



TOWN OF PAONIA
214 GRAND AVENUE
WEDNESDAY, APRIL 03, 2024 5:00 PM
PLANNING COMMISSION MEETING
[HTTPS://US02WEB.ZOOM.US/J/81722551297](https://us02web.zoom.us/j/81722551297)

Roll Call

Approval of Agenda

Approval of Minutes

March 13, 2024 Planning Commission Minutes

Actions & Presentations

1. Public Hearing

Presentation of the draft element portion of the Comprehensive Plan – Economic Development; Governance and Community Participation.

No Formal Action Will be Taken.

2. Public Hearing

Consideration of the Application from Double Shot Twins LLC to Rezone the Parcels at 215 North Fork Avenue.

3. Public Hearing

Consideration of the Application for a Change of Use for a Room at the Property at 130 Grand Avenue from a Community Space for Tenants to a Bar Open to the Public.

Adjournment

I. RULES OF PROCEDURE

Section 1. Schedule of Meetings. Regular Board of Trustees meetings shall be held on the second and fourth Tuesdays of each month, except on legal holidays, or as re-scheduled or amended and posted on the agenda prior to the scheduled meeting.

Section 2. Officiating Officer. The meetings of the Board of Trustees shall be conducted by the Mayor or, in the Mayor's absence, the Mayor Pro-Tem. The Town Clerk or a designee of the Board shall record the minutes of the meetings.

Section 3. Time of Meetings. Regular meetings of the Board of Trustees shall begin at 6:30 p.m. or as scheduled and posted on the agenda. Board Members shall be called to order by the Mayor. The meetings shall open with the presiding officer leading the Board in the Pledge of Allegiance. The Town Clerk shall then proceed to call the roll, note the absences and announce whether a quorum is present. Regular Meetings are scheduled for three hours, and shall be adjourned at 9:30 p.m., unless a majority of the Board votes in the affirmative to extend the meeting, by a specific amount of time.

Section 4. Schedule of Business. If a quorum is present, the Board of Trustees shall proceed with the business before it, which shall be conducted in the following manner. Note that all provided times are estimated:

- (a) Roll Call - (5 minutes)
- (b) Approval of Agenda - (5 minutes)
- (c) Announcements (5 minutes)
- (d) Recognition of Visitors and Guests (10 minutes)
- (e) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- (f) Mayor's Report (10 minutes)
- (g) Staff Reports: (15 minutes)
 - (1) Town Administrator's Report
 - (2) Public Works Reports
 - (3) Police Report
 - (4) Treasurer Report
- (h) Unfinished Business (45 minutes)
- (i) New Business (45 minutes)
- (j) Disbursements (15 minutes)
- (k) Committee Reports (15 minutes)
- (l) Adjournment

* This schedule of business is subject to change and amendment.

Section 5. Priority and Order of Business. Questions relative to the priority of business and order shall be decided by the Mayor without debate, subject in all cases to an appeal to the Board of Trustees.

Section 6. Conduct of Board Members. Town Board Members shall treat other Board Members and the public in a civil and polite manner and shall comply with the Standards of Conduct for Elected Officials of the Town. Board Members shall address Town Staff and the Mayor by his/her title, other Board Members by the title of Trustee or the appropriate honorific (i.e.: Mr., Mrs. or Ms.), and members of the public by the appropriate honorific. Subject to the Mayor's discretion, Board Members shall be limited to speaking two times when debating an item on the agenda. Making a motion, asking a question or making a suggestion are not counted as speaking in a debate.

Section 7. Presentations to the Board. Items on the agenda presented by individuals, businesses or other organizations shall be given up to 5 minutes to make a presentation. On certain issues, presenters may be given more time, as determined by the Mayor and Town Staff. After the presentation, Trustees shall be given the opportunity to ask questions.

Section 8. Public Comment. After discussion of an agenda item by the Board of Trustees has concluded, the Mayor shall open the floor for comment from members of the public, who shall be allowed the opportunity to comment or ask questions on the agenda item. Each member of the public wishing to address the Town Board shall be recognized by the presiding officer before speaking. Members of the public shall speak from the podium, stating their name, the address of their residence and any group they are representing prior to making comment or asking a question. Comments shall be directed to the Mayor or presiding officer, not to an individual Trustee or Town employee. Comments or questions should be confined to the agenda item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.

Section 9. Unacceptable Behavior. Disruptive behavior shall result in expulsion from the meeting.

Section 10. Posting of Rules of Procedure for Paonia Board of Trustees Meetings. These rules of procedure shall be provided in the Town Hall meeting room for each Board of Trustees meeting so that all attendees know how the meeting will be conducted.

II. CONSENT AGENDA

Section 1. Use of Consent Agenda. The Mayor, working with Town Staff, shall place items on the Consent Agenda. By using a Consent Agenda, the Board has consented to the consideration of certain items as a group under one motion. Should a Consent Agenda be used at a meeting, an appropriate amount of discussion time will be allowed to review any item upon request.

Section 2. General Guidelines. Items for consent are those which usually do not require discussion or explanation prior to action by the Board, are non-controversial and/or similar in content, or are those items which have already been discussed or explained and do not require further discussion or explanation. Such agenda items may include ministerial tasks such as, but not limited to, approval of previous meeting minutes, approval of staff reports, addressing routine correspondence, approval of liquor licenses renewals and approval or extension of other Town licenses. Minor changes in the minutes such as non-material Scribner errors may be made without removing the minutes from the Consent Agenda. Should any Trustee feel there is a material error in the minutes, they should request the minutes be removed from the Consent Agenda for Board discussion.

Section 3. Removal of Item from Consent Agenda. One or more items may be removed from the Consent Agenda by a timely request of any Trustee. A request is timely if made prior to the vote on the Consent Agenda. The request does not require a second or a vote by the Board. An item removed from the Consent Agenda will then be discussed and acted on separately either immediately following the consideration of the Consent Agenda or placed later on the agenda, at the discretion of the Board.

III. EXECUTIVE SESSION

Section 1. An executive session may only be called at a regular or special Board meeting where official action may be taken by the Board, not at a work session of the Board. To convene an executive session, the Board shall announce to the public in the open meeting the topic to be discussed in the executive session, including specific citation to the statute authorizing the Board to meet in an executive session and identifying the particular matter to be discussed “in as much detail as possible without compromising the purpose for which the executive session is authorized.” In the event the Board plans to discuss more than one of the authorized topics in the executive session, each should be announced, cited and described. Following the announcement of the intent to convene an executive session, a motion must then be made and seconded. In order to go into executive session, there must be the affirmative vote of two thirds (2/3) of Members of the Board.

Section 2. During executive session, minutes or notes of the deliberations should not be taken. Since meeting minutes are subject to inspection under the Colorado Open Records Act, the keeping of minutes would defeat the private nature of executive session. In addition, the deliberations carried out during executive session should not be discussed outside of that session or with individuals not participating in the session. The contents of an executive session are to remain confidential unless a majority of the Trustees vote to disclose the contents of the executive session.

Section 3. Once the deliberations have taken place in executive session, the Board should reconvene in regular session to take any formal action decided upon during the executive session. If you have questions regarding the wording of the motion or whether any other information should be disclosed on the record, it is essential for you to consult with the Town Attorney on these matters.

IV. SUBJECT TO AMENDMENT

Section 1. Deviations. The Board may deviate from the procedures set forth in this Resolution, if, in its sole discretion, such deviation is necessary under the circumstances.

Section 2. Amendment. The Board may amend these Rules of Procedures Policy from time to time.

Minutes
Planning Commission Meeting
Town of Paonia, Colorado
March 13, 2024

RECORD OF PROCEEDINGS

Roll Call

PRESENT

Vice-Chair Mary Bachran
Commissioner Steve Clisset
Secretary Lyn Howe

ABSENT

Chair Dave Knutson
Commissioner Suzanne Watson

Approval of Agenda

Secretary Howe makes a motion, seconded by Commissioner Clisset, to approve the agenda.

Motion carries unanimously.

Approval of Minutes

January 17, 2024 Planning Commission Minutes
February 7, 2024 Planning Commission Minutes

Secretary Howe motions, seconded by Commissioner Clisset, for approval of January 17th and February 7th meeting minutes.

Motion carries unanimously.

Actions & Presentations

1. Public Hearing

Presentation of the Draft Element of the Comprehensive Plan - Infrastructure: Water, Sewer & Treatment, Urban Forest, Sanitation & Resource Recovery
Vice-Chair Bachran opens the Public Hearing at 5:03 PM

Vice-Chair Bachran explains the public hearing process.

Town Administrator Wynn explains that this hearing will be a little different than the typical quasi-judicial hearing. This hearing is with the intent to gather input and there will be a common period for the next two weeks on this element. Public is invited for input.

Vice-Chair Bachran asks the board if they have any disclosures, conflicts of interest, or ex-parte contacts. None are heard.

Town Administrator Wynn states there is no staff presentation. Calla Rose will be presenting.

C. Rose (Phoenix Rising) begins her presentation by thanking the public and staff for resources put towards project. She presents the mission statement (Vision), read by a public participant present in the room.

C. Rose proceeds to go through the remaining items in the Infrastructure Element Worksheet - Values, Policies & Actions. She explains that Policies & actions should be a reference and that the action items are to-do items, which are non-binding and are suggestions. Most action to-do items are under the Infrastructure Actions, which included development of a comprehensive Capital Improvement Plan, utility rates study, GIS data system, public updates, budgeting, and low-income household options. She goes on and suggests a checklist of items for staff/trustees as next steps (suggested actions).

C. Rose proceeds to the discussion about water. Hard infrastructure was primary focus, suggests land management such as temporary, small water cycling, and/or green space management. She also discusses the town's water sheds and background on snowpack/monsoon water. She also provided a bit of background information on climate change and effects on ground water resources, and approaches to stabilizing small water cycles in water sheds.

Town Administrator Wynn states that action items would be added as addendum as action items to move forward. Prioritizes importance of action items for future.

R. Reindle speaks about transfer development rights (TDR) may be useful for thinking about water. Wildlife area and you can build on it and have water rights transferred. And idea for creative development and TDR could be moved closer to town.

B. Brunner speaks to the report has no reference to existing water studies.

C. Rose points out elements are noted on web site.

B. Brunner states that what is missing is a description of system that is not adequately shown. Feels report is missing items, or not included.

C. Rose encourages B. Brunner to read full element posted online, reminds folks that this a high-level reference document. Goes through points about how & frequency of updates. Identified most of public does not understand how Paonia water system works. Items presented are from internal documents and public input.

B. Brunner speaks against lifting water moratorium. Feels existing studies have done enough and doesn't feel more studies are necessary.

Commissioner Clisset states that these are guidelines from which town board will make decisions as to how to move forward into the future. That the studies mentioned by B. Brunner should be included. The town uses 4.5% of water designed for usage. 2.3 billion usages allowed, but usage is 9.5 million. Asks how the why and usage fit into the plans.

C. Rose states that one of the recommendations is to get a sense of what average usage for tap is. Feels that type of data can be utilized for planning. But questions about volume of usage should be addressed.

Commissioner Clisset states that this issue goes back to zoning.

C. Rose states that this will require a few more years of water usage/flow. Continue to look at water in system, what taps are using, and what you must work with. In speaking with experts, they could not provide commitment of having future snowpack water.

Secretary Howe states the hydrogeological studies will be helpful in the future.

C. Rose discusses drought and planning for it.

Vice-Chair Bachran states that she likes the idea of policies discussed about working one the water shed and doing restoration. Improvement will improve everything downstream.

Commissioner Clisset states that water action item #14 (working with the US forest Service and USNRCS) will require BLM involvement.

Vice-Chair Bachran closes the public hearing at 5:53 PM.

Adjournment

Vice-Chair Bachran adjourns the meeting 5:54 PM

Ruben Santiago, Deputy Clerk

Dave Knutson, Chair

GOVERNANCE & COMMUNITY PARTICIPATION

OVERVIEW

Good governance and informed community participation are essential to the Town of Paonia's civic health and sense of community. This element addresses general Town governance like building capacity and engaging with regional partners in addition to the community's role in town governance.

VISION

Paonia's governance processes and operations are effective and efficient, breeding trust and buy-in from Town residents. Town residents are able to access relevant information easily to help them engage regularly and in a way that is constructive. The Town practices responsible regionalism, regularly engaging with regional partners.

VALUES

- A culture of respect, healthy communication, cooperation, transparency and integrity within and between Town staff, elected and appointed officials, and community members.
- Constructive and informed community engagement & partnerships.
- Regional cooperation and coordination.
- Effective and efficient professional town staff.

POLICIES

POLICY GOV-1: Prioritize implementation of adopted community plans.

POLICY GOV-2: Proactively engage with regional, state and federal partners including but not limited to those below. Ensure local plans and policies account for and are coordinated with relevant partners.

- Delta County
- Private water companies who contract with the Town for water
- North Fork Chamber of Commerce
- Delta County School District
- Delta County Libraries
- One Delta County
- Delta County Tourism Cabinet
- Region 10
- All Points Transit
- Delta Montrose Electric Association (DMEA)
- Gunnison Basin Roundtable
- Colorado Department of Transportation (CDOT)
- Bureau of Land Management (BLM)
- United States Forest Services

POLICY GOV-3: Build Town capacity by maintaining adequate and qualified staff, ensuring proper funding and resources.

POLICY GOV-4: Ensure planning and budgeting processes are transparent and informed by professionals to appropriately plan and prepare for the future.

POLICY GOV-5: Provide accessible information to the public on key issues, such as larger infrastructure projects and discussions on policy, to promote effective participation.

POLICY GOV-6: Build citizen capacity through well-managed community engagement and providing volunteer pathways for interested citizens. Prioritize filling any vacant elected and appointed positions such as the Planning Commission and Tree Board.

POLICY GOV-7: Maintain a police department that has the staff, resources and training necessary to provide the community with the desired level of public safety services.

OVERVIEW: Good governance and informed community participation are essential to the Town of Paonia’s ability to implement the Comprehensive Plan. Critical themes that have emerged through this comprehensive planning process are the professional development of directors and staff, modernization of internal business practices, increased transparency in budgeting, dedicated public communication, and transparent planning and execution of public projects. Management of the Town’s human resources, including updated job descriptions, professional licensure, incentivizing performance, and ensuring accountability all can further improve the effectiveness, efficiency, and reputation of the Town. Consistent enforcement of existing laws, codes and regulations will work to build trust in Town governance and accountability. Maintaining fully staffed and operational bodies such as the Planning Commission and Tree Board will support ongoing implementation and project execution.

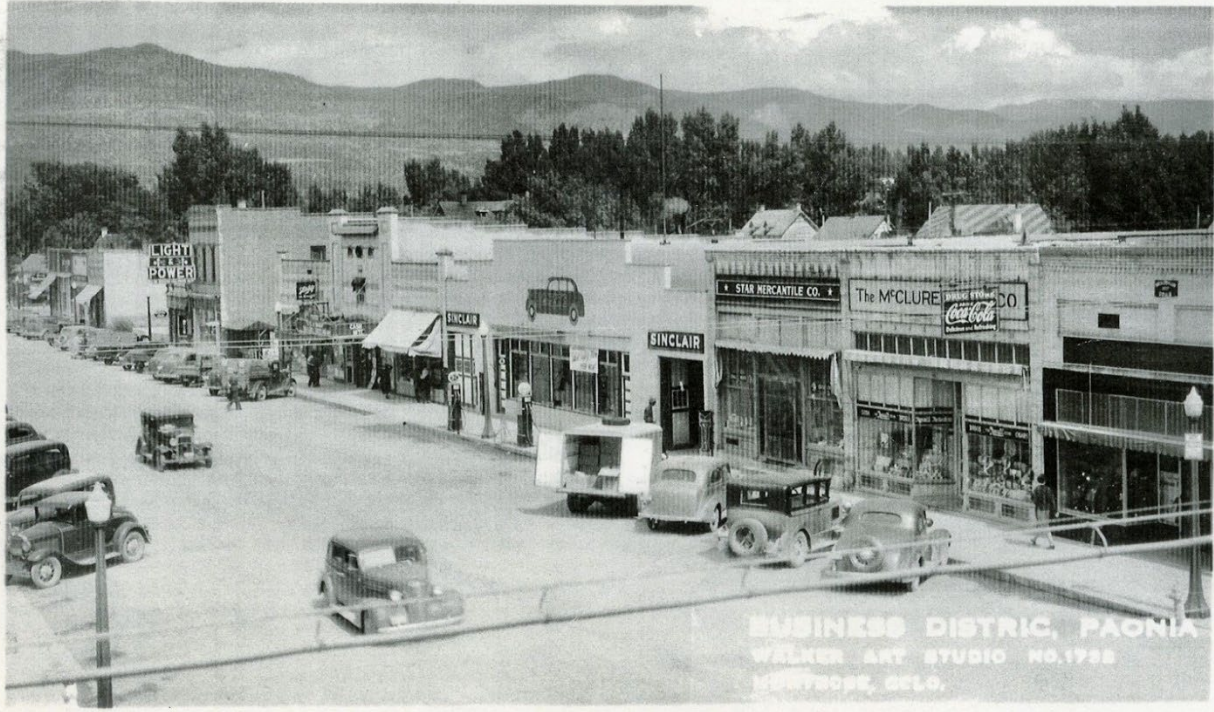
COMMUNICATION: Regular and professional communication outwardly to citizens via news letters and text messages, social media, local print media and other means of direct contact will help to counteract an old culture of the “rumor mill” as the primary source of information regarding Town workings, plans and other formal processes. Consistent management of Town logo’s, letterhead and announcements will further help to solidify what is official Town business and what is not. Direct outreach to stakeholders for key Town Business planning and policy implementation will work to build trust and achieve desired outcomes.

CITIZEN ENGAGEMENT: Throughout the community engagement process for this Plan the community expressed its desire to support key areas where they have expertise or passion. The City of Fort Collins offers an outstanding model for formal citizen engagement which the Town of Paonia could explore adopting or adapting: through a strategic process working with a qualified 3rd party and the community, the Town of Fort Collins identified a mission to “promote volunteer involvement to improve services and create community” and created a Strategic Plan for Volunteer Engagement.

INTERGOVERNMENTAL COLLABORATION: Effective regionalism requires ensuring local plans and policies account for and coordinate with adjacent jurisdictions and other relevant regional stakeholders. To achieve the goals identified in this plan, to continue to develop our local capacity, and to take on the challenges associated with the restoration of Paonia’s watershed, ToP should seek to designate official representatives to collaborate regularly with, and participate in, regional planning efforts.

GOVERNANCE AND COMMUNITY PARTICIPATION	
ACTION ITEMS	TIMING
ACTION GOV-1: Track implementation of this Plan and other Town Plans.	Ongoing
ACTION GOV-2: Designate official representatives from the ToP to collaborate regularly with, and participate in, regional governance efforts.	Ongoing
ACTION GOV-3: Add or restructure staff positions as needed to achieve the goals of this Plan and to maintain required public services.	Ongoing

ACTION GOV-4: Host community-wide discussions on important or controversial issues to provide an opportunity for all to participate.	Ongoing
ACTION GOV-5: Create and maintain an accessible and transparent budgeting process that promotes investment in community priorities and ensures the budget is adequate to cover the cost of existing and desired services provide by the Town.	Ongoing
ACTION GOV-6: Determine a method to regularly share pertinent information with the public. This could be a monthly manager's report, a quarterly newsletter, a regularly updated page on the Town's website, or other method.	Short-term (1-2 yrs); Ongoing
ACTION GOV-7: Support/expand volunteer opportunities for residents. Consider utilizing Fort Collins Strategic Plan for Volunteer Engagement as a model to empower and engage citizens.	Ongoing



Above: Paonia business district c. 1930's. Photo most likely taken from top of Miller's Mercantile-2nd and Grand SW corner, (currently the Learning Council Building), looking NE up the 200 block of Grand. The building on the far right is currently where the NIDO restaurant resides. **Photo credit:** North Fork Historical Society.

ECONOMIC DEVELOPMENT

OVERVIEW

A strong local economy is critical to Paonia's future - it provides good job opportunities for locals, a robust tax base for the Town and the repair and improvement of its infrastructure systems, and overall, a desirable and liveable community. This element focuses on strengthening our local economy, supporting local businesses and local agriculture, maintaining a vibrant downtown, balancing tourism benefits with impacts, and encouraging a workforce that is skilled in needed and applicable areas.

VISION

Paonia's resilient, regenerative, localized economy meets community needs by providing desired goods and services as well as reliable job opportunities that pay living wages. Our economy emphasizes the production of healthy local food and is known for its emphasis on human health and wellbeing, unique educational opportunities, and the creative and trade industries. Our economy attracts and serves visitors in a way that supports locals. The Town's revenue is strong and steady and the quality of life among residents is constantly improving.

VALUES

- Economic development that balances and aligns with preserving our community's rural and agricultural character.
- Local, independent businesses that build community wealth, care for our natural resources, care for our elderly and those in recovery, offer opportunities to our children and to young families, and increase economic equity.
- A vibrant and beautiful downtown commercial district with locally-owned businesses.
- Economic diversity and resilience where the local economy is not overly reliant on one industry, and provides access to goods and services that meet real community needs

POLICIES

POLICY ECON-1: Take a proactive approach with local partners in nurturing a diverse and resilient economy that prioritizes local needs and is centered in: agriculture and health and wellness tourism, arts, music and other creative industries, and skilled labor and trades.

POLICY ECON-2: Support the retention and expansion of locally owned businesses and increase support for entrepreneurship with a focus on encouraging young locals to stay in the area and open small businesses.

POLICY ECON-3: Create and maintain a healthy, vibrant, and beautiful economic downtown corridor on and around Grand Avenue.

POLICY ECON-4: Ensure an integrated and balanced role for tourism and remote workers in the local economy to allow local businesses, community members, and the ToP to receive the economic benefit of tourism and remote worker spending while balancing this against housing affordability and the development of year round, well paying, place based jobs for local residents.

POLICY ECON-5: Focus on building a younger and more skilled workforce through the support of skill-based education programs and other efforts that build the local capacity to meet more of the community's basic needs like food production, food service, housing construction, energy production, education and health care.

POLICY ECON-6: Support the continuation of local agriculture and farmer and farm worker housing, education, and value added processing infrastructure to enable the continuation and growth of local food production, food service and agricultural based business.

POLICY ECON-7: Consider annexation of properties leading up to and along Highway 133 corridor to increase Town revenue from sales tax and build relationships with other key neighborhoods and water districts to enable and incentive annexation where appropriate.

BACKGROUND (COULD BE AN APPENDIX)

Income, Jobs and Workforce

The 2022 median household income in Paonia was \$53,646, median earnings per worker was \$49,625 and 8.4% of the population is below the federal poverty line. These figures are far below both Colorado and national averages: the 2022 Colorado median household income was \$89,930 and US was \$74,580. Residents are increasingly in need of good jobs to keep up with rising costs of living, and in particular the cost of housing. According to the 2023 Paonia Housing Needs Assessment, one in five Paonia households is burdened by housing costs, meaning they spend more than 30% of their income on housing. Of these over 50% are extremely cost burdened, meaning they spend over 50% of their income on housing. Lack of affordable housing has been identified as a challenge by local business owners who have trouble recruiting and retaining employees in large part due to limited and costly housing stock.

BREAKOUT BOX: "Jobs and housing are interconnected. The economic success and mix of jobs in a region informs the amount, type, and price point of housing needed to sustain the local economy. Likewise, a sufficiently diverse housing supply is needed to attract and keep quality employees that are invested in the community."- Paonia Housing Needs Assessment, 2023.

Due to the nature of the food, agricultural and entertainment businesses located here, and the associated increase in tourists that these businesses also bring in, many of Paonia’s current wage jobs are seasonal. During the public process for this plan, it was clear that the community is motivated to diversify its economic functions.

The age of residents is important to the local economy. The share of residents who are in their prime working years, those aged 25 to 54 as defined by the Colorado Department of Labor and Employment, has declined from 37% in 2010 to 33% in 2020. The aging of both the population in the state and in the Town of Paonia population is pronounced. The median age of residents was 41 in 2000, 44 in 2010, and 49 in 2020. This same trend is occurring in Delta County at large. A decline in the prime working age cohort coupled with an increase in seniors creates a challenging economic environment, and local employers report difficulty recruiting and retaining workers. At the same time, industries aimed at supplying the goods and services required by a retired population are primed to thrive if they can be successfully cultivated. Housing access is another factor contributing to labor availability and is discussed in detail in the Town of Paonia Housing Needs Assessment and Housing Action Plan, an element of this Master Plan.

Economic Development Capacity & Planning

Beginning in 2015 Delta County commissioned several studies and initiatives to better understand how to adapt to a changing economic climate, including the Delta County Economic Assessment, Delta County Market Assessment, Delta County Economic Development Strategy, and Delta County Tourism Board Marketing Plan. Consistent with the recommendations of the Region 10 Regional Economic Development Strategy, the Delta County Economic Development Strategy argues for focusing on export-oriented sectors including organic agriculture, manufacturing, and to a lesser degree tourism.

Until recently, Paonia did not have a functioning Chamber of Commerce or co-working space, though in 2023 the Hotchkiss Chamber of Commerce rebranded as the North Fork Chamber of Commerce to serve Hotchkiss, Crawford and Paonia. In addition, several industry-specific groups exist, including the Creative Coalition and new Pollinate Paonia shared art studio space, the Valley Organic Grower’s Alliance, and the West Elks American Viticultural Area. Existing county-level economic development efforts like One Delta County and Delta Area Chamber of Commerce have offered little support to Paonia businesses to date, though some Paonia businesses take advantage of business development opportunities through Region 10. The North Fork Chamber of Commerce may be a future resource for our area businesses if engaged with regularly by Paonia leadership.

Fossil Fuel Extraction

Historically, coal mining was a major local employer and economic driver. The Town experienced significant economic impacts with the closure of two of the area’s three mines in 2004 and 2014. The economic impact of coal mines closing has been at least partially offset by the growth of other industries, particularly remote work (supported by the introduction of high-speed internet in 2017) and tourism. The remaining West Elk Coal Mine in neighboring Somerset remains one of the most productive mines in the country and has no known plans to scale back. This mine is also the largest single industrial point source of methane emissions in Colorado, while upstream fracking for natural gas has been shown to be increasing negative impacts on local water quality. The importance of the fossil fuel industry for our economy and its simultaneous negative impacts on other industries that are dependent on stable climate and ample clean water access—in particular farming and ranching—is an ongoing tension within the economic fabric of the Paonia community.

FUTURE ECONOMIES

AGRICULTURE, ARTS & TOURISM

Paonia is known throughout the state for its excellence in organic, regenerative and biodynamic agriculture and many of our area growers travel across the state and the Rocky Mountains to reach farmers markets in communities with higher income. Agritourism is any recreational or educational activity on a working farm or ranch which consumers pay for and its success is dependent upon place based

factors, primary access to agricultural lands and other natural resources such as clean water. Agrotourism is a nationally recognized entrepreneurial activity that can diversify market outlets for local agricultural businesses and simultaneously stimulate rural development of surrounding communities. The average agro tourist visit provides a surplus from \$93 to \$164 per person per trip for primary purpose travelers according to data from Colorado State University. With this and other factors in mind, the Delta County Economic Development Strategy calls for the county to rebrand its economy as an Organic Center of Excellence. Local businesses like Elk Mt Pharmacy, Breadworks, Mountain Oven Bakery & Mill, Western Culture, Nido, surrounding vineyards and a handful of caterers and pop-up restaurants are positive examples of farm-to-table enterprise and retail manufacturers that serve locals and attract tourists to enjoy the rural aesthetic and purchase organic value-added agricultural products. Agritourism creates economic opportunity rather than competition for agricultural producers, and an agritourism destination attracts visitors that will likely want to visit other agritourism destinations.

Wellness Tourism & Retirement Services

Tourism is a large and fast-growing industry, however unbalanced by regular year round well paying and placed based jobs, deplete a community and lock out locals from housing. This is a major challenge for many communities in Colorado. However, a rapidly growing subset of tourism called, “wellness tourism” offers a less extractive and more beneficial impact on the communities that develop it. Unlike traditional tourism, wellness tourism is largely based on the authenticity of a place and the continuation of natural local attributes that our community values such as dark skies, clean water and local food. Furthermore, it has been shown to bring in more revenues and create more permanent jobs for the local population than regular tourism. Wellness tourists are high-yield tourists who bring greater economic impacts than traditional tourists and their desire for local healthy food as part of their experience can be a compliment to our focus on sustaining and growing local agriculture.

Colorado has the fourth fastest growing 65+ age group in the U.S and Paonia over the past several decades has become known as a retirement community. This is also a potentially important source of future economic activity for the Town and relates to the wellness industry with regards to trained services providers in both allopathic and complementary medicine and the food service industries. Retired seniors consume large amounts of local goods and services, and thus require a year round workforce to support their needs. The growth in retirees will impact every age bracket in the labor force, causing robust demand for replacement workers and increased need for caregiving occupations such as direct care workers. The population of the greater Paonia CCD is also aging. Just under half (48%) of residents in this part of the valley are aged 55+, a much higher share of residents than in 2000 (29%) and 2010 (40%). Paonia currently lacks several key services that would benefit this population, including a pharmacy, walk-in clinic, and in-home care services. These services would also generate stable, year-round jobs.

Downtown & Creative District

In 2013, Paonia became a Certified Colorado Creative District with a unique emphasis on arts and agriculture. A primary goal of this designation is to attract more tourists. Several organizations exist to support the arts and agriculture and to connect these sectors with the tourism industry, including the North Fork Valley Creative Coalition (which manages the Creative District designation), Valley Organic Growers Alliance, and the West Elks American Viticulture Association. The North Fork Valley Creative Coalition has contributed to the vitality of the downtown economic corridor through creative placemaking, wayfinding and signage, events and programming. In recent years new businesses, workspaces, boutiques and galleries have also opened downtown, yet as of January 1, 2024 there are approximately eight empty commercial locations along Grand or are in the downtown core. At the same time, there are days when downtown food trucks’ average wait times for food range between 20-40 minutes, suggesting strong demand.

In recent years the growth of music events and festivals has grown with Big B’s summer music series and Pickin in the Park. These events bring out locals and bring in tourists from the area and around the state. They can also attract other business to come and vend in town, however, Paonia does not currently collect sales tax for vendors who are selling in Town limits but not registered here.. Lodging businesses

see boosts during these times, however the overuse of short term rentals, especially in summer months to accommodate visitors has presented a challenge for both year-round Paonia residents and seasonal workers in need of housing.

Trades & Skilled Labor

The absence of a business that provides year-round jobs to the area such as the coal mines is felt in the area. Nationally, skilled tradespeople are declining and the increased cost of higher education creates a unique need for this type of labor.

Skilled labor is generally characterized by advanced training (expertise attained through experience and certifications or licenses in their specific fields) and likewise generally corresponds with higher wages. Three converging factors—an aging workforce (both Paonia and Colorado have a majority of workers in the aging category), the rural nature of the Town, and what is projected to a rapid rise in automation of the US workforce by AI technology—provide a background for a focus on developing trade and skilled labor education. Solar Energy International (SEI) offers an excellent example of this with their training program. SEI also is an example of the kind of business that brings in people year round for training.

The State of Colorado has emphasized the need to invest in the infrastructure workforce, advanced manufacturing workforce, medical workforce to support an aging population, and rural workforce. These careers can be stable and lucrative. According to the Bureau of Labor Statistics (BLS), many of the fastest-growing career fields in the US are skilled trades.

Construction

Since 2020, housing construction has been constrained by the moratorium on water taps. Despite the moratorium, General Contractors, carpenters, electricians, plumbers and other related trades are in demand. The Town of Paonia Housing Action Plan calls for 100 new homes to be built in and around Paonia over the next five years, with 25-35 units built “as quickly as possible” after the moratorium is lifted. Further, much of Paonia’s housing stock is considered “extremely old” and will require repairs. Skilled tradespeople will be increasingly needed as construction accelerates over the coming decades.

BREAKOUT BOX: “Rural communities have often had a difficult time retaining younger generations for a number of reasons, including wages, education, and social issues. Communities depend on younger, more educated workers and leaders to grow and survive, this poses a serious risk.” Report: Rural Economic Resiliency in Colorado (CO Office of Economic Development & International Trade)

Challenges

Central to the continued sustainable development of the art, service and tourism sectors will be policies aimed at regulating short term rentals and the creation of affordable housing to ensure that artists and wage workers can continue to reside within the community. The tension between growth in tourism and housing for locals due to the rise of short-term-rentals is detailed in the Housing Needs Assessment and Action Plan.

