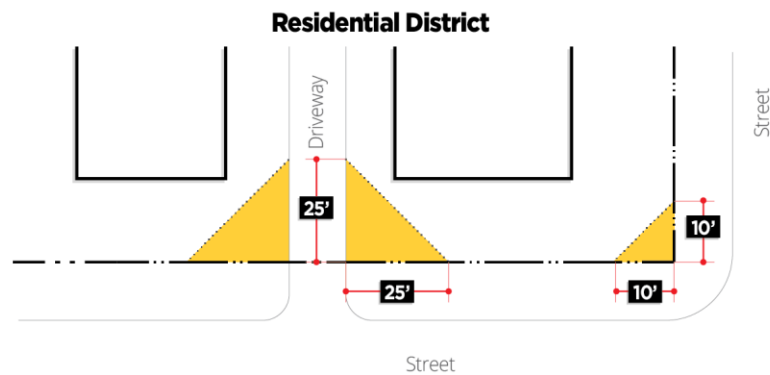
Barbed Wire. In the I District and on parcels with agricultural uses, barbed wire may be utilized in interior side and rear yard fences and shall be limited to a maximum height of one (1) foot, and a maximum of three (3) strands of wire. The barbed wire shall not be included in the determination of fence height.

17.06.060 Vision Clearance

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

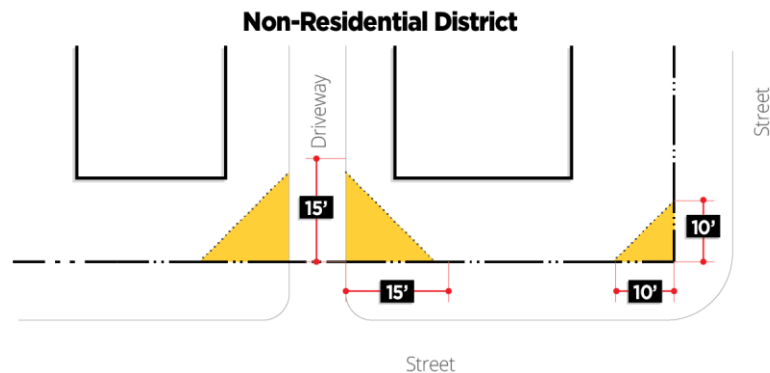
- A. In a residential district, at the intersection of two (2) or more streets or a driveway/curb cut and a street, the minimum distance shall be twenty-five (25) feet. At the intersection of a street and an alley, the minimum distance shall be ten (10) feet.

Figure 6.28: Residential District Vision Clearance Area Standards



- B. In all other districts, at the intersection of two (2) or more streets or a driveway/curb cut and a street, the minimum distance shall be fifteen (15) feet. At the intersection of a street and an alley, the minimum distance shall be ten (10) feet. When the angle of intersection between streets is less than sixty (60) degrees, the distance shall be twenty-five (25) feet.

Figure 6.29: Nonresidential District Vision Clearance Area Standards



- C. The planting, trimming, spraying, removal, or destruction of street trees shall be handled in accordance with Chapter 5.52 of the Municipal Code. The need for and the extent of trimming or removal of bushes, trees, or other plant growth within vision clearance zones is to be determined by the Police Department or Public Works Director on the basis of the obstruction creating a traffic hazard.

17.06.070 Outdoor Lighting

- A. **Fixture Classification.** All outdoor lighting fixtures shall either have a fixture cutoff classification of "Full Cutoff" or be fully shielded, unless otherwise expressly permitted in this UDC.

- B. **LED Fixtures.** All outdoor lighting utilizing a light-emitting diode (LED) fixture shall meet the following standards:
1. **Color Rendering.** Outdoor LED fixtures shall be rated a minimum Color Rendering Index (CRI) value of seventy (70) or higher.
 2. **Color Temperature.** Outdoor LED fixtures shall have a correlated color temperature between four thousand (4,000) and five thousand (5,000) degrees Kelvin.
- C. **Pole Mounted Outdoor Lighting.**
1. **Pole Placement.** Pole-mounted outdoor lighting shall be located outside of utility easements, designed in coordination with required landscape zones (Section 17.06.030), and located outside of parking area medians and islands.
 2. **Maximum Pole Height.** Pole-mounted fixtures shall be mounted at heights no greater than the height of the primary building on the lot.
- D. **Maximum Light Level at Property Line.** All outdoor lighting fixtures shall be designed and located so that the maximum light level shall be one-half (0.5) maintained foot candles at any property line.
- E. **Light Level Measurement.**
1. **Location.** Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the sensor in the horizontal position and not mounted more than six (6) inches above ground level, and with the light-registering portion of the meter held parallel to the ground and pointing upward.
 2. **Light Meter Specifications.** Light levels shall be measured in foot candles with a direct-reading portable light meter. The meter shall:
 - a. Have cosine and color correction,
 - b. Have an accuracy tolerance of no greater than plus or minus five (5) percent, and
 - c. Have been calibrated within the last two (2) years.

Chapter 17.07 Sign Standards

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17.07.010 Purpose

- A. **Purpose.** The purpose of this chapter is to set out regulations for the erection and maintenance of signs while preserving the right of free speech and expression. The regulations of chapter shall provide a balanced and fair legal framework for design, construction, and placement of signs that:
1. Promotes the safety of persons and property by ensuring that signs do not create a hazard by:
 - a. Collapsing, catching fire, or otherwise decaying,
 - b. Confusing or distracting motorists, or
 - c. Impairing drivers' ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs,
 2. Promotes the efficient communication of messages, and ensures that persons exposed to signs:
 - a. Are not overwhelmed by the number of messages presented, and
 - b. Are able to exercise freedom of choice to observe or ignore said messages according to the observer's purpose; and
 3. Protects the public welfare and enhances the appearance and economic value of the community by protecting scenic views and avoiding sign clutter that can compromise the character, quality, and viability of commercial corridors,
 4. Ensures that signs are compatible with their surroundings, and prevents the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height,
 5. Promotes the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with the built environment, in order to meet the objectives related to the quality and character of development set forth in the Comprehensive Plan of the City of Cañon City,
 6. Enhances property values and business opportunities,
 7. Assists in wayfinding, and

8. Provides fair and consistent permitting and enforcement.

B. Findings. The City of Cañon City finds that.

1. The ability to display signs of reasonable size and dimensions is vital to the health and sustainability of many businesses, and the display of signs with noncommercial messages is a traditional component of the freedom of speech, but the constitutional guarantee of free speech may be limited by appropriate and constrained regulation that is unrelated to the expression itself,
2. The City has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among owners for the attention of passing motorists), because sign clutter degrades the character of the community, makes the community a less attractive place for commerce and private investment, and dilutes or obscures messages displayed along the City's streets by creating visual confusion and aesthetic blight,
3. Sign clutter can be prevented by regulations that balance the legitimate needs of individual owners to convey messages against the comparable needs of adjacent and nearby owners and the interest of the community as a whole in providing for a high-quality community character,
4. Temporary signs that are not constructed of weather-resistant materials are often damaged or destroyed by wind, rain, and sun, and after such damage or destruction, degrade the aesthetics of the City's streets if they are not removed,
5. The City has an important and substantial interest in keeping its rights-of-way clear of obstructions and litter,
6. The City has an important and substantial interest in protecting the health of its tree canopy, which contributes to the character and value of the community, and
7. The uncontrolled use of off-premises advertising signs can be injurious to the public, and destructive to community character and property values, and that, as such, restrictions on the display of off-premises commercial signage are necessary and desirable.

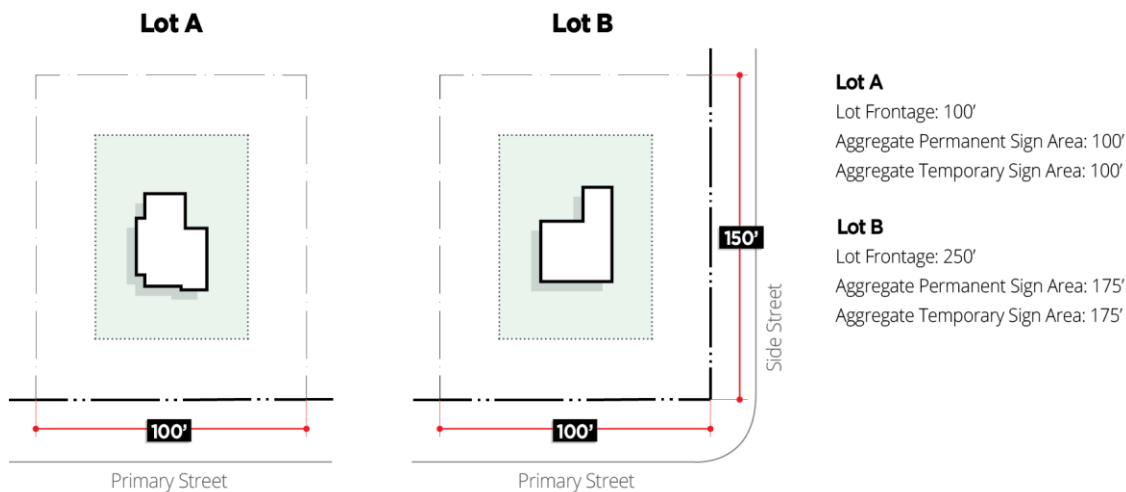
C. Applicability.

1. This chapter shall apply to any sign in any district, unless otherwise stated in this chapter or the UDC.
2. **Permit Required.** No person shall erect, display, alter, relocate, or replace any sign, including a sign face replacement, without the prior issuance of a sign permit issued pursuant to 17.10.020(F), unless the sign is exempt from permit requirements as provided in this chapter.

17.07.020 Limit on Sign Area

- (A) **Permanent Sign Area Limit.** Each lot shall be allowed aggregate permanent sign area equal to one (1) square foot of sign area per linear foot of lot frontage.
- (B) **Temporary Sign Area Limit.** Each lot shall be allowed aggregate temporary sign area equal to one (1) square foot of sign area per linear foot of lot frontage.
- (C) **Corner and Double Frontage Lots.** Lots having frontage on more than one (1) public street will be allowed an additional one-half (0.5) square foot of aggregate sign area for each lineal foot of the secondary lot frontage; however additional sign area shall only be displayed on the secondary frontage.
- (D) **Irregularly Shaped Lots.** Irregularly shaped lots with minimal lot frontage may petition for additional aggregate sign area through the Comprehensive Sign Plan process as detailed in Section 17.07.090.

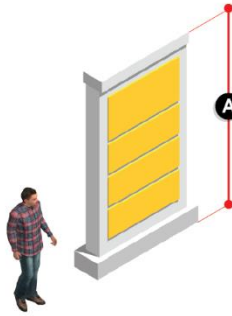
Figure 7.1: Limit on Sign Area



17.07.030 Sign Measurement

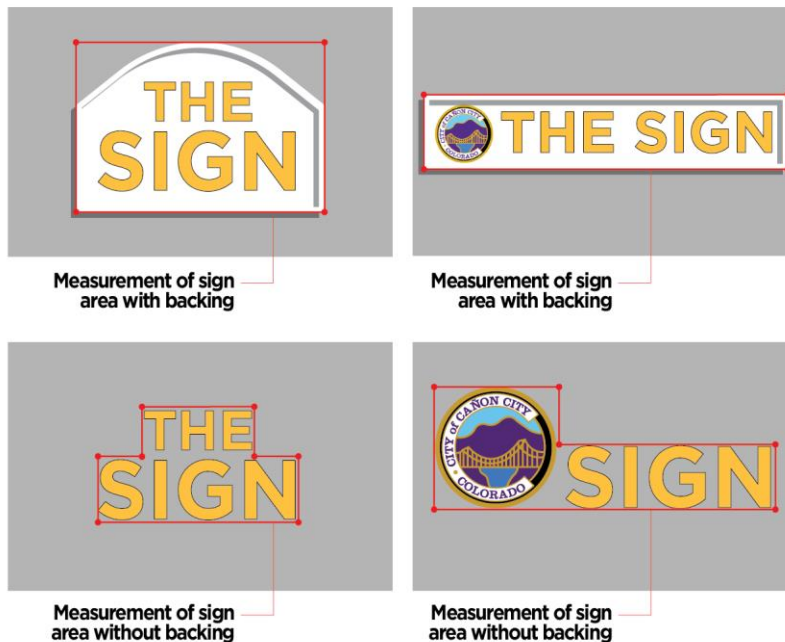
- (A) **Sign Height.** Sign height shall be measured by the total distance between the highest point on the sign to the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground or when the sign supports rest upon a ditch or other area lower than the surrounding ground. In such cases, the elevation of the centerline of the adjacent roadway shall be considered as the ground level.

Figure 7.2: Measuring Sign Height



- (B) **Sign Area.** Unless otherwise defined, sign area is determined by the total area enclosed by a continuous perimeter along the edges of a sign, including any frame or border. The area of a sign composed of individually-affixed letters is determined by the total area of the smallest geometric shape enclosing the copy. A maximum of two (2) geometric shapes may be utilized. The calculation for a double-faced sign shall be the area of one (1) face only.

Figure 7.3: Measuring Sign Area



17.07.040 Permitted Sign Types

The following key is to be used in the interpretation of Table 17.07.040 Permitted Sign Types by district.

- (A) **Sigs Subject to Permit.** Sign types marked as “P” in the table shall be permitted subject to all applicable regulations of this UDC and only after the issuance of a sign permit as detailed in Section 17.10.020(F).
- (B) **Signs Not Subject to Permit.** Sign types marked as “A” in the table shall be allowed subject to all applicable regulations of this UDC without the issuance of a sign permit.
- (C) **Prohibited Sign Types.** A blank space in the table indicates that a sign type is not allowed in the respective district.
- (D) **Unlisted Sign Types.** Sign types that are not included in Table 17.07.040 shall be considered prohibited.

Table 17.07.040 Permitted Sign Types by District							
Sign Type	District						
	R Districts	NC	GC	CB	BP	I	OPR
<i>Permanent Signs Subject to Permit</i>							
Wall Sign	P ⁽¹⁾	P	P	P	P	P	P
Single-Tenant Monument Sign	P ⁽¹⁾⁽²⁾	P	P		P	P	P
Multi-Tenant Monument Sign		P	P		P	P	
Pole/Pylon Sign			P ⁽³⁾			P ⁽³⁾	
Awning/Canopy Sign	P ⁽¹⁾	P	P	P	P	P	P
Projecting Sign		P		P			P
Window Sign, Permanent		P	P	P	P	P	P
On-Site Traffic Directional Sign	P ⁽¹⁾	P	P	P	P	P	P
<i>Temporary Signs Subject to Permit</i>							
Wall Mounted Banner Sign	P ⁽¹⁾	P	P	P	P	P	P
Ground Mounted Banner Sign	P ⁽¹⁾	P	P		P	P	P
Feather Sign			P			P	P
<i>Temporary Signs Not Subject to Permit</i>							
A-Frame/Sandwich Board Sign	A ⁽¹⁾	A		A			
Window Sign, Temporary		A	A	A	A	A	A
Post Sign	A	A	A		A	A	A
Yard Sign	A	A	A		A	A	A
<i>Notes:</i>							
(1) Sign shall be permitted for nonresidential, mixed use, or multifamily developments only.							
(2) Sign shall be permitted at entryways or gateways to subdivisions or neighborhoods only.							
(3) Sign shall be permitted within 100 feet of Highway 50 only.							

17.07.050 Permanent Sign Standards

(A) Wall Signs.

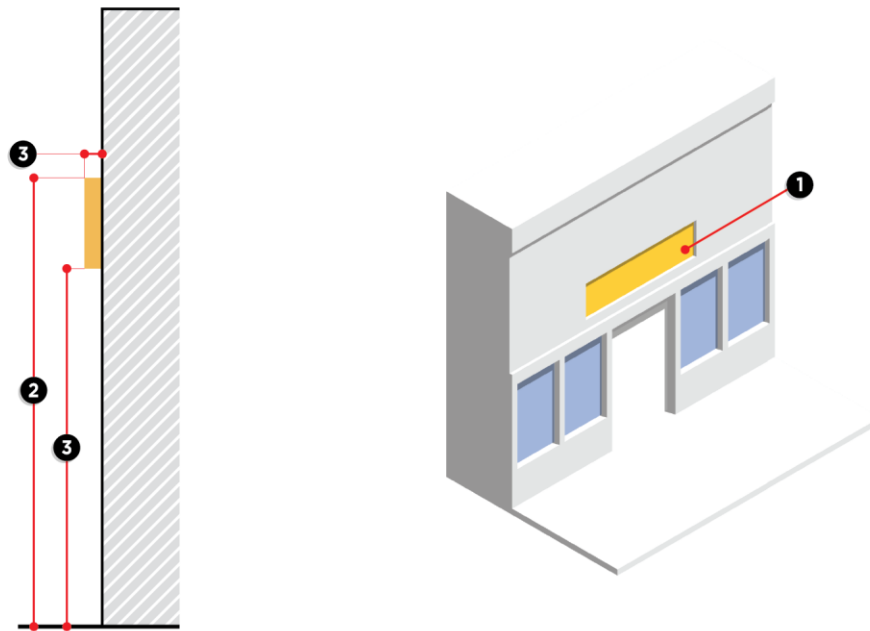
(1) Sign Area.

- (a) The maximum sign area of wall signs in residential districts or the NC, CB, and OPR Districts shall not exceed five (5) percent of the total area of the face of the wall to which the sign is to be affixed.
- (b) The maximum sign area of wall signs in the GC, BP, and I Districts shall not exceed ten (10) percent of the total area of the face of the wall to which the sign is to be affixed.

(2) Sign Height. No wall sign shall protrude above the highest roofline or the top of the parapet wall or mansard roof.

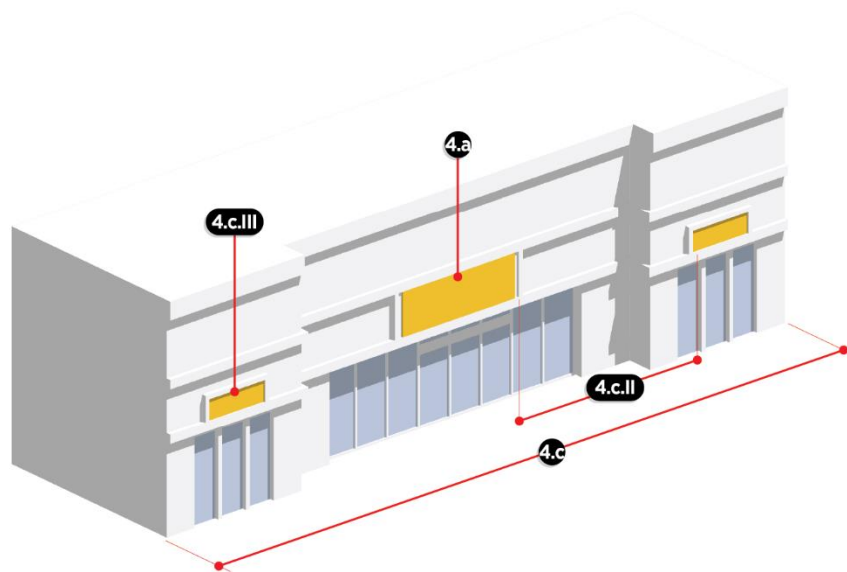
- (3) **Projection.** A wall sign shall not extend more than six (6) inches from the wall of the building or structure to which it is attached and shall maintain a minimum vertical clearance of ten (10) feet.

Figure 7.4: Wall Sign Area, Height, and Projection



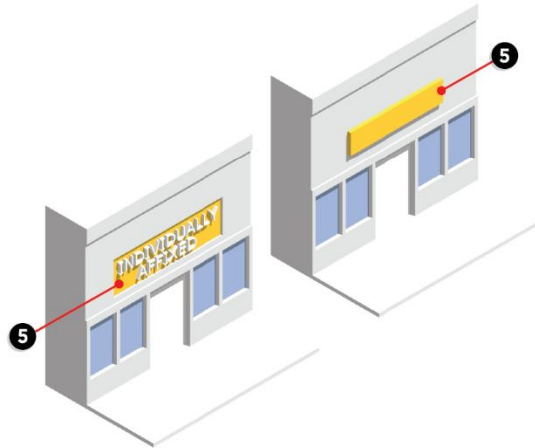
(4) Number of Signs.

- (a) Single tenant buildings shall be permitted a total of two (2) wall signs; however only one (1) wall sign shall be displayed on any single building façade.
- (b) Multi-tenant buildings shall be permitted one (1) wall sign per unit.
- (c) A maximum of two (2) secondary wall signs may be authorized for buildings with lineal frontage in excess of seventy-five (75) feet by the Zoning Administrator provided such additional signage is:
 - (I) In keeping with the overall design and architecture of the building,
 - (II) A minimum of twenty (20) feet from the primary wall sign and other secondary wall signs,
 - (III) A maximum of fifty (50) percent of the size of the primary wall sign,
 - (IV) Accessory to the building's primary wall sign, and
 - (V) The total area of all primary and secondary wall signs does not exceed the maximum wall sign area as established in Section 17.07.050(A).

Figure 7.5: Secondary Wall Sign Standards

- (5) **Sign Copy.** If the sign copy utilized on a wall sign is either individually affixed letters, raceway letters, applied vinyl, or printed, etched, or otherwise incorporated directly on the sign's backing plate, the Zoning Administrator may approve an increase in sign area up to an additional five (5) percent of the total area of the face of the wall to which the sign is to be affixed.

Figure 7.6: Wall Sign Copy



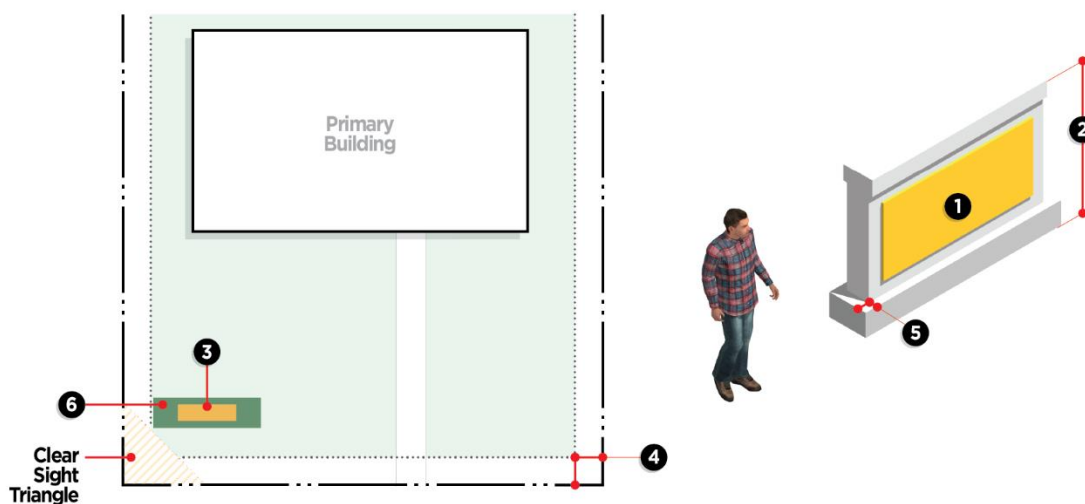
- (6) **Painted Wall Signs in the CB District.** Buildings in the CB District may be permitted a painted wall sign pursuant to the following provisions:
- (a) The painted wall sign shall be located on a side façade facing a numbered street only.
 - (b) The maximum painted wall sign area shall not exceed thirty (30) percent of the total area of the face of the wall on which the sign is to be painted.
 - (c) The painted wall sign may be externally illuminated with a down cast, hooded floodlight only.
- (7) **Other Provisions.**
- (a) No wall sign shall cover any architectural features (architectural features shall include but not be limited to, pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel) of the building to which it is affixed.
 - (b) No wall sign shall be affixed to HVAC screening, elevator overrun, or other features protruding from the roof of the structure.

(B) Single-Tenant Monument Signs.**(1) Sign Area.**

- (a) The maximum sign area of single-tenant monument signs in Residential Districts or the NC, CB, and OPR Districts shall not exceed fifteen (15) square feet.
- (b) The maximum sign area of single-tenant monument signs in the GC, BP, and I Districts shall not exceed fifty (50) square feet.

(2) Sign Height.

- (a) The maximum sign height of single-tenant monument signs in Residential Districts or the NC, CB, and OPR Districts shall not exceed five (5) feet.
- (b) The maximum sign height of single-tenant monument signs in the GC, BP, and I Districts shall not exceed seven (7) feet.

