Title 18

ZONING

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Chapter 18.04

GENERAL PROVISIONS

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18.04.010 Short title.

These regulations shall be known and may be cited as the "Zoning Ordinance of La Veta, Colorado." (Ord. 104 Art. 1, 1982)

18.04.020 Authority.

This zoning ordinance is authorized under Title 31, Article 23 of the Colorado Revised Statutes, 1973, and is declared to be in accordance with all provisions of said statutes. (Ord. 104 Art. 2, 1982)

18.04.030 Jurisdiction.

These zoning regulations may be applied to all land and buildings within the limits of the town. (Ord. 104 Art. 3, 1982)

18.04.040 Limitation on development and structures.

The use or occupancy of all land and the design, construction, alteration, use or occupancy of all structures within the town shall be in conformance with this title. No land shall be developed or structures placed or constructed thereon until such land is zoned in accordance with the provisions of this title. Development as used herein means any manmade change to unimproved property including, but not limited to, grading, drilling, excavation, filling, paving, installation of utilities or landscaping, and the construction or installation of structures, retaining walls and fences.
(Ord. No. 256, § 1, 3-2-2010)

Chapter 18.08

DEFINITIONS

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18.08.010 Generally.

For the purpose of this title, certain terms and words are defined and shall have the meanings set out in this chapter unless it shall be apparent from the contest that a different meaning is intended. (Ord. 104 Art. 4(part), 1982)

18.08.020 Accessory uses and structures.

"Accessory uses and structures" means a use subordinate and normally incidental to a use by right, and complying with all of the following conditions:

A. It is clearly incidental and customary to and com-monly associated with the operation of the use by right;

B. It is operated and maintained under the same ownership as the use by right;

C. It is consistent with the structures or

structural features of the use by right. (Ord. 104 Art. 4(part), 1982)

18.08.030 Alley.

"Alley" means a public, dedicated right-of-way used primarily as a service or secondary means of access and egress to the service side of abutting property. (Ord. 104 Art. 4(part), 1982)

18.08.040 Amendment.

"Amendment" means an addition, deletion or change in the wording, context or substance of this title or the zoning map made a part of this title. (Ord. 104 Art. 4(part), 1982)

18.08.050 Apartment.

"Apartment" means a room or suite of rooms in a multiple dwelling used or designed for occupancy by a single-family. (Ord. 104 Art. 4 (part), 1982)

18.08.055 Bed and breakfast.

"Bed and breakfast" means a building providing up to five bedrooms for rent under one roof with shared or separate baths, with a host on the premises at all times and serving daily a full breakfast, with off-street parking of not less than one space per rental bedroom. (Ord. 225 (part), 2004; Ord. 198 (part), 1998)

18.08.060 Board of adjustment. "Board of adjustment" means the town board of the town of La Veta, Colorado as created under the authority of Colorado Revised Statutes 1973, Title 31, Article 23-307, and by this title. (Ord. 104 Art. 4(part), 1982)

18.08.070 Building. "Building" means a structure with a roof, intended for the shelter or enclosure of persons, animals, property, or chattels. Where roofed structures are separated from each other by common or party walls having no openings for passage, each portion so separated shall be considered a separate building. (Ord. 104 Art. 4(part), 1982)

18.08.080 Building area. "Building area" means that portion of a lot that can be occupied or covered over by a building of a use by right, exclusive of front, rear, and side yards. (Ord. 104 Art. 4(part), 1982)

18.08.090 Building height. "Building height" means the vertical distance as measured from the average finished grade at the building setback to the highest point of the roof for a flat roof or mansard roof, and to the mean height level between eaves and ridges for gable and hip roofs. Chimneys, ventilators, pipes, spires, cupolas, or similar appurtenances shall be exclusive of building height. (Ord. 104 Art. 4(part), 1982)

18.08.100 Building inspector/zoning enforcement officer. "Building inspector/zoning enforcement officer" means the building inspector/zoning enforcement officer of La Veta. (Ord. 104 Art. 4(part), 1982)

18.08.110 Building setback. "Building setback" means an imaginary regulatory line extending across the full width or side of a lot, parallel with the street right-of-way line or property line. Between said line and street right-of-way line or property line, no buildings or structures shall be built or placed. (Ord. 104 Art. 4(part), 1982)

18.08.120 Centerline. "Centerline" means the center line of the right-of-way of a platted, reserved or opened street, alley, highway, railroad right-of-way or similar right-of-way. (Ord. 104 Art. 4(part), 1982)

18.08.130 Certificate of occupancy. "Certificate of occupancy" means a certificate issued by the La Veta building inspector/zoning enforcement officer which signifies that to his knowledge, a person or use may occupy a building, structure, lot or premises and will be in conformance with the regulations of this title, and where inspection

by reason for a building permit has been accomplished, the certificate of occupancy shall also signify that the work done under the building permit has passed inspection. (Ord. 104 Art. 4(part), 1982)

18.08.140 Density. "Density" means the ratio between the number of dwelling units, number of buildings, bulk of buildings, or structures, or surface land coverage of buildings or structures, and the total amount of land or lot area they are situated on. (Ord. 104 Art. 4(part), 1982)

18.08.150 Dwelling. "Dwelling" means a building designed to be used as a living place for one or more persons or families but not including travel courts, hotels, motels, clubs, boardinghouses, or any other institution such as an asylum, hospital, or jail where persons are housed by reason of illness or under legal restraint. (Ord. 104 Art. 4(part), 1982)

18.08.160 Dwelling duplex. "Dwelling duplex" means a building containing two dwelling units, however arranged, which may have single or separate entrances. (Ord. 104 Art. 4(part), 1982)

18.08.170 Dwelling, multiple-family. "Multiple-family dwelling" means a building containing three or more dwelling units. It includes cooperative apartments, condominiums, townhouses, and the like. For purposes of this regulation, regardless of how rental units are equipped, any multiple-family dwelling in which units are available for rental periods of less than one week shall be considered a hotel or motel. (Ord. 104 Art. 4(part), 1982)

18.08.180 Dwelling, single-family. "Single-family dwelling" means a building containing only one dwelling unit. The term is general, including such specialized forms as single-family detached, single-family semidetached, and single-family attached. For regulatory purposes, the term is not to be construed to include mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of portable or temporary housing. (Ord. 104 Art. 4(part), 1982)

18.08.190 Floor area. "Floor area" means the total area of all floors enclosed within a building. (Ord. 104 Art. 4(part), 1982)

18.08.200 Frontage. "Frontage" means the property distance on one side of a street measured along the property line of the street. Corner lots shall have only one frontage. Frontage for a single use which may extend for

more than one platted lot shall be the total linear distance of all lots of the use along one side of a street, and shall be considered as a single frontage. (Ord. 104 Art. 4 (part), 1982)

18.08.210 Grade level. "Grade level" means the average of the ground levels on a lot, prior to construction thereon, measured at the center of all perimeter walls of a building. (Ord. 104 Art. 4 (part), 1982)

18.08.220 Home occupation. "Home occupation" means any nonresidential use conducted entirely within a dwelling unit or accessory structure and carried on solely by the inhabitants thereof, and one full-time employee or equivalent and is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and does not occupy more than fifty percent of the total floor space of the dwelling unit and accessory structure and which use does not exceed more than ten customers per twenty-four-hour period. To qualify as a home occupation, the use must also conform to the following requirements:

A. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, nonilluminated, and mounted flat against the wall of the principal building.

B. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and the need for parking space generated by such home occupation (over and above that available along the frontage of the premises) shall be met off the street and other than in required front yard.

C. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes odors or electrical interference detectable to normal senses at any spot adjacent to the premises. (Ord. 104 Art. 4 (part), 1982)

18.08.230 Hotel, motel or inn. "Hotel," "motel" or "inn" means a building or group of attached or detached buildings designed for occupancy by short-term or part-

time residents, providing not less than one off-street parking space per rental unit. (Ord. 225 (part), 2004)

18.08.240 Industrial use. "Industrial use" means any kind of scientific research, utility, manufacturing, assembly, compounding or processing of goods or materials. (Ord. 104 Art. 4 (part), 1982)

18.08.250 Junkyard. "Junkyard" means an area, enclosed or open, used for the collecting, storage or sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging or demolition of inoperative vehicles, machinery or other materials and including the sale of whole or parts thereto. This definition does not include storage facilities entirely within an enclosed building. (Ord. 104 Art. 4 (part), 1982)

18.08.255 Limited capacity restaurant. "Limited capacity restaurant" means a food establishment with a seating capacity of twenty or less and no drive through services and having operating hours no greater than 7:00 a.m. to 9:00 p.m. seven days per week providing off-street parking of not less than one space per four seating capacity. (Ord. 225 (part), 2004)

18.08.260 Lot or parcel. "Lot" or "parcel" means a measured portion of a subdivision or other piece, plat or area of land of contiguous assemblage as established by survey, plat or deed, having its frontage on a public street and intended as a unit for transfer of ownership or development. A "lot" may or may not have real property improvements contained thereon. (Ord. 104 Art. 4 (part), 1982)

18.08.270 Lot area. "Lot area" means the number of square feet included with a lot, as measured by the boundaries of the lot subscribed on a horizontal plane upon which the boundaries have been vertically projected. (Ord. 104 Art. 4 (part), 1982)

18.08.280 Lot width. "Lot width" means the average distance between the two side lot lines which adjoin the

lot frontage, measured perpendicular from one of the sides. (Ord. 104 Art. 4 (part), 1982)

18.08.281 Meeting hall.

A building used for public meetings, an assembly or gathering of people including, but no limited to, a place of assembly for purposes of worship.
(Ord. No. 262, § 2, 3-6-2012)

18.08.290 Mobile home.

"Mobile home" means a single-family dwelling built on a permanent chassis designed for long-term residential occupancy and containing complete and operable electrical, plumbing, heating and sanitary facilities, which is capable of being drawn over public highways as a single unit. (Ord. 207 (part), 2001)

18.08.300 Mobile home park.

"Mobile home park" means a parcel of land used for the continuous accommodation of five or more mobile homes or recreational units containing complete and operable electrical, plumbing, heating and sanitary facilities and operated for the pecuniary benefit of the owner of the parcel of land, his or her agents, lessees or assignees. (Ord. 207 (part), 2001)

18.08.301 Museum.

A building, room or series of rooms for preserving and exhibiting artistic, historical or scientific objects.
(Ord. No. 262, § 2, 3-6-2012)

18.08.302 Professional office.

A building, room or series of rooms in which the affairs of a business or professional person are carried on.
(Ord. No. 262, § 2, 3-6-2012)

18.08.310 Recreational park.

"Recreational park" means a parcel of land used for the accommodation of recreational units and operated for the pecuniary benefit of the owner of the parcel of land, his or her agents, lessees or assignees. (Ord. 207 (part), 2001)

18.08.315 Recreational unit.

"Recreational unit" means anything that is capable of being occupied as a human shelter that is not a mobile home as defined in Section 18.08.290. Examples of recreational units include, but are not limited to, the following: trailers, trailer coaches, camping trailers, motor homes, attached pickup (slide-in) campers, chassis mounts, converted vans, chopper vans, mini motor homes and non-commercial fifth wheel trailers. Slide-in campers not attached to their carriers are not recreational units and are declared not fit to be occupied for any period of time as a human shelter. (Ord. 207 (part), 2001)

18.08.318 Retail business.

"Retail business" means any structure providing for normal commerce or business services. Off-street parking of not less than two spaces per one thousand square feet of retail space. (Ord. 225 (part), 2004)

18.08.320 Modular, manufactured or prefabricated home.

"Modular, manufactured or prefabricated 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, being at least twenty-four feet by thirty-six feet, must meet minimum construction requirements of the International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition, or similar requirements as accepted by the Federal Housing Administration or the Veterans' Administration. Such structure must be set on a permanent foundation and is subject to all local building, zoning and housing regulations. Any such modular home meeting the requirements therein defined is not considered a mobile home but rather a dwelling unit. (Ord. 233 § 4(part), 2008)

18.08.330 Nonconforming.

"Nonconforming" means any building, parcel of land, or use of land lawfully occupied or existing at the time of passage of these regulations or amendments thereto with the zoning requirements of the district in which it is situated. (Ord. 104 Art. 4 (part), 1982)

