



**TOWN OF PAONIA**  
**214 GRAND AVENUE**  
**MONDAY, APRIL 08, 2024 5:30 PM**  
**JOINT BOARD OF TRUSTEE PLANNING COMMISSION WORK SESSION**  
[HTTPS://US02WEB.ZOOM.US/J/81661962663](https://us02web.zoom.us/j/81661962663)  
**MEETING ID: 816 6196 2663**

## **Roll Call**

## **Work Session**

Short Term Rental and Accessory Dwelling Unit Work Session – Shay Coburn,  
Urban Rural Continuum

## **Adjournment**

**This session will be live streamed on the Town of Paonia’s YouTube channel but no minutes will be taken.**

**Find the live stream here:**

**<https://www.youtube.com/channel/UC2mZDPKrwEAf5T-x3Camtow>**

**The Public is welcome and encouraged to attend and be a part of the conversation. If you have comments about the subject but are unable to attend in person or by Zoom, please put your comments in writing and send to [paonia@townofpaonia.com](mailto:paonia@townofpaonia.com), drop them off at Town Hall at 214 Grand Avenue or mail to Attn: Town Clerk PO Box 460, Paonia CO 81428.**

AS ADOPTED BY:  
TOWN OF PAONIA, COLORADO  
RESOLUTION NO. 2017-10 – Amended May 22, 2018

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.



# PAONIA HOUSING NEEDS ASSESSMENT AND HOUSING ACTION PLAN

## Town Board and Planning Commission Work Session Short-term Rentals (STR) and Accessory Dwelling Units (ADU)

**Monday, April 8,  
2024**

**5:30 – 7:30pm**

**Town Hall**

*Please review the attached materials prior to the meeting to enable a more productive discussion.*

### Consultant Presentation

- Background and overview
- Short-term rentals
  - Proposed regulations overview, second draft
  - Summary of changes from previous version
- Accessory dwelling units
  - Proposed regulations overview, second draft
  - Summary of changes from previous version

### Input: Public, Planning Commission and Town Board

What edits do you propose to this second draft?

### Next Steps

- Written public comments will be accepted until the end of the day on Monday, April 15<sup>th</sup>. They can be dropped off at Town Hall or emailed to [shay@urbanruralcontinuum.com](mailto:shay@urbanruralcontinuum.com)/[paonia@townofpaonia.com](mailto:paonia@townofpaonia.com).
- Consultant to adjust proposed code edits again.
- Present an ordinance to the Planning Commission for their recommendation to the Town Board (or another work session).

### Attachments

1. Proposed/revised code language, second draft 4.8.24

**Attachment 1: Proposed/revised code language, second draft 4.8.24**

**Chapter 6**

**BUSINESS LICENSE REGULATIONS**

**ARTICLE 5. SHORT-TERM RENTAL LICENSES<sup>1</sup>**

Sec. 6-5-10. – License required.

- (a) Any person who desires to have a short-term rental within the Town shall be required to obtain a short-term rental license for each short-term rental listing.
- (b) The total number of short-term rental licenses issued by the Town shall be limited to twenty (20) at any one time. This limit includes the total of all full dwelling units and any portions thereof.
- (c) Licenses shall be issued for a period of one (1) year and subject to renewal every year.
- (d) Licenses are nontransferable.
- (e) The Town Administrator is hereby designated as the entity responsible for processing procedures and reviewing licenses for compliance with Town ordinances and regulations. The Town Administrator shall make reasonable rules and regulations in conformity with this Article for the proper administration and enforcement of short-term rental licenses.
- (f) Such license and its corresponding number shall be prominently displayed in all advertising of the short-term rental.
- (g) Applicable sales and lodging tax shall be submitted by the licensee.

Sec. 6-5-20. – License fees.