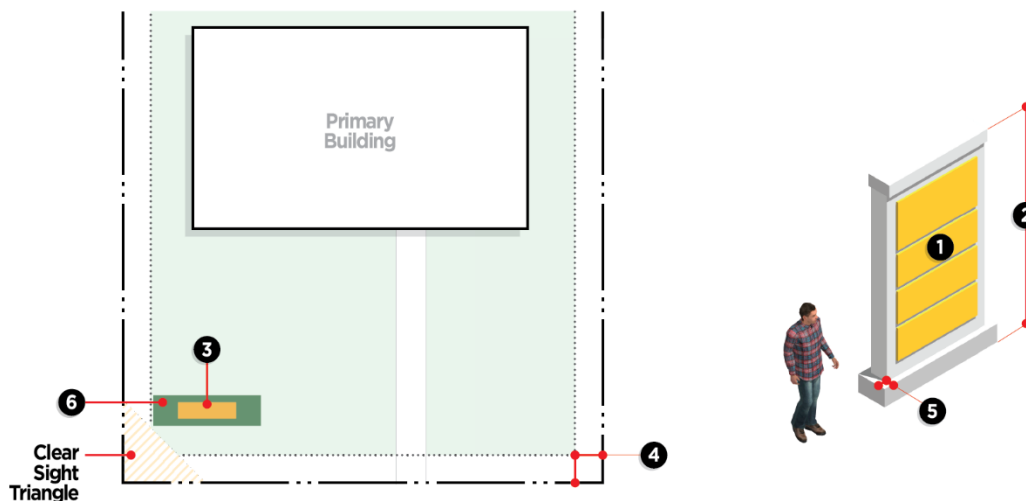
(3) Number of Signs. A maximum of one (1) single-tenant monument sign shall be permitted per lot frontage.**(4) Location.** Single-tenant monument signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements, shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system, and shall not be located in a vision clearance area as detailed in Section 17.06.060.**(5) Sign Base.** The base of single-tenant monument signs, including all structural components, shall extend horizontally from the sign face a minimum of ten (10) percent and a maximum of twenty-five (25) percent of the width of the sign face. The base of single-tenant monument signs shall be constructed from masonry, stone, or similar high-quality materials in keeping with the materials and design of the principal building of the lot.**(6) Landscape Requirement.** All single-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign. The minimum area of the landscape area shall be equal to half of the square footage of the sign area of the associated sign. Landscape areas shall be planted with one (1) shrub or native grass per every three (3) square feet.**(7) Other Provisions.** A single-tenant monument sign shall not be permitted on a lot frontage with an existing monument sign or pole/pylon sign.**Figure 7.7: Single-Tenant Monument Sign Standards**

(C) Multi-Tenant Monument Signs.**(1) Sign Area.**

- (a) The maximum sign area of multi-tenant monument signs in NC, CB, and OPR Districts shall not exceed forty (40) square feet.
- (b) The maximum sign area of multi-tenant monument signs in the GC, BP, and I Districts shall not exceed one hundred (100) square feet.

(2) Sign Height.

- (a) The maximum sign height of multi-tenant monument signs in the NC, CB, and OPR Districts shall not exceed ten (10) feet.
- (b) The maximum sign height of single-tenant monument signs in the GC, BP, and I Districts shall not exceed fourteen (14) feet.

(3) Number of Signs. A maximum of one (1) multi-tenant monument sign shall be permitted per lot frontage.**(4) Location.** Multi-tenant monument signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements, shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system and shall not be located in a vision clearance area as detailed in Section 17.06.060.**(5) Sign Base.** The base of multi-tenant monument signs, including all structural components, shall extend horizontally from the sign face a minimum of ten (10) percent and a maximum of twenty-five (25) percent of the width of the sign face. The base of single-tenant monument signs shall be constructed from masonry, stone, or similar high-quality materials in keeping with the materials and design of the principal building of the lot.**(6) Landscape Requirement.** All multi-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign. The minimum area of the landscape area shall be equal to half of the square footage of the sign area of the associated sign. Landscape areas shall be planted with one (1) shrub or native grass per every three (3) square feet.**(7) Other Provisions.** A multi-tenant monument sign shall not be permitted on a lot frontage with an existing monument sign or pole/pylon sign.**Figure 7.8: Multi-Tenant Monument Sign Standards**

(D) Pole/Pylon Signs.**(1) Sign Area.**

(a) The maximum sign area of pole/pylon signs in the GC and I Districts shall not exceed twenty (20) square feet.

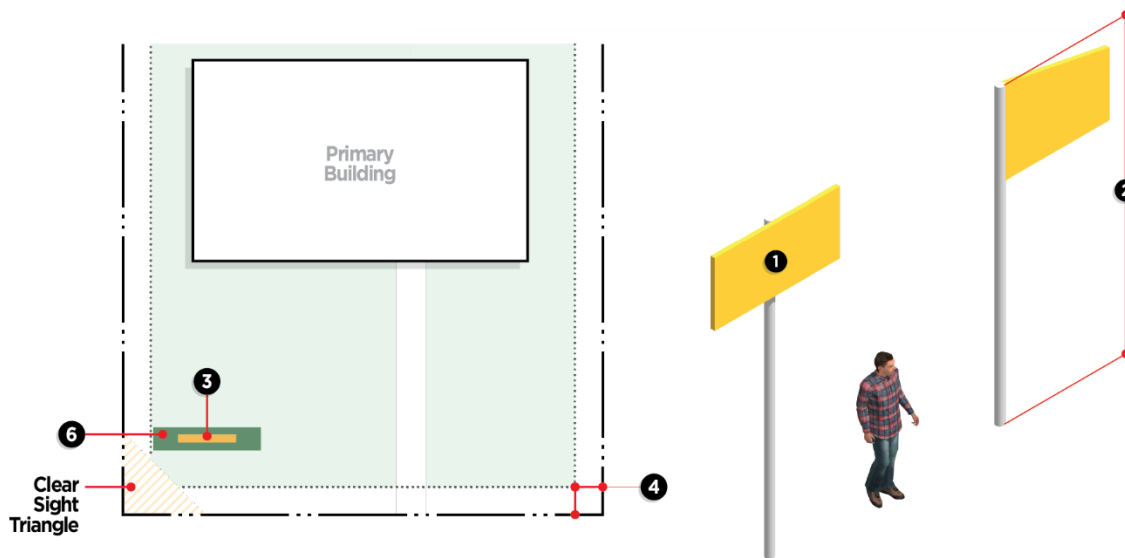
(2) Sign Height.

(a) The maximum sign height of pole/pylon signs in the GC and I Districts shall not exceed fourteen (14) feet.

(3) Number of Signs. A maximum of one (1) pole/pylon sign shall be permitted per lot frontage.**(4) Location.** Pole/pylon signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian circulation system, and shall not be located in a vision clearance area as detailed in Section 17.06.060.**(5) Sign Base.**

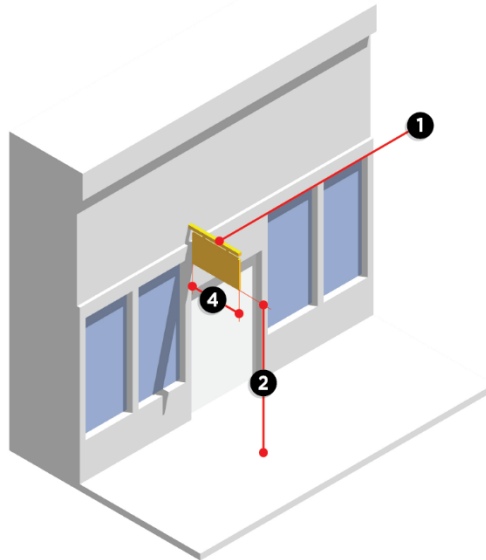
(a) The base of a pole/pylon sign shall be painted.

(b) The concrete footing in which a pole/pylon sign is installed shall be completely underground.

(6) Landscape Requirement. All pole/pylon signs shall be required to plant and maintain a landscape area at the base of the sign. The minimum area of the landscape area shall be equal to the square footage of the sign area of the associated sign. Landscape areas shall be planted with one (1) shrub or native grass per every three (3) square feet.**(7) Other Provisions.** A pole/pylon sign shall not be permitted on a lot frontage with an existing monument sign or pole/pylon sign.**Figure 7.9: Pole/Pylon Sign Standards**

(E) Projecting Signs.

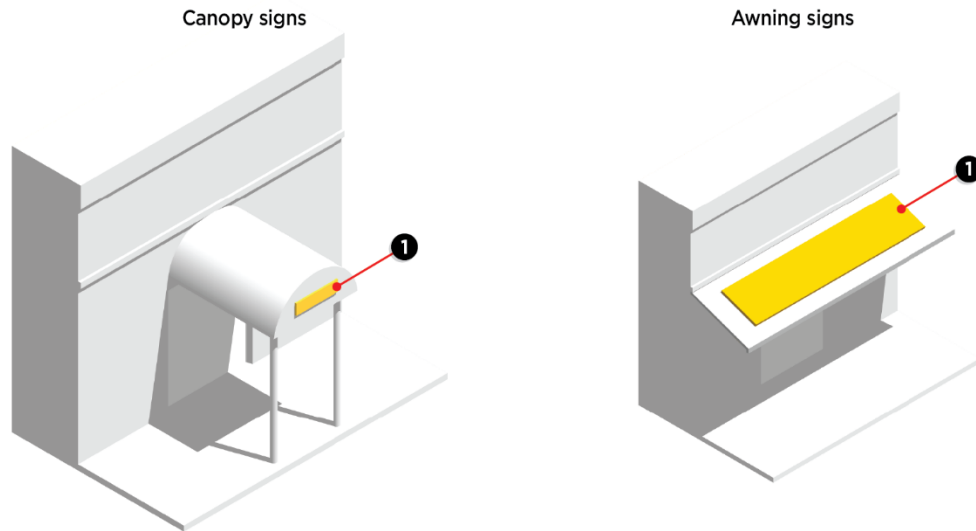
- (1) **Sign Area.** The maximum permitted sign area of projecting signs shall be six (6) square feet.
- (2) **Height.** Projecting signs shall not extend above the roofline of the building to which it is attached, or a maximum of twelve (12) feet, whichever is less, and shall maintain a minimum vertical clearance of ten (10) feet.
- (3) **Number of Signs.** A maximum of one (1) projecting sign shall be permitted per ground floor nonresidential tenant space. A projecting sign and a wall sign may be displayed on the same building frontage. A projecting sign and an awning or canopy sign shall not be displayed on the same building frontage.
- (4) **Projection.** Projecting signs shall horizontally project a maximum of four (4) feet from the mean elevation of the building to which it is attached.
- (5) **Other Provisions.**
 - (a) Projecting signs shall not be internally illuminated.
 - (b) Projecting signs may encroach upon, extend, or project over a public right-of-way or easement. The property owner may be required to provide a release or hold harmless to the City prior to issuing permits for any such signs.

Figure 7.10: Projecting Sign Standards

(F) **Awning/Canopy Signs.**

- (1) **Sign Area.** The maximum sign area of awning/canopy signs shall be fifty (50) percent of the face of the awning or canopy upon which the sign shall be printed or affixed. The area of the awning or canopy sign shall count towards the maximum amount of sign area permitted for wall signs as detailed in Section 17.07.050(A).
- (2) **Other Provisions.** Awning/canopy signs shall only be permitted on awnings/canopies extending above ground floor entrances or windows.

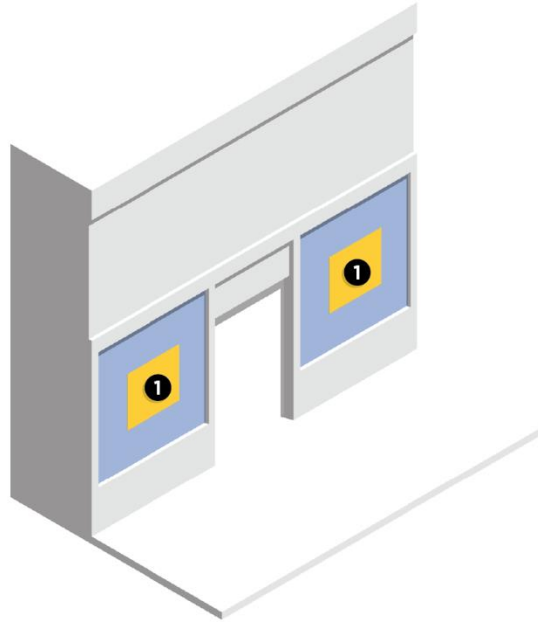
Figure 7.11: Awning/Canopy Sign Standards



(G) **Window Signs, Permanent.**

- (1) **Sign Area.** The maximum permitted sign area of a permanent window sign shall be twenty-five (25) percent of the square footage of the individual window on which the sign shall be located. Permanent window sign area shall be counted in aggregate with temporary window sign area.

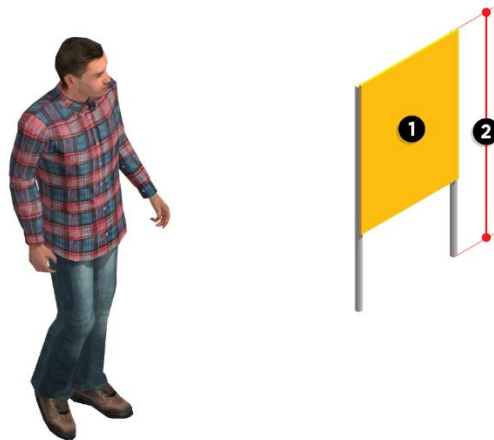
Figure 7.12: Permanent Window Sign Standards



(H) **On-Site Traffic Directional Signs.**

- (1) **Sign Area.** The maximum sign area of on-site traffic directional signs shall not exceed four (4) square feet. Permitted on-site traffic directional sign area shall not count towards aggregate sign area.
- (2) **Sign Height.** The maximum height of on-site traffic directional signs shall not exceed three (3) feet.
- (3) **Number of Signs.** The permitted number of on-site traffic directional signs shall be determined by the Zoning Administrator as necessary to assist in the safe movement of vehicular and pedestrian traffic on a property.

Figure 7.13: On-Site Traffic Directional Sign Standards



17.07.060 Temporary Sign Standards

(A) General Standards for Permitted Temporary Signs.

- (1) **Concurrent Display.** A maximum of two (2) permitted temporary signs, as permitted per district, may be displayed per lot concurrently.
- (2) **Display Period.** The permitted display period of a permitted temporary shall be a maximum of thirty (30) days. A total of three (3) nonconcurrent display periods shall be permitted per single-tenant building or unit of a multi-tenant building per calendar year. Nonconcurrent display periods shall be separated by a minimum of thirty (30) days.

(B) Wall Mounted Banner Signs.

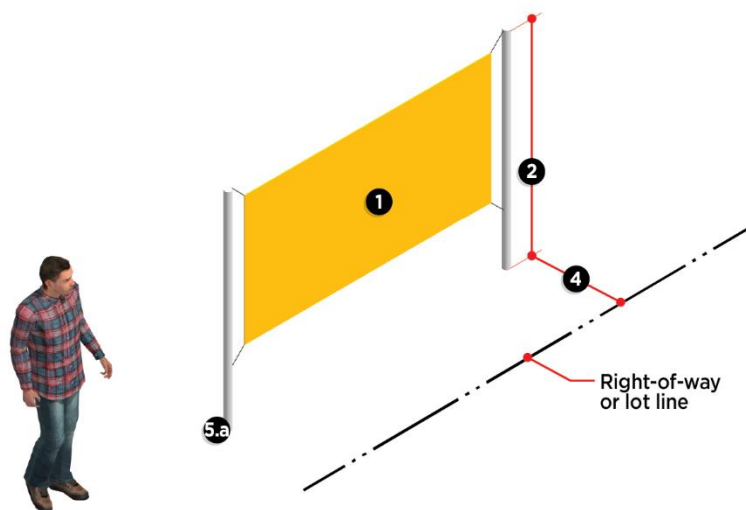
- (1) **Sign Area.**
 - (a) The maximum sign area of wall mounted banner signs in residential districts or the NC, CB, and OPR Districts shall not exceed two and one-half (2.5) percent of the total area of the face of the wall to which the sign is to be affixed.
 - (b) The maximum sign area of wall mounted banner signs in the GC, BP, and I Districts shall not exceed five (5) percent of the total area of the face of the wall to which the sign is to be affixed.
- (2) **Sign Height.** No wall mounted banner sign shall protrude above the highest roofline or above the top of the parapet wall or mansard roof.
- (3) **Number of Signs.** A maximum of one (1) wall mounted banner sign shall be permitted per lot frontage of a single-tenant building or unit of a multi-tenant building.
- (4) **Location.** Wall mounted banner signs shall be affixed to a building.
- (5) **Projection.** Wall mounted banner signs shall be affixed flat against the building to which they are mounted.

Figure 7.14: Wall Mounted Banner Sign Standards



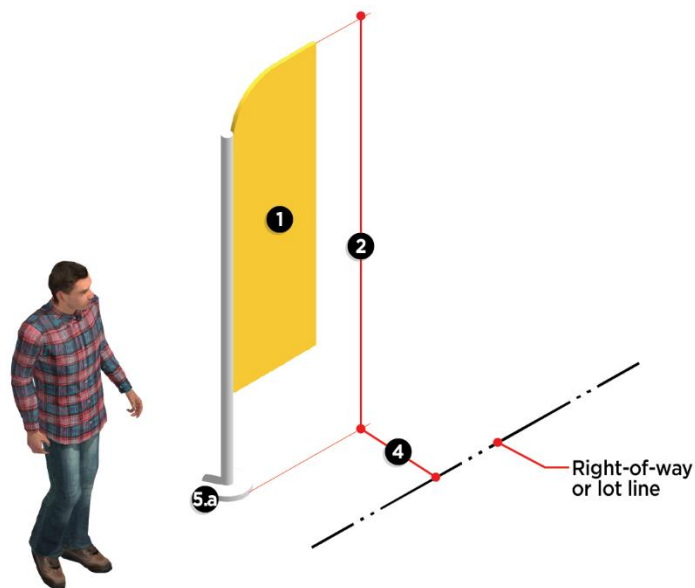
(C) Ground Mounted Banner Signs.

- (1) **Sign Area.** The maximum sign area of a ground mounted banner sign shall not exceed thirty-two (32) square feet.
- (2) **Sign Height.** The maximum height of a ground mounted banner sign shall not exceed six (6) feet.
- (3) **Number of Signs.** A maximum of one (1) ground mounted banner sign shall be permitted per lot frontage.
- (4) **Location.** Ground mounted banner signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements, shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system and shall not be located in a vision clearance area as detailed in Section 17.06.060.
- (5) **Other Provisions.**
 - (a) Ground mounted banner signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Ground mounted banner signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

Figure 7.15: Ground Mounted Banner Sign Standards

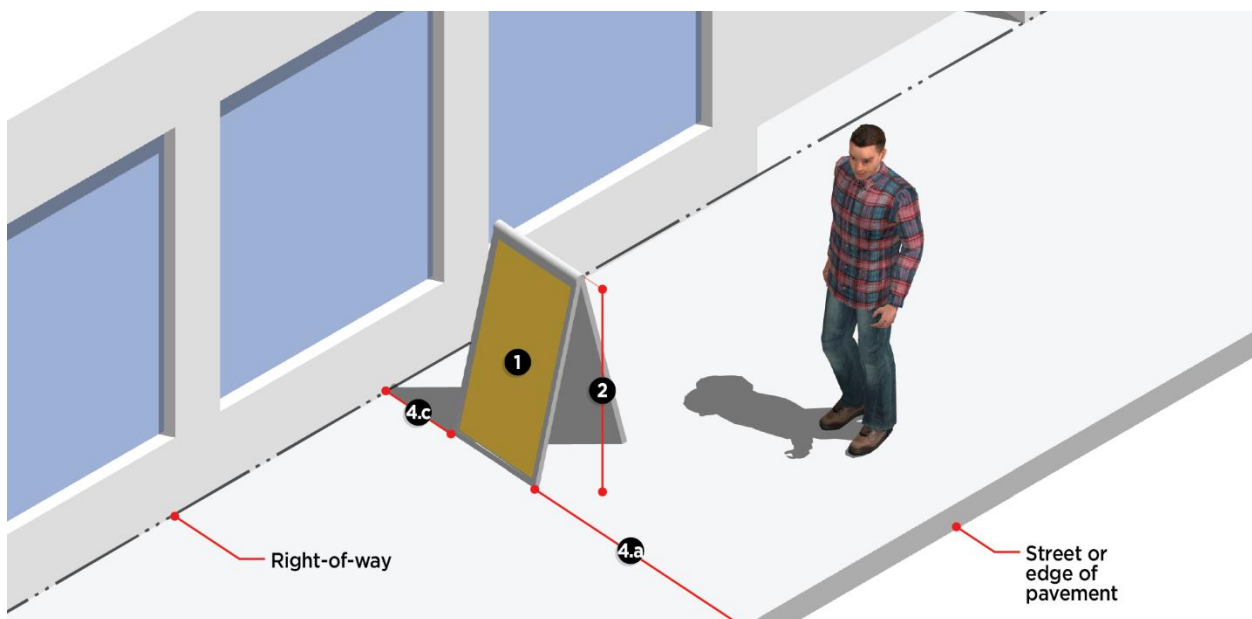
(D) Feather Sign.

- (1) **Sign Area.** The maximum sign area of feather signs shall not exceed sixteen (16) square feet.
- (2) **Sign Height.** The maximum height of a feather sign shall not exceed eight (8) feet.
- (3) **Number of Signs.** A maximum of one (1) feather sign shall be permitted per lot frontage.
- (4) **Location.** Feather signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements, shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system, and shall not be located in a vision clearance area as detailed in Section 17.06.060.
- (5) **Other Provisions.**
 - (a) Feather signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Feather signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

Figure 7.16: Feather Sign Standards

(E) A-Frame/Sandwich Board Signs.

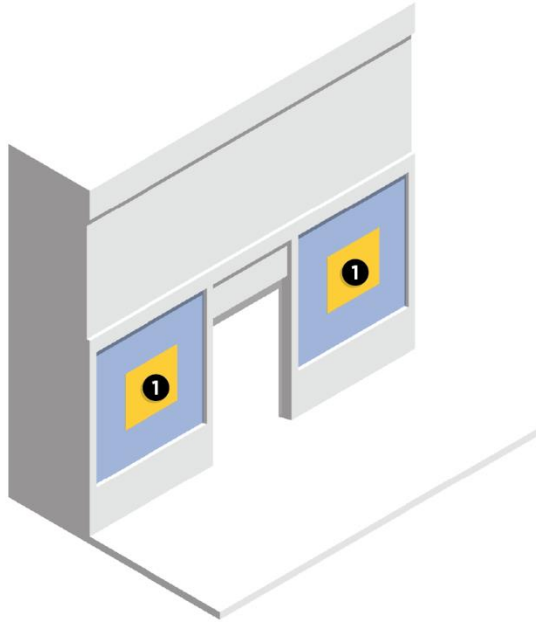
- (1) **Sign Area.** The maximum allowed sign area of a-frame/sandwich board signs shall be six (6) square feet.
- (2) **Height.** The maximum allowed height of a a-frame/sandwich board sign shall be three (3) feet.
- (3) **Number of Signs.** A maximum of one (1) a-frame/sandwich board sign shall be permitted per ground floor nonresidential tenant space.
- (4) **Location.**
 - (a) A-frame/sandwich board signs shall be placed in a manner that preserves a continuous sidewalk width of a minimum of three (3) feet.
 - (b) No part of any a-frame/sandwich board sign shall block points of ingress or egress.
 - (c) A-frame/sandwich board signs shall be placed no more than one (1) foot from the wall of the building or unit of a building or fenced enclosure for outdoor seating or dining areas to which the sign is associated.
 - (d) A-frame/sandwich board signs shall be placed no less than three (3) feet and no more than six (6) feet from the entrance of the building or unit of a building to which the sign is associated.
- (5) **Other Provisions.**
 - (a) A-frame/sandwich board signs shall be on-premises signs only.
 - (b) The owner shall be required to provide a release or hold harmless to the City prior to the display of any signs located within a public right-of-way.
 - (c) **Duration of Display.** The display of a-frame/sandwich board signs shall only be permitted during the operating hours of the use to which the sign is associated.

Figure 7.17: A-Frame/Sandwich Board Sign Standards

(F) **Window Sign, Temporary.**

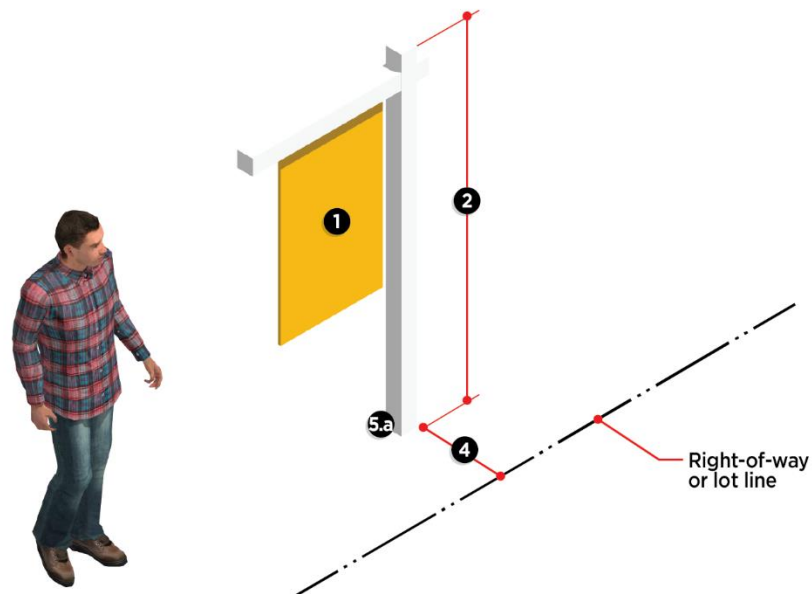
- (1) **Sign Area.** The maximum sign area of a temporary window sign shall be thirty (30) percent of the square footage of the individual window on which the sign shall be located, or not more than a total sign area of 30 percent when considered in aggregate with permanent window sign area on the same window.