18.08.340 Nonconforming lot.

"Nonconforming lot" means any lot which was lawfully platted prior to the adoption of these regulations or

amendments thereto which no longer meets the area or other dimension requirements for lots in the district in which it is situated. (Ord. 104 Art. 4 (part), 1982)

18.08.350 Nonconforming sign.

"Nonconforming sign" means any sign which was lawfully erected, constructed or placed on a lot or parcel prior to the adoption of these regulations or amendments thereto which no longer conforms to the sign regulations contained in this title. (Ord. 104 Art. 4 (part), 1982)

18.08.360 Nonconforming structure.

"Nonconforming structure" means any building, structure or portion thereof which was lawfully constructed and existed prior to the adoption of these regulations or any amendment thereto, which does not conform to the height, bulk or other building requirements contained in these regulations for buildings in the district in which it is located. (Ord. 104 Art. 4 (part), 1982)

18.08.370 Nonconforming use.

"Nonconforming use" means a use which lawfully occupied a building or land at the time of passage of these regulations or amendments

thereto, but which does not conform after the passage of these regulations or amendments thereto with the use regulations of the district in which it is situated. (Ord. 104 Art. 4(part), 1982)

18.08.380 Off-street parking space. "Off-street parking space" means any off-street, hard-surfaced, dust-free space designed and intended to be occupied by a parked automobile, exclusive of maneuvering and roadway space. (Ord. 104 Art. 4(part), 1982)

18.08.390 Permit, building. "Building permit" means a permit issued by the La Veta building inspector/zoning enforcement officer authorizing the construction, erection, remodeling, movement, structural alteration, or similar work in a building or structure when such work is not in violation of any provisions of this title or other applicable ordinances and regulations of the town. (Ord. 104 Art. 4(part), 1982)

18.08.400 Planned unit development. "Planned unit development" means development of land in a manner which allows a variety of uses in which normal restrictions of lot sizes, setbacks, densities, land uses, and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel. Approval may be given upon evidence of the provisions of open spaces, public facilities, access, planning esthetics, and other considerations deemed important by the town board and when in compliance with these regulations and other applicable regulations of the town. (Ord. 104 Art. 4(part), 1982)

18.08.410 Property line. "Property line," also known as "lot line" means one or more of the perimeter boundaries of a legally described parcel of land. (Ord. 104 Art. 4 (part), 1982)

18.08.415 Redevelopment permit. "Redevelopment permit" means a permit for changes in use, type or size of commercial or industrial development permit which effectively alters the pattern of business. (Ord. 198 (part), 1998)

18.08.420 Setback. "Setback" means the required distance, and the land resulting therefrom, between the edge of the right-of-way of a public roadway or some other designated line, and the closest possible line of a conforming structure. (Ord. 104 Art. 4(part), 1982)

18.08.430 Street. "Street" means any street, road, land, alley, or other way for the movement of vehicular traffic which is an existing state, county or municipal

roadway, or a street or a way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the gutters, sidewalks, parking areas and other areas within the right-of-way. For the purpose of this title, streets shall be classified and defined as follows:

A. "Major highway" means a major regional highway designed to carry vehicle traffic into, out of or through

the regional area (interregional) or from one political subdivision of the region to another (intraregional).

B. "Local street" means a street intended primarily to provide pedestrian and vehicular access to abutting properties and designed to carry vehicular traffic from one or more individual residential or nonresidential units to or from a collector's street. (Ord. 104 Art. 4(part), 1982)

18.08.440 Street right-of-way. "Street right-of-way" means the entire portion of land dedicated to public use for street and utility purposes. (Ord. 104 Art. 4(part), 1982)

18.08.450 Sign. "Sign" means a name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs. (Ord. 104 Art. 4(part), 1982)

18.08.460 Sign area. "Sign area" means the entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are unequal area. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, all of the lettering and other elements pertaining to the same enterprise shall be treated as a single sign for purposes of area computation. (Ord. 104 Art. 4 (part), 1982)

18.08.470 Structural alterations. "Structural alterations" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girder, or any complete rebuilding of the roof or exterior walls. (Ord. 104 Art. 4(part), 1982)

18.08.480 Structure.

"Structure" means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but not without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and arbors or breezeways, but excepting utility poles, fences, retaining walls and ornamental light fixtures. (Ord. 104 Art. 4(part), 1982)

18.08.481 Studio.

A building, room or rooms where an artist or photographer does his or her work, where dancing, music or other similar lessons are given.
(Ord. No. 262, § 2, 3-6-2012)

18.08.490 Town.

"Town" means the town of La Veta, Colorado. (Ord. 104 Art. 4(part), 1982)

18.08.500 Town board.

"Town board" means the elected legislative governing body for the town of La Veta, Colorado. (Ord. 104 Art. 4(part), 1982)

18.08.510 Trailer park.

See "mobile home park." (Ord. 104 Art. 4(part), 1982)

18.08.520 Use.

"Use" means the purpose for which land or a building is arranged, designed, or intended, or for which land and/or a building is or may be occupied. (Ord. 104 Art. 4(part), 1982)

18.08.530 Variance.

"Variance" means a permanent modification of the terms of these zoning regulations in relation to spatial restrictions on lots, buildings and structures such as building height, floor area, setback and yard space where specific physical conditions, unique to the site, would create an unreasonable hardship in the development of the site for permitted use. (Ord. 198 (part), 1998: Ord. 104 Art. 4(part), 1982)

18.08.531 Warehouse.

A building where wares or goods are stored. (Ord. No. 262, § 2, 3-6-2012)

18.08.540 Yard.

"Yard" means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this title. In measuring a yard for the purpose of determining the width of side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used. (Ord. 104 Art. 4(part), 1982)

18.08.550 Yard, front.

"Front yard" means a yard extending across the front of a lot between the side lot lines and extending from the front lot line to the front of the main building or any projections thereof. The front yard shall be on the side of the lot which has been established as frontage by the house numbering system. (Ord. 104 Art. 4(part), 1982)

18.08.560 Yard, rear.

"Rear yard" means a yard extending across the rear of a lot, measured between the side lot

lines and being the minimum horizontal distance between the rear lot line and the rear of the main building including any projections on interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. (Ord. 104 Art. 4 (part), 1982)

18.08.570 Yard, side. "Side yard" means a yard extending from the front yard to the rear yard and being the space between the side lot line and the main building including any projections. (Ord. 104 Art. 4 (part), 1982)

18.08.580 Zoning district. "Zoning district" means a zoned area in which the same zoning regulations apply throughout. (Ord. 104 Art. 4 (part), 1982)

Chapter 18.12

DISTRICT BOUNDARIES AND ZONING MAP

Sections:

18.12.010 Establishment of districts.
18.12.020 Zoning map.
18.12.030 Determination of district boundaries.
18.12.040 General exceptions to district requirements.
18.12.050 Unitemized uses.

18.12.010 Establishment of districts. For the purpose of carrying out the provisions of this title, the town of La Veta is divided into the following zoning districts:

R-1	Single-family, duplex or modular
R-2	R-1 plus special uses
R-3	R-2 plus mobile homes
C	Commercial
NC	Neighborhood commercial district
I	Industrial

(Ord. 225 (part), 2004; Ord. 125 (part), 1984; Ord. 104 Art. 5 §1, 1982)

18.12.020 Zoning map. The location and boundaries of the zoning districts established in this chapter are shown on the map accompanying Ordinance 225, entitled "Official Zoning Map: La Veta, Colorado July 1, 2004." The official map shall be filed at the office of the town clerk and shall kept current at all times. (Ord. 225 (part), 2004)

18.12.030 Determination of district boundaries. In determining the boundaries of zone districts shown on the zoning map, the following rules shall apply:

A. Unless otherwise indicated, the boundaries are the centerlines of right-of-ways for streets, roads, highways, alleys, and railroads or such lines extended.

B. Where a district boundary is shown by a specific dimension as being located at any given distance from any right-of-way line, such specific dimension shall govern.

C. In unsubdivided land or land not having right-of-ways or any features described above, the district boundaries shall be determined by use of the scale on the official zoning map.

D. The board of adjustment established in this title shall, upon application or upon its own motion, determine the location of boundaries in cases where uncertainty exists. (Ord. 104 Art. 5 §3, 1982)

18.12.040 General exceptions to district requirements. A. The requirements contained in this title are not retroactive in their application to existing buildings and uses except as specified herein.

B. An unenclosed porch or paved terrace may project into a front yard for a distance not exceeding eight feet. An unenclosed vestibule containing not more than sixty square feet may project into a front or rear yard for a distance not to exceed six feet.

C. The height limitations of this title shall not apply to chimneys, church spires, flagpoles, radio and television antennas, water tanks, and public utility poles and towers. (Ord. 104 Art. 5 §4, 1982)

18.12.050 Unitemized uses. Whenever a use is contemplated for a particular district which is not specifically allowed or excluded, the town board may by resolution add such use to a zoning district provided:

A. Such use is appropriate to the general environmental character of the district to which it is added;

B. Such use does not create any more alteration of the natural environment nor create any more offensive noise, vibration, dust, smoke, odor or objectionable influences than the minimum amount normally resulting from the other uses permitted in the district to which it is added. (Ord. 104 Art. 5 §5, 1982)

Chapter 18.16

R-1 MEDIUM DENSITY RESIDENTIAL DISTRICT

Sections:

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18.16.020 Permitted uses.
18.16.030 Building height.
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18.16.060 Setbacks.
18.16.070 Special uses.

18.16.010 Intent. The R-1 district is intended to be applied to areas which are primarily suitable for single-family dwellings on standard residential lots (a minimum of seven thousand square feet). (Ord. 104 Art. 6 §1(A), 1982)

18.16.020 Permitted uses. Permitted uses in the R-1 district shall be as follows:

1. Single-family dwellings. This includes modular but excepts mobile;
2. Duplexes;
3. Accessory uses and structures;
4. Public and private schools;
5. Storage of a camping unit or boat providing that such camper or boat is owned by the resident of the zone lot, is not used as a dwelling or as accessory living quarters and is not connected to utilities other than temporarily to a source of electricity;
6. Parking incidental to uses permitted in this zone, provided all vehicles are in operable condition and have current license plates;
7. Churches and religious buildings;
8. Noncommercial parks and recreational facilities;
9. Fire and police stations;
10. Public parks;
11. Grazing on vacant land with groundcover maintained. (Ord. 198 (part), 1998; Ord. 104 Art. 6 §1(B), 1982)

18.16.030 Building height. No dwelling or other structure shall exceed two and one-half stories or thirty-five feet in height. (Ord. 104 Art. 6 §1(C)(1), 1982)

18.16.040 Lot area. The minimum lot area shall be seven thousand square feet; except, that the minimum lot area for a duplex shall be nine thousand five hundred

square feet. (Ord. 120 §3, 1983; Ord. 104 Art. 6 §1(C)(2), 1982)

18.16.050 Density. Seven thousand square feet is required for each permitted use. (Ord. 104 Art. 6 §1(C)(3), 1982)

18.16.060 Setbacks. Setbacks shall be as follows:
A. Front: fifteen feet from the property line;
B. Rear: five feet from the property line;
C. Side: seven feet from the property line. (Ord. 104 Art. 6 §1(C)(4), 1982)

18.16.070 Special uses. Special uses shall be as follows:
A. Home occupations;
B. Bed and breakfast. (Ord. 198 (part), 1998)

Chapter 18.20

R-2 MEDIUM DENSITY RESIDENTIAL/TOURISM DISTRICT

Sections:

18.20.010 Intent.
18.20.020 Permitted uses.
18.20.030 Special uses.
18.20.040 Building height.
18.20.050 Lot area.
18.20.060 Setbacks.