- (a) The fee for application, licenses, and renewals shall be enacted by resolution of the Town Board and shall be based on the cost incurred by the Town in the administration and enforcement of the regulations in 16-10-10<sup>2</sup>.
- (b) In addition to the above fees, the applicant/licensee shall reimburse the Town for all out-of-pocket costs incurred during review of the application, or license, including legal fees, consultant fees, postage, notice and publishing costs. The Town shall bill the applicant/licensee upon completion of the application or review process and completion of any conditions thereof. No application or license shall be finally approved until the bill is paid. Each bill shall be overdue thirty (30) days after its date. Bills not paid by the due date shall accrue interest at the rate of one and one-half percent per month or part thereof. Such fees may be certified to the County Treasurer for collection as delinquent charges or collected in any other lawful manner.

Sec. 6-5-30. – Revocation of license.

- (a) The Town Administrator may revoke or suspend a short-term rental license upon finding of the following:
  - (1) A holder of a short-term rental license is in violation of the Town Municipal Code;
  - (2) There have been two (2) or more violations of the Town Municipal Code, at the short-term rental; or
  - (3) The holder of the short-term rental license has failed to remit sales and/or lodging taxes.

**Commented [SC1]:** Second draft edits are called out with a comment bubble like this one. All blue underlined or strikethrough text represents an addition or subtraction from the current municipal code.

**Commented [SC2]:** There was one recommendation to limit the number of STR licenses one could obtain and one recommendation to limit the number of bedrooms within one house that can be a STR. This does not appear to be a major issue at this time so nothing was edited to address these two comments. By reducing the total number of licenses allowed and all other regulations, these concerns may be mitigated.

**Commented [SC3]:** Edited for clarity.

**Commented [SC4]:** Edited for clarity.

**Commented [SC5]:** Changed from 30 to 20. About a third of workshop participants (about 10 people) expressed a desire to reduce this cap. I'd recommend 20 as the cap. This number would allow for most all existing STRs to continue and definitely not allow for more to be created. There were a few comments on how this number be created and how license are prioritized. Those recommendations were not incorporated because they do not align with the key principals of keeping things simple, clear and easy to enforce.

**Commented [SC6]:** Modified to be 1 year rather than 2.

**Commented [SC7]:** Note that such resolution should be brought to the Town Board at the same time as an ordinance to make these changes.

<sup>1</sup> This is a new article proposed to be added to Chapter 6. It is proposed to be added as a new Article 5.

<sup>2</sup> Reference is to the new short-term rental regulations in Chapter 16.

[\(b\) In the event a licensee wishes to challenge the revocation or a suspension of a license by the Town Administrator, they can request, in writing, a public hearing before the Town Board within thirty \(30\) days of the license being revoked or suspended.](#)

[\(c\) No license shall be issued to any property owner for whom a license has been revoked, until at least one \(1\) year has elapsed since revocation.](#)

## Chapter 16 ZONING<sup>3</sup>

### 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.

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<sup>3</sup> [This Chapter 16 Zoning language was downloaded from MuniCode in September 2023. Many ordinances had not been codified at that time.](#)

(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. This definition excludes accessory dwelling units.~~

*Accessory dwelling unit (ADU)* means a dwelling unit located on the same lot as the principal dwelling unit that is clearly incidental to and subordinate to the principal dwelling unit, it can be free-standing, attached, or within the principal dwelling unit.

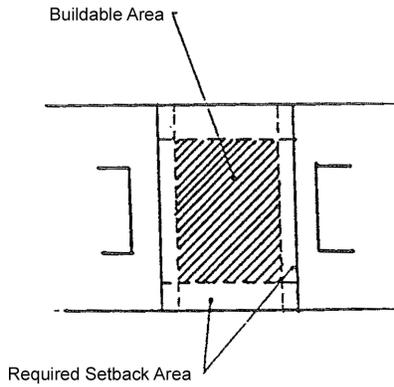
*Alley* means a public right-of-way within a block upon which the rear of building lots generally abut. Its use is intended for secondary access to a lot for service purposes and not intended for general travel.

*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.