Figure 7.18: Temporary Window Sign Standards



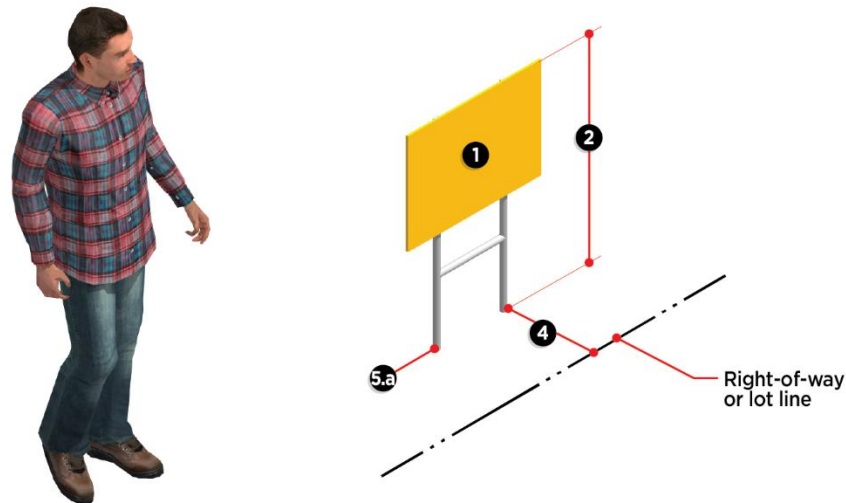
(G) Post Signs.

- (1) **Sign Area.** The maximum sign area of a post sign shall not exceed six (6) square feet.
- (2) **Sign Height.** The maximum height of a post sign shall not exceed six (6) feet.
- (3) **Number of Signs.** A maximum of one (1) post sign shall be allowed per lot frontage.
- (4) **Location.** Post signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements, shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system and shall not be located in a vision clearance area as detailed in Section 17.06.060.
- (5) **Other Provisions.**
 - (a) Post signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Post signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

Figure 7.19: Post Sign Standards

(H) Yard Signs.

- (1) **Sign Area.** The maximum sign area of a yard sign shall not exceed four (4) square feet.
- (2) **Sign Height.** The maximum height of a yard sign shall not exceed three and one-half (3.5) feet.
- (3) **Number of Signs.** A maximum of two (2) yard signs may be displayed concurrently. However, during the period sixty (60) days before and fifteen (15) days after an election a maximum of four (4) yard signs may be displayed concurrently.
- (4) **Location.** Yard signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian circulation system, and shall not be located in a vision clearance area as detailed in Section 17.06.060.
- (5) **Other Provisions.**
 - (a) Yard signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Yard signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

Figure 7.20: Yard Sign Standards

17.07.070 General Sign Standards

(A) Illumination.

- (1) **Location and Design of Light Source.** Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public street or private residence. No receptacle or device housing a permitted light source for a sign shall protrude more than twelve (12) inches from the face of the sign or building to which it is attached except if such light source is ground mounted, locked in place, and cannot be redirected.
- (2) **Level of Illumination.** In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed the outdoor lighting standards established in Section 17.06.070. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets.

(B) Electronic Message Boards. Single-tenant and multi-tenant monument signs may incorporate electronic message boards in accordance with the following.

- (1) One-third (1/3) of the sign area must be permanent copy.
- (2) The area of the sign devoted to an electronic message board shall be part of, not in addition to, the maximum sign area allowed.
- (3) The electronic message format shall conform to the following requirements:
 - (a) The message will contain a static message or image only and not have movement, or the appearance of movement, during the static display period.
 - (b) The transition to change from one message or image to another shall be instant and not dissolve, fade, scroll, travel, or have similar transitions.
 - (c) The message shall not change more frequently than once every ten (10) seconds.
- (4) Electronic message boards must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
- (5) Electronic message boards shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to light conditions.
- (6) Illumination of electronic message signs shall not exceed 0.3 foot-candles over the ambient lighting conditions when measured at a distance equal to the square footage of the sign area.
- (7) Applications shall be reviewed by the Public Works Director to determine that the sign placement does not interfere with traffic control devices within three hundred (300) feet of the sign or traffic circulation upon roadways. If determination is not approved by Public Works Director a report from a traffic engineer certifying that the proposed sign does not interfere with the design characteristics of the traffic circulation and traffic control devices shall be required.

(C) Drive Through Signs. Signs for accessory drive through uses shall be subject to Section 17.05.140(F) in addition to Subsection (B) above.

17.07.080 Prohibited Signs and Content

(A) **Prohibited Signs.** The following sign types shall be prohibited in all districts:

- (1) Off-Premises Signs
- (2) Roof Signs
- (3) Outline Lighting
- (4) Attention Getting Devices
- (5) Signs located on City property without the City's permission
- (6) Signs which encroach on the public right-of-way

(B) **Prohibited Content.**

- (1) The following content is prohibited without reference to the viewpoint of the individual speaker:
 - (a) text or graphics that advertise unlawful activity;
 - (b) text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats; or
 - (c) text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
- (2) The narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Colorado Constitutions, or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each paragraph of this Subsection be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Colorado Constitutions.

17.07.090 Safety, Maintenance, and Abandonment

- (A) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with applicable building and other codes adopted by the City.
- (B) All signs, together with all supports, braces, guys, and anchors shall be kept in proper repair in accordance with the provisions of this UDC. When not galvanized or constructed of approved corrosion resistive, noncombustible materials, signs shall be painted when necessary to prevent corrosion, rust, peeling paint, and excessive fading. Failure of owners to keep signs maintained in good mechanical and visual repair shall be deemed a violation of this UDC.
- (C) It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean condition, free of rubbish. Any landscaping surrounding the sign shall be kept trimmed and in good repair. If the landscaping installed at the time of sign approval dies, said landscaping shall be replaced immediately or as soon as weather permits.
- (D) Every existing sign shall be subject to an inspection whenever the Zoning Administrator deems it necessary. In the event an inspection demonstrates that repairs, and/or maintenance is necessary, the sign owner shall be notified and required to complete said repairs and/or maintenance within thirty (30) days of notification. The Zoning Administrator is authorized to grant one (1) thirty (30) day extension, if, upon written request, it is deemed necessary due to extenuating circumstances.
- (E) If the Zoning Administrator shall find that any sign is unsafe or unsecure, or is a threat to the public safety, or was, after the adoption of this UDC constructed, erected, or maintained in violation of the provisions of this title, he or she shall give written notice per the provisions of this UDC. Such notice shall specify the manner in which the sign is unsafe or in violation of this UDC.
- (F) Sign copy shall be removed and in the case of a wall sign, the building façade shall be repaired, by the owner or lessee of the premises upon which the sign is located when the use which the sign is associated is no longer conducted on the premises. The sign copy shall be removed within thirty (30) days of when the use ceases to operate. If the owner or lessee fails to remove the sign copy, the Zoning Administrator shall give the owner thirty (30) days written notice to remove it. Failure to comply with the notice shall be deemed a violation of this UDC.

Chapter 17.08 Planned Development Standards and Procedures

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17.08.010. Purpose

In order to establish an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this UDC, two (2) planned development processes are established. The objective of the planned development processes is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable UDC regulations. The end result can be a product which fulfills the objectives of the Comprehensive Plan and planning policies of the City while departing from the strict application of the use and bulk regulations as detailed in Chapters 17.03 and 17.04 of this UDC. The planned development processes are intended to permit and encourage such flexibility and to accomplish the following purposes:

- A. To stimulate creative approaches to the commercial, residential, and mixed-use development of land.
- B. To provide more efficient use of land.
- C. To preserve natural features and provide open space areas and recreation areas in excess of that required under conventional zoning regulations.
- D. To develop new approaches to the living environment through variety in type, design, and layout of buildings, transportation systems, and public facilities.
- E. To unify building and structures through design.
- F. To promote long-term planning pursuant to the City of Cañon City's Comprehensive Plan, which will allow harmonious and compatible land uses or combinations of uses with surrounding areas.

17.08.020. Establishment of Planned Development Processes

Two (2) planned development processes are established to allow for flexibility in the application of the regulations of this UDC in order to achieve higher levels of design and amenity than would otherwise be possible.

- A. **Major Planned Development.** The major planned development process is established for the review and approval/denial of a planned development district plan which sets forth, for a particular land area, the development and design parameters by which future development will be considered. Major planned developments shall be approved as a rezoning to the planned development district and shall be regulated by the approved planned development plan.
- B. **Minor Planned Development.** The minor planned development process is established for the review and approval/denial of development in a particular land area which generally conforms to the requirements of the underlying district(s) which the area is zoned but requires deviations from the development and design parameters of that district(s) to achieve a higher level of design and amenity. Minor planned developments shall be approved as a rezoning to the planned development overlay district and shall be regulated by the standards of the underlying district(s) with the exception of any approved site development allowance(s).

17.08.030. General Provisions

- A. The following may be approved as a planned development:
 - 1. **Major Planned Development:** Sites twenty (20) acres or more in size.
 - 2. **Minor Planned Development:** Sites less than twenty (20) acres in size.
- B. Each major or minor planned development shall be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a major or minor planned development upon an already existing major or minor planned development.
- C. The burden of providing evidence and persuasion that any major or minor planned development is necessary and desirable shall in every case rest with the applicant.
- D. **Notice Requirements.**
 - 1. **Cost of Notice.** All costs associated with published and written notice, as required by this chapter, shall be the responsibility of the applicant.
 - 2. **Notice Content.** All notices required under this chapter shall include the following content:
 - a. The date, time, and place of the scheduled public hearing.
 - b. A description of the property involved in the application by street address if one exists.
 - c. A description of the nature, scope, and purpose of the application.
 - d. The location and source of additional information on the application.
 - e. Other information as deemed necessary by the Zoning Administrator.
 - 3. **Notice Methods.**
 - a. **Published Notice.** When published notice is required, as detailed in Table 17.08.030(D)(4), the Zoning Administrator shall ensure that notice is published on the City's website at least fifteen (15) days and no more than thirty (30) days before the date of the scheduled public hearing.
 - b. **Written Notice.** When written notice is required, as detailed in Table 17.08.030(D)(4), the Zoning Administrator shall provide notice by first class mail to all owners of record of the subject property and all owners of record

within three hundred (300) feet of the boundaries of the subject property. The notice shall be deposited in the U.S. mail by the Zoning Administrator at least fifteen (15) days and no more than thirty (30) days before the scheduled public hearing. Ownership information shall be obtained from the records of the Fremont County Assessor.

- c. **Posted Notice.** When posted notice is required, as detailed in Table 17.08.030(D)(4), the Zoning Administrator shall post a sign on the subject property along the fronting street. If the subject property fronts two (2) or more streets, signs shall be posted along each frontage. The notice shall be posted by the Zoning Administrator at least fifteen (15) days and no more than thirty (30) days before the scheduled public hearing.

4. Notice Methods by Planned Development Application Type.

Table 17.08.030(D)(4) Notice Methods by Planned Development Application Type				
Petition Review Procedure		Published Notice	Written Notice	Posted Notice
<i>Major Planned Development</i>				
1	Planned Development District Plan	•	•	•
<i>Minor Planned Development</i>				
2	Planned Development Overlay Plan	•	•	•
Key:				
• = Required Notice Method				

17.08.040. Standards for Review

Approval of a major or minor planned development is a privilege and will be considered by the City only in direct response to the accrual of tangible benefits from the major or minor planned development to the City or the neighborhood in which it would be located. These benefits shall be in the form of exceptional amenities, outstanding environmental, landscape, architectural or site design, or the conservation of special man-made or natural features of the site. No application for a major or minor planned development shall be approved unless the City Council finds that the application meets all of the following standards:

- A. **Comprehensive Plan Alignment.** The planned development is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan and other adopted plans and policy documents of the City.
- B. **Placemaking.** The planned development has a distinctive identity and brand that is utilized in the signs, streetscape, architecture, public gathering spaces, open spaces.
- C. **Integrated Design with Identifiable Centers and Edges.** The planned development shall be laid out and developed as a unit in accordance with an integrated overall design. The design shall provide identifiable centers and edges through the harmonious grouping of buildings, uses, facilities, public gathering spaces, and open space.
- D. **Public Welfare.** The planned development is designed, located, and proposed to be operated and maintained so that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.
- E. **Compatibility with Adjacent Land Uses.** The planned development includes uses which are generally compatible and consistent with the uses of adjacent parcels. If the uses are not generally compatible, all adverse impacts have been mitigated through screening, landscaping, public open space, and other buffering features that protect uses within the development and surrounding properties.
- F. **Impact on Public Facilities and Resources.** The planned development is designed so that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The planned development shall include such impact fees as may be reasonably determined by the City Council. These required impact fees shall be calculated in reasonable proportion to impact of the planned development on public facilities and infrastructure.

- G. **Archaeological, Historical or Cultural Impact.** The planned development does not substantially adversely impact an archaeological, historical, or cultural resource, included on the local, state, or federal register, located on or off the parcel(s) proposed for development.
- H. **Drives, Parking and Circulation.** The planned development has or makes adequate provision to provide necessary parking. Principal vehicular access is from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation (including walkways, interior drives, and parking), special attention has been given to the location and number of access points to public streets, the width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe, convenient, and do not detract from the design of proposed buildings and structures and the neighboring properties. Access points are limited through the use of cross access connections.

17.08.050. Site Development Allowances and Modification Standards

- A. **Minor Planned Developments Only.** Site development allowances and modification standards shall apply to the minor planned development process only.
- B. **Site Development Allowances.**
 - 1. Site development allowances are deviations from the standards of the underlying district set forth outside of this chapter.
 - 2. Notwithstanding any limitations on variations which can be approved as contained elsewhere in this UDC, site development allowances may be approved provided the applicant specifically identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development; is necessary for proper development of the site; and is aligned with the modification standards detailed in Section 17.08.050(C) below.
- C. **Modification Standards.** In addition to the standards for review established in Section 17.08.040, the following modification standards shall be utilized in the consideration of site development allowances. These standards shall not be regarded as inflexible but shall be used as a framework by the City to evaluate the quality of amenities, benefits to the community, and design and desirability of the proposal.
 - 1. **Public Gathering Space.** The planned development includes public gathering space, the amount of which is proportional to the size of buildings or number of dwelling units. The public gathering space is activated through the use of moveable tables and chairs, a fountain or other water feature, a sculpture or other public art feature, benches, seat walls, raised landscape planters, pedestrian scale, and celebratory lighting, and/or other features. The public gathering space is integrated into the overall design of the planned development and has a direct functional or visual relationship to the main building(s) and is not of an isolated or leftover character.
 - 2. **Sustainable Design.** The planned development is designed with consideration given to various methods of site design and building location, architectural design of individual buildings, and landscaping design capable of reducing energy consumption and improving onsite stormwater management.
 - 3. **Landscape Conservation and Visual Enhancement.** The planned development preserves and enhances existing landscape, trees, and natural features such as rivers, streams, ponds, groves, and landforms.
 - 4. **Mix of Uses.** The planned development is comprised of a mix of nonresidential uses and a mix of housing types.
 - 5. **Affordability.** The planned development includes residential dwellings that are deed restricted for households that make less than or equal to eighty (80) percent of the area median income.

6. **Universal Design.** The planned development includes buildings designed with accessible features such as level access from the street and/or zero entry thresholds.
7. **High Quality Building Materials.** The planned development utilizes time and weather tested building materials that are of a higher quality than what is otherwise required by this UDC, including but not limited to masonry or wood.

17.08.060. Planned Development Process

- A. The process for review and approval of a major or minor planned development shall include the steps and responsible parties outlined in Table 17.08.060 and detailed in Section 17.08.060(B) and Section 17.08.060(C) below.

Table 17.08.060 Planned Development Process and Review Procedures				
Step		Zoning Administrator	Planning Commission	City Council
<i>Major Planned Development</i>				
1	Pre-Application Conference	R		
2	Pre-Application Neighborhood Meeting	R		
3	Planned Development District Plan Submittal	R		
4	Planned Development District Plan Public Hearing		R*	D*
<i>Minor Planned Development</i>				
1	Pre-Application Conference	R		
2	Planned Development Overlay Plan Submittal	R		
3	Planned Development Overlay Plan Public Hearing		R*	D*
Key:				
R = Recommendation				
D = Decision Making				
* = Public Notice Required				

B. **Major Planned Development Process.**

1. **Pre-Application Conference.**

- a. A prospective applicant, prior to submitting a planned development district plan, shall meet for a pre-application conference with the Zoning Administrator. The purpose of the conference is to help the applicant understand the Comprehensive Plan, UDC, standards by which the application will be evaluated, and the application requirements.
- b. After reviewing the major planned development process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed major planned development. Such request shall be made in writing prior to the submission of the formal application documents.
- c. All requests for waiver shall be reviewed by the Zoning Administrator. A final determination regarding the waiver shall be given to the prospective applicant following the decision. Denied requests may be appealed to the City Council.

2. **Pre-Application Neighborhood Meeting.**

- a. Prior to the submittal of the planned development district plan, the Zoning Administrator may require the applicant to schedule and hold a neighborhood meeting to discuss the proposed planned development district plan and the:
 - I. Applicant's goals for the property,
 - II. City vision and expectations regarding the character and quality of development,

- III. Infrastructure requirements,
 - IV. Potential regulations and standards,
 - V. The application and review process,
 - VI. Submittal requirements,
 - VII. Applicable fees and costs, and
 - VIII. Scheduling issues.
- b. A written summary of comments made at the neighborhood meeting shall be maintained and submitted by the applicant with the planned development district plan.
 - c. The Zoning Administrator's determination to require a neighborhood meeting may not be appealed to the Board of Adjustment.
3. **Planned Development District Plan Submittal.**
- a. The planned development district plan, including all information required in the UDC Application Requirements, shall be submitted to the Zoning Administrator.
 - b. Within fifteen (15) days of receipt of the application, the Zoning Administrator shall review the application to determine that all required information has been submitted and notify the applicant of completeness or deficiencies.
4. **Zoning Administrator Planned Development District Plan Report.**
- a. Within ten (10) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator pursuant to the criteria in Section 17.08.040.
 - b. The Zoning Administrator shall prepare and issue a report to the applicant identifying issues of concern to be addressed as well as a recommendation for approval, approval with conditions, or denial.
 - c. The Zoning Administrator shall forward their report to the applicant at least ten (10) days prior to the date of the public hearing before the Planning Commission.
5. **Revised Planned Development District Plan Submittal.**
- a. The applicant shall revise the planned development district plan as necessary based on the issues of concern identified by the Zoning Administrator.
 - b. The revised planned development district plan shall be accompanied by a letter explaining how all of the issues of concern have been addressed and detailing any other changes that have been made to the planned development district plan.
 - c. The applicant shall submit the revised planned development district plan to the Zoning Administrator who shall review the revised application for the purpose of ensuring that all required information has been provided and that all issues of concern have been addressed. Once it is determined that all required information has been submitted and all issues of concern addressed, the application shall be referred to Planning Commission. If the Zoning Administrator determines that the required information and/or issues of concern have not been addressed, the Zoning Administrator shall notify the applicant of such deficiencies.
 - d. Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application if no revised plan is resubmitted without further notice from the City.

6. Planned Development District Plan Public Hearing.

- a. The planned development district plan application shall be scheduled for public hearing before the Planning Commission, and noticed pursuant to Section 17.08.030(D).
- b. The Planning Commission, within thirty (30) days of conducting a public hearing, considering the recommendation of the Zoning Administrator, and reviewing the planned development district plan, shall make a recommendation for approval, approval with conditions, or denial of the planned development district plan to the City Council, based upon the standards for review in Section 17.08.040.
- c. Following the recommendation of the Planning Commission, the planned development district plan shall be scheduled for a public hearing before the City Council and noticed pursuant to Section 17.08.030(D). Notice for the Planning Commission and City Council public hearings may run concurrently.
- d. The City Council, after conducting a public hearing, considering the recommendation of the Planning Commission, and Zoning Administrator, and reviewing the planned development district plan, shall, by ordinance, approve, approve with conditions, or deny the application based upon the standards for review in Section 17.08.040.
- e. If the City Council denies the planned development district plan, the applicant shall be required to restart the process at the pre-application conference stage.

C. Minor Planned Development Process.**1. Pre-Application Conference.**

- a. A prospective applicant, prior to submitting a formal planned development overlay plan, shall meet for a pre-application conference with the Zoning Administrator. The purpose of the conference is to help the applicant understand the Comprehensive Plan, UDC, site development allowances, standards by which the application will be evaluated, and the application requirements.
- b. After reviewing the minor planned development process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed minor planned development overlay plan. Such request shall be made in writing prior to the submission of the formal application documents.
- c. All requests for waiver shall be reviewed by the Zoning Administrator. A final determination regarding the waiver shall be given to the prospective applicant following the decision. Denied requests may be appealed to the City Council.

2. Planned Development Submittal.

- a. The planned development overlay plan, including all information required in the UDC Application Requirements , shall be submitted to the Zoning Administrator.
- b. Within fifteen (15) days of receipt of the application, Zoning Administrator shall review the application to determine that all required information has been submitted and notify the applicant of completeness or deficiencies.
- c. Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.

3. Zoning Administrator Planned Development Overlay Plan Report.

- a. Within ten (10) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator pursuant to the standards for review in Section 17.08.040 and site development allowances and modification standards in Section 17.08.050(C).
- b. The Zoning Administrator shall prepare and issue a report to the applicant identifying issues of concern to be addressed as well as a recommendation for approval, approval with conditions, or denial.
- c. The Zoning Administrator shall forward their report to the applicant.

4. Revised Planned Development Overlay Plan Submittal.

- a. The applicant shall revise the planned development overlay plan as necessary based on the issues of concern identified by the Zoning Administrator in the planned development report.
- b. The revised planned development overlay plan shall be accompanied by a letter explaining how all of the issues of concern have been addressed and detailing any other changes that have been made to the planned development overlay plan.
- c. The applicant shall submit the revised planned development overlay plan to the Zoning Administrator who shall review the revised application for the purpose of ensuring that all required information has been provided and that all issues of concern have been addressed. Once it is determined that all required information has been submitted and all issues of concern addressed, the application shall be referred to Planning Commission. If the Zoning Administrator determines that the required information and/or issues of concern have not been addressed, the Zoning Administrator shall notify the applicant of such deficiencies.

- d. Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.

5. Planned Development Public Hearing.

- a. The planned development shall be scheduled for public hearing before the Planning Commission and noticed pursuant to Section 17.08.030(D).
- b. The Planning Commission, within thirty (30) days of conducting a public hearing, considering the recommendation of the Zoning Administrator, and reviewing the planned development overlay plan, shall make a recommendation for approval, approval with conditions, or denial of the application to the City Council, based upon the standards for review in Section 17.08.040 and site development allowances and modification standards in Section 17.08.050.
- c. Following the recommendation of the Planning Commission, the planned development overlay plan shall be scheduled for a public hearing before the City Council and noticed pursuant to Section 17.08.030(D). Notice for the Planning Commission and City Council public hearing may run concurrently.
- d. The City Council, after conducting a public hearing, considering the recommendation of the Planning Commission, and Zoning Administrator, and reviewing the planned development overlay plan, shall, by ordinance, approve, approve with conditions, or deny the planned development overlay plan based upon the standards for review in Section 17.08.040 and site development allowances and modification standards in Section 17.08.050(c).
- e. If the City Council denies the planned development overlay plan, the applicant shall be required to restart the process at the pre-application conference stage. Approval of any planned development overlay plan shall be effective for a period of one (1) year unless a phasing plan and schedule for building permit issuance is approved with the planned development overlay plan. Approval of the planned development overlay plan remains in effect continuously if an application for a building permit is being filed and approved in accordance with the approved phasing and schedule. In the event that the building permit has not been issued within the time set forth herein, or subsequent phases are not submitted in accordance with the approved schedule, the planned development overlay plan shall be deemed null and void and the applicant shall be required to restart the process at the pre-application conference stage.

6. Post Approval Actions.

- a. The applicant must comply with the requirements of the City Council and this UDC within one hundred eighty (180) calendar days of Zoning Administrator approval, or the planned development overlay plan approval shall be void and must be resubmitted to the City for Zoning Administrator approval.
- b. The applicant shall submit the following items to the Zoning Administrator:
 - I. **Electronic File.** An electronic (digital) version of the planned development overlay plan in a format acceptable to the Public Works Director, with survey data referenced to the State Plane Coordinates.
 - II. **Development Agreement.** An executed development agreement, as provided by the City and in a form acceptable to the City Attorney.
 - III. **Title Commitment.** A title insurance commitment or policy issued by a title insurance company, certified to date of final Zoning Administrator approval of the planned development overlay plan, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the property described on the planned development overlay plan. The applicant shall cause to be joined on said plan those parties necessary to give unencumbered fee simple title to all public rights-of-way contained therein.
 - IV. **As-Built Drawings.** Provide three (3) copies of as-built drawings for all improvements within sixty (60) days of the final walk-through inspection.

7. **Final Recordation.** Prior to recording of the planned development overlay plan, the applicant shall supply the Zoning Administrator with one (1) print of each page of the planned development overlay plan, measuring twenty-four (24) inches high by thirty-six (36) inches wide, on bond paper, for purposes of final redline review and revisions. Once the final revisions have been made, the owner shall supply three (3) original mylar versions of the final plat, each containing the signatures of the property owner(s), any signatures necessary to give the City unencumbered fee title to public rights of way, the notary acknowledgment of their signatures, and an original signature and seal of the surveyor who prepared the plat. Following receipt of the mylars, the Zoning Administrator shall cause the signatures of the City Administrator and the City Clerk to be affixed to the mylars. One (1) original mylar of the planned development overlay shall be recorded by the City Clerk in the office of the Fremont County Clerk and Recorder. The recording fee for the approved plat and supplementary documents as required shall be paid by the owner.