18.20.010 Intent. The R-2 district is intended to be applied to areas which are suitable for family dwellings and other permitted uses are defined as set out in this chapter. (Ord. 104 Art. 6 §2(A), 1982)

18.20.020 Permitted uses. All uses permitted in the R-1 district are permitted in the R-2 district. (Ord. 104 Art. 6 §2(B), 1982)

18.20.030 Special uses. Special uses shall be as in R-1 and:
A. Motels, hotels or inns;
B. Multiple-family dwelling;
C. Roominghouses. (Ord. 198 (part), 1998: Ord. 104 Art. 6 §2(C), 1982)

18.20.040 Building height. No structure shall exceed two and one-half stories or thirty-five feet, family dwelling. (Ord. 104 Art. 6 §2(D)(1), 1982)

18.20.050 Lot area. The minimum lot area shall be seven thousand square feet for single-family and seven thousand square feet plus two thousand five hundred per unit for each unit over one. (Ord. 104 Art. 6 §2(D)(2), 1982)

18.20.060 Setbacks. Setbacks shall be as follows:
A. Front: fifteen feet from the property line;
B. Rear: five feet from the property line;
C. Side: seven feet from the property line. (Ord. 104 Art. 6 §2(D)(3), 1982)

Chapter 18.24

R-3 MEDIUM DENSITY RESIDENTIAL/TOURISM MOBILE HOME DISTRICT

Sections:

18.24.010 Intent.
18.24.020 Permitted uses.
18.24.030 Special uses.
18.24.040 Building height.
18.24.050 Lot area.
18.24.060 Setbacks.

18.24.010 Intent. The R-3 district is intended to be applied to areas which are suitable for family dwellings and other permitted uses are defined as set out in this chapter. (Ord. 104 Art. 6 §3(A), 1982)

18.24.020 Permitted uses. Permitted uses shall be all uses permitted in the R-1 and R-2 districts, and single wide mobile homes on individual lots in accordance with Section 18.44.020. (Ord. 198 (part), 1998: Ord. 104 Art. 6 §3(B), 1982)

18.24.030 Special uses. Special uses shall be as in R-2 and:
1. Mobile home parks (subject to provisions of Chapter 18.48);
2. Recreational parks(subject to provisions of Chapter 18.52). (Ord. 207 (part), 2001; Ord. 198 (part), 1998: Ord. 104 Art. 6 §3(C), 1982)

18.24.040 Building height. No structure shall exceed two and one-half stories or thirty-five feet. (Ord. 198 (part), 1998)

18.24.050 Lot area. The minimum lot area shall be seven thousand square feet for single-family and seven thousand square feet plus two thousand five hundred per unit for each unit over one. (Ord. 198 (part), 1998)

18.24.060 Setbacks. Setbacks shall be as follows:
A. Front: fifteen feet from the property line;
B. Rear: five feet from the property line;
C. Side: seven feet from the property line. (Ord. 198 (part), 1998)

Chapter 18.28

COMMERCIAL DISTRICT

Sections:

18.28.010 Intent.
18.28.020 Permitted uses.
18.28.030 Special uses.
18.28.040 Building height.
18.28.050 Lot area.
18.28.060 Setbacks.
18.28.070 Commercial development or redevelopment permit.
18.28.080 Application.
18.28.090 Procedure before the town board.
18.28.100 Reapplication.

18.28.010 Intent. The C district is intended to provide central location for a downtown commercial area where businesses can be concentrated in a central area to serve the needs of the community. (Ord. 104 Art. 6 §4(A), 1982)

18.28.020 Permitted uses. Uses permitted in the commercial district shall be all uses permitted in the R-2 district and the following by a commercial development or redevelopment permit:
1. Restaurants;
2. Indoor theaters;
3. Automobile sales, service and repair;
4. Retail businesses;
5. Professional and business offices and studios;
6. Financial institutions;
7. Gas stations;
8. Indoor recreation facilities;
9. Community and commercial parking lots;
10. Libraries, museums;
11. Laundromats;

12. Warehouses;
13. Personal service establishments (i.e., beauty and barbershops);
14. Self service storage units;
15. Liquor stores;
16. Car washes;
17. Grocery stores. (Ord. 198 (part), 1998: Ord. 104 Art. 6 §4(B), 1982)

18.28.030 Special uses. Special uses shall be the same as in the R-3 district and:
A. Nursing home;
B. Residential care facilities. (Ord. 198 (part), 1998: Ord. 104 Art. 6 §4(C), 1982)

18.28.040 Building height. No structure shall exceed thirty-five feet in height. (Ord. 104 Art. 6 §4(D)(1), 1982)

18.28.050 Lot area. The minimum lot area shall be seven thousand square feet. (Ord. 198 (part), 1998: Ord. 104 Art. 6 §4(D)(2), 1982)

18.28.060 Setbacks. Setbacks shall be as follows:
A. Front: fifteen feet from the property line;
B. Rear: five feet from the property line;
C. Side: seven feet from the property line. (Ord. 198 (part), 1998)

18.28.070 Commercial development or redevelopment permit. The commercial development or redevelopment permit provision of this title permits additional uses to be instituted in the commercial zone when proper conditions exist which will permit such use to be in harmony with existing and proposed land use. If the proposed use is not listed as an allowed permitted or special use within the zoning district where the property is located the presumption shall be that the permit will not be granted. Planned unit developments, however, are permitted as a special use in any zone. If a commercial development or redevelopment permit is granted by the town board, such permit must be posted in a conspicuous place of such premises. A commercial development permit or redevelopment permit must be received prior to the issuance of a building permit. (Ord. 198 (part), 1998)

18.28.080 Application. An application for a commercial development or redevelopment permit must be filed with the town board and applicable filing fees paid. The application shall contain the following information:
A. Name and address of applicant;

B. A description and site plan of the property. The site plan shall show the boundary of the property, proposed buildings, parking, landscaping and signing concepts, streets and other facilities to be developed. The plan shall be drawn to reasonable scale for easy interpretation;

C. A legal description of the property in question;

D. Topographic information shall be provided when drainage may affect the site development plan;

E. A time schedule of construction;

F. Such additional information as may be requested by the town board to properly review and render a decision on the application;

G. Existing zoning classification.

(Ord. 198 (part), 1998)

18.28.090 Procedure before the town board. If the town board approves consideration of proposed commercial development or redevelopment permit, a public hearing on the matter will be held. No later than sixty days after the town board's preliminary approval, the town board shall act to either approve or deny the proposed permit. Within five days after the decision by the town board, the applicant shall be notified of the approval or denial of the requested commercial development or redevelopment permit. If denied, reasons for the denial shall be explained. (Ord. 198 (part), 1998)

18.28.100 Reapplication. A. The town board cannot reconsider the request without another notice and hearing.

B. In the event that the proposed commercial development or redevelopment permit is denied by the town board, no new request for the same or substantially same commercial development or redevelopment permit shall be accepted for a period of six months from the date of such denial. (Ord. 198 (part), 1998)

Chapter 18.29

NEIGHBORHOOD COMMERCIAL DISTRICT

Sections:

18.29.010 Intent.
18.29.020 Permitted uses.
18.29.030 Special uses.
18.29.040 Building height.
18.29.050 Lot area.
18.29.060 Setbacks.
18.29.070 Commercial development or redevelopment permit.
18.29.080 Application.
18.29.090 Procedure before the town board.
18.29.100 Reapplication.

18.29.010 Intent. The neighborhood commercial district as located on the July 1, 2004 official zoning map is intended to provide expanded area for commercial entities and to extend the commercial district beyond the central location to serve the needs of the community. The neighborhood commercial district shall only permit businesses within the district that will not disrupt the quiet enjoyment of residential property owners and that are anticipated to generate low traffic volume. (Ord. 225 (part), 2004)

18.29.020 Permitted uses. Uses permitted within the neighborhood commercial district shall be all permitted uses in the R-1 and R-2 and R-3 districts and the following by special use permit with a commercial development or redevelopment permit. (Ord. 225 (part), 2004)

18.29.030 Special uses. Special uses shall be as follows:

A. Limited capacity restaurants;
B. Motels hotels or inns;
C. Bed and breakfast establishments;
D. Retail businesses;
E. Professional and business offices and studios;
F. Brokerage firms;
G. Personal service establishments;

H. Mobile home parks;
I. RV parks;
J. Home occupations;
K. Multi-family dwelling.
(Ord. 225 (part), 2004)

18.29.040 Building height. No structure shall exceed thirty-five feet in height. (Ord. 225 (part), 2004)

18.29.050 Lot area. The minimum lot area shall be seven thousand square feet. (Ord. 225 (part), 2004)

18.29.060 Setbacks. Setbacks shall be as follows:
A. Front: fifteen feet from the property line;
B. Rear: five feet from the property line;
C. Side: seven feet from the property line.
(Ord. 225 (part), 2004)

18.29.070 Commercial development or redevelopment permit. The commercial development or redevelopment permit provision of this title permits additional uses to be instituted in the limited commercial zone when proper conditions exist that will permit such use to be in harmony with existing and proposed land use. If the proposed use is not listed as an allowed permitted or special use within the zoning district where the property is located the presumption shall be that the permit will not be granted. Planned unit developments, however, are permitted as a special use in any zone. If a commercial development or redevelopment permit is granted by the town board, such permit must be posted in a conspicuous place of such premises. A commercial development permit or redevelopment permit must be received prior to the issuance of a building permit. (Ord. 225 (part), 2004)

18.29.080 Application. An application for a commercial development or redevelopment permit must be filed with the town board and applicable filing fees paid. The application shall contain the following information:
A. Name of the applicant;
B. A description and site plan of the property. The site plan shall show the boundary of the property, proposed buildings, parking, landscaping and signing con-

cepts, streets and other facilities to be developed. The plan shall be drawn to reasonable scale for easy interpretation;

C. A legal description of the property in question;

D. Topographic information shall be provided when drainage may affect the site development plan;

E. A time schedule of construction;

F. Such additional information as may be requested by the town board to properly review and render a decision on the application;

G. Existing zoning classification.

(Ord. 225 (part), 2004)

18.29.090 Procedure before the town board. If the town board approves consideration of proposed commercial development or redevelopment permit, a public hearing on the matter will be held. No later than sixty days after the town board's preliminary approval, the town board shall act to either approve or deny the proposed permit. Within five days after the decision by the town board, the applicant shall be notified of the approval or denial of the requested commercial development or redevelopment permit. If denied, reasons for the denial shall be explained. (Ord. 225 (part), 2004)

18.29.100 Reapplication. A. The town board cannot reconsider the request without another notice and hearing.

B. In the event that the proposed commercial development or redevelopment permit is denied by the town board, no new request for the same or substantially same commercial development or redevelopment permit shall be accepted for a period of six months from the date of such denial. (Ord. 225 (part), 2004)

Chapter 18.32

INDUSTRIAL DISTRICT

Sections:

18.32.010 Intent.
18.32.020 Permitted uses.
18.32.030 Special uses.

Sections: (Continued)

18.32.040	Height.
18.32.050	Lot area.
18.32.060	Setbacks.
18.32.070	Industrial development or redevelopment permit.

Sections: (Continued)

18.32.080 Application.
18.32.090 Procedure before the town board.
18.32.100 Reapplication.

18.32.010 Intent. This zone provides for any industrial uses that are an asset to the area and which would not be a nuisance with respect to excessive lights, noise, smoke, vibration, odor, dust or vulnerability to fire or explosion. (Ord. 125 (part), 1984)

18.32.020 Permitted uses. Permitted uses in the industrial district are as follows by industrial development or redevelopment permit:

A. Manufacturer fabrication and/or processing of any commodity with the exception, however, of those used to create excessive amounts of smoke, vibration or any other deleterious effect or effects;

B. Automobile parking lots;

C. Commercial garage;

D. Dwelling, only as a custodial function to another use by right, but only one dwelling per premises;

E. Petroleum bulk plant;

F. Lumberyard;

G. Public building in use;

H. Railroad spur and railroad depot;

I. Trailer court;

J. Correction terminal;

K. Cement batch plant. (Ord. 198 (part), 1998: Ord. 125 (part), 1984)

18.32.030 Special uses. Junkyards are a special use in the industrial district. (Ord. 125 (part), 1984)

18.32.040 Height. No dwelling or other structure shall exceed two and one-half stories or thirty-five feet in height. (Ord. 198 (part), 1998)