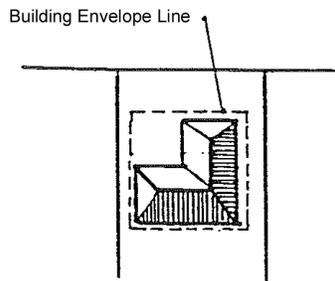
*Boarding or rooming house* means a building other than a hotel, cafe or restaurant where, for compensation, lodging and/or meals are provided for three (3) or more boarders and/or roomers exclusive of the occupant's family. In such facilities, the length of stay is normally thirty (30) days or more.

*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.

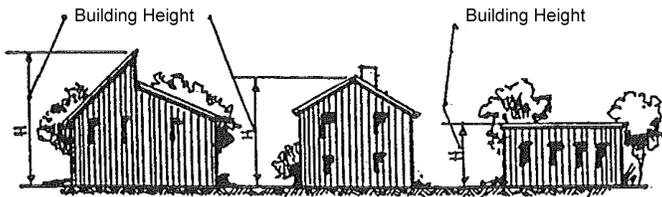
**Commented [SC8]:** Note that in order to qualify as an ADU, the unit has to be a dwelling unit per the definition below. This means that something like a master suite or a space without a full kitchen would not be considered an ADU.



*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 a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.<sup>4</sup> ~~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.

*Hotel, motel or lodging facility* means an establishment containing six (6) or more guest rooms for lodging offered to the public for compensation for periods of time thirty (30) days or less and that customarily provides services such as maid service and the furnishing and laundering of linens.

*Landscaped area* means the portion of a lot, parcel or tract 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.

*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.

<sup>4</sup> Updated the definition of "dwelling unit" to match the building code. This will also help clarify rules for STRs.

**Commented [SC9]:** Added to help clarify the definition of a STR.

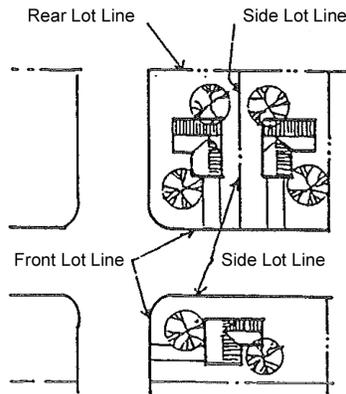
**Commented [SC10]:** Added to clarify section 16-3-30 - minimum landscaped lot area by district. This definition was mostly copied from the existing definition of "open space, landscaped" that appears to be applicable to subdivisions.

*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.

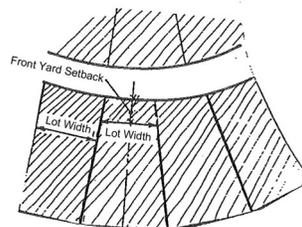
*Lot line, rear* means the property line opposite the front lot line.

*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 or 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.<sup>5</sup>

*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.

*Short-term rental* means the rental of all or a portion of a dwelling unit for thirty (30) days or less. This definition excludes hotels, motels, lodging facilities, boarding or rooming houses, and bed and breakfasts.

*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.

<sup>5</sup> The term "rooming unit" is not used in the code, so it does not need to be defined. It could cause confusion around any new STR regulations.

**Commented [SC11]:** About 3 people expressed the desire to not regulate the rental of a single room within a dwelling unit. It appears that there are about 4 current listings for single rooms. I'd recommend that the town still qualify a single room rental as a STR but could consider charging a reduced fee since they could be quicker to license, inspect and hopefully have less enforcement issues with the owner present. If single room rentals did not count toward the cap, people can/will sort out a way to claim they are only renting a room when that may not be the case. This becomes very difficult to enforce and frustrating for the STR owner and town staff.

**Commented [SC12]:** Note that in order to qualify as a STR, the unit (or the unit the room is within) must meet the definition of a dwelling unit above. This may prohibit some of the existing STRs from being able to qualify for a license.

*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.