17.08.070. Development Agreements

A. **Applicability.**

1. **Planned Development.** All owners granted planned development approval, shall construct or install all public and other required improvements and infrastructure as called for in this UDC and/or as may have been specified as a condition of approval in a timely, complete, and satisfactory manner. All improvements and infrastructure intended for public use shall be dedicated and/or transferred to the City or other public entities free of all liens and encumbrances.
2. **Governmental Units.** Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agencies authorized to act on their behalf, agreeing to comply with the provisions of this UDC.

B. **Development Agreement and Guarantee Requirement.** No final plat shall be executed by the City and no building permits shall be processed or issued for any lot or property within a involving or requiring the installation of public or other improvements absent the preparation and execution of a written development agreement provided by the City which shall be recorded simultaneously with the or planned development.

C. **Contents of Agreement.** Such agreement shall, at a minimum, set forth:

1. Construction specifications for required public improvements,
2. A construction and completion schedule,
3. Provisions for security and guarantees concerning the timely and satisfactory completion of the improvements, and
4. The terms and conditions for the acceptance of the improvements by the City.

D. **Warranty and Maintenance.** The development agreement shall also include a requirement that all improvements be warranted and maintained by the owner at the cost of the owner until such improvements have been fully accepted by the City.

E. **Agreement to Run with the Land.** A development agreement shall run with the land and bind all successors, heirs, and assignees of the owner.

F. **Security.** Development agreements shall include a requirement for the posting of adequate financial security to ensure the timely, complete, and satisfactory construction or installation of all public improvements and infrastructure as called for in the agreement.

1. **Amount of Security.** Security shall be in an amount not less than one hundred fifteen (115) percent of the estimated cost of completion of all improvements or infrastructure and may be provided by letter of credit, cash escrow, or other financial instrument as approved by the City within its sole discretion.
2. **Letter of Credit.** If an owner posts a letter of credit as security, it shall:
 - a. Be irrevocable,
 - b. Be for a term, inclusive of renewals, sufficient to cover the completion, maintenance and warranty periods as required below, and
 - c. Require only that the City present the letter of credit with a demand and an affidavit signed by the City Administrator attesting to the City's right to draw funds under the letter of credit.
3. **Cash Escrow.** If an owner posts a cash escrow, the escrow instructions shall provide:
 - a. That the owner shall have no right to a return of any of the funds except as provided below; and

- b. That the escrow agent shall have a legal duty to deliver the funds to the City whenever the City Administrator presents an affidavit to the agent attesting to the City's right to receive funds, whether or not the owner protests that right.

4. Reduction of Security.

- a. Upon preliminary acceptance of a public improvement or public infrastructure, the City shall release all but fifteen (15) percent of total actual costs of construction and installation of all improvements, so long as the applicant is not in default of any provision of the development agreement.
- b. The residual fifteen (15) percent retained by the City shall act as security for the owner's guarantee that the public improvements and infrastructure remain free of defect during the applicable warranty period. The owner may at any time during the preliminary acceptance or warranty period offer to provide a substitute or supplemental form of financial security to that security as originally posted with and/or retained by the City. The City may accept substitute or supplemental forms of security in its sole discretion.
- c. The fifteen (15) percent retained by the City shall be released upon the conclusion of the warrantee period and approval of the public improvements by the Public Works Director.

17.08.080. Amendments to Approved Planned Developments

- A. **Determination of Level of Change.** Upon receiving a Planned Development Amendment application, as detailed in the UDC Application Requirements, the Zoning Administrator shall determine whether the amendment is a minor amendment, or a major amendment based on the criteria detailed in Section 17.08.090(B) and Section 17.08.090(C) below.
- B. **Minor Amendment.** A minor amendment is any change to the approved planned development district plan of a major planned development or the planned development overlay plan of a minor planned development which is consistent with the standards and conditions upon which the planned development district plan or planned development overlay plan was approved, and which does not alter the concept or intent of the planned development. A minor amendment shall not:
 - 1. Increase density,
 - 2. Increase the height of buildings,
 - 3. Reduce open space by more than five (5) percent,
 - 4. Modify the proportion of housing types,
 - 5. Change parking areas in a manner that is inconsistent with this UDC,
 - 6. Increase gross floor area by more than five hundred (500) square feet,
 - 7. Alter alignment of roads, utilities, or drainage, or
 - 8. Result in any other change inconsistent with any standard or condition imposed by the City Council in approving the planned development, as determined by the Zoning Administrator.
- C. **Major Amendment.** A major amendment is any change to an approved major or minor planned development which is not considered a minor amendment as detailed in Section 17.08.090(B).

- D. **Approval Processes.** A major amendment to an approved major planned development shall follow the procedure set in section 17.08.060(B) and minor amendment to an approved minor planned development shall follow the procedure set in in 17.08.060(C). A minor amendment to an approved major or minor planned development overlay plan may be approved administratively by the Zoning Administrator.

Chapter 17.09 Subdivision Standards and Procedures

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17.09.010 Purpose

This chapter establishes minimum standards for the design and improvement of land subdivision to ensure that each building site can accommodate a structure for the intended use of land, is adequately served by public improvements, and protects sensitive lands from the impacts of development within that subdivision. It also establishes standards for the development of previously and legally subdivided land that may not have adequate public facilities needed to support new development where the proposal does not include the subdivision of land but does require the installation of public facilities for new development within the City.

17.09.020 General Provisions

A. Notice Requirements.

1. **Cost of Notice.** All costs associated with published and written notice, as required by this UDC, shall be the responsibility of the applicant.
2. **Notice Content.** All notices required under this UDC shall include the following content:
 - a. The date, time, and place of the scheduled public hearing,
 - b. A description of the property involved in the application by street address if one exists,
 - c. A description of the nature, scope, and purpose of the application,
 - d. The location and source of additional information on the application, and
 - e. Other information as deemed necessary by the Zoning Administrator.
3. **Notice Methods.**
 - a. **Published Notice.** When published notice is required, as detailed in Table 17.09.020(C)(4), the Zoning Administrator shall ensure that notice is published on the City's website at least fifteen (15) days and no more than thirty (30) days before the date of the scheduled public hearing.
 - b. **Written Notice.** When written notice is required, as detailed in Table 17.09.020(C)(4), the Zoning Administrator shall provide notice by first class mail to all owners of record of the subject property and all owners of record within three hundred (300) feet of the boundaries of the subject property. The notice shall be deposited in the U.S.

mail by the Zoning Administrator at least fifteen (15) days and no more than thirty (30) days before the scheduled public hearing. Ownership information shall be obtained from the records of the Fremont County Assessor.

- c. **Posted Notice.** When posted notice is required, as detailed in Table 17.09.020(C)(4), the Zoning Administrator shall post a sign on the subject property along the fronting street. If the subject property fronts two (2) or more streets, signs shall be posted along each frontage. The notice shall be posted by the Zoning Administrator at least fifteen (15) days and no more than thirty (30) days before the scheduled public hearing.

4. Notice Methods by Major Subdivision Application Type.

Table 17.09.020(C)(4) Notice Methods by Major Subdivision Application Type			
Petition Review Procedure		Published Notice	Written Notice
1	Preliminary Plat	•	•
2	Final Plat		
Key:			
• = Required Notice Method			

B. Development Agreements.

1. Applicability.

- a. **Subdivision Owners.** All owners granted subdivision approval, shall construct or install all public and other required improvements and infrastructure as called for in this UDC and or as may have been specified as a condition of approval in a timely, complete, and satisfactory manner. All improvements and infrastructure intended for public use shall be dedicated and/or transferred to the City or other public entities free of all liens and encumbrances.
- b. **Governmental Units.** Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agencies authorized to act on their behalf, agreeing to comply with the provisions of this UDC.

2. **Development Agreement and Guarantee Requirement.** No final plat shall be executed by the City and no building permits shall be processed or issued for any lot or property within a subdivision involving or requiring the installation of public or other subdivision improvements absent the preparation and execution of a written development agreement provided by the City which shall be recorded simultaneously with the final plat.

3. **Contents of Agreement.** Such agreement shall, at a minimum, set forth:

- a. Construction specifications for required public improvements,
- b. A construction and completion schedule,
- c. Provisions for security and guarantees concerning the timely and satisfactory completion of the improvements, and
- d. The terms and conditions for the acceptance of the improvements by the City.

4. **Warranty and Maintenance.** The development agreement shall also include a requirement that all improvements be warranted and maintained by the owner at the cost of the owner until such improvements have been fully accepted by the City.

5. **Agreement to Run with the Land.** A development agreement shall run with the land and bind all successors, heirs, and assignees of the owner.

6. **Security.** Development agreements shall include a requirement for the posting of adequate financial security to insure the timely, complete, and satisfactory construction or installation of all public improvements and infrastructure as called for in the agreement.
 - a. **Amount of Security.** Security shall be in an amount not less than one hundred fifteen (115) percent of the estimated cost of completion of all improvements or infrastructure and may be provided by letter of credit, cash escrow, or other financial instrument as approved by the City within its sole discretion.
 - b. **Letter of Credit.** If an owner posts a letter of credit as security, it shall:
 - I. Be irrevocable,
 - II. Be for a term, inclusive of renewals, sufficient to cover the completion, maintenance and warranty periods as required below, and
 - III. Require only that the City present the letter of credit with a demand and an affidavit signed by the City Administrator attesting to the City's right to draw funds under the letter of credit.
 - c. **Cash Escrow.** If an owner posts a cash escrow, the escrow instructions shall provide:
 - I. That the owner shall have no right to a return of any of the funds except as provided below, and
 - II. That the escrow agent shall have a legal duty to deliver the funds to the City whenever the City Administrator presents an affidavit to the agent attesting to the City's right to receive funds, whether or not the owner protests that right.
 - d. **Reduction of Security.**
 - I. Upon preliminary acceptance of a public improvement or public infrastructure, the City shall release all but fifteen (15) percent of total actual costs of construction and installation of all improvements, so long as the owner is not in default of any provision of the development agreement.
 - II. The residual fifteen (15) percent retained by the City shall act as security for the owner's guarantee that the public improvements and infrastructure remain free of defect during the applicable warranty period. The owner may at any time during the preliminary acceptance or warranty period offer to provide a substitute or supplemental form of financial security to that security as originally posted with and/or retained by the City. The City may accept substitute or supplemental forms of security in its sole discretion.
 - III. The fifteen (15) percent retained by the City shall be released upon the conclusion of the warranty period and approval of the public improvements by the Public Works Director.

17.09.030 Establishment of Subdivision Processes

- A. **Major Subdivision.** A major subdivision is any subdivision that does not meet the criteria for a minor subdivision as detailed in Section 17.09.030(B).
- B. **Minor Subdivision.** A minor subdivision is a subdivision in which any of the following conditions exist:
1. Subdivisions creating fewer than five (5) or fewer lots and the entire property to be subdivided is ten (10) acres or less,
 2. Subdivisions to facilitate the conveyance of condominium units pursuant to the Colorado Common Interest Ownership Act,
 3. Subdivision solely for the creation of public right of way or other public tracts,
 4. Consolidation of two (2) or more lots into fewer lots on an approved final plat,
 5. Lot line or boundary adjustments to an approved final plat,
 6. Correction of errors or omissions on an approved final plat, such as legal description errors, typographical and mapping errors, lot identification errors, and surveyor corrections,
 7. To facilitate the conveyance of title to parcels of land pursuant to a valid court order or in connection with the provisions of the Colorado Probate Code when no more than two (2) conforming lots will be created, or
 8. To facilitate the conveyance of a planning area within an approved major planned development, in conformance with an approved planned development plan as detailed in Section 17.08.060(B)(3) of this UDC.

17.09.040 Major Subdivision Process

- A. **Major Subdivision Process Outline.** The process for review and approval of a major subdivision shall include the steps and responsible parties outlined in Table 17.09.040 and detailed in Section 17.09.040(B-D).

Table 17.09.040 Major Subdivision Process Outline			
Step	Zoning Administrator	Planning Commission	City Council
<i>Sketch Plan (Optional)</i>			
1 Pre-Application Conference	R		
2 Sketch Plan Submittal	R		
3 Sketch Plan Review and Recommendation		R	R
<i>Preliminary Plat</i>			
1 Pre-Application Conference	R		
2 Preliminary Plat Submittal	R		
3 Zoning Administrator Report	R		
4 Revised Preliminary Plat Submittal	R		
5 Preliminary Plat Public Hearing		R*	D*
<i>Final Plat</i>			
1 Final Plat Submittal	R		
2 Zoning Administrator Action	D		
3 Post Approval Actions	A		
Key:			
A = Administrative			
R = Recommendation			
D = Decision Making			
* = Public Notice Required			

- B. **Sketch Plan.** An applicant for a major subdivision may choose to submit a sketch plan. The purpose of the sketch plan is two-fold. First, it provides the City the opportunity to describe the community's vision to the applicant. Second, it gives the applicant an opportunity to discuss their development plans, explain how the plans will further the community's vision, and obtain input and direction from the Planning Commission and, optionally, the City Council early in the process. The ultimate goal of this process is to help the applicant develop a plan that fosters the community's vision, while minimizing the cost to the applicant.

1. **Pre-Application Conference.** A pre-application conference with the Zoning Administrator is required before the applicant may submit a sketch plan. Topics to be discussed may include:
 - a. Applicant's goals for the property,
 - b. City vision and expectations regarding the character and quality of development,
 - c. Infrastructure requirements,
 - d. Community Design Principles and Development Standards,
 - e. City regulations and standards,
 - f. The application and review process,
 - g. Submittal requirements,
 - h. Applicable fees and costs, and/or

- i. Scheduling issues.
- 2. **Sketch Plan Submittal.**
 - a. The sketch plan, including all information required in the UDC Application Requirements, shall be submitted to the Zoning Administrator.
 - b. Within fifteen (15) days of receipt of the application, the Zoning Administrator shall review the application to determine that all required information has been submitted and notify the applicant of completeness or deficiencies.
- 3. **Zoning Administrator Sketch Plan Review and Recommendation.**
 - a. Within ten (10) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator pursuant to the standards for review in Section 17.09.060.
 - b. The Zoning Administrator shall prepare and issue a report to the applicant identifying issues of concern to be addressed as well as a recommendation for approval, approval with conditions, or denial.
 - c. The Zoning Administrator shall forward their report to the applicant ten (10) days prior to the date of the Planning Commission meeting.
- 4. **Planning Commission and City Council Sketch Plan Review and Recommendation.**
 - a. **Planning Commission Review and Recommendation.** The Planning Commission shall review the sketch plan application and the Zoning Administrator's report and provide comments on the proposed project to the applicant, based on how well the application addresses the standards for review in Section 17.09.060.
 - b. **City Council Review and Recommendation (Optional).** At the request of the applicant and following the Planning Commission review, the City Council shall review the sketch plan and provide comments on the proposed project to the applicant, based on how well the application addresses the standards for review in Section 17.09.060.
- C. **Preliminary Plat.** The purpose of the preliminary plat application is to provide the City with an overall plan for the proposed development.
 - 1. **Pre-Application Conference.** A pre-application conference with the Zoning Administrator is required before the applicant may submit a Preliminary Plat application. Topics to be discussed may include:
 - a. City regulations and standards,
 - b. Infrastructure requirements,
 - c. The application and review process,
 - d. Submittal requirements,
 - e. Applicable fees and costs, and/or
 - f. Scheduling issues.

2. Preliminary Plat Submittal.

- a. The Preliminary Plat, including all information required in the UDC Application Requirements, shall be submitted to the Zoning Administrator.
- b. Within fifteen (15) days of receipt of the application, the Zoning Administrator shall review the application to determine that all required information has been submitted and notify the applicant of completeness or deficiencies. The Zoning Administrator may refer the preliminary grading and drainage plan to the Public Works Director for additional review.
- c. Failure to cure the deficiencies or submit a revised preliminary plat within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.

3. Zoning Administrator Preliminary Plat Report.

- a. Within ten (10) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator pursuant to the standards for review in Section 17.09.060.
- b. The Zoning Administrator shall prepare and issue a report to the applicant identifying issues of concern to be addressed as well as a recommendation for approval, approval with conditions, or denial.
- c. The Zoning Administrator shall forward their report to the applicant.

4. Revised Preliminary Plat Submittal.

- a. The applicant shall revise the preliminary plat as necessary based on the issues of concern identified by the Zoning Administrator in the preliminary plat report.
- b. The revised preliminary plat shall be accompanied by a letter explaining how all of the issues of concern have been addressed and detailing any other changes that have been made to the Preliminary Plat.
- c. The applicant shall submit the revised preliminary plat to the Zoning Administrator who shall review the revised application for the purpose of ensuring that all required information has been provided and that all issues of concern have been addressed. Once it is determined that all required information has been submitted and all issues of concern addressed, the application shall be referred to Planning Commission. If the Zoning Administrator determines that the required information and/or issues of concern have not been addressed, the Zoning Administrator shall notify the applicant of such deficiencies.
- d. Failure to cure the deficiencies or resubmit a revised plat within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.

5. Preliminary Plat Public Hearing.

- a. The Preliminary Plat application shall be scheduled for public hearing before the Planning Commission and noticed pursuant to Section 17.09.020(C).
- b. The Planning Commission, within thirty (30) days of conducting a public hearing, considering the recommendation of the Zoning Administrator, and reviewing the application, shall make a recommendation for approval, approval with conditions, or denial of the application to the City Council, based upon the standards for review in Section 17.09.060.
- c. Following the recommendation of the Planning Commission, the Preliminary Plat application shall be scheduled for a public hearing before the City Council and noticed pursuant to Section 17.09.020(C). Notice for the Planning Commission and City Council public hearing may run concurrently.

- d. The City Council, after conducting a public hearing, considering the recommendation of the Planning Commission, and Zoning Administrator, and reviewing the application, shall decide, by resolution, to approve, approve with conditions, or deny the application based upon the standards for review in Section 17.09.060.
 - e. If the City Council denies the preliminary plat application, the applicant shall be required to restart the process at the Pre-Application Conference stage. Approval of any preliminary plat shall be effective for a period of one (1) year unless a phasing plan and schedule for final platting is approved with the preliminary Plat. Approval of the Preliminary Plat remains in effect continuously if final plats are being filed and approved in accordance with the approved phasing and schedule. In the event that the final plat has not been submitted within the time set forth herein, or subsequent phases are not submitted in accordance with the approved schedule, the preliminary plat shall be deemed null and void and the applicant shall be required to restart the preliminary plat review.
- D. **Final Plat.** The purpose of the Final Plat application is to complete the subdivision of land consistent with the approved Preliminary Plat.
- 1. **Final Plat Submittal.**
 - a. The Final Plat application shall conform to the preliminary plat as approved by the City Council and shall address all conditions of approval required by the City Council. Final plat applications may be submitted concurrently with a preliminary plat application.
 - b. The final plat, including all information required in UDC Application Requirements, shall be submitted to the Zoning Administrator.
 - c. Within fifteen (15) days of receipt of the final plat application, the Zoning Administrator shall review the application to determine that all required information has been submitted and notify the applicant of completeness or deficiencies.
 - d. Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.
 - 2. **Zoning Administrator Action.**
 - a. Within ten (10) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator to ensure the application conforms to the approved Preliminary Plat, addresses all conditions of approval required by the City Council and meets the standards for review in Section 17.09.060. Based upon their review, the Zoning Administrator shall approve or deny the Final Plat. If approved, the Final Plat shall be signed by City Administrator subject to the requirements of this UDC.
 - b. If denied, the Zoning Administrator shall report the deficiencies to the applicant. The applicant shall have six (6) months from the date of notification of the deficiencies to correct the deficiencies; otherwise, the Final Plat will be considered abandoned without further notice from the City.

3. **Post Approval Actions.**

- a. The applicant must comply with the requirements of the City Council and this UDC within one hundred eighty (180) calendar days of Zoning Administrator approval, or the final plat approval shall be void and must be resubmitted to the City for Zoning Administrator approval.
- b. The applicant shall submit the following items to the Zoning Administrator:
 - I. **Electronic File.** An electronic (digital) version of the Final Plat in a format acceptable to the Public Works Director, with survey data referenced to the State Plane Coordinates.
 - II. **Development Agreement.** An executed development agreement, as provided by the City and in a form acceptable to the City Attorney.
 - III. **Title Commitment.** A title insurance commitment or policy issued by a title insurance company, certified to date of final Zoning Administrator approval of the final plat, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the property described on the Final Plat. The applicant shall cause to be joined on said plat those parties necessary to give unencumbered fee simple title to all public rights-of-way contained therein.
 - IV. **As-Built Drawings.** Provide three (3) copies of as-built drawings for all improvements within sixty (60) days of the final walk-through inspection.
4. **Final Plat Recordation.** Prior to recording of the final plat, the applicant shall supply the Zoning Administrator with one (1) print of each page of the final plat, measuring twenty-four (24) inches high by thirty-six (36) inches wide, on bond paper, for purposes of final redline review and revisions. Once the final revisions have been made, the applicant shall supply three (3) original mylar versions of the final plat, each containing the signatures of the property owner(s), any signatures necessary to give the City unencumbered fee title to public rights of way, the notary acknowledgment of their signatures, and an original signature and seal of the surveyor who prepared the plat. Following receipt of the mylars, the Zoning Administrator shall cause the signatures of the City Administrator and the City Clerk to be affixed to the mylars. One (1) original mylar of the final plat shall be recorded by the City Clerk in the office of the Fremont County Clerk and Recorder. The recording fee for the approved plat and supplementary documents as required shall be paid by the applicant.

17.09.050 Minor Subdivision Process

- A. **Minor Subdivision Process Outline.** The process for review and approval of a minor subdivision shall include the steps and responsible parties outlined in Table 17.09.060 and detailed in Section 17.09.050(B).

Table 17.09.060 Minor Subdivision Process Outline			
Step	Zoning Administrator	Planning Commission	City Council
<i>Minor Subdivision Plat</i>			
1	Pre-Application Conference	R	
2	Minor Subdivision Plat Submittal	R	
3	Zoning Administrator Action	D	
4	Post Approval Actions	A	
Key:			
A = Administrative			
R = Recommendation			
D = Decision Making			
* = Public Notice Required			

B. **Minor Subdivision Plat.**

1. **Pre-Application Conference.** A pre-application conference with the Zoning Administrator, is required before the applicant may submit a minor subdivision plat application. Topics to be discussed will include:
 - a. City regulations and standards,
 - b. Infrastructure requirements,
 - c. The application and review process,
 - d. Submittal requirements,
 - e. Applicable fees and costs, and
 - f. Scheduling issues.
2. **Minor Subdivision Plat Submittal.**
 - a. The minor subdivision plat, including all information required in the UDC Application Requirements, shall be submitted to the Zoning Administrator.
 - b. Within fifteen (15) days of receipt of the application, the Zoning Administrator shall review the application to determine that all required information has been submitted and notify the application of completeness or deficiencies.
 - c. Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.
3. **Zoning Administrator Action.**
 - a. Within fifteen (15) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator to ensure the application conforms to the standards for review in Section 17.09.060. Based upon their review, the Zoning Administrator shall approve or deny the Minor Subdivision Plat. If approved, the minor subdivision plat shall be signed by City Administrator subject to the requirements of this UDC.

- b. If denied, the Zoning Administrator shall report the deficiencies to the applicant. The applicant shall have six (6) months from the date of notification of the deficiencies to correct the deficiencies; otherwise, the minor subdivision plat will be considered abandoned without further notice from the City.

4. **Post Approval Actions.**

- a. The applicant must comply with the requirements of the Zoning Administrator and this UDC within one hundred eighty (180) calendar days of Zoning Administrator approval, or the Final Plat approval shall be void and must be resubmitted to the City for Zoning Administrator approval.
 - b. The applicant shall submit the following items to the Zoning Administrator:
 - I. **Electronic File.** An electronic (digital) version of the final plat in a format acceptable to the Public Works Director, with survey data referenced to the State Plane Coordinates.
 - II. **Development Agreement.** An executed development agreement, as provided by the City and in a form acceptable to the City Attorney.
 - III. **Title Commitment.** A title insurance commitment or policy issued by a title insurance company, certified to date of final Zoning Administrator approval of the final plat, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the property described on the Final Plat. The applicant shall cause to be joined on said plat those parties necessary to give unencumbered fee simple title to all public rights-of-way contained therein.
 - IV. **As-Built Drawings.** Provide three (3) copies of as-built drawings for all improvements within sixty (60) days of the final walk-through inspection.
5. **Minor Subdivision Plat Recordation.** Prior to recording of the minor subdivision plat, the applicant shall supply the Zoning Administrator with one (1) print of each page of the plat, measuring twenty-four (24) inches high by thirty-six (36) inches wide, on bond paper, for purposes of final redline review and revisions. Once the final revisions have been made, the applicant shall supply three (3) original mylar versions of the minor subdivision plat, each containing the signatures of the owner(s), any signatures necessary to give the City unencumbered fee title to public rights of way, the notary acknowledgment of their signatures, and an original signature and seal of the surveyor who prepared the plat. Following receipt of the mylars, the Zoning Administrator shall cause the signature of the City Administrator and the City Clerk to be affixed to the mylars. One (1) original mylar of the minor subdivision plat shall be recorded by the City Clerk in the Office of the Fremont County Clerk and Recorder. The recording fee for the approved plat and supplementary documents as required shall be paid by the applicant.