18.32.050 Lot area. The minimum lot area shall be seven thousand square feet. (Ord. 198 (part), 1998)

18.32.060 Setbacks. Setbacks shall be as follows:

A. Front: fifteen feet from the property line;

B. Rear: five feet from the property line;

C. Side: seven feet from the property line. (Ord. 198 (part), 1998)

18.32.070 Industrial development or redevelopment permit. The industrial development or redevelopment permit provision of this title permits additional uses to be instituted in the industrial zone when proper conditions

exist which will permit such use to be in harmony with existing and proposed land use. If the proposed use is not listed as an allowed permitted or special use within the zoning district where the property is located, the presumption shall be that the permit will not be granted. Planned unit developments, however, are permitted as a special use in any zone. If an industrial development or redevelopment permit is granted by the town board, such permit must be posted in a conspicuous place of such premise. An industrial development or redevelopment permit must be received prior to issuance of a building permit. (Ord. 198 (part), 1998)

18.32.080 Application. An application for a industrial development or redevelopment permit must be filed with the town board and applicable filing fees paid. The application shall contain the following information;

A. Name and address of applicant;

B. A description and site plan of the property. The site plan shall show the boundary of the property, proposed buildings, parking, landscaping and signing concepts, streets and other facilities to be developed. The plan shall be drawn to reasonable scale for easy interpretation;

C. A legal description of the property in question;

D. Topographic information shall be provided when drainage may affect the site development plan;

E. A time schedule of construction;

F. Such additional information as may be requested by the town board to properly review and render a decision on the application;

G. Existing zoning classification. (Ord. 198 (part), 1998)

18.32.090 Procedure before the town board. If the town board approves consideration of proposed industrial development or redevelopment permit, a public hearing on the matter will be held. No later than sixty days after the town board's preliminary approval, the town board shall act to either approve or deny the proposed industrial development or redevelopment permit. Within five days after the decision by the town board, the applicant shall be notified of the approval or denial of the requested industrial development or redevelopment permit. If denied, reasons for the denial shall be explained. (Ord. 198 (part), 1998)

18.32.100 Reapplication. A. The town board cannot reconsider the request without another notice and hearing.

B. In the event that the proposed industrial development or redevelopment permit is denied by the town board, no new request for the same or substantially same industrial development or redevelopment permit shall be accepted for a period of six months from the date of such denial. (Ord. 198 (part), 1998)

Chapter 18.34

RAILROAD SUPPORT DISTRICT

Sections:

18.34.010 Intent.
18.34.020 Permitted uses.
18.34.030 Special uses.
18.34.040 Building height.
18.34.050 Lot area.
18.34.060 Setback.
18.34.070 Signs.

18.34.010 Intent.

The Railroad Support District is intended to be applied to areas adjacent to or near railroad tracks in the town which may be used to support railroad operations. The Railroad Support District is not intended to restrict the use of property in connection with the interstate rail network or rail transportation in general, as those terms are defined under federal law, or to otherwise conflict with federal law regulating the same.
(Ord. No. 262, § 1, 3-6-2012)

18.34.020 Permitted uses.

Permitted uses in the Railroad Support District shall be as follows:

A. Functions related to the operation of the interstate rail network or rail transportation as regulated by federal law. (Ord. No. 262, § 1, 3-6-2012)

18.34.030 Special uses.

Special uses in the Railroad Support District shall be as follows:

A. Temporary structures, being those structures which will be in place for six months or less.

B. Functions related to tourist excursion railroad operations that provide a direct service or benefit to tourist excursion railroad users and/or operators.

C. Limited capacity restaurant.

D. Retail.

E. Meeting hall (religious, civic).

F. Warehouse.

G. Self storage.

H. Museum.
I. Studio.
J. Professional office.
K. Park.
(Ord. No. 262, § 1, 3-6-2012)

18.34.040 Building height.
No structure shall exceed thirty-five feet in height.
(Ord. No. 262, § 1, 3-6-2012)

18.34.050 Lot area.
The minimum lot area shall be seven thousand square feet.
(Ord. No. 262, § 1, 3-6-2012)

18.34.060 Setback.
Setback shall be fifteen feet from the nearest rail, except in cases where close proximity is required for railroad operators i.e. platform structures, warehouse building access, locomotive servicing structures.
(Ord. No. 262, § 1, 3-6-2012)

18.34.070 Signs.
Signs in the Railroad Support District shall be governed by provisions of Section 18.060.300 of this code.
(Ord. No. 262, § 1, 3-6-2012)

Chapter 18.36

NONCONFORMING USES

Sections:

18.36.010 Intent.
18.36.020 Nonconforming lots.
18.36.030 Nonconforming structures.
18.36.040 Nonconforming uses of land.
18.36.050 Nonconforming uses of structures and land.
18.36.060 Repairs and maintenance.
18.36.070 Other nonconforming uses.

18.36.010 Intent. A. Within the districts established by this title there exists lots, structures, uses of land and structures, and characteristics of use which were lawful prior to passage of the ordinance codified in this title, but which would be prohibited, regulated, or restricted under the terms of this title. It is the intent of this title to permit these nonconformities to continue until they are removed but not to encourage their survival. Such uses are declared by this title to be incompatible with permitted uses in the districts involved. It is the further intent of this title that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

B. To avoid undue hardship, nothing in this title shall be deemed to require a change in new construction, or designated use of any building or structure for which a valid permit has been lawfully issued prior to the effective date of adoption or amendment of the ordinance codified in this title. If actual construction has not commenced, or if the building permit has been allowed to expire through nonuse, then all plans, new construction, or designated use shall be in accordance with all the provisions of this title. (Ord. 104 Art. 7 §1, 1982)

18.36.020 Nonconforming lots. Nonconforming lots of record, lawful at the time of passage of the ordinance codified in this title, may be built upon or used after passage of the ordinance codified in this title upon approval by the town board. (Ord. 104 Art. 7 §2, 1982)

18.36.030 Nonconforming structures. Existing structures lawful at the time of passage of the ordinance codified in this title but not in compliance with the requirements of this title by reason or restriction on lot area, height, yards, or other characteristics of the structure or its location on the lot, may be continued so long as it

remains otherwise lawful subject to the following provisions:

A. No such structure may be enlarged or altered in any way which increases its nonconformity.

B. Should such structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at the time of destruction, it shall not be reconstructed.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it was moved. (Ord. 104 Art. 7 §3, 1982)

18.36.040 Nonconforming uses of land. Where at the effective date of the adoption of the ordinance codified in this title lawful use of land exists that is made no longer permissible under the terms of this title as enacted or amended, such use may be continued, so long as it remains otherwise lawful subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of the ordinance codified in this title.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance codified in this title.

C. If such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the provisions specified in this title for the district in which the land is located.

D. No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land. (Ord. 104 Art. 7 §4, 1982)

18.36.050 Nonconforming uses of structures and land. If a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption of the ordinance codified in this title that would not be allowed in the district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this title in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use at the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any part of a building which was expressly designed for such use at the time of the adoption of the ordinance codified in this title, but no such use shall be extended to occupy land outside such building.

C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.

D. If no structural alterations are made, any nonconforming use of a structure or structure and premises, may, as a special exception be changed to another proposed use equally or more appropriate to the district than the existing nonconforming use. (Ord. 104 Art. 7 §5, 1982)

18.36.060 Repairs and maintenance. A. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing to an extent not exceeding fifty percent of the assessed value of the building, provided that the cubic content of the building shall not be increased.

B. Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting public safety, except that if a building has been condemned it may not be restored under this title.

C. Nothing in this title shall be deemed to prevent any structural alteration that would reduce the degree of nonconformance or change the use to a conforming use. (Ord. 104 Art. 7 §6, 1982)

18.36.070 Other nonconforming uses. The following uses that are nonconforming to the zone in which they are located are declared to be a public nuisance and detrimental to the health, safety, and welfare of the town. Therefore, the adverse effects of these uses shall be mitigated according to the provisions below:

A. Junkyards. Junkyards which are located in any zoning district but which at the time of enactment of the ordinance codified in this title are not enclosed by a solid eight-foot fence, either must be removed or enclosed by such fence within six months from the effective date of the ordinance codified in this title.

B. Signs.

1. Any sign of a flashing or blinking nature or any illuminated sign where the light source moves or is not of constant intensity shall either be removed or the cause of such fluctuation eliminated within six months from the effective date of the ordinance codified in this title.

2. Any sign which advertises a discontinued business service, or activity shall be removed within six months of the effective date of the ordinance codified in this title. (Ord. 104 Art. 7 §7, 1982)

Chapter 18.40

SPECIAL USES

Sections:

18.40.010 Special use permit.
18.40.020 Application.
18.40.030 Procedure before the town board.
18.40.040 Reapplication.
18.40.050 Expiration and revocation of special use permits.

18.40.010 Special use permit. The special use permit provision of this title permits additional uses to be instituted in each zone when proper conditions exist which will permit such use to be in harmony with existing and proposed land use. If the proposed use is not listed as an allowed special use within the zoning district where the property is located, the presumption shall be that the special use permit will not be granted. Planned unit developments, however, are permitted as a special use in any zone. If a special use permit is granted by the town board, such permit must be posted in a conspicuous place of such premise. (Ord. 198 (part), 1998: Ord. 104 Art. 8 §1, 1982)

18.40.020 Application. An application for a special use must be filed with the town board and applicable filing fees paid. The application shall contain the following information:

A. Name and address of applicant;

B. A description and site plan of the property. The site plan shall show the boundary of the property, proposed buildings, parking, landscaping and signing concepts, streets and other facilities to be developed. The plan shall be drawn to reasonable scale for easy interpretation;

C. A legal description of the property in question;

D. Topographic information shall be provided when drainage may affect the site development plan;

E. A time schedule of construction;

F. Such additional information as may be requested by the town board to properly review and render a decision on the application;

G. Existing zoning classification. (Ord. 198 (part), 1998; Ord. 104 Art. 8, §2, 1982)

18.40.030 Procedure before the town board. If the town board approves consideration of proposed special use permit, a public hearing on the matter will be held. No later than sixty days after the town board's preliminary

approval, the town board shall act to either approve or deny the proposed special use permit. Within five days after the decision by the town board, the applicant shall be notified of the approval or denial of the requested special use permit. If denied, reasons for the denial shall be explained. (Ord. 198 (part), 1998: Ord. 104 Art. 8 §3, 1982)

18.40.040 Reapplication. A. The town board cannot reconsider the request without another notice and hearing.

B. In the event that the proposed special use permit is denied by the town board, no new request for the same or substantially same special use shall be accepted for a period of six months from the date of such denial. (Ord. 104 Art. 8 §4, 1982)

18.40.050 Expiration and revocation of special use permits. A. Every special use permit granted under the provisions of these regulations shall expire by limitation and become null and void if the use authorized by such permit is not commenced within one year from the date of such permit or if the construction, work or new use of land or building(s) authorized by such permit is suspended or abandoned at any time after such is commenced for a period of one year. Before such use can be recommenced, a new permit shall be first obtained.

B. Every special use granted upon condition shall be revoked and become null and void upon failure of the applicant to meet the stated conditions for approval. Such continued failure shall be considered a violation of this title and shall be subject to the penalties specified elsewhere in this title.

C. Every special use granted for a limited period of time shall expire upon the expiration of the completed time, except that renewal may be obtained if allowable. (Ord. 104 Art. 8 §5, 1982)

Chapter 18.44

MOBILE HOME REGULATIONS

Sections:

18.44.010 Location.
18.44.020 Use on individual lots.

18.44.010 Location. Locational requirements of mobile homes, either on a permanent or temporary basis, are delineated in this chapter and Chapters 18.48 and 18.52. (Ord. 104 Art. 9 §1, 1982)

18.44.020 Use on individual lots. A. Permanent Installation. Location of mobile homes on a permanent basis is permitted in District R-3 and District C, by special use permit, providing the following standards are met:

1. The construction of the mobile home shall comply with the International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition.

2. The mobile home is placed on a permanent foundation as defined by the latest edition of the International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition, and Municipal Building Code, and the axles and wheels are removed, and shall be skirted in such a manner as to be in accordance in design and color to be in harmony with the mobile home.

3. Minimum requirements for lot size, front, side and rear yards and all other standards pertaining to zone district where the mobile home is located are met.