The success of export industries such as agriculture, industries that rely on the import of tourists depend largely on macro economic and ecological trends. Both the Delta County Tourism Board Marketing Plan and the Region 10 Economic Development Strategy point to the negative economic impacts of natural disasters (fire, drought, fluvial hazards, etc.). Pollution from fossil fuel extraction and other heavy industries could seriously damage the region’s reputation for organic excellence. Thus, protecting and caring for the watershed and ecosystems that underpin Paonia’s economy, as detailed in the Infrastructure Element of this Plan, is an essential strategy for economic resilience.

BREAK OUT BOX: RESOURCES

Delta County is designated an enhanced rural enterprise zone by the State of Colorado. This designation allows local businesses to receive state income tax credits and sales and use tax exemptions for specific business investments. Taxpayers who contribute to enterprise zone projects may also earn income tax credits. Taking advantage of these tax credits and exemptions could help existing businesses become more viable as well as incentivize and lower the barrier to entry for new businesses.

The Colorado Rural Resiliency and Recovery Roadmaps program provided technical assistance and grants for regional teams of rural communities to drive economic relief, recovery, diversification, and long-term resilience.

The Rural Technical Assistance Program (RTAP), formerly known as Colorado Blueprint 2.0, provides free technical assistance, consulting, and funding to help rural communities create economic development strategies

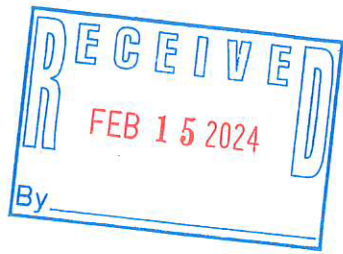
The Career Development Incentive Program, or Career Development Success Program, provides financial incentives for school districts and charter schools that encourage high school students, grades 9-12, to complete qualified industry credential programs, pre-apprenticeships and apprenticeships, and internships.

The Northwest and Rocky Mountain Regional Food Business Center supports a more resilient, diverse, and competitive food system. This Center is designed to be a node for our region's small and mid-tier food and farm businesses and local and regional food sector development initiatives by supporting cross-regional collaboration, providing and analyzing relevant and timely data, and serving as a gateway for USDA programs and other third-party funding opportunities, with a focus on underserved farmers, ranchers, and food businesses.

ACTION ITEMS	TIMING
ACTION ECON-1: Analyze if the ToP should have a staff position focused on economic development and if so, identify funding.	Medium-term (3-5 yrs)
ACTION ECON-2: Work with the Rural Technical Assistance Program (RTAP) and other partners to develop a Local Economic Development Strategy focused on agriculture, arts & music, and skilled labor training programs in construction, health care, and rural services.	Medium-term (3-5 yrs)
ACTION ECON-3: Work with the State of Colorado, University of Colorado Agricultural Extension and other appropriate parties to explore the creation and location of a soil health and regenerative agricultural workforce training program in Paonia.	Short-term (1-2 yrs)
ACTION ECON-4: Work with Region 10 and other appropriate parties to explore the development of skilled labor training locations programs focused on health care, construction, rural services and culinary arts.	Short-term (1-2 yrs)
ACTION ECON-5: Support efforts to create local economic catalysts: Chamber of Commerce, economic hub, business incubator, coworking space, retailers that meet local needs, trade school, Community Development Corporation, and/or networking or educational events.	Medium-term (3-5 yrs)
ACTION ECO-6: Add amenities downtown like trees, benches, bike parking and public art that enhance the attractiveness for businesses, locals and visitors. Consider allowing parklets, sidewalk dining and other temporary uses downtown.	Ongoing

ACTION ECON-7: Develop a signage and wayfinding plan for the Town that focuses on attracting visitors downtown and helps visitors navigate around Town. Once developed, implement the plan.	Medium-term (3-5 years)
ACTION ECON-8: Work with partners to create an accessible community calendar of special events.	Short-term (1-2 yrs)
ACTION ECON-9: Work with partners to inform local businesses of festivals and other events encouraging them to be open for business.	Short-term (1-2 yrs)
ACTION ECON-10: Support arts, wellness, agricultural, recreational, eco- and “Dark Skies” tourism, educational tourism events and conferences.	Medium-term (3-5 years)
ACTION ECON-11: Create clear guidelines for "pop up" shops and require sales tax submission for all such temporary vendors, like during festivals and other special events.	Short-term (1-2yrs)
ACTION ECON-12: Update requirements for food trucks including sales tax and proof of health inspection. Consider if a county-wide regulations could work. See Denver's toolkits for foodtrucks as an example.	Short-term (1-2 yrs)
ACTION ECON -13: Revisit business licensing (for property owners/landlords) Provide a Q&A on the town website.	Medium-term (3-5 years)
ACTION ECON-14: Work with local economic development groups to share regional resources, and connect local businesses with relevant technical assistance for economic and business development.	Medium-term (3-5 years)

P/Z Meeting Date 4/3/2024
 BoT Meeting Date 4/9/2024
 Date Received 2-15-24
 Initials RLB



Town of Paonia

RE-ZONE APPLICATION

It is the applicant's responsibility to submit the required materials. Checks shall be made payable to *Town of Paonia*. The application fee is non-refundable.

Please contact the Town Clerk at (970) 527-4101 for assistance.

ADDRESS OF PROPERTY 215 North Fork
 EXISTING ZONING Commercial & Residential
 PROPOSED ZONING Residential For All
 CURRENT LAND USE Vacant land

PAID
 FEB 16 2024
 TOWN OF PAONIA
 \$500 Paid

PROPERTY OWNER	APPLICANT OR REPRESENTATIVE
NAME: <u>Double Shot twins Llc</u>	NAME: <u>LORI Mason</u>
MAILING ADDRESS: [REDACTED]	MAILING ADDRESS: [REDACTED]
CITY, STATE, ZIP: <u>Crested Butte CO 81924</u>	CITY, STATE, ZIP: <u>Crested Butte CO 81428 81224</u>
PHONE: [REDACTED]	PHONE: [REDACTED]
EMAIL: [REDACTED]	EMAIL: [REDACTED]



RE-ZONE CRITERIA

(A) Rezoning:

(1) Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a parcel or district, shall be allowed only upon findings as follows:

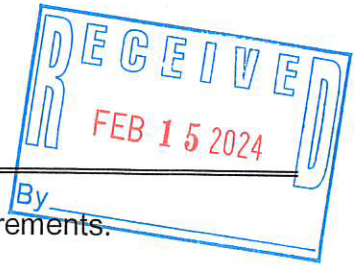
- (a) The amendment is not adverse to the public health, safety, and welfare; and
- (b) The amendment is in substantial conformity with the master plan, or
 - i. The existing zoning is erroneous, or
 - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

(2) Rezoning may be requested or initiated by the Planning Commission, the Board of Trustees, or the owner of any legal or equitable interest in the property or his representative. The rezoning shall be reviewed for compliance with the criteria of this subsection in accordance with the review procedure of the Paonia Municipal Code and Administrative policies applicable. The Board of Trustees may initiate rezoning on its own motion, in which case the Board shall hold a hearing either in conjunction with second reading of a rezoning ordinance, or separately. The area considered for rezoning may be enlarged by the recommendation of the Planning Commission on its own motion over the area requested in the application.

(3) The Town may impose conditions as necessary to ensure that the above criteria are met.

* Written Statement

We would like to change zoning to rezone lot from Commercial/Industrial to residential in order to be able to build a residential home or have a new buyer be able to build a residential and currently it is vacant land & cleared up from an old storage oil & gas facility & I believe we could use more residential lots. so we request it be re-zoned to residential. Thank you Jon Masou 2-16-2024



REQUIRED APPLICATION MATERIALS


This list is intended as a guide and may not be a complete list of all requirements.

attached on application

- \$500 NON-REFUNDABLE APPLICATION FEE
- RECORDED WARRANTY DEED WITH LEGAL DESCRIPTION OF THE PROPERTY
(IF MORE THAN ONE TYPE OF ZONING IS BEING REQUESTED, PROVIDE A LEGAL DESCRIPTION FOR EACH ZONING AREA) *will send via email*
- WRITTEN STATEMENT EXPLAINING HOW THE REQUEST IS IN COMPLIANCE WITH APPLICABLE CRITERIA (SEE RE-ZONE CRITERIA BELOW)
- PHOTOS OF THE PROJECT AREA
(will send via email)

IMPORTANT NOTES


- Applications must be submitted at least 30 days before the next Planning Commission meeting in order to be put on the agenda.
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- All approved re-zone requests shall be passed by an ordinance adopted by Board of Trustees no less than 45 days after review by the Planning Commission.
- Approval of this application DOES NOT constitute approval of any other Town of Paonia permits or application reviews.
- By signing, you certify that you have read and understood the submittal requirements, and that you understand omission of any listed items may cause delay in processing the application. The undersigned acknowledges that the information supplied in this application is as complete and accurate as possible.



 Owner's Signature

2-16-2024

 Date

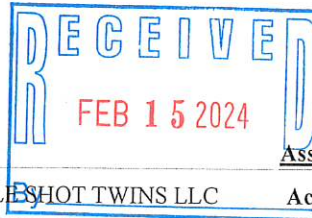


 Applicant's or Representative's Signature

2-16-2024

 Date

Account: R009093



Location

Owner Information

Assessment History

Parcel Number 324506140002

Owner Name DOUBLESHOT TWINS LLC

Actual (2020) \$36,000

Tax Area Id BR- - - BR-

Owner Address PO BOX 1649

Assessed \$10,440

Situs Address 215 NORTH FORK AVE

PAONIA, CO 81428-1649

Tax Area: BR- Mill Levy: 71.7120

Legal Summary 215 NORTH FORK AVE PAONIA 81428 S: 6 T: 14S R: 91W Subdivision: FOOTE/WILLIAMSON ADDITION Block: 4 Lot: 32 - 34 EXC A TRIANGLE 15' ON E SIDE & 25' ON S SIDE OF LOT 34 A PARCEL OF LAND LOCATED WITHIN BLOCK 4 OF FOOTE AND WILLIAMSON ADDITION TO THE TOWN OF PAONIA, BEING IN THE NE 1/4 OF SECTION 6, TOWNSHIP 14 SOUTH, RANGE 91 WEST OF THE 6TH PM

Type Actual Assessed Acres Units

Land \$36,000 \$10,440 0.210 1.000

, HAVING A DESCRIPTION BASED UPON A BEARING OF N.00°46'46"E. FROM THE SW CORNER OF LOT 40, BLOCK 4 TO THE SW CORNER OF LOT 34, BLOCK 4 OF FOOTE AND WILLIAMSON ADDITION WITH ALL OTHER BEARINGS RELATIVE THERETO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT SAID SW CORNER OF LOT 34 BLOCK 4 OF FOOTE AND WILLIAMSON ADDITION AND RUNNING THENCE ALONG THE WEST LINE OF SAID BLOCK 4 N.00°42'49"E. 77.03 FEET TO THE NW CORNER OF LOT 32 BLOCK 4 THENCE ALONG THE NORTH LINE OF SAID LOT 32 S.89°08'49"E. 125.00 FEET TO THE NE CORNER OF SAID LOT 32 THENCE ALONG THE EASTERLY LINE OF LOTS 32, 33 AND 34, BLOCK 4 S.00°42'49"W. 62.00 FEET ; THENCE S.59°50'31"W. 29.13 FEET TO THE SOUTH LINE OF LOT 34, BLOCK 4 THENCE ALONG THE SOUTH LINE OF SAID LOT 34 N.89°09'41"W. 100.00 FEET TO THE POINT OF BEG BK 463 PG 88 (R-371935) R-688556 STATEMENT R-688557 STATEMENT R-688558 PLAT R-2017930 R-712608

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Legal Description thru del ta county assessors office

Transfers

Sale Date

Sale Price

Doc Description

07/25/2019

\$36,000

WARRANTY DEED

07/06/2016

\$10,000

SPECIAL WARRANTY DEED

Images

- Photo
- GIS

Town of Paonia
PO Box 460
214 Grand Avenue
Paonia CO 81428-0460

(970) 527-4101

Receipt No: 1.183187

Feb 20, 2024

PAID
FEB 16 2024
TOWN OF PAONIA

Previous Balance:	.00
Licenses & Permits - RE-ZONING APPLICATION FEE	500.00
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Total:	500.00
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Total Applied:	500.00
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Change Tendered:	.00
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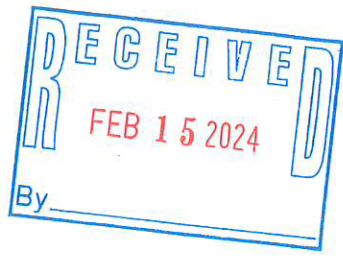
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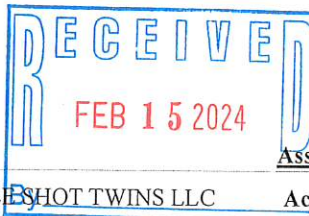


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Sale Date	Sale Price	Doc Description
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<u>07/06/2016</u>	<u>\$10,000</u>	<u>SPECIAL WARRANTY DEED</u>

Images

- Photo
- GIS

Town of Paonia
PO Box 460
214 Grand Avenue
Paonia CO 81428-0460

(970) 527-4101

Receipt No: 1.183187

Feb 20, 2024

PAID
FEB 16 2024
TOWN OF PAONIA

Previous Balance:	.00
Licenses & Permits - RE-ZONING APPLICATION FEE	500.00
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Chapter 16 - ZONING

ARTICLE 1. - GENERAL PROVISIONS

Sec. 16-1-10. - Short title.

This Chapter shall be known as and may be cited and referred to as the "Paonia Zoning Code."

(Ord. No. 83-116, Art. II, 1983; Ord. No. 2000-02, Art. II, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-1-20. - Purpose.

This Chapter shall be based upon the Comprehensive Plan of the Town and is intended to alleviate congestion in the streets; to secure safety from fire, panic, floodwaters and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. This Chapter is drawn with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate uses of land throughout the Town.

(Ord. No. 83-116, Art. I, 1983; Ord. No. 2000-02, Art. I, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-1-30. - Authority.

- (a) The Board of Trustees shall have the authority as set forth in Section 31-4-101, C.R.S.
- (b) The Planning Commission, as established in Chapter 2 of this Code, shall prepare a master plan for the development of the Town and, in the preparation thereof, shall make careful and comprehensive surveys and studies of present conditions and future growth of the Town with due regard to its relation to neighboring territory. The plans shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town and its environs, which will in accordance with present and future needs best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including among other things adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements.

(Ord. No. 2000-02, Art. I, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-1-40. - Interpretation.

In their application and interpretation, the provisions of this Chapter shall be held to be minimum requirements. This Chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or with existing provisions of private agreements, except that where this Chapter imposes greater restriction than that imposed by such existing provisions of law, contract or deed, the provisions of this Chapter shall control.

(Ord. No. 2000-02, Art. XXIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-1-50. - Incorporation of map.

The location and boundaries of the zone districts established by this Chapter are shown upon the "Zone District Map of the Town of Paonia," which is hereby incorporated into this Chapter. Said zoning map, together with all data shown thereon and all amendments thereto, is by reference hereby made a part of this Chapter. The Zone District Map shall be identified by signature of the Mayor, attested by the Town Clerk and bear the seal of the Town and the date of the adoption. Changes in the boundary of any zone district shall be made only upon amendment to the Zoning Ordinance and shall promptly be entered on the Zone District Map with an entry on the map giving the number of the amending ordinance, the date and the signature of the Mayor and attested by the Town Clerk. The Zone District Map shall be located in the office of the Town Clerk.

(Ord. No. 83-116, Art. III, 1983; Ord. No. 2000-02, Art. III, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-1-60. - Zone district boundaries.

Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, lot lines or right-of-way lines, centerlines of streets or extensions thereof. In property that is not subdivided or where a zone district boundary divides a lot or parcel, the scale of the Zone District Map, unless indicated by dimension, shall determine the location of such boundary. Where a zone district boundary coincides with a right-of-way line and said right-of-way is abandoned, the zone district boundary shall then follow the centerline of the former right-of-way. Land not part of a public railroad or utility right-of-way which is not indicated as being in any zone district shall be considered to be included in the most restricted adjacent zone district even when such district is separated from the land in question by a public railroad or utility right-of-way.

(Ord. No. 83-116, Art. IV, 1983; Ord. No. 2000-02, Art. IV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-1-70. - Zoning of annexed territory.

All territory annexed to the Town shall be zoned according to district classifications of this Chapter. Such classification shall be determined by the Board of Trustees after a recommendation by the Planning Commission. The proposed zoning shall be established in accordance with applicable state statutes.

(Ord. No. 83-116, Art. V, 1983; Ord. No. 2000-02, Art. V, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-1-80. - Application of regulation.

Except as hereinafter provided:

- (1) No building or structure shall be erected, any existing building or structure moved, altered or extended, or any land, building or structure be used, designed to be used or intended to be used for any purpose or in any manner, other than as provided for among the uses hereinafter listed in the district regulation for the district in which such land, building or structure is located.
- (2) No building or structure shall be erected, any existing building or structure be moved, altered or extended, or any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the setback, building site area, building location and height provision hereinafter provided

in the regulations for the district in which such building structure or open space is located.

- (3) No lot area, yard, frontage, open space or parking provided about any building for the purpose of complying with provisions of this Chapter shall be considered as meeting the requirements for lot area, yard, frontage, open space or parking for any other building on any other lot unless approved as a PUD or as specifically permitted in the zoning district.

(Ord. No. 83-116, Art. VI, 1983; Ord. No. 2000-02, Art. VI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-1-90. - Rules of construction.

- (a) The word *lot* includes plot/parcel.
- (b) The phrase *used for* shall be construed to include arranged for, designed for, maintained for and occupied for.
- (c) Words used in the singular number include the plural, and words in the plural include the singular, unless the context clearly indicates the contrary.
- (d) The word *shall* is always mandatory. The word *may* is permissive.

(Ord. No. 83-116, Art. VII, 1983; Ord. No. 2000-02, Art. VII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-1-100. - Definitions.

For purposes of this Chapter, the following terms shall have the meanings ascribed to them as follows:

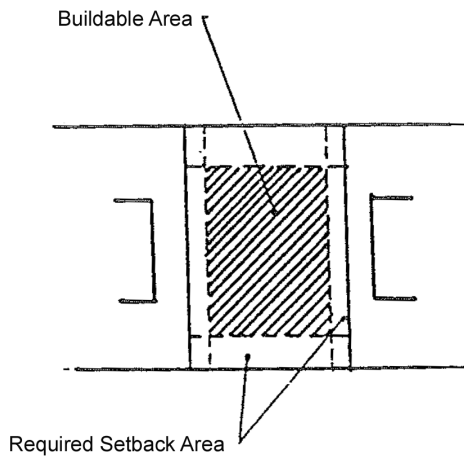
Accessory building, structure or use means a building, structure or use located on the same lot as the principal building, structure or use, which is clearly incidental to and subordinate to and customarily found in connection with the principal building structure or use. Accessory buildings, structures or uses shall not be used for living or sleeping quarters.

Alley means a public right-of-way within a block upon which the rear of building lots generally abut. Its use is intended for secondary access to a lot for service purposes and not intended for general travel.

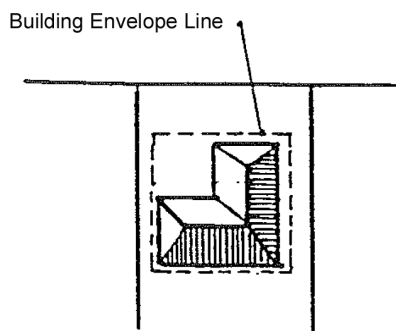
Bed and breakfast establishment means a facility of residential character, which provides sleeping accommodations for hire for two (2) weeks or less, on a day-to-day basis, with one (1) or more meals per day included and a manager residing on the premises.

Boarding or rooming house means a building other than a hotel, cafe or restaurant where, for compensation, lodging and/or meals are provided for three (3) or more boarders and/or roomers exclusive of the occupant's family. In such facilities, the length of stay is normally thirty (30) days or more.

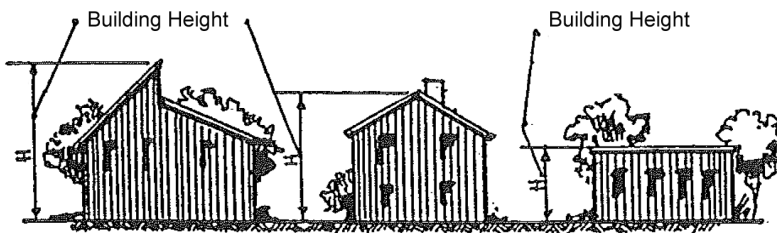
Buildable area means the portion of a lot, parcel or tract of land excluding all required yard area where a building could be located in accordance with provisions of this Chapter.



Building envelope means the two-dimensional space within which a building is proposed to be located on a lot, parcel or tract of land.



Building height means the vertical distance measured from the average finished grade at the setback lines to the highest point of the roof surface exclusive of chimneys, ventilators, pipes and similar apparatus.



Developable lot area means the total area of a lot, tract or parcel less that portion of the lot, tract or parcel that is located in an area with a high flood hazard and is in the floodway as defined by the Federal Emergency Management Agency (FEMA), and less those portions with slopes in excess of twenty-five percent (25%).

Dwelling, multiple-family means a single building used by three (3) or more families living independently of each other in separate dwelling units but does not include motels, hotels, boarding houses or tourist homes.

Dwelling, single-family means a detached building used as a dwelling exclusively by one (1) family as an independent living unit. A single-family dwelling does not include a mobile home. See [Section 16-2-30](#) of this Chapter.

Dwelling, two-family means a single building containing two (2) dwelling units and occupied by two (2) families living independently of each other.

Dwelling unit means one (1) room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a monthly or longer basis. The dwelling unit shall be physically separated from any other rooms or dwelling units that may be in the same structure and served by no more than one (1) gas meter, one (1) electric meter and one (1) water meter and sewer tap.

Family means any individual, two (2) or more persons related by blood or marriage or between whom there is a legally recognized relationship, or a group of not more than three (3) unrelated persons occupying the same dwelling unit.

Floor area means the gross area of the building measured along the outside walls of the building, including each habitable floor level and interior balconies but excluding interior courtyards, garages and enclosed parking areas and mechanical areas and one-half (½) of the area used exclusively for storage.

Formula business means a business which is required by contractual or other arrangement to maintain one or more of the following items: standardized ("formula") array of services and/or merchandise, trademarks, logos, servicemarks, symbols, decor, architecture, layout, uniforms, or similar standardized features and which causes it to be substantially identical to more than five other businesses regardless of ownership or location. Formula businesses can include, but are not limited to restaurants, retail stores, banks, real estate sales offices, spas, hair and nail salons, and hotel/motel/inn/B&B.

Group homes and homes for the developmentally disabled means those facilities licensed by the State which serve not more than eight (8) developmentally disabled persons. Developmentally disabled persons means to include, but is not limited to, those persons having cerebral palsy, multiple sclerosis, mental retardation, autism and epilepsy.

Home occupation means a business or profession that is conducted within a dwelling unit, an enclosed garage or accessory building and is in conformance with the provision of Section 16-11-20 of this Chapter.

Lot means a parcel of land occupied or intended to be occupied by a building or use and its accessories, and arranged to meet all the requirements of this Chapter and have at least twenty-five (25) feet of frontage on a public street.

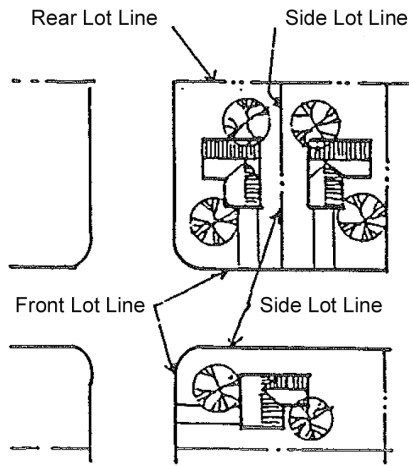
Lot, corner means a lot abutting two (2) or more streets at their intersection.

Lot, double-frontage means a lot which is located between two (2) parallel streets so that the front lot line and the rear lot line abut a street.

Lot line, front means the property line dividing a lot from the right-of-way of a street. On a corner lot, the shorter street right-of-way line shall be considered the front lot line.

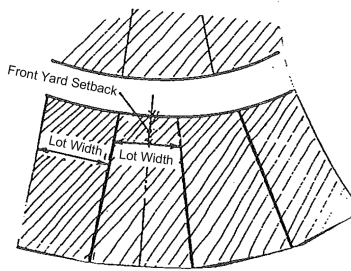
Lot line, rear means the property line opposite the front lot line.

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



Lot width. The lot width shall be determined as follows:

- a. If the side lot lines are parallel, the lot width is the perpendicular distance between the side lot lines;
- b. If the side lot lines are not parallel, the lot width shall be the length of the line measured at right angles to the line or axis connecting the midpoints of the front lot line and the rear lot line. The length of the line shall be measured at the point equal to the front yard setback for the zoning district in which the lot is located.



Manufactured building means a building that is (1) mass produced in a factory, (2) designed and constructed for transportation to a site for installation and use when connected to required utilities and (3) is either an independent individual building or module for construction with other elements to form a building on the site. The term manufactured is synonymous with the term modular.

Manufactured home means a single-family dwelling which is partially or entirely manufactured in a factory and is not less than twenty-four (24) feet in width and thirty-six (36) feet in length. It is installed on a manufactured, designed or engineered permanent foundation, has brick, wood or cosmetically equivalent exterior siding and a three-twelfths (3/12) or more pitched roof of asphalt shingle, Pro-panel or cosmetically equivalent material. It is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., § 5401, et seq., as amended, and is built for the State climate and snow loads according to the Department of Housing and Urban Development standards established under the provisions of 42 U.S.C., § 5401, et seq., called HUD. (See Article 8)

Manufactured housing unit means a manufactured building or portion of a building designed for long-term residential use. A manufactured housing unit must be built to one (1) of two (2) building codes: the Building Code adopted by the Town or the U.S. Department of Housing and Urban Development Code called HUD.

Mobile home means any wheeled vehicle exceeding eight (8) feet in width or thirty-two (32) feet in length, including towing gear and bumpers, without motor power, built on a permanent chassis designed for long-term residential occupancy temporary office use, containing complete electrical, plumbing and sanitary facilities and designed to be installed in a

permanent or semi-permanent manner without a permanent foundation, and is capable of being drawn over public highways by a motor vehicle. Factory-built homes and manufactured homes shall not be considered mobile homes. The term mobile home shall not include travel trailers, recreational vehicles, campers, self-contained motor homes or camper buses. (See Article 8)

Mobile home or camper sales lot means a plot of land that is used primarily for the sale of mobile homes or campers. Such uses are permitted only in commercially zoned areas and not as part of mobile home parks or subdivisions. This definition does not apply to any mobile home which is being sold by the person actually residing in the unit.

Mobile home park or community means any park, trailer park, trailer court, camp site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a rental location or accommodation for any mobile home to be parked, and includes all buildings used or intended for use as part of the equipment where a charge is made. *Mobile home park or community* may include mobile homes which are parked, like a "spec" home for purposes of inspection, for sale or rental within the park.

Mobile home space means a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home and its accessory structures.

Mobile home subdivision means a parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of single-family mobile homes or manufactured homes. Such a subdivision shall not be included in the definition of a mobile home park.

Neighborhood commercial uses means commercial or business uses that are low intensity of use, have minimal traffic generation and offer convenient shopping for residential areas. Neighborhood commercial uses may include small food stores, artist studios, antique or gift shops, specialty shops and other similar type uses. The maximum floor area for a neighborhood commercial use shall be two thousand (2,000) square feet.

Neighborhood convenience centers means small combinations of neighborhood commercial uses located near residential areas, possibly as a part of a PUD, that offer convenience goods or services. Neighborhood convenience centers should be compatible in scale and materials with surrounding residential areas. The maximum floor area for a *neighborhood convenience center* should be ten thousand (10,000) square feet, with no single neighborhood commercial use with a floor area greater than two thousand (2,000) square feet.

Nonconforming building means a building that was legally constructed prior to the effective date of the initial ordinance codified herein which does not comply with the height, floor area, lot coverage or other provisions of this Chapter.

Nonconforming lot means a legally recorded lot which at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this Chapter concerning minimum area, minimum lot width or minimum frontage upon a public street.

Nonconforming use means a use of land that was legally established prior to the effective date of the initial ordinance codified herein which is not in conformance with the use regulations of this Chapter, including the land use, minimum lot area per dwelling unit, off-street parking requirements or open space requirements.

Open space means land retained in an open or unimproved condition, except for agricultural, for the placement of landscape materials, including trees, shrubs, grasses, structures limited to footpaths and bridges, irrigation structures, erosion-protection devices and underground utilities, or improved for park use as defined herein. Ownership of such land

may be private with an easement or reservation for open space use by deed restriction. It may be deeded or reserved to a property owner's association, or it may be dedicated to the public. Designation of an open space does not imply the provision of access by the public.

Open space, landscaped means a lot, tract or parcel of land that has been improved by the preservation, rearrangement, installation or planting of different trees, shrubs, grass and decorative materials. Decorative materials means materials which augment and enhance the botanical landscaping, including rocks, gravel, driftwood, bark, ponds, fountains, walls or other landscape design features approved by the Town. Such land may be used for plazas, walkways, arcades and pedestrian areas.

Planned Unit Development (PUD) means an area of land, controlled by one (1) or more landowners, to be developed under the unified control or unified plan of development for residential, commercial, educational, recreational or industrial uses or any combination of the foregoing. A *PUD* is a project designed to provide variety and diversity by allowing greater flexibility than would ordinarily be achieved by strict application of the zoning and subdivision standards. *PUDs* are permitted in all zoning districts and allow density averaging over the entire parcel. A *PUD* may include a combination of different dwelling types, grouping of dwelling units into clusters or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity.

Principal building or principal use means the main or primary purpose for which a building or parcel of land is designed, arranged or intended, or for which it may be occupied or maintained under this Chapter.

Public building or public use means any building or use open to general use, participation or enjoyment of the public and owned by the Town, County, State or federal government or by a public utility corporation. All public buildings shall conform to the Americans with Disabilities Act.

Rooming unit means a room providing minimum housing accommodations for a roomer, arranged primarily for sleeping and/or study, and which may include a private bath but shall not include a separate kitchen.

School means any building used for educational purposes through the 12th grade by more than ten (10) persons or by ten (10) or fewer persons for more than twelve (12) hours per week or more than four (4) hours in any one (1) day.

Setbacks are measured from the front yard, side yard and rear property lines. Front setbacks are to be measured from the front edge of any porch or wall of a structure excluding an eave with a maximum of a twenty-four-inch projection into the setback area. Rear setbacks are measured from the front edge of any porch or wall of a structure excluding an eave with a maximum of a twenty-four-inch projection into the setback area. Side yard setbacks are measured from the vertical plane of the foundation wall with a maximum of a twenty-four-inch eave projection into the setback area.

Special review use means a use that is permitted within a zoning district only with the prior review by the Planning Commission and approval by the Board of Trustees in accordance with procedures and requirements stated in Article 4 of this Chapter.

Street means a right-of-way reserved for public or private use which provides vehicular and pedestrian access to adjacent properties, including the designations of road, highway, thoroughfare, avenue, lane, boulevard or alley. Streets shall be further classified as set forth below.

Street, arterial means a street whose primary function is to facilitate the flow of traffic through the Town. Limited access is provided to adjoining properties. Arterial streets are designed to accommodate higher volumes of traffic than collector or local streets. Arterial streets may be further classified as major arterial and minor arterial, depending on the potential volume of traffic and local conditions.