17.09.060 Subdivision Standards for Review

The City shall use the following criteria to evaluate applications for Major and Minor Subdivisions:

- A. **Comprehensive Plan Alignment.** The subdivision is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan and other adopted plans and policy documents of the City.
- B. **Placemaking.** The subdivision has a distinctive identity and brand that is utilized in the signs, streetscape, architecture, public gathering spaces, and open spaces.
- C. **Integrated Design with Identifiable Centers and Edges.** The subdivision shall be laid out and developed as a unit in accordance with an integrated overall design. The design shall provide identifiable centers and edges through the harmonious grouping of buildings, uses, facilities, public gathering spaces, and open space.
- D. **Public Welfare.** The subdivision is designed, located, and proposed to be operated and maintained so that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.
- E. **Compatibility with Adjacent Land Uses.** The subdivision includes uses which are generally compatible and consistent with the uses of adjacent parcels. If the uses are not generally compatible, adverse impacts have been minimized through screening, landscaping, public open space, and other buffering features that protect uses within the development and surrounding properties. Incompatible land uses include but are not limited to general commercial and/or industrial uses and residential uses.
- F. **Impact on Public Facilities and Resources.** The subdivision is designed so that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The subdivision shall include such impact fees as may be reasonably determined by the City Council. These required impact fees shall be calculated in reasonable proportion to impact of the subdivision on public facilities and infrastructure.
- G. **Archaeological, Historical, or Cultural Impact.** The subdivision does not substantially adversely impact an archaeological, historical, or cultural resource, included on the local, state, or federal register, located on or in proximity to the parcel(s) proposed for development.
- H. **Drives, Parking, and Circulation.** The subdivision has or makes adequate provision to provide necessary parking. Principal vehicular access is from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation (including walkways, interior drives, and parking), special attention has been given to the location and number of access points to public streets, the width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe, and convenient, do not detract from the design of proposed buildings and structures and the neighboring properties. Access points are limited through the use of cross access connections.

17.09.070 Plat Vacation

- A. **Plat Vacation Purpose.** Plats created prior to the adoption of this UDC may not meet the current subdivision requirements, including lot size, environmental conditions, and the provision of adequate infrastructure. This section of the Code sets forth a process by which a plats may be vacated.
- B. **Plat Vacation Process.** Subject to the procedure set forth in this section, the City Council may vacate all or a portion or portions of the final subdivision plat of any subdivision within the City upon the request of a property owner within the subdivision or the City Planner. The City Council may vacate only the final subdivision plat for that portion of a subdivision consisting of multiple, contiguous lots that are undeveloped and in common ownership. The City Council may vacate a final subdivision plat only after conducting a public hearing to consider evidence to determine whether the findings can be made that are necessary to determine if all or a part of the subdivision is within the meaning of this section, and to consider evidence to determine whether the finding can be made that is necessary to adopt an ordinance to vacate.

1. **Resolution of Intent to Vacate.** Prior to vacating all or a part of the final plat of any subdivision, the City Council shall adopt a resolution of intent to vacate. The resolution shall set forth the reasons the City Council desires to vacate the final plat and shall establish the date, time, and place of a public hearing on the proposed vacation. At least thirty (30) days prior to City Council consideration of the resolution of intent to vacate, the City Planner shall provide written notice that vacation of the plat is being considered to all record surface owners and lienholders of all lots within the plat. Once a resolution of intent to vacate has been adopted by the City Council, no development plan may be submitted, or building permit issued, until the matter has been finally decided by the City Council.
 2. **Schedule Vacation of Plat Public Hearing and Complete Public and Property Owner Notification.** The City Council shall schedule a public hearing for the purpose of taking action on an ordinance approving the vacation of the plat. The City Planner shall publish a copy of the resolution notice in a newspaper of general circulation at least fifteen (15) days prior to the City Council public hearing. In addition, a copy of the resolution shall be mailed to the last known address of the record surface owner or owners of each lot within the subdivision and to any lienholders of record, at least fifteen (15) days before the public hearing.
 3. **City Council Action.** At the public hearing on the determination of obsolescence and proposed plat vacation, the City Council shall receive a report from the City Planner regarding the proposed vacation and shall hear from all interested persons. At the close of the public hearing, the City Council may, by ordinance, vacate all or a part of the final subdivision plat if it makes the following findings:
 - a. That the plat is a subdivision within the meaning of this section; and
 - b. Vacation of all or a part of the final plat for the subdivision will promote the health, safety and general welfare of the community. The ordinance shall describe the property that is subject to vacation by making reference to the subdivision name and the final plat on record with the Fremont County Clerk and Recorder.
 4. **Record Vacation Ordinance.** If the City Council vacates all or a part of the final plat of any subdivision, it shall record a copy of the ordinance of vacation with the Fremont County Clerk and Recorder. The City shall also record a copy of the final subdivision plat as it was approved by the City with a prominent notation on the plat showing that it was vacated in whole or in part by decision of the City Council and the date of such decision.
- C. **Effect of Vacation.** After all or a part of the final plat for any subdivision has been vacated pursuant to this section, the land within such vacated subdivision or portion thereof may not be subdivided without first complying with the then applicable state and local subdivision and development regulations, and it shall be unlawful to sell the land or any portion thereof with reference to the plat or develop any property within the vacated subdivision or portion thereof without first complying with the then applicable state and local subdivision and development regulations. The vacation of all or a part of the final plat for any subdivision shall have the effect of vacating all public easements and rights-of-way within the vacated subdivision or portion unless the ordinance of vacation expressly provides that any public right-of-way has not been vacated. The vacation of a plat or portion thereof shall not have the effect of interfering with any privately owned easements dedicated for utility, access, or other similar purposes shown on the final subdivision plat that was vacated unless the City has obtained a release from the owner of the privately-owned easement authorizing the vacation of such easement.
- D. **Vested Rights.** Nothing in this section is intended to authorize the City to interfere with any lawfully established vested rights.

Chapter 17.10 Zoning Standards and Procedures

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17.10.010 Administrative Approvals

A. **Zoning Administrator Authority.** The Zoning Administrator shall have the authority to receive applications and make determinations for the following administrative procedures.

1. Site plan review,
2. Conditional use permit,
3. Administrative exception,
4. Sign permit,
5. Comprehensive sign plan,
6. Temporary use permit, and
7. Rebuild letter.

B. **Appeals of Administrative Determinations.**

1. Any person aggrieved by a decision of the Zoning Administrator may, within thirty (30) days after receipt of notice of such decision, appeal such decision to the Board of Adjustment by filing a written notice of appeal with the Zoning Administrator with an explanation as to why said decision was not warranted by this UDC according to the applicant. Such application shall be accompanied by the application fee.
2. An appeal stays the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board after the notice of appeal has been filed that, by reason of facts stated in the certification, a stay would, in their opinion, cause imminent peril to life or property.
3. The Board shall conduct a hearing, but not a public hearing, on all appeals upon notice as provided in this section.
4. No less than ten (10) days prior to the hearing, notice shall be provided to the applicant of the hearing date and time.
5. The applicant or applicant's representative shall be present at the hearing. Failure to appear shall result in the appeal or application being denied.

6. The Board may affirm, reverse or modify the decision appealed. A concurring vote of four members of the Board shall be necessary to reverse decision, or part thereof, of the Zoning Administrator.
7. All decisions of the Board shall be made no later than thirty (30) days after the conclusion of the hearing and shall be made by written resolution.

C. Site Plan Review.

1. **Purpose.** Site plan review is required prior to the issuance of an application for a Building Permit to certify compliance with all applicable provisions of this UDC. Site plan review shall be required for any development that meets one of the following criteria:
 - a. New development, including the construction or placement of any new building(s) or expansion of any existing building, or
 - b. Any development subject to off-street parking and loading requirements. Single-family and two-family dwellings shall not be subject to site plan review.
2. **Site Plan Submittal.**
 - a. The site plan, including all information required in the UDC Application Requirements, shall be submitted to the Zoning Administrator.
 - b. Within fifteen (15) days of receipt of the application, the Zoning Administrator shall review the application to determine that all required information has been submitted and notify the application of completeness or deficiencies.
 - c. Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.
3. **Sites on or in Designated Historic Resources.** Prior to the approval of a Site Plan for a proposed development located on or in a designated historic resource, the applicant shall be required to comply with the City's historic preservation regulations in Chapter 12.30 of the Cañon City Municipal Code.
4. **Zoning Administrator Action.**
 - a. Within ten (10) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator to ensure the application conforms to the requirements of this UDC. Based upon their review, the Zoning Administrator shall approve or deny the Site Plan.
 - b. If denied, the Zoning Administrator shall report the deficiencies to the applicant. The applicant shall have six (6) months from the date of notification of the deficiencies to correct the deficiencies; otherwise, the Site Plan will be considered abandoned without further notice from the City.
5. **Concurrent Applications.** A conditional use permit, special review use permit, or variance application may be processed concurrently with the site plan.
6. **Expiration and Lapse of Approval.** The applicant shall have twelve (12) months from the date of a site plan approval to secure a Building Permit to carry out the proposed improvements. If a building permit has not been obtained within twelve (12) months of the date of approval, the approval shall be void. An extension of the time requirements may be requested in writing and granted by the Zoning Administrator for good cause shown by the applicant, provided a written request is filed with the City at least four (4) weeks prior to the respective deadline.

D. Conditional Use Permit.

1. **Purpose.**

- a. In order to provide flexibility and to help diversify uses within a district, specified uses are permitted in certain districts subject to the granting of a conditional use permit. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process set forth in this Section is intended to assure compatibility and harmonious development between conditional uses, surrounding properties, and the City at large.
- b. Conditional uses are permitted within the district where designated when they comply with specific conditions and limitations as set forth in this UDC to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. A listed conditional use that cannot meet the specific conditions and limitations set forth in this UDC shall not be allowed under a conditional use permit.

2. **Pre-Application Conference.** The applicant for a conditional use permit is advised to meet with the Zoning Administrator prior to submitting an application to discuss the submittal requirements, review criteria, and review process.

3. **Conditional Use Permit Review Criteria.**

- a. **General Criteria.** The Conditional Use Permit shall be approved upon a finding by the Zoning Administrator that the following general criteria have been met, to the extent they may be applicable:
 - I. The site, building(s), and use meet all criteria specified for the use and all applicable regulations and development standards as specified in this UDC and for the district in which the use is located; however, nonconforming sites and/or buildings must be brought into conformance if required to do so pursuant to Chapter 11, Nonconformities, of this UDC,
 - II. The proposed use will not substantially alter the basic character of the district in which it is located, or jeopardize the development or redevelopment potential of property within the district,
 - III. The proposed use will not have a significant adverse impact on the adjacent uses or properties, or result in hazardous conditions for pedestrians or vehicles within or in close proximity to the site,
 - IV. The proposed use will conform with or further the goals, objectives and strategies of the City's comprehensive plan,
 - V. The proposed use will be adequately served with public utilities, services, and facilities and not impose an undue burden above and beyond those of the permitted uses of the district in which it is located,

- VI. Potential negative impacts of the conditional use on the surrounding properties have been or may be mitigated through specific setbacks, architecture, screen walls, landscaping, site arrangement or other methods required in the permit as conditions and/or limitations of permit approval. The applicant shall satisfactorily address each of the following impacts:
 - i. Traffic,
 - ii. Activity levels,
 - iii. Light,
 - iv. Noise,
 - v. Odor,
 - vi. Building type, style, and scale,
 - vii. Hours of operation,
 - viii. Dust, and
 - ix. Stormwater management, drainage, and erosion control.
 - VII. **Use-Specific Criteria.** In addition to the general criteria for review of a Conditional Use Permit listed above, certain uses, due to their unique characteristics, must also comply with the special provisions specific to those uses contained in Chapter 17.06, Development Standards of this UDC. Use-specific criteria shall control if a conflict exists with the general criteria of this section.
4. **Conditional Use Permit Application Submittal.**
 - a. The conditional use permit application, including all information required in UDC Application Requirements, shall be submitted to the Zoning Administrator.
 - b. Within fifteen (15) days of receipt of the application, the Zoning Administrator shall review the application to determine that all required information has been submitted and notify the application of completeness or deficiencies.
 - c. Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.
 5. **Zoning Administrator Action.**
 - a. Within ten (10) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in Subsection 3 above. Based upon their review, the Zoning Administrator shall approve or deny the application in writing.
 - b. If denied, the Zoning Administrator shall report the deficiencies to the applicant. The applicant shall have six (6) months from the date of notification of the deficiencies to revise the application and correct the deficiencies; otherwise, the conditional use permit application will be considered abandoned without further notice from the City.
 6. **Permit Transferability.** A conditional use permit may be transferred to any other person to operate the same use on the same property and/or within the same building according to the same terms of the permit. A conditional use permit may not be transferred to any other property or other building. The transfer of a conditional use permit shall be in

writing to the new owner or operator of the use, using a form provided by the City. Such transfer shall not be complete until a counterpart of the transfer document has been filed with the Zoning Administrator and recorded with the Clerk.

7. Revocation of Permit.

- a. The Zoning Administrator may revoke a conditional use permit upon finding that:
 - I. The use, building, or site for which the permit was issued violates any of the approval criteria,
 - II. The use, building, or site for which the permit was issued violates any condition of approval set forth in the permit, or violates any provision of this UDC, or
 - III. The use established is materially different from that which was represented in the application and approved by the Zoning Administrator.
- b. Prior to revoking any conditional use permit the Zoning Administrator shall issue a notice of pending Rrevocation to the permit holder. The notice shall:
 - I. State the grounds upon which the permit could be revoked,
 - II. Direct the permit holder to appear at a hearing before the Zoning Administrator to show cause why the permit should not be revoked,
 - III. State the date, time, and place for the show cause hearing, which date shall be not sooner than ten (10) days from the date the notice is mailed to or otherwise served upon the permit holder in any manner permitted under this UDC,
 - IV. Advise the permit holder that the permit will be revoked if the permit holder fails to appear for the hearing or if the permit holder appears for the hearing but fails to show cause why the permit should not be revoked.
- c. Following the conclusion of any hearing set pursuant to the provisions of this Section 17.10.020(D)(7)(b), the Zoning Administrator shall issue the Zoning Administrator's written findings and decision and mail to or otherwise serve a copy of such findings and decision upon the permit holder.
- d. The permit holder will have fifteen (15) days from the date of mailing or other service of such written findings and decision to appeal a decision revoking the permit to the Board of Adjustment.

8. Termination. A Conditional use permit shall automatically terminate without any further action by the City under any of the following circumstances:

- a. The use for which the permit was granted has not been established at the approved location within a period of one (1) year from the date the permit was issued.
- b. The use for which the permit was issued has been discontinued for a period of one (1) year or longer.

E. Administrative Exception.

1. **Purpose.** Administrative Exception is an administrative process through which certain minor variances may be approved by the Zoning Administrator. Administrative Exceptions are intended to allow a limited amount of flexibility in the siting and height of certain buildings and/or structures. The Zoning Administrator shall have the authority to grant or deny applications for Administrative Exceptions for such circumstances as this UDC allows subject to the requirements of this Section. No site plan shall be approved or building permit issued for a proposal requiring an exception to a zoning standard listed in subsection (2) below, unless an Administrative Exception is approved.
2. **Administrative Exceptions Considered.**
 - a. An administrative exception to certain requirements of this UDC may be granted for the following exceptions:
 - I. A maximum ten (10) percent reduction of the interior side and/or rear setback standard for a new principal or accessory building/structure, or an addition to an existing principal or accessory building/structure in any district, and/or
 - II. A maximum ten (10) percent increase of the height standard for a new principal or accessory building/structure in any district except the RL, MH-2, or GC.
 - b. An Administrative Exception shall not be granted for the approval of any use not otherwise allowed as a permitted, conditional, or special review use within the subject district.
 - c. No Administrative Exception shall be considered where the setback is five (5) feet or less.
 - d. In the case of a requested addition to a structure, no exception shall be considered where the existing structure does not meet the minimum setback.
 - e. No exception shall be considered for a reduction of a setback for livestock housing in the RL District.
 - f. No exception for reduction of a setback shall be considered for the MH-1 District.
3. **Administrative Exception Review Criteria.** The Administrative Exception shall be approved if the Zoning Administrator finds that the proposed exception meets the following criteria:
 - a. Is consistent with the comprehensive plan,
 - b. Is consistent with the purpose of the underlying district,
 - c. Is consistent with adopted building and fire codes,
 - d. Will not result in incompatible development,
 - e. Will not result in adverse impacts unless adequately mitigated, and
 - f. Is of a technical nature and is required to:
 - I. Compensate for an unusual condition,
 - II. Eliminate a minor inadvertent failure to comply with this UDC, or
 - III. To protect a sensitive resource or natural feature.

4. **Pre-Application Conference.** The applicant for an Administrative Exception is required to meet with the Zoning Administrator prior to submitting an application to discuss the submittal requirements, review criteria, and review process.
5. **Administrative Exception Application Submittal.**
 - a. The Administrative Exception application, including all information required in the UDC Application Requirements, shall be submitted to the Zoning Administrator.
 - b. Within fifteen (15) days of receipt of the application, the Zoning Administrator shall review the application to determine that all required information has been submitted and notify the application of completeness or deficiencies.
 - c. Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.
6. **Zoning Administrator Action.** Within ten (10) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in Subsection 3. above. Based upon their review, the Zoning Administrator shall approve or deny the application in writing.
7. **Expiration.** If a building permit is not issued or a site plan is not approved within six (6) months of the approval of the Administrative Exception, the Administrative Exception approval shall be void.

F. Sign Permit.

1. **Purpose.** A Sign Permit shall be required prior to the display, construction, erection, or alteration of a sign, and its structural components, on any property. All signs must comply with Chapter 17.07, and the applicable sections of the building code as adopted by the City. All electrical installations associated with the erection and installation of a sign must be done in accordance with the adopted Building and Electrical Codes.
2. **Exemptions.** Signs exempt from a permit are listed in Section 17.07.040 of this UDC.
3. **Signs on or in Designated Historic Resources.** Prior to the approval of a Sign Permit for a proposed permanent sign located on or in a designated historic resource, the applicant shall be required to comply with the City's historic preservation regulations in Chapter 12.30 of the Cañon City Municipal Code.
4. **Sign Permit Review Criteria.** To approve the issuance of a Sign Permit, the Zoning Administrator shall make an affirmative finding that all applicable provisions of this UDC, the applicable building code, and all other City ordinances are met.
5. **Sign Permit Application Submittal.**
 - a. The Sign Permit application, including all information required in the UDC Application Requirements, shall be submitted to the Zoning Administrator.
 - b. Within five (5) days of receipt of the application, the Zoning Administrator shall review the application to determine that all required information has been submitted and notify the application of completeness or deficiencies.
 - c. Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.
6. **Zoning Administrator Action.** Within five (5) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in Subsection 4. above. Based upon their review, the Zoning Administrator shall approve or deny the application in writing.

7. **Expiration and Lapse of Approval.** A Sign Permit shall become void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.

G. Comprehensive Sign Plan.

1. **Intent.** The intent of the comprehensive sign program is to set forth a theme as to the placement, lettering style, color, materials, mounting method, and other related design considerations of signs.
2. **Applicability.** Any building or development on an irregularly shaped lot may elect to submit a comprehensive sign plan to receive additional aggregate sign area beyond the maximum established in Section 17.07.020. After the approval of a comprehensive sign plan, no permanent sign shall be erected, placed, or maintained except in conformance with the Comprehensive Sign Plan.
3. **Conditions.** The Zoning Administrator may attach conditions, requirements, or standards necessary to assure that the signs covered by the comprehensive sign plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the Zoning Administrator shall not base any condition on the content of a sign.
4. **Evaluation Criteria.**
 - a. **Placement.** All signs shall be placed where they are visible and legible. Factors to be considered include the location of a sign relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall signs may be approved on building walls other than the wall of a unit of a multi-tenant building in which some units have little or no visibility from the street.
 - b. **Quantity.** The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and wayfinding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.
 - c. **Size.** All signs shall be no larger than necessary for visibility and legibility but in no instance shall the sign area or sign height exceed the maximum established per sign type per district. Factors to be considered in determining appropriate size include topography, volume, and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display.
5. **Review and Action.** The Zoning Administrator shall review the comprehensive sign plan application and approve, approve with conditions, or deny the application based on the evaluation criteria. A written decision including the findings on the evaluation criteria shall be rendered to the applicant.

H. Temporary Use Permit.

1. **Purpose.** A temporary use Permit shall be required prior to the commencement of a temporary use identified in Table 17.03.040(B) and Table 17.03.040(C). Temporary uses shall take place on private property only unless specifically allowed on public property or right of ways by this UDC.
2. **Temporary Use Permit Review Criteria.** To approve the issuance of Temporary Use Permit, the Zoning Administrator shall make an affirmative finding that the following criteria are met as applicable:
 - a. **Land Use Compatibility.** The temporary use must be compatible with the purpose and intent of this UDC and the district in which it will be located. The temporary use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The temporary use shall not endanger or be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.
 - b. **Compliance with Other Regulations.** A building permit or temporary certificate of occupancy may be required before any structure used in conjunction with the temporary use is constructed or modified. All structures and the site shall meet all applicable building code, UDC, and fire code standards and shall be promptly removed upon the cessation of the use or event. Upon cessation of the use or event, the site shall be returned to its previous condition (including the removal of all trash, debris, signage, attention attracting devices, or other evidence of the special event or use).
 - c. **Hours of Operation and Duration.** The duration and hours of operation of the temporary use shall be consistent with the intent of the event or use, and compatible with the surrounding land uses. The duration and hours of operation shall be established by the Zoning Administrator at the time of approval of the temporary use permit.
 - d. **Traffic Circulation.** The temporary use, as determined by the Public Works Director, shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
 - e. **Off-Street Parking.** Adequate off-street parking shall be provided for the temporary use, as determined by the Zoning Administrator, and it shall not create a parking shortage for any of the other existing uses on the site.
 - f. **Public Conveniences and Litter Control.** Adequate on-site restroom facilities and on-site solid waste containers may be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.
 - g. **Appearance and Nuisances.** The temporary use shall be compatible in intensity, appearance, and operation with surrounding land uses in the area, and shall not impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
 - h. **Signs and Attention-Getting Devices.** The Zoning Administrator shall review all signage in conjunction with the issuance of the permit, although a Sign Permit is not required. The Zoning Administrator may approve the temporary use of attention-getting devices. The number and types of signs and attention-getting devices allowed shall be evaluated on the following criteria:
 - I. Type and size of the proposed event or use,
 - II. Safety considerations (sight distance setbacks, sidewalks in area, etc.),
 - III. Lighting considerations (disturbance of nearby residents or adverse effects to traffic on adjacent streets),

- IV. Aesthetic concerns (appearance, illumination, number, and size of signs and attention-getting devices proposed).
 - i. **Use-Specific Criteria.** In addition to the general criteria for review of a temporary use permit listed above, certain uses, due to their unique characteristics, must also comply with the special provisions specific to those uses contained in Chapter 17.06, Development Standards of this UDC. Use-specific criteria shall control if a conflict exists with the general criteria of this section.
 - j. **Other Conditions.** The Zoning Administrator may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the temporary use. Conditions may include, but shall not be limited to:
 - I. Modifications or restrictions to the hours of operation, duration of the event, size of the activity or other operational characteristics.
 - II. If the permit applicant requests the City to provide extraordinary services or equipment or if the Zoning Administrator otherwise determines that extraordinary services (e.g., traffic control or security personnel) or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the City a fee sufficient to reimburse the City for the costs of these services if not provided by the applicant. This requirement shall not apply if the event or use has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.
3. **Temporary Use Permit Application Submittal.**
- a. The temporary use permit application, including all information required in the UDC Application Requirements, shall be submitted to the Zoning Administrator.
 - b. Within fifteen (15) days of receipt of the application, the Zoning Administrator shall review the application to determine that all required information has been submitted and notify the application of completeness or deficiencies.
 - c. Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.
4. **Zoning Administrator Action.** Within ten (10) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in Subsection 2. above. Based upon their review, the Zoning Administrator shall approve or deny the application in writing.

I. Re-Build Letter.

1. **Purpose.** The Zoning Administrator is authorized to issue Re-Build Letters with respect to transactions involving single-family dwellings that will qualify for reconstruction pursuant to the provisions and limitations of Section 17.11.060 of this UDC.
2. **Re-Build Letter Review Criteria.** To approve the issuance of a Re-Build Letter, the Zoning Administrator shall make an affirmative finding that all applicable provisions of Section 17.11.060(B) have been met.
3. **Re-Build Letter Application Submittal.**
 - a. The Re-Build Letter application, including all information required in the UDC Application Requirements document, shall be submitted to the Zoning Administrator.
 - b. Within fifteen (15) days of receipt of the application, the Zoning Administrator shall review the application to determine that all required information has been submitted and notify the application of completeness or deficiencies.
 - c. Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.
4. **Zoning Administrator Action.** Within ten (10) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in Subsection 2 above. Based upon their review, the Zoning Administrator shall issue the Re-Build Letter or deny the application in writing.

17.10.020 Board and Council Review and Action Procedures

- A. **Summary of Board/Commission Review and Action Procedures.** Table 17.10.030(A) summarizes the Board/Commission Review and Action procedures and identifies the appropriate boards or commissions that serve as recommending or decision-making bodies.