B. Nonconforming. Mobile homes, which are to be inhabited, and do not conform to the standards designated in subsection A, shall be placed in either a mobile home park or a transient mobile home park. (Ord. 233 § 4(part), 2008; Ord. 198 (part), 1998: Ord. 104 Art. 9 § 2, 1982)

Chapter 18.48

MOBILE HOME PARK REGULATIONS

Sections:

18.48.010 Placement of mobile homes on individual lots.
18.48.020 Mobile home parks.
18.48.030 New mobile home parks.
18.48.040 Existing mobile home parks.
18.48.050 Penalties.

18.48.010 Placement of mobile homes on individual lots. Placement of mobile homes on a permanent basis is permitted exclusively in the R3 zone pursuant to ordinances (zoning, historical preservation and others as applicable) provided the following standards are met:

A. The construction of the mobile home shall comply with the latest edition of the Colorado state building codes for mobile homes and the regulations of ANSI 119.1.

B. All restrictions and requirements imposed for the R3 zone shall be applicable to mobile homes including minimum lot size.

C. The mobile home is placed on a permanent foundation as defined by the latest edition of the International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition, applicable manufacturer's regulations and/or recommendations, and applicable town of La Veta ordinances and regulations. If any conflict arises among the above regulations and laws, the more restrictive shall apply.

D. All axles and wheels must be removed and the mobile home shall be skirted in such a manner as to be in harmony with the mobile home's design and color. (Ord. 233 § 4(part), 2008; Ord. 207 (part), 2001)

18.48.020 Mobile home parks. Mobile home parks are permitted according to zoning ordinances, and this chapter in the R3 zone by special use permit and in commercial zone by special use permit (see Chapter 18.40 et seq). Mobile home parks shall meet all regulations and requirements imposed by the laws of the state of Colorado. (Ord. 207 (part), 2001)

18.48.030 New mobile home parks. The town may approve upon application new mobile home parks if the following are met:

A. Each mobile home lot shall be clearly designated and the mobile home park shall be arranged so that all mobile homes shall face or abut on a driveway not less than thirty feet in width. The driveways shall be built with sufficient crown and adequate surface material to ensure travel in all weather conditions by ordinary vehicles.

B. The minimum lot size of a mobile home lot shall be two thousand five hundred square feet and each lot shall be designed to provide sufficient size to comply with the setback requirements as stated in subsection C of this section.

C. Setback and yard requirements (as measured from the mobile home to the lot line):

1. Lot width - minimum of thirty-five feet;
2. Front yard setback - minimum of ten feet;
3. Side yard setback - minimum of ten feet;
4. Rear yard setback - minimum of twenty feet;
5. From park boundary line - minimum of twenty feet.

D. Each lot for a mobile home shall be permanently, clearly and distinctly marked.

E. Water and sanitary sewer lines shall be installed to each lot in the mobile home park, with size and location to be approved during the application process, and the same connected to the La Veta water and sewer systems.

F. Off access road parking shall be provided for two vehicles (including recreational units, boats, trailers, etc.) for each mobile home lot. No other vehicles shall be permitted in the mobile home park.

G. No less than twenty percent of the total area of the mobile home park shall be devoted to open space/recreational facilities exclusive of streets, access roads, alleys, driveways, service or maintenance buildings and parking areas.

H. All utility lines within the mobile home park shall be underground.

I. Each mobile home is required to have skirting in such a manner to be in harmony with the mobile home in

terms of design and color.

J. Landscaping shall be required and approved by the town board. Landscaping plans and an installation schedule shall be submitted prior to the final approval of the mobile home park. All landscaping shall be designed to provide an attractive entrance and street frontage, provide dust and erosion control, and provide a neat, attractive and aesthetically pleasing appearance. The park shall be separated or screened from dissimilar adjacent properties by means of fences, walls or landscaping when deemed appropriate by the town board.

K. A system of refuse collection and disposal must be in place. This system shall provide that the storage, collection and disposal of refuse in the mobile home park shall be so managed as to avoid health hazards, rodent harborage, insect breeding, accident hazards, or air and water pollution.

L. No permanent outbuildings shall be allowed on lots designated for a mobile home. Temporary outbuildings shall be sufficiently anchored and meet set back requirements defined in Section 18.48.030(C). Service or maintenance buildings shall be allowed on a lot designated for such purposes.

M. Any additions (including but not limited to porches, mud rooms, etc.) to mobile homes in mobile home parks shall require building permits.

N. Where the lack of pedestrian walkways would constitute a safety hazard, such walkways shall be provided along interior park streets and from such streets to service facilities.

O. Roadways and walkways within the park shall be illuminated during hours of darkness to permit safe movement of individuals and vehicles. (Ord. 207 (part), 2001)

18.48.040 Existing mobile home parks. Those mobile home parks in existence at the time when the ordinance codified in this section becomes effective must comply with Section 18.48.030 within six months or apply for a special use permit to operate a non-conforming mobile home park. In no case will a mobile home park be allowed to become more non-conforming. (Ord. 207 (part), 2001)

18.48.050 Penalties. Any person violating this chapter shall be deemed guilty of a misdemeanor and be subject, upon conviction, to a maximum fine of one thousand dollars. Each day that a violation occurs or continues to occur after notice of such violation has been served shall be punishable as a separate offense. (Ord. 207 (part), 2001)

Chapter 18.52

TRANSIENT RECREATIONAL UNITS

Sections:

18.52.010	Placement or use on public property.
18.52.020	Current registrations and licenses required.
18.52.030	Placement or use on private vacant lots or parcels.
18.52.040	Storage by owner or lessee on developed private lots or parcels.
18.52.050	Use as a temporary residence on private property.
18.52.060	Recreational parks.
18.52.070	Purpose of recreational parks.
18.52.080	New recreational parks.
18.52.090	Existing recreational parks.
18.52.100	Penalties.

18.52.010 Placement or use on public property. A recreational unit may be placed, parked or located on public property, lot, road or alley, or occupied as a temporary residence on such sites only with the prior written permission of the mayor, marshal or other designee of the board of trustees of the town. No recreational unit may be placed, parked or located on any public property, lot, road or alley, or occupied as a temporary residence on such sites in the town for more than two forty-eight hour periods in any calendar year. Under no circumstances may a recreational unit be placed, parked or located on any public property, lot, road or alley in a manner that the mayor, marshal or other designee of the board of trustees of the town deems to be unsafe or could adversely affect the public health, safety or welfare. Removing or not occupying a recreational unit from such public property for a temporary period of time to circumvent the ordinance codified in this section shall constitute a violation of this section. (Ord. 207 (part), 2001)

18.52.020 Current registrations and licenses required. All recreational units shall be required to be currently registered and licensed according to the regulations of the Colorado Division of Motor Vehicles or those of another state. (Ord. 207 (part), 2001)

18.52.030 Placement or use on private vacant lots or parcels. No recreational unit may be placed or parked on any privately owned vacant lot or parcel, whether for a fee or otherwise, unless such lot or parcel is part of a recognized recreational park. (Ord. 207 (part), 2001)

18.52.040 Storage by owner or lessee on developed private lots or parcels. One recreational unit may be placed or parked for storage purposes on a developed private lot or parcel, for an indefinite period of time, provided that, the recreational unit complies with all provisions of this chapter, including being currently registered and licensed, and, provided that, the recreational unit's current registration or license is in the name of the owner or lessee of the private property. Placement of a recreational unit on a private lot or parcel that is subject to the historic preservation ordinances of the town shall not be a violation of such ordinances, provided that, the location for placement on the lot or parcel shall be in compliance with applicable provisions of the historic preservation ordinances and be approved in advance by the historic preservation committee. (Ord. 207 (part), 2001)

18.52.050 Use as a temporary residence on private property. An owner or lessee, or guests of such owner or lessee, of a developed private lot or parcel may occupy as a temporary residence a recreational unit placed on such property for a period of time not to exceed fourteen days in any calendar year. Neither sewer nor water can be connected nor temporary extensions for such service from a dwelling or structure is allowed for any recreational unit placed on such developed private lot or parcel outside of a recreational park. (Ord. 207 (part), 2001)

18.52.060 Recreational parks. Recreational parks are permitted by the town zoning ordinances in the R-3 zone by special use permit and commercial zone by special use permit (see Chapter 18.40 et seq). (Ord. 207 (part), 2001)

18.52.070 Purpose of recreational parks. Recreational parks are intended to provide rental parking spaces and sites for recreational units that are used for temporary human occupancy or residence and storage for unoccupied recreational units.

A. Recreational units in recreational parks that are used for temporary residence or occupation shall not exceed one hundred eighty days in each calendar year in the town. The one hundred eighty-day limit applies to the specific recreational unit regardless of it being moved to other recreational parks in the town.

B. Recreational parks may provide rental parking spaces and sites for storage of unoccupied recreational units for an indefinite period of time, provided that, no recreational park may provide such storage spaces or sites that exceed the lesser of: ten such spaces or sites or twenty percent of the total number of rental spaces or sites in the recreational park, and further provided that, such storage spaces or sites be dedicated exclusively for such storage on a year round basis. Designation of storage

spaces and sites shall be approved by the town board upon submittal by the owner, his or her agents, lessees or assigns of the recreational park only on an annual basis during the month of January. All the provisions of this chapter are applicable to such designated storage spaces or sites. The location for such designated spaces or sites within the recreational park must be approved in advance by the town.

C. The manager of a recreational park shall keep such records indicating the license number and/or registration information of each recreational unit that parks in or utilizes the recreational park and the manager shall record the dates of the unit's arrival and departure. Required records shall be kept for a minimum of twenty-four months and shall be disclosed to officials of the town upon request. (Ord. 207 (part), 2001)

18.52.080 New recreational parks. The town may approve upon application new recreational parks if the following are met:

A. Each recreational unit space or site shall be clearly designated and the park shall be arranged so that all spaces or sites shall face or abut a driveway or access road not less than thirty feet in width if it is used for two way traffic or fifteen feet in width if it is used for one way traffic. All curves for driveways or access roads shall have a forty-foot turning radius to allow access by emergency vehicles. The driveways or access roads shall be built with sufficient crown and adequate surface material to ensure travel in all weather conditions by ordinary vehicles.

B. A minimum of eighty percent of the total number of all spaces or lots shall be equipped with a surfaced area of not less than twenty feet by thirty feet and each of these shall contain hookups for water, sewer and electricity. Surfacing shall consist of gravel, asphalt or concrete to ensure proper drainage and minimize dust. The sewer hookup shall be to the town system by way of a branch line and riser pipe at least four inches inside diameter. The riser pipe shall be capped with a watertight cap or plug when not in use. All plumbing and electrical systems shall conform to all state and local laws and regulations. No space or lot containing water or sewer hookups may be occupied and inhabited by a unit in cold weather if such unit is not independently capable of serving the inhabitants water and disposing of sewage or if such systems are not operable.

C. If a recreational park provides any rental spaces that are not served with water/sewer/electrical hookups, the park must provide toilets and showers appropriate in number to serve the number of spaces without hookups and an accessible, adequate, safe and potable supply of water from the town. Such toilets and showers must be connected to the town's water and sewer system and be maintained in a clean

and sanitary condition at all times.

D. If a recreational park owner chooses not to have toilet or shower facilities, the park may only rent spaces for temporary residency purposes to recreational units that have operable independent water and sewage systems.

E. Minimum space or lot size shall be six hundred square feet for those that are surfaced and contain hookups and shall be three hundred square feet for others. Such minimum square footage shall not include any area required for driveways or access roads, off street parking, service buildings, recreation/open space areas, offices or other common park amenities.

F. No less than ten percent of the total area of the recreational park shall be devoted to open space/recreational facilities exclusive of streets, driveways, access roads, alleys and parking areas.

G. Setback and Yard Requirements:

1. Between any lot or space and a building - minimum of twenty feet;

2. Between any lot or space and any public right of way (roads or alleys) - minimum of fifteen feet;

3. Between any lot or space and any property line of the park - minimum of seven feet on sides and five feet on the back;

4. Between any occupied recreational unit either end to end or side to side - minimum of ten feet;

5. Abutting Colorado State Highway 12 - minimum of fifty feet.

H. One interior off road parking space shall be provided for each unit. No parking shall be allowed on an interior road.

I. If a park provides a sanitary disposal station, the disposal station shall be for the sole purpose of removing and disposing of wastes from holding tanks in a clean and efficient manner from recreational units that rent spaces in the park. Each station shall consist of a drainage basin of impervious material containing a disposal hatch and self closing cover and related washing facilities. The disposal hatch shall be connected to the town sewage system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the park's water supply system. Each station shall be posted with a sign stating "Danger -- NOT to be used for drinking or domestic purposes." Stations shall meet state and local health department regulations and contain a surfaced area with appropriate drainage to a center drain surrounding such station.