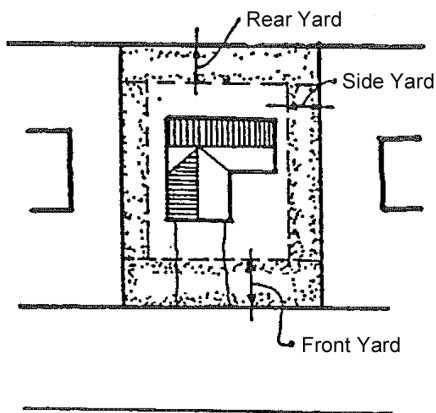
Street, collector means a street with moderate traffic volumes that provide access to residential and commercial areas and to channel traffic from the local streets to the arterial streets. *Collector streets* may be further classified as major collectors and minor collectors depending on the potential volume of traffic and local conditions.

Street, local means a street with low traffic volumes that is intended to provide direct access to adjacent residential or commercial lots.

Structure means anything constructed or erected with a fixed location on the ground above grade.

Travel trailer, camper or recreational vehicle means a portable structure, mounted on wheels and drawn by a stock passenger automobile or designed to be loaded onto or affixed to the bed or chassis of a truck, or portable structure mounted on wheels and constructed with collapsible partial side walls of fabric, plastic or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide for temporary living quarters for recreational camping or travel use. The term travel trailer shall include the units designated as campers, pop-ups, motor homes, camper buses or recreational vehicles.

Yard area, required means the open space area that is not occupied by a principal building with a depth or distance from a property line specified by the setback regulations for the district in which the lot is located.



(Ord. No. 83-116, Art. VIII, 1983; Ord. No. 2000-02, Art. VIII, 2000; Ord. No. 2003-07, § 1, 2003; Ord. No. 2004-01, § 1, 2004; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2019-10, § 2, 8-13-2019)

Sec. 16-1-110. - Severability.

If a provision of this Chapter is invalidated by decision of a court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of the decision shall be limited to the provision which is expressly stated in the decision to be invalid, and the decision shall not affect, impair or nullify this Chapter in its entirety.

(Ord. No. 2000-02, Art. XXVI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 2. - ZONING DISTRICTS

Sec. 16-2-10. - Establishment.

In order to carry out the purpose and provisions of this Chapter, the Town is hereby divided into the following zoning districts:

E-1	Estate Residential District
R-1	Low-Density Residential District
R-2	Medium-Density Residential District
R-3	Higher-Density Residential District
MH	Mobile Home Park Subdivision District
MH1	Mobile Home Parks Subdistrict
MH2	Mobile Home Subdivisions Subdistrict
C-1	Core Commercial District
C-2	Community Commercial District
I-1	Light Industrial District
I-2	Industrial District
DR	Developing Resource District
P	Public District

The intent of each zoning district is as described in the following sections.

(Ord. No. 83-116, Art. IX, 1983; Ord. No. 2000-02, Art. IX, 2000)

Sec. 16-2-20. - E-1, Estate Residential District.

It is the intent of this District to provide for orderly development of single-family residential areas on three- to ten-acre lots. Farm-type animals, including horses, sheep, llamas, cattle and goats, will be allowed. Other animals will require approval of the Town. This District requires adequate irrigation water rights if the property to be improved has been previously irrigated and water rights were utilized, and must have a plan for distribution (see Section 16-3-110 of this Chapter).

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-30. - R-1, Low-Density Residential District.

It is the intent of the this District to provide for the orderly development of single-family residential site-built or manufactured built homes, depending on covenants for the area.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-40. - R-2, Medium-Density Residential District.

It is the intent of this District to allow for the orderly and creative development of attached and detached single-family, two-family and multiple-family dwellings at moderate densities. Such areas are intended to serve as a transition between the lower-density zoning districts and the higher-density residential areas and commercially zoned areas.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-50. - R-3, Higher Density Residential District.

It is the intent of this District to provide for the orderly and creative development of residential areas with density substantially higher than the Low-Density or Medium-Density Districts yet compatible with the present scale and character of the Town. Higher density residential areas may be appropriately located as a part of planned developments, adjacent to medium-density residential areas, commercially zoned areas, adjacent to the core commercial area or downtown and within close proximity to major collector or arterial streets.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-60. - MH, Mobile Home Park Subdivision District.

It is the intent of this District to be composed of two (2) subdistricts, Mobile Home Parks (MH1) and Mobile Home Subdivisions (MH2). Mobile homes will be restricted to this District except as specified in Article 8 of this Chapter. This District is designed to provide orderly development of single-family residential mobile home parks having rented lots and subdivisions having homeowner lots. These subdistricts may require appropriate screening and/or buffer zones from other districts and zones. (See Article 8 of this Chapter for regulations.)

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-70. - C-1, Core Commercial District.

It is the intent of this District to provide for the orderly development of those commercial and business uses, government, educational and cultural facilities that are characteristic of downtown areas and promote comparison shopping and pedestrian activity in the core area. This District is not intended for businesses and commercial uses that are oriented to the automobile and require extensive ground-level floor area.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-80. - C-2, Community Commercial District.

It is the intent of this District to augment the commercial and business needs of the community by providing for the orderly development of commercial facilities that, because of their specific nature, require closer access to arterial routes or immediate access to large parking areas or require generally larger ground-level floor areas than the smaller retail shops as encouraged in the core commercial areas.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-90. - I-1, Light Industrial District.

It is the intent of this District to provide for the development of industrial uses that will enhance the economy of the Town and be designed and planned in a manner that will be compatible with the character of the community and not add pollution or other undesirable effects to the adjoining properties or to the community as a whole.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-100. - I-2, Industrial District.

The intent of this District is to allow for basic or primary industries which are generally not compatible with residential and/or commercial activity. Certain extremely obnoxious, hazardous and noisy uses will require special permission to locate in this District.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-110. - DR, Developing Resource District.

It is the intent of this District to provide for the zoning of those areas to be annexed that are eligible for annexation and are designated in the Comprehensive Plan as potentially suitable for urban development but not in the immediate future because of lack of utilities or other public services. DR District zoning should be applied to existing agricultural or open space areas with minimal present development.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-120. - P, Public District.

It is the intent of this District to provide a special district for those lands that are dedicated for public use for recreational or educational purposes or for other public facilities or services. New construction and development will require special review.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 3. - DISTRICT REGULATIONS

Sec. 16-3-10. - Schedules of uses and requirements.

To facilitate public understanding of this Chapter and for convenient reference and use, the following schedules are provided for all districts. These schedules are a part of this Chapter and may be amended as with any other part of this Chapter.

(1) *Schedule of Uses.* The schedule of uses indicates, by district, those uses that are:

P - Permitted by right

S - Permitted by special review

X - Prohibited

Any use that is not specifically permitted shall be deemed to be excluded. If a question arises as to whether a specific use does not fall within the expressed use categories, any person may apply to the Planning Commission for a determination as to whether a specific use is permitted.

(2) *Schedule of Requirements.* The schedule of requirements includes minimum lot areas, setback, density and open space requirements for each residential and commercial zone. Additional requirements are listed for uses permitted by special review.

(Ord. No. 83-116, Art. X, 1983; Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-20. - Schedule of uses, residential districts.

Table 16-1
Schedule of Uses - Residential Districts

Use	R-1 District	R-2 District	R-3 District	E-1 District	MH District
Single-family dwellings	P	P	P	P	P
Two-family dwellings	X	P	P	S	X
Multiple-family dwellings, apartments/townhouses not exceeding 6 units per lot	X	S	P	X	X
Multiple-family dwellings, apartments/townhouses in excess of 6 units per lot	X	X	S	X	X
Mobile home parks	X	X	X	X	S 1
Mobile home subdivisions	X	X	X	X	P
Parks and recreation areas	P	P	P	P	P
Private schools	S	S	S	S	X

Public or governmental uses	S	S	S	S	X
Group homes for the developmentally disabled	S	S	S	S	S
Churches	S	S	S	S	S
Nursing homes/assisted living apartments	X	S	S	X	X
Rooming houses/bed and breakfasts	X	S	S	S	X
Professional offices 2	X	S	S	X	S
Neighborhood convenience centers 3	S	S	S	S	S
Antenna structures (towers)	S	S	S	S	S
Horses, barns and pastures	X	X	X	P	X
Mobile homes (single unit)	X	X	X	X	P
Neighborhood commercial uses 4	X	X	X	X	P

P = Permit by right

S = Permit by special review

X = Prohibited use

¹ See Article 8 of this Chapter.

² Professional offices as home occupations are permitted in all districts, subject to provisions in Section 16-11-20 of this Chapter.

³ Neighborhood commercial uses may include small food stores, specialty shops, gift, antique shops or similar type uses. Maximum floor area shall be 2,000 square feet total.

⁴ Neighborhood convenience center shall have a maximum total floor area of 10,000 square feet and no single business with a greater total floor area than 2,000 square feet.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-30. - Schedule of requirements, residential districts.

Table 16-2
Schedule of Requirements¹- Residential Districts

Minimum Lot Area Requirements	R-1 District		R-2 District		R-3 District		E-1 District		MH District	
	Dwelling units	Min. lot area (sq. ft.)	Dwelling units	Min. lot area (sq. ft.)	Dwelling units per story	Min. lot area (sq. ft.)	Dwelling units	Min. lot area (sq. ft.)	Dwelling units	Min. lot area (sq. ft.)
Residential uses permitted by right	1	6,000	1	6,000	1	6,000	1	3 acres	1	5,000
			2	8,000	2	6,000	2		N/A	N/A
					3	8,000				
					4	10,000				
					5	12,500				
					6	15,000				
Residential uses permitted by special review			3	12,000	Over 6 units	15,000 sq. ft.				
			4	16,000		+				

			5	20,000		2,500 sq. ft.				
			6	24,000		for each unit over 6				

Yard Requirements ²	R-1 District	R-2 District	R-3 District	E-1 District	MH District
All yard areas adjacent to an arterial street major and minor	50 ft.	35 ft.	35 ft.	75 ft.	50 ft.
Front yard setback					
Collector (major and minor)	25 ft.	25 ft.	25 ft.	50 ft.	25 ft.
Local	20 ft.	20 ft.	20 ft.	35 ft.	20 ft.
Side yard	6 ft.	6 ft.	10 ft. ³	20 ft.	6 ft.
Rear yard	10 ft.	10 ft.	20 ft.	20 ft.	15 ft.
Minimum lot width	50 ft.	50 ft.	50 ft.	200 ft.	50 ft.
Minimum landscaped open space (% of lot area)	-	20%	20%	30%	-
Minimum lot coverage	30%	30%	30%	20%	50%
Maximum building height	25 ft.	25 ft.	35 ft.	30 ft.	25 ft.

¹ See also the following provisions: 16-3-40 to 16-3-60 pertaining to average lot areas, side yard setback variation and front yard variation.

² See supplementary requirements in Section 16-10-60.

³ When a building is 3 stories, a 15-foot setback is required.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

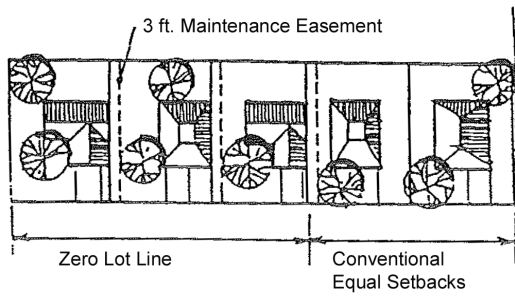
Sec. 16-3-40. - Average lot area.

- (a) When a group of ten (10) or more single-family dwellings are proposed for development as a unit, the minimum lot area may be varied in order to achieve flexibility and creativity in design. However, in no case shall:
- (1) The lot area be less than four thousand five hundred (4,500) square feet;
 - (2) The average lot size for the unit be less than six thousand (6,000) square feet; and
 - (3) More than twenty percent (20%) of the lots be less than six thousand (6,000) square feet.
- (b) When such development procedures are followed, the Town-approved subdivision plat must be on record in the County Clerk and Recorder's office.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-50. - Side yard setback variation.

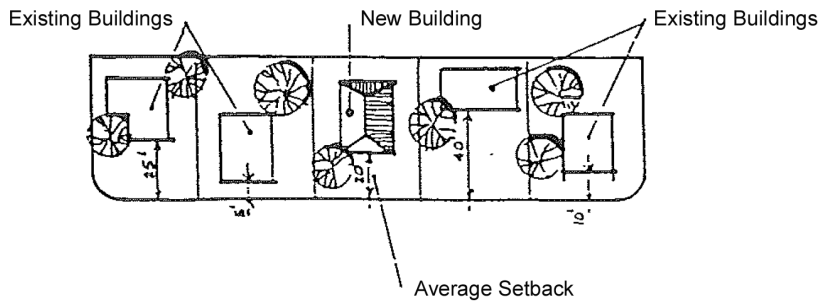
When a group or cluster of three (3) or more single-family dwellings are proposed for development as a unit, the side yard requirement may be reduced subject to the approval of the Town Administrator. However, the minimum spacing between two (2) structures shall not be less than twelve (12) feet. In the case of zero-lot-line developments, permitted by this provision, a minimum of a three-foot-wide maintenance easement shall be provided on the property adjacent to the wall that is placed along the side lot line.



(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-60. - Front yard variation.

In areas established and predominantly built out prior to the effective date of the initial ordinance codified herein, the front yard setback shall be equal to the average setbacks for the other buildings on the same block or a maximum of that required by the new regulation as herein provided.



(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-70. - Schedule of uses, commercial and industrial districts.

Table 16-3
Schedule of Uses - Commercial and Industrial Districts

Use	C-1 District	C-2 District	I-1 District	I-2 District
Auto sales and service repair	X	S	S	P
Automobile wrecking yards	X	X	X	S
Scrap processing when yard is enclosed by 6-foot screening of wall. (No junk allowed outside of screening)				
Banking, savings and loan	P	P	X	X
Bulk large storage of flammable liquid gas facilities	X	X	X	S
500 gallons and under	S	S	S	S
Campgrounds, recreational vehicle parks	X	S	X	S
Child care	P	P	S	X
Churches	S	S	X	X

Commercial recreational including pool halls, bowling alleys, skating rinks and golf courses	S	S	S	X
Dental or medical clinics	P	P	S	X
Drive-up windows for banks, businesses and restaurants	S	S	S	X
Dwelling units as a part of a business use	S	S	S	X
Dwelling units secondary to the business use	P	P	S	X
Fabricating/manufacturing industry	S	S	S	P
Fast food and drive-thru restaurants	S	S	S	X
Fertilizer storage or manufacturing of	X	X	X	S
Formula businesses	X	S	S	S
Fruit/packing	X	X	P	P
Fruit/produce processing	X	X	S	P
Gas stations	X	S	S	S
Grain warehouses	X	X	X	P
Group homes for the developmentally disabled	S	S	X	X
Livestock areas or barns	X	X	X	S
Lumber yards	X	S	S	P

Manufacture and storage of explosives	X	X	X	X
Manufacturing	X	X	S	P
Membership clubs	S	S	S	S
Mining of natural resource material	X	X	X	S
Mobile home sales/service	X	S	S	P
Motels, hotels and lodging facilities (including room houses and bed and breakfasts)	S	P	X	X
Multiple-family dwellings	S	S	X	X
Nursing homes	S	P	P	P
Parking lots	P	P	P	P
Parks and recreation areas	P	P	P	P
Personal services shops, including barber, beauty shops, shoe repair, self-service laundries, travel agencies, etc.	P	P	S	X
Professional and business offices when part of permitted light industry	P	P	S	X
Public and governmental facilities	P	P	S	X
Public or private schools	S	S	S	X

Ready-mix concrete and asphalt plants	X	X	X	P
Restaurants	P	P	S	X
Retail businesses	P	P	S	S
Service and keeping of heavy industrial equipment	X	X	X	P
Small animal clinic	X	S	P	X
Storage sheds (rental spaces)	S	S	S	S
Utilities ²	X	X	S	P
Utility substations ⁸	X	S	S	S
Warehouses	S	S	P	P
Wholesale businesses (factory outlets)	S	S	S	S

P = Permitted by right

S = Permitted by special review

X = Prohibited

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2016-06, exh. A. 8-23-2016; Ord. No. 2019-10, § 2, 8-13-2019)

Sec. 16-3-80. - Schedule of requirements, commercial and industrial districts.

Table 16-4
Schedule of Requirements - Commercial and Industrial Districts

Requirements	C-1 District	C-2 District	I-1 District	I-2 District
Minimum Lot Area				
Nonresidential	2,500 sq. ft.	8,000 sq. ft.	8,000 sq. ft.	10,000 sq. ft.

Residential	6,000 sq. ft. ¹	6,000 sq. ft. ²			
Combined residential/commercial	2,500 sq. ft.	8,000 sq. ft.			
Minimum Lot Width	25 ft.	50 ft.	50 ft.	100 ft.	
Maximum Building Height	35 ft.	35 ft.	25 ft. ²	35 ft.	
Yard requirements					
All yard areas adjacent to an arterial street	0 ft.	50 ft.	50 ft.	75 ft.	
Front yard setback					
	arterial	0 ft.	50 ft.	50 ft.	75 ft.
	collector	0 ft.	25 ft.	35 ft.	50 ft.
	local	0 ft.	25 ft.	25 ft.	50 ft.
Side yard setback	0 ft.	10 ft.	10 ft.	20 ft.	
Rear yard setback	20 ft.	20 ft.	20 ft.	30 ft.	
Minimum landscaped open space	-	10%	10%	10%	

¹ For residential development in the C-1 and C-2 acres, the minimum lot sizes shall be the same as the requirements of the R-3 District.

² Unless the building is set back at least 150 feet from adjacent lot of lots in the R-1 or R-2 Districts, and if it is determined that the building will not block the view of adjoining R-1 or R-2 developed properties.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-90. - Developing Resource District.

(a) *Permitted uses.* Uses permitted by right in the Developing Resource District include those existing uses of the land at the time of annexation, including:

- (1) Single-family residence.

- (2) Raising of crops, grain.
- (3) Ranching.
- (4) Other agricultural uses.
- (b) *Rezoning required.* No uses other than those existing at the time of annexation shall be permitted on property zoned DR unless the property is rezoned to a zoning district that permits the proposed use.
- (c) *Uses permitted by special review.* New dwelling units shall be permitted by special review.
- (d) *Park dedication requirements and water rights.* The properties that are annexed and zoned DR, Developing Resource, shall not be subject to requirements for park dedications or cash payment in lieu of dedicating park land or for water rights fees or requirements, except as to secured uses by right or permitted uses by special review, until the property is rezoned, wherein full satisfaction of the requirements of this Chapter shall then be due.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-100. - Public District.

- (a) *Permitted uses.* Uses permitted by right in the Public District include the following:
 - (1) Park recreational areas dedicated to the Town.
 - (2) Public educational facilities existing at the time of adoption of the initial ordinance codified herein.
 - (3) Public building and facilities existing at the time of the adoption of the initial ordinance codified herein.
- (b) *Uses permitted by special review.*
 - (1) New public educational facilities.
 - (2) New public buildings and facilities.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-110. - Estate Residential District.

On those properties where livestock and poultry are allowed, the following performance standards shall be observed.

- (1) All manure shall be removed periodically or incorporated into the soil on a regular basis such that the manure does not draw flies or other insects or cause obnoxious odors.
- (2) Adequate overflow drainage on drinking facilities shall be provided to prevent the saturation of soil on adjacent property.
- (3) Spillage and leftovers from livestock feedings must be removed or so disposed of as to prevent fly, bird or rodent propagation or creation of odors.
- (4) Any shed, shelter, pen or enclosure for livestock shall not be closer than one hundred (100) feet to any off-property residence or place of business and shall be set back twenty (20) feet from the side lot line and fifty (50) feet from the front lot line.
- (5) All sheds or other shelter for livestock shall be kept reasonably free of rodents and insects and shall be kept in good repair.
- (6) Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams or other bodies of water from pollution.
- (7) In subdivided areas, all livestock shall be kept within a fenced area.

- (8) Adherence to the Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission shall be observed.
- (9) The maximum number of allowable livestock per lot does not apply to young animals below the weaning age or six (6) months of age, whichever is less.
- (10) The number of livestock permitted shall be two (2) horses, one (1) cow, one (1) llama, three (3) sheep, or three (3) goats per three (3) acres. There shall be twenty-four (24) poultry total allowed.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Secs. 16-3-120, 16-3-130. - Reserved.

Sec. 16-3-140. - Formula business.

- (1) *Intent*. The purpose of these formula business requirements is to maintain and protect Paonia's historic downtown core as the civic, social and business hub of the community, ensure the vitality and diversity of the Town's commercial districts and enhance the quality of life of residents and visitors.
- (2) *Applicability*. These regulations shall apply to formula businesses as defined in Section 16-3-100 of the Code.
- (3) *Related definitions*. For purposes of this Section, the following definitions apply:
 - (a) *Color scheme* means the selection of colors used throughout the business, such as on the walls, furnishings, permanent fixtures or on the building façade.
 - (b) *Décor* means the interior design and furnishings that may include style of furnishings, shelving, display shelving/racks, wall coverings or other permanent fixtures.
 - (c) *Façade* means the principal exterior face or front of a building, including awnings, overhangs, and porte-cocheres that are oriented towards a street, alley or open space.
 - (d) *Servicemark* means a word, phrase, symbol or design or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service of one party from those of others.
 - (e) *Signage* means a sign as detailed Section 18-6-10.
 - (f) *Standardized array of merchandize* means fifty percent (50%) or more of the in-stock merchandise is from a single manufacturer or distributor bearing uniform markings.
 - (g) *Standardized array of services* means a substantially similar set of services or food and beverage menus that are priced, prepared and performed in a consistent manner.
 - (h) *Trademark* means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs legally registered or established by use that distinguishes the source of the product of one party from those of others.
 - (i) *Uniform apparel* means standardized items of clothing, including but not limited to standardized aprons, pants, shirts, vests, smocks or dresses, and hat and pins (other than name tags) with standardized colors and fabrics.
- (4) *Exemptions*. The following formula businesses are exempt from these formula business requirements:
 - (a) Formula businesses in operation prior to the effective date of these regulations.
 - (b) Construction work on a pre-existing, approved or exempt formula business that is required to comply with fire and/or life safety standards.
 - (c) Disability access improvements to a pre-existing, approved or exempt formula business.

(5) *Formula Business Location Requirements.* Formula retail businesses may be permitted as a Special Review in the C-2, I-1 or I-2 zone district.

Formula businesses that are legally in existence as of the effective date of this Ordinance may remain in their current location as a non-conforming use. The same or substantially similar type of use may be transferrable upon sale or transfer of the commercial space or ownership of the business and/or building.

Formula businesses that are legally in existence as of the effective date of this Ordinance may be renovated and/or expanded up to fifteen percent (15%) of the existing gross floor area or a maximum of one thousand five hundred (1,500) square feet, whichever is less.

(6) *Compliance with the Code.* Formula business shall comply with all applicable standards of the underlying zone district and the applicable regulations of the Town Code.

(7) *Formula Business Additional Criteria.* No conditional use permit for a formula business shall be approved unless the following criteria are met:

(a) The formula business complements existing businesses and promotes quality, diversity and variety to assure a balanced mix of commercial uses and range of local, regional and national goods and services for residents and visitors.

(b) The formula business has submitted plans, drawings, renderings, visual simulations or other examples that illustrate how it will be consistent with the historic nature of the Town of Paonia.

(c) The formula business does not include any drive-through facilities.

(Ord. No. 2019-10, § 3, 8-13-2019)

ARTICLE 4. - SPECIAL REVIEW APPLICATION REQUIREMENTS AND PROCEDURES

Sec. 16-4-10. - Intent.

Each established zoning district is intended for a specific type or category of land use (e.g., single-family dwelling in an R-1 district). However, there are certain uses, which may or may not be appropriate in a particular district, depending on the situation. For example, the location, nature of the proposed use, character of the surrounding area, traffic capacities of adjacent streets and potential environmental effects all may dictate that the circumstances of the development should be individually reviewed. The special review process is established to provide for these specific uses without establishing numerous separate zoning classifications. It is the intent of this Article to provide a review of such uses so that the community is assured that the proposed uses are compatible with the location and surrounding land uses.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-20. - When allowed.

Within each zoning district, certain land uses are permitted by right or by special review or prohibited. Special review uses may be permitted in designated districts upon review by the Planning Commission and approval by the Board of Trustees.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

There shall be filed with each special review application a site plan drawn to scale and an appropriate number of copies as determined by the Town Administrator. The site plan shall be drawn in black ink on Mylar. Following approval by the Board of Trustees, the applicant shall submit a reproducible copy of the original site plan to the Town for the Town's permanent records. The special review application shall include the following:

- (1) The site plan showing the location of all buildings, structures and other improvements to be placed on the real property. A building envelope may be used in lieu of showing the exact building or structure location to allow for minor variations in the location.
- (2) A legal description of the property.
- (3) A list of the names and addresses of all property owners within two hundred (200) feet of the property.
- (4) All off-street parking and loading areas.
- (5) The location of all ways for ingress to and egress from all buildings and parking areas.
- (6) Service and refuse collection areas.
- (7) Major screening proposals.
- (8) The size, shape, height and character of all signs.
- (9) The area and location of all open space and recreation areas.
- (10) The location and type of outdoor lighting.
- (11) The character and type of landscaping to be provided. The landscaping shall be indicated in tabular form showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on the site plan.
- (12) The anticipated timetable for completion. If the project is to be completed in phases, then the date for completion of each phase shall be indicated.
- (13) The following agreement will be placed on the original special review site plan, signed by all owners and lienholders of the property: The undersigned agree that the real property described on the site plan shall be developed only in accordance with the approved special review site plan and other provisions of the zoning regulations of the Town of Paonia. The signatures of all owners and lien holders shall be notarized. The agreement shall further designate who is specifically responsible for the proposed improvements.
- (14) In addition to the site plan, a title policy indicating that the property is free and clear of all ownership disputes, liens or encumbrances whatsoever which would impair the use of the property for the uses approved. The title policy shall provide verification that all owners and lien holders have signed the special review site plan. The title policy shall be effective within twenty-four (24) hours after the date of approval by the Board of Trustees. If the title policy is not provided to the Town Clerk within seven (7) days after action by the Board of Trustees, the action by the Board of Trustees shall be automatically voided.
- (15) Other information as needed by the Town to analyze the feasibility and impacts of the special review use, which may include, but are not limited to, traffic analyses, soils or geological reports or drainage and engineering studies.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-40. - Procedures for securing approval of special review application.

- (a) *Preapplication conference.* The applicant shall schedule a conference with the Town Administrator prior to submitting a formal application. This will serve to better acquaint the applicant with the Town's policies, requirements, procedures and the Master Plan objectives. The preapplication conference should be held before the applicant has entered into binding commitments or incurs substantial expenses in the preparation of plans, surveys and other studies.
- (b) *Filing deadline.* Applications for special review shall be filed at least thirty (30) days in advance of the meeting at which they are to be considered by the Planning Commission. The Town will provide the applicant with a list of filing deadlines and meeting dates. Applications that are incomplete at the time of filing will not be scheduled for review by the Planning Commission.
- (c) *Fees.* All persons filing a special review application shall be charged a fee to cover the cost of advertising and processing. The amount of the fee shall be established by resolution of the Board of Trustees.
- (d) *Review by the Town Administrator.* The Town Administrator shall review the application for compliance with the provisions of this Code, the site plan review criteria and performance standards of this Section and for consistency with the Master Plan. The Town Administrator shall receive comments from all other pertinent Town departments and other agencies and from the Development Review Committee. The Town Administrator may then submit his or her recommendations and comments to the Planning Commission for its consideration at its next regularly scheduled meeting. Copies of staff recommendations shall be available to the applicant prior to the Planning Commission's meeting.
- (e) *Action by the Planning Commission.* At a duly noticed public hearing the Planning Commission shall consider the special review application and the comments and recommendations of the Town Administrator. As a part of their review of the proposed special review use, the Planning Commission shall consider the Special Review Site Plan review criteria and performance standards of Section 16-4-50 below.
- (f) *Action by the Board of Trustees.* Within thirty (30) days after the action by the Planning Commission, the Board of Trustees shall consider the special review request and the recommendations of the staff and the Planning Commission. The Board of Trustees shall then make the final decision to approve the application, approve the application with modifications or deny the application.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-50. - Site plan review criteria and performance standards.

- (a) The criteria for review and performance standards are as follows:
 - (1) Compliance of the application with this Code in general.
 - (2) The compatibility of the proposed use and site plan with the character of the surrounding area.
 - (3) The desirability and need for the proposed use.
 - (4) The potential for adverse environmental influences that might result from the proposed use.
 - (5) Compatibility of the proposed use and site plan with the policies and guidelines of the Comprehensive Plan.
- (b) Lights and signs shall be located in a manner that will not be distracting to adjoining properties or passing motorists.
- (c) Landscaping shall be provided in areas near the public right-of-way and located with consideration for energy conservation. An acceptable plan must be provided for the maintenance of the required landscaped areas.
- (d)

Control of storm drainage shall be provided so as to not damage adjoining properties. The plan must be approved by the Town Engineer.

- (e) Site design and building plans shall include provisions for the needs of handicapped individuals as required by the Building Code or other ordinances of the Town.
- (f) Approved landscaping or solid fencing capable of screening adjacent properties shall be provided where commercial uses abut residential uses.
- (g) Commercial and industrial uses shall conform to the following performance standards:
 - (1) No dust, odor, gas, fumes, glare or vibration shall extend beyond lot lines. Glare pertains to sunlight reflected from windows or other integral portions of buildings, as well as from lighting fixtures and signs.
 - (2) Smoke shall not be emitted at a density greater than #1 on the Ringleman's scale.
 - (3) No particles of fly ash shall exceed two-tenths percent (0.2%) grains per cubic foot of the flue gas at a stack temperature of fifty (50) degrees Fahrenheit.
 - (4) Noise. No noise shall be emitted which exceeds a maximum of seventy-five (75) decibels with a maximum increase of five (5) decibels permitted for a maximum of fifteen (15) minutes in any one (1) hour. In addition, every activity shall be conducted so that no noise produced is objectionable due to intermittence, beat frequency or shrillness.
 - (5) Water pollution. No water pollution shall be emitted by the manufacturing or other processing.
 - (6) Outside storage areas that adjoin R-1, R-2 or R-3 Districts must be screened from view with screening of at least eight (8) feet high. The screening shall be constructed of board fencing, screened metal fencing or shrubs.
 - (7) Truck traffic to and from the I-1 and I-2 District facilities must be restricted to truck routes. The weight of the trucks is limited to standard highway limits unless otherwise posted.
 - (8) Industrial activity within the I-1 District will be restricted to 7:00 a.m. to 9:00 p.m.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-60. - Effect of special review approval.

- (a) Following approval of a special review application, all real property described in the application must be improved, developed and used in accordance with the approved application, the site plan and any written proposals submitted therewith within the completion date or dates set by the Board of Trustees.
- (b) Any changes or modifications to the special review application or site plan shall be permitted only in accordance with the procedures stated in Section 16-4-70 below.
- (c) It is unlawful for the owner of the property subject to an approved special review application to fail to complete all improvements within the approved completion date set by the Town or to use the property for any use not set forth in an approved special review application. Each day of violation shall be considered as a separate violation of the provisions of this Chapter.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-70. - Changes or modification to approved application and special review site plans.

Changes or modifications to an approved special review application and site plan shall be permitted by following the procedures of this Chapter for rescinding a special review application and securing approval of the original application, except as follows:

- (1) For minor variations in the location of structures, improvements or open areas caused by engineering or other unforeseen difficulties, the Planning Commission may authorize a modification to an approved site plan without public hearing. Such changes or modifications authorized by this Paragraph shall not modify use, character or density of an approved special review application or site plan. All site plans so modified shall be amended to show the authorized modifications.
- (2) The Planning Commission may also grant, without a public hearing, an extension of the time schedule for a period not to exceed six (6) months. Not more than two (2) such extensions may be granted without a duly noticed public hearing.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-80. - Termination of approved special review applications.