Table 17.10.030(A) Summary of Board/Commission Review and Action Procedures					
Petition Review Procedure		Zoning Administrator	Planning Commission	City Council	Board of Adjustment
1	Special Review Use Permit	R	R	D*	
2	Text/Map Amendment	R	R*	D*	
3	Variance	R			D*
Key:					
R = Recommendation					
D = Decision Making Body					
* = Public Notice Required					

B. **Notice Requirements.**

1. **Cost of Notice.** All costs associated with published and written notice, as required by this UDC, shall be the responsibility of the applicant.
2. **Notice Content.** All notices required under this UDC shall include the following content:
 - a. The date, time, and place of the scheduled public hearing,
 - b. A description of the property involved in the application by street address if one exists,
 - c. A description of the nature, scope, and purpose of the application,
 - d. The location and source of additional information on the application, and
 - e. Other information as deemed necessary by the Zoning Administrator.
3. **Notice Methods.**
 - a. **Published Notice.** When published notice is required, as detailed in Table 17.10.030(C)(3)(d), the Zoning Administrator shall ensure that notice is published on the City's website at least fifteen (15) days and no more than thirty (30) days before the date of the scheduled public hearing.
 - b. **Written Notice.** When written notice is required, as detailed in Table 17.10.030(C)(3)(d), the Zoning Administrator shall provide notice by first class mail to all owners of record of the subject property and all owners of record within three hundred (300) feet of the boundaries of the subject property. The notice shall be deposited in the U.S. mail by the Zoning Administrator at least fifteen (15) days and no more than thirty (30) days before the scheduled public hearing. Ownership information shall be obtained from the records of the Fremont County Assessor.
 - c. **Posted Notice.** When posted notice is required, as detailed in Table 17.10.030(C)(3)(d), the Zoning Administrator shall post a sign on the subject property along the fronting street. If the subject property fronts two (2) or more streets, signs shall be posted along each frontage. The notice shall be posted by the Zoning Administrator at least fifteen (15) days and no more than thirty (30) days before the scheduled public hearing.

d. **Notice Methods by Board/Commission Review Procedure.**

Table 17.10.030(C)(3)(d) Notice Methods by Board/Commission Review and Action Procedure				
Petition Review Procedure		Published Notice	Written Notice	Posted Notice
1	Special Review Use Permit	•		•
2	Text Amendment	•		
3	Map Amendment	•	•	•
4	Variance	•	•	
Key:				
• = Required Notice Method				

4. **Notice Issues.** Minor technical deviations from specified notice requirements shall not be deemed to impair notice where there is actual notice. When required written notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the general location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the body hearing the matter shall make a finding regarding whether there was compliance with the notice requirements of this Chapter.

C. **General Application Requirements.**1. **Pre-Application Conference.**

- A prospective applicant, prior to submitting an application, shall meet for a pre-application conference with the Zoning Administrator. The purpose of the conference is to help the applicant understand the comprehensive plan, UDC, standards by which the application will be evaluated, and the application requirements.
- After reviewing the review and approval process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed application. Such request shall be made in writing prior to the submission of the formal application documents.
- All requests for waiver shall be reviewed by the Zoning Administrator. A final determination regarding the waiver shall be given to the prospective applicant following the decision. Denied requests may be appealed to the City Council.

2. **Application Submittal.**

- Applications shall be submitted to the Zoning Administrator.
- Within fifteen (15) days of receipt of the application, the Zoning Administrator shall review the application to determine that all required information has been submitted and notify the applicant of completeness or deficiencies.
- Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.

3. Zoning Administrator Report.

- a. Within ten (10) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator pursuant to the criteria set forth in this chapter per application type.
- b. The Zoning Administrator shall prepare and issue a report to the applicant identifying issues of concern to be addressed as well as a recommendation for approval, approval with conditions, or denial.
- c. The Zoning Administrator shall forward their report to the applicant.

4. Revised Application.

- a. The applicant shall revise the application as necessary based on the issues of concern identified by the Zoning Administrator in their Report.
- b. The revised application shall be accompanied by a letter explaining how all of the issues of concern have been addressed and detailing any other changes that have been made to the application.
- c. The applicant shall submit the revised application to the Zoning Administrator who shall review the revised application for the purpose of ensuring that all required information has been provided and that all issues of concern have been addressed. Once it is determined that all required information has been submitted and all issues of concern addressed, the application shall be referred to the next step in the process. If the Zoning Administrator determines that the required information and/or issues of concern have not been addressed, the Zoning Administrator shall notify the applicant of such deficiencies.
- d. Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.

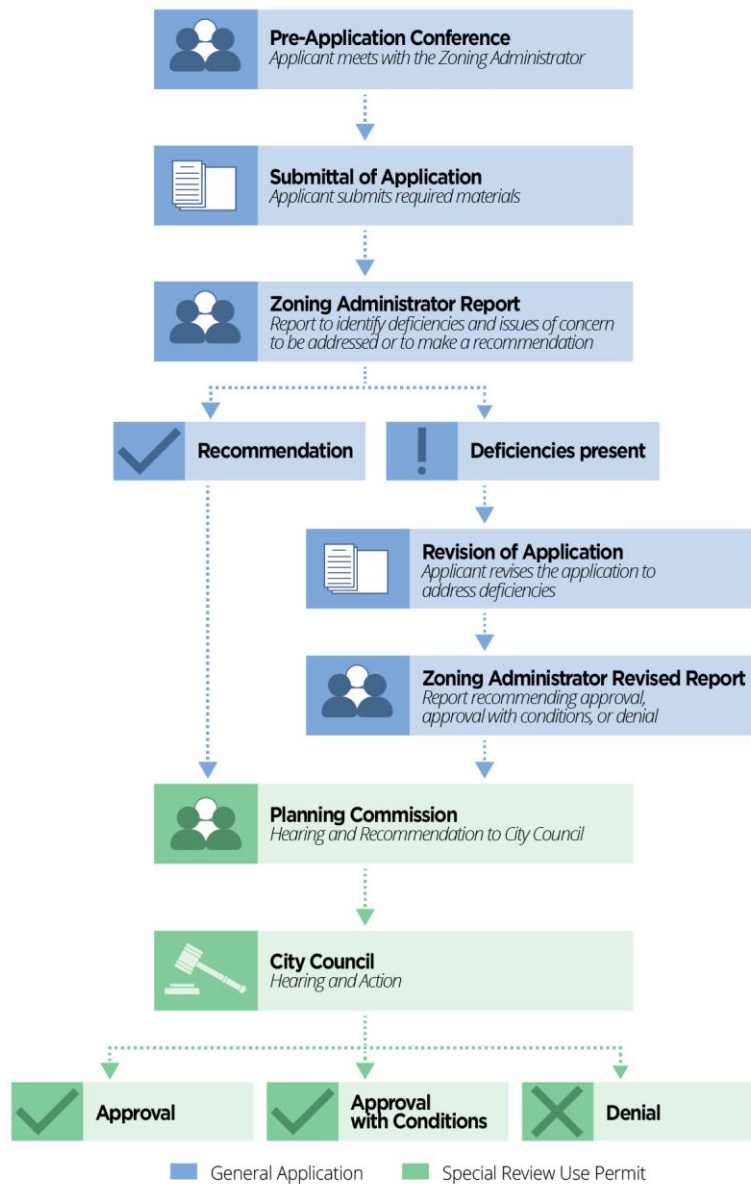
17.10.030 Special Review Use Permit.

- A. **Applicability.** Although each 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 impacts. These factors dictate that the circumstances of development should be individually reviewed. It is the purpose of the special review use permit process 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 UDC.
- B. **Special Review Use Permit Review Criteria.**
1. No Special Review Use Permit shall be issued unless the City Council finds that the application:
 - a. Complies with all requirements imposed by this chapter,
 - b. Is consistent with the purposes of this UDC, and
 - c. Is designed to be compatible with surrounding land uses and the area where it will be located.
 2. In considering an application for a Special Review Use Permit, the City Council shall consider and may impose modifications or conditions it deems necessary.
 3. No special review use permit shall be issued unless the use-specific standards, established in Chapter 17.05 of this UDC, have also been complied with in addition to the findings required in Subsection B of this section.
- C. **Review Criteria for Rafting Takeouts.** In addition to the special review use permit review criteria, City Council shall also consider the following criteria for the issuance of a special review use permit for a rafting takeout.
1. The wishes of neighbors and the reasonable needs of the neighborhood within which the facility will be located and operated,
 2. The length of time the applicant has operated as a river outfitter having significant activities within the city related to commercial river rafting,
 3. The length of time the applicant has operated as a river outfitter having significant activities within the geographical area known as the Arkansas Headwaters Recreation Area,
 4. The degree to which impacts (adverse or otherwise) upon the neighborhood in which the facility would be used and operated are known or capable of reasonable prediction,
 5. The degree to which impacts (adverse or otherwise) upon the street system in the vicinity of the facility or proposed facility are known or capable of reasonable prediction.
- D. **Recommendation by the Planning Commission.**
1. The Planning Commission, within thirty (30) days of conducting a public hearing, considering the recommendation of the Zoning Administrator, and reviewing the application, shall make a recommendation for approval, approval with conditions, or denial of the application to the City Council, based upon the criteria in Section 17.10.040(B) and/or Section 17.10.040(C) as appropriate.

E. Hearing and Action by the City Council.

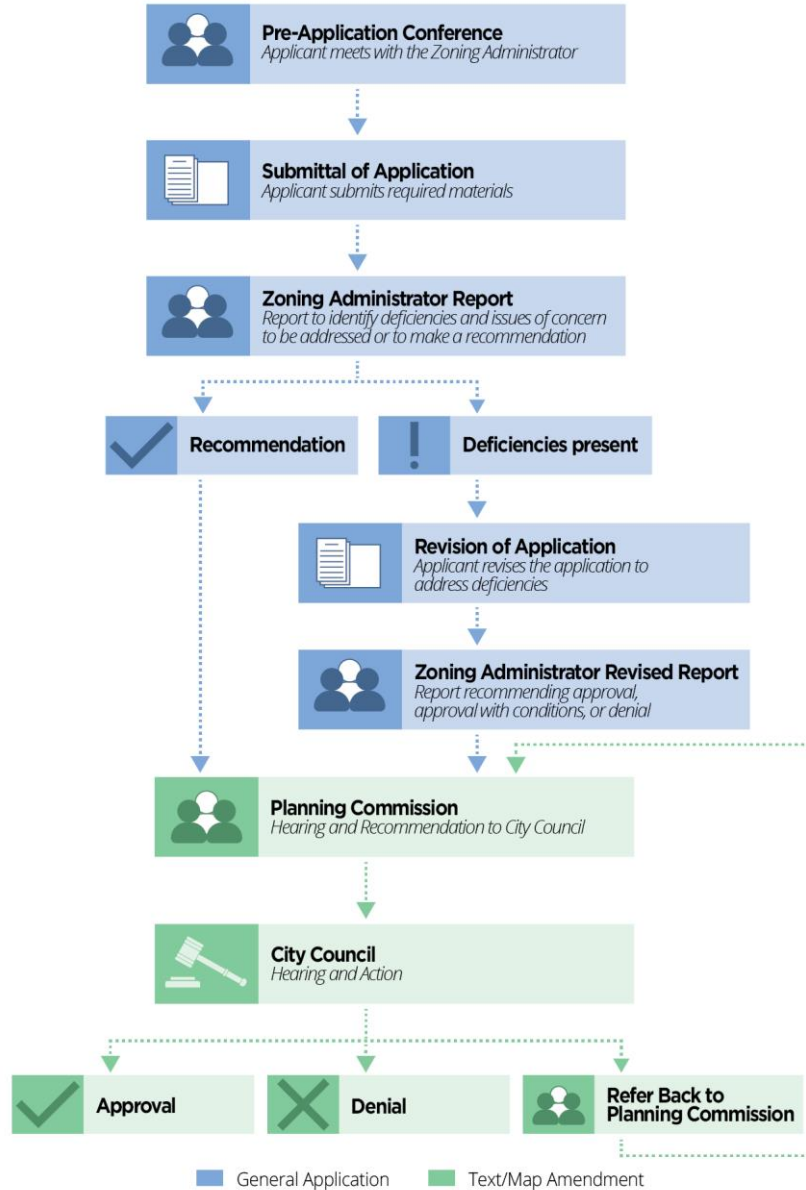
1. Following the recommendation of the Planning Commission, the application shall be scheduled for a public hearing before the City Council and noticed pursuant to Section 17.10.030(C). Public notice for the public hearing before the Planning Commission and City Council may run concurrently.
2. The City Council, after conducting a public hearing, considering the recommendation of the Planning Commission, and Zoning Administrator, and reviewing the application, shall decide, by resolution, to approve, approve with conditions, or deny the application based upon the criteria in Section 17.10.040(B) and/or Section 17.10.040(C) as appropriate.
3. If the City Council denies the application, the applicant shall be required to restart the process at the Pre-Application Conference stage.

Figure 10.1: Special Review Use Permit Process



17.10.040 Text/Map Amendment.

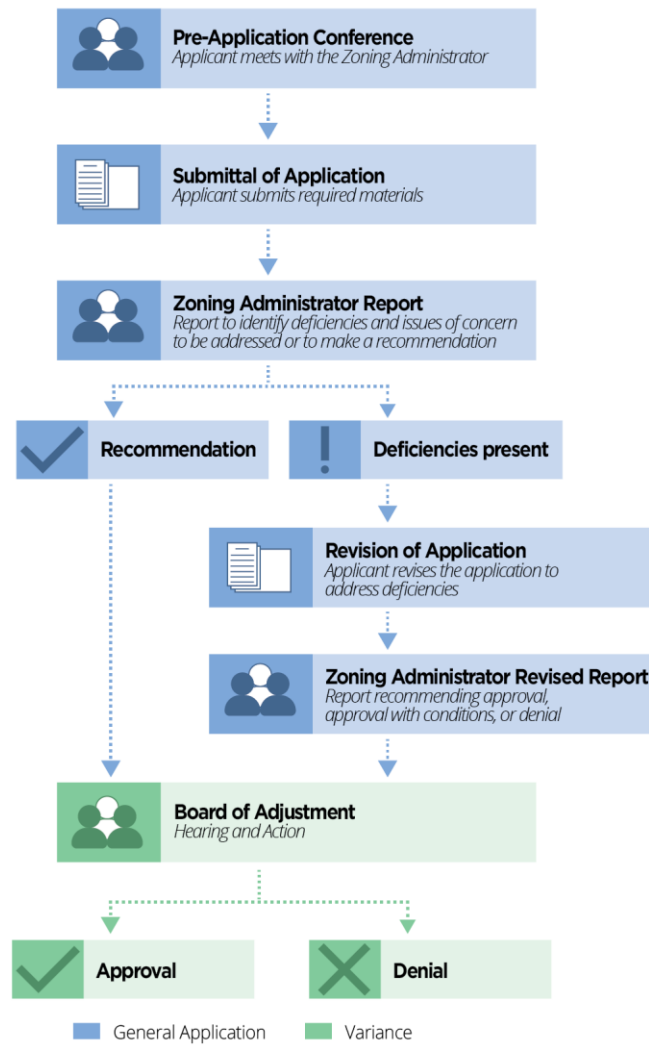
- A. **Initiation of Amendments.** Amendments to this UDC and the City's zoning map may be initiated by the City Council, by the Planning Commission, or the owner or owner's authorized agent.
- B. **Exceptions for General Revisions.** General and broad revisions to the zoning map shall be treated as text amendment pursuant to this section.
- C. **Text Amendment Review Criteria.** Text Amendments shall satisfy the following criteria:
1. The amendment is consistent with the purpose of this UDC and the City's comprehensive plan.
 2. The amendment will not adversely affect the public health, safety, or general welfare.
- D. **Map Amendment Review Criteria.** For the purpose of establishing and maintaining sound, stable and desirable development within the city, the rezoning of land is to be discouraged. Rezoning should only be considered if at least one (1) of the following review criteria has been satisfied:
- a. The proposed rezoning is consistent with the comprehensive plan and the purposes of this UDC,
 - b. There have been significant changes in the area to warrant a zoning change,
 - c. The rezoning is consistent with the purpose statement of the proposed zoning district, or
 - d. There was an error in establishing the current zoning.
- E. **Map Amendment Conditions.**
1. No map amendment shall be adopted unless such lot, parcel, or tract can meet the minimum frontage and lot area requirements for the requested district, or unless it 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 subject to the proposed amendment.
 2. In granting a map amendment the City Council may require the dedication of additional street right-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, and the Council may require permanent screen strips or other devices to minimize conflict with residential land use.
- F. **Hearing and Recommendation by the Planning Commission.** The Planning Commission, within thirty (30) days of conducting a public hearing, considering the recommendation of the Zoning Administrator, and reviewing the application, shall make a recommendation to the City Council to approve, approve with modifications, or deny the amendment based on the applicable review criteria.
- G. **Hearing and Action by the City Council.** The City Council shall hold a public hearing on the Text/Map Amendment, and, at the close of the public hearing and after consideration of public comment, the report of the Planning Commission, and the applicable review criteria, may grant or deny the amendment. The City Council may also refer the Text/Map Amendment application back to the Planning Commission for further consideration.

Figure 10.2: Text/Map Amendment Process

17.10.050 Variance.

- A. **Purpose.** The variance procedure provides a process to grant limited relief from the requirements of this UDC for property where strict application of the UDC would result in an exceptional practical difficulty or undue hardship preventing the use of the land in a manner otherwise allowed by the UDC. The variance procedure is not intended to allow a use in a district where it is not permitted, or to mitigate inconveniences or financial burdens that this UDC may impose on owners.
- B. **Variance Review Criteria.** In determining whether a variance should be granted, the Board of Adjustment must consider whether the practical difficulty or unnecessary hardship claimed by the applicant was created by the applicant and take into account the nature of the hardship. No variance shall be granted unless the Board of Adjustment makes all of the following findings:
1. That the strict application of this UDC would result in exceptional practical difficulty or undue hardship, unique to the applicant's property, inconsistent with the objectives of this UDC,
 2. That:
 - a. There are unique or unusual circumstances or conditions applicable to the site of the variance, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property, that do not exist throughout the neighborhood or district in which the property is located, or
 - b. There is a physical disability affecting an owner of the property or any member of the family of an owner who resides on the property, which impairs the ability of the disabled person to utilize or access the property,
 3. That the unique or unusual circumstances or conditions of the property will not allow a reasonable use of the property, comparable with other property in the general neighborhood of the site, in the absence of relief,
 4. That the variance to be granted is the minimum variance needed to allow for a reasonable use of the land, building, buildings and/or other structure or structures involved,
 5. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, and
 6. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same district.
- C. **Sign Variance Review Criteria.** Application for Variance from the requirements of Chapter 7 of this UDC may be considered providing the determination for granting such Variance is based upon certain specific criteria. No variance from the requirements or limitations set forth in Chapter 7 shall be granted unless the Board of Adjustment makes the following findings:
1. That there exists practical difficulties and unnecessary hardships which were not self-created by the applicant. Mere financial hardship claimed by the applicant will not be sufficient grounds to support the granting of a variance.
 2. That the strict application of the provisions of Chapter 7 would result in undue hardship or practical difficulty inconsistent with the objectives of this UDC.
 3. That there are unusual circumstances or conditions applicable to the site of the variance that do not exist throughout the district in which the property is located.
 4. That the variance, if granted, will not substantially or permanently impair the appropriate use or development of adjacent property.

5. That no variance may be granted which will authorize the construction or maintenance of a sign which would endanger the safety of the public in contravention of applicable construction standards or vision clearance setbacks established in this UDC.
 6. That in any instance where a variance may be granted, such variance shall in all cases be granted only to the extent necessary to afford reasonable relief of hardship and any increase to the height of a sign shall be granted only where no other relief can be found. Notwithstanding the foregoing, no variance shall be granted which results in a deviation of more than ten (10) percent from any standard set forth in Chapter 7.
- D. **Variance Conditions.** In granting a Variance, the board may impose such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this UDC. The applicant shall be bound by any such conditions and safeguards imposed by the board.
- E. **Variances on or in Designated Historic Resources.** Prior to the approval of a variance for a building or structure located on or in a designated historic resource, the applicant shall be required to comply with the City's historic preservation regulations in Chapter 12.30 of the Cañon City Municipal Code.
- F. **Hearing and Action by the Board of Adjustment.**
1. The Board shall conduct a public hearing on applications for variances upon notice as provided in this section.
 2. No less than ten (10) days prior to the hearing, notice of the public hearing date and time shall be provided to the applicant of the public hearing date and time, posted on the City's website and mailed to owners of property abutting the property that is the subject of the variance application.
 3. The applicant or applicant's representative shall be present at the public hearing. Failure to appear shall result in the appeal or application being denied.
 4. A concurring vote of four members of the Board shall be necessary to grant any application for variance.
 5. All decisions of the Board shall be made no later than thirty (30) days after the conclusion of the public hearing and shall be made by written resolution.

Figure 10.3: Variance Process

17.10.060 Development Agreements

A. **Applicability.**

1. **Owners.** All owners granted special review use approval, shall construct or install all public and other required improvements and infrastructure as called for in this UDC and and/or as may have been specified as a condition of approval in a timely, complete, and satisfactory manner. All improvements and infrastructure intended for public use shall be dedicated and/or transferred to the City or other public entities free of all liens and encumbrances.
2. **Governmental Units.** Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agencies authorized to act on their behalf, agreeing to comply with the provisions of this UDC.

B. **Development Agreement and Guarantee Requirement.** No building permits shall be processed or issued for any development requiring a special review use permit involving or requiring the installation of public or other improvements absent the preparation and execution of a written development agreement which shall be recorded simultaneously with the special review use permit approval.

C. **Contents of Agreement.** Such agreement shall, at a minimum, set forth:

1. Construction specifications for required public improvements,
2. A construction and completion schedule,
3. Provisions for security and guarantees concerning the timely and satisfactory completion of the improvements, and
4. The terms and conditions for the acceptance of the improvements by the City.

D. **Warranty and Guarantee.** The development agreement shall also include a requirement that all improvements be warranted and maintained by the owner at the cost of the owner until such improvements have been fully accepted by the City.

E. **Agreement to Run with the Land.** A development agreement shall run with the land and bind all successors, heirs, and assignees of the owner.

F. **Security.** Development agreements shall include a requirement for the posting of adequate financial security to ensure the timely, complete, and satisfactory construction or installation of all public improvements and infrastructure as called for in the agreement.

1. **Amount of Security.** Security shall be in an amount not less than one hundred fifteen (115) percent of the estimated cost of completion of all improvements or infrastructure and may be provided by letter of credit, cash escrow, or other financial instrument as approved by the City within its sole discretion.
2. **Letter of Credit.** If an owner posts a letter of credit as security, it shall:
 - a. Be irrevocable,
 - b. Be for a term, inclusive of renewals, sufficient to cover the completion, maintenance and warranty periods as required below, and
 - c. Require only that the City present the letter of credit with a demand and an affidavit signed by the City Administrator attesting to the City's right to draw funds under the letter of credit.
3. **Cash Escrow.** If an owner posts a cash escrow, the escrow instructions shall provide:

- a. That the owner shall have no right to a return of any of the funds except as provided below, and
- b. That the escrow agent shall have a legal duty to deliver the funds to the City whenever the City Administrator presents an affidavit to the agent attesting to the City's right to receive funds, whether or not the owner protests that right.

4. Reduction of Security.

- a. Upon preliminary acceptance of a public improvement or public infrastructure, the City shall release all but fifteen (15) percent of total actual costs of construction and installation of all improvements, so long as the applicant is not in default of any provision of the development agreement.
- b. The residual fifteen (15) percent retained by the City shall act as security for the owner's guarantee that the public improvements and infrastructure remain free of defect during the applicable warranty period. The owner may at any time during the preliminary acceptance or warranty period offer to provide a substitute or supplemental form of financial security to that security as originally posted with and/or retained by the City. The City may accept substitute or supplemental forms of security in its sole discretion.
- c. The fifteen (15) percent retained by the City shall be released upon the conclusion of the warrantee period and approval of the public improvements by the Public Works Director.

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17.11.010 Continuation of Nonconforming Use or Structure

Subject to the provisions of this chapter, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered, expanded, or extended.

17.11.020 Construction Under Prior Code

Nothing contained in this UDC 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 this UDC.

17.11.030 Alteration or Extension of Nonconforming Structure

A nonconforming structure may be altered or extended provided that the nonconforming element is not increased and the alteration or extension is otherwise in conformity with this UDC.

17.11.040 Expansion of Nonconforming Use

- A. A nonconforming use shall not be expanded, enlarged, increased, or extended to occupy a greater area of land than occupied on the date of the creation of the nonconformity.
- B. A nonconforming use shall not be changed or altered to another nonconforming use.
- C. A nonconforming use shall not resume, or be restored or reestablished after a discontinuance pursuant to Section 17.11.040, with the exception of single family dwelling as permitted in Section 17.11.060(B).
- D. A nonconforming use shall not be moved in whole or in part to any other portion of the subject lot or parcel occupied by such use.

17.11.050 Discontinuation of Nonconforming Uses

- A. If a nonconforming use involving a structure is discontinued from use for a period of one (1) year, further use of the property shall conform with this UDC.