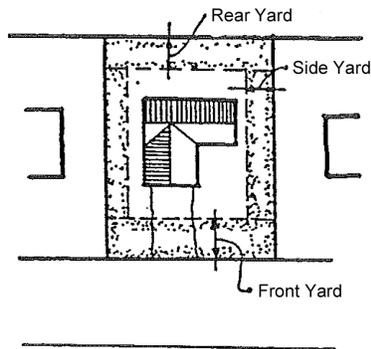
*Street, collector* means a street with moderate traffic volumes that provide access to residential and commercial areas and to channel traffic from the local streets to the arterial streets. *Collector streets* may be further classified as major collectors and minor collectors depending on the potential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

[no changes proposed]

## 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
Accessory dwelling unit	P	P	P	P	P

**Commented [SC13]:** There were 2 comments requesting that ADUs be only allowed by special review. No edits were made based on those comments. Requiring special review for ADUs will make them more costly and unpredictable to build, thus disincentivizing them. I'd recommend that we do our best to get solid and clear regulations established so that any major concerns for ADUs are addressed and enforced administratively.

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(Supp. No. 3)

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

<sup>1</sup> See Article 8 of this Chapter.

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

<sup>3</sup> 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.

<sup>4</sup> 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 Requirements<sup>1</sup>- 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.)
Principal 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				

Commented [SC14]: Added for clarity.

Yard Requirements <sup>2</sup>	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. <sup>3</sup>	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 area (% of lot area)	25% <sup>6</sup>	20%	20%	30%	-
Minimum lot coverage <sup>6</sup>	30%	30%	30%	20%	50%
Maximum building height	25 ft.	25 ft.	35 ft.	30 ft.	25 ft.

**Commented [SC15]:** Removed proposed edits to minimum lot width since it has to do with the allowance of small units, and is not related to ADUs and STRs. This topic will be revisited if there is time remaining on the contract.

**Commented [SC16]:** There were a handful of concerns for lot coverage being too high if ADUs are allowed. I proposed we reword this to "minimum landscaped area" and define it since the current definitions of "open space" and "open space, landscaped" clearly do not apply to residential lots but rather to subdivisions. 25% was added to the R-1 district.  
Between the required setbacks and this required minimum landscaped area, a maximum lot coverage % does not seem necessary. For example, on a 6000 sf lot, the established setbacks take up 44% of the lot. And on a 12,000 sf lot, they take up 32% of the lot.

<sup>1</sup> 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.

<sup>2</sup> See supplementary requirements in Section 16-10-60.<sup>7</sup>

<sup>3</sup> 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.

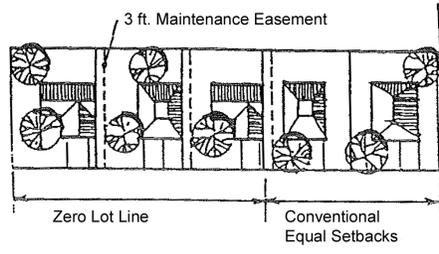
(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**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.

<sup>6</sup> Remove minimum lot coverage requirements as they can exclude smaller dwelling units, like ADUs built prior to the principal house.

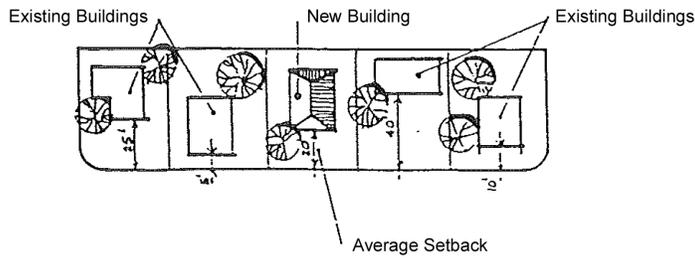
<sup>7</sup> This section no longer exists so a cross reference to it is confusing.



(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	

**Commented [SC17]:** Removed the edits previously proposed here to allow these by right in C-1 and C-2. I would say this is typically applicable to uses like motels or storage facilities where the manager/owner would have a dwelling unit on site. This is not related to this conversation about ADUs and STRs.