Approved special review applications may be terminated as follows:

- (1) *By Board of Trustees action.* If construction is not completed and use established on a property subject to an approved special review application in accordance with and within the time schedule set forth in the application, the Board of Trustees may require the property owner to appear before it and present evidence establishing that he or she has not abandoned the use of the property as approved by the Board of Trustees and that he or she has the ability to complete the development of the property. In the event the Board of Trustees finds that the conditions which existed at the time of the approval of the application have changed so that reasonable questions exist regarding the property owner's ability and intention to comply with the application, it may withdraw its approval. Upon such rescission, all uses permitted by the application shall terminate at its discretion, and for good cause shown, the Board of Trustees may extend the period of time for completion of construction and use of the property as provided in the application.
- (2) *By owner's action.* The owner of a property subject to a special review application may petition the Board of Trustees to rescind its approval of the special review application pertaining to his or her property or any part thereof. Such petition shall be signed and filed with the Town Clerk in the number and within the time provided in this Chapter for special review applications. The petition shall be submitted to the Planning Commission for its consideration. The Planning Commission shall then consider the petition and submit its recommendation to the Board of Trustees. The Board of Trustees shall then consider the petition and determine whether or not to grant the same. If the petition is granted, the Board of Trustees shall rescind its approval of the subject special review application as to the property described in the petition.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000)

ARTICLE 5. - PLANNED UNIT DEVELOPMENT

DIVISION 1. - GENERAL PROVISIONS

Sec. 16-5-10. - Intent.

- (a) It is the intent of these PUD regulations to promote the following objectives on areas of five (5) acres or more to:
- (1) Permit greater flexibility in the location of buildings, mixtures of land uses, housing types and open space and consequently promote more imaginative design than would generally be possible under conventional zoning requirement. Limited variations to applicable zoning and subdivision requirements may be possible through the PUD process.
 - (2) Allow for a greater diversity in the choice of housing types and provide more economical subdivision design which may assist in creating more affordable housing.
 - (3) Promote a higher level of development design, including greater landscaping, open space, energy efficient design and convenient pedestrian and vehicular circulation.
 - (4) Encourage more innovative land use and site design and to carry out the goals and policies of the Comprehensive Plan.
- (b) Exceptions to development standards. To assist developers in achieving the intent of the PUD as stated above, the Planning Commission may allow modifications and exceptions to said standards, provided that such exceptions are consistent with the intent of this Article and the Comprehensive Plan, and that such actions pose no threat to the property values, health, safety and general welfare of the people of the community and the owners or occupants of adjacent or nearby land.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-20. - Authority.

The Town hereby adopts the PUD regulations contained in this Article in accordance with Title 24, Article 67, C.R.S. The purposes set forth in Section 24-67-102, C.R.S., are incorporated herein by reference in addition to the statements of intent listed above in Section 16-5-10.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-30. - Where permitted.

A PUD may be permitted in any zoning district within the corporate boundaries of the Town subject to the review and approval requirements of this Article.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-40. - Uses permitted.

Within each zoning district, a PUD may include those land uses designated as a permitted use by right or by special review in that district. The Board of Trustees may also allow appropriate mixtures of housing types and supporting neighborhood commercial uses, provided that they are in accordance with the standards and criteria provided in this Chapter and are consistent with the policies of the Comprehensive Plan.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-50. - Effect of designation.

- (a) Approval of a PUD shall have the effect of overlaying the existing zoning and, therefore, adding to and modifying the existing zoning requirements. If there is a conflict between the provisions of the existing zoning district and the PUD regulations that are applied to a particular development, then the provisions approved for the planned development shall apply.
- (b) When a PUD is approved by the Town, the zoning designation for that lot, tract or parcel on the official zoning shall include the suffix "PUD". An approved site for a PUD that is zoned R-1 would then have the designation "R-1 (PUD)."

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

DIVISION 2. - APPLICATION PROCEDURE

Sec. 16-5-110. - Procedures for securing approval of PUD.

- (a) Preapplication conference. Prior to submittal of a formal PUD application, the applicant is required to hold a preapplication conference with the Town Administrator to present a tentative sketch plan for review. The preapplication conference should address itself to the following:
 - (1) The proper relationship between the proposed project and the Comprehensive Plan and/or stated planning and development objectives.
 - (2) The names, addresses and phone numbers of neighboring property owners within two hundred (200) feet.
 - (3) The nature, design and appropriateness of the proposed land use arrangement for the zone and configuration of the property involved.
 - (4) The adequacy of open space areas in existence and as proposed to serve the development.
 - (5) Adequate irrigation water rights if the property to be improved has been previously irrigated and water rights were utilized, with a plan for distribution.
- (b) The conference should be held before the applicant has entered into binding commitments or has incurred substantial expense in the preparation of plans or other studies.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-120. - PUD sketch plan review; intent.

The purpose of the sketch plan is to acquaint the staff, the Planning Commission and the Board of Trustees with the nature of the proposed PUD and to identify potential problems or conflicts before substantial time and cost are invested by the applicant. This step in the process is optional. For smaller projects, a preapplication conference with the Town Administrator may be sufficient. However, for larger projects or those that may require major policy decisions, a sketch plan review by either the Planning Commission or the Board of Trustees or both may be strongly advisable. The Town Administrator may recommend that a sketch plan be prepared by the applicant prior to proceeding to a more detailed phase of the process. The sketch plan must be submitted to the Town Clerk thirty (30) days prior to the Planning Commission meeting at which it is being considered.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

The PUD master plan is intended for those projects that will be developed in more than one (1) phase. The PUD master plan may be submitted and reviewed prior to or simultaneously with the preliminary development plan for the first phase of development.

- (1) *Filing deadline.* Applications for a PUD master plan and preliminary development plan shall be filed at least thirty (30) days prior to the Planning Commission meeting at which time the matter is to be heard. If public hearing is needed, neighboring property owners within two hundred (200) feet shall be notified.
- (2) *Development Review Committee.* Prior to the Planning Commission meeting, the matter shall be reviewed by the Development Review Committee. The applicant or his or her representative shall be invited to attend this review session. The Development Review Committee's comments shall be forwarded to the Planning Commission. See Chapter 17 of this Code.
- (3) *Planning Commission action.* At a public hearing, the Planning Commission shall consider the PUD master plan and/or preliminary development plan and the comments and recommendations of the Development Review Committee. The Planning Commission shall review the application with respect to the criteria and standards for PUD provided in this Article. The Planning Commission may then recommend to the Board of Trustees that the matter be approved, approved with modifications or denied.
- (4) *Board of Trustees action.* At the next scheduled Board of Trustees meeting, the PUD master plan and/or preliminary development plan shall be considered by the Board of Trustees. The Board of Trustees shall consider the recommendations of the Planning Commission and the staff and review criteria and standards for PUD provided in this Article. The Board of Trustees may then approve the plan, approve the plan with modifications or deny the application.
- (5) *Effect of approval.* Once a PUD master plan and/or preliminary development plan is approved, all property within the area described in the application must be developed in accordance with the plan. No building permits will be issued for the property unless a PUD preliminary development plan and final development plan are approved in accordance with the remaining sections in this Article.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-140. - Final development plan.

- (a) *Filing deadline.* Final development plans shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which time the matter is to be heard.
- (b) *Development Review Committee.* Prior to the Planning Commission meeting, the matter shall be reviewed by the Development Review Committee. The applicant or his or her representative shall be invited to attend this review session. The Development Review Committee's comments shall be forwarded to the Planning Commission. See Chapter 17 of this Code.
- (c) *Planning Commission action.* At a public hearing, the Planning Commission shall consider the final development plan and the comments and recommendations of the Development Review Committee. The Planning Commission shall review the application with respect to the criteria and standards for PUDs and special review applications and for consistency with the PUD master plan and preliminary development plan.
 - (1) If there are substantial differences between the final development plan and the preliminary development plan, a revised preliminary development plan must be considered under the review process in Section 16-5-120 above.

(2) If the Final development plan is consistent with the PUD master plan and/or the preliminary development plan, the Planning Commission may then recommend to the Board of Trustees that the matter be approved, approved with modifications or denied.

(d) *Board of Trustees action.* Within thirty (30) days after action by the Planning Commission, the final development plan shall be considered by the Board of Trustees. All modifications to the site plan and application as recommended by the Planning Commission shall have been completed prior to the meeting of the Board of Trustees. The Board of Trustees shall consider the recommendations of the Planning Commission and the staff and review standards and criteria for PUDs provided in this Article. The Board of Trustees may then approve the plan, approve the plan with modifications or deny the plan.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-150. - Determination of completeness.

Upon receipt of a PUD master plan, preliminary or final development plan, the Town Administrator shall review the application to determine whether it is in an acceptable format and includes the requirements of Section 16-5-210 of this Article. If the Town Administrator finds that the application is in the proper format and is complete, he or she shall initiate the process contained herein. If the Town Administrator determines that the application is incomplete, he or she shall notify the applicant of the specific deficiencies. Any notice of deficiency shall be sent to the applicant within fifteen (15) business days after the filing of the application. Formal processing of the application shall not begin until the deficiency is corrected and the application is resubmitted. The date of the resubmission, not the date of the initial application, shall govern the timing of the process.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-160. - Application fees for PUD.

Application fees for a PUD sketch plan, PUD master plan, preliminary development plan and final development plan shall be established by resolution of the Board of Trustees.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

DIVISION 3. - APPLICATION REQUIREMENTS

Sec. 16-5-210. - Application requirements.

Applications for a PUD shall include the requirements set out in this Division.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-220. - PUD sketch plan optional.

If a PUD Sketch Plan is submitted by an applicant for review by the Town staff, the Planning Commission and/or the Board of Trustees, the sketch plan must include at least the following information:

(1) *Written information:*

a. A statement of the objectives of the PUD.

- b. A description of the proposed uses, including number of dwelling units, square feet of commercial uses and open space.
- c. A statement of how the proposed relates to the Master Plan.
- d. A statement of how utilities are to be provided.
- e. The names of property owners, planner, engineer and surveyor.

(2) *Graphic materials:*

- a. A vicinity map drawn to scale showing the location of the property with respect to the Town limits and the Town street system.
- b. A map drawn to scale of at least 1" = 100' showing the location of the proposed uses, major streets and land subdivisions, if applicable.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-230. - PUD master plan.

A PUD master plan comprised of written materials and site plans as provided below shall be required for all unit developments to be developed in phases.

(1) *Written information:*

- a. A legal description of the property.
- b. A statement of the existing and proposed zoning.
- c. A list of the names, addresses and phone numbers of all property owners and lien holders.
- d. A list of the names and addresses of all property owners within two hundred (200) feet as on file at the County Assessor's Office.
- e. A statement describing the planning objectives to be achieved by the PUD and the relationship to the Master Plan.
- f. A statement indicating the owner's intentions with respect to future selling or leasing of all or portions of the unit development, including land area and dwelling units.
- g. A development schedule indicating the estimated timing and phasing of construction activities. The schedule shall include the estimated area allocations for each land use in each phase of development. The total area of common open space provided at any phase of the development shall be provided.
- h. Quantitative data shall be provided for the following:
 - 1. The total number and type of dwelling units.
 - 2. The proposed maximum residential density.
 - 3. The maximum area of proposed nonresidential construction.
 - 4. The development intensity expressed as the ratio of the floor area to the gross area of each tract or parcel.
 - 5. The area of open space and the percentage of the open space to the gross site area.
 - 6. The amount of off-street parking for use by residents and guests for residential use, or by employees and customers for business or industrial use.
 - 7. Adequate irrigation water rights, if the property to be improved has been previously irrigated and water rights have been utilized, and a plan for distribution.

- i. A statement of plans or programs that demonstrate the means by which all open space and recreational areas, walkways and private streets are to be maintained.
 - j. A statement of intent as to the dedication of open space and streets for public use. If streets are to be retained for private ownership and maintenance, an easement shall be reserved for access rights for police, fire and other emergency services.
 - k. The owner's certification of acceptance of the conditions and restrictions set forth in the site plan and accompanying materials.
 - l. Projected impacts on utilities, including water demands; summer and winter average-day, maximum-day and peak-hour flow; fire flows, sewage discharge, flow and type of discharge, demand on electric, gas, irrigation and other utilities, if any.
 - m. Documentation of water rights needed and available for dedication to the appropriate managing agency.
- (2) *Site plans and supporting data.* Site plans and supporting maps or data are required showing the major details, including:
- a. Vicinity map showing the site and the surrounding area within a distance of at least one (1) mile, showing existing zoning, traffic circulation, public facilities and densities of adjacent residential areas.
 - b. The existing site conditions, including topography and unique natural features.
 - c. A site plan drawn at a scale of 1" = 100' on a twenty-four (24) inch by thirty-six (36) inch sheet with date, scale and north arrow, illustrating the general location and proposed floor area of all existing and proposed land uses, including maximum heights, type of dwelling units, density, floor area ratio and type of nonresidential use.
 - d. An eight and one-half (8½) inch by eleven (11) inch reduction of the site plan.
 - e. The location and area of all land to be used for common open space, recreation areas, public parks, school sites or other public uses.
 - f. The existing and proposed vehicular circulation system, including arterial, collector and local streets, off-street parking areas, service and loading areas and major points of access to public rights-of-way.
 - g. The existing and proposed pedestrian circulation system, including the relationship with the vehicular traffic system indicating proposed treatment at points of intersection.
 - h. Information and description of the land areas adjacent to the proposed development with respect to land uses, zoning and traffic patterns.
 - i. Preliminary plans for storm drainage and water and sewer service to the proposed development.
 - j. Additional material, data or studies as required by the Planning Commission or Board of Trustees which will facilitate an understanding of the PUD master plan and the planning objectives of the unit development. These may include, but are not limited to, fiscal impact evaluations, market studies and transportation studies.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-240. - Preliminary development plan.

- (a) Contents. A preliminary development plan shall consist of all applicable application requirements set forth above for the master plan and the items set forth in this Section.
- (b) Written information shall include the following.

- (1) Statement of planning objectives, including the character of the proposed development.
- (2) Notes to indicate disposition, maintenance responsibility and service responsibility for water and sanitation, energy supplies and other services and areas which will serve the PUD.
- (3) Referral letters from affected utilities and public agencies.
- (4) The proposed development schedule indicating:
 - a. The approximate date on which construction of the project can be expected to begin.
 - b. The stages in which the project will be built, the approximate date when the construction of each phase can be expected to begin and the approximate population at each phase.
 - c. Estimate of the anticipated rate of development (i.e., number of units per year, etc.).
 - d. The approximate dates when the development of each of the stages in the development will be completed.
 - e. The area and location of common open space that will be provided at each stage.
- (5) List of the names, addresses and phone numbers of all property owners and/or authorized agents.
- (6) Name, address and phone number of the person preparing the plan.
- (7) Legal description and tie to an accepted survey monument.
- (8) Copies of any special agreements, conveyances, restrictions or covenants which will govern the use, maintenance and continued protection of the PUD and any of its common areas.
- (9) Owner's certification of acceptance of the conditions and restrictions as set forth on the Preliminary development plan.
- (10) A plan to include the proposed form of unified control which shall include identification and description of corporations, partnerships, trusts, owner's associations or other legal entities having the right to assess individual landowners within the development and identification of the method proposed to enforce the required assessments.
- (11) Names and addresses of all property owners within two hundred (200) feet.
- (12) Reports concerning the following:
 - a. Geologic characteristics of the area significantly affecting the land use.
 - b. Soils report including:
 1. Special physical and chemical characteristics of the soil.
 2. Prediction of stability and erosion potential.
 3. Suitability of the soil types for the land use proposed for the PUD.
 - c. Preliminary stormwater drainage report.
- (13) Data including:
 - a. Gross area in acres and square feet.
 - b. Total number and type of dwelling units.
 - c. Total bedrooms per each dwelling unit type.
 - d. Gross residential density.
 - e. Floor area ratio.
 - f. Total acreage with a breakdown by land use.

- g. Number of off-street parking spaces, including guest parking and common storage for recreational vehicles.
 - h. Area in square feet of recreational open space.
 - i. Area in square feet of "private" open space and percentage of gross area.
- (c) Site plans and supporting documents shall include the following.
- (1) Proposed lot lines and dimensions.
 - (2) Tentative location of existing and proposed buildings.
 - (3) Location and approximate dimensions for each area designated as common open space and recreational open space.
 - (4) Topography at five-foot contour intervals in areas of ten percent (10%) slope or greater and two-foot contour intervals in areas of less than ten percent (10%) slope. Existing contours to be shown in dashed line and proposed contours with solid lines.
 - (5) Approximate location, length, width and use of all existing and proposed easements, utility rights-of-way, major utility facilities, intersections, bridges, culverts and drainageways (indicate underground facilities).
 - (6) Preliminary utility drawings to include the following:
 - a. Drainage and detention.
 - b. Water and sewer service.
 - c. Flood protection.
 - d. Fire protection.
 - (7) Off-street parking areas, service areas, trash receptacles, loading areas and major points of access to public rights-of-way with appropriate dimensions.
 - (8) Existing and proposed streets with names. Approximate length of street centerlines, radii of curves, centerline grades and type of curb, gutter and sidewalks. Designation of streets to be private or public.
 - (9) Location of temporary model homes, sales office and/or construction facilities, including temporary signs and parking lots. Length of time such temporary facilities will be in place and whether they will require sewer and water taps.
 - (10) Location of pedestrian and bicycle paths.
 - (11) Location, height and size of proposed project-related or commercial signs, lighting and advertising devices.
 - (12) Location of pools, fences or accessory buildings.
 - (13) Location of low-income, elderly or other specialized housing.
 - (14) Location of land intended to be conveyed, dedicated or reserved for public use as park sites, school sites, etc. Public tracts shall be dedicated by a statement on the plat; responsibility of maintenance of all tracts shall be noted.
 - (15) General landscaping plan, including:
 - a. The location, type and size of major existing trees and shrubs and their fate.
 - b. The location, general type, minimum size and quantity of proposed plant material.
 - c. The proposed treatment of the perimeter of the PUD.
 - d. The provisions for control of dust during construction.

(16) Other graphics.

- a. Street cross-section schematics for both public and private accessways.
- b. Architectural intent drawings. Elevations and perspective drawings of all typical structures and improvements, except single-family detached residences and their accessory buildings. The drawings are intended to show the relationship of the proposed structures to the surroundings and need not be the result of final architectural design and need not be in detail. Note: Final architectural drawings will be required when applying for a building permit.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-250. - Final development plan.

- (a) The final development plan shall be consistent with the preliminary development plan and include all the written and graphic information required for the preliminary development plan. In addition, the following more detailed information is required for the final plan.
- (b) The site plan shall include all information and signatures as required for a use permitted by special review as stated in Article 4 of this Chapter.
- (c) A final summary data chart shall be provided, including the information required for the preliminary development plan. This data must be updated based on the finalized site plan.
- (d) A detail landscape plan shall include the following:
 - (1) The location, type and size of existing trees and major shrubs which are to be retained.
 - (2) The location, type, minimum size and quantity of proposed plant material. Scale shown on the plan for plant materials shall reflect three-quarters ($\frac{3}{4}$) mature size.
- (e) Final utility plans shall be provided.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

DIVISION 4. - REGULATIONS

Sec. 16-5-310. - Time limit for PUD.

The development shall be constructed in a timely manner.

- (1) *Master plan for the PUD.* A Preliminary development plan for all or a portion of the development area shall be filed within twelve (12) months after the approval of a PUD master plan. If no preliminary development plan is filed within the allowed time, the approvals granted for the PUD master plan shall expire. The Planning Commission shall have the authority to extend this time period for good cause for not more than two (2) successive six-month periods. Any further extensions must be considered by the Board of Trustees.
- (2) *Preliminary development plan.* Within a maximum of twelve (12) months of the approval of a preliminary development plan, a final development plan for all or part of the development area must be filed. If no final development plan is filed within the allowed time period, the approvals granted for the preliminary development plan shall expire. The Planning Commission shall have the authority to extend this time period

for good cause for not more than two (2) successive six-month periods. Any further extensions must be considered by the Board of Trustees.(3) Final development plans. Each Final development plan shall include a definite timetable for completion. This time period shall be established at the time of approval.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-320. - Termination of approved PUD application.

The Board of Trustees may rescind approval of a PUD application in the same manner as described for termination of special review uses in Article 4 of this Chapter.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-330. - Spacing between structures or buildings.

The purpose of specifying space requirements between structures is to ensure adequate privacy, light, ventilation and fire protection while at the same time encouraging more creative design than is normally allowed with conventional setback requirements. It is the intent that primary living spaces should not face directly onto another living space unless there is adequate space between structures.

- (1) *Residential buildings.* If the building walls contain windows for major daytime use, such as entrances, living rooms and dining rooms, the minimum distance between buildings shall be twenty-five (25) feet.
- (2) *Commercial buildings.* The minimum distance between a commercial building and a residential building shall be twenty-five (25) feet. The minimum distance between commercial structures shall be ten (10) feet.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-340. - Maintenance of open space, recreational areas, walkways and private streets.

- (a) It shall be the responsibility of the property owner to provide an acceptable program for the continuing maintenance of private open space, recreational areas, walkways and private streets within a PUD.
- (b) The developer shall submit a legal instrument setting forth a plan providing for the permanent care and maintenance of open spaces, recreational areas and communally owned facilities and parking lots. The same shall be submitted to the Town Attorney and shall not be accepted until approved as to legal form and effect. If the common open space is deeded to a homeowners' association, the applicant shall file the proposed documents governing the association. Such documents shall meet the following requirements:
 - (1) The homeowners' association, with covenants, must be established before any residences are sold.
 - (2) Membership in the homeowners' association must be mandatory for each residence owner.
 - (3) Open space restrictions must be permanent.
 - (4) The homeowners' association must be made responsible for liability insurance, taxes and maintenance of recreational and other facilities.
 - (5) The homeowners' association, with covenants, will have the power to levy assessments, which can become a lien on individual premises, for the purpose of paying the cost of operating and maintaining common facilities.

(c)

In the event the organization established to own and maintain the open spaces and other common facilities fails to maintain the facilities in accordance with the approved plan, the Board of Trustees shall direct a written notice to the property owners demanding that the deficiencies be corrected within thirty (30) days and that a hearing will be held on the matter within fifteen (15) days after the notice is sent. If the deficiencies are not corrected within the time established by the Board of Trustees, the Town may enter upon the properties and maintain the properties until the owners of the property show cause why maintenance by the Town is not required. The cost of maintenance by the Town shall be a lien against the common facilities of the PUD and the private properties within the development. The Town shall have the right to make assessments against the properties for maintenance of the development on the same basis that the organization responsible for maintenance could make such assessments.

- (d) Any unpaid assessment shall be a lien against the property responsible for the same, enforceable the same as a mortgage against such property. The Town may further foreclose its lien on the common facility by certifying the same to the County Treasurer for collection as in the case of collection of general property taxes.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-350. - Relationship of PUD process to subdivision regulations.

When applicable, PUDs must comply with the requirements and procedures relative to subdivisions and annexation. However, it is intended that certain requirements and hearing procedures not be duplicative. Therefore, applications may in certain instances be reviewed concurrently.

- (1) A preliminary development plan for a PUD may be accepted as satisfying all requirements for a preliminary plat, provided that all the requirements and provisions of the subdivision regulations are met as part of the PUD application.
- (2) If a PUD involves a subdivision, the final subdivision plat must be approved by the Board of Trustees prior to any sale of land or building permits being issued.
- (3) A Final development plan for a PUD can be considered for final action by the Board of Trustees only if action has previously been taken by the Board of Trustees annexing and zoning the property.
- (4) Any subsequent subdivision and land approved as a PUD must be consistent with the PUD plans as approved. Any major change from the approved PUD shall require that an amended PUD be considered under the same hearing and review process as the original application.
- (5) Annexation of property proposed for a PUD may be finalized at any point in the process by the Board of Trustees, provided that all the requirements for annexation have been met.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

DIVISION 5. - APPROVAL STANDARDS

Sec. 16-5-410. - Standards and criteria for approval of PUDs.

The findings of the Town staff, Planning Commission and Board of Trustees shall be based upon the following criteria and performance standards and requirements:

- (1) *General considerations.*
 - a. The PUD proposal is consistent with the Comprehensive Plan.

- b. The plan conforms to the provisions of this Article.
 - c. The proposed development will not have adverse environmental impacts, such as excessively increased traffic hazards or congestion, overload utilities or otherwise be detrimental to the general welfare of the community.
 - d. The proposed development will be compatible with the existing development in the area.
- (2) *Residential density.* The density permitted within a PUD shall generally be the same as that permitted in the underlying zone.
- a. Provisions of low- or moderate-income housing unit. A low- or moderate-income unit is a unit that is offered for rent or sale to those with incomes that are eighty percent (80%) or less of the median household income for the area as determined by the U.S. Department of Housing and Urban Development. All proposals developed within this provision will be required to demonstrate that they will continue to be available in the future for low- or moderate-income individuals or families.
 - b. Dedications of lands in addition to those required by the park dedication ordinance as adopted by the Town. The additional dedication must clearly be in the public interest and may include potential sites for community facilities, such as for utilities, public easements, river front access, walkways, community parks, school sites or police or fire station sites.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

DIVISION 6. - DESIGN STANDARDS AND REQUIREMENTS

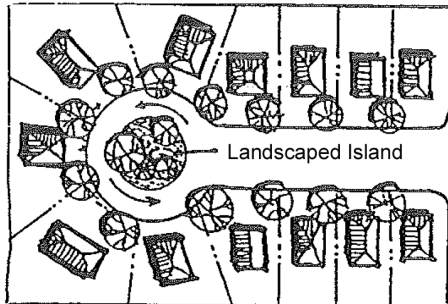
Sec. 16-5-510. - Streets and traffic circulation.

Standards for street design shall be approved as a part of the PUD master plan and may vary from requirements found in the subdivision regulations and the adopted street standards and specifications for the Town. Variation in the adopted street standards for both public and private streets may be granted by the Board of Trustees upon determination that the following performance standards and design requirements are met:

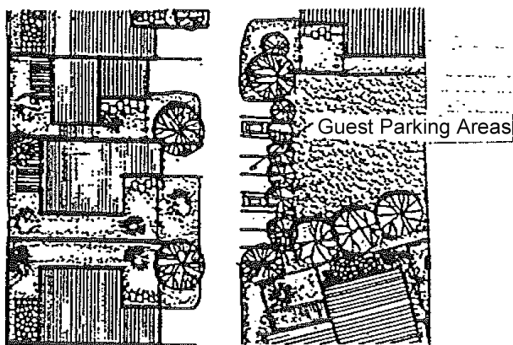
- (1) Ingress to and egress from the internal circulation system to the external circulation system can safely and efficiently accommodate the volumes and types of the traffic both existing and anticipated.
- (2) Points of ingress and egress are designed to discourage through traffic on local streets within the PUD.
- (3) Circulation plans to and from nonresidential PUD uses will not adversely affect other elements of the circulation system.
- (4) The design of the internal system is sensitive and responsive to such points as safety, convenience, access to dwelling units and any nonresidential facilities, emergency and maintenance access, segregation of vehicular and nonvehicular traffic, noise, congestion and overall attractiveness.
- (5) Pedestrian and other nonvehicular elements of the system minimize street crossings and provide safe access to schools, nonresidential facilities and common open space.
- (6) Construction specifications as proposed shall be subject to Town review and approval. Streets shall be dedicated to the Town in accordance with the subdivision regulations, unless the Board of Trustees shall approve ownership of the streets within a PUD by a homeowners' association or other legal entity. The Board

of Trustees shall approve ownership of the streets by an entity other than the Town only if it finds that such entity has the legal, financial and managerial ability to maintain such streets in a way consistent with the public health, safety and welfare and with the needs of the residents within the PUD.

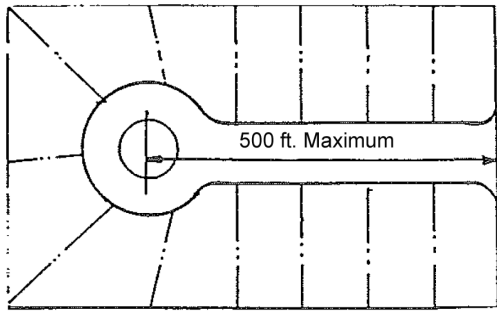
- (7) The design of the development should minimize the length of streets.
- (8) When possible, islands created in cul-de-sac areas should be landscaped and maintained by a homeowners' association.



- (9) All streets external to the PUD area must be constructed in accordance with the adopted street standards for the Town.
- (10) Collector streets that are within the boundaries of the PUD may have a minimum of thirty (30) feet of pavement within a fifty-foot right-of-way, provided that the following conditions are met:
 - a. Driveway access to collector streets is prohibited.
 - b. A four-foot sidewalk is placed on at least one (1) side of the street. In areas that are within one (1) mile of a school, sidewalks must be placed on both sides.
 - c. For the minimum width, parallel on-street parking shall be allowed on one (1) side of the street only.
- (11) Local streets that are within the boundaries of a PUD may have a minimum pavement width of twenty-eight (28) feet within a forty-foot right-of-way, provided the following conditions are met:
 - a. The local streets are designed so that use by through traffic is discouraged.
 - b. A four-foot sidewalk is placed on at least one (1) side of the street. In areas that are within one (1) mile of a school, sidewalks must be placed on both sides.
 - c. Parallel on-street parking is not permitted on either side.
 - d. Guest parking areas are dispersed at convenient locations throughout the development.



- (12) Cul-de-sac streets shall have a maximum length of five hundred (500) feet measured from the right-of-way line of the connecting street to the center of the turn-around area at the closed end of the cul-de-sac. Each cul-de-sac radius shall be fifty (50) feet.



(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-520. - Parking.

- (a) Parking areas shall be arranged so as to prevent through traffic to other parking areas and shall be screened by decorative fence, wall, landscape material, landscape berm, natural topography or other materials to provide a buffer strip and appropriate screening that reduces the visual impacts of the parking areas from any public street and residential units.

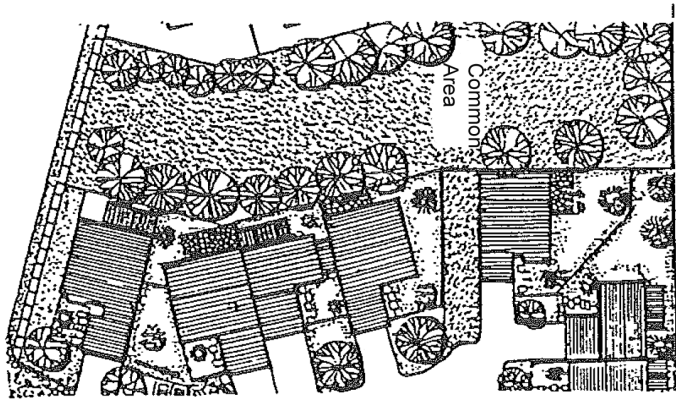


- (b) Guest parking shall be dispersed throughout the development area to be within convenient walking distance to and from the residential areas.
- (c) Provisions of common storage areas for campers, boats, trailers and recreational vehicles are encouraged.
- (d) PUDs shall provide the parking spaces required by Article 6 of this Chapter, including guest parking spaces in the ratio of twenty-five one-hundredths (0.25) spaces per unit located within one hundred (100) feet of the dwellings they are intended to serve. Variations to the required number of parking spaces can only be approved under the following conditions.
 - (1) Where the expected need for off-street parking is lessened due to the unusual characteristics of the use, and comparable data is available to establish that there is a lesser need for the parking.
 - (2) There is a specific plan for joint use of common parking areas, varying time periods of use.

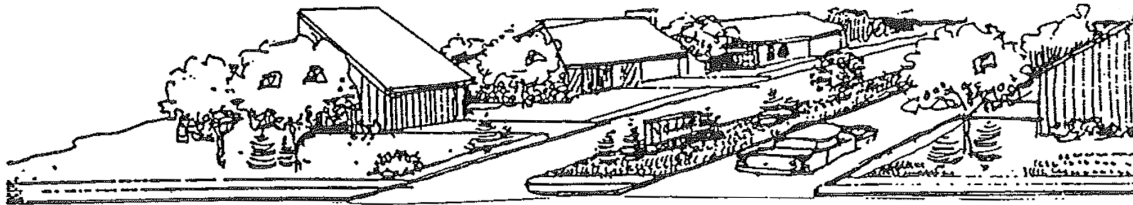
(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-530. - Open space.

- (a) The impacts of development on valuable natural resources and unique natural features, including but not limited to agricultural soils, steep slopes, aquifers and aquifer recharge areas, prime deciduous and prime coniferous tree stands, marshes, swamps and other wetlands, floodplains and such other features as review of a particular site may indicate are worthy of preservation or special protection, shall be minimized by the developer of a proposed PUD through sound environmental planning and careful implementation thereof.
- (b) Open space areas should be easily accessible to all residential areas and should maximize pedestrian use.