J. All utility lines within the park shall be underground.

K. The water system shall be designed, constructed and maintained in compliance with state and local health laws and regulations and supplied by water from the town water department.

L. The storage, collection and disposal of refuse

shall be conducted to control odors, insects, rodents, fire hazards, accidents, air pollution or nuisance conditions. All refuse shall be stored in durable, washable and non-absorbent metal or plastic containers with tight fitting lids. Containers shall be provided to all rental spaces, or there shall be provided a centrally located storage area located not more than two hundred feet from any rental space. All containers shall be secured in a rack or holder, capable of securing containers in winds of seventy-five mph. Refuse shall be routinely collected and removed from the park not less than once weekly.

M. Landscaping shall be required and approved by the town board. Landscaping plans and an installation schedule shall be submitted prior to the final approval of the recreational park. All landscaping shall be designed to provide an attractive entrance and street frontage, provide dust and erosion control, and provide a neat, attractive and aesthetically pleasing appearance. The park shall be separated or screened from dissimilar adjacent properties by means of fences, walls or landscaping when deemed appropriate by the town board.

N. Temporary structures such as canvas awnings, screened enclosures or platforms may be erected but must be completely removed when the space is vacated. No other structures including storage sheds shall be allowed within a rental space.

O. No open fires shall be allowed and other fires shall be made only in stoves or equipment intended for such purposes in locations that are not hazards to vegetation, undergrowth, trees or other units.

P. Tents or other collapsible temporary shelters are allowed in recreational parks if the park provides potable water, operable toilets and showers as required under subsection C of this section.

Q. Where the lack of pedestrian walkways would constitute a safety hazard, such walks shall be provided along interior park streets and from such streets to service facilities.

R. Interior streets and walkways shall be illuminated during hours of darkness to permit safe movement of individuals and vehicles. (Ord. 207 (part), 2001)

18.52.090 Existing recreational parks.

Those recreational parks in existence at the time when the ordinance codified in this chapter becomes effective

must comply with Section 18.52.080 within six months or apply for a special use permit to operate a nonconforming recreational park. In no case will a recreational park be allowed to become more nonconforming. (Ord. 207 (part), 2001)

18.52.100 Penalties.

It shall be unlawful for any person to violate any provision of this chapter. (Ord. 207 (part), 2001) (Ord. No. 250, § 15, 6-16-2009)

Chapter 18.56

PLANNED UNIT DEVELOPMENTS

Sections:

18.56.010 Intent.
18.56.020 Objectives.
18.56.030 General requirements.
18.56.040 Application requirements.
18.56.050 Procedure before town board.
18.56.060 Notification of approval or denial.
18.56.070 Modification.
18.56.080 Design requirements.
18.56.090 Reapplication.

18.56.010 Intent.

A. A planned unit development is a project designed to encompass new concepts in land development while at the same time providing better living environments for future inhabitants. Variation of normal zoning and subdivision regulations may be appropriate to accomplish diversity as long as the intent of this title is maintained. This concept will permit single-family, two-family, apartments, townhouses, and other forms of housing subject to the standards described in this chapter.

B. Planned developments shall be allowed as a special use in each of the zoning districts established by this title subject to the regulations governing special uses.

C. The purposes of this chapter shall be to:

1. Encourage more efficient use of land and public services;

2. Encourage and provide for the efficient and compatible integration of residential, commercial, and industrial development so that the growing demands of the population may be met by greater variety in the type and design of buildings and by the conservation and more efficient use of open spaces;

3. Provide a procedure which can relate the type and design of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics. (Ord. 104 Art. 12 §1, 1982)

18.56.020 Objectives. In order to carry out the aforementioned intent, a PUD shall achieve the following objectives:

A. Contain adequate usable open space and recreation area;

B. Preserve trees, outstanding natural topography, and geologic features while preventing soil erosion and uncontrolled surface water drainage;

C. Use land efficiently, resulting in smaller networks of utilities and streets and thereby lowering housing costs;

D. Possess harmonious design and site planning of a quality that will provide a desirable environment. (Ord. 104 Art. 12 §2, 1982)

18.56.030 General requirements. The following general standards shall be observed regarding planning, design, and construction of the PUD:

A. The PUD shall be designed in a manner such that whenever possible it protects the environmental assets of the area.

B. The PUD design and construction plans must be accompanied by a detailed soil engineering report on the suitability of the area for the intended use before a building permit may be issued.

C. Such areas shall be located with respect to necessary facilities as to have access in the same degree as would development under existing zoning, and shall be so located and designed that access for public services is equivalent to, and net costs for such services is not greater than, access and net costs for public services for development as permitted under existing zoning, or the developer must offset the added public expense. (Ord. 104 Art. 12 §3, 1982)

18.56.040 Application requirements. Prior to construction of a PUD, an application must be submitted for review by the town board and must be accompanied by a preliminary development plan and a written statement.

A. Preliminary Development Plan. The preliminary development plan shall show the major details of the proposed planned unit in sufficient detail to evaluate the land planning, building design, and other features of the PUD. The plan must contain the following information:

1. Name of or ownership of the PUD;
2. Scale, north arrow, and date;
3. Dimensions of all subdivided lots to the nearest foot;
4. The existing topography of the land at two-foot intervals;
5. Existing features found on the premises;
6. Soil types and their boundaries;
7. Location, identification, and dimensions for all proposed public and private easements;
8. A composite utilities easement plan showing location, size, and proposed use of all easements;
9. Proposed land uses and types of structures with approximate location of major buildings;
10. Building plans;
11. Location of proposed automotive and pedestrian circulation systems and off-street parking areas;
12. Location of proposed open spaces;
13. Landscaping plans;
14. Areas subject to flooding.

B. Written Statement. The written statement to be submitted with the application for the PUD must contain the following information:

1. Name and address of applicant;
2. Legal description of all land to be included in the PUD;
3. A list of property owners within the PUD area and the area adjacent to it;
4. The existing zoning classifications;
5. The number of acres and percent of the total area of the PUD each proposed use will comprise;
6. A development schedule;
7. Evidence of the availability of public water and sewer facilities;
8. Evidence acceptable to the town board of the financial feasibility of the project and the capability of the developer to complete the project. (Ord. 104 Art. 12 §4, 1982)

18.56.050 Procedure before town board. After receiving the report and recommendation of the town board, the town board shall hold a public hearing on the proposed PUD application in accordance with Chapter 18.40. After the

public hearing, but no later than sixty days after receipt of the application, the town board shall act to either approve or disapprove the PUD application. (Ord. 104 Art. 12 §5, 1982)

18.56.060 Notification of approval or denial. Within five days after the decision by the town board, the applicant shall be notified of approval or denial of the final development plan. If denied, reasons for the denial shall be specified. (Ord. 104 Art. 12 §6, 1982)

18.56.070 Modification. Except as follows, no changes may be made in the PUD after approval of the final plan:

A. Minor changes in the location, size, or character of buildings or structures may be authorized by the building inspector/zoning enforcement officer. (Ord. 104 Art. 12 §7, 1982)

18.56.080 Design requirements. A. A minimum of one acre is required for a PUD.

B. The average density of residential areas within the PUD shall not exceed sixteen units per acre.

C. Any land subject to flooding or in a natural drainage channel shall not be approved for PUD until adequate provisions to control hazards are made and approved.

D. Areas which cannot be feasibly serviced by necessary public services shall not be approved for a PUD.

E. The developer shall provide water and sewage facilities for connection to a public system, or include sewage treatment facilities which meet department of health standards.

F. Every PUD shall provide for adequate and safe circulation of pedestrian and vehicular traffic.

G. Refuse storage areas should be conveniently located and enclosed in structures capable of keeping out animals.

H. There shall be a minimum of ten feet between structures.

I. Common open space shall constitute not less than twenty-five percent of the total area of the PUD. (Ord. 104 Art. 12 §8, 1982)

18.56.090 Reapplication. In the event that the proposed PUD is denied by the town board, no new request for the same or substantially same special use shall be accepted by the town board for a period of six months from the date of such denial. After holding the required hearing and denying a special use permit for PUD, the board cannot reconsider the request without another notice and hearing. (Ord. 104 Art. 12 §9, 1982)

Chapter 18.60

SIGN REGULATIONS*

Sections:

18.60.010 Purpose.
18.60.020 Definitions.
18.60.030 Signs that do not require a sign permit.
18.60.040 Prohibited signs.
18.60.050 Signs that require a sign permit.
18.60.060 General sign provisions.

18.60.010 Purpose.

The provisions of the sign regulations are intended to:

A. Provide for business signs that retain the special character and economic advantages that rest largely on the quality of the town's appearance;

B. Protect the public from hazardous conditions by prohibiting signs that are structurally unsafe, distract the vision of motorists, or compete with necessary traffic and warning signs;

C. Ensure that signs are well-designed and contribute in a positive way to the town's visual environment, and help develop a distinctive image for the town;

D. Bring nonconforming signs into compliance with these regulations.

(Ord. No. 291; § 5, 9-20-2016)

18.60.020 Definitions.

A. "Banner sign" means a sign which is constructed of cloth, canvas, or similar material, easily folded or rolled up, but excludes paper and cardboard.

B. "Billboard" means a free standing sign for the display of advertisements in public places, such as alongside Highways.

C. "Commemorative sign" means a sign that is placed in commemoration of a person or event.

***Editor's note**—Ord. No. 291, §§ 1--4, adopted Sept. 20, 2016, repealed the former Ch. 18.60, §§ 18.60.010--18.60.040, and § 5 enacted a new Ch. 18.60 as set out herein. The former Ch. 18.60 pertained to similar subject matter and derived from Ord. 104 Art. 13 §§ 1--4, adopted in 1982; Ord. 198 (part), adopted in 1998.

D. "Ground sign" means the sign is wholly supported by a sign structure in the ground.

E. "Illuminated sign" means any sign which is directly lighted such as neon tubing; externally lighted by spotlights; or internally lighted such as gas station signs.

F. "Maintenance" means the replacing, repairing, or repainting of the sign structure, or renewing of copy that has been made unusable by ordinary wear and tear, weather or accident or obsolences.

G. "Monument sign" means a freestanding sign attached to the ground by a base or support(s) designed as an architectural unit of the design.

H. "Nonconforming sign" means any sign which was lawfully erected, constructed or placed on a lot or parcel prior to the adoption of these regulations or amendments thereto which no longer conforms to the sign regulations contained in this title.

I. "Permanent sign" means any sign which is permanently affixed or attached to the ground or to any structure.

J. "Premises" means the land, building or portion of the building occupied by the business or activity being conducted and sought to be advertised.

K. "Principle building" means the building or structure that contains the primary use on a lot.

L. "Portable sign" means any sign not permanently attached to the ground or to any structure.

M. "Projecting sign" means any sign projecting at a ninety (90) degree angle from the structure to which the sign is attached.

N. "Sign" means a name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.

O. "Sign area" means the entire area of a sign.

P. "Sign setback" means the required minimum distance horizontally between a property boundary or edge of back of curb and any part of a sign or sign structure.

Q. "Sign structure" means any supports, uprights, braces, or framework of a sign.

R. "Temporary sign" means any sign, banner, or similar device that may be erected for a temporary period.

S. "Window sign" means any sign placed inside or upon a window facing the outside of the building.
(Ord. No. 291; § 5, 9-20-2016)

18.60.030 Signs that do not require a sign permit.

The following signs shall be non-illuminated, except temporary holiday decorations, and are allowed as long as they are properly maintained in accordance with these regulations and cannot be placed on town property:

A. Commemorative signs. One commemorative sign per premises that does not exceed a maximum area of four square feet in all zoning districts.

B. Construction signs. One temporary construction sign per premise that does not exceed a maximum area of four square feet in all districts. Such signs shall be removed within seven days following the completion of the project.