- B. If a nonconforming use not involving a structure is discontinued for a period of six (6) months, further use of the property shall conform with this UDC.
- C. If a nonconforming residential use in the I District is discontinued for a period one (1) year or more, the use may only be allowed to be reinstated upon approval of a special review use permit in accordance with Section 17.10.040.

17.11.060 Changes of Nonconforming Uses

If a nonconforming use is changed or terminated, the use of the property shall conform to this UDC. The nonconforming use or any other nonconforming use shall not be recommenced on the property.

17.11.070 Destruction of Nonconforming Structures

- A. **General Rule.** Except as otherwise provided in this Chapter, if a nonconforming structure is damaged or destroyed by any means to an extent exceeding fifty (50) percent of the fair market value of the structure, using new materials, the repaired, restored, or replacement structure on the property shall conform to the provisions of this UDC. If destruction is determined to be less than fifty (50) percent of the replacement cost of the structure, using new materials, restoration of the structure and continuation of the nonconforming use shall be permitted; provided that a building permit must be obtained within twelve (12) months of the event causing the loss, and reconstruction completed within twenty-four (24) months.
- B. **Exception to General Rule for Single-Family Dwellings.** In any district, and notwithstanding the limitations set forth in Subsection A of this section, a nonconforming single-family dwelling that is situated on a single lot of record as of January 1, 2006, that is damaged or destroyed by any means, may be reconstructed, and its use as a single-family dwelling continued, without regard to the extent of damage or destruction; provided that:
 - 1. The lot coverage of the reconstructed single-family dwelling does not exceed the lot coverage of the single-family dwelling immediately prior to the event that caused the damage or destruction,
 - 2. Reconstruction of the single-family dwelling does not increase the degree of nonconformance of setbacks and other requirements of the district,
 - 3. A building permit for the reconstruction of such damaged or destroyed single-family dwelling is issued within twelve (12) months of the loss,
 - 4. Reconstruction of such single-family dwelling is completed within twenty-four (24) months of the loss, and
 - 5. Repairs, restoration, reconstruction and new construction permitted under this subsection is accomplished in conformity with the requirements of applicable building, housing and fire codes.
- C. **Re-Build Letters.** In accordance with Section 17.10.020(H), the Zoning Administrator may issue "re-build letters" with respect to transactions involving nonconforming single-family dwellings that will qualify for reconstruction pursuant to the provisions and limitations of Subsection B of this section.

17.11.080 Nonconformity Following District Changes

Whenever the boundaries of a district are changed so as to transfer an area from one district to another district or a different classification, Sections 17.11.010 through 17.11.100 shall also apply to any nonconforming structures or uses existing therein.

17.11.090 Nonconforming Lots of Record

- A. A nonconforming lot of record, as of January 1, 2006, may be developed provided that the proposed development complies with this UDC except for lot area and/or lot width standards.
- B. **Additional Exceptions Pertaining to Lot Area Only.** In circumstances where a legally-created lot that was of record on January 1, 2006 is too small to satisfy the minimum lot area requirement for a residential structure devoted to a permitted use in the district where the lot is located, such lot may nevertheless be used for the establishment or re-establishment of

such residential structure; provided that the structure is established or re-established in accordance with all dimensional requirements, other than the minimum lot area requirement pertaining to such structure, and also in accordance with the provisions of paragraph 1, 2 or 3 of this Subsection, whichever is applicable.

1. If the residential structure to be established or re-established is a single-family dwelling, the lot area must not be less than three-thousand five-hundred (3,500) square feet, or
2. If the residential structure to be established or re-established is a two-family dwelling, the lot area must be not less than five thousand (5,000) square feet, or
3. If the residential structure to be established or re-established is a three (3) to six (6) unit multifamily dwelling, the minimum lot area must be equal to or greater than the product resulting from multiplying the number of dwelling units in such residential structure times one-thousand two-hundred (1,200) square feet.

17.11.100 Nonconforming Mobile Home Parks

- A. **Mobile Home Parks in the MH-1 District.** Any mobile home located within a mobile home park in the MH-1 District which is nonconforming as to setbacks may be replaced with another mobile home, subject to the provisions of Section 17.05.020(D) of this UDC, provided that applicable setbacks as shown in Section 17.03.010(A) of this UDC are met.
- B. **Mobile Home Parks in Other Than the MH-1 District.** Any mobile home located within a mobile home park in any district other than MH-1 may be replaced with another mobile home, subject to the provisions of Section 17.05.020(D) of this UDC, provided that the replacement mobile home does not exceed the length or width of the mobile home being replaced.

Chapter 17.12 Vested Rights

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17.12.010 Purpose of Provisions

The purpose of this Chapter is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, Colorado Revised Statutes, as amended.

17.12.020 Vested Rights Procedure

- A. **Pre-Application Conference.** A prospective applicant, prior to submitting a request for vested rights, shall meet for a pre-application conference with the Zoning Administrator. The purpose of the conference is to help the applicant understand the vested rights process.
- B. **Vested Rights Submittal.** The vested rights request shall be included with an application for the site-specific development plan.
- C. **Zoning Administrator Report.**
 - 1. Within ten (10) days of the determination of completeness, the application shall be reviewed by the Zoning Administrator.
 - 2. The Zoning Administrator shall prepare and issue a report with a recommendation for approval, approval with conditions, or denial.
 - 3. The Zoning Administrator shall forward their report to the applicant and City Council prior to the public hearing.
- D. **Vested Rights Public Hearing.**
 - 1. The vested rights request shall be scheduled for public hearing before the City Council with the application for the site specific development plan. No notice of the public hearing is required.
 - 2. The City Council, after reviewing the vested rights request, shall decide, by resolution, to approve or deny the request.

17.12.030 Post-Approval Actions

A. Effective Approval.

1. A site-specific development plan and vested property right shall only be deemed established upon the final action of the reviewing body or official designated under this UDC with authority to grant final development approvals. The effective date of a site-specific development plan and vested property right shall be the date on which the site-specific development plan has been approved.
2. A site-specific development plan that has received final approval subject to conditions shall result in a vested property right unless there is a failure to abide by such conditions, in which case the vested property right shall be forfeited.

B. **Expiration of Vested Rights.** A site-specific development plan that has been vested as provided under this section shall remain vested for three (3) years from the plan's effective date. A longer initial vesting period, or an extension in the vesting period, may be granted upon a finding that a longer or extended vesting period will serve the public interest and welfare in view of all pertinent circumstances, including the size and phasing of any given development, economic cycles, or market conditions.

C. **Modification of Site-Specific Development Plan.** In the event of amendments to a site-specific development plan, the effective vesting date of any amendment shall be the date of the approval of the original plan unless otherwise specifically provided in the action or document approving the amendment.

D. **Published Notice of Vested Rights.**

1. As soon as practicable following approval of a vested site-specific development plan, but in no case later than fifteen (15) days following approval, notice shall be published in a newspaper of general circulation in the City generally advising the public of the approval and identifying the property where vested rights were approved. Such notice shall be substantially in the following form:

Notice is hereby given to the general public of the approval of a site-specific development plan and the creation of a vested property right pursuant to Title 24, Article 68, Colorado Revised Statutes and the Cañon City Municipal Code pertaining to the following-described project and/or property: (Description of property)

2. The property shall be generally described in the notice and identify the ordinance or resolution granting such approval. The costs of publishing such notice shall be borne by the applicant.

17.12.040 Limitations-Statutory Authority

- A. Nothing in this chapter is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, Colorado Revised Statutes, as amended. In the event of the repeal of such article or a judicial determination that such article is invalid or unconstitutional, this chapter shall be deemed to be repealed, and the provisions hereof no longer effective.

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17.13.010 Interpretation of Language

The words and terms used, defined, interpreted, or further described in this title may be construed as follows:

- A. The particular controls the general.
- B. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- C. Words used in the present tense include the future unless the context clearly indicates the contrary.
- D. Words used in the singular include the plural, and words used in the plural include the singular unless the context clearly indicates the contrary.

17.13.020 “A” Definitions

“Abut” means the condition of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only on a corner or corners. The condition shall not apply to properties separated by a street right-of-way.

“Agriculture” means the business of cultivating the land or employing it for the purpose of raising all livestock and poultry, as well as the caring for and harvesting of crops.

“Alley” means a minor or secondary right-of-way, either public or private, which is used primarily for vehicular service access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

“Amusement and Entertainment Facility, Indoor” means a commercial facility providing athletic or amusement services such as yoga, game courts, exercise equipment, locker rooms, training studios, saunas, pro shop, laser tag, miniature golf, skating rink, arcade, escape room, bowling alley, movie theater, trampoline park, or bounce houses.

“Amusement and Entertainment Facility Outdoor” means a commercial facility providing outdoor athletic or amusement services such as game courts, golf driving range, miniature golf, skating rink, or amphitheater.

“Animal” means any living thing that is not a plant; generally capable of voluntary motion and sensation; a living organism. Animals include, but are not limited to snakes, fish, birds, fowl, small mammals, hoofed animals, etc.

“Animal, Dangerous or Poisonous” means any living thing that has the ability or capability to harm human health when in proximity to humans.

“Animal Boarding” means the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.

“Animal Hospital” means a veterinary hospital where animals are brought for medical treatment and may be housed during the time of such treatment.

“Apartment” means a part of a building consisting of a room or suite of rooms intended, designed or used as a residence by an individual or a single family and located in a multiple-family dwelling or a mixed-use building.

“Apiary” means the place where one or more bee colonies are kept.

“Applicant” means the owner or duly designated representative of land for which a special review, amendment, variance, PUD, building permit or certificate of occupancy has been requested.

“Artisan Manufacturing” means small-scale businesses that produce artisan goods or specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. This land use includes the design, processing, fabrication, assembly, treatment and packaging of products as well as the incidental storage, sales and distribution of such products.

“As-Built Drawings” means a drawing, or series of drawings, that depict improvements as they were actually constructed, and that are drawn to the same scale, with the same detail, accuracy, format and form as the drawings that were submitted for

original approval. All drawings shall be signed and stamped by a qualified Professional Engineer licensed in the State of Colorado.

“Association” means a unit owners' association organized under C.R.S. § 38-33.3- 301 et seq., or any other applicable state statute, and may include an organization established to own and maintain common open space.

“Attention-Getting Device” means any flag, streamer, spinner, pennant, costumed character, light, balloon, continuous string of pennants, flags, or fringe, or similar device or ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from any public right-of-way or public area.

“Automated Fueling Center” means an unattended establishment exclusively for the fueling of commercial vehicles.

17.13.030 “B” Definitions

“Bakery/Café” means an establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

“Bar/Tavern” means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where prepared or packaged foods may be available for consumption on the premises.

“Bed and Breakfast” means a portion of a residential building where lodging and meals are provided for a period less than thirty (30) days and where the owner also occupies the property as their residence.

“Bee” means any stage of the common domestic honeybee, *Apis mellifera* species.

“Beekeeper” means any person who owns or maintains a bee colony.

“Beekeeping” means the owning and breeding of bees.

“Best Management Practices” or “BMPs” has the same definition as in Chapter 20.10 of this code.

“Block” means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands, or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision plat.

“Boarding or Rooming House” means a residential structure, or portion thereof, where lodging and where five (5) or more rooms are available for rent. Meals may be provided and the kitchen may be used by all renters.

“Brew Pub” means a microbrewery that has a restaurant or tasing room located on site which allows visitors to consume the beverages and/or prepared food produced on-site.

“Brewery/Winery/Distillery” means an establishment primarily engaged in brewing fermented malt beverages including beer, ale, malt liquors, and nonalcoholic beer (brewery), manufacturing and bottling wine on the premises (winery), or manufacturing, by distillation, intoxicating spirits on the premises (distillery).

“Building” means any roofed structure built for the shelter or enclosure of persons, animals, chattels or property of any kind.

“Building, Accessory” means any building, other than the principal building or use, that is secondary and incidental to, subordinate in area, extent or purpose to the principal building or use served or required for the principal building or use of the premises and is located on the same zoning lot as the principal building or principal use.

“Building Height” means the vertical distance measured from the lowest point of elevation of the finished surface of the ground within the area between the building and a point five (5) feet from the exterior wall of the building to the uppermost point of the roof.

“Building Footprint” means the outline of the total area covered by a building's perimeter at ground level, including residences, garages, covered carports and porches, and accessory structures.

“Building, Principal” means a building in which is conducted the main or principal use of the lot on which said building is situated.

“Bulk Fuel Dealer” means an establishment that sell fuels which, by their nature, are flammable, explosive, or toxic, to businesses and households for transportation, heating, and business purposes which include, but may not be limited to, propane gas sales, heating oil dealers, liquefied petroleum gas dealers, coal, wood, or other fuel dealers. This definition does not apply to propane refill services typically located at retail businesses.

“Business Park” means a development which contains a number of separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed, and maintained on a coordinated basis.

17.13.040 “C” Definitions

“Caliper” means a measurement of the size of a tree equal to the diameter of its trunk measurement one-half (0.5) foot above natural grade. This term is used for trees in a nursery setting.

“Cemetery” means land which is used for the interment of the dead, including earth interments, a mausoleum for crypt interments, a columbarium for cinerary interments or a combination of more than one thereof.

“Child Care Center” means a state-licensed facility maintained for the care of children and as further defined by the Colorado Revised Statutes, including, but not limited to, day camps, nursery schools, day care, preschools and playschools.

“Child Care Home, Family” means a state-licensed facility for child care in a place of residence for the purpose of providing family care and training for children and as further defined by the Colorado Revised Statutes.

“Residential Child Care Facility” means a state-licensed institution for the care of minor children in a non-family setting and as further defined by the Colorado Revised Statutes.

“Clinic, Medical or Dental” means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or other health care professionals.

“College or University” means an educational institution authorized by the State of Colorado to award associate or higher degrees.

“Code” means the Cañon City Municipal Code.

“Cold Frame” A structure used in gardening that utilizes solar energy and insulation to create an insulated environment for the cultivation of plants.

“Colony” means a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

“Colorado Revised Statutes (CRS)” means the Colorado Revised Statutes as amended.

“Commercial” means the activities and transactions of business, industry and trade; the purchase and sale of goods and merchandise as well as providing professional and personal services to the general public.

“Common Elements” means:

- In a condominium or cooperative, all portions of the condominium or cooperative other than the units; or
- In a planned community, any real estate within a planned community owned or leased by the association, other than a unit. (See Section 38-33.3-103(5), C.R.S.)

“Common Interest Community” means real estate described in a declaration with respect to which a person, by virtue of such person’s ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in a declaration. Ownership of a unit does not include holding a leasehold interest in a unit of less than forty (40) years, including renewal options. The period of the leasehold interest, including renewal options, is measured from the date the initial term commences. (See Section 38-33.3-103(8), C.R.S.)

“Community Marijuana Cultivation Facility” means a premises licensed to provide designated restricted access areas for the cultivation of marijuana for personal use and provide limited assistance to those individuals cultivating marijuana within the facility.

“Community Garden” means a site where any kind of plant, including flowers but excluding marijuana, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners or for donation.

“Common Open Space” means a parcel of land, an area of water, or a combination of land and water within the site designated for a planned development (PD) or subdivision, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the PD or subdivision. [See § 24-67-103(1), C.R.S.]

“Comprehensive Plan” means the master plan for the City which has been officially adopted to provide long-range development policies for the City and which includes, among other things, the plan for land use, public facilities and transportation.

“Condominium” means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners. (See Section 38-33.3-103(9), C.R.S.)

“Condominium Unit” means a unit within a condominium.

“Cul-de-sac” means a street open at one end only, with a radius bulb for the turning around of vehicular traffic on the other end. The construction of the turn-around radius must be as described in the Standard Construction Specifications, with no exceptions.

“Cultivation” means all steps or stages in the process of producing, developing, tending, and keeping a marijuana plant through harvest (or, in the alternative, to serve as a “mother plant”) including, but not limited to, planting, germination, cloning, vegetative growth, flowering, and harvest.

17.13.050 “D” Definitions

“Declaration” means any recorded instruments, however denominated, that create a common interest community, including any amendments to those instruments and also including, but not limited to, plats and maps. [See § 38-33.3-103(12), C.R.S.]

“Density” means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis.

“Detention Basin” means a man-made or natural water collector facility designed to collect surface and sub-surface water in order to temporarily retard excess peak storm runoff, and to release the same gradually at a rate not greater than the rate prior to the development of property, into natural or manmade outlets.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to the alteration, construction, reconstruction, conversion, or enlargement of any structure; and change in use of a property, building, or structure; and any mining, dredging, filling, grading, paving excavation or drilling operation. The term “development” shall include the act of subdivision, unless otherwise expressly excluded.

“Development Agreement” means an agreement between the City and a developer of real property in the City which, at a minimum, identifies or describes infrastructure improvements, which may be on- and/or off-site, that the developer is obligated to design, install and construct in accordance with applicable City standards and to guarantee for a designated warranty period.

“District” means an area or areas within the limits of the city for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

“Drive Through” means an establishment that dispenses products or services to patrons who remain in vehicles.

“Dwelling, Single-Family” means a detached principal building designed and used as a dwelling exclusively by one family as an independent living unit.

“Dwelling, Two-Family” means a residential building containing two (2) attached dwelling units, each of which has direct access to the outside.

“Dwelling Unit” means one or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family, or multifamily dwelling or a mixed-use building. The term “dwelling unit” does not include: living quarters furnished in a hotel or motel for which a daily rental rate is charged; motor homes, trailers, or other recreational vehicles using the facilities of a recreational vehicle park; or hospital rooms or living quarters in a nursing home certified as such by the State of Colorado.

17.13.060 “E” Definitions

“Easement” means an interest in real property that establishes the right to use the property for certain purposes, such as utilities installation, access, drainage, and maintenance. Ownership of the underlying land remains with the owner, not the easement holder.

“Elementary School” means any school, whether public or private, which meets the State of Colorado requirements for formal education in grades kindergarten through eighth.

“Employees” means all persons, including proprietors, working on the premises, the number of which shall be calculated upon the largest shift at peak season.

“Exotic Animal” means any animal that is not commonly domesticated or that is not common to North America or that, irrespective of geographic origin, is of a wild or predatory nature.

17.13.070 “F” Definitions

“Family” means either:

- An individual or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.
- A group of not more than eight (8) adult persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; plus in either case, domestic help or caregiver.

“Farmers’ Market” means a seasonal, open-air market where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages from open, enclosed or semi-enclosed temporary structures.

“Farm Stand” means a small, open-air, temporary structure that is not permanently affixed to the ground and that is readily removable in its entirety, from which agricultural products produced on the premises are sold.

“Fence” means 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.

“Field” means open land where grass and herbage is grown which is periodically cut and gathered as feed for livestock.

“Flea Market” means a seasonal, open-air market where groups of individual sellers offer for sale to the public primarily secondhand goods from open, enclosed or semi-enclosed temporary structures.

“Floodway” means the same as defined in Title 21 of this Code.

“Food Cart or Truck” means a readily movable wheeled structure, a motorized vehicle, a towed wheeled vehicle, or a pushcart that is equipped and operated for the purpose of vending food and/or drink, and accessory advertising of food.

“Foster Care Home” means a state-licensed home used for the housing of minor children in a family-type setting and as further defined by the Colorado Revised Statutes.

“Foundation, Permanent” means a professional engineered foundation design per the International Building Code or International Residential Code and placed below ground level to a point below the frost line upon which a building or structure is permanently attached.

“Frontage” means that portion of a lot, parcel, tract or block abutting upon a street or public right of way other than an alley.

17.13.080 “G” Definitions

“Garage” means an accessory building or accessory portion of the principal building designed for the shelter or storage of motor vehicles or personal property.

“Gasoline Station” means a building or premises on or in which the principal use is the dispensing of gasoline, oil or other fuel for motor vehicles by self serve or assisted service means which may include, as incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, but may not include liquefied petroleum gas distribution facilities, facilities for major repairs of motor vehicles or rental operation.

“Geologic Hazards” mean unstable or potentially unstable slopes, undermining, faulting, landslides, rockfalls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

“General Research Facilities” means an establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes but is not limited to a biotechnology firm or a manufacturer of nontoxic computer components.

“General Retail” means a facility in which the retail sale of products to the general public are offered, sometimes with provision of related services.

“General Services” means an establishment primarily engaged in rendering services to individuals and business establishments which services cannot be categorized into one of the other defined Service Use categories in this Title. The services are typically provided without the retail sale of products or which such product sales are incidental to the service-driven purposes of the establishment, such as a beauty salon or barber shop or small appliance shop.

“Government Uses, Indoor” means an indoor facility owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as City Hall.

“Government Uses, Outdoor” means an outdoor facility owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as a water tower or public works yard.

“Grade” means:

- The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or, where the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building; or
- The degree of rise or descent of a sloping surface.

“Grade, Finished” means the final elevation of the ground surface after development.

“Greenhouse” means a structure used to cultivate flowers, shrubs, trees and plants (other than marijuana plants) for non-commercial purposes.

“Greenhouse, Commercial” or “Commercial Greenhouse” means a structure used to cultivate flowers, shrubs, trees and plants (other than marijuana plants) for sale at wholesale or retail or for transplanting.

“Gross Floor Area” or “GFA” means the total enclosed floor area of all floors of a building measured from the exterior faces of exterior walls and from the center line of walls separating buildings, including basements, lobbies, common area, storage areas, stairwells, equipment room and other fully enclosed spaces of the building. GFA does not include non-enclosed areas like plazas, loading docks, covered parking areas, balconies and the like.

“Group Home” means housing occupied by groups of unrelated individuals with disabilities or otherwise in need of living assistance.

17.13.090 “H” Definitions

“Hard or Soft Surface Pedestrian or Equestrian Trails” means a pathway, which may be paved or un-paved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the highway right-of-way or within an independent tract, or easement. Activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

“Hedge” means a boundary formed by a dense row of shrubs or low trees.

“Historic Site” means the same as defined in Chapter 12.30 of this code.

“Hive” means a structure intended for the housing of a bee colony.

“Home Based Business” means any business run from a dwelling or accessory building, provided the residential 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.

“Hospital” means any building or portion thereof used for diagnosis, treatment and care of human ailments but not including medical clinics, rest homes, convalescent homes, nursing and retirement homes.

“Hospital Heliport” means an area located in close proximity to a hospital emergency room or a medical facility that is designed to be used for the landing and taking off of helicopters for the limited purpose of transporting patients in need of medical services and for such training as is permitted or required by law.

“Hotel” means an establishment which is not a bed and breakfast and does not occur in residential structure that provides temporary lodging of less than thirty (30) days in guest rooms, and in which meals, entertainment and various personal services for the public may or may not be provided.

“Household Pets” means animals, birds, reptiles, or fish which are permitted in the house as a custom of the community and kept for companionship or pleasure.

17.13.100 “I” Definitions

RESERVED

17.13.110 “J” Definitions

“Junkyard” means an area of land within any district, with or without buildings, used for or occupied by an accumulation, collection, deposit or storage, outside a completely enclosed building, of used, second hand or discarded goods and materials which are no longer in use or cannot be put to immediate use for the purpose originally intended, including, but not limited to, paper, rags, rubbish, household trash, bottles, tires, home furnishings, machinery, scrap metal, appliances, building materials, vehicle parts and unsheltered inoperable motor vehicles.

17.13.120 “K” Definitions

“Kennel” means a commercial facility licensed by the Colorado Department of Agriculture to house dogs, cats or other household pets, and where selling, transferring, adopting, breeding, boarding, training, sheltering and/or rescuing of animals may be conducted.

17.13.130 “L” Definitions

“Landscaping” means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features, sometimes called “hardscaping,” such as walkways, fences, benches, works of art, ponds, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

“Licensed Medical Marijuana Facility” means as defined in Section 5.56 of the Cañon City Municipal Code.

“Light Industry” means the assembly, processing, fabrication and manufacturing of goods that uses only moderate amounts of materials in production and/or has few, if any, environmental impacts.

“Livestock” means horses, cattle, goats, sheep, donkeys, chickens, ducks, rabbits and any similar animal commonly kept on a farm or ranch. Animals such as llamas, alpacas, yaks, ostriches, emus, pot-bellied pigs and other less commonly kept animals are considered to be livestock for purposes of this Code.

“Lot” means a parcel of land shown as a lot on a recorded plat, a parcel of land described by metes and bounds on a recorded deed.

“Lot Area” means the area of a horizontal plane bounded by the front, side and rear lot lines.

“Lot, Corner” means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street and where in either case, the interior angle formed by the intersection does not exceed one hundred thirty-five (135) degrees. Corner lots do not have two (2) front yards. See also “Lot Line, Front.”

“Lot Coverage” means that percentage of lot area which, when viewed from directly above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

“Lot Depth” means the distance between the midpoints of the front lot line and the midpoint of the rear lot line.

“Lot, Double-Frontage” means a lot which runs through a block between two (2) streets and has two (2) nonintersecting sides abutting two (2) or more streets.

“Lot, Interior” means a lot other than a corner lot.

“Lot, Nonconforming” means a lot, the area, dimensions, or location of which was lawful prior to January 1, 2006 which no longer conforms to the zoning standards because of said revision or amendment.

“Lot Line, Front” means the property line abutting a point of public access, off of which access the principal structure occupying the lot is addressed.

“Lot Line, Interior Side” or “Interior Side Lot Line” means a property line other than a front or rear property line which does not abut a public right-of-way but is a common property line between adjoining lots.

“Lot Line, Rear” means, except on a double-frontage lot, the property line opposite the front lot line.