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 boarding or rooming 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 <sup>2</sup>	X	X	S	P
Utility substations <sup>8</sup>	X	S	S	S
Warehouses	S	S	P	P
Wholesale businesses (factory outlets)	S	S	S	S

Commented [SC18]: Modified to match defined terms.

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
<b>Minimum Lot Area</b>				
Nonresidential	2,500 sq. ft.	8,000 sq. ft.	8,000 sq. ft.	10,000 sq. ft.
Residential	6,000 sq. ft. <sup>1</sup>	6,000 sq. ft. <sup>2</sup>		
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.
<b>Yard requirements</b>				
All yard areas adjacent to an arterial street	0 ft.	50 ft.	50 ft.	75 ft.
<b>Front yard setback</b>				
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 area	-	10%	10%	10%

**Commented [SC19]:** Modified to match edit in residential table and newly defined term.

<sup>2</sup> 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**

[no changes proposed]

**ARTICLE 5. PLANNED UNIT DEVELOPMENT**

[no changes proposed]

**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
<b>Residential units:</b>	
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
<a href="#">Accessory dwelling unit, in addition to the requirement for the principal dwelling unit</a>	<a href="#">1.0 space per unit</a>
<b>Educational facilities:</b>	
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")
<b>Commercial uses:</b>	
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

**Commented [SC20]:** There was 1 comment that said this extra parking space should not be required. Many communities are moving toward eliminating parking standards all together, or at least making them much more flexible. I did not edit this because it seems to remain a major concern of community/neighbor impacts.

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, lodging facilities 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 on seat per 30 inches)

**Commented [SC21]:** Slight modification to match defined term.

(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.]

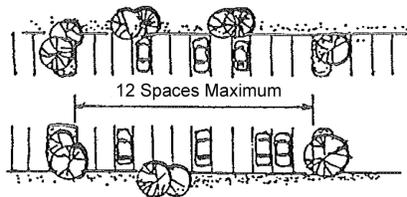
(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 99-02, 1999; Ord. No. 2003-08, 2003; Ord. No. 2014-04, § 1, 1-13-2015)

\* 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.

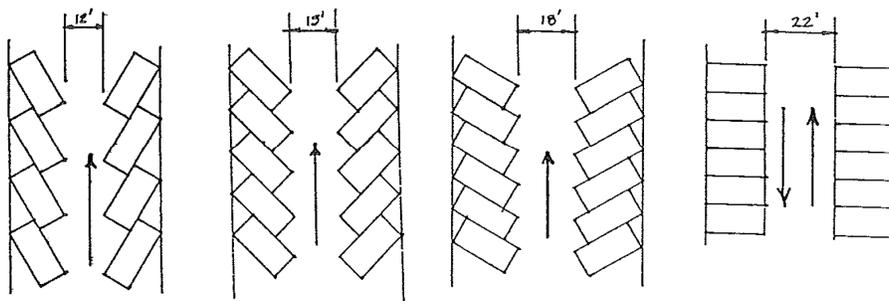
- (h) No more than twelve (12) parking spaces shall be permitted in a contiguous row without being interrupted by a landscaped area of at least five (5) feet wide and ten (10) feet long. These areas will provide drainage for runoff, with additional areas as needed.



- (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. RESERVED<sup>8</sup>**

**Secs. 16-7-10—16-7-100. Reserved.**

[Ord 05-2022 Outdoor Lighting - no changes proposed]

**ARTICLE 8. MANUFACTURED/MOBILE HOME REQUIREMENTS AND REGULATIONS**

[no changes proposed]

**ARTICLE 9. RESERVED<sup>9</sup>**

**Secs. 16-9-10—16-9-410. Reserved.**

[no changes proposed]

<sup>8</sup>Editor's note(s)—Ord. No. 2017-11 , § 2, adopted October 10, 2017, repealed §§ 16-7-10—16-7-100, which pertained to signs. See Code Comparative Table for complete derivation. Subsequently, § 3 of such ordinance added §§ 18-6-10—18-6-100.