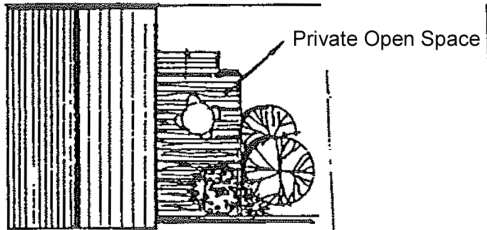
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- (c) Landscaped areas should include use of native plant materials that require little water or maintenance. While nonvegetative landscape material is permitted, these areas should be small in scale with extensive planted areas interspersed.
 - (d) Planted median areas are encouraged, as well as attractive landscaped entryways to the PUD area.



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- (e) Open space areas should be designed to provide pedestrian connections to the various areas within and adjacent to the development.
 - (f) Common open space. At least twenty percent (20%) of the gross area of a residential PUD and ten percent (10%) of a nonresidential PUD shall remain as open space for the common use of the residents or visitors to the area. In a PUD which contains both residential and nonresidential areas, the open space requirements shall be computed by applying the twenty-percent factor to the portion of the development devoted to residential use and the ten-percent factor to the portion devoted to nonresidential use.
 - (g) Recreational open space for residential developments.
 - (1) Recreational open space shall comprise not less than seventy-five percent (75%) of the total required common open space. All areas to be considered recreational open space shall have a minimum dimension of thirty (30) feet, except for bicycle paths. No more than twenty-five percent (25%) of the required recreational open space shall have impervious surfacing.
 - (2) Recreational open space shall not include slopes greater than ten percent (10%).
 - (3) Recreational open space shall not be obstructed except by improvements that enhance its usability. Recreational open space shall provide for organized sports or includes playground apparatus, tennis courts,

bicycle paths, swimming pools or similar active areas.

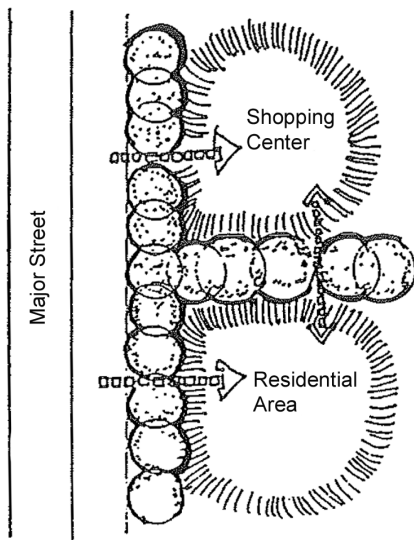
- (4) All required recreational open space shall be planted in lawn or other appropriate groundcover suitable for foot traffic.
- (5) Special consideration and exceptions to the above requirements may be approved by the Planning Commission for open space that provides for public access to the North Fork, Gunnison River and Minnesota Creek.
- (h) Private open space. At least one hundred fifty (150) square feet of private open space shall be provided for each ground-level dwelling unit. Private open space shall include patios, decks, lawn areas and balconies. At least fifty (50) square feet of private open space shall be provided for above-ground units.



(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-540. - Landscaping.

- (a) A permanently maintained landscaped buffer zone shall be provided adjacent to arterial and collector streets and parking lots or between residential development and adjacent commercial, industrial or incongruent uses. The minimum width of the buffer zone shall be twenty (20) feet. The Planning Commission may consider reducing the width of the buffer strip when dense landscaping or mature plant materials are provided.



- (b) A comprehensive landscaping and irrigation plan shall be submitted designating all existing and proposed species, size and placement. The plan shall specify all irrigation features and a program for continued maintenance. The comprehensive landscaping and irrigation plan shall be reviewed and approved by the Town Administrator and Town Engineer.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

(a) Solar access shall be preserved as much as possible by orienting streets and buildings for maximum southern exposure for the living spaces.

(b) Consideration should be given for protection of solar access through solar easements for subdivision lots.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-560. - Building design.

(a) The character of the building designs in the PUD should be compatible with and enhance the architectural character and scale of the surrounding neighborhood.

(b) Accessory buildings, detached garages and fences should be of a design compatible to the architectural character of the project and the surrounding neighborhood.

(c) The floor plan should be carefully organized to gain maximum daylight and direct access from rear and side yards. The outdoor space should be planned as a practical extension of indoor living space.

(d) Large amounts of glass should be avoided on the north side of dwelling units, and northern exposures should be protected with berming and landscaping.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-5-570. - Application fees for a Planned Unit Development.

Application fees for a PUD Sketch Plan, PUD Master Plan, Preliminary Development Plan and Final Development Plan shall be established by resolution of the Town Board.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 6. - OFF-STREET PARKING AND LOADING

Sec. 16-6-10. - Off-street parking spaces required.

(a) The following number of off-street parking spaces shall be provided with the construction, addition or change of use, which requires a special review to any of the buildings, and uses listed in Table 16-5 below.

(b) Parking spaces shall be at least nine (9) feet by nineteen (19) feet, except that up to twenty-five percent (25%) of the required spaces may be designated for compact cars with a minimum space of eight (8) feet by sixteen (16) feet.

(c) Table 16-5 below sets forth the parking requirements for uses.

Table 16-5
Off-Street Parking Space Requirements

Use	Parking Requirements
Residential units:	
Efficiency or one-bedroom	1.5 spaces per unit

Two-bedroom	2.0 spaces per unit
Three-bedroom	2.5 spaces per unit
Four or more bedrooms	3.0 spaces per unit
Additional requirements for multiple-family residential and mobile home parks with 6 or more units (guest parking)	0.25 space for each unit
Multiple-family housing for the elderly or the handicapped	1.0 space per unit
Educational facilities:	
Preschool nurseries or child care centers, Kindergarten and elementary schools and middle schools	1.0 space per classroom plus 1.0 space per employee
High schools	1.0 space per employee, plus 1.0 space for every 4 students, plus 1.0 space for every 4 seats in the principal place of assembly (bench capacity is determined as 1.0 seat per 30")
Commercial uses:	
Animal hospitals	1.0 space for every 300 sq. ft.
Business and professional offices	1.0 space for every 250 sq. ft. of floor space
Drive-thru or fast food restaurants	1.0 space for every 2 seats or 1.0 space for every 100 sq. ft., whichever is greater, plus 1.0 largest work shift
Furniture and appliance stores	1.0 space for every 500 sq. ft. of floor area
Hospitals	1.0 space for every 2 beds plus 1.0 space for every employee in the largest work shift
Indoor restaurants and bars	1.0 space for every 3 seats or 1.0 space for every 200 sq. ft. of floor area, whichever is greater

Libraries	1.0 space for every 400 sq. ft. of floor area plus 1.0 space for every 2 employees
Medical and dental offices and clinics	1.0 space for every 200 sq. ft. of floor space
Motels, hotels, lodges and bed and breakfasts	1.0 space per unit plus 2.0 spaces for the owner or manager's unit
Motor vehicle sales	1.0 space for every 500 sq. ft.
Motor vehicle service and repair	1.0 space for every 300 sq. ft. of floor area
Nursing homes and rest homes	1.0 space per 4 beds plus 1.0 space for each employee
Retail businesses except for furniture and appliance stores	1.0 space for every 300 sq. ft. of floor area
Wholesale businesses and warehouses	1.0 space for every 1,000 sq. ft. (excluding offices) or 1.0 space for every 2 employees, whichever is greater
Industrial uses	1.0 space for every 500 sq. ft. (excluding offices) or 1.0 space for every 2 employees, whichever is greater
Places of public assembly such as churches, auditoriums, meeting rooms, funeral homes	1.0 space for every four seats or benches in the principal place of assembly (Bench capacity is determined as one seat per 30 inches)

(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2003-08, 2003; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-6-20. - Combinations of uses.

When one (1) building is planned to include a combination of different uses, the minimum parking required will be determined by applying the above requirements based upon the floor area for each use. The minimum number of parking spaces required for the building shall be the sum of the requirements for each separate use.

(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-6-30. - Parking requirements for uses not listed.

For specific uses not listed, the Planning Commission shall determine the appropriate number of parking spaces required based upon the type of activity, intensity, number of employees and similarity to listed uses.

(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-6-40. - Off-site parking.

For any business use, the off-street parking requirements may also be met as follows:

- (1) Additional off-street parking spaces may be provided on a site within three hundred (300) feet of the lot that generates the parking requirements, provided that the site is owned by the owner of the parking generating property;
- (2) The owner of the lot generating the need for parking spaces may participate in a parking district or joint venture requiring the payment of a fee in lieu of providing on-site parking. The fees collected by the district or joint venture would be then used to provide off-street parking and assure that the Town's requirements were met. All such parking districts or joint ventures shall be subject to the approval of the Board of Trustees; or
- (3) When a business use is unable to provide the required on-site parking and/or loading requirements, the property owner or applicant shall be required to contribute to the Parking Fund a sum as set forth in Section 16-5-50 below per required parking space.

(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 2003-08, 2003; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-6-50. - Parking Fund.

[Suspended.]

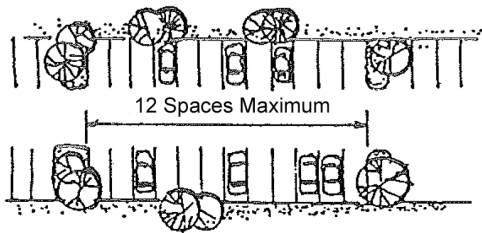
(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 99-02, 1999; Ord. No. 2003-08, 2003; Ord. No. 2014-04, § 1, 1-13-2015)

Editor's note— * The provisions of this Section are suspended indefinitely.

Sec. 16-6-60. - Design requirements for parking areas.

- (a) All off-street parking areas shall be unobstructed and free of all other uses.
- (b) All off-street parking spaces shall have unobstructed access to and from a street, except that in single-family areas parking spaces provided on the garage apron or driveway may be counted as a part of meeting off-street parking requirements in addition to parking in garage or a carport.
- (c) All off-street parking areas except those for single-family or two-family dwellings shall be surfaced with asphalt or concrete or other dustless surface approved by the Planning Commission.
- (d) Off-street parking areas with six (6) or more spaces shall be adequately landscaped with a plan approved by Planning Commission special review.
- (e) Lighting from any parking area shall not be directed toward any adjacent residential area or public street.
- (f) Off-street parking areas may be located to jointly serve two (2) or more buildings or uses, provided that the total number of spaces is not less than that required for the total combined number of buildings or uses.
- (g) Bicycle parking spaces may be acceptable in lieu of vehicle spaces in the ratio of six (6) bicycle spaces for one (1) vehicle space, provided that not more than ten percent (10%) of the off-street parking requirements are met with bicycle parking. A bicycle parking space shall include secured stanchions and racks that enable the bicycle frame, not just a wheel, to be anchored. At least two (2) feet of spacing should be provided between the bicycle racks so that cyclist may place or remove the bikes with minimum risk of damage to other bikes.
- (h)

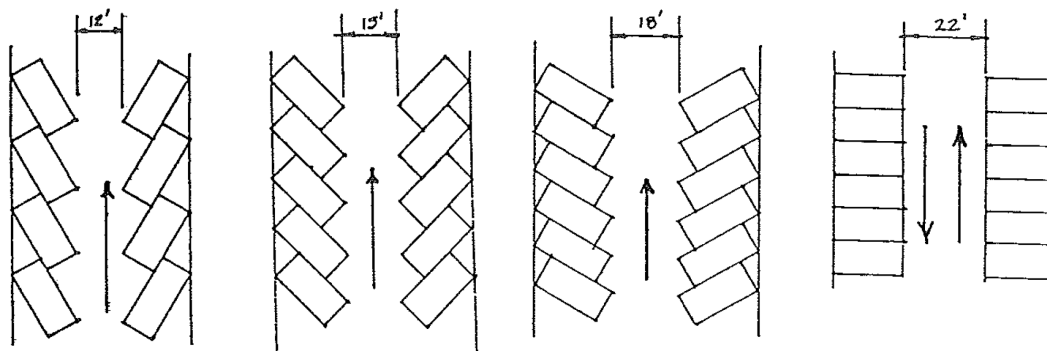
No more than twelve (12) parking spaces shall be permitted in a contiguous row without being interrupted by a landscaped area of at least five (5) feet wide and ten (10) feet long. These areas will provide drainage for runoff, with additional areas as needed.



- (i) In multiple-family areas, areas included in driveways or otherwise required to move cars in and out of parking spaces shall not be considered to meet off-street parking requirements.
- (j) Spacing between rows of parking shall be determined based upon the parking angle in accordance with the following schedule:

Parking Angle	Minimum Aisle Space Between Two Rows
30 degrees	12 feet
45 degrees	15 feet
60 degrees	18 feet
90 degrees	22 feet

Spacing between Rows



- (k) A minimum of one (1) parking space for the handicapped shall be required for each use that requires fifteen (15) parking spaces. For uses requiring more than fifteen (15) spaces, one (1) additional space designated for the handicapped shall be provided for each additional twenty (20) spaces required. Parking spaces for handicapped persons shall be twelve (12) feet wide.

(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-6-70. - Off-street loading areas.

For all business and industrial uses, off-street loading spaces containing five hundred (500) square feet with no dimension less than ten (10) feet shall be required for new construction or major additions involving an increase in floor area as follows:

- (1) New floor area between five thousand (5,000) and twenty thousand (20,000) square feet: one (1) off-street loading space.
- (2) New floor area in excess of twenty thousand (20,000) square feet: one (1) off-street loading space for each twenty thousand (20,000) square feet or fraction thereof.

(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 7. - OUTDOOR LIGHTING REGULATIONS

Sec. 16-7-10. - Purpose.

The purposes of these outdoor lighting regulations are to:

- (a) Maintain nighttime visibility and safety while maintaining the rural atmosphere and small-town character of Paonia.
- (b) Minimize light pollution and glare. Protect citizens from unwanted outdoor lighting that would enter homes and businesses.
- (c) Promote energy conservation by promoting efficient use of lighting.
- (d) Prevent unnecessary or inappropriate outdoor lighting that impacts the dark sky resource, qualifying Paonia as an International Dark Sky Association (IDA) designated community.
- (e) Help mitigate sleep and wildlife migration related issues through use of minimum necessary outdoor lighting and by using light bulbs with a warmer color.

(Ord. No. 2022-05, § 2(Exh. A), 7-29-2022)

Sec. 16-7-20. - Definitions.

For the purpose of this Article, the following terms shall have the meanings set forth below:

Adaptive controls means devices such as timers, motion-sensors, light-sensitive switches, and other means used to actively regulate the emission of light from light fixtures.

Correlated color temperature (CCT) means specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees kelvin (K).

Dark Sky resource means the dark sky unpolluted by artificial light sources typically as seen on moonless nights.

Fully shielded fixture means an outdoor light fixture that is designed and mounted such that all light rays are emitted by the installed fixture at angles below the horizontal plane and such that no light rays are emitted at angles which will allow the light to pass directly off the premises appurtenant to the fixture.

Light trespass means light falling where it is not intended to illuminate property, grounds, or buildings in an objectionable manner.

Lumens means a measure of brightness that is defined as a unit of luminous flux in the International System of Units, that is equal to the amount of light given out through a solid angle by a source of one candela intensity radiating in all directions. 850 lumens is equivalent to 60-watts. See Note 4.

Lumens per net acre means the amount of light specified in lumens that is allocated to the developed portion (net acre) of the gross size of a lot parcel. See Note 2.

The definitions contained in Section 16-1-100 of the Code shall otherwise apply to this Article.

(Ord. No. 2022-05, § 2(Exh. A), 7-29-2022)

Sec. 16-7-30. - Applicability.

This Article shall apply to all exterior lighting installed after the effective date of the Ordinance adopting this Article. All lawful nonconforming exterior lighting prior to the effective date of the Ordinance adopting this Article shall be subject to the nonconforming lighting section of this Article.

(Ord. No. 2022-05, § 2(Exh. A), 7-29-2022)

Sec. 16-7-40. - General provisions and requirements.

- (a) Requirements. All non-exempt outdoor light fixtures and illuminating devices permanently or temporarily installed outdoors, including but not limited to devices to illuminate signs, shall meet the following requirements:
- (1) Shielding. Unless exempted elsewhere in this Article, all luminaires whose initial lumens exceed one hundred (100) lumens shall be fully shielded. See Note 5 for examples of shielded and unshielded luminaires.
 - (2) All fixtures designed to illuminate signs or structures shall be fully shielded and with a CCT as specified in items (a)(1) and (a)(4) of general provisions and requirements. The lighting fixtures shall be mounted above the area of the sign or structure to be illuminated.
 - (3) Blinking, flashing, rotating, or moving lights are prohibited.
 - (4) Maximum color temperature of all lighting fixtures: The correlated color temperature (CCT) of any outdoor lighting fixture shall not exceed three thousand degrees kelvin (3,000°K). See note 4 below.
 - (5) The following lumen limits are established to prevent over lighting. Each site should use responsible lighting practices including using the lowest number of lumens needed for the site to provide for safety and functionality:
 - a. For non-residential, and mixed-use properties the total amount of outdoor lighting shall not exceed twenty-five thousand (25,000) lumens per net acre. Each lighting fixture shall be limited to one thousand five hundred (1,500) lumens.
 - b. For multiple-family and two-family dwellings the total amount of outdoor lighting, shall not exceed twenty thousand (20,000) lumens per net acre. Each fixture shall be limited to eight hundred fifty (850) lumens.
 - c.

For single-family dwellings, the total amount of outdoor lighting, shall not exceed six thousand five hundred (6,500) lumens. Each fixture shall be limited to eight hundred fifty (850) lumens.

- d. All properties shall use adaptive controlled lighting where practical.
- (6) Unshielded lighting shall be prohibited, except for special cases meeting exemption requirements of Subsection (b), and also meeting lumen limits in Subsection (c).
- (7) Existing overhead street lighting owned, operated, or leased by the Town of Paonia shall be compliant with the listed lighting requirements in Subsections (a)(1) to (a)(4) of this Section and shall be limited to a lumens cap of five thousand (5,000) lumens per lamp, unless required for safety reasons as approved by the Board of Trustees.
- (8) Lighting curfews:
 - a. Lighting used at community and athletic events (including outdoor concerts and other Town-approved events) shall be turned off one (1) hour after the conclusion of the event.
 - b. Lighting in Town buildings shall be turned off one (1) hour after close of business or other approved activities unless authorized by appropriate Town authority for safety or maintenance reasons.
 - c. Commercial lighting shall be turned off one (1) hour after close of business, except for safety of employees or customers if operations are throughout the night.
 - d. Adaptive controls (such as motion, light sensitive detectors, etc.) shall be used in outdoor commercial and residential lighting where practical.
- (9) New public lighting, owned and operated by the Town of Paonia, either streetlights, walkway lights, or external building lighting shall be allowed as recommended by the Town Administrator in situations where a public health hazard exists which can only be mitigated by artificial light at night and shall be in compliance with Subsection (a). Adaptive controls or curfews shall be employed in all new public outdoor lighting installations.
- (10) The following restrictions shall be required on the installation and operation of outside illuminated signs:
 - a. Luminance levels for operation between sunset and sunrise shall not exceed one hundred (100) nits (one hundred (100) candelas per square meter) as measured under conditions of a full white display.
 - b. Sign illumination shall be extinguished completely one (1) hour after sunset and remain off until one (1) hour before sunrise, or at the close of business; whichever is later.
 - c. The luminous/illuminated surface area of an individual sign shall not exceed defined limits in Town Code.
- (b) Exemptions. The following are exempt from the provisions of Subsection (a), provided the provisions in Subsection (c) are met.
 - (1) Lights used to illuminate athletic fields, outdoor recreation areas, and areas used for concerts and other outdoor community events shall be exempt from provisions of Subsection (a) provided all the following conditions are met:
 - a. Illuminating Engineering Society (IES) lighting guidelines (RP-6) are followed according to the appropriate class of play.
 - b. Field lighting is provided exclusively for illumination of the surface of play and viewing stands, and not for any other applications.
 - c. Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance).
 - d. Off-site impacts of the lighting will be limited to the greatest practical extent possible.

- e. A curfew such that lights must be extinguished by one (1) hour after the end of activity, and no later than 10:30 p.m. Standard Time/11:30 p.m. Daylight Savings Time. Variances can be permitted on a case-by-case review for special events that go to midnight.
 - f. Timers must be installed to prevent lights being left on accidentally over-night by automatically extinguishing them.
- (2) Signs, postings which are illuminated by building interior light sources, such as neon signs or other lights, provided such signs are lit only during the property owner's business hours.
 - (3) Official traffic control devices and lights owned and operated by or pursuant to proper authority of the United States of America, the State of Colorado or any of their agencies, and such other lights as are specifically required by federal or state law.
 - (4) Lawful vehicle lights.
 - (5) Holiday lights, provided all conditions are met:
 - a. Holiday lighting shall be temporary and illuminated no more than seventy-five (75) days during any one-year period.
 - b. Holiday displays of over one thousand two hundred fifty (1,250) total lumens per parcel, and holiday luminaires exceeding eight hundred fifty (850) lumens each, are subject to a curfew, and must be turned off from 10:30 pm until one (1) hour before sunrise each night.
 - (6) Flagpoles. Property owners are encouraged to not illuminate flagpoles at night, but rather to hoist flags after dawn and lower flags before sunset. If flags are illuminated at night, lighting of up to a total of two (2) flags per property is permitted with the following conditions:
 - a. The flags must either be the flag of the United States of America or the flag of the State of Colorado for illumination to be permitted.
 - b. If nighttime illumination is used, flagpoles shall be illuminated only from above. This may be achieved by utilizing a luminaire attached to the top of the flagpole or a luminaire mounted above the top of the flagpole on a structure within fifteen (15) feet of the flagpole and must comply with all Sections of this Article. The total light output from any luminaire mounted on top of or above a flagpole shall not exceed eight hundred (800) initial lumens.
- (c) Maximum allowed amounts of unshielded lighting. On no parcel shall the amount of allowed unshielded lighting to exceed, in the aggregate, the following values per net acre according to lighting zone:
 - (1) For mixed use/industrial: One thousand (1,000) lumens.
 - (2) For multi-unit residential: One thousand (1,000) lumens.
 - (3) For single-family units: One thousand (1,000) lumens.
 - (4) Temporary holiday lights are not counted toward these limits.
 - (d) Interior lighting. Interior lighting direct rays shall be blocked from trespassing (straying) beyond the property boundaries of the source.
 - (e) Greenhouse lighting shall meet the following requirements: All greenhouse lighting is subject to general provisions and requirements in this Section. In addition:
 - (1) Greenhouses shall be fully covered with blackout tarps or covers so that no light spills from the premises onto adjacent lands or into the night sky.
 - (2)

Greenhouse lighting that is not fully covered is subject to a curfew and shall be extinguished at night between 10:00 p.m. and 6:00 a.m. local time.

(Ord. No. 2022-05, § 2(Exh. A), 7-29-2022)

Sec. 16-7-50. - Nonconforming lights.

- (a) Lights which were lawfully existing and in use at the time they became nonconforming with the requirements of this Article by virtue of the initial adoption of this Article, subsequent amendment to this Article or by annexation into the Town, may continue to be used and operated subject to the limitations of this Article.
- (b) The right to operate lawful nonconforming fixtures and or lawful nonconforming lamps shall terminate upon any of the following:
 - (1) Replacement of the light fixture or lamp.
 - (2) Damage to the light fixture so that the cost of repair is fifty (50) percent or more of the cost to replace it with a conforming fixture.
- (c) All nonconforming public and private lighting either, owned or leased shall be brought into compliance with this Article within ten (10) years from the effective date of this ordinance.

(Ord. No. 2022-05, § 2(Exh. A), 7-29-2022)

Sec. 16-7-60. - Administration and enforcement.

- (a) The provisions of this Article shall be administered by the building official or other authorized Town officer or employee.
- (b) It shall be unlawful to violate any provision of this Article.
- (c) Any continuing violation of this Article is hereby declared to be a nuisance, which may be abated by the Town in any lawful manner or enjoined by a court of competent jurisdiction.
- (d) No building permit or occupancy permit shall be issued for work which has noncomplying light fixtures (see Town of Paonia Building Permit Checklist).
- (e) Changes or upgrades to existing outdoor lighting will utilize town provided education materials on shielded fixtures and energy efficient dark sky compliant lamps. See Notes 3 to 5.

(Ord. No. 2022-05, § 2(Exh. A), 7-29-2022)

Sec. 16-7-70. - Appeals and variances.

Any person aggrieved by an interpretation of this Article or decision of the Town made in the administration of this Article, may appeal the interpretation or decision to the Board of Trustees pursuant to the applicable provisions of the Town Code. The Board of Trustees may grant a variance only upon a determination that the following criteria are met:

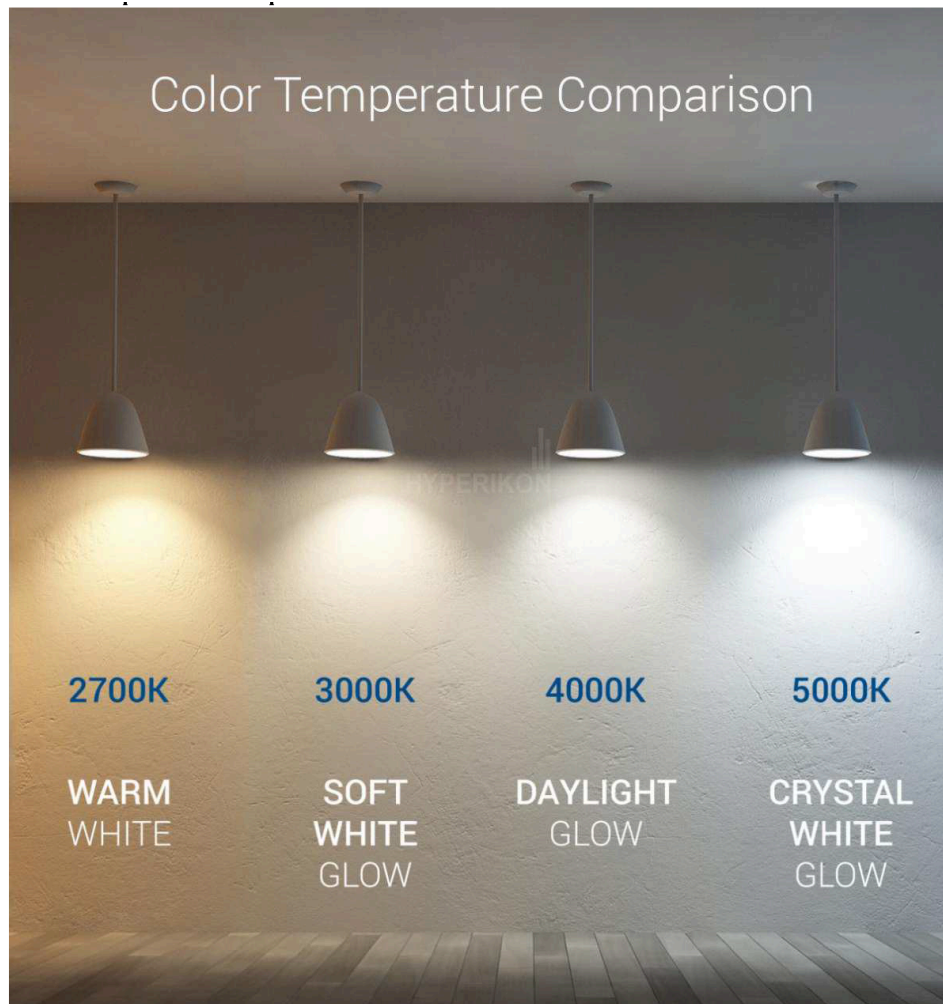
- (a) The variance will be consistent with the public health, safety, and welfare.
- (b) The variance is justified by unreasonable hardship not created by the activities of the applicant or strict compliance is unfeasible.
- (c) The variance will be substantially consistent with the purposes of this Article to avoid nuisances to others, preserve the natural dark sky resource and to maintain IDA community dark sky designation, conserve energy, reduce glare, promote traffic and pedestrian safety, preserve the small-town character of Paonia and

promote the Town's master plan.

(Ord. No. 2022-05, § 2(Exh. A), 7-29-2022)

Notes:

1. Since 2012, the Federal Trade Commission has required that labelling of all light bulbs include temperature (Kelvins) and light output (lumens). Concerning color temperatures, a CCT of about 5,000K approximates sunlight and a CCT of 3,000K will have a slightly yellow appearance.
2. Lumens per net acre: For example, a one-acre (44,000 sq. ft.) lot is developed with a 6,000 sq. ft. multiunit condo plus a 2,000 sq. ft. wrap-around deck, a 2,000 sq. ft. detached garage and adjacent developed patio of 1,000 sq. ft. Additionally, landscaping improvements around the condo, deck, patio and detached garage adds another 5,000 sq. ft. bringing the total developed portion of the lot to 16,000 sq. ft. or 16,000/44,000 — approximately 36% of that gross one-acre lot. The lumens allocation for this multiunit example is 20,000/per net acre or $20,000 * 0.36 = 7,272$ lumens.
3. Color Temperature Comparison:



4. Lumens to Wattage Conversion:

How to Buy a Light Bulb

Lumens: The new way of looking at light.

1

You used to buy these.



INCANDESCENT

WATTS
100W
75W
60W
40W

2

You want this much light.



LUMENS

1600
1100
800
450

3

Now you can buy these.



LED
Most Efficient



CFL
More Efficient



HALOGEN

LED Most Efficient	CFL More Efficient	HALOGEN
WATTS	WATTS	WATTS
coming soon	up to 23W	up to 72W
coming soon	up to 20W	up to 53W
up to 12W	up to 13W	up to 43W
up to 9W	up to 9W	up to 29W

Lumen outputs and wattages are based on the most common products available for each incandescent screw base light bulb. Actual lumen output and wattage may vary by product. Revised April 20, 2012.

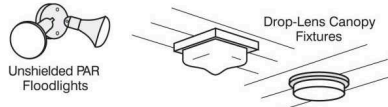
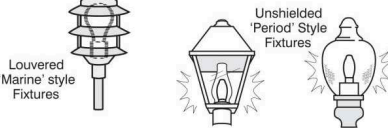
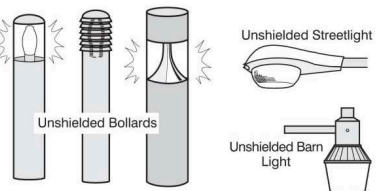
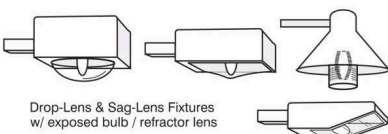
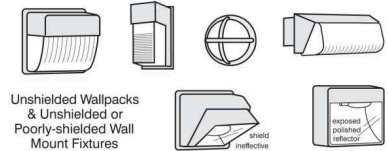
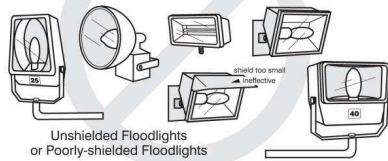
MORE LUMENS = MORE LIGHT

5. Examples of Acceptable (fully shielded) and Unacceptable Dark Sky lighting:

Examples of Acceptable / Unacceptable Lighting Fixtures

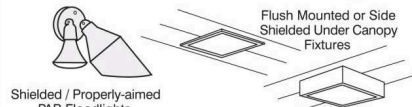
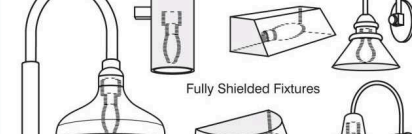
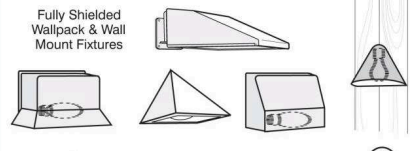
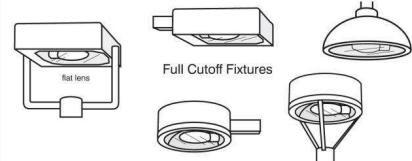
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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(Ord. No. 2022-05, § 2(Exh. A), 7-29-2022)

DIVISION 1. - GENERAL PROVISIONS

Sec. 16-8-10. - Intent.