“Lot Line, Street Side” means the secondary property line of a corner lot which is abutting public right-of-way but is not the right-of-way off which the principal structure occupying the lot is addressed.

“Lot Width” means the distance on a horizontal plane between the side property lines of a lot, measured at right angles to the line establishing the lot depth at the building setback line.

“Lot of Record” means a lot which was legally created and/or defined and illustrated on a plat, map or deed that was recorded in the records of the County Clerk and Recorder prior to the adoption of subdivision regulations by the City.

17.13.140 “M” Definitions

“Maintenance Facilities” means an establishment providing routine maintenance of buildings. This term includes but is not limited to a window washing, building cleaning, pest extermination, or disinfecting service.

“Major Thoroughfare Plan” means an element of the City's Comprehensive Plan, as amended, showing locations and designated right-of-way widths and design standards for principal trafficways.

“Manufactured Home” means a dwelling unit built on or after June 15, 1976, and in compliance with the Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards, which is fabricated in one (1) or more sections at a location other than the home site by an assembly line-type production technique or by other construction methods unique to an off-site manufactured process. Every section shall bear a label certifying that it was built in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974 (UBC).

“Marijuana” means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

“Materials Recovery Facility” means a specialized plant that receives, separates, and prepares recyclable materials for marketing to an end-use manufacturer.

“Medical Marijuana Cultivation for Personal Use” means the cultivation of marijuana plants for medical purposes for personal purposes by the operator and licensed pursuant to Chapter 5.56 of the City of Cañon City Municipal Code and the State of Colorado.

“Microbrewery” means a facility for the production of malt beverages of low alcoholic content whose production capacity is no more than five thousand (5,000) barrels per year.

“Minor-operated Business” means a business solely operated by persons under the age of eighteen (18) for no more than one hundred eighty (180) days in any calendar year.

“Mixed-use Development” means a concept that allows commercial, office, employment center, residential development, and, in some cases, industrial uses to occur independently on separate parcels or to coexist jointly under a unified business development plan; all of which occur within a specifically designated zoning district with the desired outcome producing different types of land uses in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

“Mobile Home” means a single-family dwelling built before June 15, 1976, that is on a permanent chassis, is designed for long-term residential occupancy; contains complete electrical, plumbing, and sanitary facilities; is designed to be installed in a permanent or semipermanent manner with or without a permanent foundation; and is capable of being drawn over public highways as a unit or in sections by special permit.

“Mobile Home Park” means a residential development, licensed by the City, which is located on property under single parcel ownership, and which is designed and intended primarily for two (2) or more mobile homes, each placed upon a mobile home rental pad within a mobile home rental space with utility hookups provided, and which is arranged for operation by on-site management as defined in CRS 38-12-201.5(1.5).

“Mobile Home Subdivision” means a residential development primarily for manufactured homes, modular homes and mobile homes, wherein individual lots are under separate ownership and any common areas are owned by a homeowners association or other entity, or by the individual lot owners in undivided interests.

“Mobile Home Rental Space” means a parcel of land within a mobile home park for which rent is paid, and includes the area covered by the rental pad, additions or extensions to the mobile home, porches, decks, patios, awnings, carports and garages, accessory structures, off-street parking spaces and private yard.

“Modular Home” means a structure designed to be transported after fabrication and located as a permanent addition to and becoming a part of the real property. Such a structure must meet the minimum construction requirements of the International Residential Code, the Plumbing and Electrical Code as enforced by the State of Colorado and shall be certified by the Colorado

Division of Housing. Such structure must be set on a permanent foundation and is subject to all local building, zoning and housing regulations. A mobile home shall not be considered a modular home.

“Motel” means a building or group of buildings on the same lot containing guest units consisting of individual sleeping quarters, detached or in connecting rows, with or without cooking facilities, for short-term rental.

“Multifamily Dwelling, Building” means a building used by three (3) or more families living independently of each other in separate dwelling units, including townhouses, apartments and condominiums, but not including hotels, motels, resorts or group accommodations.

“Multifamily Dwelling, Complex” means a development consisting of more than one Multifamily Dwelling Building.

17.13.150 “N” Definitions

“Nursery” means a place where young trees, shrubs and plants are cultivated for sale or other commercial use.

17.13.160 “O” Definitions

“Openly and Publicly” means activity that is observable by the public or a substantial number of the public, which occurs in a place to which the public or a substantial number of the public has access without restriction, including but not limited to streets and highways, transportation facilities, places of amusement, parks, playgrounds, and the common areas of buildings and other facilities. “Openly and publicly” does not include any activity occurring on private residential property by the occupant or his or her guests.

“Open Space, Common” means a parcel of land, an area of water, or a combination of land and water within the site designated for a planned unit development planned development or subdivision, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned development or subdivision. (See Section 24-67-103(1), C.R.S.)

“Outdoor Activity/Operation, Permanent” means the subordinate use of a zoning lot for sustained and continuous outdoor use customarily incidental to the primary use of the zoning lot within an enclosed structure, such as, by way of illustration and not of limitation, outdoor operations like a rail switching, staging or sorting yard.

“Outdoor Activity/Operation, Temporary” means the use of a zoning lot for outdoor use for less than three continuous months, such as a lot used for the seasonal sale of pumpkins and gourds or Christmas trees.

“Outdoor Dining” means the use of an adjacent, outside area by a food or beverage establishment for on-premises consumption, for the same eating and drinking activities that occur within the establishment including, without limitation, the service and consumption of alcoholic beverages.

“Outdoor Retail Sales, Permanent” means all land uses which conduct sales, display sales or rental merchandise or equipment outside of an enclosed building. Example of such land uses include vehicle sales, vehicle rental, manufactured and mobile housing sales and monument sales. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard.

“Outdoor Retail Sales, Temporary” means all land uses which conduct periodic and impermanent sales, display sales or rental merchandise or equipment outside of an enclosed building.

“Outdoor Storage, Permanent” means land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage land use. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard.

“Outdoor Storage, Temporary” means the outside storage or display of materials, supplies, goods or manufactured products, equipment, machinery, vehicles, and pallets for more than a twenty-four hour period but for a continuous period of less than three months.

“Outline Lighting” means An arrangement of incandescent lamps, light emitting diodes (LEDs) or other electrically powered light sources, in a string, rope, or similar configuration that calls attention to the outline or decoration of a window or outlines other architectural features.

“Outlot” means a measured piece of land contained within a subdivision that is not a building lot. An outlot may be conveyed to a public entity for use as open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owners association. An outlot is not necessarily required to front on a public street, but in the case where it does not, it must be accessible by way of an adequate easement.

“Overlay Zone” means a separate zoning district that superimposes additional regulations or specific development criteria on a parcel of land in a particular zone district pursuant to Chapter 17.02 of this UDC.

“Owner” means the owner or titleholder of any fee, leasehold, or possessory interest in property subject to the requirements of this title, and shall include any agent, representative, person, or entity duly authorized by the owner to act on the owner’s behalf.

17.13.170 “P” Definitions

“Parcel” means any part or portion of land that may or may not be subdivided or improved.

“Parking” means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

“Drive Aisle” means an area within a parking area that consists of lanes providing access to parking spaces or stalls.

“Parking Area Island” means a raised and typically landscaped expanse within a parking lot that separates parking bays from one another, breaks up large expanses of paved area and helps to delineate parking spaces and drive aisles.

“Parking, Off-Street” means parking of motor vehicles off the public right-of-way.

“Parking Areas” means a parking lot that is intended for vehicular parking.

“Parking Pad” means an off-street parking area adjacent to a driveway and/or garage.

“Parking Space” means the required area for parking of motorized vehicles off the public right-of-way in compliance with Chapter 17.06 of this UDC.

“Pawn Shop” means an establishment primarily engaged in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price, and which is licensed as a pawnbroker by the state of Colorado.

“Person” means every natural person, firm, partnership, association or corporation.

“Personal/mini storage” means land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis.

“Phase” means a stage of development that includes platting of lots, engineering, and development of infrastructure for a portion of a larger development.

“Place of Assembly” means a building or outdoor area wherein individuals or groups of people gather for an attraction or service, such as but not limited to, community centers, fraternal or civic organizations, lodges, libraries, museums, municipal buildings, auditoriums, or religious institutions.

“Place of Worship” means a building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events. The buildings and uses are maintained and managed by a religious body organized to support religious activities and purposes. While a private home may host a religious activity, such as a prayer group or Bible study, it shall not be covered by this definition unless the home is maintained and managed by a religious body.

“Planned Development Plan” means the application which consists of the development guide, the general development plan, the graphic documents and any additional information required by the Zoning Administrator for a proposed Planned Development District Plans designation.

“Planned Development” or “PD Plan” means a specialized type of subdivision approval that provides greater design flexibility by allowing deviations from the typical development standards required by the Zoning Code, including setbacks, lot area, lot width, lot coverage, and off-street parking requirements, with the intention of encouraging better designed projects than can sometimes be accomplished through compliance with all development requirements, in exchange for providing greater benefits to the community.

“Planning Area” means an area within a planned development district or overlay, as shown on the approved general development plan, which has designated specific uses and which may be subject to restrictions and limitations in the approved planned development district plan applicable to such planned development district.

“Plat” means a subdivision map prepared in accordance with the requirements of this UDC and C.R.S. § 38-51-106 which establishes blocks, lots, streets, easements and other necessary parcels of land, and/or individual air space boundaries and building locations where applicable, in order to easily identify ownership and restrict development to a specific approved plan and is an instrument for recording of real estate interests with the Fremont County Clerk and Recorder.

“Porch” means a structure attached to the entrance of a dwelling unit that has a roof, is open at the front and one or both sides, and does not add habitable space to the dwelling unit.

“Portable Outdoor Storage Device” means any item designed and used as follows: a container which is delivered to a property, which is filled with household items or other non-trash materials, and which the container and its contents are subsequently transported to another location.

“Primary Residence” means the place that a person, by custom and practice, makes his or her principle domicile and address and to which the person intends to return following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water and utility billing. A person shall have only one (1) primary residence.

“Private” means confined to or belonging only to the person(s) immediately concerned; not of an official, public or commercial nature and not accessible to the general public.

“Professional Office” means the office of an engineer, dentist, doctor, attorney, real estate or insurance broker, architect or other similar professional person, and any office used primarily for research, editing, accounting, correspondence, or administration.

“Property” means all real property subject to land use regulation by the City.

“Property Line” means the boundary of any lot, parcel or tract as the same is platted or described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.

“Public Utility Installations” means a building or structure, including overhead transmission lines and substations, used or intended to be used by any public utility, including but not limited to any gas treatment plant reservoir, tank, or other storage facility; water treatment plant, well, reservoir, tank, or other storage facility; electric generating plant, distribution, or transmission substation, telephone switching or other communications plant, earth station, or other receiving or transmission facility and lines; any storage yard for public utility equipment.

“Public Works Director” means the City of Cañon City staff member responsible for the public interest of engineered assets and infrastructure including the engineered design, construction, and maintenance of parks, streets, water, public buildings, and vehicle fleet.

17.13.180 “Q” Definitions

RESERVE

17.13.190 “R” Definitions

“Rail Services and Facilities” means services and facilities in areas which may include railroad rights-of-way and adjacent lands that provide railroad related service for persons, goods or materials, and may include, but shall not be limited to: a depot structure, housing a ticket sales counter, gift shop, restrooms and other concessions; offices; off-street parking areas; repair, maintenance and storage areas and structures for rail cars and locomotives; and loading and unloading areas.

“Rafting Takeout Facility” means and includes a facility, which may or may not involve structures, for embarkation and disembarkation into and from river rafts and other vessels operated for profit by river outfitters on real property owned or controlled by the river outfitter who operates and uses the facility; provided that any special review approval of any such facility shall be in accordance with the process, procedures, requirements and limitations set forth in Section 17.10.040 (G)(3).

“Recreational Equipment” means any detached trailer, whether commercially manufactured or homemade, either loaded or empty, that is used for transporting equipment or animals used for recreational purposes, including boat trailers, snowmobile and motorcycle trailers, horse trailers, and similarly used vehicles.

“Real Estate” means any leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests that, by custom, usage, or law, pass with a conveyance of land though not described in the contract of sale or instrument of conveyance.

“Recreational Facility” means a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, and includes, but is not limited to: parks and playgrounds, tennis courts, golf courses, racquetball clubs, skating rinks, bowling alleys, fitness centers, health spas, swimming pools and miniature golf courses, and may include incidental retail sales and food and beverage service.

“Recreational Vehicle” or “RV” means any vehicle used for recreational occupancy, including motorhomes and pickup campers, travel trailers, tent trailers, converted buses, horse trailers with attached living quarters, and similar vehicles that are designed and constructed, or have been modified since their construction, to permit sleeping or housekeeping, or both, and that do not require for their use a hookup to permanent utility services, and are mobile or can be transported on public rights-of-way. Standard passenger or cargo vans that have been customized with various features to accommodate their use for camping or road trips, also commonly called “conversion vans,” “camper vans” or “leisure vans,” are not recreational vehicles for purposes of this chapter.

“Recreational Vehicle (RV) Park” means a developed area which contains rental sites for the temporary location and occupancy of assorted recreational vehicles, service buildings for restrooms, showers and laundry facilities, dumping stations for the removal and disposal of waste from holding tanks, and which may contain incidental retail sales and services for the convenience of park occupants.

“Recyclables and Donations Collection Station” means a building or land area used for the collection of recyclable materials, including, but not limited to, metals, glass, plastic and paper, or for the collection of donated items such as clothing, shoes, household items, toys, or food, where those items collected are removed from the site for further processing or distribution elsewhere. A recyclables and donations collection station may consist of bins placed for drop-off of items, a parked truck or semi-trailer, or a building used for such purpose.

“Restaurant, Delivery/Carry Out Only” means an establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises.

“Residential Structure” means a structure regularly used by its occupants as a permanent place of abode, which is made one’s home as opposed to one’s place of business and which has housekeeping and cooking facilities for its occupants only.

“Residential Child Care Facility” means a state-licensed institution for the care of minor children in a non-family setting and as further defined by the Colorado Revised Statutes.

“Restaurant, Sit Down” means an establishment whose food is available to the general public primarily for consumption within a structure on the premises, where at least 50 percent of the gross floor area of the establishment is devoted to patron seating.

“Retail” means sale to the ultimate consumer for direct consumption and use and not for resale.

“Right-of-way” means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including, but not limited to, water lines, sewer lines, power lines, and gas lines). In no case shall a right-of-way be construed to mean an easement.

“Robbing” means the pilfering of honey from a weak colony by other honeybees or insects.

“Rooming Unit” means a room providing minimal housing accommodations for a boarder, arranged primarily for sleeping and study, in which may be included a private bath but which shall not include any kitchen equipment such as refrigerator, sink or cooking device.

17.13.200 “S” Definitions

“Sanitary Sewer System” means the Fremont Sanitation District sewer system or other publicly-operated wastewater system.

“School” means a building(s) or part thereof which is designed, constructed or used primarily for education or instruction in any branch of knowledge. A residential dwelling or accessory building, or portion thereof, wherein training is provided, on an individual basis, such as piano or art lessons or home-schooling, is not considered a school for purposes of this Code.

“Screening” means fencing, evergreen hedges, other dense vegetation or earth berms maintained and effective for the purpose of concealing from view the area behind such screening and the items of personal property situated thereon, except when provided otherwise in this Code.

“Secondary School” means any school, whether public or private, which is authorized by the State of Colorado to award diplomas for secondary education. Secondary schools offer general, technical, vocational or college-preparatory curricula.

“Seasonal Sales” means Christmas tree, fireworks, pumpkins and similar, temporary (typically recurring on annually) sales for a period not to exceed thirty (30) days. Seasonal sales are not required to be associated with an established primary retail use on the site.

“Secured Area” means an area within the primary residence accessible only to the occupant, patient or primary caregiver. Secured areas shall be locked or partitioned off to prevent access by children, visitors, casual passersby, vandals or anyone not authorized to possess marijuana.

“Senior Housing, Dependent” means housing/accommodations, other than a single-family dwelling, and services designed and staffed to provide housing and services along the continuum of an elderly person’s needs, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services, such as meals, housekeeping, transportation, and community facilities, such as central dining rooms and activity rooms.

“Senior Housing, Independent” means housing/accommodations, other than a single-family dwelling, specifically designed for the needs of elderly persons. In addition to housing, this type of facility may provide convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.

“Setback, Front” means the area extending between front lot line(s) and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the principal building or use, except for any features that are allowed to encroach within the setback.

“Setback Line” means a line or lines designating the area outside of which buildings may not be erected.

“Setback, Rear” means the area 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 building or use, except for any features that are allowed to encroach within the setback.

“Setback, Side” means the area 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 principal building or use, except for any features that are allowed to encroach within the setback.

“Sexually Oriented Business” shall have the same meaning as in Section 5.42.020.

“Shelter” means a residential facility used for temporary group housing and meals for individuals or families without a permanent place of residence, and may include incidental uses such as food, clothing, and toy storage and distribution areas.

“Shrub” means a bush or any type of hard-wooded plant of smaller and thicker growth than a tree or a dwarf tree.

“Sign” means any identification, illustration, means of communication, or device, illuminated or non-illuminated, that is visible from any public place or is located on private property and exposed to the public and that is intended to direct attention, advertise, announce, communicate, declare, demonstrate, or display a particular use, product, service, idea, interest, or message.

“Sign, Awning or Canopy” means a sign that is mounted, painted or attached to an awning or other window or door canopy or otherwise to the side of the building. Any projecting canvas or other material over a structural framework used for a small amount of shelter or shade on a facade that has signage displayed on the visible surface. Such signs are counted as a projecting sign.

“Sign, Banner” means a temporary advertising sign which is not attached to a permanently mounted backing. Banner signs may be ground-mounted or wall-mounted.

“Sign, Feather” means a flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which upon which temporary sign copy is displayed. Such banners are also known and sold under names which include, but are not limited to, “quill sign,” “banana banner,” “blade banner,” “flutter banner,” “flutter flag,” “bowflag,” “teardrop banners,” and others. The definition includes functionally similar display devices.

“Sign, Monument” means a freestanding sign, other than a pylon sign, in which the entire bottom is in contact with or close to the ground.

“Sign, Portable” means a sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage.

“Sign, Off-Premises” means a commercial sign not related to the primary activity on the property where the sign is located.

“Sign, Pylon” means a sign that is mounted on a freestanding pole or other supports so that the bottom edge of the sign face is eight feet or more above grade.

“Sign, Temporary” means a sign or advertising display intended to be displayed for a certain period of time. Included in the definition of “temporary signs” are retailers’ signs temporarily displayed for the purpose of informing the public of a “sale” or special offer. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A portable sign shall not be considered a temporary sign or used for such a purpose.

“Sign, Wall” means a sign mounted parallel to a building facade or other vertical building surface.

“Sign, Window” means a sign which is applied or attached to the exterior of a window, or applied to, attached to, or located within one foot (1’) of the interior of a window, which can be seen through the window from the exterior of the structure.

“Solar Energy Collection System, Canopy” means a solar energy collection system consisting of elevated solar panels installed above parking lots, carports and other paved areas.

“Solar Energy Collection System, Roof Mounted” means a solar energy collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. It is installed parallel to the roof with a few inches gap.

“Solar Energy Collection System Ground Mounted” means a solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems.

“Solid Fence” means any fence which cannot be seen through. Such fences include basket weave fences, stockade fences, plank fences, and similar fences.

“Special Event” means carnival, circus, rodeo, festival, street fair and other similar events for amusement and entertainment which are of short duration, usually held outdoors or within a temporary shelter.

“Standing” means the halting of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers or unloading property.

“Stored” means a situation where a vehicle, substance, or piece of equipment is parked and left unattended at a fixed location for a period that is in excess of eight (8) continuous hours.

“Street” means the entire width between the boundary lines of every way provided for public use, for the purpose of vehicular and pedestrian traffic and placement of utilities, including the terms “highway,” “road,” “lane,” “avenue,” “drive,” “alley,” or other similar designation.

“Structure” means anything erected or constructed with a fixed location from the ground above grade but not including poles, fences, lines, cables, or other transmission or distribution facilities of public utilities.

“Structural Alteration” means any change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams, girders or any structural change in the roof.

“Structure, Accessory” A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot with the principal structure.

“Structure, Nonconforming” means a structure which does not comply with the lot size requirements or bulk regulations in the district in which it is located.

“Structure, Principal” means the structure in which the principal use of the lot, upon which the structure is located, is conducted.

“Subdivider” means any person, firm, partnership, joint venture, association or corporation participating in the subdivision of any parcel or increasing or decreasing the number of individual owners of any improvement(s) thereon.

“Subdivision” means the division of a lot, tract, or parcel of land into two (2) or more lots or units other divisions of land lease. The term shall also include and refer to any division of land, lot line adjustment, and elimination of lot lines on previously subdivided or platted land.

“Subdivision Plat” means the official drawing and accompanying documents showing the approved subdivision of land, and recorded in the office of the Fremont County Clerk and Recorder.

“Surface Articulation” means a change in the depth of the surface of a building face or façade such that may be achieved through features including attached columns, recessed windows or window bays, horizontal banding or decorative cornices.

“Swale” means a linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

17.13.210 “T” Definitions

“Temporary Use” means a specific land use as set forth in this title allowed by permit or other approval for a limited period of time on a particular parcel of land at a particular location which does not utilize any permanent structure except as may otherwise be permitted herein.

“Townhome” means a single-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation.

“Training Facility, Type I” means a school for special instruction in artistic or practical/professional skills, including, but not limited to, art, dancing, gymnastics, archery or martial arts.

“Training Facility, Type II” means a facility in which a consistent group of people meet regularly for no more than twelve (12) hours per week under the supervision of a teacher or mentor for support or tutoring as part of an online or blended learning program. This type of facility may also be known as an “Educational Drop-in Center” and for purposes of this title, a Type II Training Facility is not considered to be a school.

“Tree” means a perennial plant having a trunk, or woody stem with branches, or any plant form resembling a tree.

17.13.220 “U” Definitions

“Underlying District” means that certain zone district identified in Article II of Chapter 17.12 that has been approved by the City Council and assigned to a parcel of land.

“Unit” means a physical portion of the common interest community that is designated for separate ownership or occupancy and the boundaries of which are described in or determined from the declaration. If a unit in a cooperative is owned by a unit owner or is sold, conveyed, voluntarily or involuntarily encumbered, or otherwise transferred by a unit owner, the interest in that unit which is owned, sold, conveyed, encumbered, or otherwise transferred is the right to possession of that unit under a proprietary lease, coupled with the allocated interests of that unit, and the association's interest in that unit is not thereby affected. [See § 38-33.3-103(30), C.R.S.]

“Unit Owner” means the declarant or other person who owns a unit, or a lessee of a unit in a leasehold common interest community whose lease expires simultaneously with any lease, the expiration or termination of which will remove the unit from the common interest community but does not include a person having an interest in a unit solely as security for an obligation. In a condominium or planned community, the declarant is the owner of any unit created by the declaration until that unit is conveyed to another person; in a cooperative, the declarant is treated as the owner of any unit to which allocated interests have been allocated pursuant to C.R.S. § 38-33.3-207 until that unit has been conveyed to another person, who may or may not be a declarant under this article. [See § 38-33.3- 103(31), C.R.S.]

“Use” means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

“Use, Accessory” means a use subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto.

“Use, Nonconforming” means a use that was valid when brought into existence, but by subsequent regulation becomes no longer conforming. This may be a structure, use, or parcel of land.

“Use, Principal” means the main use of land or structure, as distinguished from a subordinate or accessory use.

“USGS” means United States Geological Survey.

“Utility Distribution Element” means transmission lines for sewer, water, or other utilities.

“Utility Trailer” means any wheeled vehicle, whether commercially manufactured or homemade, without motive power, that is designed to be drawn by a motor vehicle and that is generally and commonly used to carry and transport personal belongings, articles of household furniture, loads of trash and rubbish, or similar items over the public streets and highways.

17.13.230 “V” Definitions

“Vehicle Parking Facilities” means a parking lot that is intended for vehicular parking.

“Vision Clearance Area” means a triangular area on a lot at the intersection of two (2) streets or a street and a railroad or alley, two (2) sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in the regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two (2) 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. The vision

clearance area shall contain no plantings, walls, structures or temporary or permanent obstructions exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb or existing street grade. Reference Section 17.06.060.

“Vocational or Business School” means a secondary or higher educational facility primarily teaching usable skills that prepare students for jobs in a trade or business.

17.13.240 “W” Definitions

“Wildlife” means living things, including mammals, birds, and fishes that are not domesticated.

“Winery” means a facility where grapes, berries or other fruits are processed, fermented and bottled into more than two hundred (200) gallons of wine per year. A winery may include wine tasting and the sale of wine and other related products to the public.

17.13.250 “X” Definitions

RESERVE

17.13.260 “Y” Definitions

“Yard Sale” means and includes casual or informal sales conducted on or from a residential premises within the city where articles of tangible personal property are sold or offered for sale. Yard sale shall include all sales entitled “yard sale,” “garage sale,” “lawn sale,” “attic sale,” “flea market sale,” “patio sale,” “porch sale,” or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale.

17.13.270 “Z” Definitions

“Zero Lot Line” means a type of development in which one or more yards are not set back. A structure may be built directly upon the property line and in some instances, this may result in common walls between structures.

“Zoning Administrator” means the City employee charged with the application and interpretation of this Title or such person’s designee.