C. Election signs. Any sign relating to a candidate, issue, proposition or other matter to be voted upon by the electors of the town that does not exceed a maximum area of four square feet in all zoning districts, but may not be placed on town property. Such signs shall not be erected more than thirty days prior to an election and shall be removed within seven days following the election.

D. Real estate signs. Temporary signs indicating the availability for sale, rent, or lease of a specific lot, or building, which do not exceed a maximum area of four square feet for residential properties, or a maximum area of sixteen square feet area for nonresidential properties, are located on the property advertised by the sign, and limited to one such sign per street frontage. Such signs shall be removed within seven days following sale or rental of the subject property.

E. Temporary event signs. Any banner, poster or advertisement, to promote special events that does not exceed a maximum area of sixteen square feet, provided that

such signs are posted no more than fourteen days prior to the event and are removed within seven days after the event.
(Ord. No. 291; § 5, 9-20-2016)

18.60.040 Prohibited signs.

The following types of signs or lighting of signs are prohibited in all zoning districts:

A. Any flashing or moving signs or signs with moving lights.

B. Any floodlighting of signs that spill over onto adjoining property or shine into the eyes of motorists.

C. Any sign that obstructs any door, fire escape, stairway, ladder, or openings intended to provide ingress or egress for any building.

D. Any attached sign projecting above the roof line of a structure.

E. Any billboards.

F. Portable signs on town property.

(Ord. No. 291; § 5, 9-20-2016)

18.60.050 Signs that require a sign permit.

A. Home occupation signs. Permitted in R1, R2, R3 residential districts and commercial districts, in which home occupations are permitted with the intent to identify a home occupation. A home occupation is limited to one non-illuminated sign not to exceed a maximum area of four square feet and mounted flat against the wall of the principal building.

B. Nonresidential uses located in R1, R2 and R3 zone may be identified or advertised by a sign not exceeding a maximum area of thirty two square feet at a height not to exceed the main ridge line of the principle building.

C. Canopy or awning signs. All lettering shall not exceed a maximum area of four square feet.

D. Freestanding ground signs. Permitted in neighborhood commercial and commercial districts and intended to identify individual business, retail shop, office, gallery or other commercial structure. The sign must be located on the premises of the use being advertised, and does not include easements of any kind on town property or similar adjacent parcels of land. The sign shall not exceed a maximum area of fifty square feet and at a height not to exceed the

main ridge line of the principal building or thirty-five feet, whichever is less. Externally or internally lighted signs are permitted.

E. Wall signs. Permitted in neighborhood commercial and commercial districts and are intended to identify individual businesses, retail shop, office, gallery or other commercial structure. Signs that lay flat against the building may not exceed a maximum area of fifty square feet and at a height not to exceed the main ridge line of the principal building. The wall sign must be located on the premises.

F. Projecting signs. Signs that project from the building may not exceed a maximum area four square feet and may not project more than three feet from the building wall. Any sign projecting over town property must have town board approval. The sign must be located so that it does not interfere with town use, impede vehicular or pedestrian traffic, or create a traffic or safety hazard or other nuisance. Proof of insurance with the town as an additional insured will be required.

G. Portable signs. No portable sign is allowed on town of La Veta property in any zone. Signs may be placed on private property to identify or advertise only one activity or use conducted upon or related to the premises. No more than one sign per business. The sign must be located so that it does not interfere with town use, impede vehicular or pedestrian traffic, or create a traffic or safety hazard or other nuisance. The sign may not exceed a total area of sign of eighteen inches wide by forty-eight inches high.

H. Directory signs for retail shopping in business centers. One freestanding ground sign is permitted in the commercial district with the intent to list and locate all merchants within the center for pedestrian or internal automobile traffic. The maximum sign area shall not exceed fifty square feet and at a height not to exceed the main ridge line of the principal building. Sign must be located on the premises. Non-illuminated or internally illuminated signs are permitted.

I. Marijuana signs.

1. All signs for medical and/or retail marijuana establishments must conform to Ordinance No. 277, La Veta Municipal Code, Section 9.16.112, Signage and with

state medical and recreational requirements and regulations, M 110 Series, R 1100 Series, Signage, Marketing and Advertising.
(Ord. No. 291; § 5, 9-20-2016)

18.60.060 General sign provisions.

A. Design submittals. All signs and sign plans in all zoning districts shall meet design criteria and standards as follows and must be submitted to the town hall for review by the La Veta town board.

1. Signs must be harmonious with the town scale, and the location, configuration, design, materials and colors must be harmonious with the existing signs on surrounding buildings on the street.

2. Signs must be harmonious with building scale, and should not visually dominate the structure to which it belongs.

3. Quality materials that compliment the building materials shall be used.

4. The sign and its supporting structure should be in harmony architecturally, and in harmony in color with the surrounding structures.

5. Lighting should be of no greater wattage than is necessary to make the sign visible at night, and should not create a disability glare. Freestanding and monument signs up-lighting with spotlights is permitted, but shall minimize the effects of lighting on the night sky.

6. Name and address of property owner and a letter of consent from the owner of the building or property, if the applicant is not the owner.

7. Name, address and telephone number of the applicant and the applicant's signature.

B. Requirements for a sign permit. It shall be unlawful for the owner, manager, or occupant of any property located within the town of La Veta to erect, maintain, or permit the erection or maintenance of any sign without first obtaining a sign permit through the following procedure:

1. An application for a sign permit shall be filed with the building inspector and shall contain the following information.

a. Scale drawing of the site plan, specifications, elevation and method of construction of the sign

and its supports, showing proposed dimensions, materials, and colors, and the type, intensity and design of the sign's illumination.

b. A plot plan showing the location of the sign on the property. If the sign is to be attached to the face of the building, the plot plan shall also show the outline of the building, the physical address and legal description of property where sign will be located;

c. Name and address of property owner or a letter of consent from the owner of the building or property, if the applicant is not the owner.

d. Name, address and telephone number of the applicant and the applicant's signature;

2. The fifty dollar fee for the sign permit shall be tendered with the application.

3. When retail shopping centers, business centers, or other commercial centers are to be developed or redeveloped, the commercial development permit application must address size, height, design, lighting, color, materials, and type and method of construction to insure that all signage within the center is designed in a harmonious, consistent, and compatible manner.

C. Measurement. In determining the sign area, the following procedure shall be used:

1. For signs involving individual letters which are placed flat against the facade of a building or which are to be supported on individual standards and which will be freestanding, the area of said sign shall be considered to be that of a single rectangle or square encompassing all of the letters used to convey the message of the sign, and shall include the open space between letters of words within that squared rectangle. The height of the letters shall be measured on the upper case letters.

2. For signs, either freestanding or facade mounted, with background material, the area measurement shall be determined by the area of the entire sign, including background material.

3. For all two-faced free standing or projecting signs, the area measurement shall be determined by measurement of one face of the sign only. No sign shall have more than two faces.

4. The height of any sign shall be determined by the distance between the topmost portion of the sign or the structure supporting the sign and the elevation of the ground at the base of the sign.

D. Illumination requirements. For the protection of the town's appearance and to minimize light pollution and traffic hazards caused by glare, illuminated signs shall be subject to the following restrictions and limitations:

1. Any light used for the illumination of a sign shall be shielded so that the beams or rays of light directly will not shine directly onto surrounding areas.

2. Neither the direct nor the reflected light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.

E. Maintenance and notice to repair or remove. No person shall fail to maintain a sign on such person's premises, including any sign that does not require a sign permit in good condition at all times. The code enforcement officer shall inspect and may order the painting, repair, alteration, or removal of a sign that constitutes a hazard to safety, health or public welfare because of inadequate maintenance, dilapidation, or obsolescence. If the sign is not maintained in accordance with the provisions of this sign code, the code enforcement officer may declare it a public nuisance and may require that the owner of the sign or the owner of the property where the sign is located to repair or alter the sign to bring it into conformity with the requirements.

F. Penalties. Failure to comply with building permit requirements and La Veta Municipal Code, Title 18, may be issued a penalty ranging from twenty-five dollars to three hundred dollars per day, each day may be considered a separate offense.

G. Nonconforming signs. Any nonconforming sign which existed, except those signs described in prohibited signs, prior to the adoption of ordinance of this sign code, use may be continued subject to the following provisions:

1. No such sign shall be enlarged or altered in such a manner as to increase its nonconformity.

2. If any such sign or the nonconforming portion thereof be destroyed by any means or removed for any reason, voluntary or otherwise, it shall not be reconstructed or reassembled except in accordance with this chapter.

3. If any such sign should, for any reason, be removed from its present location, it shall conform to the requirements hereof for the zone district in which it is located after it is moved.

4. Any sign that advertises a discontinued business service, or activity shall be removed within ninety days following the cessation of the business. (Ord. No. 291; § 5, 9-20-2016)

Chapter 18.64

SUPPLEMENTAL REGULATIONS

Sections:

18.64.010 Parking and storage of abandoned automobiles.
18.64.020 Certain containers not allowed as outbuildings.

18.64.010 Parking and storage of abandoned automobiles. A. Inoperable vehicles may not be parked or stored on the streets or public ways of the town of La Veta or on zoned or un-zoned property within the town of La Veta other than in completely enclosed buildings.

B. Inoperable vehicle means any automobile, truck, tractor, motorcycle or self-propelled vehicle designed for carrying passengers which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. The existence of any of the following conditions shall raise the rebuttable presumption that a vehicle is inoperable:

1. Absence of any effective, current registration plate on such vehicle;

2. Placement of the vehicle or parts thereof on jacks, blocks, chains or other supports for other than minor repairs;

3. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways; or

4. Removal or absence of identifying marks such as VIN numbers combined with the inability of the vehicle to operate for its intended purpose.

C. The following shall not be presumed to be inoperable vehicles under this code:

1. A vehicle stored in a fully enclosed garage on private property;

2. A vehicle on the premises of a licensed business enterprise when the keeping of the vehicle is related to the operation of the business enterprise, such vehicle must be operational or removed from such property within sixty days;

3. Antique, vintage and/or special designed vehicles used for decoration or ornamental purposes by special use permit of the La Veta town board.

D. The town of La Veta board shall have the authority, following an investigation by the code enforcement officer, to compel the removal of any inoperable vehicle at the owner's expense within fourteen days of the board's decision.

E. It shall be unlawful to fail to remove a vehicle as required by this section and upon conviction of a violation of failure to remove, a fine of not less than twenty-five dollars per day shall be imposed. (Ord. 222, 2003) (Ord. No. 250, § 16, 6-16-2009)

18.64.020 Certain containers not allowed as outbuildings.

A. Any prefabricated/manufactured or made-to-be-assembled unit, including but not limited to boxcars, cargo shipping containers, semi-trailer, enclosed truck box, mobile home, camper trailer, tent, etc., or any similar unit not originally built, or made to be assembled, for use as an accessory structure or residential outbuilding, will not be allowed in any zone.

B. The board of trustees may authorize variances from these regulations in cases where, due to exceptional topographical conditions or other conditions peculiar to the site, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this title. The conditions of any variance authorized shall be stated in writing in the minutes of the town board, with the justifications set forth. (Ord. 169, 1993)

Chapter 18.68

ADMINISTRATION--ENFORCEMENT--PENALTIES

Sections:

18.68.010	Enforcement.
18.68.020	Building inspector/zoning enforcement officer.
18.68.030	Building permits.
18.68.040	Permit regulations.
18.68.050	Inspections.

18.68.060 Fees.
18.68.070 Certificate of occupancy.
18.68.080 Notification, violations, and penalties.

18.68.010 Enforcement.

The provisions of this title shall be enforced by the town board, the town attorney, and the building inspector/zoning enforcement officer by the use of the following methods:

A. Requirement of building permit applications;

B. Requirement of building and occupancy permits;

C. Inspection and ordering removal of violations;

D. Proceedings in municipal court;

E. Injunctive proceedings. (Ord. 104 Art. 15 §1, 1982)

18.68.020 Building inspector/zoning enforcement officer.

This title shall be administered and enforced by the building inspector/zoning enforcement officer. He shall

have authority to make all decisions necessary for the proper enforcement of this title. No oversight or dereliction on the part of the building inspector/zoning enforcement officer shall legalize, authorize, or excuse the violation of any of the provisions of this title. (Ord. 104 Art. 15 § 2, 1982)

18.68.030 Building permits. A. No building or structure shall be erected, moved, or structurally altered unless a permit therefor has been issued by the building inspector/zoning enforcement officer. No permit shall be issued unless the building or structure proposed is in full conformance with this title, except in those instances where a variance has been granted by the board of adjustment.