<sup>9</sup>Editor's note(s)—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.

**ARTICLE 10. SUPPLEMENTARY REGULATIONS<sup>10</sup>RESERVED**

**Section 16-10-10. Short-term rentals.**

- (a) Purpose. The purposes of these standards are to mitigate the impacts short-term rentals can have on the community, to maintain and enhance community livability, to ensure the health and safety of renters, to support tourism, and to ensure the compatibility of short-term rentals with the community.
- (b) License required. Short-term rentals shall be licensed per Chapter 6, Article 5 of the Municipal Code. The total number of short-term rental licenses in the Town shall be limited to twenty (20) at any one time. This limit includes the total of all full dwelling units and any portions thereof.<sup>11</sup>
- (c) Permitted locations. Short-term rentals are allowed in all zoning districts in all dwelling units or portions thereof in compliance with this Section. Short-term rentals are not allowed in any dwelling units that have an affordable housing deed restriction or within an accessory dwelling unit.
- (d) Performance standards for short-term rentals.
  - (1) Off-street parking. Off-street parking shall be provided as required by Article 6 – Off-street parking and loading.
  - (2) Health and safety. All short-term rentals must include operable smoke and carbon monoxide detectors, fire extinguishers, and adequate accommodation for trash. Addresses must be clearly posted.
  - (3) Proximity of owner or owner’s agent. All STR owners or the owner’s agent must reside or conduct business within fifteen (15) miles of the short-term rental. The owner or owner’s agent name and contact information shall be provided to the Town.
- (e) The burden shall be upon the owner of the STR to provide adequate proof to the Town that the criteria of this Section are met.

**Commented [SC22]:** Added.

**Commented [SC23]:** Reduced from 30 to 20. See note above for more information.

**Commented [SC24]:** Added restriction so that ADUs can not be STRs.

**Commented [SC25]:** There was 1 comment about requiring notification to neighbors and a public hearing. No edits were made as that would not generally align with the key principals of keeping the regulations simple and easy.

**Commented [SC26]:** Revised slightly for clarity.

**Secs. 16-10-~~24~~0—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.~~
- ~~(2)~~ (3) Horses and household pets.
- ~~(3)~~ (4) Fences, hedges and walls.

<sup>10</sup>Editor’s note(s)—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.

<sup>11</sup>The total number of licenses allowed should be stated in the new licensing procedures in Chapter 6, but is repeated here so it is easily found and seen.

- ~~(45)~~ Private greenhouses.
- ~~(56)~~ Private swimming pools.
- ~~(77)~~ Storage and merchandise in commercial districts.
- ~~(78)~~ Fallout shelters.
- ~~(89)~~ Detached garages.
- ~~(910)~~ Tennis courts.
- ~~(101)~~ Storage sheds for residential areas.
- (11) Accessory dwelling units.

(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.<sup>12</sup>**

- ~~(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~~

<sup>12</sup> Remove "Renting of rooms" as an accessory use. Typically, towns do not regulate renting rooms – it is difficult to track and enforce. Also, it could be confused with the new short-term rental regulations.

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(s)—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(s)—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) Accessory dwelling units.

(1) Accessory dwelling units (ADUs) shall be permitted as an accessory use, provided that the following criteria are met:

(1) One ADU is permitted as an accessory use only to a detached single family dwelling unit. The ADU must be owned together with the principal single family dwelling unit, and the lot or parcel upon which they are located, in undivided ownership.

(2) The ADU must be constructed in accordance with the applicable requirements of the Building Regulations.

(3) Yard requirements per Section 16-3-30 must be met.

(4) The ADU shall not exceed eight hundred (800) square feet of floor area.

(5) Off-street parking shall be provided as required by Article 6 – Off-street parking and loading.

(6) ADUs shall be designed to complement the principal dwelling unit, such as architectural styling, building form, materials, and colors.

(7) ADUs cannot be licensed or used as a short-term rental.

(8) A dwelling unit constructed on the parcel before a principal single-family dwelling, which meets these criteria, may be converted to an ADU following the construction of a principal dwelling unit.