It is the intent of this Article to provide for the orderly and creative development of mobile home parks as a part of a MH District in the Town and to regulate standards and requirements of manufactured homes installations. (See Section 16-8-400.) It is further the intent of this Chapter to:

- (1) Encourage a high standard of planning and design for mobile home parks.
- (2) Maintain design standards that are equal to or greater than conventional single- or multiple-family developments.
- (3) Require minimum safety standards for utilities, fire protection and protection from excessive winds, snow and flooding.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-20. - Definitions.

The following terms shall have the definitions as follows:

Manufactured home means a dwelling unit, which is fabricated in one (1) or more sections at a location other than the home site by an assembly line-type production technique or by other construction methods unique to an off-site manufactured process. Every section shall bear a label certifying that it was built in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974 (UBC). For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 225.1 (HUD) in effect at the time of manufacture is required. A manufactured home is designed to be towed on its own chassis or be site delivered by alternative means.

Manufactured housing: See Section 16-8-400 of this Article.

Mobile home is defined by the following specifications:

- a. The unit shall be a minimum of eight (8) feet in width and thirty-two (32) feet in length, excluding towing gear and bumpers.
- b. The unit shall have a nonmetallic, brick, wood, vinyl or cosmetically equivalent exterior siding and pitched roof of one-twelfth (1:12) or more.
- c. The unit shall be installed on the manufacturer-suggested foundation, poured concrete or precast concrete piers with tie downs and shall meet the requirements of Paragraph 16-9-310(4) of this Chapter and all other applicable flood protection provisions.
- d. The unit shall be no more than five (5) years old.
- e. The landowner shall purge title.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-30. - Application of regulations.

(a) *General.* The provisions of this Article shall apply to construction, alteration, extension, location, installation, use and maintenance of all mobile homes in the Town. It shall be unlawful for any person to construct, alter, extend, install, use or maintain a mobile home within the Town except within compliance with this Article.

(b) *Existing mobile homes; nonconforming uses.*

(1) Wherever a mobile home was in existence in the Town on the effective date of the initial ordinance codified herein or was annexed to the Town after such date, and the mobile home was in compliance with the applicable codes, then, in effect, the mobile home shall be legally nonconforming.

(2) Legally nonconforming mobile homes shall not be subject to the provisions of this Article except for licensing requirements and provisions relating to utilities when such services are available. However, if the existing mobile home is proposed to be altered or expanded, then the alteration or expansion must be in accordance with this Chapter.

(3) If a nonconforming use is discontinued for a period of ninety (90) days or more, then the mobile home shall not be reoccupied until it is in conformance with all applicable regulations herein.

(4) A nonconforming mobile home may be replaced with a like mobile home not more than five (5) years old.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

DIVISION 2. - LICENSES

Sec. 16-8-110. - Licenses required.

(a) A mobile home park license is required to operate and maintain a mobile home park in the Town. The annual license fee for a mobile home park shall be established by resolution of the Board of Trustees. No license shall be issued without the prior approval of the special review of the property as a mobile home park.

(b) Applications for a mobile home park license shall be filed with the Town Clerk and such license issued by the Board of Trustees. Said applications shall be in writing, signed by the property owner and applicant and shall contain the following:

(1) The names and addresses of the property owner and applicant.

(2) The location and legal description of the property.

(3) A copy of the approved special review site plan.

(4) A request, if applicable, to replace existing mobile home with a new or no more than five-year-old used mobile or manufactured home.

(c) All mobile home parks in existence upon the effective date of the initial ordinance codified herein shall obtain a license and in all respects comply fully with the requirements of this Chapter except as follows:

(1) Special review approval of existing mobile homes and mobile home developments shall not be required, unless the use is proposed for expansion.

(2) Building permits shall not be required for existing units, unless the units are to be moved or altered.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-120. - Revocation of license.

The Board of Trustees may, after a public hearing, revoke any license to operate and maintain a mobile home park when the licensee has violated any rules or regulations of the Town or any provisions of this Chapter. After such revocation, the licensee may have the license reissued by the Board of Trustees if the circumstances causing such violation have been remedied or corrected.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-130. - Posting of license.

The license certificate shall be conspicuously posted in the office or premise of the mobile home park at all times.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

DIVISION 3. - STANDARDS AND DESIGN GUIDES

Sec. 16-8-210. - Mobile home development standards and design guides.

Mobile home developments shall conform to the requirements of the MH District.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-220. - Location.

- (a) The mobile home park shall be located on a well-drained site and shall be located so that its drainage will not constitute an unreasonable hazard or nuisance to persons, property or water supply in the immediate vicinity of the site. The site shall be free from marshes, swamps or other potential breeding places for insects or rodents.
- (b) Mobile home park sites shall not be subject to undue flooding, fire or safety hazards and shall not be exposed to nuisances, such as undue noise, smoke, fumes or odors. The topography of the site should be favorable to minimum grading, mobile home placement and ease of maintenance.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-230. - Site design.

The site design shall provide for a desirable residential environment for mobile home residents, which is an asset to the community and the neighborhood in which it is located. Site planning and improvements shall provide facilities and amenities which are appropriate to the needs of the residents; safe, comfortable and sanitary use by the residents under all weather conditions; and practical and efficient operation and maintenance facilities at reasonable costs. Innovative and imaginative design shall be encouraged.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-240. - Minimum area required.

The minimum area required for a mobile home park or subdivision is four (4) acres. In special circumstances, due to topographical conditions or other unique site conditions, the Planning Commission may approve mobile home developments on a site that is less than four (4) acres.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-250. - Maximum density.

The maximum gross density for any mobile home park or subdivision is seven (7) units per acre.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-260. - Recreation area and open space.

Not less than ten percent (10%) of the total site area shall be used for recreation facilities and landscaped open space. All open space areas and recreational areas shall be in convenient locations from mobile home lots or spaces. Recreation areas may include space for community-use facilities and buildings, swimming pools and tennis courts.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-270. - Mobile home spaces.

(a) Mobile home spaces within a mobile home park shall be adequate to provide for:

(1) A minimum of fifteen (15) feet between mobile homes.

(2) An outdoor living and service area on the mobile home space of not less than three hundred (300) square feet.

(b) In determining the required yard and space areas, the use of doublewide mobile homes and accessory structures shall be taken into consideration. The area required for a mobile home space shall not include additional area required by this Article for access roads, off-street parking and storage areas, service buildings, recreation areas, office and similar mobile home parks needs.

(c) Paved driveways, the minimum width of which shall be ten (10) feet, shall be provided where necessary for convenient access to the mobile homes.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-280. - Minimum lot area.

Minimum lot area requirements are set forth in Section 16-3-30 of this Chapter.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-290. - Reserved storage areas.

Storage areas for boat trailers, travel trailers and detachable pickup campers should be provided within the mobile home park in an amount equal to one hundred (100) square feet per mobile home space. Required areas within the mobile home park for accommodation of travel trailers, campers and the like, on a temporary occupancy basis, shall be provided in a location where the parking, use and occupancy of such vehicles do not constitute a nuisance to other residents of the mobile home park. Travel trailer areas shall be screened from the rest of the mobile home spaces and adjoining residential areas with opaque screening and landscaping in such a manner that undue noise and other disturbances are reduced.

Anchors and cables with turnbuckles shall be provided for tying down travel trailers.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-300. - Setbacks.

(a) Setback requirements are set forth in Section 16-3-30 of this Chapter.

(b) No mobile home shall overhang or obstruct any driveway, access road or walkway.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-310. - Screening.

All mobile home parks or subdivisions adjacent to other residential, commercial or industrial uses shall be provided with screening such as solid fencing or landscaping along the property boundary separating the mobile home development from the adjacent use.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-320. - Windbreaks.

Where any mobile home park is located on flat, open land without natural barriers, such as hills, bluffs or large stands of trees to barricade strong winds, windbreaks shall be required to protect mobile homes from the effects of such winds. Windbreak design and location shall be relative to known wind velocities and direction and to the existing and proposed topography and vegetation, and shall be subject to landscape review and approval by the Planning Commission. Windbreak screening techniques may include landscape buffering, earth berming and fencing.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-330. - Streets.

(a) The mobile home park site shall have at least two (2) direct accesses to a public street or highway, and access roads shall be provided to each mobile home space.

(b) All streets and accessways providing ingress to and egress from the mobile home park and circulation within the mobile home park shall be constructed in accordance with specification of the Town for like streets and accessways on public ways and shall be completed within a period of one (1) year after the date of issuance of the mobile home park license. All such streets and accessways shall include sidewalks, curbs and gutters.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-340. - Walkways and lighting.

(a) Paved walkways at least four (4) feet wide shall be provided from all mobile home spaces to service buildings and other community areas and along all access roads.

(b) Pedestrian circulation areas shall be lighted at night by seven thousand (7,000) lumen lighting standards (equal to 175-watt mercury vapor bulbs) spaced not more than three hundred (300) feet apart with a maximum height of twenty-five (25) feet, or by other lighting methods producing an equivalent level of light at the ground level.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-350. - Off-street parking.

Parking shall be provided as required by Article 6 of this Chapter.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-360. - Foundation and tie-down requirements.

- (a) Every owner or occupant of a mobile home within the Town or subject to Town regulations shall secure his or her mobile home against wind and flood damage in accordance with the requirements of Article 9 of this Chapter and the adopted Building Code.
- (b) All mobile homes shall have a skirting or retaining wall and, when installed, be made of material suitable for exterior exposure and contact with the ground, and must be able to withstand both vertical and horizontal pressure.
- (c) Each mobile home shall be provided with tie-downs to the main framing members of the mobile home as required by Article 9 of this Chapter.
- (d) Each mobile home shall be able to withstand the following loads:
 - (1) Snow load - thirty (30) p.s.f.
 - (2) Wind load - fifteen (15) p.s.f.
 - (3) Frost depth - thirty (30) inches
- (e) Only poured-in-place concrete piers, foundations parallel to frame rails, precast concrete blocks or premanufactured steel jacks will be used to support the frame of the unit. Treated or natural decay-resistant wood may be used for final leveling of unit.
- (f) Tie downs: See Article 9 of this Chapter.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-370. - Minimum clearance for mobile homes.

- (a) A minimum distance of eighteen (18) inches will be maintained between the bottom of the frame rails and concrete footings.
- (b) A minimum of six (6) inches will be maintained from the lowest point of the exterior siding to the finished earth grate.
- (c) An under-floor access opening will be provided. Such opening shall not be less than eighteen (18) inches in the least dimension and not less than three (3) square feet in area and located so that the water and sewer drain connections are accessible.
- (d) The water meter pit will be located to the street side of the mobile home and outside of the footings, stem walls and/or skirting. The Public Works Department will designate this location.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-380. - Vents and crawl space.

- (a) Vents in retaining walls, stem walls or foundations are required and will be installed in compliance with the IBC requirements (one [1] square foot of vent space for each one hundred fifty [150] square feet of floor space).
- (b)

HUD only; structural additions. Additions shall be designed and installed as stand-alone structures and in no way be supported on or by the mobile home foundation system and shall conform to UBC standards.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-390. - Compliance.

- (a) All used housing shall otherwise comply with other provisions and requirements of this Code not inconsistent with the requirements of this Article.
- (b) A mobile home that does not meet the requirements of this Article must be brought into compliance prior to the issuance of a certificate of occupancy by the Building Inspector.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-393. - Revocation of License.

The Town Board may, after a public hearing, revoke any license to operate and maintain a mobile home park when the license has violated any rules or regulations of the Town of Paonia or any provisions of the chapter. After such revocation, the licensee may have the license reissued by the Town board if the circumstances causing such violation have been remedied or corrected.

(Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-395. - Posting of license.

The license certificate shall be conspicuously posted in the office or premises of the mobile home park at all times.

(Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-400. - Manufactured housing.

- (a) Manufactured housing units in Colorado are built to the specifications of one (1) of two (2) building codes, the International Building Code (IBC) and the so-called "HUD Code" promulgated by the U.S. Department of Housing and Urban Development pursuant to the National Manufacturing Housing Construction and Safety Standards Act of 1974. Zoning ordinances become unnecessarily confusing and cumbersome when they provide separate definitions and uses for single-family dwellings and manufactured or factory-built units. This confusion can typically be avoided if zoning officials include manufactured housing units (both UBC and HUD Code) within the definition of single-family dwelling. When the term single-family dwelling is defined in this fashion, manufactured housing units are, under the applicable schedule of uses, permitted along with site-built homes in any zone which permits single-family dwellings. Under this approach, manufactured homes are treated the same as site-built homes with size, foundation, installations and appearance standards adopted by the community for single-family dwellings applying equally to both types of housing.
- (b) *Dwelling or residence, single-family* means a detached principal building, other than a mobile home, designed for and used as a single dwelling unit by one (1) family. The term single-family residence includes a manufactured home.
- (c) A manufactured home has the following:
 - (1) A minimum of twenty-four (24) feet in width and thirty-six (36) feet in length.

- (2) Installation on a manufactured guideline or an engineered permanent foundation.
 - (3) Brick, wood or cosmetically equivalent siding and a three-twelfths (3:12) or more pitched roof of pro-panels or asphalt shingles or any other equivalent material.
 - (4) Is no more than five (5) years old.
 - (5) The title of the manufactured home is purged.
 - (6) May replace an existing mobile home.
- (d) Installation and requirements of manufactured homes.
- (1) This minimum requirement guideline is intended to assist both professionals and nonprofessionals with the requirements that must be complied with in order to install a manufactured home within the Town limits. It is intended as an informational guideline only. Installations will have specific requirements as to location, grade of lot and floodplain requirements.
 - (2) You will be required to provide to the Town the following items:
 - a. A copy of the bill of sale.
 - b. A copy of the floor plan and a copy of the foundation plan from the manufacture's guide. If not available, an engineered foundation will be required.
 - c. A plot plan showing the proposed location of home.
 - d. A complete application for a building permit with an accurate cost estimate.
 - e. A completed excavation permit, if required; twenty-five-dollar bond fee.
 - f. A completed floodplain permit, if required; one-hundred-dollar fee.
 - g. A street cutting permit, if required.
 - h. A water and sewer tap.
 - i. All fees shall be paid in full before construction can begin.
 - (3) The builder/owner of property must have curb, gutter and sidewalk or any street repairs installed according to specifications of the Public Works Department.
 - (4) The manufactured home must comply with all single-family dwelling regulations. See Article 3 of this Chapter.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-8-410. - Additional regulations.

In addition to the requirements of this Article, all mobile homes and mobile home parks and facilities shall be operated in compliance with the existing laws of the State, ordinances of the Town and such codes and regulations as may be adopted by the Board of Trustees.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 9. - RESERVED

Footnotes:

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Editor's note— Ord. No. 2017-11, § 2, adopted October 10, 2017, repealed §§ 16-9-10—16-9-130, 16-9-210—16-9-240, 16-9-310—16-9-380, 16-9-410, which pertained to flood damage prevention. See Code Comparative Table for complete derivation. Subsequently, § 3 of such ordinance added §§ 18-7-10—18-7-130, 18-7-210—18-7-240, 18-7-310—18-7-380, 18-7-410.

Secs. 16-9-10—16-9-410. - Reserved.

ARTICLE 10. - RESERVED

Footnotes:

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Editor's note— Ord. No. 2017-11, § 2, adopted October 10, 2017, repealed §§ 16-10-10—16-10-80, which pertained to supplementary regulations. See Code Comparative Table for complete derivation. Subsequently, § 3 of such ordinance added §§ 18-8-10—18-8-50.

Secs. 16-10-10—16-10-80. - Reserved.

ARTICLE 11. - ACCESSORY BUILDINGS, STRUCTURES AND USES

Sec. 16-11-10. - Generally.

Accessory buildings, structures and uses may include, but are not limited to, the following:

- (1) Home occupations.
- (2) Renting of rooms.
- (3) Horses and household pets.
- (4) Fences, hedges and walls.
- (5) Private greenhouses.
- (6) Private swimming pools.
- (7) Storage and merchandise in commercial districts.
- (8) Fallout shelters.
- (9) Detached garages.
- (10) Tennis courts.
- (11) Storage sheds for residential areas.

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-11-20. - Home occupations.

A home occupation shall be permitted as an accessory use, provided that a home occupation permit is granted by the Town and the criteria for home occupations are met.

- (1) *Permit required.* A person desiring to establish a home occupation within the Town shall apply as follows:
 - (a) An application shall for home occupation shall be made to the Town Administrator, or its designee, in the form provided by the Town and accompanied by the appropriate fee as set by Resolution of the Board of Trustees.
 - (b) Upon the receipt of a completed application for a home occupation permit, the Town Administrator, or its

designee, shall notify the applicant within ten (10) days that such application is complete.

- (c) Thereafter the Town Administrator, or its designee, shall notify the applicant and set a date of public hearing before the Town Board of Trustees that will allow time for publication and notification of adjoining property holders.
 - (d) Upon the setting of a public hearing before the Board of Trustees the Town Clerk shall notify the property owners within two hundred (200) feet of the applicant's property by regular mail at the applicant's expense. The notification will include the nature of the application, a copy of this Article and the time and place of a public hearing.
- (2) *Revoke the permit.* A home occupation permit may be revoked by the Town Administrator if at any time the home occupation fails to meet the criteria listed below.
- (3) *Nontransferability.* Home occupation permits are issued to an individual for a specific property and use. Permits are not transferable should the property be sold or rented to other persons.
- (4) *Criteria for home occupations.* A home occupation shall be allowed as a permitted accessory use, provided that the following conditions are met:
- (a) The use must be conducted entirely within a dwelling or accessory structure and carried on by the occupants of the dwelling and no more than one (1) non-occupant employee.
 - (b) The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.
 - (c) The total area used for such purposes may not exceed twenty-five percent (25%) of the first-floor area of the user's dwelling unit.
 - (d) 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, including advertising signs or displays or advertising that solicits or directs persons to the address. A wall-mounted identification sign of not more than two (2) square feet shall be permitted.
 - (e) There shall not be conducted on the premises the business of selling inventory, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupation.
 - (f) There must be no exterior storage on the premises of material or equipment used as a part of the home occupation.
 - (g) No equipment or process shall be used in such home occupation, which creates any glare, fumes, odors or other objectionable conditions detectable to the normal senses off the lot if the occupation is conducted in a single-family dwelling or outside the dwelling unit if conducted in other than a single-family dwelling.
 - (h) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met with additional off-street parking spaces that are not located in a required yard adjacent to a street.
 - (i) Under no circumstances shall any of the following be considered a home occupation: Antique shop, barber shop, a beauty parlor (with more than one [1] chair), clinic, mortuary, nursing home, restaurant, veterinarian's clinic or dance studio.

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2019-06, § 2, 8-13-2019)

Sec. 16-11-30. - Renting of rooms.

- (a) Single-unit dwellings. The renting of rooms to one (1) or two (2) persons, not members of the family residing in the same single-unit dwelling, may be permitted as an accessory use, provided that the following conditions are met:
- (1) The total number of unrelated persons, including roomers in any one (1) dwelling unit, must not exceed three (3).
 - (2) Quarters used by the roomers must not be more than twenty-five percent (25%) of the total floor area of the dwelling unit.
 - (3) The dwelling unit must have only one (1) electric meter.
 - (4) Where the renting of rooms is to two (2) roomers, at least one (1) additional off-street parking space must be provided per room.
- (b) Multi-unit dwellings. The renting of rooms to one (1) or two (2) persons, not members of the family residing in the same multi-unit dwelling, may be permitted as an accessory use, provided that the total number of unrelated persons, including roomers, in any dwelling unit must not exceed three (3). Where the renting of rooms is to two (2) roomers, at least one (1) additional off-street parking space must be provided per room.
- (c) In addition to normal residential off-street parking requirements, one (1) additional off-street parking space shall be provided on site for each lodging room. Ingress and egress shall meet requirements of the IBC and ADA. Separate bath and sanitary facilities from those of the host must be provided for each two (2) guest rooms.
- (d) In residential districts, landscaping and screening shall be provided to maintain the residential character of the building and preserve the right of neighboring residents to enjoy a peaceful occupancy of their homes.

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-11-40. - Reserved.

Editor's note— Ord. No. 2017-11, § 2, adopted October 10, 2017, repealed § 16-11-40, which pertained to fences, hedges and walls. See Code Comparative Table for complete derivation. Subsequently, § 3 of such ordinance added § 18-9-10.

Sec. 16-11-50. - Reserved.

Editor's note— Ord. No. 2017-11, § 2, adopted October 10, 2017, repealed § 16-11-50, which pertained to swimming pools, hot tubs, and Jacuzzis. See Code Comparative Table for complete derivation. Subsequently, § 3 of such ordinance added § 18-9-20.

Sec. 16-11-60. - Requirements for accessory buildings and uses.

- (a) All detached accessory buildings shall be located in the rear one-half ($\frac{1}{2}$) of the lot.
- (b) On an interior lot, the minimum setback from the rear lot line shall be ten (10) feet and from the side yard line shall be six (6) feet if there is no alley or five (5) feet from an existing alley easement line.
- (c) On double-frontage lots, the minimum setback from the rear property line shall be the same as the front yard setback for principal uses within that district.

- (d) On corner lots, the accessory building shall not be located closer to the street-side property than the required six (6) feet for the principal use.
- (e) Accessory buildings shall not exceed fifteen (15) feet in height.
- (f) The floor area of accessory uses shall be included in the determination of the maximum lot coverage.

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 12. - RESERVED

Footnotes:

--- (3) ---

Editor's note— Ord. No. 2017-11, § 2, adopted October 10, 2017, repealed §§ 16-12-10—16-12-40, which pertained to building permit and site plan review requirements. See Code Comparative Table for complete derivation. Subsequently, § 3 of such ordinance added §§ 18-10-10—18-10-40.

Secs. 16-12-10—16-12-40. - Reserved.

ARTICLE 13. - NONCONFORMING BUILDINGS

Sec. 16-13-10. - Objectives.

Certain uses of land or buildings, sizes of lots or location or size of structures may be found to be in existence at the time of the passage of the initial ordinance codified herein, which do not meet the requirements of this Chapter. It is the intent of this Article to allow the continuance of such nonconformance but not to encourage its enlargement or to allow its continuance should the use be discontinued for a period of one (1) year. Such nonconformance is declared to be incompatible with other uses in the district. Each situation needs to be considered by the Planning Commission and Board of Trustees on its own merits.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2007-05, 2007; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-13-20. - Nonconforming lots.

- (a) Some nonconforming lots of record at the time of the passage of the initial ordinance codified herein may be built upon or used after the passage of said ordinance, but only:
 - (1) With a principal use in the zone district; and
 - (2) By approval of the Board of Adjustment.
- (b) No lot that is conforming in size at the time of the passage of said ordinance may be subdivided or reduced in size in such a way that it would become nonconforming or cause any building, space or use to become nonconforming.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2000-02, Art. XX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-13-30. - Alterations and extensions.

- (a) Nonconforming buildings as of the effective date of the initial ordinance codified herein shall not be altered or extended in a way that would increase the degree of nonconformance. Therefore, all new additions, alterations or extensions shall be in accordance with the applicable zoning requirements, including but not limited to setbacks, height, open space and parking. Exceptions to this requirement may be allowed if the following conditions apply:
- (1) The purpose of the alteration or extension is for repairs to a building or structure that is ordered by a public official to make it safe.
 - (2) The purpose of the alteration is to make maintenance repairs that are needed to keep the building in good condition.
 - (3) There is a special hardship created by strict application of this Code and a variance is granted by the Board of Adjustment in accordance with the provisions of Article 15 of this Chapter.
- (b) Nonconforming uses may be expanded or altered in the same manner as nonconforming buildings, except that the area of a nonconforming use may not be expanded by more than twenty-five percent (25%) of its existing floor area.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2000-02, Art. XX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-13-40. - Restoration.

A nonconforming building or use which is been damaged or destroyed by any calamity, except flood, may be restored to its original condition if such restoration commences within one (1) year from the date of the calamity. If any nonconforming structure is damaged to the extent of fifty percent (50%) of its actual value by flood, said nonconforming structure shall be restored only in compliance with Article 9 of this Chapter.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2007-05, 2007; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-13-50. - Abandonment.

If any nonconforming use of land, a building or a structure is abandoned for a period exceeding one (1) year, no nonconforming use may be reestablished upon such land or within such building or structure.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2000-02, Art. XX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-13-60. - Previously approved uses.

Any building, use or structure that had been officially approved or for which a building permit had been issued prior to the passage of the initial ordinance codified herein may proceed to construct or use such building, structure or land, provided that the structural members of such building or structure are completed within one (1) year of said effective date.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2000-02, Art. XX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-13-70. - Change to another nonconforming use.

No nonconforming use of a building or structure may be changed to another nonconforming use except when the new nonconforming use is of a more restrictive nature as may be determined and approved by the Planning Commission.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2000-02, Art. XX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 14. - AMENDMENT PROCEDURES

Sec. 16-14-10. - Authority.

The Town may from time to time amend the number, shape or boundaries of any zone district or any regulation of or within such district or any other provision of this Chapter.

(Ord. No. 83-116, Art. XXV, 1983; Ord. No. 2000-02, Art. XXV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-14-20. - Procedures.

Amendments to this Chapter shall be considered by the Board of Trustees only when the following requirements have been observed:

- (1) Requests for amendment may only be presented by a legal title owner of real property within the area proposed for a change, by the Planning Commission or the Board of Trustees. Requests for a change in the boundary of any zone district by a legal title owner of real property within the area proposed for change shall be accompanied by a petition requesting such change signed by owners of at least fifty percent (50%) of the area of the lots included in such change.
- (2) Each amendment shall be submitted to the Planning Commission for its recommendations. Such action by the Planning Commission shall be filed in a report to the Board of Trustees.

(Ord. No. 83-116, Art. XXV, 1983; Ord. No. 2000-02, Art. XXV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-14-30. - Board of Trustees public hearing.

Prior to final adoption of any amendment to this Chapter, the Board of Trustees shall hold a public hearing thereon. Notice shall be given as provided in Section 16-16-10 of this Chapter.

(Ord. No. 83-116, Art. XXV, 1983; Ord. No. 2000-02, Art. XXV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-14-40. - Fee.

For all proposed amendments to this Chapter, except for amendments proposed by the Board of Trustees or the Planning Commission, a fee shall be charged to cover advertising and processing costs. The amount of the fee shall be established by resolution of the Board of Trustees.

(Ord. No. 83-116, Art. XXV, 1983; Ord. No. 2000-02, Art. XXV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-14-50. - Decisions.

In case of protest against an amendment signed by the owners of twenty percent (20%) or more, either of the area of lots included in such proposed amendment or of those immediately adjacent to the area thereof extending one hundred (100) feet therefrom or from those directly opposite thereto extending one hundred (100) feet therefrom or from those opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall become effective except by a favorable vote of two-thirds ($\frac{2}{3}$) of all the voting members of the Board of Trustees.

ARTICLE 15. - ZONING BOARD OF ADJUSTMENT

Sec. 16-15-10. - Procedures.

- (a) Appeals to the Board of Adjustment may be taken by any person aggrieved by his or her inability to obtain a building permit based upon the decision of any administrative officer or agency made in the course of the administration or enforcement of the provisions of this Code. Appeal may be taken by an officer, department, board or bureau of the Town affected by the refusal of a building permit or by other decision of an administrative officer or agency made in the course of the administration or enforcement of this Code. Appeals to the Board of Adjustment must be made in writing and filed with the Town Clerk no later than 4:30 p.m. of the seventh day following the action or decision from which the appeal is taken. In the event the seventh day falls on a Saturday, Sunday or holiday, the next regular business day of the Town shall be deemed the seventh day. The day of the action or decision shall not be included in the seven-day calculation.
- (b) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with him or her that, by reason of facts stated in the certificate, a stay, in his or her opinion, would cause imminent peril to life and property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or a court of record on application, on notice to the officer from whom the appeal is taken and on whom due cause is shown.
- (c) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of the initial ordinance codified herein, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, the Board of Adjustment may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship; provided, however, that:
 - (1) The variance granted is the minimum necessary to alleviate such practical difficulties or undue hardship upon the owner of said property.
 - (2) Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the general plan or this Chapter.
 - (3) The circumstances found to constitute a hardship were not created by the appellant, are not due to or the result of general conditions in the district and cannot be practically corrected.

(Ord. No. 83-116, Art. XXI, 1983; Ord. No. 2000-02, Art. XXI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-15-20. - Hearings.

All hearings on the appeals to the Board of Adjustment shall be held within thirty (30) days of the filing of the appeal. Hearings held in regard to variance from strict application of the provisions of this Chapter shall be conducted at a public hearing following public notice requirements as provided in Article 16 of this Chapter.

(Ord. No. 83-116, Art. XXI, 1983; Ord. No. 2000-02, Art. XXI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-15-30. - Fee.

For all applications for a variance or interpretation of this Code, a fee shall be charged to cover the costs of advertising and processing. The amount of the fee shall be established by resolution of the Board of Trustees.

(Ord. No. 83-116, Art. XXI, 1983; Ord. No. 2000-02, Art. XXI, 2000)

Sec. 16-15-40. - Decisions.

The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the appellant.

(Ord. No. 83-116, Art. XXI, 1983; Ord. No. 2000-02, Art. XXI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 16. - PUBLIC NOTICE REQUIREMENTS

Sec. 16-16-10. - Required notice.

For special review requests, variance requests, PUD hearings and rezoning requests, the following public notice requirements shall be met:

- (1) A public notice shall be published in a newspaper of general circulation within the Town at least fifteen (15) days in advance of the hearing.
- (2) Notice shall be sent to all property owners within two hundred (200) feet of the property in question at least ten (10) days in advance of the hearing.
- (3) A notice shall be posted on the subject property at least ten (10) days prior to the hearing. The applicant shall be required to post the notice on the property in the manner prescribed by this Article and as directed by the Town Administrator.
- (4) In the case of rezoning of a large area, the entire Town or a portion of the Town initiated by the Planning Commission and Board of Trustees, public notice shall be as follows:
 - a. A public notice shall be published in a newspaper of general circulation within the Town at least fifteen (15) days in advance of the public hearing. Such notice shall include a map of the boundaries of the proposed zone changes.
 - b. Notices shall be posted at several places throughout the areas to be rezoned and along the perimeter of the areas. Such notices shall be posted at least ten (10) days prior to the hearing.
- (5) In determining the time periods for notice requirements, the day of the action or public hearing is not included in the calculation.

(Ord. No. 83-116, Art. XXII, 1983; Ord. No. 2000-02, Art. XXII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-16-20. - Notice information.

All notices shall include the following information:

The name of the applicant or appellant and the description of the property.

(2) A description of the nature of the request.

(3) The time, date and place of the public hearing.

(4) The agency or office and phone number where further information may be obtained.

(Ord. No. 83-116, Art. XXII, 1983; Ord. No. 2000-02, Art. XXII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 17. - MISCELLANEOUS PROVISIONS

Sec. 16-17-10. - Certificate of occupancy.

- (a) No vacant land shall be occupied and used, and no building hereafter erected shall be occupied or used, until a certificate of occupancy has been issued by the Building Inspector.
- (b) A certificate of occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building has been completed in conformity with the provisions of these regulations.
- (c) A certificate of occupancy for the use of vacant land or the change in the use of land as herein provided shall be applied for before such land is occupied or used, and a certificate of occupancy shall be issued within ten (10) days after the application has been made, provided that such use is in conformity with these requirements.
- (d) A certificate of occupancy shall state that the building or land complies with all the building and health laws and ordinances and with the provisions of this Code. A record of all certificates shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate applied for coincident with the application of a building permit. For all certificates or for copies of the original certificate, there shall be a charge of one dollar (\$1.00).

(Ord. No. 2000-02, Art. XXIV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-17-20. - Nonliability for damages.

This Chapter shall not be construed to hold the Town, in any manner, responsible for any damages to persons or property resulting from any inspection as herein authorized, resulting from any failure to so inspect, resulting from the issuance or denial of a building permit as herein provided, resulting from the institution of court action as hereinabove set forth or resulting from the forbearance by the Town to so proceed.

(Ord. No. 2000-02, Art. XXIX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-17-30. - Nonliability of officials.