B. All applications for permits must be accompanied by drawings to scale showing site plan and location and dimensions of fences, signs, and parking.

C. Description of the intended use of the site and the present zoning classification of the site.

D. Valuation of the proposed work.

E. Appropriate building permit and plan-checking fees.

F. When authorized by the building inspector/zoning enforcement officer, plans and specifications need not be submitted to obtain a building permit for small work. (Ord. 104 Art. 15 § 3, 1982)

18.68.040 Permit regulations. A. No building permit will be issued for construction activity on lots without direct access to a public street.

B. No utility of any type shall be connected or installed to any new construction activity until the applicant can furnish proof that a building permit has been issued.

C. Every permit issued by the building inspector/zoning enforcement officer under the provisions of these regulations shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred twenty days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty days.

D. The building permit may be revoked or suspended whenever the permit is issued in error or on the basis of incorrect information supplied.

E. At the time of issuance, the building permit will be posted in a prominent location at the construction site. The notice will remain posted until either a certificate of occupancy is issued or the building permit is revoked. (Ord. 104 Art. 15 § 4, 1982)

18.68.050 Inspections. After a building permit has been issued, the building inspector will periodically make inspection on the construction site to insure all work is in compliance with the International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition, as well as the work description for which the permit was issued. (Ord. 233 § 4(part), 2008)

18.68.060 Fees. The building inspector/zoning enforcement officer will determine a valuation of all work and materials. Based on this valuation, a fee will be determined for issuance of a building permit. Fees will be collected by the building inspector/zoning enforcement officer and received by the town clerk. (Ord. 104 Art. 15 § 6, 1982)

18.68.070 Certificate of occupancy. A. No land or building shall hereafter be changed in use, nor shall any new structure, building or land be occupied or used without first having obtained a certificate of occupancy from the building inspector/zoning enforcement officer.

B. The holder of every building permit shall notify the building inspector/zoning enforcement officer immediately upon the completion of the work authorized by such permit.

C. Within five days of the time of notification that the building is complete and ready for occupancy, the building inspector/zoning enforcement officer will issue a certificate of occupancy to the applicant. (Ord. 104 Art. 15 § 7, 1982)

18.68.080 Notification, violations, and penalties. A. Whenever the building inspector/zoning enforcement officer shall find a violation of any of the provisions of

this title, he shall issue a citation to the person responsible for the violation in writing.

B. Failure to comply with all provisions of this title, unless a variance has been granted, shall constitute a misdemeanor and upon conviction is punishable by a fine of not less than twenty-five dollars, nor more than three hundred dollars. Each day that a violation continues to exist shall be considered a separate offense.

C. Any person aggrieved by a violation or apparent violation of this title may file a written complaint with the building inspector/zoning enforcement officer who shall immediately investigate such complaint and take action to have the violation removed, if such a violation is found to exist. (Ord. 156 (part), 1989; Ord. 104 Art. 15 § 8, 1982)

Chapter 18.72

BOARD OF ADJUSTMENT

Sections:

18.72.010 Created.
18.72.020 Authorized variances.
18.72.030 Decisions of the board.

18.72.010 Created. The board of adjustment shall be the town board. Such board of adjustment shall hereinafter be referred to as the "board." (Ord. 104 Art. 16 §1, 1982)

18.72.020 Authorized variances. Variations from the regulations of this title shall be granted only in accordance with the standards set out in this chapter and may be granted in at least the following instances:

A. To vary the applicable lot area, lot width, and lot depth requirements;

B. To vary the applicable bulk regulations, including maximum height, and minimum yard requirements;

C. To vary the regulations relating to restoration of damaged or destroyed nonconforming uses or structures;

D. To permit the expansion or structural alteration of nonconforming structures or uses. (Ord. 104 Art. 16 §2, 1982)

18.72.030 Decisions of the board. A. The board shall decide on any matter within thirty days after the date of hearing thereon.

B. Any absent member of the board who certifies that he has read the transcript of the proceedings before the board may vote on any issue before the board. The concurring vote of four members of the board shall be necessary to grant a variation from the terms of this title.

C. In granting any variance, the board may prescribe appropriate conditions and safeguards to preserve the spirit and intent of this title. Failure to comply with such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be considered a violation of this title.

D. Any further appeal from the decision of the board may be made to the courts as provided by law, provided that such appeal is made within sixty days following notification of the board's decision. (Ord. 104 Art. 16 §3, 1982)

Chapter 18.76

FEES

Sections:

18.76.010 Building permit and related fees.
18.76.020 Fees for land use matters.

18.76.010 Building permit and related fees.

At the time of issuance of a building permit, a building permit fee shall be collected by the building inspector. In addition, the building inspector shall collect fees for inspections and plan review. Such fees shall be established by the town board by resolution. (Ord. 233 § 4(part), 2008)
(Ord. No. 251, § 13, 6-16-2009)

Editor's note—Ord. No. 251, § 13, adopted June 16, 2009, amended § 18.76.010 as herein set out. Former § 18.76.010 pertained to building permit fees.

18.76.020 Fees for land use matters.

Fees for processing various land use matters under this title including but not limited to fees for zoning map amendments, special use permits, planned unit developments, commercial developments and redevelopments, home occupations, and variances shall be established by the town board by resolution.
(Ord. No. 251, § 14, 6-16-2009)

Editor's note—Ord. No. 251, § 14, adopted June 16, 2009, repealed §§ 18.76.020--18.76.040, which pertained to zoning map amendment fees, special use permit fees and town board authority, and added a new § 18.76.020 as herein set out. Previous §§ 18.76.020--18.76.040 derived from Ord. No. 104, Art. 17, §§ 2--4, 1982.

Chapter 18.80

AMENDMENTS

Sections:

18.80.010 Generally.
18.80.020 Petitions for amendment.
18.80.030 Procedure before town board.

18.80.040 Notification of approval or denial.
18.80.050 Reapplication.

18.80.010 Generally. The regulations imposed and the zone districts created at the time of adoption of the ordinance codified in this title may be amended from time to time in accordance with the statutes of the state. Such amendments may be made whenever the public necessity, health, safety, general welfare and/or good land use planning and zoning practices justify such action. After appropriate review and recommendation by the town board, the town board may amend this title only after it has held the prescribed public hearing of such amendment. (Ord. 104 Art. 18 §1, 1982)

18.80.020 Petitions for amendment. A petition for the amendment of any portion of this zoning title may be initiated by the town board, or any persons in interest. (Ord. 104 Art. 18 §2, 1982)

18.80.030 Procedure before town board. After receiving a zoning amendment, the town board shall hold a public hearing on the matter before acting on the proposed amendment.

A. It is the responsibility of the petitioner to publish public notice of the scheduled public hearing in a newspaper of general circulation in the town at least one and not less than fifteen days nor more than forty-five days prior to the scheduled date of the hearing. Prior to publication, the petitioner must have the public notice approved by the town board for content.

B. In addition to published notice, if the proposed amendment is to amend the zoning map, the petitioner shall notify the owners of the land immediately adjoining the area affected by the proposed zoning map amendment by first-class mail of the proposed revision and hearing on such at least fifteen days prior to the scheduled date for hearing.

C. In addition to the above, the town board may require the petitioner to post the property in question with sign(s) informing the public of the scheduled hearing. Said sign(s), if required, shall notify the general public of the date, time, place, and purpose of the meeting and shall include the present and requested zoning of the property in question.

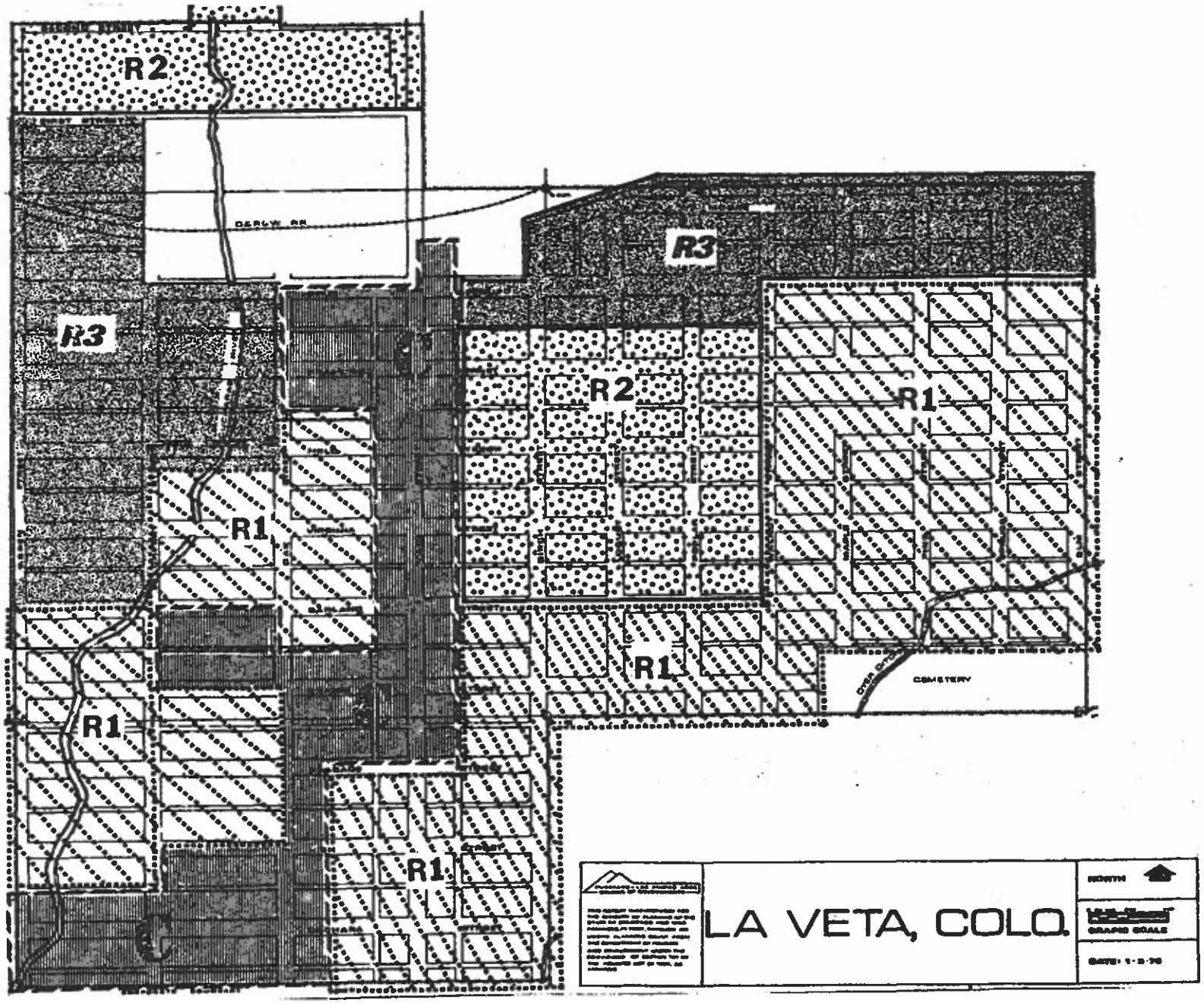
D. At the public hearing the town board shall provide opportunity for parties in interest and citizens to be heard. (Ord. 104 Art. 18 §3, 1982)

18.80.040 Notification of approval or denial. Within five days after the decision by the town board, the applicant shall be notified of approval or denial of the

amendment. If denied, the notification shall include the reasons for the denial. (Ord. 104 Art. 18 §4, 1982)

18.80.050 Reapplication. A. After holding the required hearing and denying a rezoning request, the board cannot reconsider the request without another notice and hearing.

B. In the event that the proposed amendment is denied by the town board, no new request for the same or substantially same amendment shall be accepted by the town board for a period of six months from the date of such denial. (Ord. 104 Art. 18 §5, 1982)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CEMETERY
LA VETA, COLO.
NORTH
GRAPHIC SCALE