(9) Water and sewer service.

a. Water and sewer service must be provided through the same physical tap as the principal dwelling unit, unless otherwise approved by the Town.

b. The tap fee for an ADU is equal to the basic residential (3/4-inch) water tap fee as stated in Chapter 13 – Municipal Utilities. If the existing tap is not large enough, the difference between the cost of the existing tap and upsized tap will also be due.

c. Each dwelling unit must have a separate water meter and pay utility rates as established in Chapter 13 – Municipal Utilities.

**Commented [SC27]:** Revised to add ADU regulations as a subheading under this section. Also un-delete this full section except for item (f) regarding max lot coverage.

**Commented [SC28]:** About 7 people commented on having concerns for what happens to existing ADUs. Some wanted to create a sort of amnesty program to allow them to continue and some did not. I'd recommend we first determine the ideal regulations for all new ADUs (new builds or conversions of existing buildings or portions thereof) then determine what might be needed for existing ADUs. As of this draft, if an ADU was built per the regulations in place at the time of building, and does not meet the new regulations, it would be considered nonconforming, see section 16-13-30, which is allowed to be continued but has limitations on expansions and alterations. If the ADU was built illegally (not in compliance with the regulations or permitted by the Town) then it would continue to be illegal until brought into compliance with the new regulations.

**Commented [SC29]:** Term was clarified to match the term in the existing code.

**Commented [SC30]:** There was 1 comment about allowing for Tiny Houses. The Town adopted Appendix Q of the 2018 International Residential Code which outlines standards for dwelling units that are 400 sq. ft. or less. This does not allow for tiny houses that are permanently on wheels which are considered recreational vehicles meant for temporary living.

**Commented [SC31]:** The requirement for the property owner to occupy either the ADU or principal unit was deleted per a couple of comments received.

**Commented [SC32]:** There was 1 concern that this is subjective. It is purposely written that way to allow for flexibility in interpretation based on community desires. No edits made.

**Commented [SC33]:** Added. There were about 5 comments that expressed the desire to not allow ADUs to be STRs.

**Commented [SC34]:** This section was revised to be broken up into subsections. There were a few comments that requested full tap fees be charged for an ADU so that was added. I'd recommend considering reducing this fee to help incentivize ADUs once more progress on the water system is made. It appears that per section 13-1-30(i), the cost of a new meter and installation can be charged to the purchaser of the tap so that was not added to this section.

(10) The burden shall be upon the owner of the ADU to provide adequate proof to the Town that the above criteria are met. In the event that the Town determines that the criteria have not been shown to be satisfied, the ADU may not be occupied as a residence.

Commented [SC35]: Slight rewording for clarity.

(b) All other accessory buildings and uses.

- (a)1 All detached accessory buildings shall be located in the rear one-half (½) of the lot.
- (b)2 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)3 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.
- (4d) 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.
- (5e) 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.<sup>13</sup>

(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<sup>14</sup>**

**Secs. 16-12-10—16-12-40. Reserved.**

[no changes proposed]

**ARTICLE 13. NONCONFORMING BUILDINGS**

Commented [SC36]: Added this text into this draft because I reference it in a comment above. No changes proposed.

**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)

<sup>13</sup> There is no maximum lot coverage requirement in the code and lot coverage minimums are proposed to be removed as to not restrict smaller dwelling units and ADUs being built before the principal unit. Thus, there is no need to state this.

<sup>14</sup>Editor's note(s)—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.

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**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)

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**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**

[no changes proposed]

**ARTICLE 15. ZONING BOARD OF ADJUSTMENT**

[no changes proposed]

**ARTICLE 16. PUBLIC NOTICE REQUIREMENTS**

[no changes proposed]

**ARTICLE 17. MISCELLANEOUS PROVISIONS**

[no changes proposed]

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ARTICLE 18. ENFORCEMENT

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**ARTICLE 18. ENFORCEMENT**

[no changes proposed]