Any Town official or employee charged with the enforcement of this Chapter acting in good faith and without malice on behalf of the Town in the discharge of his or her official duties shall not thereby render himself or herself personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties. Any suit or proceeding instituted against such official or employee stemming from any act or omission performed by him or her in the enforcement or attempted enforcement of any provision of this Chapter shall be defended by attorneys provided by the Town until final termination of the proceedings.

(Ord. No. 2000-02, Art. XXX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 18. - ENFORCEMENT

Sec. 16-18-10. - Violation.

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

(Ord. No. 2000-02, Art. XXVII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-18-20. - Penalty.

Any person upon conviction of a violation of this Chapter, shall be fined in accordance with the provisions of Section 1-4-20 of this Code.

(Ord. No. 2000-02, Art. XXVII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-18-30. - Remedies.

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

(Ord. No. 2000-02, Art. XXVII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

SPECIAL REVIEW/VARIANCE APPLICATION

Name RJM rentals/Rene Verduin Application Date 1/17/24
Property Address 130 Grand Ave P&Z Hearing Date _____
Telephone Number 415-602-5905 Council Hearing Date _____

11.01 Intent. Each established zoning district is intended for a specific type or category of land use (e.g., single family dwelling in an R-1 district). However, there are certain uses, which may or may not be appropriate in a district depending on the situation. For example, the location, nature of the proposed use, character of the surrounding area, traffic capacities of adjacent streets, and potential environmental effects all may dictate that the circumstances of the development should be individually reviewed. The special review process is established to provide for these specific uses without establishing numerous separate zoning classifications. It is the intent of this chapter to provide a review of such uses so that the community is assured that the proposed uses are compatible with the location and surrounding land uses.

11.02: When Allowed. Within each zoning district, certain land uses are permitted by right, by special review or prohibited. Special review uses may be permitted in designated districts upon review by the Planning and Zoning Commission and approval by the Town Board.

11.03: Site Plan and Supporting Documents. There shall be filed with each special review application a site plan drawn to scale and an appropriate number of copies as determined by the Town Manager. The site plan shall be drawn in black ink on Mylar. Following approval by the Town Board the applicant shall submit a reproducible copy of the original site plan to the Town for the Town's permanent records.

The special review application shall include the following:

- The site plan showing the location of all buildings, structures and other improvements to be placed on the real property. A building envelope may be used in lieu of showing the exact building or structure location to allow for minor variations in the location.
- A legal description of the property, which may require a survey. —
- A list of the names and addresses of all property owners within 200 ft. of the property. —
- All off-street parking and loading areas. —
- The location of all ways for ingress and egress to all buildings, and parking areas. — plan
- Service and refuse collection areas. — plan
- Major screening proposals. ?
- The size, shape, height and character of all signs. —
- The area and location of all open space and recreation areas. ?
- The location and type of outdoor lighting. plan
- The character and type of landscaping to be provided. The landscaping shall be — plan — none indicated in tabular form showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on the site plan.
- The anticipated timetable for completion. If the project is to be completed in phases, then the data for completion of each phase shall be indicated.

- All owners and lien-holders of the property shall sign the following agreement that will be placed on the original special review site plan.
- Home Owner's association Written plan approval (if applicable)

The undersigned agree that the real property described on the site plan shall be developed only in accordance with the approved special review site plan and other provisions of the zoning regulations of the Town of Paonia.

I. Site Plan — Matt

Any application for Special Review/Variance that includes a new structure or improvement to an existing structure will require a site plan. Plans may be hand drawn, but must be clearly written with accurate measurements indicated. The Site Plan may be submitted as two separate drawings or one drawing with an overlay.

II. Project Summary

Please answer only the questions that apply to your Special Review/Variance request. Any additional information, which would be beneficial in the consideration, may be noted in the "Comments" section.

- a. Reason for Special Review/Variance To convert the room that is labeled community space into a cocktail lounge.
- b. Current Zoning of Property _____
- c. What land boundary changes are necessary? none
- d. What addition/changes to existing buildings/structures will be made? A bar with plumbing for sinks, dishwasher and seating will be built in.
- e. What new buildings/structures will be constructed? none
- f. What additions/changes in utilities will be necessary? Include water, sewer, gas, and electric. No additional utilities will be needed. As we are currently permitted to build the structure necessary to include this.
- g. Will property have Commercial/Private or Public Use? Public use - Commercial
- h. Anticipated traffic flow and volume? less than 50

- i. Detail the Safety and Disabled Access accommodations? yes -
- j. Detail the possible environmental impact; such as noise, lighting glare, pollutants, etc. No environmental impacts are anticipated.

Comments: We believe by creating this new business in Paonia, it will increase revenue for the town. It will become a community place which is lacking currently and creates a positive impact, which brings more tourists and locals to down town.
We intend to serve mixed drinks, local wines and snacks.

III. Public Notice Requirements

All property owners within 200 feet of the property being reviewed shall be notified via certified mail of a public hearing whereby the Planning and Zoning Commission shall consider this application. It is incumbent upon the applicant to request the names of the property owners from the Delta County GIS Department (970-874-2119). Please have the GIS e-mail the information to Corinne@townofpaonia.com. Applications for Special Review shall be filed at least 30 days in advance of the meeting at which they are to be considered by the Planning and Zoning Commission. Incomplete applications shall result in denial of application acceptance and returned for completion, consequentially delaying hearings.

IV. Acknowledgement to Pay Fees

This application must be completed and a fee of **\$250.00** is assessed to include preliminary costs of administrative services and initial correspondence. Additional charges will be invoiced for, publication and certified mailings to property owners within 200 feet of said property. **Payment must accompany this application.**

FEES PAID HEREUNDER ARE NON-REFUNDABLE UPON SIGNING

By signing below, I acknowledge that I will be billed for any overages of costs incurred for this Special Review/Variance. I am aware that upon acceptance of the Special Review/Variance by the Planning and Zoning Commission, a building permit must be applied and approved by the Building Inspector, if applicable.

RJM rentals LLC
 SIGNED Rene Verdain Julie Bennett Margaret Engel
 PRINTED NAME Rene Verdain Julie Bennett Margaret Engel DATE: 1.17.24

Clerks Acceptance _____ DATE _____

Contact Information for 130 Grand Ave change of use application.

Owners: RJM Rentals LLC
Rene Verduin
Margaret Engel
Julie Bennett

Contact person, Rene Verduin 415-602-5905
rjmentalpaonia@gmail.com

Contractor:
Steve Wilson, Wilson and Sons LLC
970-424-6943
Wilson.sons.llc@outlook.com

Engineer:
Matt Davidson, DDG Engineering
970-376-5716
matt@ddgeng.com

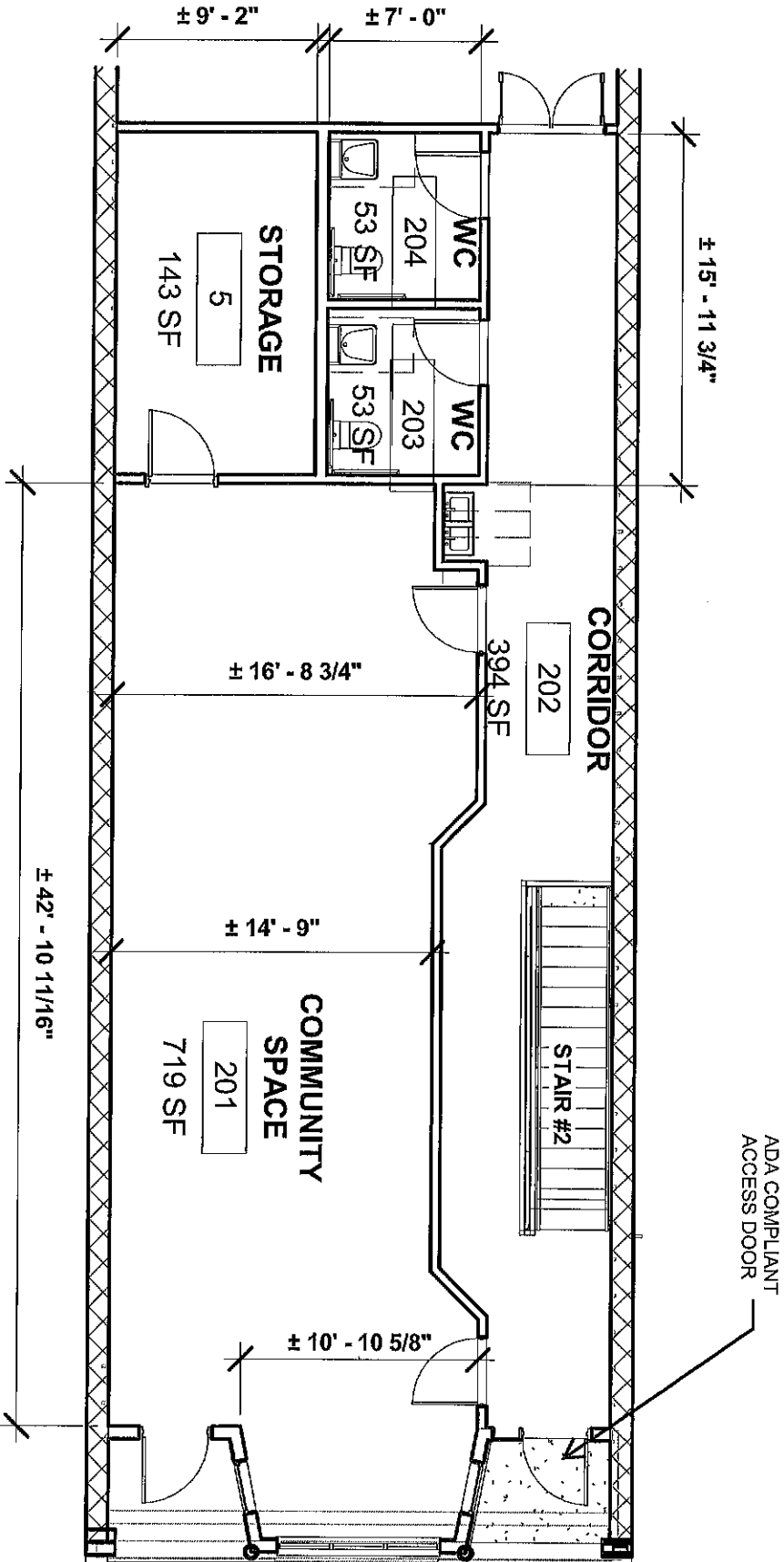
Architect:
KEO studioworks
970-319-1229

SHEET:
Z-200

HIVE BUILDING
130 GRAND AVENUE
PAONIA, CO 81428

EXISTING PERMITTED USE PLAN
CHANGE OF USE REVIEW 01.17.2024

DDG
ENGINEERING
PO Box 1772
PAONIA, CO 81428
(970) 376-5716



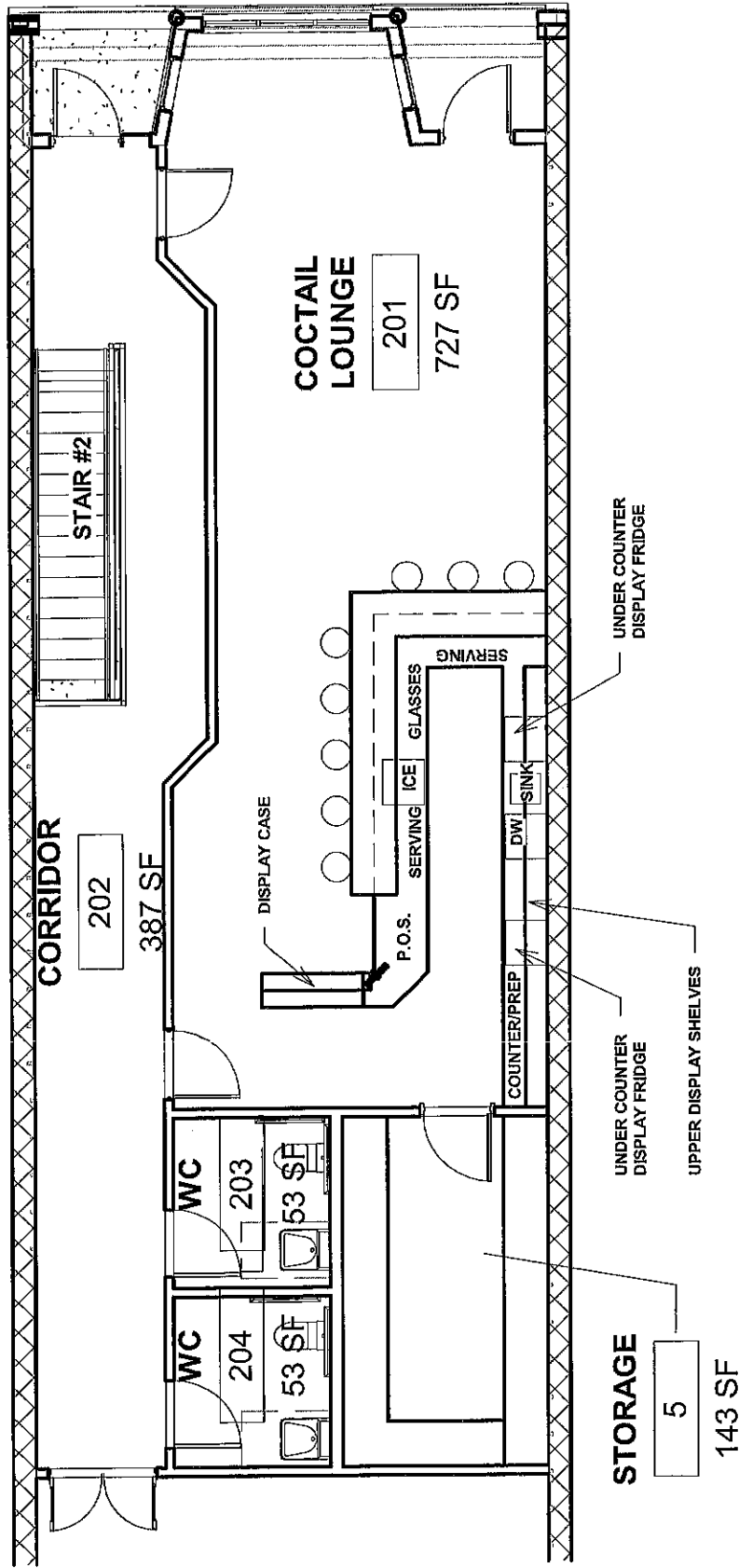
1 MAIN LEVEL - EXISTING PLAN
1/8" = 1'-0"

SHEET:

Z-300

HIVE BUILDING
130 GRAND AVENUE
PAONIA, CO 81428

PROPOSED USE PLAN
CHANGE OF USE REVIEW 01.17.2024



1 MAIN LEVEL - EXISTING PLAN

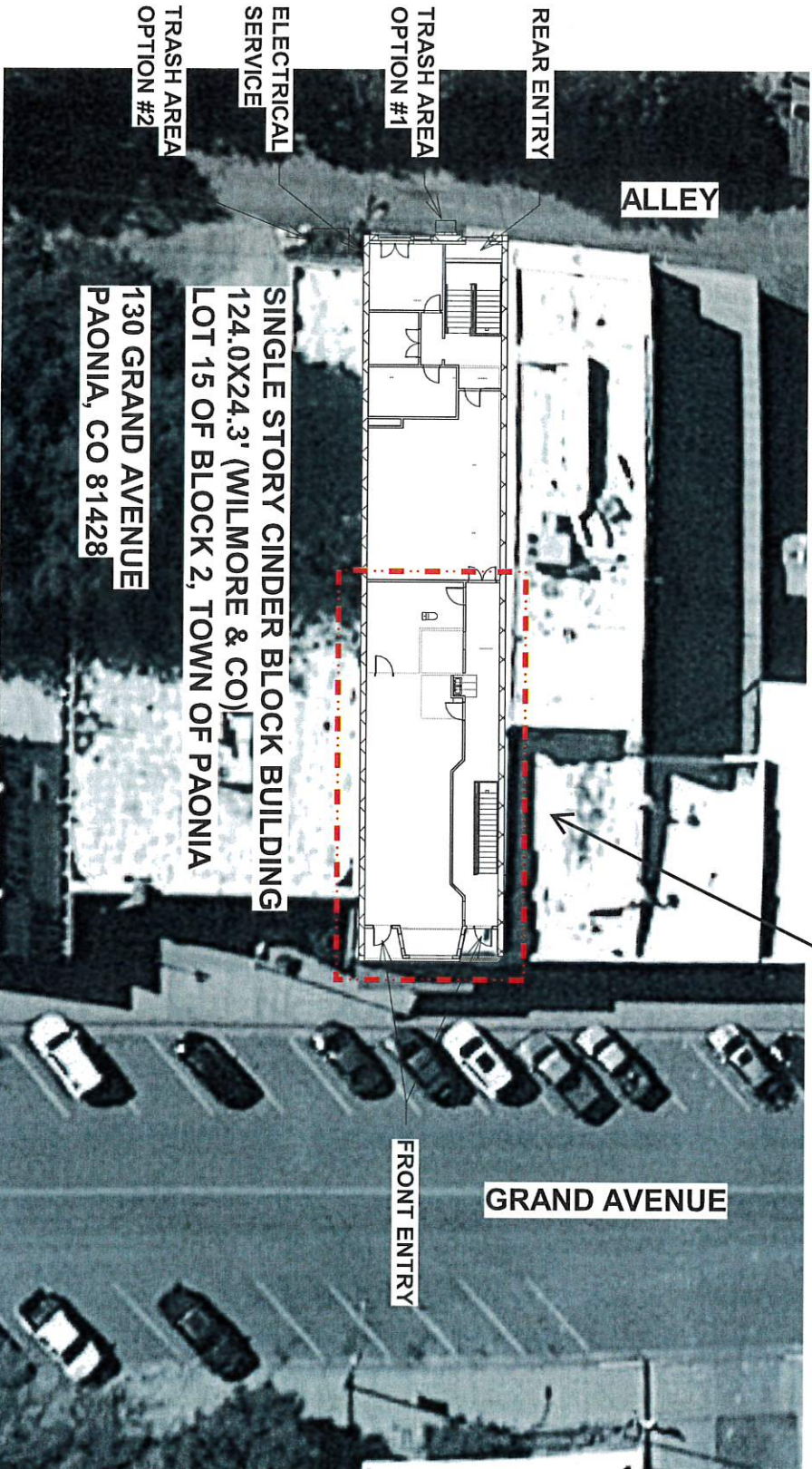
1/8" = 1'-0"

SHEET:
Z-100

HIVE BUILDING
130 GRAND AVENUE
PAONIA, CO 81428

SITE PLAN
CHANGE OF USE REVIEW 01.17.2024

PDG
ENGINEERING
PO BOX 1772
PAONIA, CO 81428
(970) 3765716



1 SITE PLAN AND AREA OF WORK
1" = 30'-0"

THE HIVE CHANGE OF USE STUDY

1/17/2024

SUPPLEMENT TO 12/19/2023 PLAN REVIEW REV. 2

REF. G002, IMPACTS NOTED IN RED

PROJECT INFO

130 GRAND AVE. PAONIA CO 81428 USA

JURISDICTION: TOWN OF PAONIA

PARCEL ID: 324506131014

LEGAL DESC: DELTA COUNTY

ZONING: C-1, CORE COMMERCIAL DISTRICT

CLIMATE ZONE: 5B

OWNER

RMJ RENTALS
PO BOX 711 PAONIA, CO 81428
CONTACT: RENE VERDUIN
(415) 620-5905
RENEVERDUIN@GMAIL.COM

ARCHITECT

KEOstudioworks, INC.
PO BOX 3371 ASPEN, CO 81612
CONTACT: JIM KEHOE
(970) 319-1229
JIM@KEOSTUDIOWORKS.COM

CONTRACTOR

WILSON & SONS BUILDERS
CONTACT: STEVE WILSON
(970) 424-6943
WILSON.SONS.LLC@OUTLOOK.COM

STRUCTURAL ENGINEER

DDG ENGINEERING
PO BOX 1772 PAONIA, CO 81428
CONTACT: MATT DAVIDSON
(970) 376-5716
MATT@DDGENG.COM

AREA & OCCUPANCY SUMMARY

LOWER LEVEL	ROOM NUMBER	AREA (S.F. GROSS)	OCCUPANCY TYPE	S.F. PER PERSON	CALCULATED OCCUPANCY LOAD	DESIGN OCCUPANCY LOAD
STAIR #1		84.0	B	150.0	0.6	1
STAIR #2		31.0	B	150.0	0.2	1
BREAK ROOM	101	294.0	B	150.0	2.0	2
OFFICE	102	226.0	B	150.0	1.5	2
OFFICE	103	249.0	B	150.0	1.7	2
OFFICE	104	249.0	B	150.0	1.7	2
OFFICE	105	252.0	B	150.0	1.7	2
OFFICE	106	227.0	B	150.0	1.5	2
CORRIDOR	107	694.0	B	150.0	4.6	5
W.C.	108	42.0	B	150.0	0.3	1
W.C.	109	53.0	B	150.0	0.4	1
UTILITY	110	82.0	B	150.0	0.5	1
STORAGE	111	154.0	B*	300.0	0.5	1
MECHANICAL	112	133.0	B*	300.0	0.4	1
LOWER LEVEL GROSS FLOOR AREA		2,770.0				24.0
MAIN LEVEL	ROOM NUMBER	AREA (S.F. GROSS)	OCCUPANCY TYPE	S.F. PER PERSON	CALCULATED OCCUPANCY LOAD	DESIGN OCCUPANCY LOAD
STAIR #1		155.0	B	150.0	1.0	2
STAIR #2		61.0	B	150.0	0.4	1
COCKTAIL LOUNGE	201	727.0	B**	15.0	48.5	49
STORAGE	5	153.0	B*	300.0	0.5	-
CORRIDOR	202	287.0	B	150.0	2.6	3
W.C.	203	49.0	B	150.0	0.3	1
W.C.	204	49.0	B	150.0	0.3	1
OFFICE	205	668.0	B	150.0	4.5	5
OFFICE	206	130.0	B	150.0	0.9	1
WAITING	207	78.0	B	150.0	0.5	1
OFFICE	208	144.0	B	150.0	1.0	1
VESTIBULE	209	238.0	B	150.0	1.6	2
MAIN LEVEL GROSS FLOOR AREA		2,839.0				67.0
TOTAL GROSS FLOOR AREA		5,609.0				91.0

*CLASSIFIED AS OCCUPANCY GROUP B PER IBC 311.1.1; OCCUPANT LOAD FACTOR PER IBC TABLE 1004.5
**CLASSIFIED AS OCCUPANCY GROUP B PER IBC 303.1.1.2; OCCUPANT LOAD FACTOR PER IBC TABLE 1004.5

DOOR SCHEDULE

LOWER LEVEL	ROOM NUMBER	W	H	HARDWARE	REMARKS
OFFICE	102	3'-0"	6'-8"	LOCKSET	
OFFICE	103	3'-0"	6'-8"	LOCKSET	
OFFICE	104	3'-0"	6'-8"	LOCKSET	
OFFICE	105	3'-0"	6'-8"	LOCKSET	
OFFICE	106	3'-0"	6'-8"	LOCKSET	
W.C.	108	3'-0"	6'-8"	PRIVACY	
W.C.	109	3'-0"	6'-8"	PRIVACY	
UTILITY	110	3'-0"	6'-8"	LOCKSET	
STORAGE	111	3'-0"	6'-8"	LOCKSET	
MECHANICAL	112	3'-0"	6'-8"	LOCKSET	
MAIN LEVEL	ROOM NUMBER	W	H	HARDWARE	REMARKS
COCKTAIL LOUNGE	201	3'-0"	6'-8"	LOCKSET	
COCKTAIL LOUNGE	201	3'-0"	6'-8"	LOCKSET	
STORAGE	5	3'-0"	6'-8"	LOCKSET	
CORRIDOR	202	5'-0"	7'-0"	LOCKSET	
W.C.	203	3'-0"	6'-8"	PRIVACY	
W.C.	204	3'-0"	6'-8"	PRIVACY	
OFFICE	205	3'-0"	6'-8"	LOCKSET	
OFFICE	206	3'-0"	6'-8"	LOCKSET	
WAITING	207	5'-0"	7'-0"	LOCKSET	
OFFICE	208	3'-0"	6'-8"	LOCKSET	

*ALL DOOR HARDWARE TO BE LEVER PER IBC CH 10, ICC/ANSI A117.1.
**ALL DOORS WITH GLASS LITES TO BE TEMPERED PER IBC.

PLUMBING FIXTURES: (IBC 2902, TABLE 2902.1, IPC CHAPTER 4, IPC TABLE 403.1, IPC 424.2, IPC 410)

GROUP B FIXTURE REQUIREMENTS:

- WATER CLOSET: 1 PER 25 FOR FIRST 50
1 PER 50 FOR REMAINDER EXCEEDING 50
- LAVATORY: 1 PER 40 FOR FIRST 80
1 PER 80 FOR REMAINDER EXCEEDING 80
- BATHTUB/SHOWER: NA
- DRINKING FOUNTAIN: 1 PER 100
- SERVICE SINK: 1

ACTUAL FIXTURES COUNTS: (91 OCCUPANTS)

	REQUIRED	PROVIDED
WATER CLOSET:	3	4
LAVATORY:	3	4
DRINKING FOUNTAIN:	1***	2***
SERVICE SINK:	1	1

***ALTERNATE TO DRINKING FOUNTAIN: ACCESSIBLE PUBLIC BEVERAGE ACCESS AVAILABLE AT COCKTAIL LOUNGE.

TOWN OF PAONIA ZONING - CONFIRM STATUS OF ZONING REVIEW

- TOWN OF PAONIA MUNICIPAL CODE** (ARTICLE 6, 16-6-10, TABLE 16-5, SEC. 16-6-40)
- OFF-STREET PARKING REQUIREMENT (PER 16-6-10, TABLE 16-5)
 - INDOOR RESTAURANTS & BARS 1 PER EVERY 3 SEATS OR 1 PER 200 S.F. (WHICHEVER GREATER)
 - BUSINESS & PROFESSIONAL OFFICES 1 PER 250 S.F.
 - OFF-STREET PARKING OR FEE IN LEIU ALTERNATE PER 16-6-40

OCCUPANCY SEPARATION: (IBC TABLE 508.4)

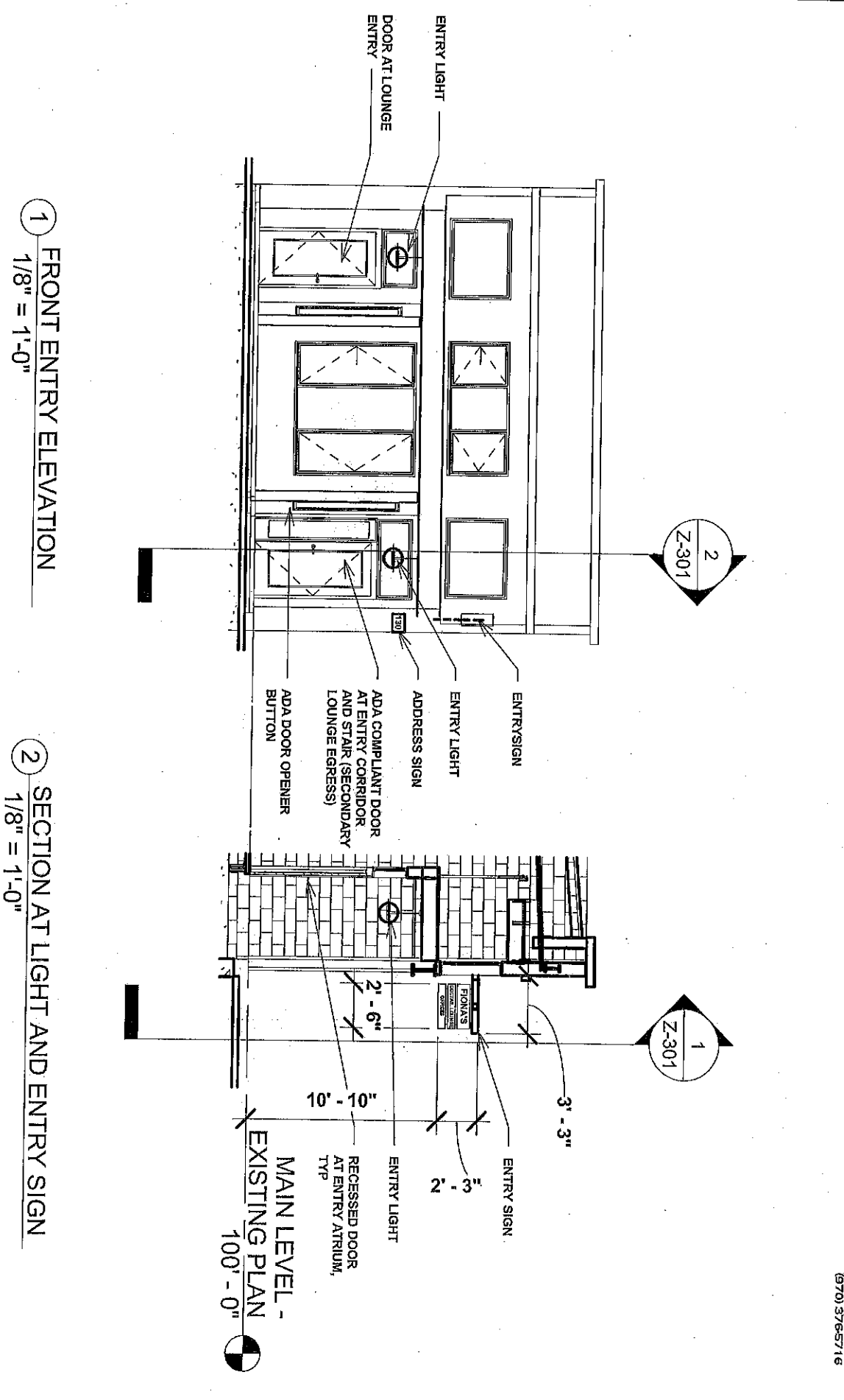
B TO B: N, NO SEPARATION REQUIREMENT

SHEET:
Z-301

HIVE BUILDING
130 GRAND AVENUE
PAONIA, CO 81428

PROPOSED USE FRONT ENTRY
ELEVATION/REVIEW 01.17.2024

DDG
ENGINEERING
P.O. Box 1772
PAONIA, CO 81428
(970) 576-5716



1 FRONT ENTRY ELEVATION
1/8" = 1'-0"

2 SECTION AT LIGHT AND ENTRY SIGN
1/8" = 1'-0"

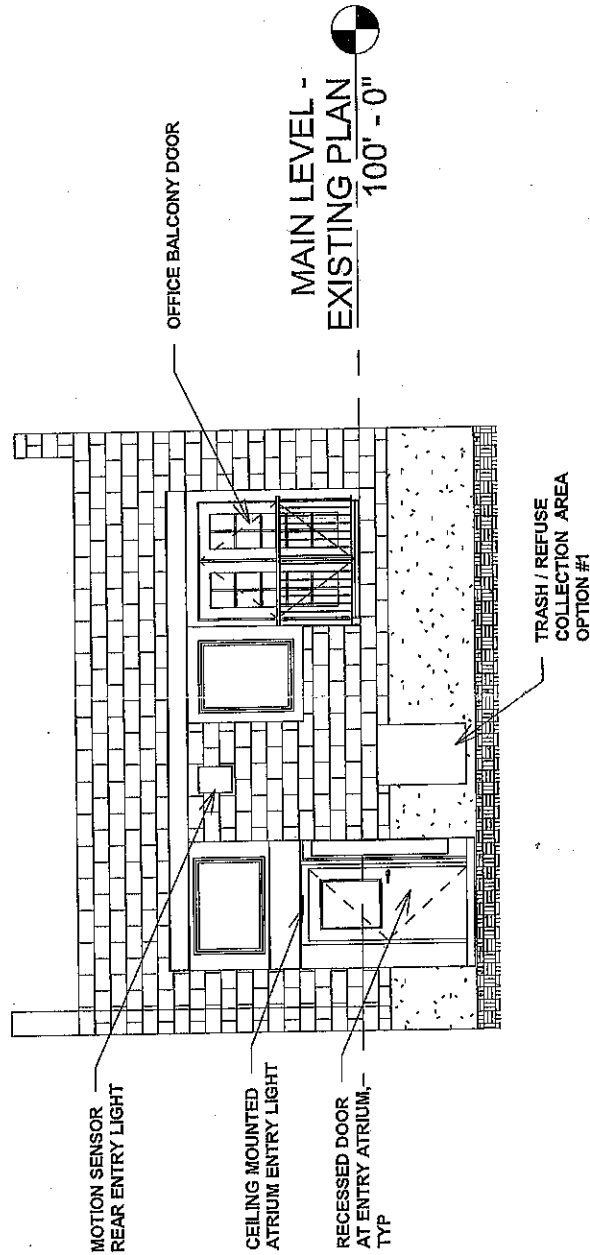
MAIN LEVEL -
EXISTING PLAN
100'-0"

SHEET:

Z-302

HIVE BUILDING
130 GRAND AVENUE
PAONIA, CO 81428

PROPOSED USE REAR ENTRY
ELEVATION REVIEW 01.17.2024



1 EXTERIOR BACK ALLEY ENTRY

1/8" = 1'-0"

ARTICLE 4. - SPECIAL REVIEW APPLICATION REQUIREMENTS AND PROCEDURES

Sec. 16-4-10. - Intent.

Each established zoning district is intended for a specific type or category of land use (e.g., single-family dwelling in an R-1 district). However, there are certain uses, which may or may not be appropriate in a particular district, depending on the situation. For example, the location, nature of the proposed use, character of the surrounding area, traffic capacities of adjacent streets and potential environmental effects all may dictate that the circumstances of the development should be individually reviewed. The special review process is established to provide for these specific uses without establishing numerous separate zoning classifications. It is the intent of this Article to provide a review of such uses so that the community is assured that the proposed uses are compatible with the location and surrounding land uses.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-20. - When allowed.

Within each zoning district, certain land uses are permitted by right or by special review or prohibited. Special review uses may be permitted in designated districts upon review by the Planning Commission and approval by the Board of Trustees.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-30. - Site plan and supporting documents.

There shall be filed with each special review application a site plan drawn to scale and an appropriate number of copies as determined by the Town Administrator. The site plan shall be drawn in black ink on Mylar. Following approval by the Board of Trustees, the applicant shall submit a reproducible copy of the original site plan to the Town for the Town's permanent records. The special review application shall include the following:

- (1) The site plan showing the location of all buildings, structures and other improvements to be placed on the real property. A building envelope may be used in lieu of showing the exact building or structure location to allow for minor variations in the location.
- (2) A legal description of the property.
- (3) A list of the names and addresses of all property owners within two hundred (200) feet of the property.
- (4) All off-street parking and loading areas.
- (5) The location of all ways for ingress to and egress from all buildings and parking areas.

- (6) Service and refuse collection areas.
- (7) Major screening proposals.
- (8) The size, shape, height and character of all signs.
- (9) The area and location of all open space and recreation areas.
- (10) The location and type of outdoor lighting.
- (11) The character and type of landscaping to be provided. The landscaping shall be indicated in tabular form showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on the site plan.
- (12) The anticipated timetable for completion. If the project is to be completed in phases, then the date for completion of each phase shall be indicated.
- (13) The following agreement will be placed on the original special review site plan, signed by all owners and lienholders of the property: The undersigned agree that the real property described on the site plan shall be developed only in accordance with the approved special review site plan and other provisions of the zoning regulations of the Town of Paonia. The signatures of all owners and lien holders shall be notarized. The agreement shall further designate who is specifically responsible for the proposed improvements.
- (14) In addition to the site plan, a title policy indicating that the property is free and clear of all ownership disputes, liens or encumbrances whatsoever which would impair the use of the property for the uses approved. The title policy shall provide verification that all owners and lien holders have signed the special review site plan. The title policy shall be effective within twenty-four (24) hours after the date of approval by the Board of Trustees. If the title policy is not provided to the Town Clerk within seven (7) days after action by the Board of Trustees, the action by the Board of Trustees shall be automatically voided.
- (15) Other information as needed by the Town to analyze the feasibility and impacts of the special review use, which may include, but are not limited to, traffic analyses, soils or geological reports or drainage and engineering studies.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-40. - Procedures for securing approval of special review application.

- (a) *Preapplication conference.* The applicant shall schedule a conference with the Town Administrator prior to submitting a formal application. This will serve to better acquaint the applicant with the Town's policies, requirements, procedures and the Master Plan objectives. The preapplication conference should be held before the applicant has entered into binding commitments or incurs substantial expenses in the preparation of plans, surveys and other studies.

(b)

Filing deadline. Applications for special review shall be filed at least thirty (30) days in advance of the meeting at which they are to be considered by the Planning Commission. The Town will provide the applicant with a list of filing deadlines and meeting dates. Applications that are incomplete at the time of filing will not be scheduled for review by the Planning Commission.

- (c) *Fees.* All persons filing a special review application shall be charged a fee to cover the cost of advertising and processing. The amount of the fee shall be established by resolution of the Board of Trustees.
- (d) *Review by the Town Administrator.* The Town Administrator shall review the application for compliance with the provisions of this Code, the site plan review criteria and performance standards of this Section and for consistency with the Master Plan. The Town Administrator shall receive comments from all other pertinent Town departments and other agencies and from the Development Review Committee. The Town Administrator may then submit his or her recommendations and comments to the Planning Commission for its consideration at its next regularly scheduled meeting. Copies of staff recommendations shall be available to the applicant prior to the Planning Commission's meeting.
- (e) *Action by the Planning Commission.* At a duly noticed public hearing the Planning Commission shall consider the special review application and the comments and recommendations of the Town Administrator. As a part of their review of the proposed special review use, the Planning Commission shall consider the Special Review Site Plan review criteria and performance standards of Section 16-4-50 below.
- (f) *Action by the Board of Trustees.* Within thirty (30) days after the action by the Planning Commission, the Board of Trustees shall consider the special review request and the recommendations of the staff and the Planning Commission. The Board of Trustees shall then make the final decision to approve the application, approve the application with modifications or deny the application.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-50. - Site plan review criteria and performance standards.

- (a) The criteria for review and performance standards are as follows:
 - (1) Compliance of the application with this Code in general.
 - (2) The compatibility of the proposed use and site plan with the character of the surrounding area.
 - (3) The desirability and need for the proposed use.
 - (4) The potential for adverse environmental influences that might result from the proposed use.
 - (5) Compatibility of the proposed use and site plan with the policies and guidelines of the Comprehensive Plan.

- (b) Lights and signs shall be located in a manner that will not be distracting to adjoining properties or passing motorists.
- (c) Landscaping shall be provided in areas near the public right-of-way and located with consideration for energy conservation. An acceptable plan must be provided for the maintenance of the required landscaped areas.
- (d) Control of storm drainage shall be provided so as to not damage adjoining properties. The plan must be approved by the Town Engineer.
- (e) Site design and building plans shall include provisions for the needs of handicapped individuals as required by the Building Code or other ordinances of the Town.
- (f) Approved landscaping or solid fencing capable of screening adjacent properties shall be provided where commercial uses abut residential uses.
- (g) Commercial and industrial uses shall conform to the following performance standards:
 - (1) No dust, odor, gas, fumes, glare or vibration shall extend beyond lot lines. Glare pertains to sunlight reflected from windows or other integral portions of buildings, as well as from lighting fixtures and signs.
 - (2) Smoke shall not be emitted at a density greater than #1 on the Ringleman's scale.
 - (3) No particles of fly ash shall exceed two-tenths percent (0.2%) grains per cubic foot of the flue gas at a stack temperature of fifty (50) degrees Fahrenheit.
 - (4) Noise. No noise shall be emitted which exceeds a maximum of seventy-five (75) decibels with a maximum increase of five (5) decibels permitted for a maximum of fifteen (15) minutes in any one (1) hour. In addition, every activity shall be conducted so that no noise produced is objectionable due to intermittence, beat frequency or shrillness.
 - (5) Water pollution. No water pollution shall be emitted by the manufacturing or other processing.
 - (6) Outside storage areas that adjoin R-1, R-2 or R-3 Districts must be screened from view with screening of at least eight (8) feet high. The screening shall be constructed of board fencing, screened metal fencing or shrubs.
 - (7) Truck traffic to and from the I-1 and I-2 District facilities must be restricted to truck routes. The weight of the trucks is limited to standard highway limits unless otherwise posted.
 - (8) Industrial activity within the I-1 District will be restricted to 7:00 a.m. to 9:00 p.m.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-60. - Effect of special review approval.

- (a) Following approval of a special review application, all real property described in the application must be improved, developed and used in accordance with the approved application, the site plan and any written proposals submitted therewith within the completion date or dates set by the Board of Trustees.
- (b) Any changes or modifications to the special review application or site plan shall be permitted only in accordance with the procedures stated in Section 16-4-70 below.
- (c) It is unlawful for the owner of the property subject to an approved special review application to fail to complete all improvements within the approved completion date set by the Town or to use the property for any use not set forth in an approved special review application. Each day of violation shall be considered as a separate violation of the provisions of this Chapter.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-70. - Changes or modification to approved application and special review site plans.

Changes or modifications to an approved special review application and site plan shall be permitted by following the procedures of this Chapter for rescinding a special review application and securing approval of the original application, except as follows:

- (1) For minor variations in the location of structures, improvements or open areas caused by engineering or other unforeseen difficulties, the Planning Commission may authorize a modification to an approved site plan without public hearing. Such changes or modifications authorized by this Paragraph shall not modify use, character or density of an approved special review application or site plan. All site plans so modified shall be amended to show the authorized modifications.
- (2) The Planning Commission may also grant, without a public hearing, an extension of the time schedule for a period not to exceed six (6) months. Not more than two (2) such extensions may be granted without a duly noticed public hearing.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-80. - Termination of approved special review applications.

Approved special review applications may be terminated as follows:

- (1) *By Board of Trustees action.* If construction is not completed and use established on a property subject to an approved special review application in accordance with and within the time schedule set forth in the application, the Board of Trustees may require the property owner to appear before it and present evidence establishing that he or she has not abandoned the use of the property as approved by the Board of Trustees and that he or she

has the ability to complete the development of the property. In the event the Board of Trustees finds that the conditions which existed at the time of the approval of the application have changed so that reasonable questions exist regarding the property owner's ability and intention to comply with the application, it may withdraw its approval. Upon such rescission, all uses permitted by the application shall terminate at its discretion, and for good cause shown, the Board of Trustees may extend the period of time for completion of construction and use of the property as provided in the application.

(2) *By owner's action.* The owner of a property subject to a special review application may petition the Board of Trustees to rescind its approval of the special review application pertaining to his or her property or any part thereof. Such petition shall be signed and filed with the Town Clerk in the number and within the time provided in this Chapter for special review applications. The petition shall be submitted to the Planning Commission for its consideration. The Planning Commission shall then consider the petition and submit its recommendation to the Board of Trustees. The Board of Trustees shall then consider the petition and determine whether or not to grant the same. If the petition is granted, the Board of Trustees shall rescind its approval of the subject special review application as to the property described in the petition.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000)

ARTICLE 2. - ZONING DISTRICTS

Sec. 16-2-10. - Establishment.

In order to carry out the purpose and provisions of this Chapter, the Town is hereby divided into the following zoning districts:

E-1	Estate Residential District
R-1	Low-Density Residential District
R-2	Medium-Density Residential District
R-3	Higher-Density Residential District
MH	Mobile Home Park Subdivision District
MH1	Mobile Home Parks Subdistrict
MH2	Mobile Home Subdivisions Subdistrict
C-1	Core Commercial District
C-2	Community Commercial District
I-1	Light Industrial District
I-2	Industrial District
DR	Developing Resource District
P	Public District

The intent of each zoning district is as described in the following sections.

(Ord. No. 83-116, Art. IX, 1983; Ord. No. 2000-02, Art. IX, 2000)

Sec. 16-2-20. - E-1, Estate Residential District.

It is the intent of this District to provide for orderly development of single-family residential areas on three- to ten-acre lots. Farm-type animals, including horses, sheep, llamas, cattle and goats, will be allowed. Other animals will require approval of the Town. This District requires adequate irrigation water rights if the property to be improved has been

previously irrigated and water rights were utilized, and must have a plan for distribution (see [Section 16-3-110](#) of this Chapter).

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-30. - R-1, Low-Density Residential District.

It is the intent of the this District to provide for the orderly development of single-family residential site-built or manufactured built homes, depending on covenants for the area.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-40. - R-2, Medium-Density Residential District.

It is the intent of this District to allow for the orderly and creative development of attached and detached single-family, two-family and multiple-family dwellings at moderate densities. Such areas are intended to serve as a transition between the lower-density zoning districts and the higher-density residential areas and commercially zoned areas.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-50. - R-3, Higher Density Residential District.

It is the intent of this District to provide for the orderly and creative development of residential areas with density substantially higher than the Low-Density or Medium-Density Districts yet compatible with the present scale and character of the Town. Higher density residential areas may be appropriately located as a part of planned developments, adjacent to medium-density residential areas, commercially zoned areas, adjacent to the core commercial area or downtown and within close proximity to major collector or arterial streets.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-60. - MH, Mobile Home Park Subdivision District.

It is the intent of this District to be composed of two (2) subdistricts, Mobile Home Parks (MH1) and Mobile Home Subdivisions (MH2). Mobile homes will be restricted to this District except as specified in Article 8 of this Chapter. This District is designed to provide orderly development of single-family residential mobile home parks having rented lots and subdivisions having homeowner lots. These subdistricts may require appropriate screening and/or buffer zones from other districts and zones. (See Article 8 of this Chapter for regulations.)

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-70. - C-1, Core Commercial District.

It is the intent of this District to provide for the orderly development of those commercial and business uses, government, educational and cultural facilities that are characteristic of downtown areas and promote comparison shopping and pedestrian activity in the core area. This District is not intended for businesses and commercial uses that are oriented to the automobile and require extensive ground-level floor area.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-80. - C-2, Community Commercial District.

It is the intent of this District to augment the commercial and business needs of the community by providing for the orderly development of commercial facilities that, because of their specific nature, require closer access to arterial routes or immediate access to large parking areas or require generally larger ground-level floor areas than the smaller retail shops as encouraged in the core commercial areas.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-90. - I-1, Light Industrial District.

It is the intent of this District to provide for the development of industrial uses that will enhance the economy of the Town and be designed and planned in a manner that will be compatible with the character of the community and not add pollution or other undesirable effects to the adjoining properties or to the community as a whole.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-100. - I-2, Industrial District.

The intent of this District is to allow for basic or primary industries which are generally not compatible with residential and/or commercial activity. Certain extremely obnoxious, hazardous and noisy uses will require special permission to locate in this District.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-110. - DR, Developing Resource District.

It is the intent of this District to provide for the zoning of those areas to be annexed that are eligible for annexation and are designated in the Comprehensive Plan as potentially suitable for urban development but not in the immediate future because of lack of utilities or other public services. DR District zoning should be applied to existing agricultural or open space areas with minimal present development.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-120. - P, Public District.

It is the intent of this District to provide a special district for those lands that are dedicated for public use for recreational or educational purposes or for other public facilities or services. New construction and development will require special review.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 3. - DISTRICT REGULATIONS

Sec. 16-3-10. - Schedules of uses and requirements.

To facilitate public understanding of this Chapter and for convenient reference and use, the following schedules are provided for all districts. These schedules are a part of this Chapter and may be amended as with any other part of this Chapter.

(1) *Schedule of Uses.* The schedule of uses indicates, by district, those uses that are:

P - Permitted by right

S - Permitted by special review

X - Prohibited

Any use that is not specifically permitted shall be deemed to be excluded. If a question arises as to whether a specific use does not fall within the expressed use categories, any person may apply to the Planning Commission for a determination as to whether a specific use is permitted.

(2) *Schedule of Requirements.* The schedule of requirements includes minimum lot areas, setback, density and open space requirements for each residential and commercial zone. Additional requirements are listed for uses permitted by special review.

(Ord. No. 83-116, Art. X, 1983; Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-20. - Schedule of uses, residential districts.

Table 16-1
Schedule of Uses - Residential Districts

Use	R-1 District	R-2 District	R-3 District	E-1 District	MH District
Single-family dwellings	P	P	P	P	P
Two-family dwellings	X	P	P	S	X
Multiple-family dwellings, apartments/townhouses not exceeding 6 units per lot	X	S	P	X	X
Multiple-family dwellings, apartments/townhouses in excess of 6 units per lot	X	X	S	X	X
Mobile home parks	X	X	X	X	S 1

Mobile home subdivisions	X	X	X	X	P
Parks and recreation areas	P	P	P	P	P
Private schools	S	S	S	S	X
Public or governmental uses	S	S	S	S	X
Group homes for the developmentally disabled	S	S	S	S	S
Churches	S	S	S	S	S
Nursing homes/assisted living apartments	X	S	S	X	X
Rooming houses/bed and breakfasts	X	S	S	S	X
Professional offices 2	X	S	S	X	S
Neighborhood convenience centers 3	S	S	S	S	S
Antenna structures (towers)	S	S	S	S	S
Horses, barns and pastures	X	X	X	P	X
Mobile homes (single unit)	X	X	X	X	P
Neighborhood commercial uses 4	X	X	X	X	P

S = Permit by special review

X = Prohibited use

¹ See Article 8 of this Chapter.

² Professional offices as home occupations are permitted in all districts, subject to provisions in Section 16-11-20 of this Chapter.

³ Neighborhood commercial uses may include small food stores, specialty shops, gift, antique shops or similar type uses. Maximum floor area shall be 2,000 square feet total.

⁴ Neighborhood convenience center shall have a maximum total floor area of 10,000 square feet and no single business with a greater total floor area than 2,000 square feet.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-30. - Schedule of requirements, residential districts.

Table 16-2
Schedule of Requirements¹- Residential Districts

Minimum Lot Area Requirements	R-1 District		R-2 District		R-3 District		E-1 District		MH District	
	Dwelling units	Min. lot area (sq. ft.)	Dwelling units	Min. lot area (sq. ft.)	Dwelling units per story	Min. lot area (sq. ft.)	Dwelling units	Min. lot area (sq. ft.)	Dwelling units	Min. lot area (sq. ft.)
Residential uses permitted by right	1	6,000	1	6,000	1	6,000	1	3 acres	1	5,000
			2	8,000	2	6,000	2		N/A	N/A
					3	8,000				
					4	10,000				
					5	12,500				
					6	15,000				

Residential uses permitted by special review			3	12,000	Over 6 units	15,000 sq. ft.				
			4	16,000		+				
			5	20,000		2,500 sq. ft.				
			6	24,000		for each unit over 6				

Yard Requirements ²	R-1 District	R-2 District	R-3 District	E-1 District	MH District
All yard areas adjacent to an arterial street major and minor	50 ft.	35 ft.	35 ft.	75 ft.	50 ft.
Front yard setback					
Collector (major and minor)	25 ft.	25 ft.	25 ft.	50 ft.	25 ft.
Local	20 ft.	20 ft.	20 ft.	35 ft.	20 ft.
Side yard	6 ft.	6 ft.	10 ft. ³	20 ft.	6 ft.
Rear yard	10 ft.	10 ft.	20 ft.	20 ft.	15 ft.
Minimum lot width	50 ft.	50 ft.	50 ft.	200 ft.	50 ft.
Minimum landscaped open space (% of lot area)	-	20%	20%	30%	-
Minimum lot coverage	30%	30%	30%	20%	50%

Maximum building height	25 ft.	25 ft.	35 ft.	30 ft.	25 ft.
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¹ See also the following provisions: 16-3-40 to 16-3-60 pertaining to average lot areas, side yard setback variation and front yard variation.

² See supplementary requirements in Section 16-10-60.

³ When a building is 3 stories, a 15-foot setback is required.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

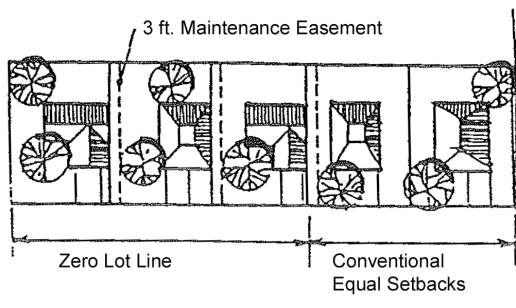
Sec. 16-3-40. - Average lot area.

- (a) When a group of ten (10) or more single-family dwellings are proposed for development as a unit, the minimum lot area may be varied in order to achieve flexibility and creativity in design. However, in no case shall:
 - (1) The lot area be less than four thousand five hundred (4,500) square feet;
 - (2) The average lot size for the unit be less than six thousand (6,000) square feet; and
 - (3) More than twenty percent (20%) of the lots be less than six thousand (6,000) square feet.
- (b) When such development procedures are followed, the Town-approved subdivision plat must be on record in the County Clerk and Recorder's office.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-50. - Side yard setback variation.

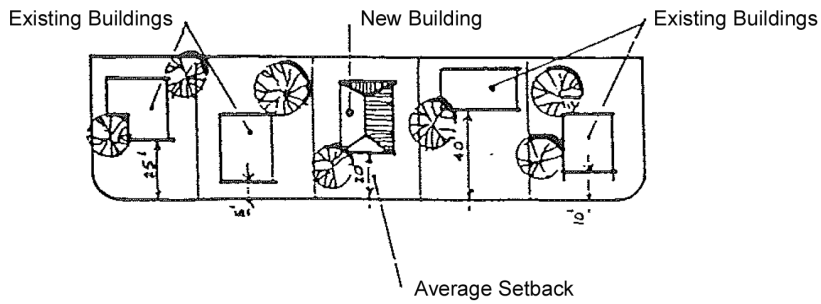
When a group or cluster of three (3) or more single-family dwellings are proposed for development as a unit, the side yard requirement may be reduced subject to the approval of the Town Administrator. However, the minimum spacing between two (2) structures shall not be less than twelve (12) feet. In the case of zero-lot-line developments, permitted by this provision, a minimum of a three-foot-wide maintenance easement shall be provided on the property adjacent to the wall that is placed along the side lot line.



(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-60. - Front yard variation.

In areas established and predominantly built out prior to the effective date of the initial ordinance codified herein, the front yard setback shall be equal to the average setbacks for the other buildings on the same block or a maximum of that required by the new regulation as herein provided.



(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-70. - Schedule of uses, commercial and industrial districts.

Table 16-3
Schedule of Uses - Commercial and Industrial Districts

Use	C-1 District	C-2 District	I-1 District	I-2 District
Auto sales and service repair	X	S	S	P
Automobile wrecking yards	X	X	X	S
Scrap processing when yard is enclosed by 6-foot screening of wall. (No junk allowed outside of screening)				
Banking, savings and loan	P	P	X	X
Bulk large storage of flammable liquid gas facilities	X	X	X	S
500 gallons and under	S	S	S	S
Campgrounds, recreational vehicle parks	X	S	X	S
Child care	P	P	S	X
Churches	S	S	X	X

Commercial recreational including pool halls, bowling alleys, skating rinks and golf courses	S	S	S	X
Dental or medical clinics	P	P	S	X
Drive-up windows for banks, businesses and restaurants	S	S	S	X
Dwelling units as a part of a business use	S	S	S	X
Dwelling units secondary to the business use	P	P	S	X
Fabricating/manufacturing industry	S	S	S	P
Fast food and drive-thru restaurants	S	S	S	X
Fertilizer storage or manufacturing of	X	X	X	S
Formula businesses	X	S	S	S
Fruit/packing	X	X	P	P
Fruit/produce processing	X	X	S	P
Gas stations	X	S	S	S
Grain warehouses	X	X	X	P
Group homes for the developmentally disabled	S	S	X	X
Livestock areas or barns	X	X	X	S
Lumber yards	X	S	S	P

Manufacture and storage of explosives	X	X	X	X
Manufacturing	X	X	S	P
Membership clubs	S	S	S	S
Mining of natural resource material	X	X	X	S
Mobile home sales/service	X	S	S	P
Motels, hotels and lodging facilities (including room houses and bed and breakfasts)	S	P	X	X
Multiple-family dwellings	S	S	X	X
Nursing homes	S	P	P	P
Parking lots	P	P	P	P
Parks and recreation areas	P	P	P	P
Personal services shops, including barber, beauty shops, shoe repair, self-service laundries, travel agencies, etc.	P	P	S	X
Professional and business offices when part of permitted light industry	P	P	S	X
Public and governmental facilities	P	P	S	X
Public or private schools	S	S	S	X

Ready-mix concrete and asphalt plants	X	X	X	P
Restaurants	P	P	S	X
Retail businesses	P	P	S	S
Service and keeping of heavy industrial equipment	X	X	X	P
Small animal clinic	X	S	P	X
Storage sheds (rental spaces)	S	S	S	S
Utilities ²	X	X	S	P
Utility substations ⁸	X	S	S	S
Warehouses	S	S	P	P
Wholesale businesses (factory outlets)	S	S	S	S

P = Permitted by right

S = Permitted by special review

X = Prohibited

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2016-06, exh. A. 8-23-2016; Ord. No. 2019-10, § 2, 8-13-2019)

Sec. 16-3-80. - Schedule of requirements, commercial and industrial districts.

Table 16-4
Schedule of Requirements - Commercial and Industrial Districts

Requirements	C-1 District	C-2 District	I-1 District	I-2 District
Minimum Lot Area				
Nonresidential	2,500 sq. ft.	8,000 sq. ft.	8,000 sq. ft.	10,000 sq. ft.

Residential	6,000 sq. ft. ¹	6,000 sq. ft. ²			
Combined residential/commercial	2,500 sq. ft.	8,000 sq. ft.			
Minimum Lot Width	25 ft.	50 ft.	50 ft.	100 ft.	
Maximum Building Height	35 ft.	35 ft.	25 ft. ²	35 ft.	
Yard requirements					
All yard areas adjacent to an arterial street	0 ft.	50 ft.	50 ft.	75 ft.	
Front yard setback					
	arterial	0 ft.	50 ft.	50 ft.	75 ft.
	collector	0 ft.	25 ft.	35 ft.	50 ft.
	local	0 ft.	25 ft.	25 ft.	50 ft.
Side yard setback	0 ft.	10 ft.	10 ft.	20 ft.	
Rear yard setback	20 ft.	20 ft.	20 ft.	30 ft.	
Minimum landscaped open space	-	10%	10%	10%	

¹ For residential development in the C-1 and C-2 acres, the minimum lot sizes shall be the same as the requirements of the R-3 District.

² Unless the building is set back at least 150 feet from adjacent lot of lots in the R-1 or R-2 Districts, and if it is determined that the building will not block the view of adjoining R-1 or R-2 developed properties.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-90. - Developing Resource District.

(a) *Permitted uses.* Uses permitted by right in the Developing Resource District include those existing uses of the land at the time of annexation, including:

- (1) Single-family residence.

- (2) Raising of crops, grain.
- (3) Ranching.
- (4) Other agricultural uses.
- (b) *Rezoning required.* No uses other than those existing at the time of annexation shall be permitted on property zoned DR unless the property is rezoned to a zoning district that permits the proposed use.
- (c) *Uses permitted by special review.* New dwelling units shall be permitted by special review.
- (d) *Park dedication requirements and water rights.* The properties that are annexed and zoned DR, Developing Resource, shall not be subject to requirements for park dedications or cash payment in lieu of dedicating park land or for water rights fees or requirements, except as to secured uses by right or permitted uses by special review, until the property is rezoned, wherein full satisfaction of the requirements of this Chapter shall then be due.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-100. - Public District.

- (a) *Permitted uses.* Uses permitted by right in the Public District include the following:
 - (1) Park recreational areas dedicated to the Town.
 - (2) Public educational facilities existing at the time of adoption of the initial ordinance codified herein.
 - (3) Public building and facilities existing at the time of the adoption of the initial ordinance codified herein.
- (b) *Uses permitted by special review.*
 - (1) New public educational facilities.
 - (2) New public buildings and facilities.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-110. - Estate Residential District.

On those properties where livestock and poultry are allowed, the following performance standards shall be observed.

- (1) All manure shall be removed periodically or incorporated into the soil on a regular basis such that the manure does not draw flies or other insects or cause obnoxious odors.
- (2) Adequate overflow drainage on drinking facilities shall be provided to prevent the saturation of soil on adjacent property.
- (3) Spillage and leftovers from livestock feedings must be removed or so disposed of as to prevent fly, bird or rodent propagation or creation of odors.
- (4) Any shed, shelter, pen or enclosure for livestock shall not be closer than one hundred (100) feet to any off-property residence or place of business and shall be set back twenty (20) feet from the side lot line and fifty (50) feet from the front lot line.
- (5) All sheds or other shelter for livestock shall be kept reasonably free of rodents and insects and shall be kept in good repair.
- (6) Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams or other bodies of water from pollution.
- (7) In subdivided areas, all livestock shall be kept within a fenced area.

- (8) Adherence to the Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission shall be observed.
- (9) The maximum number of allowable livestock per lot does not apply to young animals below the weaning age or six (6) months of age, whichever is less.
- (10) The number of livestock permitted shall be two (2) horses, one (1) cow, one (1) llama, three (3) sheep, or three (3) goats per three (3) acres. There shall be twenty-four (24) poultry total allowed.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Secs. 16-3-120, 16-3-130. - Reserved.

Sec. 16-3-140. - Formula business.

- (1) *Intent*. The purpose of these formula business requirements is to maintain and protect Paonia's historic downtown core as the civic, social and business hub of the community, ensure the vitality and diversity of the Town's commercial districts and enhance the quality of life of residents and visitors.
- (2) *Applicability*. These regulations shall apply to formula businesses as defined in Section 16-3-100 of the Code.
- (3) *Related definitions*. For purposes of this Section, the following definitions apply:
 - (a) *Color scheme* means the selection of colors used throughout the business, such as on the walls, furnishings, permanent fixtures or on the building façade.
 - (b) *Décor* means the interior design and furnishings that may include style of furnishings, shelving, display shelving/racks, wall coverings or other permanent fixtures.
 - (c) *Façade* means the principal exterior face or front of a building, including awnings, overhangs, and porte-cocheres that are oriented towards a street, alley or open space.
 - (d) *Servicemark* means a word, phrase, symbol or design or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service of one party from those of others.
 - (e) *Signage* means a sign as detailed Section 18-6-10.
 - (f) *Standardized array of merchandize* means fifty percent (50%) or more of the in-stock merchandise is from a single manufacturer or distributor bearing uniform markings.
 - (g) *Standardized array of services* means a substantially similar set of services or food and beverage menus that are priced, prepared and performed in a consistent manner.
 - (h) *Trademark* means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs legally registered or established by use that distinguishes the source of the product of one party from those of others.
 - (i) *Uniform apparel* means standardized items of clothing, including but not limited to standardized aprons, pants, shirts, vests, smocks or dresses, and hat and pins (other than name tags) with standardized colors and fabrics.
- (4) *Exemptions*. The following formula businesses are exempt from these formula business requirements:
 - (a) Formula businesses in operation prior to the effective date of these regulations.
 - (b) Construction work on a pre-existing, approved or exempt formula business that is required to comply with fire and/or life safety standards.
 - (c) Disability access improvements to a pre-existing, approved or exempt formula business.

- (5) *Formula Business Location Requirements.* Formula retail businesses may be permitted as a Special Review in the C-2, I-1 or I-2 zone district.

Formula businesses that are legally in existence as of the effective date of this Ordinance may remain in their current location as a non-conforming use. The same or substantially similar type of use may be transferrable upon sale or transfer of the commercial space or ownership of the business and/or building.

Formula businesses that are legally in existence as of the effective date of this Ordinance may be renovated and/or expanded up to fifteen percent (15%) of the existing gross floor area or a maximum of one thousand five hundred (1,500) square feet, whichever is less.

- (6) *Compliance with the Code.* Formula business shall comply with all applicable standards of the underlying zone district and the applicable regulations of the Town Code.
- (7) *Formula Business Additional Criteria.* No conditional use permit for a formula business shall be approved unless the following criteria are met:
- (a) The formula business complements existing businesses and promotes quality, diversity and variety to assure a balanced mix of commercial uses and range of local, regional and national goods and services for residents and visitors.
 - (b) The formula business has submitted plans, drawings, renderings, visual simulations or other examples that illustrate how it will be consistent with the historic nature of the Town of Paonia.
 - (c) The formula business does not include any drive-through facilities.

(Ord. No. 2019-10, § 3, 8-13-2019)